

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 14, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. INVOCATION

The invocation was given by Pastor Ron Rushing, El Camino Baptist Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías and Supervisor Carroll remembered Don Love, Pima County employee, and noted his passing.

Supervisor Miller thanked everyone for their well wishes and concern at her absence from the last meeting and congratulated Supervisor Bronson on her appointment as Chair.

4. PAUSE 4 PAWS

The Pima County Animal Care Center showcased an animal available for adoption.

COUNTY ADMINISTRATOR

5. Canoa Ranch Conservation Committee

The Board of Supervisors on January 7, 2014, continued the following:

Staff recommends the following:

- A. Formation of the Canoa Ranch Conservation Committee that will, upon formation, replace the Canoa Ranch Community Trust and Oversight Committee.
- B. Adoption of the following mission statement for the Canoa Ranch Conservation Committee:

To assist the Pima County Natural Resources, Parks and Recreation Department in reviewing and making recommendations to the County Administrator and the Board of Supervisors regarding all public/private partnership proposals for the conservation, restoration, expansion and development of Canoa Ranch put forward by foundations and other organizations. In addition, the Canoa Ranch Conservation Committee will work collaboratively to acquire funds and promote future bond funding for the implementation of the Canoa Ranch Master Plan.
- C. Approval of the Canoa Ranch Conservation Committee organizational structure as follows:

Seven members: five appointed by the Board of Supervisors, one appointed by the County Administrator and one appointed by the Tohono O'odham Nation. Each member shall be appointed for a term of four years and shall not serve more than two consecutive terms.
- D. Direction to the County Administrator to formalize a management team of County staff from Natural Resources, Parks and Recreation; Regional Flood Control District; the Office of Sustainability and Conservation; and Facilities Management to provide technical, management and administrative support to the CRCC to ensure the open space, watershed and cultural resource values are protected, interpreted and appropriately managed in the implementation of the Master Plan.

Chuck Huckelberry, County Administrator, briefed the Board on his recommendation for the future of the committee associated with Canoa Ranch, that the County had a large investment in the property and that there was now a need to attract outside funding. He stated his initial recommendation for a seven member Canoa Ranch Conservation Committee was being modified to add three additional members who were currently serving on the Canoa Ranch Community Trust and Oversight Committee to offer continuity and expertise. He added that the mission statement would be modified to remove the word *promote* and insert the word *plan*, and that the statement was a starting point which could later be modified to reflect conservation and preservation efforts at Canoa Ranch.

Supervisor Elias stated he had particular interest and family history with Canoa Ranch and the surrounding ranches and understood the uniqueness of the area.

Supervisor Miller recognized the members of the Community Trust and Oversight Committee for their contributions and efforts on behalf of Canoa Ranch.

Supervisor Bronson requested information regarding the process and procedure for recommendations of the committee.

Mr. Huckelberry responded that it was hoped one or more foundations would be successful in securing funds for investment in the Ranch. It was anticipated that any such proposal be submitted to the Management Team, as defined in the recommendation, who would ensure all proposals were consistent with the provisions of the adopted Master Plan. Proposals that meet the requirements would be submitted to the Canoa Ranch Conservation Committee for review as an appropriate investment and for possible recommendation to the Board of Supervisors.

The following speakers addressed the Board:

- Nancy Williams
- Ellen Kurtz
- Sandra Lee Stone
- Patricia Preciado Martin
- Mary Murphy
- Amanda Castillo
- Dan Brocious

They offered the following comments:

- The Oversight and Trust Committee tried to follow the direction given.
- Friends of Canoa Heritage had been actively involved in their mission statement.
- The two organizations had completely different mission statements and directions, therefore merging did not make sense.
- News of the dissolution of Canoa Ranch Community Trust and Oversight Committee was received from a journalist from the Green Valley News on Thursday, January 2, 2014.
- Heritage and culture were important and needed to be preserved.
- There was concern about starting all over again.
- The members of the Canoa Ranch Community Trust and Oversight Committee deserved to be remembered, respected and to remain on the commission.
- Issues with the committee should have been handled internally.
- The new committee would be limited to fundraising review.
- The park had been incorrectly labeled as a hacienda.
- If the committee needed to be streamlined or compartmentalized, it should have been discussed with the committee before taking action.
- The new committee could have been drawn entirely from the existing committee.
- The proposal could continue to be amended until it was good for all who care about San Ignacio de la Canoa.

Supervisor Carroll stated the Commission had been formed in 1997 and he thanked and recognized the members for their service.

