

MINUTES, BOARD OF SUPERVISORS' MEETING AND TAX LEVY HEARING

AUGUST 18, 2008

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Monday, August 18, 2008. Upon Roll Call, those present and absent were as follows:

All Present: Richard Elías, Chairman
Ramón Valadez, Vice Chairman
Sharon Bronson, Member
Ray Carroll, Member (arrived 9:11)
Ann Day, Member
Lori Godoshian, Clerk

1. **MOMENT OF SILENCE**

A moment of silence was observed for the recent death of Adela Allen, a pioneer in bilingual education and community activist for more than 50 years.

2. **INVOCATION**

The invocation was given by Pastor Michael Sentigar of Midvale Christian Center.

3. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

4. **PAUSE 4 PAWS**

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

5. **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

6. **RECONVENE**

The meeting reconvened at 9:55 a.m. All members were present.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(3) and (7), for legal advice and direction regarding the purchase of an easement for a wastewater treatment facility buffer from the State, at a public auction to be held on October 1, 2008, and to instruct staff with respect to the bidding.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded Real Property's request for authority to bid on the easement pursuant to the direction

given by the Board in Executive Session. The Pima County Attorney's Office recommended acceptance.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for Mission Village Properties, L.L.C., an Arizona limited liability company, v. Pima County, a political subdivision of the State of Arizona. Arizona Tax Court Case No. TX2007-000508, Parcel Nos. 114-46-206B and 114-46-208B.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement that would decrease the Full Cash Value of retail strip mall Parcel No. 114-46-206B from \$743,550.00 to \$594,840.00 and of Parcel No. 114-46-208B from \$1,359,300.00 to \$1,087,440.00 for tax year 2008. The Pima County Attorney's Office and Assessor recommended settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendations.

9. LITIGATION

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for Agro Land and Cattle Co., Inc. v. Pima County, Arizona Tax Court Case No. TX2007-000507, Parcel Nos. 133-16-0070, 133-16-008B, 133-16-020V, 133-16-027P and 133-16-027Q.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement that would decrease the Full Cash Value of Parcel Nos. 122-16-0070, 008B, 020V, 027P and 027Q from \$2,526,300.00 to \$2,345,850.00 for tax year 2008. The Pima County Attorney's Office and Assessor recommended settlement.

On consideration, it was moved by Supervisor Bronson and seconded by Supervisor Valadez to accept the recommendations. Supervisor Bronson withdrew the motion. The Board requested to have more clarity provided on the income.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to continue the item to September 9, 2008.

10. LITIGATION

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction for approval of a tax appeal settlement recommendation regarding Bill Staples, Pima County Assessor; and Pima County, a body politic and subdivision of the State of Arizona v. Roath Properties, L.L.C., an Arizona limited liability company. Arizona Tax Court Case No. TX2008-000032, Parcel Nos. 128-01-0310 and 128-01-0380.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement that would increase the Full Cash Value on Parcel No. 128-01-0380 from \$96,005.00 to \$153,065.00 for tax year 2008. There was no change for Parcel 128-01-0310. The taxpayer appealed the valuation to the State Board of Equalization (SBOE) which then lowered the value. Although the Assessor later discovered a square footage error (1,972 v. 2,204) which was corrected, the value should still be above the value set by the SBOE. The Pima County Attorney's Office and Assessor recommended settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendations.

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for Foothills Business Ventures, L.L.C., an Arizona Limited Liability Company; Chaparral Investments, Inc., a Colorado Corporation; Billabong Properties, L.L.C., an Arizona Limited Liability Company; Frank J. Sinton, a married man as his sole and separate property; Gary Emerson and Laurene E. Goll, husband and wife, as community property with the right of survivorship; Tesoro Enterprises, L.L.C., an Arizona Limited Liability Company v. Pima County, a political subdivision of the State of Arizona, Arizona Tax Court Case No. TX2007-000588, Tax Parcel No. 106-05-005E.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement that would decrease the Full Cash Value from \$4,073,550.00 to \$2,410,800.00 for tax year 2008. The property sold on January 10, 2008 for \$2,940,000.00 and needed approximately \$500,000.00 in improvements. The purchase price, less an amount for needed improvements, appeared to reflect the market value of the property. The Pima County Attorney's Office and Assessor recommended settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendations.

12. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the Procurement Officer's denial of Pima County's protest of the Arizona Health Care Cost Containment System contract bid award.

Chris Straub, Chief Civil Deputy County Attorney, stated this case concerned the appeal of the state Procurement Officer's denial of Pima County's protest of the Arizona Health Care Cost Containment System contract bid award. The County Attorney's Office requested direction as to continuing the appeal.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, not to appeal.

13. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding University Medical Center vs. John Doe, Pima County Superior Court Cause No. C200083581.

Chris Straub, Chief Civil Deputy County Attorney, stated this case concerned litigation pending in the above-referenced case. The County Attorney's Office requested direction to proceed in this matter as discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 4-1 vote, Chairman Elías voting "Nay," to direct the County Attorney's Office to proceed as discussed in Executive Session.

14. **CONSENT CALENDAR:** For consideration and approval

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar.

The following addressed the Board:

1. Salette Latas
2. Sheldon Gutman

Comments included the following:

- A. It was recommended the Board continue item CC.1.I.30.
- B. It was recommended the Board build a new Animal Care Center rather than perform the extensive renovation planned for the existing one.
- C. It was recommended the Board and relevant staff not only tour the new Green Valley Animal Care Center but also consult with all involved for its planning, design and construction which was accomplished for a total of \$1,200,000.00.
- D. A query was made as to the wastewater treatment plant's location relevant to Marana.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar, subject to the following:

PULLED FOR SEPARATE ACTION

1. **CONTRACTS AND AWARDS**

I. **Procurement**

Award

30. Low Bid: Award of Contract, Requisition No. 0803163, in the amount of \$3,006,500.00 to the lowest responsive bidder, Triumph Builders Southwest, L.L.C. (Headquarters: Tucson, AZ) for the base bid and all alternates for remodeling and construction of an addition to the Pima Animal Care Center. The contract is for an eighteen-month period and may be extended for project completion. Funding Source: 2004 General Obligation Bond-70%; General Obligation Bond Interest-9%; Space Acquisition Fund-21%. Administering Department: Facilities Management.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and carried by a 5-0 vote, to continue to September 16, 2008.

PULLED FOR DISCUSSION BY SUPERVISOR DAY

1. CONTRACTS AND AWARDS

L. Transportation

38. RESOLUTION NO. 2008-216, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for design and construction of improvements to La Cholla Boulevard between Magee Road and Lambert Road, RTA Fund, contract amount \$4,600,000.00 revenue (01-04-R-141134-0808)

Supervisor Day stated she was glad to see this project. She inquired as to the advancement to Phase II. Mr. Huckelberry confirmed that the design components have been advanced which enabled construction to be scheduled in early 2010.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. State of Arizona, Department of Commerce, Amendment No. 1, to provide for the Weatherization Assistance Program and amend contractual language, Department of Energy Fund, contract amount \$35,698.00 revenue (01-70-A-140969-0708)
2. ESI Corporation, Amendment No. 2, to provide for technical assistance in grant writing, planning, evaluation and research, extend contract term to 8/31/09 and amend contractual language, Various Department Funds, contract amount \$40,000.00 (07-71-E-139000-0906)

