

MINUTES, FLOOD CONTROL DISTRICT BOARD

SEPTEMBER 1, 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, September 1, 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. **RIGHT-OF-WAY EASEMENT**

Sale and conveyance of a right-of-way easement to Tucson Electric Power Company for the placement of electrical facilities within a portion of a drainageway lying south of River Road in Section 15, T13S, R13E, G&SRM. Revenue of \$190.00. (District 1)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

MINUTES, LIBRARY DISTRICT BOARD

SEPTEMBER 1, 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, September 1, 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. **STATE GRANTS-IN-AID**

- A. Approval of grant from the Arizona State Library in the amount of \$26,235.03, to provide for the development of a Computer Literacy Program for teens to promote the Nuestras Raices Celebration and the development of an internal Leadership Training Program for staff.
- B. Approval of grant from the Arizona State Library in the amount of \$25,000.00, to provide for the enhancement of the library's website and catalog.

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

- 2. Oro Valley request to the League of Cities and Towns for legislation allowing the Town to create a separate Library Taxing District and the request of the Town for full funding of the Oro Valley Affiliate Library. Discussion/Direction/Action.

Chuck Huckelberry, County Administrator, gave a brief report of other library transitions to full County funding and management and stated Oro Valley was the sole library retaining affiliate status. He said his memorandum dated September 1, 2009, provided information regarding probable cost associated with operating a separate library district based on the agreements that the District has with Oro Valley regarding the payment of capital expenses and repayment of the collection costs. Mr. Huckelberry recommended the Board oppose any legislation introduced and any other measures that would create a separate taxing district and should carefully consider the request for full funding of an affiliate library, treating it differently than all other libraries in the County.

The following speakers addressed the Board:

- A. Terene Watson, Assistant Town Manager for Oro Valley

- B. Doug McKee, Chairman of the Oro Valley Library Review Committee
- C. Jayne Kuennemeier
- D. John Burns, President of the Pima County Library Foundation and the Community Services Analysis Company.

They provided the following comments:

1. The Oro Valley Town Council created a Library Review Committee to look at the feasibility of operating an affiliate library and to evaluate the merits of turning control back to the county.
2. A report on the Oro Valley Library Advisory Committee findings and recommendations were given.
3. The town currently pays twice for library service, their general fund taxes and the Districts property tax. No other county residents have this double taxation.
4. There was concern that if transitioned into a larger Library District, their library would lose the high quality of functionality and service it maintains.
5. All county residents should be equal participants in the library system.
6. Oro Valley was cautioned not to overlook the hidden costs, loss of programs and services and/or other unintended consequences of opting out of the Library District.

Chairman Elías expressed his pride in Pima County's libraries and their staff. His concern was that these actions would be detrimental to the rest of the community.

Supervisor Day felt that if conversations were started, in time, a fair agreement could be reached for the transition.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson to oppose any legislation regarding creating any separate Library Taxing Districts. Upon a roll call vote being taken, the motion carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay."

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

SEPTEMBER 1, 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, September 1, 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. **MOMENT OF SILENCE**

A moment of silence was observed in honor of Labor Day and workers who have died through injury and recognizing the importance of worker safety.

2. **INVOCATION**

The invocation was given by Pastor Bob Allen of the Desert Stream Bible Church.

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. **PRESENTATIONS/PROCLAMATIONS**

A. Presentation of a proclamation to Cindy Klein, Compass Behavioral Health Center and Pete Moore, HOPE Recovery, proclaiming the month of September, 2009 to be:

“NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH”

Supervisor Valadez read and presented the proclamation to Cindy Klein and Pete Moore. They accepted the proclamation and expressed their gratitude for the Board’s support.

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

- B. Presentation of a proclamation to Margaret Hoeft, President of the Tucson Chapter of the National Ovarian Cancer Coalition and to Tori Stypula, Karen Conway, Gloria MacDonald, Rita Davidson and Mary Lou Stepler, proclaiming the month of September, 2009 to be:

“OVARIAN CANCER AWARENESS MONTH IN PIMA COUNTY”

Supervisor Bronson read and presented the proclamation. They accepted the proclamation and conveyed their gratitude for the Board’s support.

