

## MINUTES, FLOOD CONTROL DISTRICT BOARD

MAY 5, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 5, 2009. 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  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

### 1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan for the proposed installation of two manufactured homes on property located at 12075 N. Musket Road. (District 3)

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

### 2. **ROAD EASEMENT**

Pima County Flood Control District grants Pima County a road easement over a portion of Tax Parcel No. 101-13-015M in Section 16, T13S, R13E, G&SRM, for the La Cholla Boulevard: River Road to Ruthrauff Road Project. (District 3)

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

### 3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

MINUTES, LIBRARY DISTRICT BOARD

MAY 5, 2009

The Pima County Library District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 5, 2009. 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  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

1.     **REFUGEE CAREER ENHANCEMENT TRAINING PROJECT**

RESOLUTION NO. 2009-LD1, of the Pima County Public Library Board of Directors approving and authorizing the application for funding in the amount of \$53,725.00 from the Arizona Department of Library, Archives and Public Records-Library Services and Technology Act Fund, for the provision of career enhancement training to refugees in Pima County.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-LD1.

2.     **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

## MINUTES, STADIUM DISTRICT BOARD

MAY 5, 2009

The Pima County Stadium District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 5, 2009. 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  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

### 1. **CONTRACT**

The Board of Supervisors' on 4/21/09 continued the following:

Pima County, Pima County Stadium District and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708)

Without objection, this item was removed from the agenda.

### 2. **CONTRACT**

RESOLUTION NO. 2009-SD\_1\_, approving an Intergovernmental Agreement between the Pima County Stadium District, Pima County and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (01-71-P-141887-0708)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-SD\_1\_.

### 3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MAY 5, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 5, 2009. 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  
                              Ann Day, Member  
                              Lori Godoshian, Clerk

1.    **INVOCATION**

The invocation was given by Father Ron Oakham of St. Cyril of Alexandria Roman Catholic Church.

2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.    **PAUSE 4 PAWS**

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

...   **EXECUTIVE SESSIONS**

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 Sessions at 9:20 a.m.

4.    **RECONVENE**

The meeting reconvened at 10:15 a.m. All members were present.

5.    **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Sessions.

Brian Johnson addressed the Board regarding his opposition of the proposed settlement with T-Mobile. He requested that the Board deny the settlement.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding child care standards, legal issues, and Arizona Department of Health Services action pertaining to after school programs administered or offered by Pima County.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a citation that was given to Pima County Natural Resources, Parks and Recreation by the Arizona Department of Health Services. It involved whether preschool and after school programs offered by Natural Resources, Parks and Recreation must be licensed as child care facilities under state law. The County Attorney's Office requested permission to pursue a hearing as discussed in executive session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to proceed as discussed in executive session.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Beth Ford vs. Democratic Party of Pima County et. al., Pima County Superior Court Cause No. C20085016, and Democratic Party of Pima County vs. Beth Ford and Pima County Board of Supervisors, Pima County Superior Court Cause No. C20088876 and any matters related thereto.

Chris Straub, Chief Civil Deputy County Attorney, stated that Attorney Ronna Fickbohm would be presenting legal advice on this case due to a conflict of interest for the County.

Ronna Fickbohm, Law Offices of Gabroy, Rollman and Bosse, stated this case involved the State Attorney General Office's completion of inquiries into allegations of criminal conduct associated with the 2006 Special Election which included a full hand-count of all ballots. The results vindicated the County's Election Department and removed any criminal allegations from all parties involved in this case. She requested permission to proceed with the recommendation as discussed in executive session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the recommendation as discussed in executive session.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding T-Mobile v. Pima County, District Court Case No. 04:08-CV-00292-RCC.

Chris Straub, Chief Civil Deputy County Attorney, stated this case regarded a proposed settlement with T-Mobile. T-Mobile filed a lawsuit against the County. It claimed the County violated the Federal Telecommunications Act when it failed to approve a conditional use permit for a cell antenna site. The proposed settlement would dismiss the lawsuit with each party responsible for its own fees and costs, and the approval of T-Mobile's modified application for a conditional use permit. The County Attorney's Office recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías, to accept the County Attorney's recommendation and to direct staff to initiate a Code text amendment related to the communication towers that addressed property values and community necessity. The motion was withdrawn.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to accept the County Attorney's recommendation. Direction was given to staff to initiate a Code text amendment related to the communication towers that addressed property values and community necessity. Staff was directed to place the item on the agenda of May 12, 2009.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Snell & Wilmer L.L.P., that Pima County waive a potential conflict of interest to allow the firm to represent Farmers Investment Co., with respect to certain real estate transactions related to the Calle Valle Verde Road abandonment and the related conveyance of certain abandoned railroad spurs.

Chris Straub, Chief Civil Deputy County Attorney, stated a waiver was at the discretion of the Board.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice and direction regarding proposed Type III Conditional Use Permits for communication towers in Case Number P21-09-005 (Regular Agenda Item No. 14), Case Number P21-08-004 (Regular Agenda Item No. 18) and Case Number P21-09-008 (Regular Agenda Item No. 19).

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only, no Board action was required.

