

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 3, 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, November 3, 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
Robin Brigode, Deputy Clerk

1. MOMENT OF SILENCE

A moment of silence was observed in remembrance of El Día de los Muertos.

2. INVOCATION

The invocation was given by Pastor Raven Gaston of Catalina United Methodist Church.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. CONSENT CALENDAR: For consideration and approval

A. CALL TO THE PUBLIC

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

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the Consent Calendar subject to the following:

REMOVED FOR DISCUSSION AND SEPARATE ACTION

I. **Procurement**

20. Highest Scoring Proposals: Award of Contracts, Requisition No. 1000133, Urban Engineering, (Headquarters: Tucson, AZ), Ashby Surveying & Drafting, Inc. (Headquarters: Tucson, AZ), Precision Land Surveying, Inc. (Headquarters: Tucson, AZ), Stantec Consulting, Inc. (Headquarters: Phoenix, AZ), Amerson Surveying, Inc. (Headquarters: Tucson, AZ) and PSOMAS (Headquarters: Los Angeles, CA) for construction survey services for transportation capital improvement projects. The estimated total cost shall not exceed \$2,000,000.00 for each contract. The term of each contract shall be three years. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

The following individuals addressed the Board:

- A. Dinkar Gangwal, Alpha Engineering
- B. Michael Corrales, Steve Corrales Engineering

They provided the following comments:

- 1. It is very difficult for small and/or minority businesses to obtain a share of local work.
- 2. Requested this award be amended to include more small and/or minority firms.

George Widugiris, Procurement Director, reported on the selection process, the scoring for the proposal and explained that the recommendations presented conformed to the provisions of all current Procurement regulations.

On consideration, it was moved by Chairman Elías, to continue this item to the Board of Supervisors' Meeting of November 17, 2009, and request that the Department of Transportation provide a report regarding the peaking of work due to the record number of projects, mostly RTA, awarded this year and the Procurement Department prepare a report on the bidding and award process for those projects.

Supervisor Valadez seconded the motion and asked for a friendly amendment to request the Small Business Commission work with staff to prepare a report regarding small business contracting and bring their recommendations back to the Board in the next 90 days.

Chairman Elías accepted the amendment. Upon the vote being taken, the motion unanimously carried by a 5-0 vote.

REMOVED FOR DISCUSSION BY SUPERVISOR CARROLL

E. Division of Elections

8. RESOLUTION NO. 2009 – 274, authorizing an Intergovernmental Agreement with the City of Tucson, to provide election services for the November 3, 2009 General and Special Election, General Fund, contract amount \$90,000.00 revenue (01-23-T-142450-1109)

Supervisor Carroll stated he had received and distributed a request from Mickey Duniho which requested hand counts on selected elections to ensure transparency in the voting process.

Supervisor Bronson recommended this request be forwarded to the Elections Integrity Commission and that the Commission bring back any recommendations to the Board for future consideration.

J. Real Property

22. Acquisition Agreement

- A. Approval of the transfer of the following to the Capital Improvement Project Fund:

\$1,300,000.00 – Parking Garage Enterprise Fund
\$2,500,000.00 – Facilities Renewal Fund

- B. 6550 South Country Club, L.L.C., to provide an Acquisition Agreement for the purchase of property needed for the Election Center Facility, Tax Parcel No. 140-42-003A, Capital Improvement Project Fund, contract amount \$3,790,000.00 including closing costs (22-14-S-142424-1109) Facilities Management

Supervisor Carroll inquired about the process and timeline for the relocation of the Division of Elections to the new facility and the Pima County Wireless Integrated Network (PCWIN) occupying the vacated space.

Chuck Huckelberry, County Administrator, reported the Division of Elections should be relocated by spring 2010, and construction on the architectural modifications needed for PCWIN should begin by mid 2010.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Assessor

1. Robert J. Gloudemans, Amendment No. 4, to provide for the Computer Assisted MAS Appraisal System and extend contract term to 11/1/10, General Fund, no cost (07-28-G-137331-1105)