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

- C. Presentation of a proclamation to Magdalena Barajas proclaiming Pima County’s commitment to partner with the U.S. Census Bureau to help ensure a full and accurate census count in 2010.

Chairman Elías read and presented the proclamation to Magdalena Barajas of the U.S. Census Bureau, who accepted the proclamation and expressed the Bureau’s gratitude for the Board’s support.

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:35 a.m.

6 **RECONVENE**

The meeting reconvened at 10:00 a.m. All members were present.

7. **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. No one appeared.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations for the following:

- A. **Stardust-Cantera v. Pima County**
Tax Parcel Nos. 140-32-5690 through 140-32-7110
Arizona Tax Court Case No. TX2008-000903

- B. **Stardust-Reif v. Pima County**
Tax Parcel Nos. 132-28-0010 through 132-28-7550
Arizona Tax Court Case No. TX2008-000603

- C. **AIG v. Pima County**
Tax Parcel Nos. 133-14-462B, 133-14-8180
Arizona Tax Court Case No. TX2008-000833

- D. **First Professional Plaza v. Pima County**
Tax Parcel Nos. 105-09-015G, 105-09-015J, 105-09-015K,
105-09-015L, 105-09-015M
Arizona Tax Court Case No. TX2008-000927

Without objection, these items were continued to the Board of Supervisors' Meeting of September 15, 2009.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Gardella et. al. v. Pima County et. al., Pima County Superior Court Cause No. C20070967.

Regina Nassen, Civil Deputy County Attorney, stated this was a proposed settlement to a lawsuit arising out of the death of an individual in a traffic accident. The County Attorney's Office and Risk Management recommended that the Board authorize the County Attorney's Office to pursue the settlement as discussed in executive session.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Pima County v. Pekny, Pima County Superior Court Cause No. C20080387.

Regina Nassen, Civil Deputy County Attorney, stated this was a proposed settlement in a case involving the condemnation of a drainage easement for the Craycroft Road widening project. The County Administrator recommended against the settlement and the Pima County Attorney's Office had no position on the settlement.

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

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of Dos Picos v. Pima County, Pinal County Superior Court Cause No. CV2005-00478.

Regina Nassen, Civil Deputy County Attorney, stated this case involved a claim that the County inversely condemned sixty acres of land in the Tucson Mountains and in the subsequent Court hearing, the Court had ruled against the County. The Pima County Attorney's Office and the County Administrator recommended appealing the award of attorney fees, costs, disbursements and the rate of interest to the Court of Appeals.

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

12. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations on the following:

- A. Pima County v. CLPF-MMIC-DASCO-Tucson Mob
Tax Parcel No. 133-14-227C
Arizona Tax Court Case No. TX2008-000254

- B. CLPF-MMIC-DASCO-Tucson Mob v. Pima County
Tax Parcel No. 133-14-227C
Arizona Tax Court Case No. TX2008-000659

Regina Nassen, Deputy County Attorney, briefed the Board on the two related cases filed with the Arizona Tax Court. The proposed settlement was as follows: For tax year 2007, the full cash and limited values would not change, however, the assessment ratio would be increased from 16.9% to 20.6%. For tax year 2009, the full cash value would be reduced from \$23,921,250.00 to \$18,658,575.00 but the assessment ratio would remain at the noticed rate of 21.7%. There would be no change in the valuation, classification or assessment ratio for tax year 2008. For 2009 and future years, the improvement values would be allocated among 7IPR numbers. The parties have further agreed that the 2009 figures would not rollover to 2010 and neither party would file an error correction notice to change value, classification or assessment ratios for tax years 2007, 2008 or 2009, unless a bona fide factual error existed. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

13. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to address the Board. No one appeared.

PULLED FOR SEPARATE ACTION

9. **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>
Carroll, Ray J.	106	REP
Cushman, Sally M.	210	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Carroll, Ray J.	099	REP
Freeman, Christina M.	171	REP
Hartigan, Melissa S.	180	REP
Spencer, Laura L.	194	REP
Beatty, Patricia J.	220	REP
Edwards, Bernice M.	255	REP
Dotson, Yvonne L.	340	REP
Ruetz, Steven S.	382	REP
Leuty, Edward B.	391	REP

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Carroll recused himself from the vote due to a potential conflict of interest, to approve the resignations and appointments.

