

MINUTES, FLOOD CONTROL DISTRICT BOARD

FEBRUARY 17, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 17, 2009. Upon roll call, those present and absent were as follows:

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

1. **MITIGATION PLAN PROPOSAL**

Staff requests approval of the Mitigation Banking Proposal for the WVR Consulting development of Rancho Valencia, P1204-080, in the amount of \$35,703.92. (District 2)

Chairman Elías asked whether fines were associated with this proposal.

Suzanne Shields, Regional Flood Control Director, responded no fines were established for Riparian Habitat Mitigation. The department fee in lieu was based on the submission of an estimate regarding the cost of constructing the riparian area that would require five years of maintenance.

Chairman Elías requested information regarding fines related to egregious violations.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:45 p.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

FEBRUARY 17, 2009

The Pima County Zoning Enforcement Board of Appeals 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, February 17, 2009. Upon roll call, those present and absent were as follows:

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

1. **LITIGATION**

The Board of Supervisors' on 9/16/08, 10/21/08 and 11/18/08, continued the following:

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. P08ZV00250–1 and 2, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was removed from the agenda.

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

P08ZV00250–1 and 2, James Hessler

In accordance with the Pima County Code 18.95.030.D, James Hessler appeals the decision of the Hearing Officer in Case No. P08ZV00250 - 1 and 2, regarding violations of the Pima County Zoning Code Section 18.81.080.C1, failure to obtain a grading permit and Section 18.72.060.A1, removing native plants without an approved plant preservation plan, on property located at 231 N. Vail View Rd. (District 4)

Without objection, this item was removed from the agenda.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:45 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 17, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 17, 2009. Upon roll call, those present and absent were as follows:

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

1. **PERSONAL POINT OF PRIVILEGE**

Chairman Elías requested a moment of silence in honor of Steve Emerine, former Pima County Assessor and Alice Papcun, who along with her husband George who preceded her in death, was a co-founder of the American Civil Liberties Union. Mr. Emerine and Mrs. Papcun recently passed away.

2. **INVOCATION**

The invocation was given by retired Pastor Suzanne Havlic.

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. **PROCLAMATION**

A. Presentation of a proclamation to Richard Fimbres and Javier Herrera, proclaiming the week of March 16 through 22, 2009, to be:

“YOUTH LEADERSHIP WEEK”

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

B. Presentation of a proclamation to Kristobal Fimbres, proclaiming the month of March 2009, to be:

"WOMEN AND GIRLS HIV/AIDS AWARENESS AND PREVENTION MONTH
AND
NATIVE AMERICAN HIV/AIDS AWARENESS AND PREVENTION MONTH"

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

Kristobal Fimbres and Hermina Frias accepted the proclamations and expressed their gratitude for the Board's support.

6. PERSONAL POINT OF PRIVILEGE

Chairman Elías congratulated John Bernal, Pima County Deputy County Administrator and the Bernal Family for their contributions to the community. He commented the Sunday edition of *The Arizona Daily Star* which contained an article that outlined the contributions of the Bernal Family.

... EXECUTIVE SESSIONS

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:15 a.m.

7. RECONVENE

The meeting reconvened at 9:50 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 Whitten v. Palomino et. al., Pima County Superior Court Case No. C20085919.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a motor vehicle/personal injury lawsuit for which the County Attorney's Office has requested authorization to proceed with settlement negotiations as discussed in executive session.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the County Attorney's Office recommendation.

9. **LITIGATION**

The Board of Supervisors' on 2/10/09, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice and direction regarding the possible purchase of real property known as Tumamoc Hill at public auction currently scheduled for February 23, 2009, Public Auction Number 53-112516.

Chris Straub, Chief Civil Deputy County Attorney, stated this item was advice to the Board regarding the legal risks of assuming ownership of Tumamoc Hill that would include an old landfill site. The property is scheduled to be auctioned off by the State Land Department on February 23, 2009. The County Attorney's Office recommended direction be given to staff to proceed with the auction and the proposed agreement with the City of Tucson who would take title to the landfill as discussed in executive session.

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

10. **LITIGATION**

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

Sutton v. Pima County
Tax Parcel No. 219-44-0250
Arizona Tax Court Case No. ST2008-000537

Chris Straub, Chief Civil Deputy County Attorney, stated this was a valuation appeal and proposed settlement case. The proposed settlement would reflect sales of comparable properties that would result in a decrease of the full cash value from \$772,035.00 to \$625,000.00 for tax year 2009. The Assessor and Pima County Attorney's Office recommended approval of the settlement.

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

JFS Speedway Properties, L.L.C. v. Pima County
Tax Parcel No. 117-02-1150
Arizona Tax Court Case No. ST2008-000406

Chris Straub, Chief Civil Deputy County Attorney, stated this was a valuation appeal and proposed settlement for property that was valued at \$196,941.00 based on construction year 1980, but the correct year was 1964. The proposed settlement would correct the error and result in a decrease of the full cash value from \$196,941.00 to \$156,235.00 for tax year 2009. The Assessor and County Attorney's office recommended approval of the settlement.

