

MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 17, 2009

The Pima County Flood Control District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 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. EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed Combined Property Acquisition, Claim Settlement and Mutual Release Agreement between Pima County, the Pima County Flood Control District, Birkdale Properties, L.L.C., Prestwick Properties, L.L.C., Kings Barn Properties, L.L.C., and the Ashton Company, Inc.

Lesley LuKash, Civil Deputy County Attorney, stated that the item concerned a proposed Joint Pima County-Pima County Flood Control District Settlement Agreement for the Regional Flood Control District to monetarily compensate \$420,000.00 for materials removed and to purchase with \$180,000.00 about 61.5 acres of real property affected by the removal. The Regional Flood Control District Director, Real Property Services Manager and the County Attorney's Office recommended approval of the joint settlement and related acquisition agreements.

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

2. ADJOURNMENT

The meeting adjourned at 12:25 p.m.

MINUTES, LIBRARY DISTRICT BOARD

MARCH 17, 2009

The Pima County Library District Board met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 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 (arrived 9:10)
 Ann Day, Member
 Lori Godoshian, Clerk

1. **BOARD OF SUPERVISORS**

Staff recommends amendments to the following Board of Supervisors Policies:

- A. D.32.2, Circulation of Library Materials Policy

- B. D. 32.8, Fines and Fee Schedule Policy

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

2. **ADJOURNMENT**

The meeting was adjourned at 12:25 p.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 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 W. Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 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. **INVOCATION**

The invocation was given by Chaplain Vernon P. Harms of Green Valley Fire District.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **EXECUTIVE SESSION**

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:40 a.m.

5. **RECONVENE**

The meeting reconvened at 10:05 a.m. All members were present.

6. **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 Mesch, Clark and Rothschild to represent Electrical Design and Associates in the matter of Andrews v. Electrical Design and Associates, Pima County Superior Court Cause No. C20080309.

Lesley LuKash, Civil Deputy County Attorney, stated that the item concerned a request for a waiver of a potential conflict of interest and that such waivers were entirely within the discretion of the Board.

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

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement approval in Pima County v. Guttuso, Pima County Superior Court Cause No. C20066602

Lesley LuKash, Civil Deputy County Attorney, stated that this regarded a proposed settlement in a consolidated eminent domain case concerning the County's land acquisition for the Avra Valley Wastewater Treatment Facility expansion. The five properties would be acquired in fee simple absolute. The amounts excluded statutory interest that Arizona law entitled to the owners. The parties will bear their own legal fees and costs. The County Attorney's Office, Pima County Wastewater Management and Real Property Services recommended approval.

Acreage	Owner	Amount
4.11	Joseph and Michelle Millstone	\$ 90,618.00
4.20	Millstone Industrial, L.L.C. (Steve Murray)	\$ 92,576.00
8.17	Arnold/Eisenman families	\$400,000.00
3.57	Nick Guttuso	\$200,000.00
20.91	Ron and Dan Johnson	\$900,000.00, plus sign easement for their commercial business

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the settlement agreement between the United States of America Department of Justice and Pima County in relation to Kino Community Hospital Pharmacy.

Lesley LuKash, Civil Deputy County Attorney, stated that this regarded a settlement involving controlled substance thefts from Kino Community Hospital Pharmacy from May 1, 2002, to April 30, 2004. The County would be required to develop and fund certain drug education, screening and treatment programs during the next five years. The County Administrator and County Attorney's Office recommended approval of the settlement. The County Attorney's Office requested authorization for the settlement agreement execution by outside counsel.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to direct the County Attorney's Office to proceed with details as discussed in Executive Session.

9. 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 with AEH Investors IV, L.L.C. v.

Pima County Tax Parcel Nos. 225-51-3540 through 225-51-3820, Arizona Tax Court Case No. TX2008-000726.

Lesley LuKash, Civil Deputy County Attorney, stated that the item regarded the valuation of an office condominium building at 7493 N. Oracle Road. This proposed settlement involved the valuation of a two-story office condominium building located at 7493 N. Oracle Road. The property consisted of 25 condo units and four parcels of land used for parking, sidewalks, etc. The proposed settlement would decrease the Full Cash Value from \$3,906,520.00 to \$3,617,736.00. The County Attorney's Office and Assessor recommended settlement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed Combined Property Acquisition, Claim Settlement and Mutual Release Agreement between Pima County, the Pima County Flood Control District, Birkdale Properties, L.L.C., Prestwick Properties, L.L.C., Kings Barn Properties, L.L.C., and the Ashton Company, Inc.