B. **APPROVAL OF CONSENT CALENDAR**

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

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

1. SER-Jobs for Progress of Southern Arizona, Inc., Amendment

No. 1, to provide workforce development services at Jackson Employment Center and amend contractual language, HUD and WIA Grant and General Funds (expenditure determined by client eligibility), contract amount \$38,671.00 (07-69-S-142158-0709)

B. County Attorney

2. Snell & Wilmer, L.L.P., Amendment No. 3, to provide legal advice and representation regarding Superior Court Case No. C20074840, Seaboard Surety Company, et. al., RWRD Enterprise Fund, contract amount \$150,000.00 (17-02-S-140916-0208)

C. Facilities Management

3. Portable Practical Educational Preparation, Inc., Amendment No. 2, to provide a lease agreement for space in the Pima County Courthouse located in Ajo, Arizona, extend contract term to 8/30/11 and amend contractual language, General Fund, contract amount \$4,748.19 revenue (04-13-P-139179-0207)
4. Green Valley Performing Arts Center Foundation Inc., Amendment No. 1, to provide management, operation and maintenance to Phase II of the Green Valley Performing Arts Center and amend contractual language, no cost (11-13-G-141820-0309)

D. Health

5. State of Arizona Department of Corrections, to provide an inmate labor pool to support the Pima County Animal Care Center, General Fund, contract amount: \$8,760.00 (11-01-A-142292-0908)

E. Natural Resources, Parks and Recreation

6. RESOLUTION NO. 2009 - 216 , approving an Intergovernmental Agreement with the Altar Valley School District, to provide design and construction of the Altar Valley School District Recreational Facility, 2004 Bond Fund, no cost (01-05-A-142293-0909)
7. RESOLUTION NO. 2009 - 217 , approving an Intergovernmental Agreement with the Altar Valley School District, to provide operation and maintenance of the Altar Valley School District Recreational Facility, no cost (01-05-A-142294-0909)
8. RESOLUTION NO. 2009 - 218 , approving a ground lease with Native Seeds/Southwestern Endangered Aridland Resources

Clearinghouse for a conservation education facility at Brandi Fenton Memorial Park, contract amount \$25.00 revenue (04-05-N-142295-0909)

F. Office of Court Appointed Counsel

9. Ronald Zack, Amendment No. 3, to provide court appointed attorney services on the Juvenile Attorney Panel and assign contract from Doris M. Reed, General Fund, no cost (17-74-R-136596-0705)

Award

10. Award of Contract, Requisition No. 0901254, in the total amount of \$300,000.00 to Richard Luff, for court appointed attorney services on the Superior Court Felony Panel. Contract is for a three-year period and provides one renewal for an additional three-year period. Funding Source: General Fund.

G. Pima Health System

11. Mariposa Community Health Center, Inc., Amendment No. 8, to provide primary care physician, dental, radiology, OB/GYN, transportation and pharmacy services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-137143-1005)
12. University Orthopedic Specialists, P.L.L.C., Amendment No. 4, to provide orthopedic surgery services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-U-137145-0905)
13. Southwest Orthopedic Surgery Specialists, P.L.C., Amendment No. 4, to provide orthopedic services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137289-1005)
14. Arizona Department of Economic Security, Amendment No. 13, to provide home and community based services to eligible elderly and physically disabled individuals and amend contractual language, PHCS Enterprise Fund, contract amount \$1,562,307.00 revenue (01-15-D-137491-0705)
15. Radiology LTD., P.L.C., Amendment No. 3, to provide radiology services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$800,000.00 (18-15-R-138584-1006)