11. **CONSENT CALENDAR**

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

A. **CALL TO THE PUBLIC**

PULLED FOR DISCUSSION:

1. **CONTRACT AND AWARD**

A. **Health Department**

5. Arizona Department of Health Services, Amendment No. 1, to provide for the Public Health Physical Activity Program, Federal Fund, contract amount \$9,246.94 revenue (01-01-A-140820-0408)

Joe Sweeney addressed the Board regarding opposition for approval of this item.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as presented.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS AND AWARDS**

A. **Health Department**

1. Arizona Department of Health Services, Amendment No. 12, to provide for a local Tobacco Education Prevention Program and amend contractual language, Tobacco Education Prevention Program Grant Fund, no cost (01-01-A-132475-0703)
2. Arizona Department of Health Services, Amendment No. 4, to provide early pregnancy prenatal care, education and referral services and extend contract term to 6/30/10, State Fund, revenue based on services (02-01-A-137315-1005)
3. Arizona Department of Health Services, Amendment No. 2, to provide for services under Proposition 201 Smoke Free Arizona Act, and amend contractual language, Federal Grant Fund, no cost (01-01-A-139453-0507)

4. Arizona Department of Health Services, Amendment No. 2, to provide for Farmer's Market Nutrition Program, WIC Grant Fund, contract amount \$625.00 revenue (01-01-A-140662-0308)
5. Arizona Department of Health Services, Amendment No. 1 (PULLED FOR DISCUSSION)
6. Arizona Department of Health Services, Amendment No. 2, to provide for the County Prenatal Block Grant Program and amend contractual language, Prenatal Block Grant Fund, contract amount \$39,505.00 decrease (01-01-A-140836-0708)

**B. Procurement**

7. Kennedy/Jenks Consultants, Amendment No. 3, to provide for the Avra Valley Wastewater Treatment Biological-Nutrient Removal and Oxidation Ditch Facility Upgrade and Expansion Project coordination consultant services, extend contract term to 12/31/09 and amend scope of work, RWRD System Development Fund, contract amount \$154,340.00 (07-03-K-132129-0303) Regional Wastewater Reclamation

**Awards**

8. Amendment of Award: Cardinal Health Inc., B501722, Amendment No. 6, to provide pharmaceuticals, extend contract term to 10/31/09 with retro effective date of 5/1/09. Funding Source: Health Fund. Administering Department: Health Department.
9. Award of Contracts, Requisition No. 0901536, in the total annual amount of \$2,200,000.00 to the following qualified respondents for non-emergent medical transportation. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: PHCS Enterprise Fund. Administering Department: Pima Health System.

<u>Contractor (HQ Location)</u>	<u>Annual Amount</u>
AAA Cab Service, Inc. (Phoenix, AZ)	\$285,000.00
A&K Transportation, Inc. (Tucson, AZ)	\$314,000.00
American Pony Express, Inc. (Tucson, AZ)	\$360,000.00
Arizona Medical Transit (Tucson, AZ)	\$305,000.00
Crane Transportation Co., L.L.C. (Cochise, AZ)	\$208,500.00
Kord's Metro Service, Inc. (Tucson, AZ)	\$212,500.00
Safe Ride Services, Inc. (Phoenix, AZ)	\$200,000.00
Total Transit, Inc. (Glendale, AZ)	\$115,000.00
Trax International, Inc. (Tucson, AZ)	\$200,000.00

## 2. DIVISION OF ELECTIONS

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments:

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Burgess, Patricia H.	010	DEM
Edmunds, James B.	091	REP
Kinsey, Adam D.	103	DEM
Benedict, Ruth L.	345	DEM
Kennedy, Michael M.	395	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Schmugge, Peter H.	005	REP
Wilcox, Brook E.	005	REP
Wishnick, Yale	008	REP
Hamed, Sami Y.	019	DEM
Kinsey, Adam D.	045	DEM
Fimbres, Mary L.	064	DEM
Fimbres, Richard G.	064	DEM
Davis, Vicki	088	REP
Tumpes, Sandra S.	088	REP
Curtis, George H.	091	REP
Sutton, Katherine L.	100	GRN
Venne, Marilyn R.	100	REP
Martin, Marjory	108	REP
Watts, Michael A.	118	REP
Hutchison, Joyce A.	141	REP
Lowe, Doug	163	REP
Lowe, Penny	163	REP
Donatelli, Esther	171	REP
Donatelli, Jeff	171	REP
Wagner, James R.	188	REP
Pine, Dan L.	193	REP
Nevins, Donald L.	202	REP
Markhart, William T.	203	REP
Holden, Phyliss A.	205	REP
Lee, Linda P.	206	REP
Perry, Glenn M.	214	REP
Perry, Marjorie S.	214	REP
Yee, Marilyn A.	214	REP
Summers, Bret W.	223	REP
Summers, Fabiola A.	223	REP
Fields, Tom W.	224	REP
Scheller, Pat A.	224	REP
Herrell, Emily J.	231	DEM
Strasburg, Jack E.	236	GRN
McLaughlin, Jeff A.	242	REP
Buino, Terrence M.	246	REP
Kelly, Aubrey Y.	261	REP
Peyton, Laura	261	REP
Bengds, Erik E.	269	REP
McDonald, Steven J.	280	REP
Butler, Seth A.	281	REP
Origer, Mara L.	290	DEM
Langione Hillwig, Denise N.	310	REP
Reynolds, Merton D.	318	REP
Blanchard, Jean P.	328	REP
Blanchard, Mark	328	REP
MacInnes, Darlene R.	328	REP
Romanowski, Jolanta	328	REP
Ferrell, Denise A.	359	REP

Hagge, Ruth L.	359	REP
Leslie, Jennifer I.	359	REP
Flowers, Judith A.	376	REP
Flowers, Odis E.	376	REP
Thomas, Steve N.	385	REP
Pickett, Christopher H.	391	REP
Egbert, Kara S.	392	REP
Matthews, Rachel M.	392	REP
Walton, Cade A.	392	REP
Walton, Michelle M.	392	REP
Hann, Gina R.	393	REP
Botsko, Joseph A.	415	REP
Tanberg, Mary E.	417	REP

### 3. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

#### A. **Pima County-Tucson Commission on Addiction Prevention and Treatment**

Appointment of Rob Druckenbrod to fill unexpired term of Antonio Estrada. Term expiration: 11/30/09. (Commission recommendation)

#### B. **Public Art Committee of the Tucson Pima Arts Council**

Appointment of Elizabeth Albert to replace Anna Harper. No term expiration. (District 5)

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

A. Jamie Lee Aiken, Special Olympics Arizona, 16024 N. Oracle Rd., Tucson, April 25, 2009.

B. Mark Astill, Three Points Fire Local 3504, 17000 W. Ajo Way, Tucson, May 9, 2009.

C. Elizabeth McLeod Rose, St. Philip's in the Hills Episcopal Church, 4440 N. Campbell Ave., Tucson, May 3, 2009.

D. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo del Norte, Tucson, April 30, 2009.