Lesley LuKash, Civil Deputy County Attorney, stated that the item concerned a proposed Joint Pima County-Pima County Flood Control District Settlement Agreement to resolve a statutory claim filed October 20, 2008 for monetary compensation due to the Flood Control District's use and removal of sand and gravel during bank protection construction on the Santa Cruz River. The agreement will release the County from any and all liability related to the allegations. The County Attorney's Office recommended that the Joint Settlement Agreement be approved.

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

11. **CONSENT CALENDAR:**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared. On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar subject to the following:

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS AND AWARDS**

E. **Real Property**

9. Oasis at Wild Horse Ranch, L.L.C., to provide a License Agreement for the right-of-way encroachment to allow the installation and maintenance of a sign within the right-of-way of North Camino Verde, contract amount \$3,875.00 revenue (12-04-O-141800-0309) Transportation

Without objection, this item was removed from the agenda.

PULLED FOR SEPARATE ACTION:

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

A. **Board of Adjustment, District No. 3**

~~Ratification of Town of Oro Valley Appointment:~~ **Appointment of Robert Bethel** to fill the unexpired term of Keith Johnson. Term expiration: 10/05/10. (District 3)

Without objection, the Board approved the text correction.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. City of Tucson, Amendment No. 1, to provide design and construction of a Community Park/Garden in the Barrio Viejo Neighborhood, 2004 Bond Fund, contract amount \$43,516.00 (01-70-T-140547-0108)

B. **Health**

2. Arizona Family Planning Council, to provide services under the Family Planning Title X Grant and Project, Arizona Family Planning Council Grant Fund, contract amount \$823,836.00 revenue (02-01-A-141806-0109)

C. **Pima Health System**

3. NurseCore Management Services, L.L.C., d.b.a. NurseCore, Amendment No. 11, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, no cost (11-15-C-134404-0704)
4. Southwestern Eye Center, Ltd., Amendment No. 4, to provide ophthalmology, optometry and surgicenter services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137384-0406)
5. Urgent Care Associates, P.C., Amendment No. 3, to provide primary care physician and urgent care services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-137458-0406)
6. Ajo Community Health Center, d.b.a. Desert Senita Community Health Center, Amendment No. 3, to provide dental, family planning extension, primary care physician, laboratory, radiology, behavioral health, licensed professional counselor and licensed

clinical social worker services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138810-1106)

D. Procurement

7. Low Bid, Award of Contracts: Requisition No. 0901500, in the annual amount of \$328,000.00 for Automotive Original Equipment Manufacturer Replacement Parts to be provided to primary and secondary vendors as listed below. Contract will be for a one-year period and include four one-year renewal periods. The award includes the authority for the Procurement Director or designee to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the sum of the contract award amounts; to execute and administer the award utilizing Synergen Blanket Contracts, or Purchase Order(s); to execute future remaining renewals and add funding if necessary provided that the amount of each (annual) contract term does not exceed the annual amount of this award and the renewal does not change the existing scope of the contract; to revise the contract to clarify contract scope and incidentals previously approved by the Board of Supervisors; to revise contractor name changes. Funding Source: Other Internal Service Funds. Administering Department: Fleet Services.

Contractor/HQ	Award Status	Awarded Group	Annual Amount
Jim Click Ford Tucson, AZ	Primary	A – Ford	\$87,500.00
Holmes Tuttle Ford Tucson, AZ	Primary	A – Ford	\$87,000.00
(dual primary award based on bid responses)			
Jim Click Dodge Tucson, AZ	Primary	B – Chrysler/Dodge/ Jeep	\$60,000.00
Tucson Dodge Tucson, AZ	Secondary	B – Chrysler/Dodge/ Jeep	\$30,000.00
Desert Toyota Phoenix, AZ	Primary	C – Toyota	\$38,000.00
Precision Toyota Tucson, AZ	Secondary	C – Toyota	\$25,000.00

8. SFQ: Award of two (2) Job Order Contracts, Requisition No. 0901244, in the amount of \$750,000.00 each to the two top-ranked firms: Southern Arizona Paving (Headquarters: Tucson, AZ) and Granite Construction Company (Headquarters: Watsonville, CA), for paving services at various locations throughout Pima County. The contracts will be for a term of one year with the option to extend for up to four additional one year periods. Funding Sources: CIP Bond Fund, \$1,050,000.00; and General Fund, \$450,000.00. Administering Department: Natural Resources, Parks and Recreation.