16. ABC Dental Centers, P.C., Amendment No. 3, to provide dental services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138585-1006)
17. Specialists In Dermatology, P.L.L.C., Amendment No. 2, to provide dermatology services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-S-138809-1006)
18. Easter Seals Blake Foundation, Amendment No. 3, to provide habilitative residential services, behavioral health management and counseling services and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-B-139072-0207)
19. Heart Care of Southern Arizona, P.C., d.b.a. Desert Cardiology of Tucson, Amendment No. 2, to provide cardiology services, extend contract term to 8/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-H-140334-0907)
20. University Medical Center Corporation, Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142058-0509)
21. Lutheran Social Services of the Southwest, Amendment No. 1, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-L-142111-0709)
22. Senior Living Options, L.L.C., d.b.a. Palm Valley Rehabilitation and Care Center, to provide nursing facility services, PHCS Enterprise Fund, contract amount \$500,000.00 (18-15-S-142277-0809)
23. Julie Bradshaw, D.D.S., P.C., to provide dental services, PHCS Enterprise Fund, contract amount \$300,000.00 (18-15-B-142278-1009)

H. Procurement

24. MWH Constructors, Inc., Amendment No. 1, to provide construction manager at-risk services for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project and amend contractual language, 2004 Bond Fund, contract amount \$634,809.00 (03-03-M-141162-0808) Regional Wastewater Reclamation

25. Kittelson & Associates, Inc., Amendment No. 8, to provide professional engineering design for the Sunrise Drive: Craycroft Road to Kolb Road Project and amend contractual language, 1997 HURF Revenue Bond Fund, contract amount \$100,000.00 (07-04-C-133698-1203) Transportation

Awards

26. SFQ: Award of two Job Order Contracts, Requisition No. 0901890, in the amount of \$175,000.00 to each of the top ranked firms, Environmental Strategies, Inc. (Headquarters: Tucson, AZ) and Durazo Construction Corporation (Headquarters: Tucson, AZ) for residential property rehabilitation services for foreclosed properties acquired by Pima County. Contracts are for a one-year term with the option to extend for up to two additional one-year periods. Funding Source: Other Special Revenue Grants. Administering Department: Community Development and Neighborhood Conservation.

I. Superintendent of Schools

27. Tombstone Unified School District, Amendment No. 1, to provide rental of classroom and office space for the Statewide Instruction Technology Special Project Division Program and amend contractual language, Federal Fund, contract amount \$2,400.00 (01-38-T-140927-1007)

2 DIVISION OF ELECTIONS

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments: (PULLED FOR SEPARATE ACTION)

3. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Election Integrity Commission

Appointment of Mary DeCamp, Green Party representative. Term expiration: 9/30/11. (Party recommendation)

B. Tucson/Pima Metropolitan Energy Commission

Appointment of Vivian Harte to fill the unexpired term of Earl J. Jacobson. Term expiration: 11/30/10. (Committee recommendation)

C. Workforce Investment Board

Appointment of Dorothy Kret, business, to fill the vacancy created by Carol Somers. Term expiration: 9/30/09. (Staff recommendation)

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

- A. Kirsten G. Culliney, Sahuaro Girl Scout Council, Hacienda Program Center, 3101 N. Sabino Canyon Road, Tucson, September 25, 2009.
- B. Maya T. Luria, Tucson Culinary Festival, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, October 2 and 3, 2009.
- C. Catherine C. Curtin, Catalina Foothills School District Foundation, La Encantada, 2905 E. Skyline Drive, Tucson, October 2, 2009.
- D. Raymond C. Zucker, Green Valley Elks Lodge No. 2592, 2951 S. Camino Mercado, Green Valley, October 4, 2009.
- E. Lacey T. DeLeon, Boys and Girls Clubs of Tucson, 3800 E. Sunrise Drive, Tucson, November 21, 2009.

5. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of June, 2009.

REGIONAL WASTEWATER RECLAMATION

6. **Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Le Rendezvous Restaurant, No. 2009-07. Proposed settlement amount is \$530.54.

7. **RATIFY AND/OR APPROVE**

Minutes: July 7, 2009

Warrants: August, 2009

REGULAR AGENDA/ADDENDUM ITEMS

14. BOARD OF SUPERVISORS

Approval of funding from One Percent for Youth to the Borderlands Theater Education Outreach Program in the amount of \$10,000.00. (District 5)

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

15. PROCUREMENT

Staff requests direction to proceed to the second step Request for Proposal phase of the Design/Build/Operate Project for the Regional Optimization Master Plan (ROMP) 32 MGD Water Reclamation Campus to replace the aging Roger Road Water Reclamation Facility.

