

MINUTES, FLOOD CONTROL DISTRICT BOARD

APRIL 7, 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, April 7, 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**

Staff requests approval of the Riparian Habitat Mitigation Plan for the Regional Wastewater Reclamation Department impacting important riparian areas needed for the proposed five mile long sewer pipeline to connect Roger Road Wastewater Reclamation Facility to the Ina Road Wastewater Reclamation Facility, which includes a financial contribution in the amount of \$33,172.00 to a Mitigation Bank. (District 3)

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

2. **CONTRACTS**

A. Dolores A. Lusby, to provide a management agreement allowing use of the property for apiary purposes consisting of 35 hives/colonies on property located in Sections 21 and 28, T20S, R11E (Tax Parcel Nos. 302-56-002F and 003N) no cost (11-59-L-141798-0409)

B. RESOLUTION NO. 2009-FC2, approving an Intergovernmental Agreement with the City of Tucson, Pima County Flood Control District and Pima County to provide for the transfer of property and delivery of effluent, no cost (01-03-T-141787-0409)

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

3. **SALES AGREEMENT AND WARRANTY DEED**

A. Sales Agreement with Tucson Electric Power Company for a three acre parcel to be used as an electrical substation located within Section 3, T19S, R313E, G&SRM. Revenue of \$78,000.00 (District 4)

- B. Warranty Deed to Tucson Electric Power Company in connection with the sale of a three acre parcel with the restriction to be used only as an electrical substation located within Section 3, T19S, R313E, G&SRM. (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 Sales Agreement and Warranty Deed as amended.

4. **THE BRIDGES AT PARK AVENUE DEVELOPMENT AGREEMENT**

RESOLUTION NO. 2009 - FC 3, of the Board of Directors of the Pima County Regional Flood Control District, approving and authorizing the execution of a Development Agreement with 5151 East, L.L.C., and Tucson Retail, L.L.C., for the construction of detention and drainage improvements within the development known as "The Bridges at Park Avenue."

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-FC 3.

5. **ADJOURNMENT**

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

MINUTES, LIBRARY DISTRICT BOARD

APRIL 7, 2009

The Pima County Library District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 7, 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. **SPECIAL WARRANTY DEED**

Special Warranty Deed from the City of Tucson to convey the Lewis C. Murphy Memorial Wilmot Library to the Pima County Library District. (District 4)

On consideration, it was moved by Chairman Elias, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the Special Warranty Deed.

2. **ADJOURNMENT**

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

MINUTES, STADIUM DISTRICT BOARD

APRIL 7, 2009

The Pima County Stadium District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, April 7, 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. **CONTRACT**

CHISOX Tucson, L.L.C., Amendment No. 1, to provide information to assist Pima County in the exploration of youth and amateur baseball leagues and academies, no cost (12-57-C-141616-1208)

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

2. **ADJOURNMENT**

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

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

APRIL 7, 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, April 7, 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 2/5/08, 5/6/08, 6/3/08, 12/2/08 and 2/3/09, 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. P07ZV00518, O'Neil Trust, Suzie M. O'Neil and Twyla M. Coleman. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only.

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

P07ZV00518 – O'Neil Trust

In accordance with the Pima County Code 18.95.030.D, Twyla M. Coleman, Trustee of the O'Neil Trust, appeals the decision of the Hearing Officer in Case Nos. P07ZV00518-1 and P07ZV00518-2, regarding violations of the Pima County Zoning Code, Sections 18.01.030 and 18.25.030E, structure not meeting setback requirements in the CR-3 zone and structure (fence) erected without a building permit, on property located at 1340 W. Sol Place. (District 3)

Rick Brewster, Zoning Enforcement Supervisor, provided a report. He said compliance requirements were met and suggested the Board uphold the Hearing Officer's decision, dismiss the fines and close the case.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, uphold the Hearing Officer's decision and waive the fees as the property is in compliance.

3. **ADJOURNMENT**

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

MINUTES, BOARD OF SUPERVISORS' MEETING

APRIL 7, 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, April 7, 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 Pastor Helmer Heghsan of Desert Valley Adventist Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSIONS**

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

4. **RECONVENE**

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

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

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

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 Squire, Sanders and Dempsey, L.L.P., to represent Boeing and Texas Instruments on the Broadway Pantano Landfill matter.

Chris Straub, Chief Civil Deputy County Attorney, stated a waiver was at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Day voting “Nay,” to approve the waiver.

7. **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 on the following matters:

Marana Apartments Ltd., Partnership v. Pima County
Tax Parcel No. 217-37-0630
Arizona Tax Court Case No. TX2009-000110

Chris Straub, Chief Civil Deputy County Attorney, stated the proposed settlement would decrease the full cash value from \$1,903,440.00 to \$1,598,890.00. These values reflect judgments from previous litigations that would have rolled over, but the 2010 notice was mailed prior to the entry of the judgment. The Assessor and County Attorney’s Office recommended settlement.

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

Tucson Affordable Housing I Limited Partnership v. Pima County
Tax Parcel No. 111-08-470B
Arizona Tax Court Case No. TX2009-000109

Chris Straub, Chief Civil Deputy County Attorney, stated the proposed settlement would decrease the full cash value from \$2,758,672.00 to \$2,317,284.00. These values reflect judgments from previous litigations that would have rolled over, but the 2010 notice was mailed prior to the entry of the judgment. The Assessor and County Attorney’s Office recommend settlement.