B. Community Services, Employment and Training

3. RESOLUTION NO. 2008-212, approving an Intergovernmental Agreement with the City of Tucson, to provide administration of the Bridges/SHP Program, City of Tucson Fund, contract amount \$84,111.00 revenue (01-69-T-141116-0708)
4. U.S. Department of Housing and Urban Development (HUD), Amendment No. 2, to provide administration of a Homeless Veterans Reintegration Project with employment, training and supportive services, extend contract term to 3/31/10 and amend contractual language, HUD Grant Fund, contract amount \$245,000.00 revenue (01-69-U-138312-0706)
5. U.S. Department of Labor, Amendment No. 2, to provide administration of a Veterans Workforce Investment Program with employment, training and supportive services, extend contract term

to 3/31/10 and amend contractual language, HUD Grant Fund, contract amount \$700,000.00 revenue (01-69-U-138313-0706)

6. Catholic Community Services, Inc., d.b.a. Saint Elizabeth Health Center, Amendment No. 1, to provide for prescription medications /medical supplies to low-income residents, extend contract term to 6/30/09 and amend contractual language, CSBG Grant Fund, contract amount \$50,000.00 (07-69-C-140181-0707)
7. Catholic Community Services, Inc., d.b.a. Pio Decimo, to provide for One Stop staff workforce development services, Department of Labor, DES and WIA Grant Funds, contract amount \$95,458.00; General Fund, contract amount \$10,000.00 (07-69-C-141129-0708)

C. County Administrator

8. Pima Association of Governments, to provide for the Sustainability and Energy Expo on March 6 and 7, 2009, General Fund, contract amount \$1,000.00 (32-30-P-141130-0808)

D. County Attorney

9. Gabroy, Rollman and Bosse, P.C., Amendment No. 2, to provide for legal representation in the case McMahan v. Pima County, et. al., No. C20051418 and amend contractual language, Self Insurance Trust Fund, contract amount \$30,000.00 (17-02-G-138020-0406)

E. Finance

10. RBC Dain Rauscher, Inc., Amendment No. 2, to provide for financial advisor services and extend contract term to 8/31/09, General Obligation Bond Fund, \$100,000.00; Sewer Revenue Bond Fund, \$75,000.00; HURF Bond Fund, \$25,000.00; total contract amount \$200,000.00 (07-09-R-139372-0906)

F. Health

11. RESOLUTION NO. 2008-213, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to provide administration of the Tuberculosis Control Program, AZDHS Grant Fund, contract amount \$167,089.00 revenue (01-01-A-141124-0708)

G. Natural Resources, Parks and Recreation

12. RESOLUTION NO. 2008-214, approving an Intergovernmental Agreement with the Altar Valley School District, to provide for the design and construction of the Robles Community Park, 2004 Bond Fund, contract amount \$500,000.00 (01-05-A-141153-0808)

13. RESOLUTION NO. 2008-215, approving an Intergovernmental Agreement with the Altar Valley School District, to provide for the operation and maintenance of the Robles Community Park, no cost (01-05-A-141154-0808)

H. Pima Health System

14. Annie Mae Corporation, d.b.a. Tiburon Diagnostic Laboratory, Amendment No. 4, to provide for laboratory and mobile phlebotomy services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-A-135226-1104)
15. El Rio Health Center, Inc., Amendment No. 8, to provide for primary care physician, specialty, OB and dental services and amend contractual language, no cost (18-15-E-135703-0405)
16. Mariposa Community Health Center, Inc., Amendment No. 7, to provide for primary care physician, dental, radiology, OB/GYN, transportation and pharmacy services, extend contract term to 9/30/09 and amend contractual language, no cost (18-15-M-137143-1005)
17. ABC Dental Centers, P.C., Amendment No. 2, to provide dental services, extend contract term to 9/30/09 and amend contractual language, no cost (18-15-A-138585-1006)
18. Arizona Health Care Cost Containment System, Amendment No. 7, to provide long term care services and amend contractual language, no cost (18-15-A-138594-1006)
19. Ajo Community Health Center d.b.a. Desert Senita Community Health Center, Amendment No. 2, to provide dental, family planning and primary care physician services, extend contract term to 10/31/09 and amend contractual language, no cost (18-15-A-138810-1106)
20. Palo Verde Homecare, L.L.C., d.b.a. Tucson House Calls, Amendment No. 3, to provide primary care physician services and amend contractual language, no cost (18-15-T-138998-0207)
21. Dependable Medical Equipment, Inc., Amendment No. 1, to provide durable medical equipment and medical supplies and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (07-15-D-140581-0108)
22. Catholic Community Services of Southern Arizona, Inc., d.b.a. Catholic Social Services, to provide case management services, PHCS Enterprise Fund, contract amount \$500,000.00 (07-15-C-141131-0708)

23. Our Family Services, Inc., to provide case management services, PHCS Enterprise Fund, contract amount \$500,000.00 (07-15-O-141132-0708)
24. Jewish Family and Children's Service of Southern Arizona, Inc., to provide case management services, PHCS Enterprise Fund, contract amount \$350,000.00 (17-15-J-141133-0708)

I. **Procurement**

25. Malcolm Pirnie, Inc., Amendment No. 3, to provide for completion of design for the Avra Valley Wastewater Treatment Biological Nutrient Removal Oxidation Ditch Facility Project and amend contractual language, WWM Enterprise Fund, contract amount \$685,282.00 (16-03-M-138574-0706) Regional Wastewater Reclamation
26. Second Generation, Inc., d.b.a. Ajo Transportation, Amendment No. 5, to provide for rural public transportation services, extend contract term to 10/31/09 and amend contractual language, RTA and Transportation Operating Funds, contract amount \$525,000.00 (11-04-S-135206-1104) Transportation
27. Environmental Earthscapes, Inc., d.b.a. The Groundskeeper, Amendment No. 2, to provide for annual vegetation management, extend contract term to 8/31/09 and amend contractual language, Transportation Special Revenue Fund, contract amount \$1,000,000.00 (07-04-E-138614-0906) Transportation
28. MWH Constructors, Inc., Amendment No. 2, to provide for construction manager at-risk services for the Ina Road WPCF Capacity and Effluent Quality Upgrades Project and amend scope of work, 2004 Sewer Revenue Bond Fund, contract amount \$2,400,000.00 decrease (03-03-M-140959-0408) Regional Wastewater Reclamation

Awards

29. Award of contract for construction manager at-risk services in an amount not to exceed \$2,400,000.00 to MWH Constructors (Headquarters: Broomfield, CO) for the Ina Road WPCF Capacity and Effluent Quality Upgrade Project. Funding Source: 2004 Sewer Revenue Bond Fund. Administering Department: Regional Wastewater Reclamation Department.
30. PULLED FOR SEPARATE ACTION Requisition No. 0803163
31. Low Bid: Award of Contract, Requisition No. 0803239, in the amount of \$1,027,325.00 to the lowest responsive bidder, ThyssenKrupp Elevator Corporation (Headquarters: Atlanta, GA) for the base bid and all alternates for complete modernization of elevators at 33 North Stone Avenue. The contract is for a twenty-
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four month period and may be extended for project completion. Funding Source: 2007 Certificates of Participation. Administering Department: Facilities Management.

32. Sole Source: Award of Contract, Requisition No. 0803112, in the annual amount of \$55,205.00 to CS Stars, L.L.C. (Headquarters: Los Angeles, CA), for Risk Management software and support services. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: Self Insurance Trust Fund. Administering Department: Finance and Risk Management.
33. Award of Direct Select Contract, Requisition No. 0900202, in an amount not to exceed \$500,000.00 to Tetra Tech, Inc. (Headquarters: Pasadena, CA) for update to the design of the Santa Cruz Interceptor Phase III Project. Funding Source: 2004 Bond Fund. Administering Department: Regional Wastewater Reclamation Department.

