

MINUTES, FLOOD CONTROL DISTRICT BOARD

SEPTEMBER 6, 2011

The Pima County Flood Control District Board met in regular session at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 6, 2011. 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
 Robin Brigode, Clerk

1. **CONTRACTS**

- A. Metropolitan Domestic Water Improvement District (MDWID), to provide an Intergovernmental Agreement for the construction of a reclaimed waterline for the CDO Linear Park and Ball Fields at Pima Community College NW, and deliver reclaimed water to the OMNI National Golf Course, Flood Control District Fund, contract amount \$500,000.00 (CT-FC-12-001213)

- B. Francisco Toruga and Maria Elena Toruga, as joint tenants with right of survivorship, to provide an Acquisition Agreement for the purchase of property needed for the Santa Cruz: Ajo to Silverlake Project, Tax Parcel No. 119-18-015D, 1997 Bond Fund, contract amount \$287,600.00 including closing costs (CT-PW-12-001105)

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

2. **CONTRACT**

RESOLUTION NO. 2011- FC 6, of the Pima County Flood Control District Board, approving and authorizing the execution of a Purchase and Donation Agreement with the Nature Conservancy for the purchase of 80 acres and the donation of 973.54 acres near Buehman Canyon, Bond Fund/Flood Prone Land Acquisition Fund, contract amount \$48,500.00, including closing costs (CT-PW-12-001110)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011-FC-6 and approve the contracts.

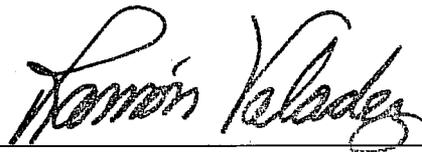
3. **EXCHANGE AGREEMENT AND QUIT CLAIM DEEDS**

- A. Exchange Agreement between Pima County and the **Pima County Flood Control District** along the La Cholla Boulevard right-of-way and the Canada Del Oro Floodway, within Sections 21 and 22, T12S, R13E, G&SRM. (District 1)
- B. Quit Claim Deed to Pima County Flood Control District, to convey all rights, title and interest of land located within Sections 21, T12S, R13E, G&SRM. No revenue. (District 1)
- C. Quit Claim Deed to Pima County, to convey all rights, title and interest of land located within Sections 21, T12S, R13E, G&SRM. No revenue. (District 1)
- D. Quit Claim Deed to Pima County Flood Control District, to convey all rights, title and interest of land located within Section 22, T12S, R13E, G&SRM. No revenue. (District 1)

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

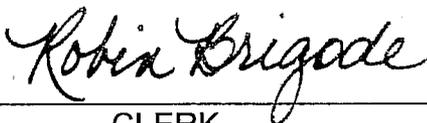
4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:24 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, STADIUM DISTRICT BOARD

SEPTEMBER 6, 2011

The Pima County Stadium District Board met in regular session at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 6, 2011. 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
 Robin Brigode, Clerk

1. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the proposed settlement with the Chicago White Sox.

Chris Straub, Chief Civil Deputy County Attorney, reported that this item pertained to a proposed settlement of a dispute with the Chicago White Sox concerning spring training and the use of the Kino Sports Complex. He advised that the County Attorney's Office and the County Administrator were seeking authority to settle the dispute in the amount of \$250,000.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the County Attorney and County Administrator's recommendation for settlement.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:24 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

SEPTEMBER 6, 2011

The Pima County Zoning Enforcement Board of Appeals Board met in regular session at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 6, 2011. 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 Elias, Member
 Robin Brigode, Clerk

1. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P11CV00267-1 thru 5, Phelps Family L.L.C. The Board may also, during the course of the hearing and upon motion, enter into Executive Session.

No Executive Session was held.

2. **APPEAL OF HEARING OFFICER'S DECISION**

P11CV00267-1 thru 5, Phelps Family L.L.C.

In accordance with the Pima County Zoning Code Section 18.95.030C, Phelps Family L.L.C., c/o Mark Phelps, Manager, appeals the decision of the Hearing Officer in Case No. P11CV00267-1 thru 5. The citation was for violations of the Pima County Zoning Code under Sections: 1) 18.79.040 and 18.79.070 - signs without permits; 2) 18.01.030.E1 - electrical without permit, flood lights on cargo container; 3) 18.01.030.E1 - fencing without permit, interior chain link fencing for storage of thrift store items; 4) 18.01.030.E1 and 18.71.010 - outdoor restaurant with a permit and without a development plan; 5) 18.07.030.C - open storage. (District 1)

Rick Bruster, Land Use Unit Supervisor, reported that citations were issued to the Phelps family relative to various code violations on the property. He affirmed that a hearing on the matter was conducted on July 7, 2011, which ultimately resulted in the Hearing Officer finding the Phelps Family L.L.C. responsible for the violations. Mr. Bruster stated that the fines had been substantially reduced from the original amounts and staff recommended upholding the Hearing Officer's decision.

Mark Phelps, appellant, appeared and requested leniency for fines associated with the violations. He stated that as owners of the property, they had recently rented the property to several new tenants. These tenants unintentionally made changes to the property without proper permits and/or inspections. Mr. Phelps explained that after receiving notification from Pima County, he attended the hearing, acknowledged the violations and submitted a development plan to the Design Review Committee.

Supervisor Day asked staff for verification of Mr. Phelps' substantial compliance. Mr. Bruster responded that a recent inspection revealed that the property was substantially compliant.

Supervisor Day commented that it was vital to work with business owners but cautioned Mr. Phelps to keep a closer watch on his tenants and have the new development plan approved within 90 days.

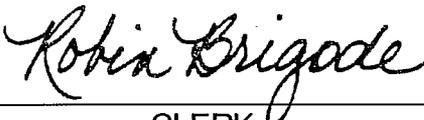
On consideration, it was moved by Supervisor Day and seconded by Supervisor Carroll, and unanimously carried by a 5-0 vote, to close the public hearing; uphold the appeal and deny the Hearing Officer's decision; reduce the fines from \$2,000.00 to \$500.00, and dismiss the balance. Supervisor Day stated that \$500.00 would be a fair amount to help recover costs incurred by the County.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:24 p.m.


CHAIRMAN

ATTEST:


CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

SEPTEMBER 6, 2011

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 6, 2011. 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
 Robin Brigode, Clerk

1. **PERSONAL POINTS OF PRIVILEGE**

Supervisor Elías acknowledged the University of Arizona – Reporting of Public Affairs students in the audience.