E. Real Property

9. Oasis at Wild Horse Ranch, L.L.C. (PULLED FOR SEPARATE ACTION)
10. Las Campanas Community Association, to provide a License Agreement for the right-of-way encroachment for an existing encroachment of street fixtures, furniture and lighting within the

right-of-way of Desert Bell Drive, Calle de Oro, Calle de Artistica and Esperanza Boulevard, contract amount \$7,500.00 revenue (12-04-L-141801-0309) Transportation

F. Regional Wastewater Reclamation

11. RESOLUTION NO. 2009-36, approving an Intergovernmental Agreement with the Pima Community College District, to provide occupational education services, RWRD Enterprise Fund, contract amount \$50,000.00; Pima Community College Fund, contract amount \$50,000.00 revenue (01-03-P-141804-0309)

G. Sheriff

12. RESOLUTION NO. 2009-37, approving an Intergovernmental Agreement with the City of Tucson, to provide architectural design review services associated with renovations of Thomas Price Service Center for the Pima County Wireless Integrated Network Project. Bond Fund, contract amount not to exceed \$50,000.00 (01-11-T-141803-0309)

H. Transportation

13. Regional Transportation Authority, Amendment No. 2, to provide for the installation of traffic signal battery back-up systems at 25 existing signalized intersections and extend contract term to 9/30/09, no cost (01-04-R-140465-1207)

I. Community Services Economic Development and Tourism

Ratification of Emergency Contract

14. Patio Pools and Spas of Tucson, to provide for the design and construction of the Pima Motorsports Park Rock Crawling Track Project, Recreational Trails Program Grant Fund, contract amount \$279,900.00; Private contribution contract amount \$31,100.00 (03-71-P-141805-0209)

2. DIVISION OF ELECTIONS

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

APPOINTMENTS	PRECINCT	PARTY
Casserly, John T.	021	REP
Tucker, Sue	148	DEM
McCormick, Sharon A.	182	DEM
Zielbauer, James D.	189	REP
Harrod, James W.	262	REP
Brink, Patricia L.	384	REP
Parr, Gwen	384	REP
Parr, Mike	384	REP
Surowiec, Dick	384	REP
Johnson, Linda C.	402	REP

3. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. **Board of Adjustment, District No. 3** (PULLED FOR SEPARATE ACTION)

B. **Tucson-Pima County Bicycle Advisory Committee**

Ratification of Town of Oro Valley appointment: Robert Turnbull to replace Donna Aversa. Term expiration: 12/31/11. (Jurisdictional recommendation)

C. **Pima County/Tucson Women's Commission**

Appointment of Debbie Rich to replace Barbara Epperson. Term expiration: 12/31/12. (District 4)

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

A. Deborah Jassem, Tohono Chul Park, Inc., 7366 N. Paseo del Norte, Tucson, April 5, 2009.

B. James Andrew Mack, Community Performing Arts Center Foundation, 1250 W. Continental Road, Green Valley, March 13, 2009.

C. James Andrew Mack, Community Performing Arts Center Foundation, 1250 W. Continental Road, Green Valley, April 4, 2009.

D. Alan E. Foster, V.F.W. Post 5990, 15850 W. El Tiro Road, Marana, April 18, 2009.

E. William D. Woodruff, Corpus Christi Church Activities Group, 300 N. Tanque Verde Loop Road, Tucson, March 27, 2009.

FINANCE AND RISK MANAGEMENT

5. Duplicate Warrant – For Ratification

AM PAC

\$99.69

REAL PROPERTY

6. Abandonment and Quit Claim Deed

A. RESOLUTION NO. 2009-38, of the Pima County Board of Supervisors providing for the vacation of a portion of Camino de la Tierra Road right-of-way, Pima County Road Abandonment No. A-09-01, within Section 32, T12S, R13E, G&SRM. (District 1)

B. Quit Claim Deed to Ina Business Center, L.L.C., for a portion of Camino de la Tierra Road right-of-way, within Section 32, T12S, R13E, G&SRM. No revenue. (District 1)

7. RATIFY AND/OR APPROVE

Minutes: February 3, 2009

REGULAR AGENDA/ADDENDUM ITEMS

12. COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION

The Pima County Consolidated Justice Court requests the creation of two new Position Control Numbers (PCNs) to be allocated as:

Class Code/Class Title	Grade Code	EEO, O/T CODE
5693/Litigation Support 2 Courts	L2 (\$16,893 - \$42,930)	PT*

*Paid Overtime (Non Exempt)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to approve the Position Control Numbers.

13. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES

P1205-146, Canoa Ranch Block 27 South, Lots 1-348 and Common Areas A and B. (District 4)

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

14. DIVISION OF ELECTIONS

In accordance with A.R.S. §16-642 and §19-233, canvass of the March 10, 2009 Marana Domestic Water Improvement District Board Members (Luis Castaneda and Louis Preston) Special Recall Election Results.

Election Summary Report

Registered Voters 1024

Marana Water Recall—Castaneda	Polling	Early	PROV	Total	
Number of Precincts	1	0	0	1	
Precincts Reporting	1	0	0	1	100.0%
Vote For	1	1	1	1	
Times Counted (Reg. Voters 1024)	73	125	6	204	19.9%
Total Votes	73	125	6	204	
Times Blank Voted	0	0	0	0	
Times Over Voted	0	0	0	0	
Number of Under Votes	0	0	0	0	
Castaneda, Luis	18	27	3	48	23.53%
Sostarich, Anthony D.	55	98	3	156	76.47%
Write-in Votes	0	0	0	0	0.00%
Marana Water Recall—Preston	Polling	Early	PROV	Total	
Number of Precincts	1	0	0	1	
Precincts Reporting	1	0	0	1	100.0%
Vote For	1	1	1	1	
Times Counted (Reg. Voters 1024)	73	125	6	204	19.9%
Total Votes	73	121	6	200	
Times Blank Voted	0	4	0	4	
Times Over Voted	0	0	0	0	
Number of Under Votes	0	0	0	0	
Preston, Louis J.	18	25	3	46	23.00%
Young, Michael P.	55	96	3	154	77.00%
Write-in Votes	0	0	0	0	0.00%

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

15. **SOUTHWESTERN FAIR COMMISSION, INC.**

Pursuant to the Lease Management Agreement, the Southwestern Fair Commission, Inc., requests approval of the Assignment of the Sublease and Assumption of Liabilities Agreement from Deery Sports West, Inc., to Tucson Racing Enterprises, L.L.C., for operation and management of Tucson Raceway Park for the current lease period.

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

16. **FIRE DISTRICT CREATION: ARIVACA FIRE DISTRICT**

A. Pursuant to A.R.S. §48-261.A.9, validation of the petitions presented for the establishment of the Arivaca Fire District.

B. RESOLUTION NO. 2009-39, of the Pima County Board of Supervisors, ordering the establishment of the Arivaca Fire District. (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 hearing, validate the petitions and adopt Resolution No. 2009-39.

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

P21-09-004, VALENCIA 13, L.L.C. – W. VALENCIA RD.

Request of Valencia 13, L.L.C., represented by Michael Marks, on property located at 3385 W. Valencia Road, in the GR-1 zone, requests a conditional use permit for a Restaurant and Retail. Chapter 18.97, in accordance with Sections 18.14.030B5 and 18.14.030B8 of the Pima County Zoning Code, allows a Restaurant and Retail as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Standard Conditions

1. The restaurant shall have a maximum floor area of two thousand square feet (2,000 SF).
2. The retail space shall have a maximum floor area of two thousand square feet (2,000 SF).

Special Conditions

1. The proposed restaurant use and retail space shall occur within that portion of the site to be developed as Phase II per the submitted Development Plan accompanying this conditional use permit application. Any expansion of this use beyond Phases II as shown thereon shall require a new conditional use permit application and attendant public-notice and public-hearing process.
2. The owner/developer agrees that no alcohol sales shall occur in conjunction with the restaurant use or the retail space.
3. The additional requirements/stipulations of the Pima County Department of Transportation (PCDOT), as articulated in their Memorandum of February 11, 2009 from Maggie Shaw, are herein incorporated by reference and made a material part of this recommendation. The owner/developer shall comply with all nine (9) PCDOT conditions and requirements as outlined in said Memorandum.

Jim Portner, Hearing Administrator, stated that one letter of objection was received. Two speakers at the Planning and Zoning Commission's hearing addressed the project's details for clarification of items.