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

11. LITIGATION

Pursuant to A.R.S. §38-431.03(A)(3), for legal advice and direction regarding Pima County's legal obligations related to compliance deadlines in the ADEQ-issued NPDES permits for the County's Ina Road and Roger Road Wastewater Reclamation Facilities.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to waive the attorney/client privilege in this matter.

Chuck Wesselhoft, Civil Deputy County Attorney, provided a break-down of the civil and criminal penalties that could be levied against Pima County for each day of non-compliance. Pima County has two permits with multiple violations and the penalties would be substantial and could potentially reach \$150,000.00 per day, but under the Federal system the maximum penalty for non-compliance could potentially reach \$225,000.00 per day. Criminal penalties for a negligent violation was \$25,000.00 per day and up to one year in jail while a knowing violation was \$50,000.00 per day plus up to 15 years in jail, and the County would still have to meet compliance deadlines in addition to the cost of compliance.

12. CONSENT CALENDAR

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

REMOVED FOR DISCUSSION AND SEPARATE ACTION:

1. CONTRACT AND AWARD

G. Regional Wastewater Reclamation

16. Sundt/Kiewit Joint Venture "CMAR," Amendment No. 1, to provide for construction manager at-risk services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect and amend contractual language, 2004 Bond Fund, no cost (03-03-S-140790-0408)

The following speakers addressed the Board:

1. Vic DeGrande, Senior Sales Engineer for Amron International; and,

2. Tommy Thomas, board member of the Arizona Precast Concrete Pipe Association.

The speakers provided the following comments:

- A. An allegation was made regarding irregularities that occurred in the Procurement process; and,
- B. The Board was asked to review the recommendation for the use of reinforced concrete pipe as opposed to the use of T-lock concrete pipe and reasons were provided to support the request.

Chairman Elías asked whether there would be a problem if this item was continued.

Chuck Huckelberry, County Administrator, responded there were two items for this subject for which he did not believe a continuance would cause any particular problem because it would allow a more specific analysis related to life cycle costs. The item on the Consent Calendar was for the selection of the contractor and designer at-risk while the addendum item was the contract award.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of March 3, 2009.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL

1. **CONTRACT AND AWARD**

H. **Procurement**

17. Termination for Cause, Contract No. 16-05-C-138925-0906 with Castro Engineering Corporation for planning, design and construction administration services for the Southeast Park Shooting Range Phase II Improvement Project. Administering Department: Public Works

Supervisor Carroll asked for an update regarding Castro Engineering Corporation, particularly for one project at the County Fairgrounds for the Southeast Regional Park Shooting Range.

John Bernal, Deputy County Administrator, stated there was an abrupt termination of contracts with Castro Engineering Corporation in July 2008, at which time the County had six active contracts. The County has continued to work with Mr. Frank Castro and his attorneys to conclude all of the projects. Three of the projects were close to completion and there are some unpaid invoices that continue to be unpaid. It was determined that the best course of action was to terminate for cause to allow the County to contract with someone else to complete the work. One of the projects is a very large project in the Transportation Department for Valencia Road with attempts being made to assign a different designer under the original contract, but

all of that was still in progress with Castro Engineering without conclusion at this point. The original schedule for the shooting range was to have construction completed in June 2009, but the current anticipated scheduled completion was for August 2010.

B. APPROVAL OF CONSENT CALENDAR

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. COMMUNITY RESOURCES

1. Linda J. Schloss, Amendment No. 1, to develop strategic plans, complete state reports and monitor Pima Vocational High School policies, projects and programs for State compliance, extend contract term to 6/30/09 and amend contractual language, State Grant Fund, contract amount \$20,000.00 (07-67-S-140634-0108)

B. Community Services, Employment and Training

2. A Road to Learning, L.L.C., Amendment No. 2, to provide afterschool basic education to youth and amend contractual language, WIA Grant Fund, contract amount \$7,454.00 decrease (07-69-A-141226-0908)
3. Tucson Youth Development, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$42,307.00; General Fund, contract amount \$4,000.00 (07-69-T-141721-0109)
4. SER Jobs for Progress of Southern Arizona, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$51,715.00; General Fund, contract amount \$5,000.00 (07-69-S-141722-0109)
5. Portable Practical Education Preparation, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security

(expenditure determined by client eligibility), contract amount \$42,557.00; General Fund, contract amount \$4,300.00 (07-69-P-141723-0109)

6. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$50,594.00; General Fund, contract amount \$5,000.00 (07-69-C-141724-0109)
7. Tucson Urban League, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$50,826.00; General Fund, contract amount \$5,000.00 (07-69-T-141725-0109)

C. Health Department

8. RESOLUTION NO. 2009- 21, approving an Intergovernmental Agreement with the Northwest Fire Rescue District, to provide for the Technical Rescue Team Technician Program and Hazardous Materials Technician training, State Homeland Security Grant Fund, contract amount \$67,000.00 (01-01-N-141734-0209)

D. Office of Court Appointed Counsel

Award

9. Increase in Award in the amount of \$150,000.00 to Joel Isaac Margaretten, for B502107, Amendment No. 3, to provide legal services and extend contract term to 12/30/10. Funding Source: General Fund.

