

MINUTES, FLOOD CONTROL DISTRICT BOARD

JUNE 16, 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, June 16, 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. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan for the Tucson Electric Power Canoa Ranch Substation, south of Green Valley and east of I-19, on the northern portion of Canoa Ranch. (District 4)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

JUNE 16, 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, June 16, 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 6/17/08 and 3/10/09, 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. P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to December, 2009.

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

P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern

In accordance with the Pima County Zoning Code Section 18.95.030D, Robert and Teresa Kern appeal the decision of the Hearing Officer in Case No. P07ZV00758–2, 3, 4, 5 and 6, regarding violations of the following sections of the Pima County Zoning Code: 18.14.020 and 18.14.030, stored vehicles not allowed in GR-1 Zone; 18.79.100A, banner sign not allowed in GR-1 Zone; 18.01.030E.1, structure without permit-hay barn; 18.01.030E.1, structure without permit-metal shed; and 18.01.030D, non-adherence to a development plan. The property is located at 3302 E. Edwin Road. (District 1)

Without objection, this item was continued to December, 2009.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

JUNE 16, 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, June 16, 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 Vanance Bigirimana and Abdikhadir Yussuf.

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. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation proclaiming June 20, 2009, to be:

“WORLD REFUGEE DAY”

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

Chairman Elías read and presented the proclamation to Edward Hakizimana, Sana Bogueñas, Ibrahim Hassana, Josephine Yanseratou and Sahra Hirsi. They accepted the proclamation and expressed their gratitude for the Boards' support.

... **EXECUTIVE SESSION**

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 10:25 a.m.

5. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

The meeting reconvened at 10:40 a.m. All members were present.

6. **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.

David Mitchell, President of SEIU, Pima Chapter, addressed the Board regarding the Memorandum of Understanding negotiated by the Pima County Meet and Confer Committee.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Desert Springs Equestrian Center, L.L.C. v Pima County, Pima County Superior Court Cause No. C20093791.

Regina Nassen, Civil Deputy County Attorney, stated this item involved an appeal of the Chief Zoning Inspector's decision that Desert Springs was not entitled to an agricultural exemption for part of the use of its property. The County Attorney's Office sought direction on whether to add the Chief Zoning Inspector as a party; whether to add Pima County as a party; and whether the Board of Adjustment should not be an active litigant in this appeal. The Board of Adjustment wished to only take a nominal role.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to direct the Chief Zoning Officer to take the lead as discussed in Executive Session.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Turken v. Gordon, Arizona Supreme Court Case No. CV09-0042PR, and regarding the filing of a Friend-of-the-Court Brief in that matter.

Regina Nassen, Civil Deputy County Attorney, stated this item involved a discussion regarding a case that the Arizona Supreme Court had accepted for review. In this case, the Court of Appeals held that a Development Agreement between the City of Phoenix and an area developer violated the gift clause of the Arizona Constitution. Direction was sought on whether an Amicus Brief should be filed on behalf of the County as discussed in Executive Session.

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 file an Amicus Brief 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 appealing a decision of the Arizona Tax Court, Tucson Botanical Gardens, Inc., an Arizona Nonprofit Corporation v. Pima County, Arizona Tax Court Case No. TX2005-050401.

Regina Nassen, Civil Deputy County Attorney, stated this involved the valuation, classification and exemption for tax year 2005 on tax parcel no. 122-01-027B. The case was decided in favor of the taxpayer and the County appealed the decision. The original decision was upheld by Division One of the Court of Appeals and the taxes for all of tax year 2005 and the first half of 2006 were refunded. The taxpayer filed a motion for enforcement of the judgment to obtain a refund of the taxes for the second half of 2006 and all of 2007, which were paid after they became delinquent. The Tax Court ruled in favor of the taxpayer. The County could appeal this ruling, according to statutes, the Tax Court lost jurisdiction when the taxes were paid after delinquency. The Pima County Assessor and the Attorney's Office recommended that no appeal be filed.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the recommendation not to appeal.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Meet and Confer Committee recommendations.

Regina Nassen, Civil Deputy County Attorney, stated this item was informational only, no Board action was required.

11. **CONSENT CALENDAR**

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

A. **CALL TO THE PUBLIC**

PULLED FOR SEPARATE ACTION

1. **CONTRACT AND AWARD**

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

3. Arizona Department of Commerce, Amendment No. 1, to provide for the administration of the WIRED Program throughout Southern Arizona and amend contractual language, WIRED Grant Fund, contract amount \$25,000.00 revenue (01-69-A-140259-0707)

Without objection, this item was removed from the agenda.

PULLED FOR DISCUSSION

2. CONTRACTS AND AWARDS

G. Pima Health System

27. Arizona Department of Economic Security, Amendment No. 12, to provide for home and community based services and amend contractual language, PHCS Enterprise Fund, contract amount \$245,306.00 revenue decrease (01-15-D-137491-0705)
28. Pima Council on Aging, Amendment No. 2, to provide respite case management, personal care and housekeeping services and amend contractual language, PHCS Enterprise Fund, contract amount \$84,975.00 revenue decrease (07-15-P-140966-0708)

Carolyn Trowbridge addressed the Board regarding the cuts and revenue decreases to these contracts. She expressed concern that these cuts would affect the most vulnerable people in Pima County as the need for these programs continued to increase.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL

1. CONTRACTS AND AWARDS

C. County Administrator

20. Arthur Chapa, Amendment No. 2, to provide lobbyist services and extend contract term to 7/1/11 and amend contractual language, various department funds, contract amount \$200,000.00/2 year term (07-30-C-136234-0605)
21. Racy Associates, Inc., Amendment No. 2, to provide lobbyist services and extend contract term to 7/1/11 and amend contractual language, various department funds, contract amount \$100,000.00/2 year term (07-30-R-136235-0605)

Supervisor Carroll inquired if these contracts could be separated from the Consent Calendar for separate vote. He stated that he felt the Board should put these contracts on hold until the budget was finalized.