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

Cox Arizona Telecom, L.L.C. v. ADOR, et. al.
Arizona Tax Court Case No. TX2007-000015

Cox Arizona Telecom, L.L.C. v. ADOR, et. al.
Arizona Tax Court Case No. TX2007-000529

Chris Straub, Chief Civil Deputy County Attorney, stated this was an offer to settle litigation involving an appeal of centrally assessed telecommunication property. Cox offered to settle the litigation for tax years 2007 and 2008 by reducing the values on the 2009 roll and changing the tax rate for 2009. No out-of-pocket costs were involved for Pima County and the reduction of 22.5 million dollars would be for Pima, Maricopa, Cochise and Pinal Counties, but the Property Oversight Commission would need to approve the change in the roll. The Attorney General's Office, Assessor and County Attorney's Office recommended 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.

8. **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 that the Consent Calendar be approved as amended. No vote was taken at this time. The motion was withdrawn.

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

PULLED FOR SEPARATE ACTION:

1. **CONTRACT AND AWARD**

Award

28. Amendment of Award: American Traffic Solutions, Inc., B506226, No. 1 to provide a Photo Traffic Enforcement Program, revise the scope of services and amend contractual language, no cost. Funding Source: General Fund. Administering Department: Sheriff.

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2009-40, approving an Intergovernmental Agreement with the Arizona Department of Housing, to provide for Pima County's Homeless Management Information System, Arizona Department of Housing Fund, contract amount \$25,000.00 revenue (01-70-A-141816-0409)
2. RESOLUTION NO. 2009-41, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the Masonic Student Assistance Program, Pascua Yaqui Tribe Fund, contract amount \$12,677.07 revenue (01-70-P-141821-0409)
3. RESOLUTION NO. 2009-42, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the American Red Cross Southern Arizona Chapter, Pascua Yaqui Tribe Fund, contract amount \$100,000.00 revenue (01-70-P-141822-0409)
4. RESOLUTION NO. 2009-43, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide for the Strength Building Partners Mentoring Program, Pascua Yaqui Tribe Fund, contract amount \$80,000.00 revenue (01-70-P-141823-0409)

B. County Administrator

5. United Way of Tucson and Southern AZ, Inc., to provide the organization and operation of the County Annual Employee Combined Appeal Program for fiscal year 2008-2009, General Fund, contract amount \$73,893.00 (07-30-U-141815-0708)

C. Economic Development and Tourism

6. Ajo Community Golf Course, to provide a cooperative agreement to operate, manage and maintain the golf course in Ajo, AZ. as a golf recreation for the general public, contract amount \$50.00 revenue (23-71-A-141844-0409)

D. Environmental Quality

7. Arizona Department of Environmental Quality, Amendment No. 11, to provide for the investigation and monitoring of private

wells in the vicinity of Tucson International Airport and extend the contract term to 6/30/10, ADEQ Fund, contract amount \$2,000.00 revenue (01-51-A-123566-1097)

E. Health Department

8. Arizona Department of Health Services, Amendment No. 2, to provide supplemental foods, nutrition education and client referrals to other health and social service agencies, WIC Grant Fund, contract amount \$110,448.00 revenue (01-01-A-140164-1007)

F. ~~Natural Resources, Parks And Recreation~~ Economic Development and Tourism

9. Pima Motorsports Partners, Inc., Amendment No. 1, to provide a lease and operating agreement for the County's Pima Motorsports Park Facility and expand the boundaries of the park, no cost (04-05-P-138285-0706)

G. Office of Court Appointed Counsel

10. Brick P. Storts, III, Amendment No. 3, to provide post-conviction relief panel attorney services, General Fund, contract amount \$150,000.00 (17-74-S-136417-0705)
11. David Alan Darby, Amendment No. 4, to provide first degree murder panel attorney services, General Fund, contract amount \$200,000.00 (17-74-D-136451-0705)
12. Alegria Investigations, Amendment No. 4, to provide investigator services, General Fund, contract amount \$225,000.00 (07-74-A-137124-0905)
13. Erik Godtlibsen Investigations, Amendment No. 3, to provide investigator services, General Fund, contract amount \$125,000.00 (07-74-G-137127-0905)
14. Ken Sanders, Amendment No. 3, to provide juvenile attorney panel services, General Fund, contract amount \$200,000.00 (17-74-S-137188-0705)

H. Pima Health System

15. NSI - Nursing Service, Inc., Amendment No. 11, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$600,000.00 (18-15-N-134378-0704)

16. Presidio Surgical Group, P.C., Amendment No. 5, to provide surgery services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-135766-0405)
17. Arizona Oncology Associates, P.C., Amendment No. 5, to provide Oncology (Radiation, Medicine) and PET/CT Scans Services, extend contract term to 2/28/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-135931-0405)
18. DVA Renal Healthcare, Inc., Amendment No. 4, to provide dialysis services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-G-135983-0505)
19. American Associated Druggists, Inc., d.b.a. United Drugs, Amendment No. 3, to provide pharmacy benefit management services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (07-15-A-136077-0405)
20. Cholla Pediatrics, P.C., Amendment No. 2, to provide primary care physician (pediatric) services, extend contract term to 4/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-137763-0506)
21. Arizona Inpatient Medicine Associates, L.L.C., Amendment No. 1, to provide hospitalist rounding services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-A-139078-0107)
22. Catalina Village Assisted Living, L.P., Amendment No. 3, to provide assisted living center services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-140510-1007)