Supervisor Bronson congratulated Carmine DeBonis, Development Services Director, for being one of the finalists in the category of Public Policy for the Common Ground Award, hosted by the Metropolitan Pima Alliance.

2. **INVOCATION**

The invocation was given by Father John Lyons, St. Thomas the Apostle 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 Darren L. Venters, Chairman of the Arizona Office for Employer Support for the Guard and Reserve (ESGR) proclaiming the week of September 19, 2011 to be:

“EMPLOYER SUPPORT OF THE GUARD AND RESERVE WEEK”

Supervisor Carroll presented the proclamation to Darren Venters. Mr. Venters thanked the Board for their support on behalf of the Guard and Reserve.

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

- B. Presentation of a proclamation to Stephen Schuldenfrie from the Citizen Corps Council and Caren Prather, volunteer coordinator for the Pima County Office of Emergency Management & Homeland Security, proclaiming the month of September, 2011 to be:

“PREPAREDNES MONTH”

Supervisor Elías presented the proclamation to Stephen Schuldenfrie and Caren Prather. Ms. Prather stated that their theme in honor of September 11th, was “A Time to Remember, A Time to Prepare”. She invited the public to attend the numerous emergency community response training classes throughout the community, and to regularly check the daily emergency preparation messages on Pima County’s Office of Emergency Management & Homeland Security website.

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

6. **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.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:17 a.m.

7. **RECONVENE**

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of a decision by the Pima County Merit Commission in Cynthia Bennett vs. Pima County Health Department.

Chris Straub, Chief Civil Deputy County Attorney, advised that this case concerned a decision by the Pima County Merit System Commission. He stated that the County Attorney's Office and the County Administrator sought authority from the Board to appeal the decision of the Commission to the Superior Court 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 County Attorney and County Administrator's recommendation to appeal.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the proposed settlement with the Chicago White Sox.

Chris Straub, Chief Civil Deputy County Attorney, reported that this item pertained to a proposed settlement of a dispute with the Chicago White Sox concerning spring training and the use of the Kino Sports Complex. He advised that the County Attorney's Office and the County Administrator were seeking authority to settle the dispute in the amount of \$250,000.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the County Attorney and County Administrator's recommendation for settlement.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Squire **Squires**, Sanders & Dempsey, L.L.P. to represent RBC Capital Markets Corporation.

Chris Straub, Chief Civil Deputy County Attorney, stated that this case pertained to a request that Pima County waive a potential conflict of interest to allow Squires, Sanders & Dempsey, L.L.P. to represent RBC Capital Markets Corporation on current and future sewer system pledged revenue obligation transactions while serving as the County's Bond Counsel for other types of financings. He advised that conflicts of interest were handled at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to waive the potential conflict of interest.

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.

PULLED FOR DISCUSSION

1. **CONTRACTS AND AWARDS**

F. **Sheriff**

19. RESOLUTION NO. 2011 – 143, authorizing the execution of an Intergovernmental Agreement with the City of South Tucson, to provide for the incarceration of municipal prisoners for the term 7/1/11 to 6/30/12, contract amount \$337,272.00 revenue (CTN-SD-12-000044)

Supervisor Day questioned the City of South Tucson's outstanding debt to Pima County of approximately \$1.4M for the incarceration of prisoners at the Adult Detention Center and what had been done to resolve the issue.

Chuck Huckelberry, County Administrator, responded that staff would continue to discuss various strategies with the City Manager of South Tucson to reduce the outstanding debt and avoid accruing debt in the future. He explained the actual costs due to Pima County was a debt that needed to be paid, but the interest rate pertaining to this debt appeared to be excessively high compared to current market interest rates for investments. Mr. Huckelberry responded that staff would provide an update on this matter in the fall.

B. **APPROVAL OF THE CONSENT CALENDAR**

It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay," to approve the Consent Calendar as presented.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. Habitat for Humanity, Amendment No. 1, to provide for the National Stabilization Program 2 and amend contractual language, no cost (CT-CD-12-0000342)

2. Allwyn Priorities, L.L.C., Amendment No. 1, to provide for the Pima County Brownfields Program for Ajo, Why and Lukeville, Arizona, amend contractual language and extend contract term to 8/31/12, no cost (CT-CD-12-000901)

B. County Attorney

3. RESOLUTION NO. 2011 – 136, approving and authorizing the execution of an Intergovernmental Agreement with the City of Tucson, to provide for the Pima County Attorney's Office Victim Witness Program for the term 7/1/11 to 6/30/12, State Fund, contract amount \$24,900.00 revenue (CTN-PCA-12-000046)
4. RESOLUTION NO. 2011 – 137, approving and authorizing the execution of an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide funding for five (5) FTE Attorneys; one (1) .80 FTE Investigator, one (1) .80 Paralegal, one (1) .80 Legal Secretary and one (1) FTE Special Staff Assistant for the term 7/1/11 to 6/30/12, ACJC Federal Grant Fund, contract amount \$555,071.00 revenue (CTN-PCA-12-000020)
5. RESOLUTION NO. 2011 – 138, approving and authorizing the execution of an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide compensation to victims of crime for the term 7/1/11 to 6/30/12, Federal and State Grant Funds, contract amount \$576,004.00 revenue (CTN-PCA-12-000021)
6. RESOLUTION NO. 2011 – 139, approving and authorizing the execution of an Intergovernmental Agreement with the Arizona Department of Public Safety, to provide services to victims of crime as authorized under the Victims of Crime Act (VOCA) for the term 7/1/11 to 6/30/12, State VOCA Grant Fund, contract amount \$137,999.00 revenue; cost – in-kind volunteer hours, \$34,500.00 (CTN-PCA-12-000052)

C. Environmental Quality

7. Arizona Department of Environmental Quality (ADEQ), Amendment No. 1, to provide for the Clean Air Voluntary No Drive Program for the term 7/1/11 to 6/30/12, ADEQ Fund, contract amount \$192,000.00 revenue (CTN-DE-12-000022)

D. Health Department

8. RESOLUTION NO. 2011 – 140, authorizing the execution of an Intergovernmental Agreement with the Arizona

Department of Health Services, to provide for the Emergency Preparedness Plan for the term 8/31/11 to 8/31/16, Federal Emergency Response Fund, contract amount \$785,106.00 revenue (CTN-HD-12-000062)