Chairman Elias stated that the contracts would be included in the vote of the Consent Calendar.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” that the Consent Calendar be approved as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Drachman Design-Build Coalition, Inc., Amendment No. 2, to provide installation of off-site improvements and infrastructure in the public right-of-way for a 5 unit development known as The Lessons from Civano Project, extend contract term to 6/30/10 and amend contractual language, no cost (03-70-D-139274-0307)
2. Allwyn Priorities, L.L.C., to provide a Federal EPA Community-Wide Assessment Grant to conduct eligible brownfields activities, US EPA Grant Fund, contract amount \$182,000.00 (07-70-A-142025-0609)

B. Community Services, Employment and Training

3. Arizona Department of Commerce, Amendment No. 1 (PULLED FOR SEPARATE ACTION)
4. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services and amend scope of work, no cost (07-69-S-140981-0708)
5. Rise, L.L.C., d.b.a. Rise Equipment Recycling Center, Amendment No. 1, to provide workforce development services, extend contract term to 6/30/10 and reflect vendor name change, U.S. Department of Labor and WIA Grant Funds, contract amount \$18,540.00 (11-69-P-141079-0708)
6. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services and extend

contract term to 6/30/10, U.S. Department of Labor and WIA Grant Funds, contract amount \$18,900.00 (07-69-G-141115-0708)

7. Goodwill Industries of Southern Arizona, Inc., Amendment No. 2, to provide staff to assist with employer outreach services and extend contract term to 8/31/10, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$5,000.00; total contract amount \$50,548.40 (07-69-G-141333-1008)
8. SER Jobs for Progress of Southern Arizona, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$13,000.00; total contract amount \$270,500.00 (07-69-S-142018-0709)
9. Goodwill Industries of Southern Arizona, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$6,000.00; total contract amount \$60,899.00 (07-69-G-142019-0709)
10. Primavera Foundation, Inc., to provide workforce development and support services, U. S. Department of Labor Grant Fund, contract amount \$105,542.00 (07-69-P-142020-0509)
11. Open Inn, Inc., to provide workforce development services, U. S. Department of Labor Grant Fund, contract amount \$98,824.00 (07-69-O-142021-0509)
12. Tucson Youth Development, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$16,000.00; total contract amount \$338,354.00 (07-69-T-142037-0709)
13. DK Advocates, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$3,000.00; total contract amount \$59,825.00 (07-69-D-142038-0709)

14. Tucson Urban League, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$9,000.00; total contract amount \$198,392.00 (07-69-T-142039-0709)
15. Portable Practical Education Preparation, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$19,000.00; total contract amount \$389,184.00 (07-69-P-142040-0709)
16. Catholic Community Services, d.b.a., Pio Decimo Center, Inc., to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$6,000.00; total contract amount \$97,867.00 (07-69-C-142041-0709)
17. Catholic Community Services, Inc., d.b.a. Community Outreach for the Deaf Program, to provide workforce development services, U. S. Department of Labor and Arizona Department of Economic Security Grant Funds (expenditure determined by client eligibility); General Fund, contract amount \$5,000.00; total contract amount \$71,497.00 (07-69-C-142049-0709)
18. Open Inn, Inc., to provide workforce development and support services, U. S. Department of Labor Housing and Urban Development Grant Funds, contract amount \$68,950.00 (07-69-O-142054-0709)
19. Our Family Services, Inc., to provide workforce development and support services, U. S. Department of Labor Housing and Urban Development Grant Fund, contract amount \$107,386.00 (07-69-O-142055-0709)

C. County Administrator

20. Arthur Chapa, Amendment No. 2, to provide lobbyist services and extend contract term to 7/1/11 and amend contractual language, various department funds, contract amount \$200,000.00/2 year term (07-30-C-136234-0605)
21. Racy Associates, Inc., Amendment No. 2, to provide lobbyist services and extend contract term to 7/1/11 and amend contractual language, various department funds, contract amount \$100,000.00/2 year term (07-30-R-136235-0605)

D. County Attorney

22. Frank W. Frey, Attorney at Law, Amendment No. 5, to provide legal services relating to defense of workers' compensation claims, extend contract term to 5/28/11 and amend contractual language, Risk Management Tort Fund, contract amount \$25,000.00 (17-02-F-134942-0604)
23. Zingg Law Office, L.L.C., Amendment No. 5, to provide legal services relating to defense of workers' compensation claims, extend contract term to 5/29/11 and amend contractual language, Risk Management Tort Fund, contract amount \$50,000.00 (17-02-Z-134943-0604)
24. RESOLUTION NO. 2009-116, approving an Intergovernmental Agreement with the Arizona Automobile Theft Authority, to provide for the vertical prosecution of auto theft cases, State Grant Fund, contract amount \$140,264.28 revenue (02-02-A-142036-0709)

E. Natural Resources, Parks & Recreation

25. Tucson Audubon Society, Amendment No. 2, to provide for operation of a nature shop at the Roy P. Drachman Agua Caliente Regional Park, extend contract term to 1/31/11 and amend contractual language, no cost (11-05-T-135921-0205)

F. Office of Court Appointed Counsel

26. Award of Contracts, Requisition No. 0901254, in the total amount of \$1,800,000.00 for six (6) responsive and responsible applicants for court appointed attorney services on the Superior Court Felony Panel. Each contract is for an initial amount of \$300,000.00 for a three year period and provides one renewal for an additional three year period. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel. Headquarters: Tucson Arizona:

Robert Andrew Gaffney, Jr.
Henry Lawrence Jacobs
Kimberly J. Hunley
Andrew Thomas Higgins
William E. Perry, III
Anne Elsberry