J. Regional Wastewater Reclamation

34. WPI Kolb and I-10, L.L.C., to provide a connection fee credit in the amount of \$359,182.50 for building an oversized sewer for their development, WWM Enterprise Fund, no cost (11-03-W-141137-0808)

K. Sheriff

35. Tucson Airport Authority, Amendment No. 4, to provide for the lease of office and hangar space, extend contract term to 8/31/09 and amend contractual language, H. I. D. T. A. Grant Fund, contract amount \$434,129.99 (04-11-T-130503-0901)
36. Pima County Community College District, Amendment No. 6, to provide instructional services for an adult education program at the Adult Detention Center, extend contract term to 6/30/09 and amend contractual language, Inmate Welfare Fund, contract amount \$131,364.00 (01-11-P-130828-0702)
37. Ajo Justice Court, Green Valley Justice Court, Sahuarita Municipal Court, South Tucson Municipal Court, Oro Valley Magistrate Court, Marana Municipal Court, Tucson City Court, Pima County Consolidated Justice Court, Amendment No. 1, to provide for the establishment of a centralized bail bond acceptance service, extend contract term to 6/30/09 and amend contractual language, General Fund, contract amount \$74,796.26 revenue (01-11-A-140395-1107)

L. Transportation

38. PULLED FOR DISCUSSION RESOLUTION NO. 2008-216

39. RESOLUTION NO. 2008-217, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for design and construction of roadway improvements on West Valencia Road extending from Westover Avenue to Cardinal Avenue, RTA Fund, \$717,000.00; HES Grant Fund, \$302,000.00; total contract amount \$1,019,000.00 revenue (01-04-R-141135-0808)
40. RESOLUTION NO. 2008-218, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for Ajo Dial-A-Ride services in Ajo, RTA Fund, contract amount \$47,622.00 revenue (01-04-R-141136-0808)
41. Regional Transportation Authority, Amendment No. 1, to provide an Environmental Vitality Element Plan for designing and constructing intersection safety and capacity improvements and adding four (4) new intersection locations to the project and amend contractual language, RTA Fund, contract amount \$4,000,000.00 revenue (01-04-R-140922-0608)

2. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **Cable Renewal Committee**

Appointment of Vernon Woods to replace Larry Sayers. Term expiration: 12/31/08. (District 3)

B. **Industrial Development Authority**

Reappointment of Frank Y. Valenzuela. Term expiration: 9/5/14. (Authority recommendation)

C. **Trial Court Appointments Nominating Committee, District 5**

Appointment of Anna Harper, Democrat, to replace Albert Lundquist. No term expiration. (District 5)

D. **Workforce Investment Board**

Appointments of Harold Ruttenberg, Business, to replace Ellie Patterson and Manuel L. Isquierdo, Other, to replace Terry Jensen. Term expirations: 9/30/09. (Staff recommendations)

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

- A. Jennifer Turner, Boys and Girls Clubs of Tucson, Westin La Paloma, 3660 East Sunrise Drive, Tucson, November 22, 2008.
- B. Shari R. Ordog, American Liver Foundation, Loew's Ventana Canyon Resort, 7000 North Resort Drive, Tucson, September 21, 2008.

4. **REAL PROPERTY**

Condemnation

RESOLUTION NO. 2008-219, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to acquire real property and real property interests by condemnation for the Roger Road Wastewater Reclamation Facility to Ina Road Wastewater Reclamation Facility Plant Interconnect Improvements, located adjacent to East I-10 Frontage Road in Sections 6, 7, 8 and 17 of T13S, R13E, GSR&M. (District 3)

5. **RATIFY AND/OR APPROVE-**

Minutes: July 1, 2008

REGULAR AGENDA/ADDENDUM ITEMS

15. **BOARD OF SUPERVISORS: MEMORANDUM OF UNDERSTANDING**

Memorandum of Understanding with the U. S. Department of Agriculture Forest Service, Region 3, Coronado National Forest to provide a framework for a mutually beneficial, cooperative and productive intergovernmental relationship with the Forest Service with regard to the development and implementation of the Forest Service's Land and Resource Management Plan for the Coronado National Forest, and amendments to such. This Memorandum of Understanding is intended to define the respective roles and responsibilities of the Forest Service and the County as they relate to both Forest Service and the County planning processes. (District 5)

Without objection, this item was removed from the agenda.

16. **COUNTY ADMINISTRATOR:**

A. **CLEAN WATER ACT**

The Board, on 8/5/08, continued this item.

RESOLUTION NO. 2008-209, of the Pima County Board of Supervisors, affirming Pima County's commitment to the Clean Water Act.

The Chairman stated there were speakers:

The following addressed the Board:

1. David Godlewski, SAHBA government liaison
2. Carolyn Campbell, Coalition Sonoran Desert Protection (CSDP)

Comments included the following:

- A. Do not approve the resolution until the riparian resource plan was embedded and the 404 permit cost-benefit analysis and Clean Water Act effectiveness study were completed.
- B. Federal and state processes still seemed commingled.
- C. SAHBA requested several changes before the Resolution was approved.
- D. SAHBA's changes will gut the resolution.
- E. The CSDP has been working with national groups on federal legislation strategy, will meet with congressional representatives and follow up with the

Corps of Engineers and EPA. Afterward, the CSDP will forward material to the Board.

- F. The CSDP was willing to discuss the memo with SAHBA.
- G. The CSDP strongly supported the Resolution as is. Items 2 and 3 were the crux of the CSDP requests since mid-July.
- H. The CSDP supported keeping title to County-owned land and Flood Control District improvements.
- I. The Resolution strongly supported federal designation and other issues in working with federal representatives on bills and with the state in issues of the unrelated state process for navigability.
- J. The Sonoran Desert Protection Plan implementation was vital to all local coalition groups due to national implications.

In response to Supervisor Day, Mr. Godlewski stated the memo's recommendations and data provided by SAHBA showed potential unintended consequences existed.

Chuck Huckelberry, County Administrator, recommended that the Board adopt the Resolution.

Chairman Elías moved the Resolution, excluding Mr. Huckelberry's recommendations in the August 18, 2008 memo. He stated there was a need to examine discussions of the Corps of Engineers' recommendations. He opined the state and staff roles were separate issues and not commingled enough to hurt. He asserted that a report clarifying the roles was needed before plan approval. Supervisors Valadez and Day questioned the exclusion. Supervisor Carroll stated he supported the motion including the audit language and seconded the motion. Chairman Elias and Supervisors Bronson and Day concurred that the motion had no audit language. Supervisor Carroll stated it was a reference to Mr. Huckelberry's memo.

Supervisor Day stated it was not contradictory to start to look at the effectiveness and all recommendations. This type of data was vital for the Board. Staff's role had been partly answered. Further information could be obtained as the Board moved ahead with Mr. Huckelberry's plan. The Board should include Mr. Huckelberry's comprehensive science-based approach with the whole discussion about a regional general permit, asking the stakeholders to participate.

Supervisor Valadez offered a friendly amendment to add the recommendations to the motion. Supervisor Day seconded. Chairman Elías accepted the friendly amendment but stated there was a disconnect between the memo and Resolution.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-209, including recommendations as stated in Mr. Huckelberry's memo and to direct staff to report on September 9, 2008 clarifying staff's participation, the process and the issue between the State Department of Environmental Quality and the Clean Water Act's ultimate impact.

B. PIMA COUNTY CODE AMENDMENT

The Board, on 8/5/08, continued this item.