I. Procurement

23. Sellers & Sons, Inc., Amendment No. 4, to provide Job Order Contract: Lighting Services and extend contract term to 4/3/10, 10% General Fund, 40% 1997 Bond Fund and 50% 2004 Bond Fund, contract amount \$750,000.00 (26-05-S-137934-0406)
Natural Resources, Parks & Recreation

- 24. Poster Frost Associates, Inc., Amendment No. 3, to provide professional planning services for Historic Fort Lowell Park Master Plan and Restoration Plan and extend contract term to 12/31/09, no cost (07-73-P-140842-0408) Public Works, Cultural Resources Office

Awards

- 25. Low Bid: Award of Contract, Requisition No. 0901433, in the amount of \$487,116.00 to the lowest responsive bidder, Division II Construction Company, Inc. (Headquarters: Tucson, AZ) for the base bid with no alternates for complete construction of a pediatric health clinic addition and parking lot expansion at the existing Continental Family Medical Center located at 1260 S. Campbell Rd., Green Valley, AZ. The contract is for a nine-month period and may be extended for project completion. Funding Source: 2004 General Obligation Bond, \$304,448.00; and United Community Health Center-Maria Auxilladorea, Inc., \$182,668.00. Administering Department: Facilities Management.
- 26. Amendments to Award of Contracts as listed below to provide copier maintenance, parts and supplies, extend contract term to 6/30/10, amend contractual language and increase aggregate contract amount by \$250,000.00. Funding Source: General Fund. Administering Department: Procurement.

<u>Contractor</u>	<u>Contract No.</u>	<u>Amend. No.</u>	<u>Annual Award</u>
IKON Office Solutions, Inc.	B502816	5	\$216,801.00
Kachina Business Solutions, L.L.C.	B502819	3	\$ 33,199.00

- 27. Amendment of Award: Spillman Technologies, Inc., Blanket Contract No. B505241, No. 2, to provide maintenance and support for the Sheriff's Department Spillman Software in the amount of \$42,000.00. Funding Source: General Fund. Administering Department: Sheriff.
- 28. Amendment of Award: American Traffic Solutions, Inc., B506226 (PULLED FOR SEPARATE ACTION)
- 29. Highest Ranked: Award of Contract, Requisition No. 0802654, in the amount of \$60,837,050.00 to Motorola, Inc. (Headquarters: Schaumburg, IL) for the PCWIN Voice Radio System. The award amount includes implementation, 5-year maintenance and anticipated Pima County and City of Tucson Public Works Department subscribers. Contract is for a five-

year term and includes three additional five-year renewal periods. The renewal is for the system maintenance services. Funding Source: 2004 General Obligation Bond Fund; Federal Grants; PCWIN Participants Various Funds. Administering Department: Sheriff.

J. Real Property

30. Sun and Shield Baptist Church, to provide a Restrictive Covenant voluntarily restricting development of an archaeological site determine eligible by the State Historic Preservation Office. Open dated contract (11-73-S-141835-0409) Public Works, Cultural Resources Office

K. Regional Wastewater Reclamation

31. RESOLUTION NO. 2009-44, approving an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona, to provide membership and cooperative effort to support an Industry/University Cooperative Research Center for Water Quality, RWR Enterprise Fund, contract amount \$30,000.00 (01-03-A-141779-0409)
32. RESOLUTION NO. 2009-45, approving an Intergovernmental Agreement with the City of Tucson, Pima County Flood Control District and Pima County to provide for the transfer of property and delivery of effluent, no cost (01-03-T-141787-0409)
33. Pomegranate Farms I, L.L.C., to provide a Connection Fee Credit Agreement for completion of project upgrades, contract amount \$1,237,318.63 credit (14-03-P-141836-0409)

L. Sheriff

34. RESOLUTION NO. 2009-46, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for support of the High Intensity Trafficking Area Program and the operational objectives of Domestic Highway Interdiction, Federal Grant Fund, contract amount \$80,000.00 revenue (01-11-A-141838-1007)
35. Arizona Board of Regents, U of A Veterinarian Diagnostic Labs, Amendment No. 1, to provide animal necropsy and expert testimony services in the investigation of felony animal cruelty cases, extend contract term to 2/28/10 and amend contractual language, General Fund, no cost (01-11-A-140767-0308)

M. Transportation

- 36. Town of Marana, Amendment No. 1, to provide sharing of costs involved in the provision of public transit services to certain areas of Pima County and the Town of Marana (increase of funding for the Fiscal Year of 2008-2009), contract amount \$25,777.44 revenue (01-04-M-139779-0706)

2. BOARD OF SUPERVISORS

Approval of the Board of Supervisors' Meeting Schedule for the period of May through August 2009.