### 5. **TREASURER'S OFFICE**

Certificates of Clearance pursuant to A.R.S. §42-19118.

<b>Name on Assessor's Record</b>	<b>Reference No.</b>	<b>Tax Year</b>
1 Stop Apparel, L.L.C.	07012190890	2007
901, L.L.C.	07012190916	2007
A Center for Counseling	06012176578	2006
ASAP Student Loans	04012058028	2004

Abbis, Ms. Marilyn R..	05012176022	2005
ABC Medical Solutions	07012190936	2007
Alamo Communications	05012175133	2005
Alphagraphics	05012022598	2005
Alphagraphics	06012022598	2006
Amtek/Applied Magnetics	07012028847	2007
Anderson-Ortiz, Dian	05011160374	2005
Anderson-Ortiz, Dian	06011160374	2006
Arizona Thermal Massage	07012197723	2007
AZ Interco	05012176262	2005
Bank One Arizona	98011037055	1998
Bank One Arizona	99011033245	1999
Bank One Arizona	00011030478	2000
Bank One Arizona	01011015413	2001
Bank One Arizona	02011033274	2002
Bank One Arizona	03011160577	2003
Bank One Arizona	04011160577	2004
Bank One Arizona	05011160577	2005
Bank One Arizona	06011160577	2006
Bank One Arizona	07011160577	2007
Barber Shop	03012119736	2003
Barber Shop	04012119736	2004
Bauerelen, Robert or Eleanor	06011142884	2006
Bauerelen, Robert or Eleanor	07011142884	2007
Betancourt, Jorge Gonzalez	02011017261	2002
Betancourt, Jorge Gonzalez	03011134022	2003
Betancourt, Jorge Gonzalez	04011134022	2004
Betancourt, Jorge Gonzalez	05011134022	2005
Betancourt, Jorge Gonzalez	06011134022	2006
Betancourt, Jorge Gonzalez	07011134022	2007
Bid Financial & Investment Svcs	07012193930	2007
Blanton, Mary Holloway	02011032891	2002
Blanton, Mary Holloway	03011160246	2003
Blanton, Mary Holloway	04011160246	2004
Blanton, Mary Holloway	05011160246	2005
Blanton, Mary Holloway	06011160246	2006
Blanton, Mary Holloway	07011160246	2007
Bonilla, Alejandrina	06011163046	2006
Bonilla, Alejandrina	07011163046	2007
Campa, Fernando or Maria Ofelia	05011150312	2005
Cano Woodworks	06012182544	2006
Carrasco, Josefina	06011125793	2006
Carrasco, Josefina	07011125793	2007
Cazares, Roy M.	07011149612	2007
Cecena, Jesse	06011131774	2006
Cecena, Jesse	07011131774	2007
Cell Phone City	07012169703	2007
Centro Naturista Y Herbario	05012175936	2005
Chino's Auto Care	06012185513	2006
Chukut-Kuk Enterprises	99011037117	1999
Chukut-Kuk Enterprises	00011033582	2000

Cielo Casket & Urn, Inc.	04012165429	2004
Conlisk, Matthew A.	07011131091	2007
Cota, Mario	07011153087	2007
The Coventry Group	04012121194	2004
Davis Education Center	06012096926	2006
De Lopez Oil Paintings & Mexican Crafts	04012170332	2004
Desert Rose Steel Guitars	05012175264	2005
Desert Star Design & Construction/Visser Builders	06012183679	2006
Desert Terrace Dance Club	04012002236	2004
Dial Resale	06012185718	2006
Dicochea's Fashion & Cuadra Levi's	05012175922	2005
Dish Network-Starband	03012119375	2003
Dish Network-Starband	04012119375	2004
Donahue, Bruce or Teresa F.	00011037603	2000
Donahue, Bruce or Teresa F.	01011018403	2001
Donahue, Bruce or Teresa F.	02011038536	2002
Earth's Creations Nursery	06012184459	2006
Edge Up Barber Shoppe	07012185323	2007
Elite Professional Service, Inc.	05012174119	2005
Espinoza, Roxanne	06011156968	2006
Espinoza, Roxanne	07011156968	2007
Flory, Richard	07011190222	2007
Freedom Park Barber Shop	04012007455	2004
Fry, Larry Edward	00011015490	2000
Fry, Larry Edward	01011007691	2001
Fry, Larry Edward	02011020975	2002
Fry, Larry Edward	03011149788	2003
Fry, Larry Edward	03011148042	2003
Fry Larry Edward	04011148042	2004
Fry, Larry Edward	04011149788	2004
Fry Larry Edward	05011148042	2005
Fry, Larry Edward	05011149788	2005
Fry, Larry Edward	06011149788	2006
Fry Larry Edward	06011148042	2006
Fry, Larry Edward	07011149788	2007
Fry Larry Edward	07011148042	2007
Gold Mine	03012032087	2003
Gold Mine	04012032087	2004
Golston, Jack R. & Betty C.	01042050997	2001
Golston, Jack R. & Betty C.	02032050997	2002
Golston, Jack R. & Betty C.	03012050997	2003
Golston, Jack R. & Betty C.	04012050997	2004
Got Scrubs	05012173353	2005
Hamilton, Tony	01011009299	2001
Hamilton, Tony	02011022020	2002
Hamilton, Tony	03011150719	2003
Hamilton, Tony	04011150719	2004
Hamilton, Tony	05011150719	2005
Hamilton, Tony	06011150719	2006
Hamilton, Tony	07011150719	2007
Hang Up	06012182697	2006