Michael Marks, MGM Consulting, owner's representative, stated that Development Services staff signed a letter stating the development plan process was proper. He added that no further conditional use permit requests would occur. Typical rezoning process conditions were imposed in the conditional use permit process. The owner agreed to all conditions and planned to connect to the public sewer system. Septic fields will be used until sewer availability. The primary field was outside the ultimate right-of-way. The secondary field had negligible construction to be in the future right-of-way. Additional commercial property will use a rezoning process.

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:

1. Mike Naifeh, resident

Comments included the following:

- A. Project support was expressed but objection was made to the process.
- B. Concern was expressed that the sewer would not be properly completed and that the septic system was within the future right-of-way.
- C. Other entities in the area required the rezoning process. This entity requested conditional use permits.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the hearing and approve the conditional use permit with standard and special conditions.

18. **DEVELOPMENT SERVICES: LOT SPLIT**

Co12-73-128, CASA RIO ESTATES (LOT 14)

Request of Christopher Hill for a lot split. The applicant requests to split Lot 14 of Casa Rio Estates into two parcels of 1.00 and 1.40 acres. Plat Note No. 14 states that lots in this subdivision will not be further subdivided or split without the approval of the Board of Supervisors. The subject lot is zoned CR-1 and is located on the west side of Camino Blanco, approximately 800 feet south of River Road. Staff recommends APPROVAL WITH CONDITIONS. (District 1)

1. Adherence to the split plan presented at public hearing.
2. There shall be one shared access driveway to Camino Blanco for both lots. The portion of the driveway common to both residences shall be paved with a minimum chipseal surface treatment. Access and access maintenance agreements for both lots shall be incorporated with the lot split.
3. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
4. The subject parcel(s) shall be of sufficient size and designed in such a manner to accommodate the existing and proposed development, primary and reserve leach fields and septic tanks, while meeting all applicable set backs for on-site sewage disposal.
5. No longer than six-months prior to any transfer to another person of title to real property served by an individual sewage disposal system, the system shall be inspected and a certificate of inspection shall be filed with the environmental officer.

Tom Hudson, Zoning Administrator, stated that after the split each lot will contain one of the two existing residences. The site is outside the Conservation Lands System. There was no public comment.

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 hearing and approve the lot split with conditions.

19. **DEVELOPMENT SERVICES: SUBDIVISION PLAT WAIVER/LOT SPLIT**

PPW08-04, CANOA RANCH BLOCK 8 (PORTION)

Request of Bourn Property Advisors No. 5, L.L.C. and FCR Investments Blocks 8/29, L.L.C., represented by The WLB Group, for a subdivision plat waiver/lot split of a portion of Canoa Ranch Block 8, Tax Parcel Nos. 304-69-018D and 304-69-018H, pursuant to Section 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 and pursuant to Condition No. 6 of Ordinance 2005-49 pertaining to Case No. Co9-01-01 Pima County – Canoa Ranch Rezoning and Plat Note No. 4 of the Canoa Ranch subdivision (Bk. 54, Pg. 74), both of which state that there shall (will) be no further lot splitting or subdividing without the written approval of the Board of Supervisors. The applicant proposes to create eight additional parcels in Block 8, which include the private streets Turquoise Canyon Drive and Turquoise Mountain Drive. The subject property is 24.47 acres zoned CB-2 and is located on the south side of Canoa Ranch Drive, approximately 450 feet east of the intersection of Canoa Ranch Drive and Camino del Sol. Staff recommends APPROVAL WITH CONDITIONS. (District 4)

1. All initial and subsequent Development Plans shall be submitted for the entire area covered by this request, including existing, approved and planned development.
2. Access shall be shared between all parcels, with appropriate maintenance and access agreements recorded with the Development Plan(s).
3. No additional median openings shall be allowed on Canoa Ranch Drive.
4. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services Department prior to approval of a Development Plan.
5. 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, drainage easements, landscape/bufferyard elements, and outdoor lighting. A master set of Conditions, Covenants, and Restrictions (CC&Rs) shall be established, recorded, and maintained to address property owner obligations for usage and/or maintenance of these elements.
6. The property owner or the owner's successors in interest shall provide prospective property owners with a copy of the current approved development plan and the conditions of approval of the subdivision plat waiver/lot split.
7. The subdivision plat waiver/lot split approval is limited to uses other than one-family dwellings, townhouses, or residential condominiums.

Tom Hudson, Zoning Administrator, stated that the splits would improve the marketable mix, including retail, restaurants and offices. A master set of conditions will encompass all private streets, maintenance, parking areas, drainageways, open space, landscaping and outside lighting. One comprehensive development plan will be submitted to allow a complete review. No public comment was received.

