

MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 16, 2010

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, March 16, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

... **EXECUTIVE SESSION**

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

1. **RECONVENE**

The meeting reconvened at 9:45 a.m. All members were present.

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

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Session. No one appeared.

3. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding past and potential violations of the Floodplain and Erosion Hazard Management Ordinance by Mule Tank Limited Partnership, L.L.L.P. and Joseph L. Goff on property owned by Mule Tank Limited Partnership and identified by Tax Parcel No. 205-16-005A; and past and present violations of a Conservation Easement on the property held by Pima County.

Chris Straub, Chief Civil Deputy County Attorney, stated this item related to a 40 acre parcel of real property owned by Mule Tank Limited Partnership, L.L.L.P. Pima County owns a conservation easement on the property. There have been past

violations of the Floodplain and Erosion Hazard Management Ordinance by Mule Tank Limited Partnership, L.L.L.P. and Joseph L. Goff on the property and adjacent property. The County Attorney's Office and the County Administrator recommended that the Board authorize the County Attorney, upon direction by the County Administrator, to file suit against the owner, as needed, to prevent violations of the Floodplain and Erosion Hazard Management Ordinance and protect County interests in the property and adjacent properties, as discussed in executive session.

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

4. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Mitigation Banking Proposal for the Pima County Department of Transportation, Roadway Improvement Project for Tanque Verde Road: Catalina Highway to Houghton Road, in the amount of \$85,834.45. (District 4)

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

5. **CONTRACTS AND AWARDS**

A. RESOLUTION NO. 2010 – FC 3, approving an Intergovernmental Agreement between Pima County, the Pima County Flood Control District and the Tohono O'odham Nation, to provide for the construction of the Sells Youth Recreation Center Wash Stabilization Project, 2004 Bond Fund, contract amount \$893,511.00 (01-59-T-142781-0310)

B. Low Bid: Award of Contract, Requisition No. 1001252, in the amount of \$1,734,033.46 to the lowest responsive bidder, Norquay Construction, Inc. (Headquarters: Tempe, AZ) for construction of the Canyon Del Oro Linear Park: Thornydale Road to Magee Road Project. The contract term is twelve months with the ability to extend for contract completion. Construction is to be completed within 180 working days from the Notice to Proceed. Funding Source: Flood Control Tax Levy (94%) and 2004 Bond (6%) Funds. Administering Department: Regional Flood Control District.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010- FC 3 and approve the award of contract.

6. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:01 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 16, 2010

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, March 16, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Jon Farmer, Foothills Community 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 SESSION**

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

4. **RECONVENE**

The meeting reconvened at 9:45 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 Session. No one appeared.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Magna Investments et. al., v. Pima County (El Con Mall) for tax years 2007 through 2010, Arizona Tax Case Nos. TX2006-

000133, TX2007-000434, TX2008-00056 ~~56~~ **565**, and TX2009-000552, for the following tax parcel numbers:

125-10-003D	125-10-004B	125-10-0680
125-10-003E	125-10-0050	125-10-0860
125-10-003F	125-10-006B	125-10-0870
125-10-003G	125-10-006C	125-10-0880
125-10-004A	125-10-067A	125-10-0890

Chris Straub, Chief Civil Deputy County Attorney, stated these cases involved lawsuits concerning the valuation of El Con Mall for tax years 2007 through 2010. The proposed settlement would require a decrease in the full cash values and limited values. The estimated tax refunds as a result of this settlement are for tax year: 2007, \$280,226.00; 2008, \$273,269.00; 2009, \$284,777.00; and 2010, \$102,983.00; for a total of \$941,255.00. The Pima County Assessor and the County Attorney's Office recommended settlement.

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

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding past and potential violations of the Floodplain and Erosion Hazard Management Ordinance by Mule Tank Limited Partnership, L.L.L.P. and Joseph L. Goff on property owned by Mule Tank Limited Partnership and identified by Tax Parcel No. 205-16-005A; and past and present violations of a Conservation Easement on the property held by Pima County.

Chris Straub, Chief Civil Deputy County Attorney, stated this item related to a 40 acre parcel of real property owned by Mule Tank Limited Partnership, L.L.L.P. Pima County owns a conservation easement on the property. There have been past violations of the Floodplain and Erosion Hazard Management Ordinance by Mule Tank Limited Partnership, L.L.L.P. and Joseph L. Goff on the property and adjacent property. The County Attorney's Office and the County Administrator recommended that the Board authorize the County Attorney, upon direction by the County Administrator, to file suit against the owner, as needed, to prevent violations of the Floodplain and Erosion Hazard Management Ordinance and protect County interests in the property and adjacent properties, as discussed in executive session.

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

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. Estrella Lots L.L.C., v. Pima County
Tax Parcel Nos. 114-06-007T and 114-06-007S
Arizona Tax Court Case Nos. ST2009-001724 and ST2009-001725

Chris Straub, Chief Civil Deputy County Attorney, reported that these two cases involved a valuation appeal by a property taxpayer for tax year 2010. The settlement would result in the decrease of the Full Cash Value of both parcels from \$500,001.00 to \$425,000.00. These values would not roll over to 2011. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- B. Grisham v. Pima County
Tax Parcel No. 214-28-059C
Arizona Tax Court Case No. ST2009-000625

Chris Straub, Chief Civil Deputy County Attorney, reported this was a case involving a valuation appeal by a property taxpayer for tax year 2010. The settlement would result in a decrease of the Full Cash Value from \$429,941.00 to \$354,000.00, which would roll over to 2011. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- C. Ornelas v. Pima County
Tax Parcel No. 138-24-039A
Arizona Tax Court Case No. ST2009-000572

Chris Straub, Chief Civil Deputy County Attorney, reported this case involved a valuation appeal by a property taxpayer for tax year 2010. The settlement would result in the decrease of the Full Cash Value from \$300,838.00 to \$190,800.00, which would roll over to 2011. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- D. Poynter, et. al., v. Pima County
Tax Parcel No. 124-15-0090 and 124-15-010B
Arizona Tax Court Case No. ST2009-001791

Chris Straub, Chief Civil Deputy County Attorney, reported that these two cases involved a valuation appeal by a property taxpayer for tax year 2010. For Tax Parcel No. 124-15-0090, the settlement would result in the decrease of the Full Cash Value from \$385,301.00 to \$196,219.00, which would not roll over to 2011. There would be no change to Tax Parcel No. 124-15-010B. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

- E. Rothman v. Pima County
Tax Parcel No. 109-24-0740
Arizona Tax Court Case No. ST2009-000822

Chris Straub, Chief Civil Deputy County Attorney, reported this case involved a valuation appeal by a property taxpayer for tax year 2010. The proposed settlement would reflect a decrease in the Full Cash Value from \$792,407.00 to \$665,000.00, which would roll over to 2011. The Pima County Attorney's Office and Assessor recommended approval of the settlement.