3. DIVISION OF ELECTIONS

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Wagner, Gregory M.	241	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Joiner, Ronald S.	006	REP
Fisher, Robert G.	016	DEM
Wagner, Gregory M.	017	DEM
Corella, Irene A.	023	REP
Hammon, Joseph M.	060	DEM
Kafka, Linus B.	061	DEM
Collins, Stacey B.	064	REP
Freiman, Scott	064	REP
Jefferies, James J.	093	DEM
Selby, Robert M.	097	DEM
Guzman, Dennis R.	108	REP
Salzman, Virginia H.	115	REP
Hallstrom, David E.	116	REP
Goldin, Sarah B.	117	REP
Dutiel, Curtis R.	127	DEM
Diaz, Paul S.	134	DEM
Reuter, Wendy M.	183	REP
Thibault, Josephine A.	183	REP
Paton, Jonathan	194	REP
Junker, Lawrence A.	203	REP
Lewelling, James D.	206	REP
Nelson, Colleen G.	222	REP
Nelson, Timothy W.	222	REP
Tims, Demetra	227	REP
Tims, Robert E.	227	REP
Buck, Clarine G.	257	REP
Kelly, Jesse N.	261	REP
Wallace, Susan T.	262	REP
Festian, Janis T.	263	REP

Martinez, Arlene E.	273	REP
McCormick, James M.	278	REP
McCormick, Jo A.	278	REP
Deppisch, Ludwig M.	283	REP
Kwasman, Adam	283	REP
Escobar, Georgette I.	287	DEM
Woodburn, David L.	296	REP
Schultz, Geoffrey K.	316	REP
Cox, John	323	REP
Hoyne, Virginia B.	329	REP
White, Claudia	336	REP
White, Walter	336	REP
Tureaud, Jeanelle L.	349	REP
Jensen, Claudia M.	361	REP
Jensen, Thomas C.	361	REP
Buccino, Maria C.	366	DEM
Zitkus, Kristi S.	366	REP
Riley, Berta	388	REP
Webb, Earl W.	388	REP
Webb, Lucille G.	388	REP
Nepusz, Anthony J.	389	REP
Bee, Grace	393	REP
Bee, Timothy	393	REP
Kobayashi, Leah D.	394	REP
Rodriguez, Alex J.	394	REP

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

A. **Design Review Committee**

Appointment of Don Laidlaw to replace Barbee Hanson. Term expiration: 3/31/12. (Staff recommendation)

B. **Metropolitan Education Commission**

Appointment of Bill Holmes, at-large, to replace Pat Wiedhopf. Term expiration: 12/31/09. (Commission recommendation)

Reappointments of Dr. Paul Kohn, University of Arizona representative; and Maria Hooker, minority group representative; Term expirations: 12/31/11. (Commission recommendations)

C. **Pima County Board of Health**

Reappointments of Charles David Stopani and Kwang Chun An. Term expirations: 3/31/13. (District 4)

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

Appointment of Anna Harper to replace Michele Roland-Schwartz. Term Expiration: 12/31/12. (District 5)

E. **Regional Wastewater Reclamation Advisory Committee**

Reappointment of Ann-Marie Wolf. Term expiration: 3/1/12. (District 5)

F. **Small Business Commission**

Appointment of Lyra Done to fill the unexpired term of Lea Marquez-Peterson. Term expiration: 4/30/11. (District 1)

G. **State Board of Equalization**

Reappointment of Michael Ebert. Term expiration: 12/31/12. (District 4)

H. **Technical Review Committee**

Appointment of Don Laidlaw to replace Barbee Hanson. Term expiration: 3/31/12. (Staff recommendation)

5. **JUSTICE AND LAW ENFORCEMENT**

Superior Court: Judge Pro Tempore

Appointment of Barbara C. Sattler as Judge Pro Tempore of Pima County Superior Court for the period of March 12, 2009 through June 30, 2009.

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

A. Pamela Clark-Raines, StrengthBuilding Partners, 4280 N. Campbell Avenue, Tucson, April 24, 2009.

B. Margaret Carson Romano, Ara Parseghian Medical Research Foundation, 2905 E. Skyline Drive, Tucson, May 8, 2009.

C. Joseph E. Martinez, VFW Post 3578, 1764 N. 2nd Avenue, Ajo, March 28, 2009.

D. Grace Louise Reed, VFW No. 10254, 10111 S. Sasabe Highway, Tucson, April 18, 2009.

E. Patrick S. West, St. Rita in the Desert Catholic Church, 11351 Colossal Cave Road, Tucson, April 17, 2009, and April 18, 2009.

F. Richard Poirier, Knights of Columbus, 300 N. Tanque Loop Road, Tucson, April 4, 2009.

G. Meredith Moore, Humane Society of Southern AZ, Inc., 2950 N. Camino Principal, Tucson, May 1, 2009.

7. **RECORDER**

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

8. **REAL PROPERTY**

A. **Ratification of Utility Easements**

After review and concurrence by the County Administrator, the following easements were granted to utility companies and other entities to serve Pima County owned property or to benefit Pima County projects in accordance with Pima County Resolution No. 1979-48. (All Districts)

Easement Type/ Ease No.	Utility Company/Grantee	County Facility Served	Recording Date	Docket/ Page
Sewer/ 03-09	Carden School	Flowing Wells Park	9/4/03	12128/30
Sewer/ 03-09	Carden School	Flowing Wells Park	9/4/03	12128/27
Electric/ 07-04	Trico Electric Cooperative, Inc.	Solid Waste Facility	4/5/07	13027/1849
Electric/ 07-23	Tucson Electric Power	Roger Rd WWTF	1/24/08	13228/99
Electric/ 07-25	Tucson Electric Power	Rillito Soccer Field	1/9/08	13218/465
Electric/ 08-07	Tucson Electric Power	Flowing Wells Library	3/27/08	13272/4521
Electric/ 07-15	Tucson Electric Power	Ina Road WWTP	6/22/07	13082/3629
Electric/ 07-20	Tucson Electric Power	Children's Advocacy Ctr.	11/2/07	13174/3381
Electric/ 07-21	Tucson Electric Power	Marana Library	11/2/07	13174/3378
Water/ 07-22	Town of Marana	Marana Library	11/8/07	13178/841
Electric/ 08-11	Sulphur Springs Valley Electric	Empirita Ranch	9/9/08	13387/1675
Electric/ 08-16	Tucson Electric Power	Tucson Electric Park	10/21/08	13417/2107