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 hearing and approve the subdivision plat waiver/lot split with conditions as listed above.

20. **DEVELOPMENT SERVICES: REZONING ORDINANCE**

ORDINANCE NO. 2009-22, Co9-05-23, KLK Consulting Group, Inc., Defined Benefit Plan – River Road Rezoning, and correcting a scrivener’s error in Condition No. 17. Owner: KLK Consulting Group, Inc., Benefit Plan. (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 Day and unanimously carried by a 5-0 vote, to close the hearing and adopt Ordinance No. 2009-22.

21. **DEVELOPMENT SERVICES: STREET NAME CHANGE**

Present

Calle Sin Envidia Co14-09-003 (District 1)

Proposed

Ancient Mesa Place

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 hearing and approve the change.

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

The Board on December 16, 2008, and February 17, 2009, continued this item.

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.

Supervisor Bronson and Chairman Elias agreed that private property owners worried about citations although their buffelgrass was caused by migration from County and State sites. Supervisor Day expressed concern about the Ordinance’s possible intrusiveness on private property as well as classification and abatement provisions. The Board agreed about the importance of County-wide buffelgrass removal on State land. Chairman Elías stated a plan was needed for jurisdictional boundaries and responsibilities.

Ursula Kramer, Department of Environmental Quality (DEQ) Director, stated that at Board direction, DEQ obtained further input from SAHBA, the public and homeowner associations. Buffelgrass remained in the definition of weeds. The Ordinance’s importance was to deal with buffelgrass as a fire hazard. A crucial change included a mandatory, nonpenalty issuance of Notice of Opportunity to Correct (NOC) to owners if buffelgrass created a public health hazard. DEQ and owners will collaborate on corrective action. The NOC allowed abatement plan development enabling DEQ to address each situation’s unique characteristics, e.g., contiguous areas. It was one of the mapping efforts currently underway, especially of significant threats, that included interacting with owners on an educational basis. She added that the goal was to work with all private and public parties impacted.

Priscilla Cornelio, Department of Transportation (DOT) Director, replied that budget cuts prohibited proactive buffelgrass removal but, if DOT crews saw buffelgrass at a work site, they would remove it. Summer interns again will be assigned buffelgrass removal and possibly Community Restitution from adult probationers.

Chuck Huckelberry, County Administrator, stated that the County will definitely clear County property. He did not think that the misdemeanor applied to weeds. He agreed that the State land aspect will be difficult but perhaps the Department of Corrections could help. Written notice and documentation follow-up will be issued to any applicable private or public owners. Supervisor Valadez and Adult Probation have been working to fund Community Restitution so adult probationers can assist the elderly, low-income and some public sites. The Southern Arizona Buffelgrass Coordination Center was now in Washington, D.C. requesting a youth employment appropriation.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

1. Dana Kormash
2. David Godlewski, SAHBA government liaison

Comments included the following:

- A. Baby fountain grass should be included due to the equivalent negative impact.
- B. SAHBA fully supported eradication of buffelgrass.
- C. Ursula Kramer and Richard Gribaldi were commended for their collaboration with non-government entities.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the hearing and adopt Ordinance No. 2008-117.

23. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2009-23, of the Board of Supervisors of Pima County, Arizona, adopting revised fees for family planning services provided by the Pima County Health Department Family Planning Program.

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 hearing and adopt Ordinance No. 2009-23.

24. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2009-24, of the Board of Supervisors of Pima County, Arizona, relating to health and safety: amending Chapter 8.12 of the Pima County Code adopting revised fees for immunization services and tuberculosis services provided by the Pima County Health Department.

Chairman Elías stated that the expected relocation would increase difficulty in accessing services. Tuberculosis was an ongoing problem especially with the

homeless. He requested that Chuck Huckelberry, County Administrator, establish a future agenda item regarding a relocation to access services easier.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-1 vote, Chairman Elías voting “Nay,” to close the hearing and adopt Ordinance No. 2009-24, subject to the request of Chairman Elías.

25. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2009-25, of the Board of Supervisors of Pima County, Arizona, relating to health and safety: amending Chapter 8.14 of the Pima County Code adopting revised fees for sexually transmitted disease and HIV/AIDS services provided by the Pima County Health Department.