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

9. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation proclaiming March 20, 2010, to be:

“THE 100th ANNIVERSARY OF TEMPLE EMANU-EL-TUCSON”

Supervisor Bronson made the presentation to the Rabbi and commented that members have done amazing things in this community in terms of giving back with rich culture and historic tradition.

The Rabbi spoke on behalf of the membership, staff, clergy and leadership of Temple Emanu-el and said they were thrilled to be members of the community of Tucson. He thanked the Board of Supervisors for the proclamation.

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

10. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation: "Celebrating the life of Hector A. Morales, Jr."

Supervisor Elías read and presented the proclamation to Elsa Morales and members of her family. Mrs. Morales expressed her family's appreciation.

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

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

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson 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. **Community Development and Neighborhood Conservation**

1. City of Tucson, Amendment No. 1, to provide rental assistance to HIV positive households, HOPWA Grant Fund, contract amount \$35,310.00 (01-70-T-140745-0108)
2. RESOLUTION NO. 2010 - 51, of the Board of Supervisors with the U.S. Department of Housing and Urban Development, to provide for the Pima County Consortium, Federal Neighborhood Stabilization Program 2 under the American Recovery and Reinvestment Act of 2009 for the term 1/14/10 to 2/11/13, HUD Grant Fund, contract amount \$22,165,000.00 revenue (02-70-U-142778-0110)

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

3. Arizona Board of Regents, Arizona State University, Amendment No. 2, to provide administration of a Workforce Innovation in Regional Economic Development (WIRED) Program for the term 7/1/07 to 11/30/09 and to terminate contract, no cost (01-69-A-140656-0707)

C. **Constable's Office**

4. Constable Ethics Standards and Training Board, to provide for attendance at a national conference, State Grant Fund, contract amount \$6,000.00 revenue (02-78-C-142780-0310)

D. **Forensic Science Center**

5. University of Arizona, Center for Applied Spatial Analysis, Amendment No. 2, to provide a spatial database for the International Open GIS Initiative for Missing and Deceased Migrants Project for the term 12/31/09 to 12/31/10, Howard Buffet Grant Fund, contract amount \$17,320.00 (07-30-A-140596-0108)

E. **Health Department**

6. RESOLUTION NO. 2010 -52, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to provide for the Regional Oral Health Coordinator Project for the term 2/1/10 to 1/31/15, State Grant Fund, contract amount \$34,750.00 revenue (01-01-A-142779-0210)

F. **Pima Health System**

7. Tomar, L.L.C., d.b.a., Tom's Pharmacy, Amendment No. 4, to provide prescription pharmacy and medical supplies for the term 4/1/10 to 8/31/10, PHCS Enterprise Fund, no cost (18-15-T-135723-0405)
8. Amendment No. 6, to provide nursing facility services, PHCS Enterprise Fund:

<u>Vendor</u>	<u>Contract No.</u>	<u>Amount</u>
Life Care Centers of America, Inc., d.b.a., Mountain View Care Center	18-15-L-137037-1005	\$1,500,000.00
Holy Cross Hospital, Inc.	18-15-H-137075-1005	\$1,000,000.00

9. Tucson Heart Group, P.L.C., Amendment No. 6, to provide cardiology services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-137416-0406)
10. To amend contractual language regarding reimbursement and payment methods, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Amend. No.</u>	<u>Contract No.</u>
Holy Cross Hospital, Inc.	5	18-15-H-137075-1005
Hospitalists of Arizona, Inc.	4	18-15-H-137848-0606
Old Pueblo Healthcare, L.L.C.	6	18-15-O-138391-0806
Tucson Heart Hospital- Carondelet, L.L.C.	6	18-15-M-138814-1106

11. Arizona Pediatric Surgery, Ltd., Amendment No. 4, to provide pediatric surgery services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138007-0406)
12. Pulmonary Associates of Southern Arizona, P.C., Amendment No. 4, to provide pulmonary services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$75,000.00 (18-15-P-139304-0407)
13. Arizona Medical Services, P.C., Amendment No. 3, to provide primary care physician services for the term 2/1/10 to 1/31/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-A-139594-0207)
14. Fox Infusion, Inc., Amendment No. 4, to provide home infusion therapy services, PHCS Enterprise Fund, contract amount \$375,000.00 (18-15-F-140460-1107)
15. Supported Living Systems, Inc., Amendment No. 2, to provide behavioral health services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-140688-0408)
16. Dependable Home Health, Inc., Amendment No. 4, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-D-142063-0709)
17. My House, L.L.C., Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount \$1,100,000.00 (07-15-M-142070-0709)
18. Soreo In Home Support Services, L.L.C., Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount \$5,000,000.00 (07-15-S-142117-0709)

G. Procurement

Ratification of Urgent Procurement

- 19. KE&G Construction, Inc., to provide fill dirt and construction services for the Roger Road Campus Earthwork Project, Capital Fund – Sewer Revenue Obligation, contract amount not to exceed \$587,235.00 (03-03-K-142796-0210) Regional Wastewater Reclamation

H. Public Works

- 20. RESOLUTION NO. 2010 - 53, approving an Intergovernmental Agreement between Pima County, the Pima County Flood Control District and the Tohono O'odham Nation, to provide for the construction of the Sells Youth Recreation Center Wash Stabilization Project, 2004 Bond Fund, contract amount \$893,511.00 (01-59-T-142781-0310)

I. Real Property

- 21. RESOLUTION NO. 2010 - 54, of the Board of Supervisors, approving and authorizing the execution of a Purchase Agreement with Treehouse Realty Group, L.L.C., Tax Parcel Nos. 223-01-0030 and 222-45-009C, 2004 Bond Fund, contract amount \$927,500.00 including closing costs (22-64-T-142788-0310)

2. DIVISION OF ELECTIONS

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Meeks, Crystal D.	089	REP
Pidgeon, Jefferey	090	REP
Allison, Vicki L.	164	REP
Clark, Elaine A.	189	DEM
Clark, Robert F.	189	DEM
Townsend, Rebecca D.	216	REP
Johnson, Jeremy D.	247	REP

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

A. **Building Code Board of Appeals**

Reappointment of Ed Marley and Richard Kaiser. Term expirations: 5/1/14. (Board of Appeals Recommendations)

B. **Mechanical/Plumbing Code Committee**

Reappointment of Stanley Adams and Joe Svoboda. Term expirations: 5/1/14. (Committee Recommendations)

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

A. Sharon Kha, Arizona Chapter American Parkinson Disease Association, 4280 N. Campbell Avenue, Tucson, April 10, 2010.

B. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, March 13, 2010.

C. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, April 10, 2010.

D. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, April 25, 2010.

E. Mimi Phillips, International Sonoran Desert Alliance, 201 W. Esperanza, Ajo, March 16, 17 and 18, 2010.

5. **RATIFY AND/OR APPROVE**

Minutes: January 19, 2010
February 2, 2010

REGULAR AGENDA/ADDENDUM ITEMS

12. **BOARD OF SUPERVISORS**

The Board of Supervisors' on 3/9/10, continued the following:

Appointment to District 30, Arizona House of Representatives, to fill the unexpired term of Frank R. Antenori, Republican.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve appointment of Janson Theodore Vogt.

13. COUNTY ADMINISTRATOR

Revision to Pima County Merit System Rules and Personnel Policies

Staff requests approval of the following revisions:

A. Rule 1- Definitions:

Rule 1.33 combines the various types of intermittent employees under one definition.

B. Rule 5 - Examinations:

Rule 5.1.B.3 prohibits potential subordinates from serving on an interview panel as a panel member. A subordinate making a decision on his or her potential supervisor is not an acceptable personnel practice. It has been the standard practice of Pima County to prevent this, and we have no policy to refer to when such activity is reported to Human Resources.

C. Rule 11 - Terminations:

Rule 11.5.A corresponds to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee.

D. Rule 12 - Disciplinary Actions, Administrative Suspension and Special Observation:

Rule 12.1.B is corrected to reflect reference to the rules contained in Merit System Rule 11.5.B through E, instead of through G. G was eliminated in a prior revision.

E. Rule 14 - Merit System Commission Appeals:

Rule 14.1.C corresponds to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee. Rule 14.2.C is revised to conform to the time for hearing an appeal as established by Arizona Revised Statute 11-356.C, as amended.

F. Personnel Policy 8-102 - Premium Pay:

Personnel Policies 8-102.D, E, and F.2 correspond to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee. Personnel Policy 8-102.F.9 is changed to delete "chooses to use" and is replaced with "is using" to reflect current practice when an employee is on FMLA leave.

G. Personnel Policy 8-105 - Annual Leave:

Personnel Policy 8-105.A.1 corresponds to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee.

H. Personnel Policy 8-106 - Sick Leave:

Personnel Policy 8-106.A.1 corresponds to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee.

I. Personnel Policy 8-107 - Special Leaves of Absence with Pay:

Personnel Policies 8-107.D.5 and E.3 correspond to the change recommended in Rule 1.33 above pertaining to the definition of an intermittent employee.

J. Personnel Policy 8-118 - Personnel Records:

1. Personnel Policy 8-118.B.2 is expanded to require departments with centralized Human Resources staff, as a result of consolidation, to designate that staff to maintain its personnel files and medical records on the Appointing Authority's behalf. The Appointing Authority continues to have ultimate responsibility for his or her records.

2. Personnel Policy 8-118.F.1 is updated to exclude documents that are not a part of the department personnel file. PP 8-118.F.1.d. Position Description and g. Attendance Records

are properly deleted. Based on this exclusion, departments must purge these documents from their files and maintain them elsewhere, when necessary. The State Retention and Disposition Schedules for these documents continue to apply. All other items in this section have been re-lettered.

3. Personnel Policy 8-118.F.2.c. has been clarified to properly allow any Family and Medical Leave Act (FMLA) medical certifications or medical history documents, prior to January 16, 2009, to be filed in the department's medical files. However, due to changes in the federal FMLA and our centralized function, any medical certifications and medical history documents dated on or after January 16, 2009, must be maintained centrally in a separate FMLA file. Any medical documents, dated on or after January 16, 2009, must be purged from the departmental file and submitted immediately to the Human Resources FMLA-Administration files for compliance.

K. Personnel Policy 8-119 – Rules of Conduct:

Since Pima County employs youth and/or conducts youth programs, it is in the best interest of the County that we include a clear statement in our Rules of Conduct on expectations of our employees who work with and/or around these youths. This addition, lettered as V, gives the County a specific policy to cite when employees who act improperly when interacting with youth are disciplined for such action. Based on this addition, the subsequent policies are re-lettered.

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

14. **BOARD, COMMISSION AND/OR COMMITTEE: PIMA COUNTY WIRELESS INTEGRATED NETWORK**

The Board of Supervisors' on 2/16/10, continued the following:

Appointment of Mike Hein, Office of Emergency Management and Homeland Security Director, to replace Dennis Douglas. No Term Expiration. (Jurisdictional recommendation)

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

15. **DIVISION OF ELECTIONS**

- A. In accordance with A.R.S. §16-642 and §15-493, canvass of the March 9, 2010 election results for Marana Unified School District No. 6, Flowing Wells Unified School District No. 8, and Sahuarita Unified School District No. 30.
- B. Pursuant to A.R.S. §16-248, staff recommends approval of the designation of precinct consolidations and polling place assignments for the Special Election on May 18, 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the canvass of March 9, 2010 and polling places for the May 18, 2010 election.

16. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2010 -55, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima, regarding the issuance of its Education Facility Revenue Bonds (Montessori Academy Project), Series 2010 in an aggregate principal amount not to exceed \$6,000,000.00 and declaring an emergency.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-55.

17. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT**

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

Toma Ventana, L.L.C., d.b.a., El Charro Café, Case No. 2009-24. Proposed settlement is in accordance with the Industrial Wastewater Enforcement Plan.

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

18. **TRANSPORTATION: ACCEPTANCE OF PROJECTS/ROADWAYS FOR MAINTENANCE**

A. P1207-056, Swan Industrial Park, Lots 1-14 and Blocks I and II. Developer: Swan Industrial, L.L.C. (District 2)

B. P1207-105, Offsite Improvements on Old Vail Road for Ferganchick Equipment Storage, Station 10+30.74 to Station 16+20.00. Developer: Mark Ferganchick. (District 4)

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

19. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

A. Albert Sherman Hall, Jr., Acacia at St. Phillips, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for April 18, 25; May 2, 9, 16, 23 and 30, 2010.