It was moved by Supervisor Carroll and seconded by Supervisor Valadez to:

- A. Form the Canoa Ranch Conservation Committee that will, upon formation, replace the Canoa Ranch Community Trust and Oversight Committee.
- B. Adopt the following mission statement for the Canoa Ranch Conservation Committee:
To assist the Pima County Natural Resources, Parks and Recreation Department in reviewing and making recommendations to the County Administrator and the Board of Supervisors regarding all public/private partnership proposals for the conservation, restoration, expansion and development of Canoa Ranch put forward by foundations and other organizations. In addition, the Canoa Ranch Conservation Committee will work collaboratively to acquire funds and plan future bond funding for the implementation of the Canoa Ranch Master Plan.
- C. Approve the Canoa Ranch Conservation Committee organizational structure as follows:
Ten members: five appointed by the Board of Supervisors; one appointed by the County Administrator; one appointed by the Tohono O'odham Nation; and three members, Amanda Castillo, Patricia Preciado Martin, and Tom Sheridan, to serve as invited members representing the historical, cultural and occupational uses of historic Canoa Ranch. Each member shall be appointed for a term of four years and shall not serve more than two consecutive terms.
- D. Direct the County Administrator to formalize a management team of County staff from Natural Resources, Parks and Recreation; Regional Flood Control District; the Office of Sustainability and Conservation; and Facilities Management to provide technical, management and administrative support to the CRCC to ensure the open space, watershed and cultural resource values are protected, interpreted and appropriately managed in the implementation of the Master Plan.

Supervisor Elías stated he appreciated the comments of the speakers and offered a friendly amendment to the motion that the Canoa Ranch Conservation Committee have the ability to change the mission statement and that the implementation of the Canoa Ranch Master Plan be part of the charge of the Committee. Supervisors Carroll and Valadez accepted the amendment to the motion. Upon roll call vote, the motion unanimously carried 5-0.

DEVELOPMENT SERVICES

6. Rezoning

The Board of Supervisors on January 7, 2014, continued the following:

Co9-13-03, VISTOSO CATALINA L.P. - TWIN LAKES REZONING WITH CLUSTER OPTION
Request of Vistoso Catalina L.P. (Alberto Moore), represented by Floerchinger Sadler Steele Baker, Inc., for a rezoning of approximately 2.9 acres from GR-1 (Rural Residential) to CR-3 (Single Residence) (Cluster Development Option), on property located on the west side of Twin Lakes Drive and approximately 1,000 feet south of Hawser Street. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Membrilla, and Cook were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS as amended by the Regional Wastewater Reclamation Department. (District 1)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation: The property owner(s) shall provide off-site improvements to Twin Lakes Drive as determined necessary by the Pima County Department of Transportation.
8. Regional Flood Control District:
 - A. A note shall be added to the Preliminary Development Plan indicating which common areas are to include drainage and water harvesting features that are to be maintained by the Homeowners Association, and these features shall be shown.
 - B. (Water Resources) Water conservation measures as proposed in Table B (II-K Water) of the Preliminary Integrated Water Management Plan (PIWMP) shall be followed. Where necessary, some water conservation measures may be implemented as Covenants, Conditions and Restrictions (CC&Rs). A Final Integrated Water Management Plan shall be presented in the development and landscape plans.
9. Environmental Planning: Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
10. Regional Wastewater Reclamation:
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall enter into a written agreement addressing have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review

- of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner/developer shall also enter into a written agreement concerning the funding, design and construction of any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
11. Environmental Quality: On-site wastewater disposal shall not be allowed.
 12. Natural Resources, Recreation and Parks: This project shall provide the area and recreation features or equal, for the community park as described on the preliminary development plan.
 13. Cultural Resources:
 - A. All work must be within the area as shown on the proposed project maps and plans in the submitted development plan and survey report.
 - B. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 14. A subdivision block plat which includes the subject rezoning site and the 15-acre property to the west represented by Co9-07-24 Arber LLC – Twin Lakes Road Rezoning shall be submitted prior to submittal of any individual subdivision plats or development plans.
 15. The five shared driveways shall be designed, engineered and uniformly constructed from quality materials. Construction of the driveways shall occur concurrently with the development of the site and the construction of the ten residences. Maintenance and utilization of the drives within the common area shall be controlled through Covenants, Conditions, and Restrictions (CCRs) prepared in conjunction with the final subdivision plat and shall be funded by the homeowners' association assessment.
 16. Adherence to the sketch plan and to the "Illustrative Plan" (page i of the site analysis) as approved at public hearing.
 17. Residences are limited to one story where abutting existing residences.18. Green conditions as specified in Section II.A.2.f. of the site analysis shall be provided including:
 - A. Each residential unit shall have a solar assisted domestic water heating system.
 - B. Significant windows within the project shall be shaded to preclude high-angle sun solar heat gain in summer and to allow low-angle passive solar gain in the winter.
 - C. Desert landscape planting, including indigenous ground covers, shrubs and small scale trees shall be placed adjacent to sunlit walls to reduce reflected solar heat gain.
 19. ~~The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~
 20. In the event the subject property is annexed, the property owner shall adhere to all

applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

21. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Tom Coyle, Principal Planner, provided the staff report. He noted staff recommended that Condition No. 19 be omitted from the standard and special conditions put forward for consideration.