9. Arizona Department of Health Services, Amendment No. 2, to provide for the Tobacco Education Prevention Program for the term 7/1/11 to 6/30/12, State Grant Fund, contract amount \$1,067,000.00 revenue (CTN-HD-CMS-142205)

E. Procurement

Awards

10. Cooperative Procurement: Award of Contract, Procurement No. 10977, to Goodmans Interior Structures (Headquarters: Phoenix, AZ) in the amount of \$20,000,000.00 to provide as-needed office furniture for various County departments. The term of the contract is for 5 years. Funding Source: Various Funds. Administering Department: Facilities Management.
11. Low Bid: Award of Contract, Solicitation No. 1103797 (CT-FM-12-001180), to the lowest responsive bidder, D.L. Withers Construction, L.C. (Headquarters: Phoenix, AZ) in the amount of \$4,379,600.00 to provide for the Superior Court 7th and 8th Floor Remodel. The term of the contract is for a 12 month period and may be extended for project completion. Funding Source: 1997 Bond Fund. Administering Department: Facilities Management.
12. Cooperative Procurement: Award of Contract, Requisition No. 12-000357, to Empire Machinery (Headquarters: Mesa, AZ) in the amount of \$304,679.62 for a one-time purchase of a Caterpillar Motor Grader. Funding Source: Internal Service Fund. Administering Department: Fleet Services.
13. Cooperative Procurement: Award of Contract, Requisition 12-000071, to SHI International, (Headquarters: Piscataway, NJ) in the amount of \$2,000,000.00 for as required computer software and related items. The term of the contract is one year and includes four one-year renewal periods. The award includes the authority for the Procurement Director to approve future amendments/renewals without further action by the Board of Supervisors for reasons other than increases in funding. Funding Source: General Fund. Administering Department: Information Technology.
14. Award of Contract, Requisition 1103015 (MA-PW-12-000070), to Sellers & Sons, Inc. (Headquarters: Buckeye, AZ) and Kimbell Electric, Inc. (Headquarters: Glendale, AZ)

in the amount of \$1,500,000.00 to be shared by the job-order contractors for as-needed sports/security lighting and installation services. The term of the contract is one year and includes four one-year renewal periods. Funding Source: Various Funds. Administering Department: Natural Resources, Parks and Recreation.

15. Amendment of Award (B508065-BC), Amendment No. 1 to Polydyne, Inc. (Headquarters: Atlanta, GA) in the amount of \$340,000.00 for the addition of two polymers to the existing Master Agreement. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
16. Low Bid: Award of Contract, Requisition No. 1103834, to the lowest responsive bidder, KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ) in the amount of \$12,255,740.00 to provide for the construction of the Cortaro Farms/Magee Road: Thornydale Road to Mona Lisa Road Project. The contract term is for forty-eight months with the ability to extend for contract completion. Construction is to be complete within 425 working days from Notice to Proceed. The Department of Transportation 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 \$1.5 million, for this project. Funding Sources: RTA Fund (46%) and HURF 12.6% Fund (54%). Administering Department: Transportation.

F. Sheriff

17. RESOLUTION NO. 2011 – 141, authorizing the execution of an Intergovernmental Agreement with the State of Arizona, Department of Public Safety (DPS), to provide for the enhancement of law enforcement services concerning criminal activities of illegal immigration, human smuggling and border related crimes for the term 7/1/11 to 6/30/12, State Grant Fund, contract amount \$500,000.00 revenue (CTN-SD-12-000035)
18. RESOLUTION NO. 2011 – 142, authorizing the execution of an Intergovernmental Agreement with the Arizona Attorney General's Office - Victim Rights Program, to support direct costs of implementing victims' rights laws for the term 7/1/11 to 6/30/12, State Grant Fund, contract amount \$56,100.00 revenue (CTN-SD-12-000043)

19. RESOLUTION NO. 2011 – 143, authorizing the execution of an Intergovernmental Agreement with the City of South Tucson (PULLED FOR DISCUSSION)
20. Arizona Department of Homeland Security, Amendment No. 2, to provide for personnel overtime and mileage and extend contract term to 9/30/11, Operation Stonegarden Grant Fund, contract amount \$176.57 revenue (CTN-SD-12-000017)
21. Arizona Department of Homeland Security, Amendment No. 2, to provide for personnel overtime and mileage and amend contractual language, Operation Stonegarden Grant Fund, contract amount \$3,805.69 revenue (CTN-SD-CMS-142432)

2. CORRECTION FOR THE RECORD

On July 12, 2011, the Board of Supervisors approved the following contract. Staff requests correction to the contract amount, as indicated below.

Office of Emergency Management

RESOLUTION NO. 2011- 119, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Tucson Urban Area Security Initiative - Regional Emergency Operation Center Enhancement, Department of Homeland Security Fund, contract amount ~~\$527,643.00~~ **\$599,130.60** (CT-OEM-12-000081)

3. ELECTIONS DEPARTMENT

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Nancy Gunn Harsha	088	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Alan P. Mitchell	039	REP
Trevor R. Hill	166	REP
Jason M. Winsky	190	REP
Jacob D. Allen	310	REP
Lynnette M. Huggins	313	REP
Agnes S. Hannley	331	REP
Jonathan B. Carver	343	REP
Dawn M. Epton	364	REP
Adam C. Kwasman	402	REP

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

A. **Mechanical/Plumbing Code Committee**

Reappointment of Kenneth Cawthorne. Term expiration: 5/1/15.
(Staff recommendation)

B. **Building Codes Board of Appeals**

Reappointment of Alex Jacome. Term expiration: 5/1/15. (Staff
recommendation)

C. **Davis-Monthan Open Space Advisory Committee**

Appointment of Michael V. Varney to replace John C. Camper. No
term expiration. (Committee recommendation)

D. **Metropolitan Education Commission**

Appointment of Georgina Valencia to replace Meardey Kong –
Youth Commissioner. Term expiration: 10/19/13. (Commission
recommendation)

E. **State Board of Equalization**

Appointment of Peter E. Pearman to replace Matthew E. Smith.
Term expiration: 12/31/12. (District 5)

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

A. Vivian L. Fellom, University Medical Center Foundation, Westin La
Paloma Resort, 3800 E. Sunrise Drive, Tucson, September 24,
2011.

B. Jonas Wes Hunter, Greater Oro Valley Arts Council, d.b.a.
Southern Arizona Arts and Cultural Alliance, La Encantada, 2905 E.
Skyline Drive, Tucson, August 27, 2011.