B. **Sales Agreement and Warranty Deed**

1. Sales Agreement with Tucson Electric Power Company for a three acre parcel to be used as an electrical substation located within Section 3, T19S, R313E, G&SRM. Revenue of \$78,000.00 (District 4)
2. Warranty Deed to Tucson Electric Power Company in connection with the sale of a three acre parcel with the restriction to be used only as an electrical substation located within Section 3, T19S, R313E, G&SRM. (District 4)

9. **TRANSPORTATION**

Permission to Advertise

Establishment of Public Roads: River Road, Alvernon Way and East River Road
May 5, 2009

Establishment No. 3003 (Districts 1 and 3)

10. **PROCLAMATION**

Proclaiming the day of May 7, 2009, to be:

“NATIONAL DAY OF PRAYER”

11. **RATIFY AND/OR APPROVE**

Minutes: February 10, 2009

Warrants: March, 2009

REGULAR AGENDA/ADDENDUM ITEMS

9. **BOARD OF SUPERVISORS**

RESOLUTION NO. 2009- 47, of the Pima County Board of Supervisors asking the Arizona Governor and Legislature to maintain or increase the original 2008-2009 State budget funding level in support of education.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009- 47.

10. **COUNTY ADMINISTRATOR: DEPARTMENT REVENUE INCREASES**

Discussion/direction/action regarding recommended fee increases in the following categories: Natural Resources, Parks and Recreation, Solid Waste and Public Transit.

Without objection, this item was continued to the Board of Supervisors' Meeting of 4/14/09.

11. **COUNTY ADMINISTRATOR: QUARTERLY MANAGEMENT REPORT ON COLLECTIONS**

Staff recommends acceptance of the Quarterly Management Report on Collections for the period ending December 31, 2008 and approve the write-off request in the amount of \$7,484.00.

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

12. **CLERK OF THE BOARD**

Staff requests approval of the amendment to Board of Supervisors Policy, No. C 2.5, Agenda/Addendum Policy.

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

13. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

A. RESOLUTION NO. 2009- 48 , requesting Pima County support the Sahuaro Girl Scout Council's application for a \$10,000.00 grant for the Leadership Development Program from the 12% Local revenue-sharing contribution of the Pascua Yaqui Tribe.

B. RESOLUTION NO. 2009- 49 , authorizing Pima County to support the University Medical Center Foundation's application for a \$100,000.00 grant for construction of the Diamond Children's Medical Center from the 12% Local revenue-sharing contribution of the Pascua Yaqui Tribe.

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 48 , and 49 .

14. **DIVISION OF ELECTIONS**

Pursuant to A.R.S. §48-1012(E), staff requests cancellation of the uncontested May 19, 2009, Recall Election against Donald Peetoom, Board member of the Marana **Domestic Water Improvement Conservation** District.

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

15. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2009- 50 , of the Board of Supervisors of Pima County, Arizona, providing for the issuance and sale of \$75,000,000.00 principal amount of Pima County, Arizona, General Obligation Bonds, Series 2009; providing for the annual levy of a tax for the payment of the bonds, providing terms, covenants and conditions concerning the bonds; accepting a bid for the purchase of the bonds; appointing an initial registrar and paying agent for the bonds; and declaring an emergency.

The bids are as follows:

<u>Bidder</u>	<u>Net Interest</u>
Robert W. Baird & Co. - Red Bank, NJ	3.896693%
Morgan Stanley - San Francisco, CA	3.913435%
Piper Jaffray - Minneapolis, MN	3.971244%
Prager, Sealy & Co., L.L.C. - New York, NY	3.982384%
Hutchinson, Shockey, Erley & Co. - Chicago, IL	4.047895%
Barclays Capital, Inc. - New York, NY	4.115080%
Citigroup Global Markets, Inc. - New York, NY	4.420741%

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the low bid of Robert W. Baird & Co. - Red Bank, NJ, at a net interest cost of 3.896693%

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

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

Texas Roadhouse Marana No. 204, Case No.: 2008-13. Proposed settlement amount is \$2,229.35.

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

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

A. P1205-092, Outpost Preserve, Lots 1-12. Developer: Outpost Investments. (District 4)

B. P1205-019, Sonoran Ranch Estates II, Lots 213-309, 320-368, 409-430, 456,477, 496-510, 541-548 and 571-572. Developer: KB Homes. (District 3)

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.

18. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES**

A. 09-01-8971, Kim Kenneth Kwiatkowski, Circle K Store No. 1796, 3795 S. Palo Verde Road, Tucson, Series 10, Beer and Wine Store License, New License.

B. 09-02-8972, Carole Lynn Rial, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, Series 14, Club, New License.

- C. 09-03-8973, Christa Lynne Benner, Silverticket Saloon, 4535 W. Valencia Road, Tucson, Series 6, Bar License, Person Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearings and approve the liquor license requests.