B. Daniel Dominic Scordato, Pizzeria Vivace, 4280 N. Campbell Avenue, Tucson, Permanent Extension of Premises.

- C. Ricardo Quintela, Mad Cow Bar, 2660 W. Ruthrauff Road, Tucson, Temporary Extension of Premises for April 3, 6 and 17, 2010.
- D. Pamela L. Headley, Brats Bar and Grill, 5975 W. Western Way No. 106, Tucson, Temporary Extension of Premises for April 10, 2010.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings, approve the extension of premises/patio permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

20. **DEVELOPMENT SERVICES: REZONING CLOSURE/REZONING TIME EXTENSION**

The Board of Supervisors' on 2/16/10, continued the following:

Co9-92-26, COLLINS-COLOSSAL CAVE ROAD NO. 2 REZONING

- A. Proposal to close a rezoning from RH (Rural Homestead) to CB-1 (Local Business) of approximately 3.25 acres located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. Staff recommends AGAINST CLOSURE. (District 4)
- B. Request of Circle K Stores and TNS, L.L.C., represented by David Cisiewski, for a five year time extension for a rezoning of approximately 3.25 acres from RH (Rural Homestead) to CB-1 (Local Business) located on the west side of Colossal Cave Road, immediately south of the Union Pacific Railroad tracks. The rezoning was first approved in January 1993, received four time extensions and expired in September 2009. The proposed rezoning does not conform to the Pima County Comprehensive Plan, Co7-00-20. Staff recommends APPROVAL OF A THREE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, these items were continued to the Board of Supervisors' Meeting of May 11, 2010.

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

P21-09-035, TUCSON SCHOOL DISTRICT NO. 1 – N. BOWES ROAD

Request of Tucson School District, No. 1, represented by Commscapes, on property at 5000 N. Bowes Road, in the SR zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H.2.e 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 10-0 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 tower height shall be no more than 81.2’.
2. The proposed tower shall “double” as a light standard and shall be painted the same color as the other existing light standards presently in place.
3. The new antennae shall be painted the same color as the tower.
4. The equipment building will match the block material and color, to the greatest extent possible, of the existing/adjacent building.”

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 P21-09-035 subject to standard and special conditions.

22. DEVELOPMENT SERVICES: TIME EXTENSION FOR CONDITIONAL USE PERMIT

P21-09-001, HERNANDEZ – N. LA CHOLLA BOULEVARD

Request of Jenna Hernandez, represented by Stubbs & Schubart, on property located at 9811, 9813 and 9815 N. La Cholla Boulevard, in the SR Zone, for a three month time extension of the Conditional Use approval for a commercial riding stable and school. Chapter 18.97, in accordance with Section 18.17.030.C.1 of the Pima County Zoning Code, allows a commercial riding stable and school as a Type II Conditional Use in the SR zone. Staff recommends APPROVAL OF A THREE MONTH TIME EXTENSION. (District 1)

Thomas Drzazgowski, Deputy Chief Zoning Inspector, provided a staff report and stated this is a request for a three month time extension for approval of a Conditional Use.

The Chairman inquired whether anyone wished to be heard. John Cahill, Stubbs & Schubart, was present but did not have any questions. No one else appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing and approve P21-09-001 for a three month time extension.

23. **DEVELOPMENT SERVICES: REZONING**

Co9-08-05, NORTH DORADO, L.L.C. – SHERIDAN AVENUE REZONING

Request of North Dorado, L.L.C., represented by Tierra Right of Way, for a rezoning of approximately 9.58 acres from SR (Suburban Ranch) TDR-RA (Transfer of Development Rights – Receiving Area) to CR-4 (Mixed Dwelling Type) TDR-RA (Transfer of Development Rights – Receiving Area), on property located on the east side of Sheridan Drive, approximately 1/4 mile south of Irvington Road and 3/4 mile east of Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Poulos and Steinbrenner voted NAY; Commissioner Smith and Richey were absent, Commissioner Spendiarian recused himself from hearing this case) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

Tom Hudson, Zoning Administrator, provided a staff report on the proposed use of site and location. The property met all concurrency criteria and was in conformance with the Comprehensive Plan and outside the Conservation Land Systems. There were two property owners to the east of the property who addressed the Commission and expressed concerns about the number of lots and two story homes that may potentially decrease property values. In response to those concerns, the applicant proposed 24 single family lots on the 9.6 acre property from the original proposal of 27 lots. They were increasing the size of the lots along the eastern boundary and limiting the perimeter lots to single story residences only. No written comments were received from the public prior to this hearing. A letter in opposition was received from the Ybarra Family.

Supervisor Bronson stated, for the record, her office received over a 100 telephone calls in opposition to this request and was a little perplexed with the staff report considering the opposition found in this instance. She was also disturbed that none of the property owners within the 300 foot area received notice of the hearing.

Mike Steele, Tierra Environmental Planning representative, provided a report.

Michele Guy, Project Engineer, was surprised to hear what Supervisor Bronson said about the number of calls received in opposition because they spent time with the neighbors. She provided a report and felt they had done everything they could and hoped the Board recommended approval of this rezoning.

Supervisor Bronson stated she was not at all happy with this project. The density was too high given the uses of the surrounding area. She understood the neighbors were willing to look at CR-1, but they didn't want to see two story homes.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías to close the public hearing and deny the rezoning. No vote was taken at this time.

Supervisor Day questioned the use of the CR-4 designation to get more open space and whether the request was part of the Southwest Infrastructure Plan.

Supervisor Bronson stated there was no growth in the area right now, and the plan could be considerably refined. This type of density would definitely destroy the character of the neighborhood, and she was not at all satisfied with the plan.

Upon the vote being taken, the motion to deny carried unanimously by a 5-0 vote.

Supervisor Bronson noted for the record, her two appointees on the Planning and Zoning Commission for District 3, opposed this rezoning.

24. **DEVELOPMENT SERVICES: REZONING**

Co9-09-06, REAY, ET. AL. – TRICO ROAD REZONING

Request of Gordon and Lois Reay, et. al., represented by The Planning Center, for a rezoning of approximately 9.05 acres from GR-1 (Rural Residential) to CB-1 (Local Business), on property located at the southwest and northwest corners of Trico Road and El Tiro Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Holdridge abstained; the abstention is counted as a yes vote, Commissioner Smith was absent.) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

“IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS 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 or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Access shall be designed and provided between the existing and proposed uses and to the north, south and west. Cross access and maintenance issues shall be provided by the property owner for all portions of the rezoning and to adjacent properties.
 - B. Corner spandrel right-of-way dedications shall be provided by the property owner at the Trico Road and El Tiro Road intersection.