C. John Lambert Ponzo, Green Valley Elks Lodge BPOE No. 2592,
2951 S. Camino Mercado, Green Valley, October 2, 2011.

D. James B. Murphy, Tucson Culinary Festival, Loews Ventana
Canyon Resort, 7000 N. Resort Drive, Tucson, October 29 and 30,
2011.

E. Patrick Stephen West, St. Rita in the Desert Church, 13260 E.
Colossal Cave Road, Vail, September 16 and 17, 2011.

- F. Mercedes M. Guerrero, Comité de Festividades Mexicanas, 5120 S. Julian, Tucson, September 18, 2011.
- G. Laura B. Brumbelow, Rincon Institute, 12500 E. Old Spanish Trail, Tucson, September 17, 2011.
- H. Crystal Dawn Kasnoff, University Medical Center Foundation, La Encantada, 2905 E. Skyline Drive, Tucson, September 7, 2011.

6. FINANCE AND RISK MANAGEMENT

Duplicate Warrants – For Ratification

Oro Valley Neurology	\$ 4.80
Next Step Counseling	\$ 2,202.50
Kenneth Dagostino	\$ 4,145.09
Sara Plevel	\$ 96.80
Jane Eikleberry	\$ 457.98
David Kovalik	\$ 4,440.00
Arizona Associated Surgeons	\$ 19.54
Paul Tang	\$ 457.98
Ames Diversified Services, L.L.C.	\$ 4,940.00
Sabino Electric, Inc.	\$ 12,881.00
Mary Carochi	\$ 903.71
John Kamau	\$ 2,001.02
Nicolas Siemens	\$ 280.00
Loni Anderson	\$ 31.16
Regina Martinez	\$ 214.50
Wendy Islas	\$ 293.42
Andrea G. Espinoza	\$ 88.30
Stewart Title & Trust	\$ 2,030.00
Teresa Kennedy	\$ 135.00
Michelle Sixkiller	\$ 55.89
Rona Newton	\$ 194.40
Katherine Wootton	\$ 8.90
Sandra Garcia	\$ 810.00
Rio Seco Apartments	\$ 580.41
Barbara Smith	\$ 1,167.60
International Towers	\$ 60,051.00

7. TREASURER'S OFFICE

Duplicate Warrants – For Ratification

Eleanor Crafton Lewis	\$15.20
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8. **REAL PROPERTY**

A. **Condemnation**

RESOLUTION NO. 2011 – 144, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property and/or real property interests where necessary for the Orange Grove Road: Camino de la Tierra to La Cholla Boulevard Project, in Sections 3, 4, 5, 8, 9, and 10 of T13S, R13E, G&SRM. (District 1)

B. **Drainage Easement**

Conveyance of a Non-Exclusive Drainage Easement to HSL Riverside Crossing Apartments, L.L.C, for the construction and maintenance of underground drainage improvements within Section 15 , T13S, R13E, G&SRM. (District 1)

C. **Multipurpose Easement**

Conveyance of a Multi-Purpose Easement to Pima County Natural Resources, Parks and Recreation from Cal Portland Company, Inc. and CPC Southwest, for a permanent recreational trail easement within a portion of Sections 6, 7 and 17, T13S, R13E, G&SRM. (District 3)

D. **Exchange Agreement and Quit Claim Deeds**

1. Exchange Agreement between **Pima County** and the Pima County Flood Control District along the La Cholla Boulevard right-of-way and the Canada Del Oro Floodway, within Sections 21 and 22, T12S, R13E, G&SRM. (District 1)
2. Quit Claim Deed to Pima County Flood Control District, to convey all rights, title and interest of land located within Sections 21, T12S, R13E, G&SRM. No revenue. (District 1)
3. Quit Claim Deed to Pima County, to convey all rights, title and interest of land located within Sections 21, T12S, R13E, G&SRM. No revenue. (District 1)
4. Quit Claim Deed to Pima County Flood Control District, to convey all rights, title and interest of land located within Section 22, T12S, R13E, G&SRM. No revenue. (District 1)

9. REGIONAL WASTEWATER RECLAMATION

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:

El Minuto Cafe, Inc., Case No. C2011-14. The proposed settlement of performance of a Supplemental Environmental Project (SEP) in the form of installation of a gravity grease interceptor within one (1) year is in accordance with the Industrial Wastewater Enforcement Response Plan.

10. RATIFY AND/OR APPROVE

Minutes: July 12, 2011

Warrants: August, 2011

REGULAR AGENDA/ADDENDUM ITEMS

12. COUNTY ADMINISTRATOR: Revisions to Merit System Rules and Personnel Policies

Staff recommends approval of the following revisions to Merit System Rules and Personnel Policies:

Merit System Rule 5.1.C.4 – Examination: Merit System Rule 5.1.C.4 is revised to comply with the Arizona State Library, Archives and Public Records requirements. Specifically, the general records retention schedule for Personnel/Human Resources Records limits the retention of test scores, among other recruitment documents, to two years and six months. Therefore, test scores for County employees must be in compliance with the retention schedule and can no longer be retained for the duration of their employment with Pima County. Also, we have added language that will allow an employee to retake the examination prior to the expiration of their test scores and Human Resources will schedule additional testing sessions accordingly.

Personnel Policy 8-105.G.1 - Annual Leave: Personnel Policy 8-105.G.1 extends the policy to allow donated annual leave hours in instances when an employee is on approved FMLA leave for a family member's serious health condition. Donating hours for this purpose applies only to annual leave which is the donor's property right. The Committee has agreed to not extend this donation to sick leave hours to ensure proper protection of and to preserve sick leave accruals for our employees in case they themselves become ill. Also, "continuous and intermittent" is added to ensure that the employee is eligible for donated leave when leave banks are exhausted for

both continuous and intermittent leave. A clause is included allowing donated hours when the employee who has exhausted his or her leave banks is returned to work on an intermittent basis. This practice of allowing donations during continuous and intermittent leave for an employee's own serious health condition, when the employee's own leave banks are exhausted, has been in place for some time and is clarified in policy and will now extend to family members as defined in this attached policy.

Personnel Policy 8-105.G.5 - Annual Leave: Personnel Policy 8-105.G.5 is clarified and is in line with our current practice that allows an employee to receive donated hours when his or her own leave is exhausted as opposed to the next work day. This is beneficial to the employee who exhausts his or her leave prior to the end of a work day. Also, the letter "G" is properly added to the reference in this policy.