E. Pima Health System

10. Arizona Community Physicians, P.C., Amendment No. 4, to provide primary care physician, specialty, OB/GYN, Flu Vaccine Program Administration and Sleep Studies services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-135580-0405)
11. United Community Health Center-Maria Auxiliadora, Inc., Amendment No. 6, to provide primary care physician, dental, LCSW, and LPC services, extend contract term to 2/28/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-U-135696-0305)

12. Evercare Collaborative Solutions, Inc., Amendment No. 1, to provide primary care physician services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-E-139161-0107)
13. U.S. Department of Veterans Affairs, to provide skilled nursing services at Posada del Sol, PHCS Enterprise Fund, contract amount \$1,000,000.00 revenue (18-15-U-141735-0209)

F. Natural Resources, Parks and Recreation

14. Hunter Contracting Company, Amendment No. 4, to provide park development services, extend contract term to 2/5/10 and amend contractual language, Various Funds (1997, 68%; 2004, 20% CIP Bond; General, 11%; and Special Revenue, 1% Funds), contract amount \$830,000.00 (26-05-H-139365-0207)
15. Durazo Construction Corp., Amendment No. 3, to provide park development services, extend contract term to 2/5/10 and amend contractual language, Various Funds (1997, 68%; 2004, 20% CIP Bond; General, 11%; and Special Revenue, 1%, Funds), contract amount \$830,000.00 (26-05-D-139371-0207)

G. Regional Wastewater Reclamation

16. Sundt/Kiewit Joint Venture "CMAR," Amendment No. 1 (REMOVED FOR SEPARATE ACTION)

H. Procurement

17. Termination for Cause, Contract No. 16-05-C-138925-0906 with Castro Engineering Corporation (PULLED FOR DISCUSSION)

I. Real Property

18. First American Title Insurance Company, to provide title and escrow services, General Fund, contract amount \$250,000.00 (07-64-F-141737-0309)

J. Transportation

19. RESOLUTION NO. 2009- 22, approving an Intergovernmental Agreement with the Arizona Department of Transportation, to provide for the design and reconstruction of 4.9 miles of the I-19 East Frontage Road between mileposts 34.7 and 39.6, State Grant Fund, contract amount \$6,245,000.00 revenue (01-04-A-141732-0209)

2. **SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

Thomas Wakefield, Unity in the Valley, 77 E. Paseo de Golf, Green Valley, March 29, 2009.

3. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of June, July, August and September, 2008.

REGULAR AGENDA/ADDENDUM ITEMS

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

- A. P1297-211, Remington Acre Estates, Hunter Subdivision No. 3, Lots 1-8 and 105-112; Hunter Subdivision No. 4, Lots 1-64. Developer: Remington Properties, L.L.C. (District 3)
- B. P1205-135, Public Offsite Improvements on San Joaquin Avenue, Station 0+00.00 to Station 3+00.00 to serve Riverside Crossing III, Lots 1-122. Developer: A.F. Sterling Homes. (District 1)

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

14. **DEVELOPMENT SERVICES: PLAT NOTE WAIVER/MODIFICATION**

The Board of Supervisors' on November 18, 2008, continued the following:

Co12-77-29, GREEN VALLEY DESERT HILLS NO. 2 SUBDIVISION PLAT-PLAT NOTE MODIFICATION FOR LOT 476 AND COMMON AREA C CLUSTER DEVELOPMENT OPTION

Without objection, this item was continued to the Board of Supervisors' Meeting of April 21, 2009.

15. **DEVELOPMENT SERVICES: REZONING CLOSURE**

Co9-94-56, MARCHESANO – AJO/GILA BEND HIGHWAY REZONING

Request of Casa De Jose L.L.C., represented by Leo Katz, to close a rezoning from SH (Suburban Homestead) to CB-2 (General Business) of 1.0 acre located on the west side of Ajo/Gila Bend Highway, approximately one-half mile south of Snyder Road, Ajo. The rezoning was approved in 1995 and expired in 2008. Staff recommends CLOSURE. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-94-56, for closure.

16. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT RESOLUTIONS

- A. RESOLUTION NO. 2009-23, Co7-06-12, Arboreal Agricultural Resources, L.L.C. and Pomegranate Farms I, L.L.C. -- W. Valencia Road Major Plan Amendment. Owners: Pomegranate Farms Commercial A, L.L.C. and Pomegranate Farms I, L.L.C. (District 3)
- B. RESOLUTION NO. 2009-24, Co7-07-31, Pima County – Southwest Subregion Special Area Policy Major Plan Amendment. Owners: None. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2009-23, and 24.