Discussion and direction to staff regarding amendments to Chapter 2.20 of the Pima County Code—"County Meet and Confer Process."

Chuck Huckelberry, County Administrator, stated minor language changes were discussed. "Exclusive" representative was now "authorized" representative. Language about the Sheriff derived from one of the County Attorney's requirements related to the Sheriff's independent autonomy as a separately elected official. Supervisor Bronson queried if there was case law regarding the "consent of the Sheriff" since the County Attorney inserted that verbiage. She requested clarity on the phrase's necessity. The Deputy Sheriffs had expressed concern. Chris Straub, Chief Civil Deputy County Attorney, replied that Houndshell vs. Apache County recognized the Sheriff's exclusive control of respective terms and conditions of employment. Mr. Straub's understanding was if the Board were to cover Deputies, the Sheriff must consent. The Sheriff had consented in the current case.

Supervisor Valadez inquired if the current Sheriff's consent were in perpetuity or if future sheriffs must consent. Mr. Straub affirmed the latter. Even currently, election and recognition of the authorized representative can change depending on the Sheriff and the employee group's desires. Supervisor Valadez and Chairman Elías noted that once employees had elections, the Board had no right to decide unilaterally as to an authorized representative. Mr. Straub stated current and new sheriffs have that right. Supervisor Valadez and Chairman Elías asked why the Board was granting any Sheriff an authority the Board did not have. Mr. Straub opined that the Ordinance provided an enabling authority. If a process existed and the Sheriff chose to act, then the process would bind him.

Supervisor Valadez and Chairman Elías inquired if the Board could amend Option 3 to indicate the Sheriff's consent was not in perpetuity and was for only the union's creation, i.e., so the Sheriff and Board have the same rights. Mr. Straub stated the question was unclear. He noted Option 3's language "with the consent of the Sheriff" referred to Item A (organizational aspect) – the prerequisite to Item B (Memorandum of Understanding process). Option 3 recognized the Sheriff had no barriers to exercise powers and duties. Spheres of influence and authority of both entities remained inviolate as granted by the constitution.

Chairman Elias disagreed and stated Supervisor Valadez clearly defined that it was a unilateral ability as opposed to an action the Board cannot do unilaterally. The Board could make the decision but not as one person in a political office doing so. Mr. Straub stated the Board was not prevented to amend the Ordinance at some point. Chairman Elias replied that five Board members were making that decision.

The Chairman stated there were two speakers:

The following addressed the Board:

1. Martin Bihn, Pima County Deputies Association, representative
2. David Mitchell, SEIU, Pima Chapter, Local 5, President

Comments included the following:

- A. If the Board followed Mr. Straub's logic, it would make exceptions for the Assessor, Treasurer and County Attorney.
- B. Sheriff's Deputies deserve the same rights as other labor union workers.
- C. The Board's decision to recognize Deputies like all other County employees will not be contrary to law. The Sheriff's consent was not needed.
- D. The Deputies Association disagreed with Mr. Straub's interpretation of the Houndshell case. The case arose when the Apache County Board tried to fire a Sheriff's employee. The law made clear a Board cannot direct its County Administrator to fire another elected official's employee. That did not pertain to employment terms and conditions.
- E. The Deputies Association was pleased to be part of the union and thanked the Board.
- F. The Pima Chapter submitted plain, straightforward revisions that improved the ability of authorized employee representatives to meet and confer. Word massaging, the notion of consent or who has consent were not included.
- G. The Pima Chapter supports the Deputies Association.

In response to Supervisor Bronson's inquiry, Mr. Bihn affirmed that the Deputies Association was requesting Option 3, omitting "with the consent of the Sheriff" and replacing "exclusive" representative with "authorized" representative. In addition, in the second line the phrase "may" be recognized should say "shall" be recognized.

Supervisor Bronson asked if making the changes were a problem. Mr. Straub replied that the County Attorney's Office was statutorily charged with advising the Sheriff and Board. The County Attorney's Office had a conflict of interest if the Board insisted on changes. He could not sign off or assist the Board in drafting changes for publication but could expedite separate counsel. Chairman Elías and Mr. Straub clarified for Supervisor Bronson that today's Ordinance-related action was for publication. Today's action would change the language prior to publication. Chairman Elías stated that the publication schedule would not be disrupted. In response to Supervisor Bronson's comments regarding language changes, Mr. Straub verified the Board must proceed with language as is including "with the consent of the Sheriff." Supervisor Bronson added that it was with the understanding the Board will either seek a different legal opinion or verify Mr. Straub had a conflict. Mr. Straub stated the form was publishable only if it met the Sheriff's requirements. He could assist in getting the Ordinance in publishable form if the Board directed him to proceed with Mr. Huckelberry's suggestions.

In response to Supervisor Valadez's inquiry, Mr. Straub denied that the Ordinance, in order for the process to move forward, had to be published as it was printed today. Mr. Straub stated he could get outside counsel today to assist the Board in getting something to the publisher. Chairman Elías stated the Board could move forward, make the requested changes of the Deputies and finish the discussion so the Ordinance would be ready on September 9, 2008.

Chairman Elías moved that the Board go forward with the current language along with requested changes other than Option 3 since there were some other language changes aside from Option 3. Supervisor Bronson agreed but stated the Board must seek outside counsel to verify the Board could amend language. She opined it

may be more difficult regarding eliminating “with the consent of the Sheriff” and changing “may” to “shall.” Mr. Straub stated Option 3’s current version language about eligible employees and additional employee groups created the initial conflict problem. Continuing with that version continued the issue. The County Attorney’s Office suggested dealing with the issue by saying the Sheriff had agreed to this. If the Board were to agree with that, then there was no conflict.

Chairman Elías withdrew his motion.

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to direct staff and the County Attorney’s Office to determine if there was a conflict and, if so, to seek outside counsel. In addition, to adopt the changes as proposed in the Ordinance, plus Option 3 with the understanding the intent was that the Sheriff’s consent was not in perpetuity.

C. CLASSIFICATION AND COMPENSATION

Natural Resources, Parks and Recreation requests the creation of the following new classification. There are no costs associated with this position.

Class Code	Class Title	Grade/Range	EEO, O/T Code
2843	Parks Operations/Maintenance Assistant Manager	56(\$51,975- \$76,957)	2, E*

*E = Exempt (Not Paid Overtime)

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the new classification.

17. INDUSTRIAL DEVELOPMENT AUTHORITY

RESOLUTION NO. 2008-220, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its one or more series of tax-exempt and/or taxable not to exceed \$8,000,000.00 Education Revenue Bonds (Montessori Elementary School Project), Series 2008 and declaring an emergency.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-220.

18. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

A. RESOLUTION NO. 2008-221, of the Board of Supervisors of Pima County, Arizona, amending the Annual Action Plan, 2003-2004 to reallocate \$37,000.00 from Rancho Chuk Shon to Verdugo Park Improvements. Community Development Block Grant Fund.

B. RESOLUTION NO. 2008-222, of the Board of Supervisors of Pima County, Arizona, amending the Annual Action Plan, 2004-2005 to reallocate \$25,000.00 from Rancho Chuk Shon to Verdugo Park Improvements. Community Development Block Grant Fund.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2008-221 and 222.

19. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2008-223, authorizing the execution and delivery of separate Revolving Line of Credit Agreements (I) between the Board of Supervisors of Pima County and Bank of America, N.A., and (II) among the Board of Supervisors of Pima County, Bank of America, N.A., and each political subdivision of Pima County pursuant to Arizona Revised Statutes §11-604.01 and authorizing related documents and actions.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-223.