Personnel Policy 8-106.G.1 - Sick Leave: Personnel Policy 8-106.G.1 extends the policy to allow for donated leave when leave banks are exhausted for both continuous and intermittent leave. A clause is included allowing for donated hours when the employee who has exhausted his or her leave banks is returned to work on an intermittent basis. Again, this practice has been in place for some time and is only clarified in policy.

Personnel Policy 8-106.G.6 - Sick Leave: Personnel Policy 8-106.G.6 is clarified and is in line with our current practice that allows an employee to receive donated hours when his or her own leave is exhausted as opposed to the next work day. This is beneficial to the employee who exhausts his or her leave prior to the end of a work day. Also, the letter "G" is properly added to the reference in this policy.

Personnel Policy 8-122.G - Group Insurance: Personnel Policy 8-122.G. Group Insurance is amended to clarify the fact that in order for an employee to enroll or cancel coverage for his dependent during times other than open enrollment and based on the qualified dependent being terminated from his or her employment, that dependent also must have lost coverage with his or her employer. The way it is currently phrased does not conform to the Federal law and must be tweaked slightly to ensure that we do not jeopardize our pre-tax status for health and other benefits. In essence, this change allows us to remain compliant with the Federal health coverage portability requirements and ultimately the Internal Revenue Service for pre-tax privileges.

Supervisor Carroll asked if the revisions had been appropriately reviewed and if the rules applied to all employees.

Chris Straub, Chief Civil Deputy County Attorney, responded that the revisions had been reviewed and approved by the Meet and Confer Committee, the Pima County Merit Commission, and the Deputy County Attorneys that review employee issues. Chuck Huckelberry, County Administrator, confirmed that these policies would apply to all Pima County employees.

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

13. **COUNTY ADMINISTRATOR: Redistricting Pima County Supervisorial Districts**

Staff recommends that the Board take the following actions:

1. Tentatively adopt the map recommended by the Pima County Redistricting Advisory Committee (RAC) on July 14, 2011, after a public hearing; and,

2. Direct staff to place the item on the Board of Supervisors' September 13, 2011 Meeting for final adoption.

Nicole Fyffe, Executive Assistant to the County Administrator, reported on the efforts of the Pima County Redistricting Advisory Committee (RAC) members, including their extensive efforts in the area of public outreach from the time of their initial appointment in May, 2011, through the submission of their recommendation for tentative adoption. She said it was important to note that the State's Independent Redistricting Committee was still in the process of meeting on the legislative and congressional districts and that it was possible that their recommendations could impact some of the County precinct lines and the proposed RAC recommendation. She advised that any Board action would be subject to potential revisions in the near future from the State and preclearance from the U.S. Department of Justice.

Chuck Huckelberry, County Administrator, advised that there had been recent concern from the Green Valley area about the suggested relocation of three precincts and the potential division of that community. He stated that it was possible to shift precincts in and out of these boundaries without violating any of the principles of the population distribution or diluting the minority population vote in Districts 2 and 5. He explained that a new map titled "Option C" had been prepared and was being presented to address the Green Valley precincts in District 4 by keeping the area as one community of interest and rebalancing the remainder of the supervisorial districts. Mr. Huckelberry read the following relocation changes as depicted on the Option C Map into the record:

<u>Precinct. No.</u>	<u>District Relocation</u>
220, 269, 329	District 1
230, 315, 316, 397 and 405	District 3
209, 297, 414 (Green Valley)	District 4
108	District 5

Supervisor Carroll asked if the RAC had looked at Option C. Mr. Huckelberry responded that they had not due to the fact that the proposed modifications were generated from discussions that responded to public comment well after the RAC recommendation was received by the Board. He added that Option C had been seen by RAC earlier in the process.

Supervisor Elias commented that protecting communities of interest was of particular importance, and thought that both maps complied with the Voting Rights Act to protect Pima County citizens. He thanked the RAC members for their efforts in accomplishing a difficult job under a great deal of scrutiny.

Supervisor Day stated her staff had not been consulted on the new map and that the map before them still reflected inconsistencies including areas sharing municipalities and not using natural boundaries. She did not approve of changes being made at the last minute to the RAC recommendation.

Supervisor Elías said that it was his understanding that during the first meeting of the RAC, the members voted to produce a map that was similar to the existing map since it had already received preclearance from the Justice Department, and that created as little confusion for the voters, as possible. He stated that both maps met those requirements, but Option C took the process a step further toward protecting the interests of the people in the Green Valley and Sahuarita area.

Supervisor Carroll recognized Benny White, Representative of the Pima County Republican Party and member of the Pima County Election Integrity Commission, and asked for his opinion on the recommended changes reflected in Option C. Mr. White responded that it had been a consensus that it was important not to disenfranchising voters by eliminating polling places. He stated that he had not had the opportunity to review the new map and that his primary area of concern related to ensuring that enough people were placed in District 3 because of its low density. He stated that with respect to competitiveness, Democrats vastly favor Republicans in voter registration and there would be primarily three democratic and two republican districts. He also agreed that it was important to have as little disruption for the voters, as possible.

The Chairman asked if anyone wished to be heard. No one appeared.

Supervisor Day stated that although redistricting was not an exact science and had been a very public process, she felt that this redistricting effort was over before it began and that the Districts would all be less competitive.

On consideration, it was moved by Supervisor Bronson and seconded by Supervisor Elías, to tentatively adopt the map titled "Option C" with the relocation changes as read into the record by Mr. Huckelberry; to place the Option C map on the County website; and to direct staff to bring this item back to the September 13, 2011 Board of Supervisors' Meeting for final adoption. Upon a roll call vote, the motion carried 4 -1, Supervisor Day voting "Nay."

14. **ELECTIONS DEPARTMENT: Establishment of County Election Precincts for 2012-2013**

Pursuant to A.R.S. §16-411, staff recommends that the Board take the following actions:

- A. Tentatively approve the Pima County Election Precincts for 2012-2013.
- B. Direct staff to place the item on the Board of Supervisors' September 13, 2011 Meeting for final adoption.

Chuck Huckelberry, County Administrator, reported this was a consolidation of precincts which was a result of the early voting process which had reduced the need for the current number of precincts in Pima County.

Supervisor Elías said that he understood the problems associated with the rising costs of maintaining all of the current precincts, but expressed concern regarding consolidation as it related to voter access and maximizing voter participation. He questioned if approval of the election precincts had to be simultaneous with the approval of the supervisorial districts.