17. DEVELOPMENT SERVICES: SPECIFIC PLAN REZONING

Co23-08-02, POMEGRANATE FARMS SPECIFIC PLAN (REZONING)

Request of Pomegranate Farms I, L.L.C. and Pomegranate Farms Commercial A, L.L.C. for a rezoning of approximately 645 acres from RH (Rural Homestead) to SP (Specific Plans, Pomegranate Farms Specific Plan) on property located south of Ajo Highway, approximately 2,000 feet east of the intersection of W. Valencia Road and Ajo Highway in Section 18, T15S, R12E. The proposed specific plan rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Gungle and Poulos voted Nay; Commissioners Cook, Matter and Smith were absent) to approve the specific plan per the staff recommendation. Staff recommends APPROVAL of the specific plan subject to the minor revisions listed in the staff report and the associated conditions. (District 3)

“IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL:

- 1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the owner(s)/developer(s) shall submit to the Planning Director the specific plan document, including any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
- 2. Submittal of a development plan, or acceptable site development plan, if determined necessary by the appropriate County agencies.
- 3. Recording of a covenant holding Pima County harmless in the event of flooding.

4. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
5. Provision of development related assurances as required by the appropriate agencies.
6. 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.
7. There shall be no subdividing or lot splitting without the written approval of the Board of Supervisors.
8. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and another Pima County regulation not listed in Section 18.90.050B3, the more restrictive requirement shall apply.
9. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's design standards shall be interpreted to implement the specific plan or relevant Pima County regulations.
10. Prior to the issuance of any permits, this specific plan is subject to the approval of a Master Subdivision Block Plat for the entire site. The subdivision block plat shall make all dedications (including roads, sewer, drainage, trails and open space), unless otherwise specified in the development agreement, and the plat shall identify all necessary improvements and provide a design and construction phasing plan. Upon submittal of the block plat, the studies, reports, information required by these specific plan conditions and the specific plan document itself, shall be provided for review and approval of the applicable Pima County department or departments. Subsequent site development requires submittal of subdivision plats or development plans prepared in accordance with the subdivision block plat.
11. No building permits shall be issued until all applicable specific plan requirements for or affecting the site are satisfied and the Planning Director issues a Certificate of Rezoning Compliance.
12. Transportation Department requirements:
 - A. The property owner/developer(s) shall dedicate 200 feet full right-of-way, or 100 feet half right-of-way as applicable, for Valencia Road as designated by the Major Streets and Scenic Routes Plan. The alignment of Valencia Road shall require approval by the Department of Transportation and shall be coordinated with adjacent development.
 - B. The property owner/developer(s) shall dedicate 150 feet right-of-way, or 75 feet half right-of-way as applicable, for Los Reales Road and 120 feet right-of-way, or 60 feet half right-of-way as applicable, for Desert Sunrise Trail per recommended findings of the Southwest Infrastructure Plan.
 - C. A building setback of 130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway). For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail, within high density and commercial developed areas, reduction of setbacks to 10 feet may be allowed as approved by the Design Review Committee.
 - D. The property owner/developer(s) shall provide on-site and off-site improvements to Valencia Road, Los Reales Road and Desert Sunrise Trail as determined necessary by the Department of Transportation. Construction of Los Reales Road and Desert Sunrise Trail are the responsibility of the property owner/developer(s) and the property owner/developer(s) may be eligible to receive impact fee credits after construction is completed. Los Reales Road construction includes the north half ultimate cross section of a four-lane divided or five-lane desert parkway/urban major collector. Desert Sunrise Trail construction includes the full cross section of a four-lane divided or five-lane desert parkway/urban major collector. Improvements to Valencia Road could include, but may not be limited to, additional pavement for travel, turn or multi-use lanes, outside curb and sidewalks. This condition may be clarified or amended pursuant to a Board of Supervisors approved Development Agreement between Pima County and the owner/developer(s).
 - E. The property owner/developer(s) shall dedicate right-of-way and construct a major collector road (within E.1 and D.4 districts), to be located opposite Collector 2 that is located within the Town Center. The road shall provide a connection between Valencia Road and the north property line. It is located within the commercial and multiple use areas designated E.1 and D.4 to provide future access to property located north of the specific plan. The width of said road shall be subject to approval during platting process, depending upon what type of commercial development is planned. In the event that Valencia Road is not aligned as indicated in the Specific Plan, then this condition is not applicable.