G. Pima Health System

27. Arizona Department of Economic Security, Amendment No. 12 (PULLED FOR DISCUSSION)

28. Pima Council on Aging, Amendment No. 2 (PULLED FOR DISCUSSION)

H. **Procurement**

29. The Architecture Company, Amendment No. 5, to provide architectural and engineering services for the Pima County Animal Care Center renovation and addition, 2004 Bond Fund, contract amount \$6,805.00 (15-13-A-137872-0306) Facilities Management
30. Pinnacle Risk Management Services, Inc., Amendment No. 1, to provide third party administration of workers' compensation claims, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$330,000.00 (11-09-P-139683-0707) Finance and Risk Management
31. United Healthcare of Arizona, Amendment No. 1, to provide full service health insurance benefits, extend contract term to 6/30/10, reflect vendor name change and amend contractual language, General Fund, contract amount \$40,000,000.00 (07-43-P-140994-0708) Human Resources
32. Arizona's Children Association, Amendment No. 6, to provide medical forensic examination and evidence collection for victims of sexual assault, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$474,030.00 (07-65-S-137348-0705) Institutional Health
33. Castro Engineering Corporation, Amendment No. 1, to provide roadway design engineering services for the Valencia Road: Ajo Highway to Mark Road Project and termination of contract for cause, no cost (16-04-C-139835-0707) Transportation

Awards

34. Low Bid: Award of Contract, Requisition No. 0901769, in the amount of \$410,000.00 to the lowest responsive bidder, Hickam Arnold and Associates, L.L.C., d.b.a. Hickam Construction Company (Headquarters: Tucson, AZ) for the base bid for tenant improvements to the 9th Floor of the Pima County Administration Building located at 130 W. Congress. The contract is for an eight month period and may be extended for project completion. Funding Source: Risk Management Self-Insurance Fund, \$307,500.00 and Space Acquisition Fund, \$105,500.00. Administering Department: Facilities Management.

35. Amendment of Award: Sun Edison Government Solutions, Synergen Blanket Contract B505814, to provide electricity generated from solar photovoltaic facilities designed, financed, operated and maintained by the vendor on County property, increase contract in the amount of \$3,480,000.00. Funding Source: General Fund. Administering Department: Facilities Management.
36. Low Bid: Award of Contract, Requisition No. 0901780, in the amount of \$400,000.00 for ammunition to San Diego Police Equipment Company, Inc. (Headquarters: San Diego, CA). Contract is for a one-year term and includes four one-year renewal periods. Funding Source: General Fund. Administering Department: Sheriff.

I. Real Property

37. Puran and Susanna Bair, to provide a Sales Agreement, Special Warranty Deed and Affidavit of Disclosure for County surplus property located at 7100 West El Camino del Cerro, contract amount \$955,000.00 revenue, less \$58,600.00 for closing cost; (11-05-B-142052-0609) Natural Resources, Parks and Recreation

J. Transportation

38. RESOLUTION NO. 2009-117, approving an Intergovernmental Agreement with the Town of Marana and the Town of Oro Valley, to provide for the development and implementation of a design concept report for the widening of Tangerine Road between Interstate 10 and La Canada Drive, no cost (01-04-M-142042-0609)
39. RESOLUTION NO. 2009-118, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for the right-of-way acquisition for the Pantano River Park and Julian Wash Greenway Project, Regional Transportation Authority Fund, contract amount \$504,000.00 revenue (01-04-R-142043-0609)
40. RESOLUTION NO. 2009-119, approving an Intergovernmental Agreement with the Regional Transportation Authority, for the Sabino Canyon Road Bridge Deck Rehabilitation at Tanque Verde Creek Project, Regional Transportation Authority Fund, contract amount \$1,090,000.00 revenue (01-04-R-142044-0609)

41. Regional Transportation Authority, Amendment No. 1, to provide for the right-of-way acquisitions needed for the Curtis/Shannon HAWK Pedestrian Activated Signal Location, Regional Transportation Authority Fund, no cost (01-04-R-141228-0908)

2. DIVISION OF ELECTIONS

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Pearce, Adam	223	REP
Tippit, Paul H.	224	REP
Powell, Grace L.	238	REP
Powell, Richard H.	238	REP
Wilson, Ann M.	261	REP
Rochon, Michael J.	266	REP
Tirrell, John A.	266	REP
Dalessandro, Andrew J.	314	DEM
Turim, Marie A.	326	DEM
Carlson Jr., Thomas A.	340	REP
Kwok, Kleo L.	360	REP
Lewis, Erica M.	392	REP
Rodermund, Mark A.	411	REP
Rodermund, Wesley M.	411	REP
Gabaldon, Rosanna	414	DEM
King, Brian M.	415	REP

3. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Tucson-Pima County Bicycle Advisory Committee

Reappointment of David Bachman-Williams. Term expiration: 6/30/11. (Committee recommendation)

B. Election Integrity Commission

Appointment of Donna Branch Gilby, Democratic Party, to fill the unexpired term of Paul Eckerstrom. Term expiration: 11/30/10. (Democratic Party recommendation)

C. Library Advisory Board

Reappointment of Annabelle Nunez. Term expiration: 6/30/13. (District 5)

D. Metropolitan Education Commission

Appointment: Term expiration: 12/31/12
 Mary Helen High, Religious Community, to replace Rabbi Samuel M. Cohon. (Chair appointment)

Reappointments: Term expirations: 12/31/12
Richard Elias, Board of Supervisors
Magdalena Barajas, Social Service Agencies for Children
and Youth
George Favela, Parent
(Chair appointments)

E. Pima County Wireless Integrated Network

Appointment of Chief Roberto Villaseñor, Tucson Police Department,
to fill the vacancy created by Acting Chief Kermit Miller. No term
expiration. (Jurisdictional recommendation)

F. Planning and Zoning Commission

Appointment of Christine Creasy-Klein to fill unexpired term of John P.
Hewitt. Term expiration: 6/19/12. (District 3)

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

A. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo Del Norte,
Tucson, May 28, 2009.

B. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo Del Norte,
Tucson, June 26, 2009.

FINANCE AND RISK MANAGEMENT

5. Duplicate Warrants – For Ratification

Arizona Emergency Response Comm.	\$ 779.83
Ingram, Heather	\$ 28.46
Mettille, Janet	\$ 202.55
Security Title Agency	\$ 14.51
Weill, Nancy & Richard	\$ 18.00

6. RATIFY AND/OR APPROVE

Minutes: April 21, 2009
May 5, 2009

REGULAR AGENDA/ADDENDUM ITEMS

12. BOARD OF SUPERVISORS

- A. RESOLUTION NO. 2009- 120, of the Pima County Board of Supervisors, supporting the grant application by Ajo Ambulance, Inc., to the Gila River Indian Community for a portion of its annual contribution to cities, towns and counties in the amount of \$23,839.12. (District 3)
- B. RESOLUTION NO. 2009- 121, of the Pima County Board of Supervisors, supporting the grant application by Ajo Ambulance, Inc., to the Pascua Yaqui Tribe for a portion of the tribe's annual contribution to cities, towns and counties in the amount of \$23,839.12. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No.'s 2009- 120 and 121.

13. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

- A. RESOLUTION NO. 2009- 122, of the Board of Supervisors of Pima County, to support the Hohokam Middle School application for a \$10,370.00 grant for the Hohokam Youth in Wilderness Project from the 12% local revenue-sharing contribution of the Pascua Yaqui Tribe.
- B. RESOLUTION NO. 2009- 123, of the Board of Supervisors of Pima County, to support the Hohokam Middle School application for a \$55,000.00 grant for technology equipment from the 12% local revenue-sharing contribution of the Pascua Yaqui Tribe.
- C. RESOLUTION NO. 2009- 124, of the Board of Supervisors of Pima County, to support the Literacy Volunteers of Tucson application for a \$30,000.00 grant for the Basic Literacy Capacity Building Initiative from the 12% local revenue-sharing contribution of the Pascua Yaqui Tribe.
- D. RESOLUTION NO. 2009- 125, of the Board of Supervisors of Pima County, to support the Arizona's Children Association application for a \$59,741.00 grant for the Kinship and Adoption Resource and Education Family Center from the 12% local revenue-sharing contribution of the Pascua Yaqui Tribe.
- E. RESOLUTION NO. 2009- 126, of the Board of Supervisors of Pima County, to support the Special Olympics application for a \$50,000.00 Arizona grant for the Training for Life Continuum 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 No.'s 2009- 122, 123, 124, 125, and 126.

14. **HEALTH DEPARTMENT**

RESOLUTION NO. 2009-127, of the Board of Supervisors of Pima County, Arizona, accepting the Arizona Department of Emergency and Military Affairs, Arizona Division of Emergency Management award in the amount of \$312,606.00, for the support of the Pima County Office of Emergency Management.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-127.

15. **DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES**

P1204-118, Tecolote Estates, Lots 1 – 8 and Common Areas A and B. (District 1)

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

16. **SHERIFF**

RESOLUTION NO. 2009-128, of the Board of Supervisors of Pima County, authorizing the Pima County Sheriff's Department to submit a grant application to the Governor's Office of Highway Safety for DUI enforcement and equipment in the amount of \$618,075.00.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-128.

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

A. 09-05-8975, Rafael Silvas Martinez, Super Carniceria del Valle, 2611 W. Drexel Road, Tucson, Series 10, Beer and Wine Store License, New License.

B. 09-06-8976, Daniel Dominic Scordato, Pizzeria Vivace, 4280 N. Campbell Ave. Suite 55, Tucson, Series 12, Restaurant License, On Sale, All Liquors, New License.

C. 09-07-8977, Robert Joseph Andre Prevost, Tucson Raceway Park, 11955 S. Harrison Road, Tucson, Series 7, Beer and Wine Bar, On-Sale Beer and Wine, Person Transfer.

D. 09-08-8978, Lauren Kay Merrett, Westward Look Resort, 245 East Ina Road, Tucson, Series 11, Hotel/Motel (with Restaurant) License, New License.

E. 09-09-8979, Phillip Gerard Hesslan, Phillip's Italian and American Cuisine, 6060 N. Oracle Road, Series 12, Restaurant License, New License.

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

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

- A. Ben Pell, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, July 4, 2009, at 8:30 p.m.
- B. Dan LaRouere, La Paloma Country Club, 3660 E. Sunrise Drive, Tucson, July 4, 2009, at 8:30 p.m.
- C. Chief David Tibbitt, Ajo Fire Department, P. O. Box 909, Ajo, July 4, 2009, at 9:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and approve the requests subject to drought conditions at the time of the events.

19. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PERMISES/PATIO PERMIT**

Ricardo Quintela, Mad Cow Bar, 2660 W. Ruthrauff Rd., Tucson, Temporary Extension of Premises for July 1, August 5, September 2, October 7, November 4 and December 2, 2009.

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

20. **DIVISION OF ELECTIONS**

ORDINANCE NO. 2009- 58, of the Board of Supervisors of Pima County, Arizona, amending fees for election related services provided by the Pima County Elections Department.

The Chairman inquired whether anyone wished to address the Board. 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- 58.