Without objection, this item was continued to the Board of Supervisors' Meeting of October 6, 2009.

16. TRANSPORTATION: ACCEPTANCE OF PROJECTS/ROADWAYS FOR MAINTENANCE

A. P1205-001, Pima Farms, Lots 1-83. Developer: Redpoint Development. (District 4)

B. P1203-067, Houghton Road Offsite Improvements to serve Ocotillo Preserve, Lots 1-42, Station 1+00.00 to Station 27+40.00. Developer: Terramar Properties. (District 4)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept of projects/roadways for maintenance as presented.

17. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS

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

A. Davis-Monthan Air Force Base, Case No. 2009-01. Proposed settlement amount is in accordance with the Industrial Wastewater Enforcement Plan.

B. Walgreens Co., Case No. 2009-02. Proposed settlement amount is \$5,975.00.

C. El Guero Canelo Segundo, L.L.C., Case No. 2009-05. Proposed settlement amount is \$5,092.40.

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

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

P21-09-009, POZO & GIUSEPPE – E. OLD SPANISH TRAIL

American Tower Corporation, applicant, on property at 12620 E. Old Spanish Trail, in SR zone, requests a conditional use permit for a communication tower. Chapter 18.97 in accordance with Section 18.07.030.H.2d 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 8-1 (Commissioner Holdridge voted Nay, Commissioner Membrilla was 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 "monopine" pine-tree camouflage design.
2. The nine foot (9') masonry wall enclosing the on-the-ground equipment area shall be stucco'd and be painted an earthtone color within the brown or tan palette.
3. The tower shall be limited to a height of sixty-five feet (65')

Jim Portner, Hearing Administrator, provided a report and recommended approval subject to standard and special conditions.

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 the conditional use permit subject to standard and special conditions.

19. **DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

- A. RESOLUTION NO. 2009 - 219, Co9-99-09, Pinetree Properties – River Road No. 2 Rezoning. Owner: Tucson Chinese Property Company, Inc. (District 1)
- B. RESOLUTION NO. 2009 - 220, Co9-99-17, Ali, et. al. – Oracle Road Rezoning. Owners: CAPT Properties L.L.C. (District 1)
- C. RESOLUTION NO. 2009 - 221, Co9-99-18, Ali – Oracle Road Rezoning. Owners: CAPT Properties L.L.C. (District 1)

The Chairman inquired whether anyone wished to address the Board. 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

adopt Resolution Nos. 2009- 219, 220 and 221.

20. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2009 - 83, of the Board of Supervisors, establishing prima facie speed limits on Wilds Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2009 - 84, of the Board of Supervisors, establishing prima facie speed limits on Drexel Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 2, 3 and 5)

The Chairman inquired whether anyone wished to address the Board. 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 adopt Ordinance Nos. 2009- 83 and 84.

21. TRANSPORTATION: Temporary Road Closure

RESOLUTION NO. 2009 - 222, of the Board of Supervisors of Pima County, temporarily closing Well Road, La Mina Avenue, Fundicion Street, Lomita Avenue and Plaza Street, in the town of Ajo, Arizona, on September 21, 2009, for the Annual Ajo International Day of Peace Celebration. Staff recommends APPROVAL. (District 3)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Resolution No. 2009-222.

22. BOARD OF SUPERVISORS

RESOLUTION NO. 2009 - 223, of the Board of Supervisors of Pima County, supporting the grant application of Carivaca Estates, Inc., to the Pascua Yaqui Tribe for a portion of the Tribe's annual contribution to Cities, Towns and Counties, in the amount of \$6,000.00. (District 3)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve Resolution No. 2009-223.

23. COUNTY ADMINISTRATOR

Staff recommends endorsement of the comments to the U.S. Army Corps of Engineers regarding the CalPortland Cement Application for a 404 Permit for open pit limestone mining activities in Davidson Canyon.