- F. Minimum separation between driveways and streets shall be 600 feet along Valencia Road, Los Reales Road and Desert Sunrise Trails. All access shall require Department of Transportation approval.
 - G. Provision of access from the internal loop road to the southeast boundary of the specific plan to provide future access to undeveloped property to the east.
 - H. Provision of a detailed and up to date Traffic Impact Study shall be submitted with the Master Block Plat and shall be updated as determined necessary by Department of Transportation throughout the development of the specific plan.
 - I. Two Park & Ride facilities shall be provided for within the specific plan, one within the town center or commercial uses along Valencia Road and one along Los Reales Road. The property owner/developer(s) shall provide a study/report that addresses transit issues for the specific plan and how it interrelates within the southwest area.
 - J. Each district shall be designed to establish coordinated pedestrian and transit oriented connections within the specific plan and plan for future connections beyond the limits of the specific plan.
13. Regional Flood Control District requirements:
- A. Drainage improvements required to remove the developable portions of the site from the FEMA floodplain will be identified in a drainage report to be finalized with the Master Block Plat. Approval of the Drainage Report and CLOMR shall be required prior to recordation of the block plat and approval of the Certificate of Compliance. Approval of the LOMR is required prior to issuance of any building permits.
 - B. Drainage corridors identified in the Specific Plan are to be enhanced to provide riparian habitat connectivity across the site as well as recreational and aesthetic amenity to the residents. If a riparian mitigation plan is required, it shall be submitted for approval with the Block Plat and prior to the Certificate of Compliance in order to ensure sustainability principles identified by the County and Specific Plan are implemented.
 - C. Drainage improvements shall be designed in coordination with Ajo Highway and neighboring developments.
 - D. Due to the proposed land use intensities and severe flood and erosion hazards, flood control improvements shall be constructed with concrete, gunite, soil cement, or other structural methods. Earthen channels shall not be allowed.
14. Wastewater Reclamation Department requirements:
- A. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the PCRWRD that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
15. Natural Resources, Parks and Recreation Department requirements:
- A. Prior to the release of assurances for the 1,038th lot (30% of the lots), the approximate seven-acre park and all associated and required recreation elements shall be constructed.
 - B. Prior to the release of assurances for the lots greater than 75% of the total lots within each district as shown on the Phasing Plan (Exhibit IV-A.6), recreation elements and trail locations shall be built as conceptually shown on Exhibit II-M within that district.
 - C. The 10-foot shared-use path and eight-foot stabilized trail within the residential collector road shall be constructed by the developer and maintained by a Homeowners Association.
 - D. A Homeowners Association shall maintain all shared-use paths and stabilized trails throughout the development.
 - E. Final determination of recreation areas and elements required shall be determined with a Recreation Area Plan (RAP), which shall be submitted and approved prior to the approval of the tentative plat. A RAP shall be submitted for each district. Each district shall meet the recreation requirements as stated in Section 18.69.090 and the Recreation Area Design Manual.
 - F. A Recreation Area Plan (RAP) shall be submitted with the Tentative Master Block Plat. The RAP shall show the alignment of the trails within the open space as shown on Exhibit II-M. The RAP shall include the park and show the required recreation elements.
16. Cultural Resources requirements:
- A. Two archaeological sites, AZ AA:16:481(ASM) and AZ AA:16:482(ASM), both eligible for listing in the National Register of Historic Places, are located on the property. Cultural

resources mitigation of the archaeological sites is required. The preferred mitigation strategy is avoidance and preservation of sites AZ AA:16:481(ASM) and AZ AA:16:482(ASM). A mitigation plan shall include a preservation strategy that runs with the land; such as a Conservation Easement, a Restrictive Covenant, or recordation on the original Plat submitted to the County. In recording the sites, the Plat map must clearly delineate the spatial extents of the sites with buffer zones and must include a descriptive Plat Note. If avoidance and preservation are not possible, data recovery will be required. If data recovery should become necessary, all archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any 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.

- B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 17. In the event the subject property is annexed, the owner(s)/developer(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- 18. 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(I)."
- 19. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
- 20. If required by the Drexel Heights Fire District (District), the developer shall provide a fire station site within the project that is compatible with adjacent land use and acceptable to the developer and the District and to be shown on the applicable subdivision plat or development plan. The developer shall provide for the transfer of that property to the District.
- 21. The developers shall include disclosure statements regarding Ryan Airfield in all sales contracts, public reports, and the recorded covenants. The developers shall also establish avigation easements relative to Ryan Airfield. The specific language for inclusion in the disclosure statements and the enactment of the avigation easements shall be coordinated with the Tucson Airport Authority. Land use restrictions shall be coordinated with Ryan Airfield operations to ensure compatibility of proposed land uses with current and projected future airport operations.
- 22. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer, including but not limited to impact fees. A development agreement to address, at minimum, infrastructure commitments, phasing, and funding shall be developed and approved by the Board of Supervisors prior to submittal of a Master Block Plat. No permits shall be issued until the revisions to the Pima County development impact fee program are adopted by the Board of Supervisors.
- 23. Any proposal or action which would result in a significant deviation from the objective of providing or reserving the necessary acreage for commercial services within $\frac{1}{4}$ - $\frac{1}{2}$ mile of all residential development (as stated in the specific plan) or the general dispersal of commercial services to serve the residential development of the specific plan, would be considered a "Substantial Modification" of the specific plan requiring public hearings before the Planning and Zoning Commission and the Board of Supervisors per Section 18.90.080."

Arlan Colton, Planning Official, provided a report on this Specific Plan. He stated there were two changes that would include a small wording change to Condition 12C which reads as follows:

- 12. Transportation Department requirements:
 - C. A building setback of 130 feet shall be provided on Valencia Road, 105 feet shall be provided on Los Reales Road and 90 feet on Desert Sunrise Trail shall be provided (half right-of-way plus 30 feet that is measured from the centerline of the right-of-way/roadway). For development along the portion of Valencia Road, Los Reales Road and Desert Sunrise Trail,

within high density and commercial developed areas, reduction of setbacks to 10 feet may be allowed as ~~approved~~ **previously discussed** by the Design Review Committee.