20. **BOARD OF SUPERVISORS: TAX LEVY**

A. Adoption of Fiscal Year 2008/2009 Tax Rates and establishing Tax Levy Amounts.

If approved, pass and adopt:

RESOLUTION NO. 2008-224

The Chairman inquired whether anyone wished to be heard. No one appeared.

Supervisor Bronson noted that the total tax rate was \$0.3972 lower than the FY 07/08 total and read the following into the record:

	FY 08/09 Rate	FY 08/09 Levy
Primary General Fund	\$ 3.3913	\$279,136,768.00
Library	0.3393	32,555,365.00
Debt Service	0.6050	58,048,912.00
Flood Control	0.2935	25,489,218.00
Fire District Assistance	0.0411	3,943,488.00
Grand Total	\$ 4.6702	\$399,173,751.00

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and carried by a Roll Call 3-2 vote, Supervisors Carroll and Day voting “Nay,” to close the public hearing, approve the Tax Levy rates as presented and adopt Resolution No. 2008-224.

B. RESOLUTION NO. 2008-225, authorizing delivery of the tax statements and the Pima County Treasurer to collect the 2008 property taxes.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-225.

21. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMIT**

Albert S. Hall, Acacia at St. Philips, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises, September 14, 21, and 28, 2008; November 15, 2008; December 31, 2008 and January 1, 2009.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, and to approve the request and forward the recommendation to the State Liquor Control Board.

22. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSE

08-23-8945, Kim Kenneth Kwiatkowski, Circle K Store No. 3387, SWC Gas Road and S. Palo Verde Road, Tucson, Series 9, Liquor Store License, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, and to approve the request and forward the recommendation to the State Liquor Control Board.

23. INSTITUTIONAL HEALTH: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2008-~~80~~, of the Pima County Board of Supervisors relating to indigent health care; amending the Pima County Code by repealing Title 4: Indigent Health Care in its entirety.

Chuck Huckelberry, County Administrator, stated that the Code section predated an Arizona proposition ending the indigency requirement including statutory modifications to the County's responsibility in indigent health care. The Ordinance was part of the Code that removed provisions no longer applicable and brought the Code into current state of law. If a new law passed or new case law developed, the Board can craft new Ordinance language and place into Code at any time.

Supervisor Bronson inquired about the Ordinance's effects on future AHCCCS contracts. Mr. Huckelberry replied the County's responsibility for indigent health care was through the general fund contribution to the State that in turn funded acute care long-term health plans that the State determined was appropriate for awards. This Code section's removal was unrelated to possible future contracts.

The Chairman stated that there was one speaker.

The following addressed the Board:
Carolyn Trowbridge

Comments included the following:

- A. Ever since Proposition 204 passed, shifting health care to the State, the State legislature has tried to gut, dismember, change, distort and rewrite the proposition. Although so far it has been unable to do so, most Arizona health professionals and nonprofessionals fear it will do so.
- B. If the legislature undoes Proposition 204 and no mechanism were in place in the County to rebuild and redirect the responsibility to the County, it will take time and cause disruption and problems to cope with new situations.
- C. It was recommended the Board examine all ramifications before any decision.
- D. The Ordinance sounded like a mechanism to shift paperwork.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and failed by a 2-3 vote, Chairman Elías and Supervisors Bronson and Valadez voting “Nay,” to close the public hearing and adopt Ordinance No. 2008-80.

24. **DEVELOPMENT SERVICES: REZONING**

Co9-07-02, PARK COMPANY OF ARIZONA, INC.–DUVAL MINE ROAD REZONING
Request of Park Company of Arizona, Inc., represented by Tierra Planning Services, for a rezoning of 53.00 acres from RH (Rural Homestead) to CR-4 (Mixed Dwelling Type), on property located on the south side of Duval Mine Road and on north side of the Camino Casa Verde alignment in Green Valley. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

Tom Hudson, Acting Senior Planner, stated the applicant requested a continuance to allow time to clarify several technical issues and questions that have arisen.

Supervisor Carroll noted that the delay related to the Green Valley Community Water Company. The water supply assurance was of concern to area residents.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to continue the item to September 16, 2008.

25. **DEVELOPMENT SERVICES: REZONING**

Co9-05-24, CATALANO, ET. AL.–MONA LISA ROAD REZONING
Request of Vincent and Donna Catalano and Stephen and Jennifer Nunn, represented by The Planning Center, for a rezoning of approximately 9.90 acres from SR (Suburban Ranch) to CR-1 (Single Residence), on property located on the **west east** side of Mona Lisa Road north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Gungle and Matter voting **NAY**, Commissioner Membrila was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **DENIAL**. (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 or subdivision plat 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 conditions:
 - A. The property owner(s)/developer(s) shall dedicate 30 feet right-of-way for Mona Lisa Road adjacent to the subject property.

- B. The property owner(s) developer(s) may be required to dedicate additional right-of-way for Mona Lisa Road/Oracle Jaynes Station Road adjacent to the subject property.
 - C. The property owner(s) developer(s) shall provide offsite improvements to Mona Lisa Road and Oracle Jaynes Station Road as determined necessary by Pima County Department of Transportation.
8. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots, the regulatory status of the wash, erosion hazard setbacks and to analyze detention/retention requirements. Building envelopes shall be shown in a surveyable manner on the tentative plat and cumulative impacts to site drainage and on downstream properties must be evaluated.
 - C. The property owner(s) developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
 - D. The property owner(s) developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District, including but not limited to detention, flow dissipaters, and channels as the wash leaves the site.
 - E. All-weather access shall be provided to all lots to meet concurrency requirements.
 - F. A riparian mitigation plan shall be required for development in designated riparian areas.
 - G. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements, and drainageways.
9. Wastewater Management conditions:
- A. The owner(s)/developer(s) shall construe no 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(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department 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, 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 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 Pima County Wastewater Management Department.
 - C. The owner(s)/developer(s) 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.
 - D. The owner(s)/developer(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, as determined necessary at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
10. Environmental Quality conditions:
- A. The owner(s)/developer(s), must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed for any of the proposed development.
 - B. The proposed "common driveway" to serve the existing residence and two (2) additional home sites shall be improved to meet the paving requirements of Pima County.
11. Natural Resources, Parks and Recreation condition:
- A. The preliminary development plan does not provide for the required recreation area, with the development proposing less than 65 lots the developer shall pay the full in-lieu fee for off-site residential recreation areas.
12. Environmental Planning condition:
- A. The developer shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the proposed Subdivision, for the annual inspection and removal of invasive non-native plant species, including but not limited to those listed below.
 - B. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision: Maintenance of Lots by Owners: Obligations of Owners shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven	Eragrostis spp.	Lovegrass (excluding
Alhagi pseudalhagi	Camelthorn	E. intermedia,	plains lovegrass)
Arundo donax	Giant reed	Melinis repens	Natal grass
Brassica tournefortii	Sahara mustard	Mesembryanthemum spp.	Iceplant
Bromus rubens	Red brome	Peganum harmala	African rue
Bromus tectorum	Cheatgrass	Pennisetum ciliare	Buffelgrass
Centaurea melitensis	Malta starthistle	Pennisetum setaceum	Fountain grass
Centaurea solstitialis	Yellow starthistle	Rhus lancea	African sumac
Cortaderia spp.	Pampas grass	Salsola spp.	Russian thistle
Cynodon dactylon	Bermuda grass	Schismus arabicus	Arabian grass
(excluding sod hybrid)		Schismus barbatus	Mediterranean grass
Digitaria spp.	Crabgrass	Sorghum halepense	Johnson grass
Elaeagnus angustifolia	Russian olive	Tamarix spp.	Tamarisk