Hang Up	07012182697	2007
Helping Hands Hauling	07012192984	2007
Hopkins'	05012007968	2005
Hopkins'	06012007968	2006
Hopkins'	07012007968	2007
Hot Trax Productions	05012175091	2005
Hot Trax Productions	06012175091	2006
Hunter, Ronald E. or Carolyn K.	03011146556	2003
Hunter, Ronald E. or Carolyn K.	04011146556	2004
Hunter, Ronald E. or Carolyn K.	05011146556	2005
Hunter, Ronald E. or Carolyn K.	06011146556	2006
Hunter, Ronald E. or Carolyn K.	07011146556	2007
In & Out Mini Market, L.L.C.	06012182715	2006
Intertec Southwest, L.L.C.	07012084892	2007
Itek Corporation	04012165982	2004
Johnson, Jeffrey	05012174092	2005
Johnson, Jeffrey	06012174092	2006
Johnson, Jeffrey	07012174092	2007
K F Auto Shop	04012166729	2004
K F Auto Shop	05012166729	2005
Kennedy, Kelly	03012112716	2003
Kern, Richard or Aber Betty	07011156211	2007
LMMS Partnership	05012033628	2005
Liberty Income Tax & Service	06012186152	2006
Long Realty Casa Nueva	05012166014	2005
M & M Tips N Toes	05012175498	2005
Manthie, Larry	05011147358	2005
Manthie, Larry	06011147358	2006
Manthie, Larry	07011147358	2007
Medina, Antonia	04011137119	2004
Medina, Antonia	05011137119	2005
Medina, Antonia	06011137119	2006
Medina, Antonia	07011137119	2007
Melendez, Elizama Lopes	07011152785	2007
Moe Auto Sales	07012198065	2007
Mossie, Mark C.	06011143711	2006
Mossie, Mark C.	07011143711	2007
Old Pueblo Ironworks, Inc.	03012017159	2003
P & A Sheet Metal	04012165907	2004
P & A Sheet Metal	05012165907	2005
PC Games	04012166085	2004
PC Games	05012166085	2005
Papa Chino's Frescas	05012175933	2005
Paul Elia Sinatra Stylist	06012184721	2006
Posey, Carl N. or Geraldine	01021018067	2001
Posey, Carl N. or Geraldine	02011032832	2002
Posey, Carl N. or Geraldine	03011160197	2003
Posey, Carl N. or Geraldine	04011160197	2004
Posey, Carl N. or Geraldine	05011160197	2005
Pro Recovery	04012166243	2004
Proactive Performance Institute	07012195978	2007

Purofirst of Tucson	06012012889	2006
RGA Homes	07012184681	2007
Rite Way Auto	03012104352	2003
Rite Way Auto	04012104352	2004
Roberts, Delores	00011019835	2000
Roberts, Delores	02011024633	2002
Roberts, Delores	03011153115	2003
Roberts, Delores	04011153115	2004
Roberts, Delores	05011153115	2005
Roberts, Delores	06011153115	2006
Rodriguez, Arnold C.	06011130342	2006
Rodriguez, Arnold C.	07011130342	2007
Runion, Ronald	07011153722	2007
SCS Distributing	05012171124	2005
SCS Distributing	06012171124	2006
SS Computers	05012175657	2005
SS Computers	06012175657	2006
Sanchez, Raudel	02011007647	2002
Sanchez, Raudel	03011131270	2003
Sanchez, Raudel	04011131270	2004
Sanchez, Raudel	05011131270	2005
Sanchez, Raudel	06011131270	2006
Sanchez, Raudel	07011131270	2007
Sinai	03012120827	2003
Sinai	04012120827	2004
Sonoran Health Center	07012197261	2007
Sterling, Widmark	99011031605	1999
Sterling, Widmark	00011034124	2000
Sterling, Widmark	01021020069	2001
Sterling, Widmark	02011036139	2002
Stewart, Donald L.	04011130753	2004
Stewart, Donald L.	05011130753	2005
Stewart, Donald L.	06011130753	2006
Stewart, Donald L.	07011130753	2007
Sunset Cleaning Service	07012059751	2007
Super Star Shuttle	06012182991	2006
SW Natures Own	03012069171	2003
SW Natures Own	04012069171	2004
Tatham, Bradford A.	06011143045	2006
Tatham, Bradford A.	07011143045	2007
Taxpros	06012176809	2006
Thunder Quest	06012113146	2006
Thunder Quest	07012113146	2007
Tom Lopez Designs	04012170478	2004
Tom Lopez Designs	05012170478	2005
Tom Lopez Designs	06012170478	2006
Tucson Classics, Incorporated	03012034461	2003
Tucson Classics, Incorporated	04012034461	2004
Tucson Classics, Incorporated	05012034461	2005
Tucson Dispensing Equipment	06012175378	2006
Tucson Dispensing Equipment	07012175378	2007

Tucson Roofing, L.L.C.	07012183247	2007
United Satellite Group	07012195354	2007
Velasco, Richard	02011036981	2002
Velasco, Richard	03011133108	2003
Velasco, Richard	04011133108	2004
Velasco, Richard	05011133108	2005
Velasco, Richard	06011133108	2006
Velasco, Richard	07011133108	2007
Williams, Harold or Michael	99011024306	1999
Williams, Harold or Michael	00011022748	2000
Williams, Harold or Michael	01021001340	2001
Williams, Harold or Michael	02011005978	2002
Williams, Harold or Michael	03011130104	2003
Williams, Harold or Michael	04011130104	2004
Williams, Harold or Michael	05011130104	2005
Williams, Harold or Michael	06011130104	2006
Williams, Harold or Michael	07011130104	2007
Ystad, Keith	06011153253	2006
Ystad, Keith	07011153253	2007
Zulema Salon	04012078057	2004

## 6. REAL PROPERTY

### A. Road Easement

Pima County Flood Control District grants Pima County a road easement over a portion of Tax Parcel No. 101-13-015M in Section 16, T13S, R13E, G&SRM, for the La Cholla Boulevard: River Road to Ruthrauff Road Project. (District 3)

### B. Quit Claim Deeds

1. Quit Claim Deed from Pima County, to split Tax Parcel No. 101-13-016C in Section 16, T13S, R13E, G&SRM, for the creation of road way parcels for the La Cholla Boulevard: River Road to Ruthrauff Road Project. (District 3)
2. Quit Claim Deed from Pima County, to split a portion of Section 15, T13S, R13E, G&SRM, for the creation of road way parcels for the La Cholla Boulevard: River Road to Ruthrauff Road Project. (District 3)

## 7. CORRECTION FOR THE RECORD

### **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT (Approved by the Board of Supervisors on April 7, 2009.)**

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

Texas Roadhouse Marana No. 204, Case No.: ~~2008-13~~ **2008-14**. Proposed settlement amount is \$2,229.35.