The second change would add Condition 24 which reads as follows:

24. Owner/developer shall reach an agreement with TUSD or another public school provider regarding the provision of a school location within the development as shown and described in the Specific Plan. TUSD and owner/developer have begun negotiations. If the agreement is with TUSD, the agreement will be in substantial conformance with the Letter of Intent **dated February 13, 2009, between owner/developer and TUSD** ~~attached as Exhibit "A"~~ or otherwise mutually acceptable to TUSD and owner/developer.

He stated staff worked very closely with the project developer and was provided with the ability to implement the Southwest Infrastructure Plan to obtain some very creative options in this development.

The following speaker addressed the Board:

Michael Toney

He provided the following comments:

- A. Concerns were expressed about the changing skyline of Valencia the financing of the proposed project, the roadways and changes that might need to be made; and,
- B. Opposition was expressed for disappearing rural areas for development.

Supervisor Bronson stated this area was designated as a growth area in the Sonoran Desert Conservation Plan and rather than have unregulated development, it was better to have a sustainable development on many fronts. In addition, the proposed development was a collaborative effort among many entities.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried to close the public hearing and approve the Specific Plan variations to Chapter 18.77, Roadway Frontage Standards, amending the request to 10 feet plus one-half of the right-of-way.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 4-1 vote, Chairman Elías voting "Nay," to approve the Specific Plan variations to Chapter 18.72, Native Plant Preservation.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the Specific Plan variations to Chapter 18.73, Landscape/Buffering and Screening Standards.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the Specific Plan variations to Chapter 18.75 Off-Street Parking and Loading Standards.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve Co23,08-02 subject to the minor revisions listed in the staff report, standard and special conditions that include the wording change to Condition 12C and the addition of Condition No. 24.

18. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT

P21-08-080, HOWE – S. BELL ROAD

Request of Scott and Elizabeth Howe, represented by Benjamin Howe, on property located at 13444 S. Bell Road, in the RH zone, requests a conditional use permit for a water pumping and storage/distribution facility. Chapter 18.97, in accordance with Title 18.13.030.B.28 of the Pima County Zoning Code, allows this use as a Type II Conditional Use in the RH zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

“Standard Conditions (per the Pima County Zoning Code)

1. Shall meet the RH zone requirements for accessory buildings.
2. Shall provide a wall or hedge to screen the site.
3. Where a tower more than twenty feet in height is used in conjunction with the facility, its center shall be located a distance from any lot line equal to not less than one-half of its height.

Special Condition (per the Pima County Zoning Code)

1. This water pumping and distribution facility shall serve no more than three (3) lots.”

Jim Portner, Hearing Administrator, stated there was no public comment at the public hearing and no public comment since the hearing. The Hearing Administrator recommended approval subject to standard and special conditions, but the only special condition would be that this particular facility would serve a maximum of three residential lots.

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

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-08-080 subject to standard and special conditions.

19. DEVELOPMENT SERVICES: SUBDIVISION PLAT WAIVER

PPW08-03, SUNRISE MEDICAL AND PROFESSIONAL OFFICE CENTER

Request of Scotia Group Limited, Tax Parcel No. 108-12-025D, represented by Rick Engineering, for a waiver of the subdivision plat requirements pursuant to Title 18.69.080 of the Pima County Zoning Code which allows a waiver of any or all code standards for a subdivision which has received or is not subject to an order of exemption from the public report requirements administered by the Arizona Department of Real Estate. The subject property, portions of Blocks 12 and 13 La Paloma Block Plat (Bk. 37 Pg. 21) is part of the Co9-82-30 rezoning from CR-1 to TR approved July 20, 1982. A development plan, P1207-003 was approved January 12, 2007. Staff recommends APPROVAL with conditions. (District 1)

“STAFF RECOMMENDATION

Staff recommends Approval with conditions of the subdivision plat waiver, subject to the following conditions:

1. The subject site shall adhere to the Development Plan (P1207-003) approved in accordance with the requirements of Chapter 18.71 (Development Plan Standards) of the Pima County Zoning Code.
2. All sheets of the approved P1207-003 development plan shall be revised to show the Sunrise Drive driveway constructed but not shown on the originally approved P1207-003 development plan; and the slope density calculations on Sheet 6, shall be revised to reflect the loss of natural open space, if both actions are determined necessary by the Development Services Department.
3. Modifications to the approved development plan shall require approval of a revised development plan, if determined to be necessary by the Development Services Department.
4. The subdivision waiver is restricted to lot splits for the sale and lease of buildings and building pads and sidewalk areas adjacent to buildings within the subject site. Other than sidewalk areas adjacent to buildings, lot splits shall not include common elements of the site. Common elements include but are not limited to: parking areas and parking area access lanes, natural undisturbed open space as shown on the current approved development plan (P1207-003), public sewer easements, retention/detention basins, and perimeter landscape bufferyard areas required by the zoning code.
5. The owner or the owner's successors in interest shall provide prospective property owners with a copy of the current approved development plan and conditions of approval of the subdivision plat waiver.
6. The property owners shall be responsible for the maintenance, control, safety, and liability of all privately owned roads, parking areas, drives, physical barriers, drainage improvements/drainageways, and drainage easements.
7. A property owner's association shall be formed for maintenance of parking lots, private sewers, landscaping, and other common elements.
8. Recorded covenants and restrictions running with the land shall reflect conditions of the approval.
9. Regional Flood Control District Conditions:
 - a. A clause shall be added to the Declaration of Covenants, Restrictions and Easements indicating that PCRFCDD shall be notified of proposed changes by individuals or the Association.
 - b. The Declaration of Covenants, Restrictions and Easements 8.1.2a shall be amended to cover all drainage improvements contained within common areas which may be constructed initially or in the future and as shown on approved Development Plans.
 - c. A hold harmless clause shall be included in the Declaration of Covenants, Restrictions and Easements.
10. Wastewater Management Conditions:
 - a. The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the subject property until Pima County executes an agreement with the owner/developer to that effect.
 - b. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the subject property, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
 - c. The owner/developer shall connect all development within the subject property to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit."

Tom Hudson, Zoning Administrator, stated the waiver was requested for six medical and general office parcels that would be for individual purchase, and a seventh parcel would be held in common by the parcel owners to be used for general common area features such as parking, driveways, drainage, landscaping and open space. There is an approved Development Plan for the project, the property lies outside the Conservation Lands System and no public comment was received. Staff recommended approval with conditions.

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 the request for PPW08-03 subject to conditions.

20. **DEVELOPMENT SERVICES: REZONING ORDINANCE**

ORDINANCE NO. 2009- 10, Co9-08-08, Riverside Associates, et. al. – River Road No. 2 Rezoning. Owner: Riverview Ventures L.L.C., et. al. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of April 7, 2009.

21. **DEVELOPMENT SERVICES: REZONING ORDINANCES**

A. ORDINANCE NO. 2009- 9, Co9-08-11, Lopez – River Road Rezoning. Owner: Gerald and Brenda Lopez. (District 1)

B. ORDINANCE NO. 2009- 11, Co9-07-02, Park Company of Arizona, Inc. – Duval Mine Road Rezoning. Owner: Park Company of Arizona, Inc. (District 4)

C. ORDINANCE NO. 2009- 12, Co9-07-23, Klein – Oracle Road Rezoning. Owner: Britt and Cindy Klein. (District 1)

D. ORDINANCE NO. 2009- 13, Co9-07-25, Renovo Ventures, L.L.C. – Juniper Rezoning. Owner: Renovo Ventures, L.L.C., Attn: Abhay Sanan. (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 Carroll and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2009- 9, 11, 12, and 13.

22. **DEVELOPMENT SERVICES: REZONING RESOLUTION**

RESOLUTION NO. 2009- 25, Co9-88-25, Wetmore No. 2-7198 – Fairview Avenue Rezoning. Owners: Dobbs Motors of Arizona, Inc. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009- 25.

23. **ENVIRONMENTAL QUALITY: PIMA COUNTY CODE TEXT AMENDMENT**

The Board of Supervisors' on December 16, 2008, continued the following:

ORDINANCE NO. 2008-117, of the Board of Supervisors of Pima County, Arizona, relating to the removal of rubbish, trash, weeds, filth debris, and dilapidated buildings that constitute a hazard to public health and safety: amending the Pima County Code by amending Title 7, Chapter 33 to improve the clarity of the meaning of "weed" and the provisions and procedures for removal, abatement injunction and cost recovery.

Without objection, this item was continued to the Board of Supervisors' Meeting of March 17, 2009.

24. **REGIONAL WASTEWATER RECLAMATION DEPARTMENT: 2008/2009 FINANCIAL PLAN**

A. Discussion/action/direction regarding the recommendations of the 2008/2009 Financial Plan.

B. Pima County Code Text Amendment

ORDINANCE NO. 2009- 14 , of the Board of Supervisors of Pima County, Arizona; relating to Wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees.

Michael Gritzuk, Regional Wastewater Reclamation Director, presented an overview of the status of the Capital Improvement Program, the Financial Plan requirements to support the overall CIP and rate increases that would be needed to support the Financial Plan. The primary focus of the presentation was the ROMP Program (Regional Optimization Master Plan) that has three major elements within the overall program to meet compliance requirements. Those elements included the upgrade and expansion of the Ina Road Treatment Plant, the construction of a new 32 million gallon a day water reclamation campus to replace the existing Roger Road Treatment Facility and the plant interconnect which is a large gravity sewer. The plant interconnect issue was continued both on the Consent Calendar for the selection process and on the Addendum for the contract award to the Board of Supervisors' Meeting of March 3, 2009.