Brad Nelson, Elections Director, responded that approval of the election precincts did not have to be done at the same time as the supervisorial districts, but they should be close enough to ensure that the public had time to get used to the changes.

Supervisor Elías commented that although some supervisorial districts had traditionally low voter turnout, he feared that elimination of precincts in those areas would create even lower turnout. He said he did not have a problem with the precincts but rather the number of polling places and stated that the Board needed to have the latitude to fix any issues that arose should these precincts be tentatively approved at this meeting.

Chairman Valadez stated he had not been provided with the new proposed precinct information and did not believe there had been enough information provided to the public for review and comment.

Supervisor Bronson raised questions relating to the establishment of new precincts and the issues that could result from the vote-by-mail process common to many jurisdictions including school districts.

Mr. Nelson expressed concern that the voters who live in a vote-by-mail jurisdiction may think that the mail ballot received would include all of the ballot measures when, in fact, an early ballot would still need to be requested from Pima County. He stated Pima County would continue to educate the voters by mailing out sample ballots and the yellow precinct identification cards. Mr. Nelson explained that the deadline for approval of the precinct boundaries was on or before December 1, 2011.

The Chairman asked if anyone wished to be heard.

Benny White, Representative of the Pima County Republican Party, addressed the Board. He recognized Isabel Estrada, Elections Department staff, for all of her invaluable assistance regarding this process. He also commented that approximately 30 to 40 of the precincts were still divided by major thoroughfares, and spoke of the dilemma of protecting voter interests while trying to keep polling place costs down. Mr. White stated that the precincts would need to be reviewed after the State redistricting committee approved their new boundaries.

Supervisor Elías questioned whether this process should make it easier to vote in precincts that have had traditionally low turnout or in precincts with seventy percent. He does not want to disenfranchise voters because costs are becoming increasingly problematic.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-1, to delay the tentative adoption of the Pima County Election Precincts for 2012-2013 until the Board of Supervisors Meeting of October 11, 2011, and direct staff to place the proposed precinct map on the County website and provide the maps to the libraries for public review.

15. **REGIONAL WASTEWATER RECLAMATION: Pretreatment Settlement Agreement**

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

Dunkin' Donuts, L.L.C., Case No. C2011-03. The proposed settlement amount of \$699.97 is in accordance with the Industrial Wastewater Enforcement Response Plan.

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

16. **HEALTH DEPARTMENT**

RESOLUTION NO. 2011- 145, approving the offer and acceptance from the Arizona Department of Health Services, for the provision of services under the Health Start Program in the amount of \$170,997.50.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011-145 and approve the offer and acceptance.

17. **FRANCHISE/LICENSE/PERMIT: Extension of Premises/Patio Permit**

Albert Sherman Hall, Jr., Tohono Chul Tearoom, 7366 N. Paseo del Norte, Tucson, Temporary Extension of Premises for September 23, October 14, 28 and November 4, 2011.

The Chairman inquired whether anyone wished to be heard. No one 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, approve the permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

18. **FRANCHISE/LICENSE/PERMIT: Fireworks Permit**

Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, November 26, 2011, at approximately 9:30 p.m.

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

19. **FRANCHISE/LICENSE/PERMIT: Bingo License**

11-04-8026, San Xavier Moose Lodge 1964, 10600 S. Nogales Highway, Tucson, Class A – Small Game.

The Chairman inquired whether anyone wished to be heard. No one 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, approve the application for bingo license and forward the recommendation to the Arizona Department of Revenue.

DEVELOPMENT SERVICES: Conditional Use Permits

20. P21-11-008, PENA – E. SINGING CACTUS LANE

Request of Guillermo Salinas and Luisa Galaz Pena, represented by Charles Corrales, on property located at 4037 E. Singing Cactus Lane, Tax Parcel No. 303-09-047D, in the RH Zone, for a Conditional Use Permit for a contractor's yard. Chapter 18.97, in accordance with Section 18.13.030.B.21 of the Pima County Zoning Code, allows a contractor's yard as a Type II Conditional Use in the RH zone. The Hearing Administrator recommends DENIAL. (District 2)

Jim Portner, Hearing Administrator, stated that this was a request for a Type II Conditional Use Permit for a contractor's yard located in the RH Zone. He noted a correction of the record, that on Page 2 of the Summary, the Administrative hearing date should have been June 8, 2011. He explained that denial was being recommended because the proposed use was inconsistent with the residential character in the area, testimony from the neighbors regarding the noise during the hours of operation, and the concern over public access on a non-publicly maintained dirt road.

Charles Corrales, representative of the Appellant, Guillermo Pena, addressed the Board. He stated that this was not a standard contractor's yard in the respect that the intended use would be less than 2.5% of the 5 acres for the business operation. He stated that a report had been prepared and submitted to the Pima County Flood Control District to address concerns about flood issues and that access on a daily basis would basically be limited to 5 trips in and out.

Mr. Corrales added that this was a small business, that they were willing to comply with all of the required conditions, grade the road on a regular basis as determined by the County at their own expense, and that they had obtained 10 signatures from the property owners in support of the operation.

The Chairman inquired as to whether anyone wished to be heard. The following speakers addressed the Board:

- A. Herman Rousch
- B. Lisa Hampton

They provided the following comments:

1. The access road, which was basically an easement, was not maintained and grading made it worse.
2. The operation produced significant dust and noise that disturbed the neighbors and animals.
3. The property was zoned primarily as residential and should not be used for business.
4. Natural vegetation had already been removed with grading and had in turn caused flooding in the area.
5. It was requested that the Board deny the permit and require that some of the vegetation be replaced.

Mr. Portner confirmed that there were several sections on this unimproved access road with an approximate 10% slope. He stated that it was purely a dip crossing and difficult to cross during the flood season.

Chairman Valadez stated that a great deal of effort that had gone into making this area a better place to live and to maintain a residential atmosphere, and that this particular application did not fit with the overall plan for the area.

On consideration, it was moved by Chairman Valadez, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, to close the public hearing and deny the request for a Conditional Use Permit.