- C. Offsite improvements to Trico Road and El Tiro Road, including the intersection, shall be provided by the property owner/developer, as determined necessary by the Department of Transportation.
 - D. Elimination of the existing southernmost driveway for the existing retail building (4,340 sq.ft.) as depicted on the Preliminary Development Plan.
8. Flood Control condition:
The property owner(s) / developer 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. Drainage from the northern block shall drain to the swale adjacent to Trico Road such that no additional flood flows enter the adjacent parcel to the north. The owner as of March 16, 2010 of the adjacent parcel (208-20-0460) that is affected by the Special Studies Floodplain shall be notified when a development plan is submitted and be provided the opportunity to comment on and approve the off-site drainage related improvements.
9. Wastewater Management condition:
 If the project should connect to the public sewer at any time in the future, the property owner/ developer shall abide by all applicable regulations and policies of the Pima County Regional Wastewater Reclamation Department.
10. Environmental Quality condition:
- A. Prior to approval of the Development Plan, the two northern parcels must be combined to accommodate the proposed on-site wastewater disposal system. Sewer lines shall not be allowed to cross property boundaries.
 - B. Prior to approval of the Development Plan, it must be shown that the existing on-site wastewater disposal systems are in good repair and functioning properly. This demonstration shall be made through the use of the Pima County Report of Inspection and recertification process.
 - C. Prior to approval of the Development Plan, the property owner / developer shall demonstrate that the lots, as proposed, can accommodate the proposed development and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations or percolation testing and shall be designed in accordance with Arizona Administrative Code, Title 18, Chapter 9.
 - D. The total gallon per day discharge for the combined development must not exceed 2999 g/d or the applicant shall be required to demonstrate, prior to approval of the Development Plan, that total nitrogen loading from the on-site wastewater disposal systems to ground water will be controlled in accordance with the provisions of Arizona Administrative Code, Title 18, Chapter 9.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
12. Environmental Planning conditions:
- A. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

- B. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species including but not limited to 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
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- C. Prior to the approval of the Final Development Plan, the property owner/developer shall achieve compliance with the MMBCLS Multiple Use Management Area 2:1 mitigation ratio by providing a minimum of 18 acres as Natural Open Space at an off-site location which fulfills the following criteria as approved by Pima County Development Services Department:

- 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel.
- 2) Off-site mitigation property shall provide at least the same resource value (as determined by MMBCLS Category Designation) as the rezoned parcel; and
- 3) Provision of evidence that the site shall remain in an undeveloped natural state.

13. Low Impact Development (LID) water harvesting shall be incorporated into landscaping, paving, and parking lot designs to encourage use of storm water to irrigate exterior areas and conserve use of groundwater.
14. The property owner(s) / developers(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
15. In the event the subject property is annexed, the property owner(s) / developers(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
16. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the

Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(l).”

17. Adherence to the preliminary development plan as approved at public hearing.
18. A six-foot wall and 20-foot bufferyard shall be provided along the western property boundary south of El Tiro Road.”

Tom Hudson, Zoning Administrator, provided a staff report addressing mitigation and drainage. He stated the off-site mitigation parcel was proposed but had not yet been purchased by the applicant. They would need to purchase the parcel and provide it to staff for analysis. He stated that Condition No. 12.C. contained the criteria that the mitigation parcel would have to meet. Two written comments were received regarding drainage on the northern parcel. The Planning and Zoning Commission added Condition No. 8 stating “drainage from the northern block shall be toward the swale adjacent to Trico Road such that no additional flows enter the adjacent parcel to the north.”

The Chairman inquired whether anyone wished to be heard.

The following individual addressed the Board:

Patrick Nilz

His comments were:

- A. The drainage and water should be diverted to the natural arroyo at El Tiro Road.
- B. He wanted assurance that he would not lose any property due to runoff from the development.
- C. He believes the plan was a good idea but didn’t want all the water.

Supervisor Bronson requested the developer and staff address the concerns and how Condition No. 8, attached by Planning and Zoning Commission, would become enforceable. She wanted assurance from the developer on how this particular issue and would be resolved.

Kelly Lee, The Planning Center representative, stated a neighborhood meeting was held. The hydrologist was present and spoke with the neighbor. Preliminary hydrology studies were done on the property identifying natural flows between 10 and 20 cfs lying across the site north to south and southeast to northwest. The design of the plan had a retention and detention basin around the perimeter of the site. The plan also identified that there would be no additional flows onto the property.

Supervisor Bronson exclaimed this was not an assurance. A developer might say these things but found that in fact it does not hold up. She thereupon asked about Condition No. 8.

Tom Hudson explained the wording of Condition No 8.

Supervisor Bronson requested that Mr. Nilz call her office if he was not comfortable with the plan. Chairman Valadez suggested they make the approval subject to Mr. Nilz approval.

Supervisor Day inquired on the mechanism for the County's acquisition of the offsite mitigation site.

Ms. Lee explained that Condition No. 12.C. established conditions that the offsite property must fulfill in order to be credited for the mitigation. The applicant had submitted a proposal that a site had been identified which was a good faith demonstration that the requirements would be met. She felt it was premature for staff to recommend that the applicant purchase the property prior to the decision of the Board. The approach of the County has been to accept assurances via a recorded covenant. There are several scenarios the County could choose to take ownership but all options would be determined based on the property brought forward.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve Co9-09-06 with standard and special conditions and amend Condition No. 8 to include that Mr. Nilz approve the plan as it specifically related to offsite drainage improvements.

25. **DEVELOPMENT SERVICES: REZONING**

Co9-09-10, VIA LATIGO 5636, L.L.C. – VIA LATIGO REZONING

Request of Via Latigo 5636, L.L.C., represented by Indevco Partners, Inc., for a rezoning of approximately 3.57 acres from SR (Suburban Ranch) to CR-1 (Single Residence) on property located on the east side of Via Latigo, approximately 700 feet north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0; (Commissioner Smith was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.

6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s) shall grant an ingress egress easement for access to proposed Lot 3 through Lot 1 and through the property located north of the rezoning site, prior to occupancy permits for any lot.
 - B. The property owner(s) shall provide additional pavement for the turnaround of emergency or large vehicles at the terminus of Via Latigo prior to occupancy permits for any lot.
 - C. The property owner(s) shall work with the Department of Transportation on Via Latigo maintenance issues and any necessary improvements. Department of Transportation approval is required prior to occupancy permits for any lot.
8. Wastewater Management conditions:
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.
9. Environmental Quality Conditions:
 - A. All proposed residential 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. The applicant shall demonstrate that the new lots, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - C. The applicant shall demonstrate that the existing on-site wastewater disposal system, and 100 percent reserved disposal area, can be contained within the proposed property boundaries while meeting all required setbacks. This demonstration shall be made prior to issuance of the Certificate of Compliance.
10. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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.
11. In the event that previously unidentified cultural resources or human remains are discovered during ground-disturbing activities related to future development, all activities in the vicinity of the discovery must cease, a qualified archaeologist shall be consulted, and the Arizona State Museum must be notified pursuant to A.R.S. §41-844
12. In the event the subject property is annexed, the property owner(s)/developer(s) shall adhere to all applicable zoning 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.
13. 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)."
14. The owner(s)/developer(s) shall adhere to the sketch plan as approved at public hearing limiting the site to three lots and one dwelling unit per lot.
15. The new dwelling units shall be limited to one story.