The following speakers addressed the Board:

- A. Charlotte Cook
- B. Elizabeth Webb

They provided the following comments:

1. A report on the projects current conditions and violations was provided to the Board.
2. The Board was asked to add a request for a hydrological study and to include that the project was not in the public's best interest.
3. They stated they were in direct contact with the tribes regarding the activities in the canyon.
4. Concerns were expressed regarding endangered species in the area.
5. Several examples of how the scope of the project had changed were given.
6. The Board was asked to have Flood Control inspect the area.

Supervisor Bronson asked what the remedy for this kind of instance was and who had standing to move it forward.

Chuck Huckelberry, County Administrator, stated the County lacked jurisdiction in most cases because Davidson Canyon was subject to Arizona mining law and this law was very restrictive and did not provide any tools for the County to enforce actions. He said concerns with the protected species dealt exclusively with the Federal Government's enforcement of the Endangered Species Act. Mr. Huckelberry concluded by saying the best opportunity to invoke a regulatory action would be a 404 Permit which was the primary purpose of this letter.

Chairman Elías inquired if staff had kept up with the activity in the canyon.

Mr. Huckelberry stated that the work that had been done was outside the regulatory limits of the Flood Control District.

Supervisor Bronson and Chairman Elías agreed to send Flood Control staff to see if and where there had been any encroachment in the floodway.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the comments Pima County had made, and to add a request for a hydrological study and a comment that the mineral exploration project was not in the public's best interest.

24. **CONTRACTS AND AWARDS**

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

1. Arizona Board of Regents, University of Arizona, Amendment No. 3, to provide administration of the Workforce Innovation in Regional Economic

Development (WIRED) Program and amend contractual language, U.S. Dept. of Labor/WIRED Grant Fund, contract amount \$131,145.00 (01-69-A-140408-0707)

2. The Salvation Army, Amendment No. 1, to provide emergency financial assistance services, extend contract term to 9/30/10 and amend contractual language, Federal and State Grant Funds, contract amount \$28,000.00 (07-69-S-142050-0708)

B. Procurement - Award

3. Low Bid, Award of Contract, Requisition No. 0902368, in the amount of \$7,385,569.50 to the lowest responsive bidder, The Ashton Company, Inc., Contractors and Engineers (Headquarters: Tucson, AZ), for the construction of the Sunrise Drive: Craycroft Road to Kolb Road Project. The contract term is thirty-six months with the ability to extend for contract completion. Construction is to be complete within 325 working days from Notice to Proceed. The department requests that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.0 million. Funding Source: 1997 HURF Bond Fund. Administering Department: Transportation.

C. Sheriff

4. Tucson Airport Authority, Amendment No. 5, to provide for the lease of office and hangar space, extend contract term to 8/31/10 and amend contractual language, Federal H.I.D.T.A. Grant Fund, contract amount \$453,725.90 (04-11-T-130503-0901)

D. Superintendent of Schools

5. RESOLUTION NO. 2009 – 224, approving the agreement between the Pima County Recorder and the Pima County School Superintendent, to provide elections services for local school districts, various District Funds, contract amount \$120,820.00 (07-38-P-142301-0709)

E. Transportation

6. RESOLUTION NO. 2009 – 225, approving an Intergovernmental Agreement with the Town of Marana, to provide public transit services, Town of Marana Transit Fund, contract amount \$11,258.20 revenue (01-04-M-142312-0909)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the contracts, award and Resolution Nos. 2009-224 and 225.

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

A. **Public Art Committee of the Tucson Pima Arts Council**

Appointment of Donald Luria to replace Sandra Maxfield. No term expiration.
(District 1)

B. **Board of Adjustment, District 1**

Appointment of James R. Snedden to replace Peter Schlegel. Term expiration:
8/31/13. (District 1)

C. **Pima County Bond Advisory Committee**

Ratification of the Town of Oro Valley appointment of Kit Thomas Donley to
replace John Neis. Term expiration: 9/30/15. (Jurisdictional recommendation)

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

26. **CALL TO THE PUBLIC**

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

27. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was
adjourned at 11:50 a.m.