13. Design conditions:
 - A. A minimum of 70 percent of all saguaros, **greater than six feet in height**, that currently exist on the site shall be protected from disturbance.
 - B. The Set-aside option listed in Chapter 18.72 of the Pima County Zoning Code shall be used to meet native plant preservation requirements for the subdivision plat for this site. The minimum 30% Natural Open Space required for that method shall include a minimum of 50% of the total of all saguaros within the subdivision and shall be configured to provide contiguous, large areas of NOS.
14. 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.
15. In the event the subject property is annexed, the owner(s)/developer(s) 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.
16. 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 to 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)."
17. Adherence to the preliminary development plan as approved at public hearing.
- 18. Grading shall not exceed 8,000 square feet, excluding driveways, per lot.**
- 19. Building heights shall not exceed 24 feet.**

Tom Hudson, Acting Senior Planner, stated that the published notice contained a typo in the site location. However, all maps and parcel numbers were correct. The number of residents would increase from 3 to 10. The only public comment was one letter of protest. The site was outside the Conservation Lands System. Adding Condition 18 did improve development conditions, made the site more compatible and helped mitigate impacts on vegetation, open space and drainage. Formal review and platting may result in approving fewer lots than the 10 in the submitted preliminary development plan.

In response to Supervisor Day's query about staff's denial, Mr. Hudson replied there was fragmented open space, drainage concerns and too many lots. Supervisor Day stated that the applicant addressed neighborhood concerns, agreed to mitigation and made concessions. She added that staff and some of the Commission preferred a cluster development, but neighbors opposed it.

Vince Catalano, owner/applicant, stated he worked through the process, hired engineers and a hydrologist, worked and continued to work with the neighbors, worked with Tucson Succulents Society and addressed each issue. He agreed to deal with retention. Chairman Elías asked if he would meet with staff to mitigate

items relevant to the denial. Mr. Catalano replied he tried to work with staff but some requests were insurmountable. He did not take their concerns lightly. He was a long-time active neighborhood resident. A 60-foot natural wildlife corridor runs through the site. Most of the hillside was undisturbed. Almost half the lot was untouched. Each property line has 40-foot buffers. Grading was very limited.

Arlan Colton, Planning Official, stated some items can be resolved through platting with additional conditions. Chairman Elías noted that although the site was urban, it was still vital to retain the integrity of the Sonoran Desert. Mr. Catalano agreed with Supervisor Day that he would go above and beyond zoning requirements. He verified for Chairman Elias that he would continue to work with staff.

The Chairman inquired whether anyone wished to be heard.

The following addressed the Board:
Michael Toney

Comments included the following:
The City and County both need open space.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to close the public hearing and approve Co9-07-02, as amended.

26. **DEVELOPMENT SERVICES: REZONING**

Co9-07-27, NOSECK/DAVIS–CAMINO DOROTEA REZONING

Request of Ronald, Denise and Raymond Noseck and Michael Davis, represented by Psomas, for a rezoning of approximately 38.46 acres from RH (Rural Homestead) and approximately 12.6 acres from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to approximately 38.46 acres SR-2 (Suburban Ranch Estate) and approximately 12.6 acres SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone), on property located on the north side of the Camino Dorotea alignment and at the southern terminus of Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrilla was absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

“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 conditions:
The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.

8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - ~~B. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.~~
 - CB.** ~~Building envelopes shall be shown on the tentative plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.~~ **Building envelopes shall avoid floodplains, erosion hazard setbacks, and riparian habitat shall be shown on the plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.**
 - DC.** A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements.
 - ED.** The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - FE.** The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - GF.** All-weather access shall be provided to all lots to meet concurrency requirements.
 - HG.** A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater Reclamation condition:
The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
10. Environmental Quality condition
 - A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
 - C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.
11. Cultural Resources conditions:
 - A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Natural Resources, Parks and Recreation condition:
The property owner(s)/developer(s) shall provide a 25-foot "Public Non-Motorized Trail Easement" as shown on the Preliminary Development Plan.
13. Environmental Planning conditions:
 - A. The owner(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of eighty (80) percent of the rezoning site as natural open space.
 - B. The potential building areas and grading limits on each lot, as shown on the preliminary development plan shall be recorded on the subdivision plat.
 - C. All areas graded for septic systems shall be re-vegetated with shallow-rooted native Sonoran desert vegetation (e.g., cacti, sub-shrubs, ground covers) at the completion of installation.
 - D. With the exception for road crossings, all grading shall avoid washes, riparian areas and areas with slopes of 15 percent or greater.

E. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:

- 1) Maintenance of Common Area by Association: the HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
- 2) Maintenance of Lots by Owners: obligations of Owners shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below.

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven	Eragrostis spp.	Lovegrass (excluding
Alhagi pseudalhagi	Camelthorn	E. intermedia,	plains lovegrass)
Arundo donax	Giant reed	Melinis repens	Natal grass
Brassica tournefortii	Sahara mustard	Mesembryanthemum spp.	Iceplant
Bromus rubens	Red brome	Peganum harmala	African rue
Bromus tectorum	Cheatgrass	Pennisetum ciliare	Buffelgrass
Centaurea melitensis	Malta starthistle	Pennisetum setaceum	Fountain grass
Centaurea solstitialis	Yellow starthistle	Rhus lancea	African sumac
Cortaderia spp.	Pampas grass	Salsola spp.	Russian thistle
Cynodon dactylon	Bermuda grass	Schismus arabicus	Arabian grass
(excluding sod hybrid)		Schismus barbatus	Mediterranean grass
Digitaria spp.	Crabgrass	Sorghum halepense	Johnson grass
Elaeagnus angustifolia	Russian olive	Tamarix spp.	Tamarisk

14. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
15. 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 to 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)."
16. 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.
17. Adherence to the preliminary development plan as approved at public hearing."

Arlan Colton, Planning Official, stated that the Conservation Lands System requirements were being met. There was no public comment. This was a continuation of the Coyote Creek project.

Supervisor Carroll noted the applicant's representative was present for any questions.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-27.

27. DEVELOPMENT SERVICES: REZONING

Co9-07-33, 4D PROPERTIES—ORANGE GROVE ROAD REZONING

Request of 4D Properties, represented by Tim McCann Consulting, L.L.C., for a rezoning of approximately 3.60 acres from CR-5 (Multiple Residence) and approximately 0.75 acres from CB-1 (Local Business) to CB-2 (General Business), on property located on the south side of the Orange Grove Road, approximately 600 feet east of Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend

APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (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 conditions:
 - A. The property owner(s)/developer(s) shall provide offsite improvements to Orange Grove Road, which shall include at a minimum, but may not be limited to, pavement widening, curb and sidewalk as determined necessary by the Department of Transportation.
 - B. Access shall only be allowed as shown on the Preliminary Development Plan via the existing driveway west of the rezoning site. Access and maintenance agreements shall be recorded prior to approval of the Development Plan or Subdivision Plat for the rezoning. An access control easement shall be recorded along Orange Grove Road frontage.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - C. The property owner shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.**
 - D. The property owner(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.**
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.**
9. Wastewater Reclamation conditions:
 - A. The owner(s)/developer(s) shall construe no 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(s)/developer(s) to that effect.
 - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department 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, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer(s) shall 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 Pima County Regional Wastewater Reclamation Department.
 - C. The owner(s)/developer(s) 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.
 - D. The owner(s)/developer(s) 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 Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - E. The owner(s)/developer(s) 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.