16. The use of the dwelling units on the property shall be limited to single family residences or assisted living homes.
17. 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 any future property owner.
18. Water for the assisted living homes shall be provided by the Metropolitan Water District.”

Tom Hudson, Zoning Administrator, provided a staff report on the proposed use of the site and location. He reported the property met all concurrency criteria and was in conformance to the Comprehensive Plan and was outside the Conservation Land Systems. He stated if the rezoning to CR-1 was approved, the applicant planned to split the property into three lots, two of which would be developed as assisted living homes as the applicant operated three assisted living homes within the immediate area of the proposed rezoning. The only comments received from neighbors concerning the rezoning addressed Transportation’s requirement to add additional pavement to Via Latigo. There were also questions about the intersection of Via Latigo and Oracle Janes Station Road and if it could accommodate the additional pavement. No other comments were received.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-09-10 with standard and special conditions.

26. DEVELOPMENT SERVICES: REZONING TIME EXTENSION

Co9-04-22, THATCHER – SUNSET ROAD REZONING

Request of Steven and Mary Thatcher, for a five year time extension for the above-referenced rezoning from SR (Suburban Ranch) to CR-1 (Single Residence). The subject site was rezoned in 2005. The rezoning expired on January 4, 2010. The site is approximately 3.35 acres located on the north side of Sunset Road approximately 1,300 feet west of La Canada Drive. Staff recommends MODIFIED APPROVAL OF A ONE YEAR TIME EXTENSION WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

“IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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, Document Services Division.

6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner(s) shall dedicate 15 feet right-of-way for Sunset Road.
 - B. Only one access point shall be allowed on Sunset Road.
 - C. Any common, private road/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. Detention shall be required for each lot or provision of an in-lieu fee may satisfy the detention/retention requirement(s) required by the Flood Control District, at the time of development.
 - C. The property owner(s) shall submit to the Flood Control District a plot plan showing all required information, which shall include proposed detention. Upon review of the plot plan, the Floodplain Management Section shall determine if building permits may be issued or if a more detailed hydrologic and hydraulic study will be required.
9. Environmental Quality conditions:
 - A. The applicant(s) shall demonstrate that the lot, as proposed, can accommodate a home site, and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four bedroom home, unless the applicant requests limiting the size of the proposed new residence. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
 - C. The existing road to serve this property shall be improved to meet the paving specifications defined by, or equivalent to those of the planning department and/or highway department of the jurisdictional agency.
10. Adherence to the sketch plan as approved at public hearing.
11. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
12. 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."

Tom Hudson, Zoning Administrator, provided a staff report and stated the request was for a five year time extension. In September 2005, the Board of Supervisors approved the construction of a second home on the property. He reported the property met all concurrency criteria, was in conformance with the Comprehensive Plan and was outside the Conservation Land Systems. Staff recommended approval of a one year time extension to January 4, 2011, rather than the requested five year time extension. He stated the owners of the property were in

agreement with the one year time limit. No public comment had been received regarding this time extension request.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-04-22 for a one year time extension, with standard and special conditions.

27. DEVELOPMENT SERVICES: MODIFICATION OF REZONING CONDITIONS

Co9-92-07, HARDY-THORNYDALE ASSOCIATES – THORNYDALE ROAD REZONING

Request of Pacific Income Properties, L.L.C., represented by Presidio Engineering, Inc., for a waiver of Rezoning Condition No. 5 of Ordinance No. 1992-112 which states, "Recording of a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors." The subject site is 4.87 acres, zoned CB-1 and is located at the southeast corner of the intersection of Thornydale Road and Hardy Road. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

Tom Hudson provided a staff report. He stated that no public comment had been received regarding this request.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll, to close the public hearing and approve Co9-92-07. No vote was taken at this time.

Chuck Huckelberry, County Administrator, requested information relative to ownership. He indicated that the owner was listed as Pacific Income Properties, L.L.C., who had property holdings adjacent to Thornydale Road. He stated this was quite a controversial development a few years ago where several mature Ironwood Trees were removed from the property and sold.

Jason Wong, Red Point Development representative, addressed the Board. He stated he was not aware of the history nor was he a part of company at that time.

Mr. Huckelberry suggested a continuance for 30 days to research and discuss the interconnection between the properties and the exploitation of resources from one property versus the other.

Mr. Wong stated he understood Mr. Huckelberry's concern but didn't see how that had any bearing on the request to have this existing developed property split into three parcels. He said they had worked with the neighbors and there was no opposition.

A substitute motion was made by Supervisor Elías, seconded by Supervisor Bronson to continue this item for 60 days. No vote was taken at this time.

Supervisor Day felt this was a request to record covenants and that there would be no further subdividing or lot splitting. She stated the applicant wanted to build out the commercial center to be sold to individual buyers.

Upon the vote being taken, the substitute motion carried by a 3–1 vote, Supervisor Day voted Nay, and Supervisor Carroll not present for the vote, to continue this item for 60 days to the Board of Supervisors' Meeting of May 19, 2010.

28. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-10-01, SOUTH WILMOT LAND INVESTORS, L.L.C. – S. WILMOT ROAD PLAN AMENDMENT

Request of South Wilmot Land Investors, L.L.C., represented by Corrections Corporation of America, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Heavy Industrial (HI) for approximately 391 acres located on the west side of Wilmot Road, one mile south of E. Old Vail Connection Road and approximately four miles south of Interstate 10 in Section 12 of Township 16 South, Range 14 East, in the Rincon Southeast/Santa Rita Subregion. On motion, the Planning and Zoning Commission voted 6-2 (Commissioners Poulos and Spendiarian voted NAY; Commissioners Smith and Richey were absent) to recommend MODIFIED APPROVAL TO AMEND TO URBAN INDUSTRIAL FOR 120 ACRES IN THE NORTHEAST PORTION OF THE AMENDMENT SITE SUBJECT TO REZONING POLICIES AND DENIAL OF THE AMENDMENT FOR THE REMAINING 271 ACRES. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 2)

- “1. Notwithstanding the requirements of the Urban Industrial (I) land use intensity category, an approved modification of the existing specific plan or new rezoning to allow the use of a correctional facility would be deemed in conformance with the comprehensive plan.
2. A land use buffer or transition area along the west boundary of the plan amendment site where adjacent to residential development shall be established as a rezoning condition of a modification of the existing specific plan or a new rezoning.
3. The existing rezoning policies (RP-59) shall be replaced for this amendment site as specified in this staff report and referenced in Attachment A. “

Arlan Colton, Planning Official, provided a staff report. He stated that staff recommended modified approval from Medium Intensity Urban to Urban Industrial, subject to three rezoning policies. He reported that one person spoke at the Planning and Zoning Commission hearing and no written comment had been received.