Chairman Elías commented the ROMP Program was regulatory driven which means that the regional wastewater system was out of compliance and environmentally unsound. The projects are repairs that need to be made for the well-being of the water system, the aquifer, and the County was compelled by agencies that regulate this industry to ensure the work gets done one way or another and the ROMP Program was to determine how that compliance would get paid.

Harold Smith, Vice President with Raftelis Financial Consultants, presented options and requirements of the Financial Plan that the department would have to do to come into regulatory compliance.

Jeff Nichols, Deputy Director of the Regional Wastewater Reclamation Department, using a slide presentation explained the cost impact to the ratepayers in more depth. He stated they understood there was a certain part of the customer base that would require assistance and with the current economic conditions, those numbers may grow but staff worked to include the base fee within the discount program. In addition, the department was working with the Pima County Community Action Agency to make the program stronger to meet everyone's needs and to ensure those who need assistance are enrolled in the program.

The following speakers addressed the Board:

1. Adam Bliven, Chairman of the Regional Wastewater Reclamation Advisory Committee;
2. David Godleski, Government Liaison for SAHBA;
3. Fred Ronstadt, Executive Director of the Tucson Utility Contractors Association; and,
4. Michael Toney.

They provided the following comments:

- A. The advisory committee unanimously accepted the financial plan as prepared by Raftelis and Associates;
- B. Increased rates are necessary in order to finance the operations and Capital Improvement Program of the Regional Wastewater Reclamation Department so the advisory committee voted 8-3 to support Scenario C;
- C. The three dissenting votes wanted to see some component of a connection fee increase so they were in favor of Scenario D;
- D. SAHBA expressed support for Scenario C as the best option because it fairly spreads the burden to all ratepayers and does not target one industry, particularly the development community as a connection fee would which they felt was important for the economic turn-around and job creation in the community; and,
- E. The Tucson Utility Contractors Association expressed their support for Scenario C.

Supervisor Valadez expressed concern for the ratepayers, particularly those who can least afford to pay increased rates, and he was interested in reviewing the subsidy program in the future to see how well the program was being utilized. In addition, he felt there were members of the Board who would, under normal circumstances, favor Scenario D because of the connection fee increase that would spread throughout the entire base as opposed to only the ratepayers.

On consideration, it was moved by Supervisor Valadez to close the public hearing, approve the recommendations for the 2008/2009 Financial Plan, adopt Ordinance No. 2009-14, and select Scenario C with the following additions:

- A. To conduct a thorough review at the first Board of Supervisors' Meeting in December 2009, to determine where the County is in terms of economics and determine whether or not the connection fee was a more viable option at that point and, if the situation has not changed, Scenario C would remain in effect;
- B. Conduct an examination or review of the Subsidy Program to ensure it was being properly utilized and whether any improvements could be made;
- C. Direct staff to place information on the Pima County webpage on how to utilize the Subsidy Program.

Supervisor Bronson seconded the motion and asked for a friendly amendment that direction be given to staff to expand efforts to increase low income participation in the Subsidy Program that would include the service fee, volume costs and explore funding efforts for grant opportunities or low interest rate loans as upgrades are pursued for the system.

Supervisor Valadez accepted the amendment.

A roll call vote was requested and upon the roll call vote being taken, the motion carried by a 3-2 vote, Supervisor Carroll and Day voting "Nay."

25. **PROCUREMENT: CONTRACT**

M. Anderson Construction Corporation, Amendment No. 4, to provide park development services, extend contract term to 2/5/10 and amend contractual language, Various Funds (1997 Bond, 68%; 2004 Bond, 20%; General, 11%; and Special Revenue, 1%), contract amount \$830,000.00 (26-05-M-139409-0207) Natural Resources, Parks and Recreation

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

26. **PROCUREMENT: AWARD**

Award of Contract to Sundt/Kiewit Joint Venture, for Construction Manager at Risk (CMAR) services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect Project. The Guaranteed Maximum Price (GMP) is \$25,197,276.00. Funding Source: 2004 Sewer Revenue Bond. Administering Department: Regional Wastewater Reclamation Department.

Chairman Elías stated this item related to Consent Calendar Item 1G-16 which was also continued.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to continue this matter to the Board of Supervisors' Meeting of March 3, 2009.

27. **FINANCE AND RISK MANAGEMENT**

- A. RESOLUTION NO. 2009- 26 , of the Board of Supervisors of Pima County, Arizona, ordering the sale of not to exceed \$75,000,000.00 principal amount of Pima County, Arizona, General Obligation Bonds.
- B. RESOLUTION NO. 2009- 27 , of the Board of Supervisors of Pima County, Arizona, ordering the sale of not to exceed \$28,940,000.00 principal amount of Pima County, Arizona, Sewer Revenue Bonds.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2009- 26 and 27.

28. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Dale Roose addressed the Board regarding survival of the fittest and its relationship to economics, competition and cooperation.

Michael Toney addressed the Board regarding the Sports Authority Board, Rio Nuevo and other community issues.

29. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:45 a.m.