10. Environmental Quality condition
- A. As a condition of approval, the property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Environmental Planning conditions:
- A. The proposed commercial development shall not utilize lighting that directly illuminates the wash immediately to the east (Pima Wash).
- B. The developer shall draft an Invasive Plant Eradication Plan as part of the Landscape Plan for the Development Plan, for the annual inspection and removal of invasive non-native plant species on the site, including but not limited to those listed below:

Invasive Non-Native Plant Species Subject to Removal:

Ailanthus altissima	Tree of Heaven	Eragrostis spp.	Lovegrass
Alhagi pseudalhagi	Camelthorn	(excluding E. intermedia,	plains lovegrass)
Arundo donax	Giant reed	Melinis repens	Natal grass
Brassica tournefortii	Sahara mustard	Mesembryanthemum spp.	Iceplant
Bromus rubens	Red brome	Peganum harmala	African rue
Bromus tectorum	Cheatgrass	Pennisetum ciliare	Buffelgrass
Centaurea melitensis	Malta starthistle	Pennisetum setaceum	Fountain grass
Centaurea solstitialis	Yellow starthistle	Rhus lancea	African sumac
Cortaderia spp.	Pampas grass	Salsola spp.	Russian thistle
Cynodon dactylon	Bermuda grass	Schismus arabicus	Arabian grass
(excluding sod hybrid)		Schismus barbatus	Mediterranean grass
Digitaria spp.	Crabgrass	Sorghum halepense	Johnson grass
Elaeagnus angustifolia	Russian olive	Tamarix spp.	Tamarisk

~~12. 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.~~

~~4312.~~ 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.

~~4413.~~ 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 to 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(l)."

~~4514.~~ Adherence to the preliminary development plan as approved at public hearing.

15. A. **Water harvesting is proposed within the parking lot planters and near the restaurant/office and parking areas that will contain the site transplanted/mitigation vegetation. The water harvesting will be designed to finished grading contours to direct and contain runoff within landscaped areas. The use of depressed areas surrounding plant materials will be provided in this portion of the site.**

Roof drainage from the restaurant/office can also be collected in a cistern and directed to the bufferyard along Orange Grove Road and the enhanced amenity landscaping.

B. **The option to have solar collectors incorporated into the design of the self-storage building for energy self-sufficiency (including sending excess power to the grid) is under serious consideration by the owners of the site (4-D Properties). The details for the energy conservation/sufficiency will be a responsibility assigned to the architect at the time the building plans are being developed.**

The restaurant/office buildings will incorporate passive solar design by:

- **Placement of windows predominantly on the east/north sides of the buildings.**
- **Use of overhangs for shade on the south/west sides of the buildings.**
- **Incorporation of multi-glazed windows into the building design.**

C. **The project design includes amenity landscaping within the restaurant patio and parking areas. Enhanced landscaping (utilizing transplanted specimen vegetation and mitigation planting) will be located in the landscaping east of the parking lot and surrounding the restaurant patio."**

Arlan Colton, Planning Official, stated there was no public comment. The site was neither in the Conservation Lands System nor affecting the riparian area. Flood Control conditions had several alterations.

Supervisor Day stated that after she had asked the applicant to have green building elements as conditions, e.g., as solar collectors and water harvesting, he agreed. She expressed appreciation on behalf of the County.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-33, as amended, including additional conditions to incorporate the green building elements Nos. 1, 2 and 3 as proposed in the site analysis on page 51 and amending No 2 to read "sending excess to the grid."

28. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-78-91, HALL-BEAR CANYON ROAD REZONING

Request of David and Judith De La Ossa, for modification (substantial change) to the following Rezoning Conditions: No. 1 "Create no more than three (3) parcels" and No. 2 "Each parcel must contain a minimum of 43,560 square feet, exclusive of easements, rights-of-way, etc., if septic system is used." The rezoning was approved for 3 lots. The applicants propose to split one of the lots for a total of 4 lots and to make one of the lots less than 43,560 square feet. The site comprises 2.22 acres, is zoned CR-1 (Single Residence) and is located on the west side of Bear Canyon Road, approximately 750 feet north of Tolani Place. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Membrila was absent) to recommend **APPROVAL OF THE MODIFICATION OF CONDITION NO. 1 WITH STANDARD AND SPECIAL CONDITIONS AND DENIAL OF THE MODIFICATION OF CONDITION NO. 2**. Staff recommends **APPROVAL OF THE MODIFICATION OF CONDITION NO. 1 WITH STANDARD AND SPECIAL CONDITIONS AND DENIAL OF THE MODIFICATION OF CONDITION NO. 2**. (District 4)

"Completion of the following requirements within **five** years

1. ~~Create no more than three (3) parcels.~~
2. ~~Each parcel must contain a minimum of 43,560 square feet, exclusive of easements, rights-of-way, etc., if septic systems are used.~~
 - 2.1. Submittal of a development plan if determined necessary by the appropriate County agencies.
 - 3.2. Recording of a covenant holding Pima County harmless in the event of flooding.
 - 4.3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
 - 5.4. Provision of development related assurances as required by the appropriate agencies.
 - 6.5. 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, Document Services Division.
 - 7.6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
 - 8.7. Adherence to the preliminary sketch plan as approved at public hearing.
 - 9.8. Transportation conditions:
 - A. Access from Bear Canyon Road that serves more than one dwelling unit within the rezoning site shall be paved (chip sealed) within 6 months of the final building permit issuance.
 - B. The owner(s)/applicant(s) shall provide documentation of legal access to the rezoning site from the south if the property is served from the south, prior to certificate of compliance.
 - 10.9. Flood Control conditions:

The property owner(s)/developer(s) shall submit to the Flood Control District a site plan and drainage analysis to determine impacts, floodplain extents and encroachment for review and approval. Upon review of the plot plan, the Floodplain Management Section will determine if building permits may be issued or if a more detailed hydrologic and hydraulic study will be required.
 - 14.10. Department of Environmental Quality conditions:
 - A. All proposed residential lots shall have a minimum area of 43,560 square feet.

- B. Property owner(s)/developer(s) shall demonstrate that the new lot, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks, including 100 feet from a well. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.
- ~~3. Make a satisfactory arrangement with the Department of Wastewater Management for sewage disposal.~~
- ~~12.11. Wastewater Management condition:~~
The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
- ~~13.12. In the event the subject property is annexed, the property owner(s)/developer(s) 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.~~
- ~~14.13. The property owner(s)/developer(s) shall execute and record a disclaimer regarding Proposition 207 rights. The language is as follows:~~
The property owner(s)/developer(s) acknowledge(s) that neither the rezoning of the property nor the conditions of rezoning give the property owner(s)/developer(s) 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 the property owner(s)/developer(s) any rights or claims under the Private Property Rights Protection Act. The property owner(s)/developer(s) hereby waive any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I).
- ~~15.14. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services 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.~~
- ~~16.15. Adherence to the sketch plan as approved at public hearing.”~~

Tom Hudson, Acting Senior Planner, stated that the current lot was of sufficient size to allow the 2 new lots to each contain the required minimum footage. Therefore, staff recommended Condition 2 not be modified. All concurrency considerations were met. The site was outside the Conservation Lands System. There was no public comment. In response to Chairman Elías, Mr. Hudson replied that if a hardship existed, sometimes a septic system will be allowed on a smaller lot by utilizing a portion of adjacent streets or easements. However, a preferred situation was where a lot can be configured to have the minimum square footage.

Supervisor Carroll noted that the applicant was present to answer any questions.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-78-91.