19. **FRANCHISE/LICENSE/PERMIT: FIREWORKS PERMIT**

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, April 15, 2009 at 7:30 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

20. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Jim C. Counts, Nimbus Brewing Co., L.L.C., 3850 E. 44th St., No. 138, Tucson, Temporary Extension of Premises for April 18, 2009.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the request.

21. **DEVELOPMENT SERVICES: REZONING ORDINANCE**

The Board of Supervisors' on 2/17/09, continued the following:

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)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 200910.

22. **DEVELOPMENT SERVICES: REZONING**

Co9-07-10, CARDINAL IRVINGTON HOMES L.L.C., – CARDINAL AVENUE REZONING

Request of Cardinal Irvington Homes, L.L.C., represented by Laidlaw Consulting, L.L.C.

Without objection, this item was continued to the Board of Supervisors' Meeting of 5/12/09.

23. **DEVELOPMENT SERVICES: APPEAL OF HEARING ADMINISTRATOR DECISION**

P21-08-073, COY – W. EAGLE WAY

In accordance with Pima County Zoning Code Section 18.13.030B27, David Coy appeals the decision of the Hearing Administrator in Case No. P21-08-073, denial of a Type I Conditional Use Permit for a Commercial Kennel at 1715 W. Eagle Way, in an RH zone. Chapter 18.97, in accordance with of the Pima County Zoning Code, 18.13.030B27, allows a Commercial Kennel as a Type I Conditional Use in the RH zone. The Hearing Administrator recommends DENIAL. (District 3)

Jim Portner, Hearing Administrator, stated the original hearing was scheduled for November 12, 2008, after neighborhood testimony and written opposition was submitted. The Coys' were offered a 30-day continuance to meet and resolve issues with the neighbors, but they requested an additional continuance which was granted to January 2009. The Coys' did not attend the January hearing but the neighbors did and, when questioned, the neighbors informed the Hearing Administrator that no contact had occurred with the Coys' so the public hearing was closed and the Conditional Use Permit request denied. The applicant submitted an appeal based on the assertion that they were not properly noticed.

The following speakers addressed the Board:

1. Cathy Burger
2. Connie Bacon
3. Eric Martin
4. Linda Martin
5. Marsha Mendelsohn, Board of Adjustment member.

They provided the following comments:

- A. Support was expressed to approve the Conditional Use Permit because this was a small, clean and family run business;
- B. The speakers in support indicated they had no problem with the presence of the kennel;
- C. Adjacent neighbors stated the only time they could hear the dogs was at feeding time in the morning and evening hours;
- D. Opposition was expressed due to the noise emitted from the kennel operation at all hours, especially during holidays;
- E. Concerns were expressed that the zoning would change as the result of this application if it were denied thereby anyone wanting to start a business would not have that option;
- F. Concern was expressed by adjacent property owners that their homes could not be sold after disclosure requirements were met regarding the kennel and the noise from barking dogs;

- G. Sixty signatures were submitted by area residents opposed to the approval of the Conditional Use Permit;
- H. The applicant sent letters to neighbors indicating that a feed store, equine rescue, daycare and kennels were allowed uses but they are not allowed uses, especially without a Conditional Use Permit; and,
- I. Other requirements were not met such as noise control and hours of operation.

Supervisor Bronson inquired whether the applicant operated a kennel without a permit.

Mr. Portner responded yes. He said the issue of the lack of having a Conditional Use Permit was the result of a zoning violation case brought forward by the Zoning Enforcement Board.

David Coy, applicant, explained why he did not attend the Hearing Administrator meeting indicating that he was not properly notified of the meeting. He presented pictures that illustrated the location of his property in relation to other residences in the area, and he felt that those residents opposed to the Conditional Use Permit lived too far away to hear barking dogs. He requested his application request be sent back to the Hearing Administrator that would allow him to present his case and get a decision based on his presentation of facts. He indicated that he did talk to the neighbors and outlined actions he would take to resolve the noise issue. He stated he had a kennel permit to house dogs on his property from Pima County from the Pima Animal Care Center but it was not a commercial boarding kennel permit. He said he was not aware of the requirement to have a Conditional Use Permit to operate a boarding kennel, but he has since met the ordinance requirements to operate a kennel. He presented a petition containing the signatures of 40+ individuals who were not opposed to the kennel, a copy of the letter he sent to area residents inviting neighbors to his home to discuss their issues, an explanation of what has occurred to this point and letters from various groups or individuals who were in support of the kennel.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, uphold the Hearing Administrator's decision and accept the recommendation for denial. Supervisor Bronson asked whether the kennels would be allowed to remain under the Zoning Code on the Coys' property.

Tom Hudson, Zoning Administrator, responded Mr. Coy would need to obtain Building and Zoning Permits to keep the kennels and any dogs kept in those kennels would have to belong to the Coys'. Mr. Coy was advised to work with the Development Services Department regarding the permit requirements.

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

P21-09-005, UNISOURCE ENERGY CORPORATION – NORTH REBECCA AVENUE

Commscapes, applicant, on property at 2550 N. Rebecca Avenue in a SR zone, requests a conditional use permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030H2d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SR zone. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Spendiarian and Smith were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

"The Standard and Special Conditions recommended by the Hearing Administrator, and affirmed by the Planning & Zoning Commission, are as follows:

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The proposed monopole shall utilize the "monopalm" palm-tree camouflage design.
2. The prefabricated equipment shelter serving the tower shall be located wholly within the secured area of the TEP sub-station. No special aesthetic treatment is required for the shelter."