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

The Board of Supervisors' on 6/2/09, continued the following:

P21-09-010, TUCSON AUDUBON SOCIETY - W. HARDY ROAD

Request of the Tucson Audubon Society, on property located at 3835 W. Hardy Road, in the SR Zone for a Conditional Use Permit for a Community Service Agency. Chapter 18.97, in accordance with Sections 18.17.030C7 of the Pima County Zoning Code, allows a Community Service Agency as a Type II Conditional Use in the SR zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

"Standard Conditions

1. Minimum site: ten acres.
2. Minimum setback: One hundred feet from any property line.
3. Height: one story or eighteen feet.
4. Maximum lot coverage by structures: fifteen percent.

Special Conditions

1. The property shall be improved in general conformance with the Development Plan as submitted in conjunction with this conditional use permit request."

Jim Portner, Hearing Administrator, provided a report and recommended approval subject to standard and special conditions. He stated that one member of the public spoke at the public meeting regarding this item and the same individual sent a follow-up email to staff regarding some questions and concerns. Those were responded to by the Audubon Society. The Audubon Society had also submitted a petition of support for this application. He stated that there had been on-going discussions between the owner, the County's Development Services Department and the County's Department of Transportation regarding the County's future need for right-of-way along Hardy Road and Thornydale Road to effectuate future road improvements planned for the area. The goal of the continued discussions was to craft another special condition that would address the right-of-way issue. He did not believe a final version of the condition crafted was available.

Priscilla Cornelio, Department of Transportation Director, stated that her department had asked the Audubon Society to dedicate the right-of-way for future road improvements.

Chuck Huckelberry, County Administrator, stated that there was an approved bond project adjacent to the property to widen Thornydale Road. He inquired of the applicants what their plan was concerning the additional right-of-way requests.

The following speakers addressed the Board:

1. Lia Sansom, representative from the Tucson Audubon Society
2. Herb Trossman, President of the Tucson Audubon Society Board

They provided the following comments:

- A. The deed included many restrictions, and they felt that if they made a dedication for the right-of-way they would be in violation of the deed.
- B. Their position on the right-of-way issue would be condemnation. They felt it was the only safe way to keep them in compliance of the deed restrictions.
- C. The permit would bring them into compliance with the Americans with Disabilities Act.
- D. They stated the need for the conditional use permit was to be in compliance of the County Code in order to function at the Mason Center property.
- E. They asked that the County not delay the approval of the conditional use permit.
- F. The center would be a greater asset to the community.

Chuck Huckelberry, County Administrator, stated the right-of-way was needed. He suggested they file a condemnation and continue the item for 60 days so that the County Attorney could ensure that it was not in violation of covenant of forfeiture of the gift.

Neil Konigsberg, Deputy County Attorney, stated that if a condemnation was done, it would involve a court order and that would solve their issue concerning a deed restriction.

Regina Nassen, Civil Deputy County Attorney, stated that the deed restriction included language that it would not prevent a change in the entrance to the property from Thornydale Road to Hardy Road. It was unclear to her if what was being proposed would be impacted by this. She stated that if a condemnation was filed, the family of the grantor that had the interest and the ability of enforcing these restrictions would be notified.

Chuck Huckelberry, County Administrator, stated that a road could be constructed by granting a roadway and access easement which was not in a conveyance. His recommendation was to grant the Conditional Use Permit and instruct staff to work with the Audubon Society to obtain an easement over the property for construction of the improvements.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-09-010 subject to standard and special conditions. Direction was given to staff to work with the Audubon Society on the easement issues.

22. DEVELOPMENT SERVICES: ZONING CODE TEXT AMENDMENT

Co8-08-04, ZONING PERMITS; WATER DISTRIBUTION INSTALLATIONS; CONDITIONAL USE PERMITS FOR RESTAURANTS SERVING LIQUOR; MU ZONE SPECIAL USE PERMITS; SELF-STORAGE PERIMETER WALLS; BUFFER OVERLAY ZONE DESIGN REVIEW COMMITTEE SITE ANALYSIS REVIEW; AND NATIVE PLANT PRESERVATION ADDITIONAL ALTERNATIVE PRESERVATION METHOD

An ordinance of the Pima County Board of Supervisors relating to Zoning; amending the Pima County Zoning Code, Title 18 by clarifying Section 18.01.030, Application of Zoning Code; amending Chapters 18.12, IR (Institutional Reserve Zone); 18.13, RH (Rural Homestead Zone) and 18.14, GR-1 (Rural Residential) to eliminate conditional use permit requirements relating to water distribution installations; modifying Section 18.37.020, MU (Multiple Use Zone) conditional uses to clarify the permit as the MU Special Use Permit; modifying Section 18.43.030, CB-1 (Local Business, Permitted Uses) to eliminate requirement of conditional use permit to serve liquor in a restaurant; amending Chapter 18.45, CB-2 (General Business Zone) and Section 18.45.030, Permitted Uses, Subsection F, to delete the perimeter wall requirement and clarify that landscaping standards apply; modifying Chapter 18.67, Buffer Overlay Zone, by amending Section 18.67.070, Rezoning and Specific Plan Procedural Requirements, to delete the Design Review Committee review requirement; and amending Section 18.72.090, Native Plant Preservation, Applicability and Exceptions, to add a preservation method. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Membrila voted NAY, Commissioners Smith and Richey were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2009- 59

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009- 59 . Direction was given to staff that this item be brought back before the Board in one year for review.

23. DEVELOPMENT SERVICES: FEE SCHEDULE AMENDMENT

Co8-09-01, DEVELOPMENT SERVICES FEE SCHEDULE AMENDMENT

ORDINANCE NO. 2009 60 , of Pima County, Arizona; relating to building and zoning fees for other services provided by the Development Services Department; amending Section 2 of Ordinance No. 2003-27 and Section 4 of Ordinance No. 1997-46. (All Districts)

The Chairman inquired whether anyone wished to address the Board. 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- 60 .