**8. RATIFY AND/OR APPROVE**

Minutes: March 10, 2009  
March 17, 2009

Warrants: April, 2009

**REGULAR AGENDA/ADDENDUM ITEMS**

**12. BOARD OF SUPERVISORS**

Dedicate and name Field No. 3 at Arthur Pack Regional Park in honor of Richard Blau. (District 1)

The family of Richard Blau was in attendance.

On consideration, it was moved by Supervisor Day, seconded by Chairman Elias and carried by a 5-0 vote, to approve the dedication.

**13. BOARD OF SUPERVISORS**

RESOLUTION NO. 2009- 74, of the Pima County Board of Supervisors, supporting the application by Hope Network, Inc., to the ~~Paseau~~ **Pascua** Yaqui Tribe for a portion of the Tribe's annual contribution to cities, towns and counties. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009- 74.

**14. COUNTY ADMINISTRATOR: CLASSIFICATION/COMPENSATION**

The Public Fiduciary requests the creation of a new classification to be allocated as follows: There are no costs associated with the creation of this classification.

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE/RANGE</u>	<u>EEO, O/T CODE</u>
5348	Public Fiduciary Entitlements Specialist	30 (\$29,568-\$42,173)	6, NE*

\*NE = Non-Exempt, Paid Overtime

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

15. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009-75, requesting Pima County support the Community Home Repair Projects of Arizona's application for a \$100,000.00 grant for the Emergency Home Repair Program from the 12% local revenue-sharing contribution of the Pascua Yaqui Tribe.

The following speakers addressed the Board:

1. Jim DeGroot
2. Scott Coverdale

They expressed their gratitude and appreciation for the Board's support.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to adopt Resolution No. 2009-75.

16. **ECONOMIC DEVELOPMENT AND TOURISM**

The Board of Supervisors' on 4/21/09, continued the following:

Pima County, Pima County Stadium District and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708)

Without objection, this item was removed from the agenda.

17. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2009-76, of the Board of Supervisors of Pima County, Arizona, approving the proceeding of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$3,000,000.00 Revenue Bond (Catholic Community Services of Southern Arizona Project), Series 2008 and declaring an emergency.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-76.

18. **TRANSPORTATION: ACCEPTANCE OF PROJECT/ROADWAY FOR MAINTENANCE**

Co12-860-86 and Co12-860-86A, Mission West II, Phase II, Lots 203-269, 271-316, 319-330, 390-403 and 507-516. Developer: Marty Hill. (District 3)

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

19. **TRANSPORTATION: ACCEPTANCE OF PROJECT/ROADWAY FOR MAINTENANCE**

P1203-048, Public Offsite Improvements to serve Tierra Linda Nueva, Lots 1-190, Emigh Road, Station 22+00 to Station 52+21.50 and Via Socorro, Station 20+47.45 to Station 30+00.00. Developer: Robert P. Zammit. (District 3)

John Bernal, Deputy County Administrator, provided a report and recommended acceptance of the project for maintenance.

The following speaker addressed the Board:

Nancy Freeman, representative of the Groundwater Awareness League

She provided the following comments:

- A. She was concerned about the potential flooding problems in the Emigh Road region.
- B. Responsible staff had given no assessment of the potential flooding in this region.
- C. She stated Emigh Road had already become a dam for storm water catchment.
- D. She requested that the Board have an evaluation done regarding the potential flooding on Emigh Road before acceptance of the project.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of May 19, 2009.

20. **FRANCHISE/LICENSE/PERMIT: BINGO LICENSE**

Martha J. Conklin, Arivaca Volunteer Fire Department, Arivaca, Bingo Class A License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

21. **COUNTY ADMINISTRATOR**

The Board of Supervisors' on 4/21/09, continued the following:

ORDINANCE NO. 2009–38, of the Pima County Board of Supervisors, Pima County, Arizona; amending Ordinance No. 2004-89 and establishing fees for the use of various County parks and recreational facilities and for services provided therein.

Chuck Huckelberry, County Administrator, recommended that the Board rescind the previous actions made regarding Ordinance No. 2009-38. He requested direction from the Board regarding the addendum item related to the establishment of fees for County parks and recreational facilities and services provided therein. He indicated that if the Board was in agreement with the new proposals, the new Ordinance would be advertised accordingly and brought back for a hearing at a later date.

Chris Straub, Chief Civil Deputy County Attorney, stated if the Board wanted to rescind the motions, they could do that with two separate motions. The Board would have to reconsider all actions with respect to Ordinance No. 2009-38 and then they would have to rescind the motions regarding Ordinance No. 2009-38.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to reconsider all actions related to Ordinance No. 2009-38.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to rescind all actions related to Ordinance No. 2009-38.

## 22. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

The Board of Supervisors' on 4/7/09, continued the following:

### P21-09-005, UNISOURCE ENERGY CORPORATION – NORTH REBECCA AVENUE

Commscapes, applicant, on property at 2550 N. Rebecca Avenue in a SR zone, requests a conditional use permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030H2d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SR zone. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Spendiarian and Smith were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

#### Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

#### Special Conditions

1. The proposed monopole shall utilize the "monopalm" palm-tree camouflage design. The prefabricated equipment shelter serving the tower shall be located wholly within the secured area of the TEP sub-station. No special aesthetic treatment is required for the shelter."