29. **DEVELOPMENT SERVICES: REZONING ORDINANCES**

- A. ORDINANCE NO. 2008-81, Co9-08-01, Elkins Revocable Trust–Oracle Road Rezoning. Owner: Michael J. Harris. (District 1)
- B. ORDINANCE NO. 2008-82, Co9-07-34, Obrzut—Spirit Dancer Easement Rezoning. Owners: Laura and John Obrzut. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinances Nos. 2008-81 and 82.

30. **DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

- A. RESOLUTION NO. 2008-226, Co9-99-31, Johnson–Oracle Road Rezoning. Owners: Jorge and Beatriz Rivas. (District 1)
- B. RESOLUTION NO. 2008-227, Co9-98-29, Parra–Oracle Road Rezoning. Owners: Elisandro and Sherry Parra. (District 1)
- C. RESOLUTION NO. 2008-228, Co9-00-43, Parra–Oracle Road No. 2 Rezoning. Owners: Elisandro and Sherry Parra. (District 1)
- D. RESOLUTION NO. 2008-229, Co9-03-30, Martinez–La Cañada Drive Rezoning. Owners: John and Dena Hesser. (District 1)
- E. RESOLUTION NO. 2008-230, Co9-05-17, Magee Road Partnership–Magee Road Rezoning. Owner: Fidelity National Title TR 60301. (District 1)
- F. RESOLUTION NO. 2008-231, Co9-02-17, Sahuarita 118–Sahuarita Road Rezoning. Owner: Stewart Title and Trust TR 3644. (District 2)
- G. RESOLUTION NO. 2008-232, Co9-88-25, Wetmore No. 2 7198–Fairview Avenue Rezoning. Owner: Dobbs Motors of Arizona, Inc. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution Nos. 2008-226 through 232.

31. **DEVELOPMENT SERVICES: STREET NAME CHANGE**

Present	Proposed
Co14-08-004, Unnamed easement/access roadway. (District 1)	Rusty Iron Trail

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the street name change.

32. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2008-233, of the Board of Supervisors, temporarily closing a portion of Silverbell Road during bridge work from September 8 through 19, 2008, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2008-233.

33. **COUNTY ADMINISTRATOR**

A. **Financial Participation Agreement**

Staff recommends approval of the Financial Participation Agreement with the Southern Arizona Community Sports, Inc. to jointly develop a community recreational facility at the Curtis Park site. (11-30-S-141185-0808)

In response to Supervisor Day's query, Chuck Huckelberry, County Administrator, verified that the facility would have unlimited public access. Supervisor Day commended the organization for participating in the public-private collaboration, particularly since the organization wanted to start to raise money now.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the Financial Participation Agreement.

B. **Sustainable Action Plan**

RESOLUTION NO. 2008-234, of the Board of Supervisors, adopting the Sustainable Action Plan for County operations.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-234.

34. **CONTRACTS**

A. **Community Services, Employment and Training**

1. Yuma Private Industry Council, Amendment No. 2, to provide administration of the Workforce Innovation in Regional Economic Development Program, extend contract term to 6/30/10 and amend contractual language, AZ Department of Commerce WIRED Grant Fund, contract amount \$1,560,621.00 (11-69-Y-140339-0707)
2. Cochise Private Industry Council, Amendment No. 2, to provide administration of the Workforce Innovation in Regional Economic Development Program, extend contract term to 6/30/10 and amend contractual language, AZ Department of Commerce WIRED Grant Fund, contract amount \$1,263,102.00 (11-69-C-140340-0707)
3. Tucson Regional Economic Opportunities, Amendment No. 2, to provide administration of the Workforce Innovation in Regional Economic Development Program, extend contract term to 6/30/10 and amend contractual language, AZ Department of Commerce WIRED Grant Fund, contract amount \$240,000.00 (11-69-T-140341-0707)

B. **Facilities Management**

4. Granite Construction Company, Change Order No. 4, to provide for the installation of underground utility conduit for the Joint Courts Complex and amend scope of work, 2004 Bond Fund, contract amount \$403,877.41 (03-13-G-140648-0108)

C. Health Department

5. Coalition for African American Health and Wellness, to provide for the People of Color Festival on September 13, 2008, 1% for Youth Fund, contract amount \$5,000.00 (32-01-C-141172-0808)
6. Luz Social Services, to provide for an information and resource fair, HIV counseling and testing services at the 6th Annual National Latino AIDS Awareness Day on October 15, 2008, 1% for Youth Fund, contract amount \$2,000.00 (32-01-L-141165-0808)

D. Information and Technology

7. Grupo SMS USA, L.L.C., Amendment No. 3, to provide as-needed design and support for C# (C Sharp)/ASP.net programming and consulting services, extend contract term to 6/30/09 and amend contractual language, General Fund, contract amount \$150,000.00 (07-14-G-139553-0507)

E. Transportation

8. MMLA Psomas, Inc., Amendment No. 5, to provide roadway design engineering services for I-19 East Frontage Road: Canoa Road to Continental Road Project, extend contract term to 5/30/10 and amend contractual language, 2008 HURF (33.33%), Impact Fees (33.33%) and RTA (33.33%) Funds, contract amount \$2,350,000.00 (16-04-M-139041-1106)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts.

35. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. City/County Water and Wastewater Study Oversight Committee

Ratification of appointment: Vince Vasquez, City of Tucson Water Advisory Committee representative, to replace Carol Zimmerman. No term expiration. (City of Tucson recommendation)

B. Pima County Election Integrity Commission

Appointment of Charles Geoffrion. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointments.

36. JUSTICE AND LAW ENFORCEMENT: SUPERIOR COURT; COMMISSIONER PRO TEMPORE

Appointment of Teresa A. Godoy as Commissioner Pro Tempore of the Superior Court.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointment.

37. **CALL TO THE PUBLIC**

Michael Toney spoke about election integrity.

38. **ADJOURNMENT**

The meeting adjourned at 12:35 p.m.

MINUTES, FLOOD CONTROL DISTRICT BOARD

AUGUST 18, 2008

The Pima County Flood Control District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Monday, August 18, 2008. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member (arrived 9:11)
	Ann Day, Member
	Lori Godoshian, Clerk

1. **CONTRACT**

KE&G Development, L.L.C., Amendment No. 3, to provide for a job order contract for flood control and drainage improvements, extend contract term to 8/27/09 and amend contractual language, Flood Control District Tax Levy Fund, contract amount \$3,005,000.00 (26-59-K-138548-0806)

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contract.

2. **ADJOURNMENT**

The meeting was adjourned at 12:35 p.m.

MINUTES, STADIUM DISTRICT BOARD

AUGUST 18, 2008

The Pima County Stadium District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Monday, August 18, 2008. Upon roll call, those present and absent were as follows:

All Present:	Richard Elías, Chairman
	Ramón Valadez, Vice Chairman
	Sharon Bronson, Member
	Ray Carroll, Member (arrived 9:11)
	Ann Day, Member
	Lori Godoshian, Clerk

1. REJECTION OF ALL BIDS

Rejection of all bids for Requisition No. 0803207 – Tucson Electric Park Stadium Exterior Re-Painting. In June 2008, Pima County issued an Invitation to Bid for re-painting of the Tucson Electric Park Stadium. The estimated cost for the project was \$275,000.00. Five bids were received all of which were deemed non-responsive for failure to meet mandatory requirements of the bid. Recommend rejection of all bids and issuance of a new solicitation immediately for this project. Funding Source: Stadium District Fund. Administering Department: Facilities Management.

On consideration, it was moved by Chairman Elias, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to reject all bids and issue a new solicitation.

2. ADJOURNMENT

The meeting was adjourned at 12:35 p.m.