Supervisor Carroll stated Commscapes suggested using a saguaro as opposed to a monopalm and asked how that change would be made in the conditions.

Jim Portner, Hearing Administrator, stated the conditions would have to be modified and approved by the Board.

The following speaker addressed the Board:

David Baird

He provided the following comments:

- A. The neighborhood was concerned regarding how the environment would look with the proposed communication tower as it related to height, the users, camouflage and radiation emissions; and,
- B. The neighborhood requested the communication tower blend in as much as possible with the local environment and vegetation.

Todd Doust, Unisource Energy and Verizon/Alltel representative, provided suggestions for the mitigation of the tower height. There are three frequency bands that require a dedicated antenna which was the reason for a stand-alone monopole structure and then the camouflaged monopalm. He requested a 30 day continuance of this item to resolve design issues through further dialogue with the homeowners.

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

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

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

Jenna Hernandez, represented by Stubbs & Schubart, on properties located at 9811, 9813 and 9815 N. La Cholla Blvd., in the SR zone, requests a Conditional Use Permit for a Commercial Riding Stable and School. Chapter 18.97, in accordance with Section 18.17.030C1 of the Pima County Zoning Code, allows a Commercial Riding Stable and School as a Type II Conditional Use in the SR zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

"Should the Board of Supervisors agree with the Hearing Administrator's recommendation for approval, it is suggested that this approval be granted subject to the following standard and special conditions:

Standard Conditions

1. Minimum site area: twenty (20) acres.
2. Minimum setback for stables, barns, animal sheds or shelters: one hundred feet (100').

Note: Approval of this conditional use permit shall, in no way, be construed as providing any relief from the above applicable requirements of the Pima County Zoning Code. Relief from said requirements shall require separate approval of a variance by the District 1 Board of Adjustment.

Special Conditions

1. This conditional use permit is for a commercial riding stable and school only. No other commercial activities on the site are authorized. No organized special events or equestrian competitions are allowed.
2. The riding stable and school shall only operate during daylight hours. No night-time school activities or outdoor lighting of the riding rings is allowed."
3. No stables, corrals, or any other structures (whether permanent or temporary) shall be permitted within the primary channel banks of the natural wash that traverses the property's western boundary.
4. No stable or school-related structures, facilities, or activities shall be located or occur within the regulatory 100-year floodplain of the aforementioned natural wash (see above Special Condition #2) unless a formal Floodplain Use Permit is procured from the Pima County Regional Flood Control District.
5. The present excessive storage of miscellaneous commercial vehicles and commercial equipment on the property shall cease immediately. The only commercial equipment allowed on the property shall be that as necessary to operate the riding stable and school and shall include, but not be exclusively limited to, the following: a tractor, a drag, pick-up truck, a horse trailer, and a dump trailer.
6. All other commercial vehicles and equipment presently stored on the property – and which are not essential to the operation of the riding stable and school -- shall be removed within forty-five (45) days of the date on which this conditional use permit is approved. Specifically, this shall include all of the large panel trucks, the dump truck, the numerous large commercial-grade pick-up trucks, and other equipment clearly not needed or used by the stable.
7. While it is somewhat difficult to clearly describe, in these special conditions, the specific vehicles which are allowed to stay and those which are required to be removed, the intent of above Special Condition Nos. 5 and 6 should be clear: Those commercial vehicles and equipment needed to operate the stable and school can remain; all others are to be removed per the timeframe described in Special Condition #6.
8. Attendant to the required Development Plan, the property owner/developer shall dedicate to Pima County those rights-of-way, along the La Cholla Boulevard frontage, as necessary to achieve the full right-of-way width per the Major Streets and Routes Plan (Co14-79-2).
9. The property owner/developer shall provide traffic/transportation improvements as determined necessary by the Department of Transportation during the review of the Development Plan.
10. No new/additional access shall be allowed on La Cholla Boulevard other than the single point of access that currently exists."

Jim Portner, Hearing Administrator, provided a report. The site has an existing operation, and the site has been disturbed. That disturbance pre-dates both the Conservation Lands System and the Sonoran Desert Conservation Plan. The

request has no new disturbance planned. At the public hearing there was one individual in opposition but no other public comment was received. He recommended approval subject to standard and special conditions.

The following speakers addressed the Board:

1. Jody Blaylock, member of the Pima County Sheriff's Posse/Search and Rescue;
2. Aileen Bulla;
3. Eric McNeilus, Attorney for John Bowron, neighbor who is opposed; and,
4. G. Lawrence Schubart, Attorney for Jenna Hernandez.

They provided the following comments:

- A. Support was expressed to retain the stable/horse boarding operation as a critical facility for the local horse community;
- B. Some Pima County Sheriff's Posse members use the facility to train and board their horses that allow them to continue their public service activities;
- C. A request was made to continue the public hearing to allow the opposition time to review the findings and conclusions of the Hearing Administrator;
- D. Extensive research was carried out to illustrate that the property has been a commercial stable for 30 years;
- E. The applicant has taken steps to meet the requirements for the commercial riding stable; and,
- F. Letters of support were submitted and the Board was asked to approve the commercial stables continued use.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson to close the public hearing, uphold the Hearing Administrator's decision and approve P21-09-001 subject to standard and special conditions. No vote was taken at this time.