Jim Portner, Hearing Administrator, provided a report. Commscapes and the representative of the homeowner's association had numerous discussions and the preference was to have the communication tower camouflaged as a monopalm.

The Chairman inquired whether anyone wished to address the Board. 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 P21-09-005 subject to standard and special conditions.

## 23. **DEVELOPMENT SERVICES: REZONING**

### Co9-07-13, CIRCLE K STORES, INC. – VALENCIA ROAD NO. 2 REZONING

Request of Circle K Stores, Inc., represented by David Cisiewski, for a rezoning of approximately 4.36 acres from CB-2© (General Business - Conditional) and GR-1 (Rural Residential) to CB-2 (General Business), on property located on the northeast corner of Valencia Road and Camino De La Tierra. 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 Poulos voted NAY; and Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

"Rezoning conditions were approved as follows.

#### IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL REQUIREMENTS SHOULD BE CONSIDERED:

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 for residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. The property owner/developer(s) shall dedicate 25 feet half right-of-way for Valencia Road to Pima County as designated by the Major Streets and Scenic Routes Plan.
  - B. The property owner/developer(s) shall provide offsite roadway and drainage improvements to Valencia Road and Camino de la Tierra, as determined necessary by the Department of Transportation. Review of these improvements shall be coordinated by the applicant, Department of Transportation and Regional Flood Control District to insure there are no conflicting improvements.
  - C. The property owner/developer shall construct a full three lane major street section for westbound Valencia Road from the east boundary of the rezoning site to Camino de la Tierra, with appropriate transition taper and turn lanes, bike lane, drainage improvements, guardrail, and sidewalk.
  - D. Improvements to Camino de la Tierra may be required to conform to the improved Valencia Road improvements.
  - E. The property owner/developer shall share access and maintenance between this rezoning and adjacent parcels, as feasible.
8. Wastewater Management conditions:

- A. The owner/developer 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/developer 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/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 Regional Wastewater Reclamation Department.
  - C. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation 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.
  - D. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
  - E. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Regional 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) shall obtain a Floodplain Use Permit for any development on the subject property.
  - C. A master drainage study shall be submitted for review and approval that addresses the impacts of development to local area drainage.
  - D. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
  - E. The property owner(s) shall dedicate right-of-way or easements (onsite and offsite) for drainage purposes to the Flood Control District, as determined necessary during the development plan review.
  - F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements at no cost to Pima County that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - G. All-weather access shall be provided to all portions of the project to meet concurrency requirements.
  - H. A riparian mitigation plan shall be required for development in designated riparian areas.
10. Environmental Quality conditions:
- A. 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.
  - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property.
  - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted 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. Environmental Planning condition:
- Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing

responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

13. 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.
14. The property owner shall execute and record the following disclaimer regarding Prop 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."
15. Property owner/developer shall adhere to the preliminary development plan as approved by the Board of Supervisors"

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

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-13 with standard and special conditions.

#### 24. **DEVELOPMENT SERVICES: REZONING**

##### Co9-07-21, STEWART TITLE AND TRUST TR. NO. 3652 – NORTH COMO DRIVE REZONING

Request of Stewart Title and Trust Tr. No. 3652, represented by The Planning Center, for a rezoning of approximately 59.91 acres from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate), on property located approximately 2,500 feet west of North Como Drive, approximately one half mile northwest of the intersection of Moore Road and La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"Rezoning conditions were recommended as follows:

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. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
  - B. Offsite improvements shall be required for the access between the rezoning subject property

and Como Drive as determined necessary by the Department of Transportation (Shown as Street A on the Preliminary Development Plan).

8. Environmental Quality conditions:
  - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
  - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the primary and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.
  - C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
9. Flood Control conditions:
  - A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
  - B. Off site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the Preliminary Development Plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
  - C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
  - D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.
10. Wastewater Management condition:

The owner/developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
11. Environmental Planning conditions:
  - A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
  - B. Those elements listed in Appendix A of the site analysis shall be included in the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision.
  - C. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
  - D. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the 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, including those listed below, from Common Areas.
    2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome

Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- E. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.
12. Cultural Resources conditions:
- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development shall be submitted 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.
- B. 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.
13. The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with curb cuts and depressed planter islands subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.
14. The owner/developer 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.
15. 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.
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 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)."
17. Adherence to the preliminary development plan as approved at public hearing."

Tom Hudson, Zoning Administrator, provided a report and recommended approval with standard and special conditions. Staff received two protest letters from residents who own property to the East of the proposed rezoning area and three neighbors spoke at the public hearing expressing concerns about increased density and possible disturbances.

The following speakers addressed the Board:

1. Glenn Phillips
2. Allan Zimmerman

They provided the following comments:

- A. The proposal was an excellent project and positive input for their community.
- B. They appreciated the fact that the County would be regulating the community and maintaining high standards.
- C. Opposition of the proposal was expressed. Ecologically sound concepts and the conservation of natural open space were encouraged.

Linda Morales, representative from the Planning Center, stated all the legal easements were in place and their engineer had been coordinating with the property owner adjacent to the South of the easement on some of the features that had been put into the easement over the years. She stated that some common areas of open spaces along the washes and some large archeological sites would be preserved.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-21 with standard and special conditions.