Supervisor Miller noted for the record that Supervisor Carroll and Supervisor Valadez had left the dais.

It was moved by Supervisor Miller and seconded by Chair Bronson, to close the public hearing and approve Co9-13-03, subject to standard and special conditions with the exception of Condition No. 19. Upon roll call vote, the motion carried 2-3, Supervisors Carroll, Elías and Valadez voted "Nay."

TRANSPORTATION

7. Traffic Ordinance

ORDINANCE NO. 2014 - 1, of the Board of Supervisors, regulating parking on Curtis Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Without objection, this item was removed from the agenda.

8. Traffic Ordinance

ORDINANCE NO. 2014 - 2, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Silverbell Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

9. Traffic Ordinance

ORDINANCE NO. 2014 - 3, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Valencia Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 2, 3, 4 and 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

CONTRACT AND AWARD

HEALTH

10. Animal Welfare Alliance of Southern Arizona (AWASA), Amendment No. 5, to provide spay and neuter services, extend contract term to 3/13/14 and amend contractual language, Health Fund, contract amount \$55,000.00 (CT-HD-12-834)

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

GRANT APPLICATION/ACCEPTANCE

11. **Acceptance - Sheriff**
Governor's Office of Children, Youth and Families, Amendment No. 2, to provide for the STOP Violence Against Women Formula Grant Program, US Department of Justice Fund, \$297,289.00

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

12. **Pima County Fair Commission**
Appointment of David Gerovac to replace/fill the unexpired term of Marvin Selke. Term expiration: 6/30/14. (District 1)

Chair Bronson stated that approval of this item would require that Resolution No. 1991-90 be amended regarding removal of members.

Supervisor Miller requested clarification on the distinction between the Southwest Fair Commission and the Pima County Fair Commission.

Without objection, this item was continued to the Board of Supervisors' Meeting of January 21, 2014.

13. **Call to the Public (for Consent Calendar items only)**

The Chair inquired whether anyone wished to address the Board on any item listed on the Consent Calendar. No one appeared.

14. **Approval of the Consent Calendar**

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to pull Consent Calendar Item No. 4 for separate discussion and vote.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

4. Minutes: December 10, 2013 and December 17, 2013

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to direct the Clerk to amend the December 17, 2013 Stadium District Board Minutes, to accurately reflect the vote of Supervisor Carroll and bring the meeting minutes back for approval at the Board of Supervisors' Meeting on January 21, 2014.

It was then moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the Minutes of December 10, 2013.

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It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar.

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CONTRACT AND AWARD

Procurement

1. Conmed Healthcare Management, Inc., Amendment No. 1, to provide correctional healthcare services and amend contractual language, no cost (MA-PO-13-580) Office of Medical Services.

2. Award

Low Bid: Award of Contract, Requisition No. 14-131, Hangar One Avionics (Headquarters: Carlsbad, CA) for Cessna 206 completion services to be provided in the amount of \$378,887.59. Contract is for a one-year term with no renewal options. Funding Source: RICO Fund. Administering Department: Sheriff.

**SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION
NO. 2002-273**

3. Brian Dale Johnson, Arizona Chapter of Safari Club International, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, February 15 and 16, 2014.

RATIFY AND/OR APPROVE

4. Minutes (PULLED FOR SEPARATE ACTION)

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15. CALL TO THE PUBLIC

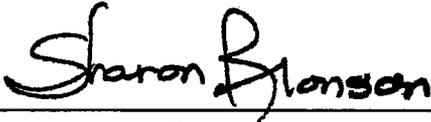
Keith Van Heyningen commented on the Arizona Daily Star's article on Chuck Huckelberry, County Administrator, and the conditions of the roads.

Mary Murphy commented on the theft of artwork 50 years ago, drainage way no. 8 in Green Valley and Canoa Ranch.

Dr. Gary Lee Munroe, Ph.D., provided written comments regarding food stamps and tents for the homeless.

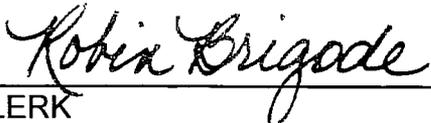
16. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:17 a.m.



CHAIR

ATTEST:



CLERK