A substitute motion was moved by Chairman Elías, to continue this item to the Board of Supervisors' Meeting of May 5, 2009, to allow the opposition time to review the findings and conclusions as requested. The motion died for the lack of a second.

Upon a roll call vote being taken on the original motion, the motion carried by a 4-1 vote, Chairman Elías voting "Nay."

26. DEVELOPMENT SERVICES: REZONING ORDINANCE

ORDINANCE NO. 2009-29, Co9-08-17, Via Latigo 5651 L.L.C., – Las Lomitas Road Rezoning. Owner: Via Latigo 5651 L.L.C. (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 Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009-29.

27. **DEVELOPMENT SERVICES: REZONING RESOLUTIONS**

- A. RESOLUTION NO. 2009-51, Co9-87-20, Executive Property Development, et. al. – La Canada Drive Rezoning. Owners: Malvern Investors, Inc. (District 1)
- B. RESOLUTION NO. 2009-52, Co9-00-50, Fishkind et. al. – Oracle Road Rezoning. Owners: Fishwell, L.L.C. (District 1)
- C. RESOLUTION NO. 2009-53, Co9-00-63 La Cholla Investments, L.L.C. - La Cholla Boulevard No. 2 Rezoning. Owners: Arizona La Cholla, L.L.C. (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 Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2009-51, 52, and 53.

28. **DEVELOPMENT SERVICES: STREET NAME CHANGES**

<u>Present</u> Unnamed Easement Co14-08-007 (District 3)	<u>Proposed</u> Flybuoy Ranch Road
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<u>Present</u> Unnamed Easement Co14-09-002 (District 3)	<u>Proposed</u> Running Back Way
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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 approve the street name changes.

29. **ENVIRONMENTAL QUALITY: SOLID WASTE FEE SCHEDULE**

ORDINANCE NO. 2009-30, an ordinance of the Pima County Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County's landfills and transfer stations, revoking existing fee waivers, and adopting a new fee schedule for Pima County's landfills and transfer stations.

Without objection, this item was continued to the Board of Supervisors' Meeting of 5/5/09.

30. **FINANCE AND RISK MANAGEMENT: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2009- 31, of the Board of Supervisors of Pima County, Arizona, relating to settlement of claims; amending Section 3.04.120 of the Pima County Code to increase the dollar limits of legal claims that can be settled by County Risk Management, the County Attorney and the County Administrator.

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 hearing and adopt Ordinance No. 2009- 31.

31. **RECORDER: FEE SCHEDULE**

ORDINANCE NO. 2009- 32, an ordinance of the Board of Supervisors of Pima County, Arizona, establishing fees for election related services, voter registration data and recorded document services provided by the Pima County Recorder.

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 hearing and adopt Ordinance No. 2009- 32.

32. **TRANSPORTATION: TRAFFIC ORDINANCES**

A. ORDINANCE NO. 2009- 33, of the Pima County Board of Supervisors prohibiting vehicles greater than 12,000 pounds Gross Vehicle Weight Rating from using Hacienda Del Sol Road from River Road to Sunrise Drive as a thru street in Pima County, Arizona. Staff recommends APPROVAL.
(District 1)

B. ORDINANCE NO. 2009- 34, of the Pima County Board of Supervisors, establishing prima facie speed limits on Freeman Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2009- 33 and 34.

33. **TRAFFIC RESOLUTION**

RESOLUTION NO. 2009- 54, of the Board of Supervisors of Pima County, Arizona, temporarily closing Kinney Road in Pima County, for the Everyone Runs 10 Kilometer (6.2 Miles) Race on Sunday, July 12, 2009. Staff recommends APPROVAL. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009-54.

34. **BOARD OF SUPERVISORS**

Dedicate Field No. 1 at George Mehl Family Foothills Park in honor of Paul Brown. (District 1)

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

35. **TRANSPORTATION: CONTRACTS**

A. United States Department of Energy, Western Area Power Administration, to relocate twenty-one steel monopole structures to allow for widening of the La Canada Drive project, RTA and Impact Fee Funds, contract amount \$2,883,500.00 (11-04-U-141877-0409)

B. Regional Transportation Authority, Amendment No. 3, to provide transportation improvements for the La Canada Drive: Ina Road to Calle Concordia segment and amend scope of work, RTA Fund, contract amount \$20,499,050.00 revenue (01-04-R-139065-0107)

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

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

A. **Board of Adjustment, District 3**

Reappointments of Marsha Mendelsohn, Eric Greeson and Carol Klamerus. Term expiration: 3/31/12. (District 3)

B. **Tucson-Pima County Historical Commission**

Reappointment of Betina Lyons. Term expiration: 12/31/12. (District 4)

C. **Housing Commission**

Reappointment of Scott Place and Brad Smith. Term expiration: 12/31/12. (District 4)

D. **State Board of Equalization**

Appointment of Greg Geile to replace Charles Hale. Term expiration: 12/31/12. (District 4)

E. Regional Wastewater Reclamation Advisory Committee

Appointment of William L. Katzel to replace John Sawyer. Term expiration: 3/1/13. (District 4)

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

37. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Fred Bass addressed the board regarding the Roger Road Wastewater Treatment Plant.

Michael Toney addressed the board regarding community issues.

38. ADJOURNMENT

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