## 25. **DEVELOPMENT SERVICES: REZONING**

### Co9-08-12, FIDELITY NATIONAL TITLE TR. 10756 – OLD VAIL ROAD REZONING

Request of Fidelity National Title Trust 10756, represented by Rick Engineering, for a rezoning of approximately 21.30 acres from RH (Rural Homestead) to CI-1 (Light Industrial/Warehousing), on property located on the north and south sides of Old Vail Road, approximately 2,500 feet northwest of Colossal Cave Road, between two Union Pacific railroad tracks. The proposed rezoning conforms to the Pima County Comprehensive Plan. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

“Rezoning conditions were recommended as follows:

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. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
7. Building height(s) shall be a maximum of 24 feet.
8. No residential uses shall be allowed within the rezoning boundaries.
9. Environmental Planning condition:  
Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current and any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
10. Transportation conditions:
  - A. Offsite improvements to Old Vail Road shall be provided by the property owner, as determined necessary by the Department of Transportation.
  - B. Construction and granting of easement for temporary turnaround at the western edge of the property may be required. The property owner shall granted easement and shall construct the turnaround as determined necessary by the Department of Transportation.
  - C. Provision of offsite improvements to the Old Vail Road and Colossal Cave Road intersection as determined necessary by the Department of Transportation.
11. Flood Control condition:  
A riparian mitigation plan is required for development in designated riparian areas
12. Wastewater Management condition:  
The owner/developer must 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 a building permit is submitted for review.
13. Environmental Quality conditions condition:
  - A. ~~All lots must 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 must be suitable to absorb effluent, and all other design requirements must be satisfied.~~
  - B. As a condition of rezoning, the applicant shall demonstrate that the sites are suitable for the placement of on-site wastewater disposal systems, including the primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria, including all setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing. This demonstration shall be made prior to issuance of the Certificate of Compliance.
14. 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.
15. Adherence to the preliminary development plan, as approved at public hearing.
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 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. The following uses are prohibited:
  - A. compounding, assembling of paraffin, tallow, and paint
  - B. Battery manufacturing

- C. Blacksmith and welding shop
  - D. Feed yard
  - E. Draying, freighting or truck terminal
  - F. Gasoline or flammables bulk station
  - G. Manufacture, compounding or assembling of drugs and pharmaceutical products
  - H. Manufacture compounding or assembling of tobacco products
  - I. Veterinary or cat or dog hospital or kennels, unless all uses are inside of a building
  - J. Poultry or rabbit killing incidental to a retail business on the same premises
18. Landscape buffers adjacent to RH zones shall be in common areas that are subject to ownership and control by an association of lot owners.
19. The CC&R's for the project will include design guidelines for the buildings, screen walls and landscaping.
20. All bufferyard screen walls will be constructed of the same material and exterior face of the walls will be painted neutral colors as approved for the community by the lot owners association. The association of lot owners will be responsible for the maintenance of the exterior face of the walls.
21. The following conditions shall apply to Lots 12-17 as shown on the Preliminary Development Plan:
- A. The plant materials for the northeast and northwest landscape bufferyards shall be increased by 25% above those required by the Pima County Landscape Manual.
  - B. The screen walls for the northeast and northwest landscape bufferyards shall be a minimum of seven feet, four inches, in height.
  - C. All buildings shall have "four-sided architecture" and all exterior vertical building surfaces facing north and west shall be painted a color approved for the community by the lot owners association.
  - D. All exterior lighting shall be directed away from or will have shields to minimize the impact to the neighbors north of the property. The height of poles for lights shall be to actual building height on the lot.
  - E. Mechanical equipment place on the building roof shall be screened to minimize the visual impact from offsite and shall not extend above the maximum building height allowed.
  - F. Buildings on lots 12-15 shall be no higher than 20 feet.
  - G. The Floor Area Ratio shall be limited to 30% of lot area.
  - H. Rail spur access shall not be allowed to the Union Pacific railroad tracks.
  - I. Vehicular access from or to Mary Ann Cleveland Way shall be prohibited.
  - J. Signs visible from Mary Ann Cleveland Way shall not be allowed on the sides of buildings.
  - K. Business hours shall be restricted to the hours of 5:00 AM to 7:00 PM. Trucks or other machinery shall not be allowed to idle between 7:00 PM and 5:00 AM."

Supervisor Carroll inquired about the construction of a road that would provide access to the elementary school. He stated there had been concern in the area regarding the road's completion.

Chris Sheafe stated that Pepper Viner Homes was responsible for the completion of the road, and they were going through an analysis of a proposal given to them. Once approved, the construction of the road would begin. He stated that the road would be completed before the fall school term.

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 Co9-08-12 with standard and special conditions.

**26. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

P21-08-004, MEGNA CORPORATION – E. LORI RD.

Commscapes, applicant, on property at 25255 E. Lori Rd., in the RH zone, requests a conditional use permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030H2d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the RH zone. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Smith was absent) to

recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD CONDITIONS. (District 4)

“Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.”

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 P21-08-004 subject to standard conditions.

**27. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

P21-09-008, AVILA & ARAIZA – S. SASABE RD.

Commnet of Arizona, L.L.C., applicant, on property at 41400 S. Sasabe Road, in the IR zone, requests a conditional use permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030H2d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the IR zone. On motion, the Planning and Zoning Commission voted 5-3 (Commissioner Smith was absent Commissioners Cook, Membrilla and Spendiarian voted NAY) to recommend DENIAL. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD CONDITIONS. (District 3)

“Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.”

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez to close the public hearing and approve P21-09-008 subject to standard conditions.

A substitute motion was offered by Supervisor Day to send back to Zoning Enforcement to be fined for a violation. The motion died for lack of a second.

Upon the vote being taken, the original motion carried by a 3-1 vote, Supervisor Day voting “Nay,” and Supervisor Carroll not present for the vote, to close the public hearing and approve P21-09-008 subject to standard conditions.

**28. DEVELOPMENT SERVICES: REZONING ORDINANCE**

ORDINANCE NO. 2009- 41, Co23-08-02, Pomegranate Farms Specific Plan. Owners: Pomegranate Farms Commercial A, L.L.C. and Pomegranate Farms I, L.L.C. (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 Ordinance No. 2009-41.

**29. DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

A. RESOLUTION NO. 2009-77, Co7-07-13, Miramax Trust, et. al. - W. Valencia Road Plan Amendment. Owners: Title Security of Arizona Trust 707 and Miramax Trust. (District 3)

B. RESOLUTION NO. 2009-78, Co7-07-33, Pima County - W. Valencia Road Plan Amendment. Owners: Evergreen-Mark and Valencia NEC, et. al. L.L.C. (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 hearings and adopt Resolution No.'s 2009-77 and 78.