24. **DEVELOPMENT SERVICES: REZONING**

Co9-08-20, FIDELITY NATIONAL TITLE, TR 60357 – HARRINGTON STERLING PLACE REZONING

Request of Fidelity National Title, Trust 60357, represented by The WLB Group, for a rezoning of approximately 2.76 acres from SR (Suburban Ranch) to CR-1 (Single Residence), on property located on the northeast corner of the intersection of Harrington Sterling Place and Limberlost Road, approximately 1,500 feet west of Soldier Trail. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Smith and Richey were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

“Rezoning conditions were recommended as follows:

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner/developer shall provide offsite improvements to Limberlost Road as determined necessary by the Department of Transportation.
 - B. No access shall be allowed to the north (Prospect Lane).
8. Environmental Quality conditions:
 - A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
 - C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.
 - D. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
 - E. The Department of Environmental Quality's Air Quality Control District requires that air quality activity permits be secured by the developer or prime contractor before constructing, operating or engaging in an activity, which may cause or contribute to air pollution
9. Flood Control conditions:
 - A. An encroachment analysis for any development associated with the rezoning shall be required at the time the drainage report is submitted with the subdivision plat if development is proposed within the floodplain.
 - B. Development shall be prohibited within the Erosion Hazard Setback Line and floodplain as shown on the Harrington Sterling Estates subdivision plat, Book 62, Page 89.
 - C. A Riparian Mitigation Plan shall be required for development in designated riparian areas for

infrastructure and building envelopes at the time of plat and on-site mitigation shall be required.

D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.

10. Wastewater Management condition:

The owner / developer must secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for a building permit is submitted for review.

11. Environmental Planning conditions:

A. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

B. The following shall be incorporated into the recorded Private Subdivision Covenants, Conditions, and Restrictions (CC&Rs) that govern the Homeowners' Associations (HOAs) and the actions of private property owners within the Subdivision:

1. Maintenance of Common Area by Association: The HOA shall be responsible for the removal of invasive non-native plant species, including those listed below, from Common Areas.

2. Maintenance of Lots by Owners: Lot Owners shall keep private lots free of invasive non-native plant species, including those listed below.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

12. Cultural Resources conditions:

A. Prior to ground modifying activities, a cultural resources mitigation plan for Register-eligible archaeological site AZ BB:10:63(ASM) (that includes a plan for preservation and/or data recovery) shall be submitted to the County for review. The preferred mitigation strategy is preservation. However, if the proposed development is unable to avoid site AZ BB:10:63(ASM), data recovery is required. All archaeological work shall be conducted by an archaeologist permitted by the Arizona State Museum. Any development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS

41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

13. The following conditions shall be required in support of County Sustainability Initiatives:
 - A. Employ water harvesting techniques with subdivision roadway design and individual grading on each individual lot. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. In either case, the techniques shall be included in the water conservation plan required by Condition 9D.
 - B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited by the CC&R's.
 - C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
14. Adherence to the preliminary development plan, as approved at public hearing.
15. The rezoning conditions shall apply to the entire proposed development as shown on the Preliminary Development Plan.
16. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.
17. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
18. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-08-20 with standard and special conditions.

25. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2009-61, Co9-08-18, Huizar – Los Reales Road Rezoning. Owner: Jose Huizar. (District 2)
- B. ORDINANCE NO. 2009-62, Co9-08-19, Sierra Bravo Properties, L.L.C. - La Cholla Boulevard Rezoning. Owner: Sierra Bravo Properties, L.L.C. (District 1)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No.'s 2009-61 and 62.

26. DEVELOPMENT SERVICES: REZONING RESOLUTIONS

- A. RESOLUTION NO. 2009-129, Co9-03-32, Lee, et. al. – Orange Grove Road Rezoning. Owners: Tony and Bella Lee Family Revocable Trust. (District 1)
- B. RESOLUTION NO. 2009-130, Co9-01-45, Casas Adobes Baptist Church – La Cholla Boulevard No. 3 Rezoning. Owners: Sierra Bravo Properties, L.L.C. (District 1)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution No.'s 2009-129 and 130.

27. TRANSPORTATION: TRAFFIC RESOLUTION

RESOLUTION NO. 2009-131, of the Board of Supervisors of Pima County, Arizona, temporarily closing segments of Ajo Streets in Pima County for the 4th of July Parade. Staff recommends APPROVAL. (District 3)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009-131.

28. BOARD OF SUPERVISORS

The organizers of the 39th Annual Tucson Juneteenth Festival request Pima County contribute \$3,000.00 to assist with the costs of this year's event on Saturday, June 20, 2009, at Kennedy Park. Request the use of the Board's Contingency Fund for this purpose. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Day voting "Nay," to approve the request.

29. COUNTY ADMINISTRATOR

Staff recommends the Board of Supervisors consider and endorse the comments to the Arizona State Mine Inspector regarding the Reclamation Plan for the proposed Rosemont Mine.

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

30 **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009- 132, of the Board of Supervisors of Pima County, to support the University of Arizona-Cancer Prevention and Control Program's application for a \$150,000.00 grant for the development of a Patient Navigator Program for Native Americans in Pima County 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 No. 2009- 132.

31. **FINANCE AND RISK MANAGEMENT: MEMORANDUM OF UNDERSTANDING**

Staff recommends approval of the Meet and Confer Committee recommendation for a Memorandum of Understanding between Pima County and the Service Employees International Union, Local No. 5 for Fiscal Year 2009-2010.

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

32. **FINANCE AND RISK MANAGEMENT: IMPROVEMENT DISTRICT**

Pursuant to A.R.S. §48-905(A), the Board of Supervisors shall set July 7, 2009, as the date for the hearing to consider the petitions to establish the Why Domestic Water Improvement District.