The Chairman inquired whether anyone wished to be heard.

The following individual addressed the Board:

Thomas Kinder

His comments were:

- A. He was only aware of 6 residents in the area that were notified, and he had contacted 66 residents who were not notified.
- B. He was happier with the 120 acre amendment.
- C. The buffer area needed to be addressed and should be more than 500 feet.
- D. He inquired whether Redrock Utilities would provide the water and asked about the number of wells that would be permitted.
- E. He was concerned about the lighting that would be generated from the facility.
- F. He questioned the statement by the developer that this would provide for the creation of jobs in Tucson.
- G. He was concerned for the future use of the remaining 271 acres.

Mr. Colton suggested that prior to the hearing for the modification of the Specific Plan, Mr. Kinder should sit down with representatives of the property owner and go through a list of current Code uses for the property to help determine what would be the most appropriate.

Mr. Colton also reported they had notified everyone listed on the Assessor's record for the square mile of the residential development. Approximately 150 notices had been mailed.

Bobby Iannarino, South Wilmot Land Investors representative, stated they supported the recommendation and felt it was an appropriate use for this area.

Jay Hollis, Corrections Corporation of America representative provided an overview of their business, the project and the associated positive economic benefits. No one else appeared.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-10-01 as recommended by staff with modified approval, subject to rezoning policies and the following added condition read into the record by Supervisor Bronson "that the operations of a prison facility and the security level of inmates housed therein shall adhere to the restrictions and prohibitions on prisons included in Title 41, Arizona Revised Statutes, which state the security level of inmates housed at the prison facility shall be less than maximum level based on the Arizona Department of Corrections custody levels or equivalent and that the facility shall be accredited by the American Correctional Association within two years of its receiving its first inmate and shall house inmates in those facility in a manner determined appropriate by American Correctional Association."

29. **DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-09-07, HSL RIO CANCION PROPERTIES, L.L.C. – N. LA CHOLLA BOULEVARD PLAN AMENDMENT

Request of HSL Rio Cancion Properties, L.L.C., represented by The Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) for approximately 17.92 acres located on the west side of La Cholla Boulevard, south of the Hardy Road alignment in Section 28, Township 12 South, Range 13 East, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 10-0 to recommend MODIFIED APPROVAL FOR MEDIUM INTENSITY URBAN (MIU) SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL FOR MEDIUM INTENSITY URBAN (MIU) SUBJECT TO REZONING POLICIES. (District 1)

“Staff Recommended Rezoning Policies

- A. The planned land use intensity designation remains Medium Intensity Urban (MIU). Notwithstanding the zoning districts and allowable residential density range allowed under the MIU land use category, for a Continuing Care Retirement Community use only, the following policies shall apply:
1. The area abutting Cañada del Oro Wash shall be single-story residential development only. ~~Along the west and south boundaries of the amendment site, single-story residential development is required.~~
 2. At time of rezoning a higher-intensity project core area shall ~~to~~ be delineated at time of rezoning to define the boundary of the higher-intensity portion of the Continuing Care Residential Community use. ~~Rezoning to CB-1 Local Business Zone within this core area for the CCRC use only is deemed to be in conformance with the Plan.~~
 3. Within the higher-intensity project core ~~CB-1 zoning may allow maximum building heights up to 34 feet area only~~, rezoning to CB-1 for limited commercial uses is allowed, provided that such uses are restricted to Continuing Care Residential Community ancillary accessory uses for the enjoyment of community residents and guests only. Examples of such uses which may require commercial zoning include dining, tavern, banking, gift shop or other retail, and beauty salon.
 4. ~~Within the higher-intensity project core, commercial uses are restricted to Continuing Care Residential Community accessory uses for the enjoyment of community residents and guests.~~
- B. No person shall construe any action by Pima County as a commitment to provide sewer service to any new development within the plan amendment area until Pima County executes an agreement with the owner / developer to that effect. By accepting this plan amendment, the owner / developer acknowledges that adequate treatment and conveyance capacity to accommodate this plan amendment in the downstream public sewerage system may not be available when new development within the plan amendment area is to occur, unless it is provided by the owner / developer and other affected parties.”

Sherry Ruther, Planning Manager, provided a staff report. She stated five speakers addressed the Planning and Zoning Commission and expressed concern for commercial use, building height and the impact to their views. She reported approximately 51 written comments had been received with the same concerns.

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

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 Co7-09-07 for Medium Intensity Urban (MIU) subject to rezoning policies.

30. **DEVELOPMENT SERVICES: SITE ANALYSIS REQUIREMENT AMENDMENT**

Co8-09-05, SITE ANALYSIS POLICY

Proposal to amend the Pima County "Site Analysis Requirements" which are used to implement the Pima County Site Analysis Policy, adopted by Board of Supervisors Resolution in July, 1985; and as last amended in March, 1998. The amendments reorganize, clarify and make the language of the current document more precise, as well as include additions and deletions to some of its directions and requirements. The Site Analysis Requirement document is an informational tool required to accompany most applications for rezoning, all specific plan applications and all cluster project requests. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Smith and Richey were absent) to recommend APPROVAL PURSUANT TO STAFF RECOMMENDATION, WITH ADDITIONS. Staff recommends APPROVAL. (All Districts)

Arlan Colton, Planning Official, provided a staff report and explained the proposed amendments to the Pima County Rezoning Application Site Analysis. He stated staff recommended a technical change of a typographical error to Section I.D. Biological Resources, Sections 3, 4 and 7, to substitute the phrase "and staff will review the request" with "and the Planning Director or his/her designee will review the request." The change clarified that the process would be accomplished at a higher level.

Chairman Valadez read a statement from David Godlewski, SAHBA, which stated he appreciated staff's hard work and requested the Pima Pineapple Cactus survey not be required until prior to rezoning which was consistent with the position of the Metropolitan Pima Alliance.

The Chairman inquired if anyone wished to be heard.

The following individual addressed the Board:

Amber Smith, Government Relations Director for Metropolitan Pima Alliance

Her comments were:

- A. She requested the condition to conduct the Pima Pineapple Cactus survey be moved prior to zoning, as opposed to where it appeared in the current process.
- B. There was a concern regarding the cost to the landowner as it would double for surveying requirements. The cost would have to be paid, but, due to lending practices, it would be easier to borrow money after the property has been appropriately zoned.
- C. The document would create consistency and speed up the process.

No one else appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co8-09-05, and amend Section I.D. as read into the record by Arlan Colton.

31. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2010 - 16, Co9-09-03, Tucson School District, No. 1 – Wilmot Road Rezoning (Catalina Foothills Zoning Plan). Owner: Tucson School District, No. 1. (District 1)
- B. ORDINANCE NO. 2010 - 17, Co9-08-12, Fidelity National Title, TR 10,756 - Old Vail Road Rezoning. Owner: Fidelity National Title, TR10,756. (District 4)
- C. ORDINANCE NO. 2010 - 18, Co9-08-21, Hot Rods Investments, L.L.C. - Old Vail Road Rezoning. Owner: Hot Rod Investments, L.L.C. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2010-16, 17 and 18.

32. DEVELOPMENT SERVICES: REZONING RESOLUTIONS

- A. RESOLUTION NO. 2010 - 56, Co9-92-07, Hardy-Thornycdale Associates – Thornycdale Road Rezoning. Owners: Pacific Income Properties, L.L.C. (District 1)
- B. RESOLUTION NO. 2010 - 57, Co9-04-14, Faith Community Church, Inc. – San Joaquin Avenue Rezoning. Owners: Title Security Agency of Arizona, TR 1073. (District 1)
- C. RESOLUTION NO. 2010 - 58, Co9-04-16, St. Phillips Foothills, L.L.C. – Campbell Avenue Rezoning. Owners: Campbell Foothills Investors, L.P. (District 1)
- D. RESOLUTION NO. 2010 - 59, Co9-01-28, Pinnacle Capitol, Inc. – Ajo Highway Rezoning. Owners: Georgelos Revocable Trust. (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 Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2010-56, 57, 58 and 59.

33. **CONTRACTS AND AWARDS: COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

- A. RESOLUTION NO. 2010 - 60, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the San Ignacio Pascua Yaqui Council Emergency Employment and Social Service Program, Tribal Fund, contract amount \$35,000.00 revenue (01-70-P-142800-0310)
- B. RESOLUTION NO. 2010 - 61, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the Sheriff's Pima Regional S.W.A.T. Program, Tribal Fund, contract amount \$50,000.00 revenue (01-70-P-142801-0310)
- C. RESOLUTION NO. 2010 - 62, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for VOICES, Community Past and Present, Inc., Tribal Fund, contract amount \$50,000.00 revenue (01-70-P-142802-0310)
- D. RESOLUTION NO. 2010 - 63, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe and the Tucson Unified School District, to provide for the purchase and installation of electronic marquees, Tribal Fund, contract amount \$62,000.00 (01-70-P-142808-0310)
- E. Community Development Partners, L.L.C., to provide an agreement to convey real property for Tax Parcel Nos. 104-03-186A, 104-03-1830 and 104-03-2750 needed for affordable housing, no cost (11-70-C-142822-0310)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2010- 60, 61, 62 and 63, and approve the contracts.

34. **CONTRACTS AND AWARDS: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

- A. Community Renewal, to provide technical assistance in restorative justice planning and facilitation for the term 12/1/09 to 6/30/10, U.S. Department of Labor–YEARN Grant Fund, contract amount \$7,200.00 (07-69-C-142818-1209)
- B. Oasis Family Life Center, to provide technical assistance in planning and implementation of Youth Employment and Re-Entry Network for the term 12/1/09 to 6/30/10, U.S. Department of Labor–YEARN Grant Fund, contract amount \$12,040.00 (07-69-O-142819-1209)

- C. SER-Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide English as a second language and basic education for the term 7/1/09 to 6/30/11, U.S. Department of Labor and WIA Grant Funds, contract amount \$75,000.00 (07-69-S-142162-0709)
- D. Research and Development Associates, L.L.C., to provide consultation and technical assistance in grant writing, planning and facilitation for the term 12/1/09 to 6/30/10, U.S. Department of Labor–YEARN Grant Fund, contract amount \$29,970.00 (07-69-R-142816-1209)
- E. Integrity Counseling Services, P.L.C., to provide technical assistance for counseling and manuscript services for the term 12/1/09 to 6/30/10, U.S. Department of Labor–YEARN Grant Fund, contract amount \$19,980.00 (07-69-I-142817-1209)

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

35. CONTRACTS AND AWARDS: INFORMATION TECHNOLOGY

- A. RESOLUTION NO. 2010 - 64, approving an Intergovernmental Agreement between the Superior Court of Arizona in Pima County, the Pima County Consolidated Justice Court and Pima County, to provide a cooperative agreement for the creation of a Court Data Center, no cost (01-14-S-142807-0310)
- B. KMSB-TV, Inc., Amendment No. 2, to provide a license agreement for the use of the Elephant Head Radio site for the term 6/30/09 to 6/30/12, General Fund, contract amount \$43,263.79 (12-14-K-130119-0102)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010-64 and approve the contract.

36. CONTRACTS AND AWARDS: PROCUREMENT - AWARD

Low Bid: Award of Contract, Requisition No. 1001197, in the amount of \$825,200.00 to the Ashton Company, Inc., (Headquarters: Tucson, AZ) for bridge deck rehabilitation on the Sabino Canyon Bridge Road at the Tanque Verde Creek after the withdrawal of the apparent low bidder, Falcone Brothers and Associates, Inc., because of a material mistake in their bid. The contract term is twelve months with the ability to extend for contract completion. Construction is to be completed within 120 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009 (73%) and RTA (27%) Funds. Administering Department: Transportation.

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

37. **CONTRACTS AND AWARDS: REGIONAL WASTEWATER RECLAMATION**

- A. Greeley and Hansen, L.L.C., Amendment No. 5, to provide program management services for the Regional Optimization Master Plan (ROMP) CIP Implementation for the term 1/1/11 to 12/31/12 and amend contractual language, 2004 Bond Fund, contract amount \$746,918.00 (07-03-G-140586-0108)
- B. Greeley and Hansen, L.L.C., Amendment No. 6, to provide program management services for the Regional Optimization Master Plan (ROMP) CIP Implementation and amend contractual language, 2004 Bond Fund, contract amount \$842,230.00 (07-03-G-140586-0108)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 3-2 vote, Supervisor Carroll and Supervisor Elfas voting Nay, to approve the contracts.

38. **BOARD, COMMISSION AND/OR COMMITTEE: BOARD OF ADJUSTMENT, DISTRICT 1**

Appointment of Corey Smith to replace Margaret Kenski. Term expiration: 3/31/14. (District 1)

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

39. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Joe Sweeney appeared and addressed the Board concerning illegal immigrants.

Gary Bahr appeared and addressed the Board concerning dog issues and thanked Supervisor Bronson and Chuck Huckelberry for their assistance. No one else appeared.

40. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:01 p.m.