**30. ENVIRONMENTAL QUALITY: SOLID WASTE FEE SCHEDULE**

The Board of Supervisors' on 4/7/09, continued the following:

ORDINANCE NO. 2009-30, an ordinance of the Pima County Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County's landfills and transfer stations, revoking existing fee waivers, and adopting a new fee schedule for Pima County's landfills and transfer stations.

Chuck Huckelberry, County Administrator, presented a report. He stated that they wanted to get the program on equal footing with regards to fees charged for individual entry into the landfill facilities, as well as transfer stations. His recommendation was to adopt a \$10.00 entry fee into all County landfill facilities and transfer stations. This would be an additional \$5.00 from what is currently charged with the exception to Ryan Field Transfer Station which is free. In addition, he recommended a proposed fee for Ajo. He proposed the use of some revenues generated by the increased fees to augment the Illegal Dumping Program and provide additional enforcement. He felt the proposed increased fees for the landfill facilities and transfer stations would cause more illegal dumping of trash.

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 carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay," to close the public hearing and approve the County Administrator's recommendation with the caveat to waive fees at Ajo, put in place a \$5.00 entry fee at Ryan Field

Transfer Station for a year and then revisit it at that time. In addition, direction was given to staff to provide quarterly collection reports regarding the Illegal Dumping Program.

**31. TRANSPORTATION: ROAD ESTABLISHMENT**

RESOLUTION NO. 2009-79, of the Board of Supervisors of Pima County, Arizona, providing for the establishment of a County highway lying within portions of River Road, Alvernon Way, and East River Road, within the incorporated limits of the City of Tucson Sections 20, 21 and 28, T13S, R14E, Pima County, Arizona, Proceeding No. 3003. (Districts 1 and 3)

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

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. 2009-79.

**32. TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2009-42, of the Pima County Board of Supervisors, establishing prima facie speed limits on Cortaro Farms Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2009-43, of the Pima County Board of Supervisors, regulating the turning of vehicles on La Canada Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- C. ORDINANCE NO. 2009-44, of the Pima County Board of Supervisors, establishing prima facie speed limits on Hilltop Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2009-45, of the Pima County Board of Supervisors, establishing prima facie speed limits on Highway Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- E. ORDINANCE NO. 2009-46, of the Pima County Board of Supervisors, repealing the turn restriction on Sunray Drive 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 Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No.'s 2009 42, 43, 44, 45, and 46.

33. **COUNTY ADMINISTRATOR: JOINT CITY/COUNTY WATER AND WASTEWATER STUDY**

Staff recommends acceptance of the Phase 1 Infrastructure, Supply and Planning Study Report from the Joint City/County Water and Wastewater Study Oversight Committee.

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

34. **COUNTY ADMINISTRATOR: NATURAL RESOURCES, PARKS AND RECREATION FEES**

Discussion and direction to staff regarding Natural Resources, Parks and Recreation Fees proposed for Fiscal Year 2009/10. In addition, discussion and direction regarding after-school and summer youth programming in light of Arizona Department of Health Services Division of Licensing Services Office of Childcare Licensing notice of violation at the Robles Ranch Community Center.

Chuck Huckelberry, County Administrator, provided a report. His recommendation included a series of modest rate increases to recover costs associated with providing specific programs and facilities. In his recommendation, the fees for after-school and summer youth programs had been withdrawn. He stated issues that may arise with regards to the Arizona Department of Health Services and issues of child care licensing would be dealt with at that time. With regards to aquatic fees, he recommended a unifying fee of \$1.00 for youth and \$3.00 for adults at all County aquatic facilities with a sliding scale for low-income youth. He stated the proposed fee increase associated with the lighting of fields and youth field usage would be delayed until February 2010, to allow little leagues and other youth providers to get those increases into their budgets. He sought direction from the Board regarding which fees to adopt. He also sought direction from the County Attorney's Office regarding revenue generated from advertisement at County facilities in regards to posting banners at little league games for sponsors.

Supervisor Bronson stated that she wanted the sliding scale made available for seniors and disabled individuals in regards to aquatic fees.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the County Administrator recommendations with the changes proposed along with the proviso in terms of aquatic facilities. Also, an additional discount be offered to low-income families, seniors and disabled individuals.

35. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

StrengthBuilding Partners, Inc., to provide a mentoring education summer program for youth at Johnson Primary and Lawrence Intermediate Schools, Pascua Yaqui Tribe Grant Fund, contract amount \$80,000.00 revenue (02-70-S-141933-0509)

**B. Economic Development and Tourism**

RESOLUTION NO. 2009- 80 , approving an Intergovernmental Agreement between the Pima County Stadium District, Pima County and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (01-71-P-141887-0708)

**C. Health Department**

Arizona Early Childhood Development and Health Board (First Things First) Program, to provide social and emotional health training to implement a trained Child Care Health Consultation System workforce, AZECDH Grant Fund, contract amount \$196,870.00 revenue (02-02-A-141918-0309)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution No. 2009- 80 .

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

**A. Small Business Commission**

Appointment of Lea Marquez-Peterson to replace Lisa Lovello. Term expiration: 4/30/13. (Commission recommendation)

**B. Metropolitan Education Commission**

**Correction for the Record:** (Previously approved by the Board of Supervisors on April 7, 2009.)

Appointment of Bill Holmes, ~~at-large~~, City of Tucson – Mayoral appointment, to replace Pat Wiedhopf. Term expiration: 12/31/09 (~~Commission recommendation~~)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the appointment and correction for the record.

**37. PROCLAMATION**

Proclaiming May 10 through May 16, 2009, to be:

**“CORRECTIONAL OFFICERS WEEK”**

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

38. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Robert Reus addressed the Board regarding University Physicians Healthcare.

Michael Toney addressed the Board regarding community issues.

39. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.