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

33. **SUPERINTENDENT OF SCHOOLS**

RESOLUTION NO. 2009- 133, confirming the intent of the Pima County Board of Supervisors to continue Intergovernmental Agreement No. 01-38-P-127463-0700 with the Pima Community College District and to allow the continued use of certain County materials, capital equipment and facilities for Fiscal Year 2009-2010 for the exclusive use of the Pima College Adult Education Program.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-133.

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

A. **Board of Adjustment, District 2**

Appointment of Victor Soltero to fill the unexpired term of Daniel Patterson.
Term expiration: 6/30/10.

B. Tucson-Pima County Bicycle Advisory Committee

Reappointment of Diana Tolton. Term expiration: 6/30/10. (Committee recommendation)

C. Library Advisory Board

Appointment of David Ellington to replace Carla J. Stoffle. Term expiration: 6/30/13. (District 1)

Reappointment of Thomas E. Ward. Term expiration: 6/30/13. (District 4)

D. Metropolitan Education Commission

Appointment of Nichole Haan, African American Community, to replace Dr. Harriett Scarborough. Term expiration: 9/16/11. (Commission recommendation)

Appointment of Abbie Stone, Healthcare Community, to replace Rebecca Melland. Term expiration: 12/31/12. (Chairman's recommendation)

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

35. CONTRACTS: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

A. Our Family Services, Inc., Amendment No. 1, to provide workforce development services and amend scope of work, WIA Grant Fund, no cost (07-69-0-140984-0708)

B. Arizona Department of Economic Security, Amendment No. 12, to provide emergency assistance services and extend contract term to 6/30/10, State and Federal Funds, contract amount \$242,574.00 decrease in revenue (01-69-A-136291-0705)

C. Arizona Department of Economic Security, Amendment No. 13, to provide emergency assistance services and amend contractual language, no cost (01-69-A-136291-0705)

D. Arizona Department of Economic Security, Amendment No. 14, to provide emergency assistance services and amend contractual language, State and Federal Funds, contract amount \$3,532,686.00 revenue (01-69-A-136291-0705)

E. Heinfeld, Meech and Co., P.C., Amendment No. 2, to provide financial accounting and reporting for Pima Vocational High School, extend contract term to 5/30/10 and amend contractual language, State Grant Fund, contract amount \$30,000.00 (07-67-H-140971-0608)

- F. Interfaith Community Services, Amendment No. 1, to provide emergency assistance services, CSBG Grant Fund, contract amount \$45,000.00 (07-69-I-141764-0708)
- G. RESOLUTION NO. 2009- 134 , authorizing and approving the Supportive Housing Program Renewal Grant Agreement with the U.S. Department of Housing and Urban Development, for the administration of the La Casita Project, U.S. Department of Housing and Urban Development Fund, contract amount \$221,935.00 revenue (01-69-U-142093-0609)
- H. RESOLUTION NO. 2009- 135 , authorizing and approving the Supportive Housing Program Renewal Grant Agreement with the U.S. Department of Housing and Urban Development, for the administration of the Casa Project, U.S. Department of Housing and Urban Development Fund, contract amount \$428,470.00 revenue (01-69-U-142094-0609)
- I. RESOLUTION NO. 2009- 136 , authorizing and approving the Supportive Housing Program Renewal Grant Agreement with the U.S. Department of Housing and Urban Development, for the administration of the New Chance Collaboration Project, U.S. Department of Housing and Urban Development Fund, contract amount \$387,476.00 revenue (01-69-U-142095-0609)
- J. RESOLUTION NO. 2009- 137 , authorizing and approving the Supportive Housing Program Renewal Grant Agreement with the U.S. Department of Housing and Urban Development, for the administration of Project Advent, U.S. Department of Housing and Urban Development Fund, contract amount \$461,425.00 revenue (01-69-U-142096-0609)
- K. RESOLUTION NO. 2009- 138 , approving and authorizing an Intergovernmental Agreement with the City of Tucson, for the administration of the Bridges/Supportive Housing Program, City of Tucson Fund, contract amount \$84,111.00 revenue (01-69-T-142099-0709)
- L. RESOLUTION NO. 2009- 139 , approving and authorizing an Intergovernmental Agreement with the City of South Tucson, to provide youth skills in the production of public artwork, City of South Tucson Fund, contract amount \$200,000.00 revenue (01-69-S-142107-0509)

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 to adopt Resolution No.'s 2009- 134 , 135 , 136 , 137 , 138 and 139 .

36. CONTRACT: HEALTH DEPARTMENT

COPE Behavioral Services, Inc., to provide for the Community Alliance Addressing Disparities Prevention Education Program, Health Fund (1% for Youth), contract amount \$4,000.00 (32-01-C-142068-0609)

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

37. **CONTRACT: INSTITUTIONAL HEALTH**

Conmed, Inc., Amendment No. 2, to provide healthcare services for inmates of the Pima County Adult Detention Complex, psychological evaluations for Sheriff Deputies and Correction Officers and amend contractual language, General Fund, no cost (07-65-C-141126-0808)

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

38. **CONTRACT: NATURAL RESOURCES, PARKS AND RECREATION**

RESOLUTION NO. 2009- 140 , approving and authorizing the execution of an Intergovernmental Agreement with the Sahuarita Unified School District No. 30, to transfer the maintenance and operation of Sahuarita Park including the Joan M. Swetland Community Center to the District, no cost (01-05-S-142100-0609)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contract and to adopt Resolution No. 2009- 140 .