Supervisor Bronson questioned increasing so many Health Department fees during a recession. Chuck Huckelberry, County Administrator, replied that he asked the Health Department four to six months ago to assess fees and the cost recovery standard. Review by advisory boards, the Peer Advisory Committee and the Board of Health caused a long lead time. Many fees discussed today were last raised in 2000. The increased fees for specialized services will meet the cost recovery standard but were not full cost recovery. Such fees did not supplant general funds. Mr. Huckelberry verified that he would have asked for increases even in a good economic climate.

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 hearing and adopt Ordinance No. 2009-25.

26. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2009-26, of the Board of Supervisors of Pima County, Arizona, relating to the fees assessed for actions of the Pima County Health Department’s Consumer Health and Food Safety Program; amending the Pima County Code, Chapter 8.04, Sections 8.04.125 and 8.04.130.

In response to Chairman Elías, Dennis Douglas, Health Department Director, stated he was unsure if a concerted effort was done to notify the broad spectrum of interested parties. The Health Department relied on community discussion and the advertised public notice. The Arizona Restaurant Association was not specifically notified. Supervisor Bronson stated that possibly not enough public outreach was performed. She recommended that stakeholders confer and that Mr. Douglas and stakeholders conduct dialogue.

The Chairman inquired whether anyone wished to be heard.

The following speaker addressed the Board:
Sherry Gillespie, Arizona Restaurant Association (ARA) representative

Comments included the following:

- A. The ARA and the County could collaborate to find a more palatable solution that preserved community interests. Restaurants have a hard time operating.
- B. The ARA requested more time for review.
- C. The ARA understood the need for the increase, but now was not the time.
- D. The increase was counterproductive to the growth of an industry comprised of entrepreneurs working on thin profit margins. Each little cost increase was felt.
- E. The special event increase would prevent the usual charity fundraising.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to leave the hearing open and continue the item to April 14, 2009.

27. HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2009-27, of the Board of Supervisors of Pima County, Arizona, relating to animals; amending the Pima County Code by amending Chapter 6.04 and Chapter 6.05 to clarify the requirement for a dog owner to license a dog in Pima County and increase licensing, pound and canine-wild animal hybrid permit fees and add authority to inspect kennels of kennel permit holders and require owners to microchip dogs licensed under a kennel permit.

In response to Supervisor Bronson, Kim Janes, Animal Care Center Manager, stated that the fee waiver provision for low-income citizens was not widely known and, thus, not requested. Chairman Elías added that some fees were ineligible. Mr. Janes stated that budget projections would likely be nominally impacted by unrevised euthanasia and pick-up fees. Supervisor Carroll inquired about considering a mandatory spay-and-neuter program for licensed breeders and professional dog handlers, e.g., kennels. Mr. Janes agreed to share such program data and reports with the Board. He stated that the County found effective a licensing fee structure incentive. Another option was to require altering of animals leaving PACC for any reason. Mr. Janes verified for Supervisor Valadez that a kennel permit fee was higher for unaltered dogs.

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

- 1. Jane Schwerin, Pima Animal Care Center (PACC) Advisory Committee
- 2. Gary Williams, kennel owner

Comments included the following:

- A. Fee increases should be on a fee-by-fee basis instead of en masse.
- B. Fees, except for euthanasia and pick-up, were raised in August, 2008.
- C. It was not widely known that fees could be waived due to lack of funds.
- D. Mandating microchipping created a massive immediate cost for kennels even if done at PACC for \$20 per dog.
- E. On February 23, 2009, PACC told a citizen with a deceased dog that the pick-up fee could not be waived. It was waived after two volunteer organizations intervened.
- F. Some fees should be decreased, especially the pick-up fee.

- G. They urged that euthanasia and pick-up fees not be raised. Raised fees would not increase revenue but would discourage use of the service and increase animal abandonment. Staff agreed on January 8, 2009.
- H. The proposed \$300.00 kennel fee was substantially higher than other Arizona counties, except Maricopa.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the hearing and adopt Ordinance No. 2009-27, excluding pick-up/delivery per trip and euthanasia fees. The Board directed Pima Animal Care Center to delay the start time of new fees to June 1, 2009, and to establish a clear policy regarding public interaction and fee waivers, plus act to collaborate with professional dog handlers and breeders facing immediate massive expenses due to the new Ordinance.

28. **JUSTICE AND LAW ENFORCEMENT: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2009-28, of the Board of Supervisors of Pima County, Arizona, amending Pima County Ordinance Number 2008-116, to allow for the inclusion of the Pima County Justice Courts in Ajo and Green Valley and to reflect that this fee will be charged on photo enforcement citations adjudicated rather than filed with the Justice Courts in Pima County.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 3-2 vote, Supervisors Carroll and Day voting “Nay,” to close the hearing and adopt Ordinance No. 2009-28.

29. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Estella Ruiz, an alumnus of Project MORE, proclaiming the month of April 2009, to be:

“SEXUAL ASSAULT AWARENESS MONTH”

and the day of April 14, 2009, to be:

“TAKE BACK THE NIGHT TUCSON 2009”

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

30. **PROCLAMATION**

Proclaiming the day of April 4, 2009, to be:

“BETWEEN THE TRACKS DAY”

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

31. **DEVELOPMENT SERVICES: TEXT AMENDMENT FOR INITIATION**

Staff requests authorization to initiate a revision to the Pima County Zoning Code to provide a process to allow a property owner to apply for a plan amendment and rezoning concurrently for a small subset of cases that potentially will have minimal impacts.

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

32. **CONTRACTS**

A. **FACILITIES MANAGEMENT**

Green Valley Performing Arts Center Foundation, Inc., to provide a lease agreement to provide management, operation and maintenance to Phase II of the Green Valley Performing Arts Center, no cost (11-13-G-141820-0309)

B. **PROCUREMENT**

AWARD

Award of Contract, Requisition No. 0901666, in an amount not to exceed \$1,255,896.00 to RS Engineering, Inc., (Headquarters: Tucson, AZ) to complete engineering services for the Tanque Verde Road: Catalina Highway to Houghton Road Project. Contract term will be for a 24 month time period, of which six months is for completion of final design, the remainder for required post-design services during construction. Funding Source: RTA Fund. Administering Department: Public Works.

C. **TRANSPORTATION**

HDR Engineering, Inc., Amendment No. 2, to provide roadway design engineering services for the La Cholla Boulevard: River Road to Ruthrauff Road Project and amend contractual language, HURF Fund, contract amount \$557,721.00 (16-04-H-139619-0607)

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

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

A. **CITY/COUNTY WATER AND WASTEWATER STUDY OVERSIGHT COMMITTEE**

Ratification of City of Tucson appointments: Sean Sullivan, City of Tucson Water Advisory Committee, to replace Dan Sullivan. No term expiration; and Thomas Sayler-Brown, City of Tucson Planning Commission, to replace Sean Sullivan. No term expiration. (City of Tucson recommendations)

B. **NEIGHBORHOOD REINVESTMENT OVERSIGHT COMMITTEE**

Reappointment of Corey Knox. Term expiration: 12/31/12. (District 4)

C. REGIONAL WASTEWATER RECLAMATION ADVISORY COMMITTEE

1. Reappointment of Rob Kulakofsky. Term Expiration: 3/1/13. (District 5)
2. Ratification of appointment: Jim Barry, Citizens' Water Advisory Committee, to fill the unexpired term of John Carhuff. Term expiration: 3/1/10. (Organizational recommendation)

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

34. FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT

Patricia Ann Martin, Holiday Inn - Tucson, 4550 S. Palo Verde Road, Tucson, Temporary Extension of Premises for April 11, 2009.

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 hearing, to approve the request and forward the recommendation to the State Liquor Control Board.

35. CALL TO THE PUBLIC

David Mitchell, SEIU, Arizona Local 5, Pima Chapter President, stated the diminishing County workforce adversely impacted the public. The SEIU was always willing to work with management. He addressed the possibility of an HMO plan unavailability, a proposed cost increase and the high deductible health plan as not widely practical.

Roger Hilliard, representing Wastewater employees, addressed possible privatization of Roger Road's facility and the negative impact of such an act.

Brian Johnson spoke about the budget, loss of programs preventing youth crime, 2% yearly tax levy limit and property tax comprising over 58% of County revenue.

Altagracia Sanchez warned parents of the danger of sexual predators and asked why the prosecutor considered the evidence insufficient in her child's assault.

Melissa Derosier spoke about the hostility and uncooperativeness from the Sheriff's Department Internal Affairs after she filed two valid complaints.

Aaron Rey addressed Regional Flood Control's uncooperativeness for a flooding solution and unwillingness of the Sheriff's Department Internal Affairs to believe a 911 transcript.

Bill Katzel spoke about his opposition to the sewer rate increase of 43.45% and its negative impact on his life.

36. ADJOURNMENT

The meeting adjourned at 12:25 p.m.