21. P21-11-010, TUCSON TRAP AND SKEET CLUB / PIMA COUNTY – W. OLD AJO HIGHWAY

Request of Tucson Trap and Skeet Club & Pima County, represented by The WLB Group, on property located at 7800 W. Old Ajo Highway (Tax Parcel Nos. 210-13-001A and 210-12-0420), in the RH Zone, for a Conditional Use Permit for a skeet, trap, rifle or pistol range. Chapter 18.97, in accordance with Section 18.13.030.B.19 of the Pima County Zoning Code, allows a skeet, trap, rifle or pistol range as a Type II Conditional Use in the RH zone. The Hearing Administrator recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

Standard Conditions per the Pima County Zoning Code

- a. Minimum front site setback: One hundred feet, which may be used for parking or recreational facilities.
- b. Review procedures: Type II procedure, with recommendations to the hearing administrator by the target range committee (refer to Section 18.99.040, Review Committees).
- c. Release from liabilities: The owners or operators of the a target range shall, by written agreement, indemnify and hold Pima County harmless from any liability arising from the existence, use or operation of the range.* The owners or operators shall provide to the board of supervisors evidence of a valid policy of liability insurance in an amount to be determined by the county. The policy shall name Pima County, its agents, officers and employees as insures thereunder.

*The property owner has executed and furnished to Pima County the required hold-harmless agreement.

Special Conditions

1. Prior to the County's approval of any construction permit for a permanent structure, the property owner shall record the Avigation Easement form that discloses the existence and operational characteristics of the Ryan Airfield and further conveys the right to the public to lawfully use the airspace above the property. The content of such documents shall be according to the form and instructions provided.
2. Prior to the County's approval of any construction permit for a permanent structure, the property owner shall send one (1) executed form set of FAA Form 7460-1, Notice of Proposed Construction or Alteration, to the Manager of the Air Traffic Division, FAA Regional Office having jurisdiction over the area within which the construction or alteration will be located. The form and electronic submittal process are available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.
3. All parking during organized special events shall occur on-site and not on any adjacent off-site areas or public rights-of-way.
4. It is understood that there is no new outdoor lighting associated with the new shooting stations that are the subject of this conditional use permit application. If any outdoor lighting for same is sought in the future, it shall be designed and installed in full accordance with the Pima County Outdoor Lighting Code (OLC)."

Jim Portner, Hearing Administrator, reported that this was a request for a Type II Conditional Use Permit to accommodate a series of new shooting stations for the Tucson Trap and Skeet Club which had been in operation for a number of years. Mr. Portner advised that a number of speakers appeared at the July 13, 2011 hearing with concerns related to noise and safety. He reported no formal objection had been received, and there had been no further comment since the public meeting.

Supervisor Bronson asked if the applicant was in agreement with the special conditions. Mr. Portner responded yes, but advised that the conditions were discussed conceptually and needed to be put into writing and clarified as the project developed.

The Chairman inquired as to whether anyone wished to be heard.

Joe Blankenship, adjacent property owner, appeared to express his concern over development in the area and related flooding problems on this property.

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 the request, subject to standard and special conditions.

22. P21-11-011, CITY OF TUCSON – N. GARVEY ROAD

Request of NRG Solar Avra Valley, L.L.C., for the property owner City of Tucson, on property located at 9602 N. Garvey Rd. (Tax Parcel Nos. 208-29-0200 and 208-29-0210), in the RH zone, for a Conditional Use Permit for a solar farm (a.k.a. solar power plant). Chapter 18.97, in accordance with 18.13.030.B.35 of the Pima County Zoning Code, allows a solar farm as another conditional use which is similar in type, scale and intensity to other listed conditional uses. A solar farm is a Type II Conditional Use in the RH zone. The Hearing Administrator recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 3)

Standard Conditions per the Pima County Zoning Code

1. Receive an approved Type II conditional use permit.
2. Receive an approved Development Plan.

Special Conditions

1. This conditional use permit approval is for a solar farm (solar power plant) and its support activities only, the type and character of which are depicted on the submitted preliminary development plan PDP). No other uses of commercial intensity are permitted.
2. The development of the property shall proceed in general conformance with the site layout and improvements as shown on the submitted PDP.
3. In accordance with the aforementioned PDP, the facility's security fence on the east side of the project shall be setback a minimum of four hundred ten feet (410') from the east property boundary. The facility's security fence on the south side of the project shall be setback a minimum of four hundred twenty feet (420') from the south property line. The areas east and south of the security fence shall constitute on-site open space areas and provide credit towards the project's overall requirement for mitigation lands.
4. Any proposed active vegetative reclamation/restoration proposed within the above open space areas shall be detailed on an *On-Site Revegetation and Restoration Plan* (also see Special Condition No. 15 below) provided for staff review at the time of formal Development Plan submittal.
5. The Coalition for Sonoran Desert Protection shall be actively involved in the review of the *On-Site Revegetation and Restoration Plan*. This involvement shall be coordinated through the Pima County Environmental Planning Manager's office during the formal Development Plan review process.
6. The site's permanent buildings shall utilize a southwestern color palette (desert tans, browns, rusts, greens) for those building portions that are not of indigenous or natural building materials.
7. The proposed 24' wide gravel road to access the project site from Avra Valley Road, if approved by Pima County as an alternative to paved access, shall be extended sufficiently southward to fully capture the proposed entry drive into the project's Operations & Maintenance (O&M) area.
8. The applicant shall coordinate appropriately (prior to or during the formal Development Plan review process) with the Pima County Office of Cultural Resources and Historic Preservation (OCRHP) with respect to the on-site cultural resource surveys that have been completed and the need, if any, for further survey or mitigation activities.

The remaining Special Conditions below are recommended in accordance with the Pima County Environmental Planning Manager's memorandum of August 8, 2011:

9. Current estimates of the 86-acre on-site mitigation and 233.7-acre impacted area must be definitively quantified and submitted as part of the Development Plan. Based on these refined numbers, a mitigation ratio of 2:1 will be applied to the number of acres impacted to determine the project's overall mitigation obligation. On-site acres will be valued at 1:1 and credited toward the overall mitigation obligation. The balance of mitigation lands will be provided off-site and must be secured prior to operation of this solar facility.
10. ~~A conservation easement(s), or other similar legally binding commitment, will be placed on all on-site mitigation lands to permanently protect them from development.~~ **Permanently protect all on-site mitigation lands from development in a manner acceptable to the Planning Director.**
11. If not included in the City of Tucson's lease agreement with NRG Solar, LLC, the lease agreement must be amended to include the requirement that all off-site mitigation lands will be permanently protected from development.
12. The project site must be surveyed according to current Arizona Game and Fish Department Burrowing Owl Project Clearance Guidelines and a final report documenting survey results shall be submitted to the Office of Sustainability and Conservation and Development Services prior to the application for a grading permit. Negative survey results or appropriate conservation of owls found on-site must be verified prior to submitting for a grading permit.
13. The perimeter security fence must be placed behind the set-backs. If the existing fence denoting the property's boundary cannot be removed, it must be made to conform to the Arizona Game and Fish Department's wildlife-compatible fencing guidelines.
14. With the exception of those acres designated as on-site mitigation, the property must, upon termination of the authorized use, be returned to substantively the same condition as existed prior to the conditional use permit. An appropriate reclamation and closure plan, including recycling, must be submitted to Pima County for approval.
15. The applicant must develop and implement an *On-Site Revegetation and Restoration Plan* that fully integrates landscape and bufferyard requirements; incorporates an invasive species control and eradication program; improves the structural and species diversity of poorly vegetated areas and un-necessary roads within the on-site mitigation lands; and specify a pallet of native short grass species that will be established within the developed area as well as the method of establishment. The *On-Site Revegetation and Restoration Plan* must be reviewed and approved by the Regional Flood Control District and the Office of Sustainability and Conservation prior to the approval of the Development Plan."

Jim Portner, Hearing Administrator, reported that this was a request for a Type II Conditional Use Permit in the RH Zone for a solar farm, also referred to as a solar power plant. The public hearing was held on August 10, 2011. The applicant and their consultant team had done a good deal of public outreach prior to the public hearing. He stated that staff recommended approval subject to standard conditions and 15 special conditions. He explained that Special Condition No. 10 had been modified by the County Attorney.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

- A. Mike Varney, Chief Executive Officer, Tucson Metropolitan Chamber of Commerce
- B. Michael Guyman, Vice President, Tucson Regional Economic Opportunities, Inc.

- C. General Ron Shoopman, President of Southern Arizona Leadership Council
- D. Bruce Plenk, City of Tucson, Solar Energy Coordinator

They provided the following comments:

1. All supported the NRG Solar Project and agreed it would be a positive business and community venture for Pima County.
2. This was a great example of a major investment of outside capital which would increase the tax revenue base and create 200 to 300 local jobs.
3. The project would send a message to the world that Pima County was the place for solar energy projects and their associated businesses.
4. The location was perfect and this project would provide clean energy to approximately 20,000 homes operating at full capacity.
5. The applicant had set new standards in community outreach and respect for habitat, neighborhoods and County recommendations.
6. This project allowed partnering with solar companies and the University of Arizona, Pima Community College and other educational agencies to work with the solar industry to make sure that they educated and produced the type of employees that the solar industry needed.
7. The Board was encouraged to continue to develop alternative energy guidelines unique to solar and other forms of renewable energy that would make this process easier in the future.
8. The Greater Tucson Solar Development Plan was adopted, fit nicely and seemed to coordinate well with the Habitat and Sonoran Conservation Plans.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias, and unanimously carried by a 5-0 vote, to close the public hearing and approve the request subject to standard and special conditions, and with the amendment to Condition No. 10.

23. **TRANSPORTATION: Roadway Establishment and Intergovernmental Agreement**

- A. RESOLUTION NO. 2011-146, of the Board of Supervisors, providing for the establishment of a County Highway situated within portions of Section 24 and 25, T14S, R13E, G&SRM, Pima County, Arizona and located within the incorporated limits of the City of South Tucson for paving and chip sealing. (District 2)
- B. City of South Tucson, to provide an Intergovernmental Agreement for pavement and chip sealing of all moderate-capacity collector residential streets, 1997 HURF Bond Fund, contract amount \$1,200,000.00 **not-to-exceed \$880,000.00** (CTN-TR-12-000111)

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 hearing, adopt Resolution No. 2011 – 146 and approve the contract, as corrected.

24. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2011 - 52, of the Board of Supervisors, regulating parking of vehicles on Kinney Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- B. ORDINANCE NO. 2011 - 53, of the Board of Supervisors, regulating U-turning of vehicles on Lodge Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- C. ORDINANCE NO. 2011 - 54, of the Board of Supervisors, regulating stopping, standing or parking on Skyline Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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 hearing and adopt Ordinance Nos. 2011- 52 to 54.

25. CONTRACTS AND AWARD

A. Community Services, Employment and Training

- 1. Arizona Community Action Association, to provide administration services for the Weatherization Program for the term 7/1/11 to 6/30/12, U.S. Department of Housing and Urban Development/SHP Fund, contract amount \$259,707.63 revenue (CTN-CS-12-000123)
- 2. Arizona Department of Economic Security Amendment No. 3, to provide employment and training services to participants in Pima County's workforce programs, amend contractual language and extend contract term to 8/31/15, no cost (CTN-CS-CMS143255)

B. Procurement – Ratification of Award

- 1. Ratification of Amendment of Award: Norment Security Group, (Headquarters: Montgomery, AL) Master Agreement, MA PO B504609 Version 2, for an emergency procurement to add \$318,000.00, approved by the County Administrator and retroactive to August 26, 2011 to the current contract term. This additional funding is required to pay for the installation of two new recording and archiving video surveillance systems to replace existing systems that are inoperable at the Adult Detention Center.

If the requested action is approved, the resulting annual award amount will remain at \$345,000.00. Funding Source: Criminal Justice Enhancement Fund. Administering Department: Sheriff's Department.

C. Regional Wastewater Reclamation

1. RESOLUTION NO. 2011 - 147, of the Board of Supervisors, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Household Hazardous Waste Collection and Education Program for the term 7/1/11 to 6/30/16, RWRD Enterprise Fund - funding based on a cost sharing formula (CT-WW-12-001229)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011-147, and approve the contracts and award.

26. CALL TO THE PUBLIC

The Chairman inquired as to whether anyone wished to address the Board. The following individuals addressed the Board:

Edward Messing, Bear Canyon Neighborhood Association President, expressed his appreciation for the removal of the speed cameras installed on east Tanque Verde and requested that speed cameras not be reinstalled in any location on Tanque Verde between Catalina Highway and Houghton Road.

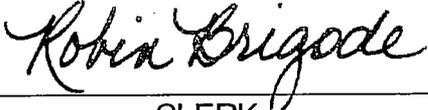
Michael Toney addressed the Board regarding Rosemont Mine and the potential for future water pollution and stated that Pima County needed to acquire the property to use for prototype energy development which could be a substantial revenue source for Pima County.

27. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:24 p.m.


CHAIRMAN

ATTEST:


CLERK