39. **CONTRACTS: REAL PROPERTY**

A. Arizona State Land Department, to provide a Right-of-Entry Agreement to allow for the straightening of Camino Loma Alta while awaiting Perpetual Right-of-Way, Impact Fee Fund, contract amount \$227,419.00 (11-04-A-142075-0609)

B. RESOLUTION NO. 2009- 141 , approving and authorizing the execution of a Purchase Agreement; Assignment of Lessor's Interest in Grazing Lease; Assignment of Rocking K Water Rights; and an Exchange Agreement with Andrada Investors, L.L.C., Cortaro and Hartman, L.L.C. and Rocking K Holdings Limited Partnership, for land aggregating approximately 2,914 acres, 2004 Open Space Bond Fund, \$10,839,500.00; 1997 Open Space Bond Fund, \$317,953.00; Saguaro Ranch Development Agreement Fund, \$858,547.00; sale proceeds of a portion of the County's Malcolmson property, \$816,000.00; total contract amount \$12,832,000.00 including closing costs (11-64-R-142090-0609)

C. CPC Southwest Materials, Inc., an Arizona Corporation, to provide an Acquisition Agreement and Entry Agreement for property west of I-10 between W. Sweetwater Dr. and Ina Road, 2004 Bond and WIFA Loan Funds, contract amount \$802,191.00 (22-03-C-142076-0609)

- D. CalPortland Company, a California Corporation, to provide an Acquisition Agreement and Entry Agreement for property west of I-10 between W. Sweetwater Dr. and Ina Road, 2004 Bond and WIFA Loan Funds, contract amount \$985,775.00 (22-03-C-142077-0609)

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 to adopt Resolution No. 2009- 141 .

40. CONTRACTS: TRANSPORTATION

- A. Santa Theresa Tile Works, Inc., Amendment No. 5, to provide artist services and artwork for the Sunrise Drive; Craycroft Road to Kolb Road Project and extend contract term to 12/30/10, HURF Bond Fund, contract amount \$18,630.00 (07-04-S-128302-1100)
- B. Regional Transportation Authority, Amendment No. 1, to provide for the construction of six foot sidewalks along the Brad P. Gorman Memorial Bicycle Park and Ride area, Regional Transportation Authority Fund, no cost (01-04-R-140463-1207)
- C. Arizona Department of Transportation, Amendment No. 1, to provide an Airport Development Reimbursable Grant Agreement for the master plan for the Eric Marcus Municipal Airport and extend contract term to 6/30/11, no cost (02-04-A-139226-0207)
- D. RESOLUTION NO. 2009- 142 , of the Pima County Board of Supervisors, approving and authorizing the receipt of Federal American Recovery and Reinvestment Section 5311 Capitol Appreciation Funds through Arizona Department of Transportation, to provide for rural public transportation vehicles, Federal Fund, contract amount \$259,672.00 revenue (01-04-A-142103-0609)

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 to adopt Resolution No. 2009- 142 .

41. SUPERIOR COURT: JUDGES PRO TEMPORE

Appointment of the following as Judge Pro Tempore of Superior Court for the period of July 1, 2009 through June 30, 2010.

- | | |
|--------------------|---------------------|
| Aboud, John | Gingo, Biagio |
| Abrams, Lisa | Godoy, Teresa |
| Adam, Karen | Goldman, Peter |
| Akmajian, Peter | Graham-Bergin, Anne |
| Alexander, Arthur | Green, Patricia |
| Altfield, Clifford | Griffin, Brenden |

Assini, John
Bacal, Susan
Baldwin, Howard
Barker, Emery
Bartlett, Paul
Belleau, Laura
Bellovin, Barry
Bergin, Jeffrey
Bibbens, Lisa
Bolt, John
Broom, Patrick
Bryson, Kyle
Cahan, Eric
Castillo, Jose
Centuori, Steven
Christoffel, Dean
Collins, Peter
Connors, Julia
Contreras, Roger
Corey, Barry
Crawford, Michael
Cuneo, Suzanne
Cunningham, Marjorie
Dardis, Fred
Dawley, Francis
Dolny, Carmen
Douglas, Sharon
Duncan, Roger
Economidis, Peter
Egbert, James
Elkins, C. Joy
Everlove, Annette
Felix, Maria
Fell, Howard
Fleming, Robert
Geiser, Jeannette
Rothschild, Lowell
Rubin, Stephen
Ryan, Patrice
Samet, Dee-Dee
Sattler, Barbara
Schauf, Susan
Schmidt, Ted
Schwanbeck, Victor
Scott, Stellisa
Segal, Anne
Sethi, Dev
Simon, Paul

Hall, Phil
Henry, Richard
Heurlin, Bruce
Hochuli, Peter
Hubbell, Amy
Hunter, James
Johnson, Michael
Jones, Lori
Karl, Karen
Karp, Leonard
Kaufman, John
Kimminau, Brian
Kirschner, Barry
Lammers, Mark
Leshner, Stephen
Liberty, Pamela
Lieberthal, David
Liwski, Danelle
Macdonald, Bruce
Maltz, Gerald
Manzi, Jennifer
Masunas, Annalisa
Maxwell, Margaret
McNorton, Lisa
Minker, Jeffrey
Mitchell, Douglas
Nygaard, Karen
O'Neill, Nancy
Ostapuk, David
Pennington, Alyce
Perez-Medrano, Juan
Piccarella, Carl
Pollins, Karen
Quigley, Kathleen
Riojas, Jr., Antonio
Roads, Lee
Tedlock, Sandra
Traynor, William
Treadwell-Rubin, Pamela
Tully, John
Wagener, Joan
Ward, Deborah
Weinstein, Steven
Whitehill, James
Willis, Jeffrey
Willman, Paul
Wohl, Jacqueline
Wright, Natalie

Singer, Keith
Slutes, Tom
Stanford, Kenneth
Strum, Edina

Wright, Sarah
Yehling, Wayne
Zirkle, Raymond

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

42. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Joe Sweeney addressed the Board regarding the County's cooperation with the Federal government.

43. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.