B. Community Development and Neighborhood Conservation

2. RESOLUTION NO. 2009 – 271, approving an Intergovernmental Agreement with the Drexel Heights Fire District, to provide fire hydrants in the Valencia West target area, CDBG Fund, contract amount \$30,000.00 (01-70-D-142409-1009)
3. RESOLUTION NO. 2009 – 272, approving an Intergovernmental Agreement with the Drexel Heights Fire District in the Valencia West target area, to provide for the Family Safety Program, CDBG Fund, contract amount \$15,000.00 (01-70-D-142410-1009)
4. RESOLUTION NO. 2009 – 273, approving an Intergovernmental Agreement with the Town of Marana, to provide management and implementation of the Community Development Block Grant Program, CDBG Fund, contract amount \$130,000.00 (01-70-M-142420-1009)
5. Pima Association of Governments, Amendment No. 2, to provide regional planning services, amend contractual language and extend contract term to 6/30/10, General Fund, \$263,721.00; BOS Contingency Fund, \$34,000.00; total contract amount \$297,721.00 (11-70-P-141524-0708)

C. Community Services, Employment and Training

6. Tucson Youth Development, Inc., Amendment No. 1, to provide staffing to assist with workforce development services and extend contract term to 6/30/10, DOL, DES and WIA Grant and General Funds, no cost (07-69-T-142037-0709)

D. County Attorney

7. Department of Justice, Office on Violence Against Women, Amendment No. 1, to provide for the Rural Victim Witness Satellite Program and extend contract term to 9/30/11, Federal Fund, contract amount \$304,579.00 revenue (02-02-J-140241-1007)

E. Division of Elections

8. RESOLUTION NO. 2009 – 274 (PULLED FOR DISCUSSION)

F. Health Department

9. RESOLUTION NO. 2009 - 275, approving an Intergovernmental Agreement with the Green Valley Fire District, to provide required childhood immunization services, no cost (01-01-G-142414-1109)

G. Institutional Health

10. RESOLUTION NO. 2009 - 276, approving an Intergovernmental Agreement with the Arizona Board of Regents, to provide access to the University of Arizona Telemedicine Network Program, General Fund, contract amount \$112,790.00 (01-65-A-142428-0709)

H. Pima Health System

11. Arizona Community Physicians, P.C., Amendment No. 6, to provide primary care physician, specialty, OB/GYN, flu vaccine administration and sleep studies services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-135580-0405)

12. To provide nursing facility services and extend contract term to 10/31/10, PHCS Enterprise Fund:

<u>Vendor</u>	<u>Amd. No.</u>	<u>Contract No.</u>	<u>Contract Amount</u>
Manor Care of Tucson, L.L.C., d.b.a. Manorcare Health Services (Tucson) No. 498	7	18-15-M-137016-1005	\$2,000,000.00
Life Care Centers of America, Inc., d.b.a. La Canada Care Center	5	18-15-L-137033-1005	\$1,500,000.00
Life Care Centers of America, Inc., d.b.a. Mountain View Care Center	4	18-15-L-137037-1005	\$1,500,000.00
Life Care Centers of America, Inc., d.b.a. Life Care Center of Tucson	4	18-15-L-137040-1005	\$1,500,000.00
Avalon Care Center-Tucson, L.L.C., d.b.a. La Colina Health Care Center	5	18-15-A-137067-1005	\$4,500,000.00

13. Mariposa Community Health Center, Inc., Amendment No. 9, to provide primary care physician, dental, radiology, OB/GYN, transportation and pharmacy services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-137143-1005)

14. Palo Verde Homecare, L.L.C., d.b.a. Tucson House Calls, Amendment No. 5, to provide primary care physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-138998-0207)
15. Arizona Health Care Cost Containment System (AHCCCS), Amendment No. 8, to provide acute care medical services and amend contractual language, revenue based on services (02-15-A-141668-1008)
16. Reliable Nurses, L.L.C., Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount \$1,300,000.00 (18-15-R-142078-0709)
17. Maxim Healthcare Services, Inc., Amendment No. 2, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-M-142130-0709)
18. Bridgeway Health Solutions of Arizona, L.L.C., to provide a Preferred Medicare Advantage Plan Affiliation, contract amount \$252,000.00 revenue (07-15-B-142421-0110)

I. Procurement

Awards

19. Low Bid: Award of Contract, Requisition No. 1000262, in the amount of \$604,243.00 to the lowest responsive bidder, Sellers & Sons, Inc. (Headquarters: Buckeye, AZ) for the base bid and all alternates for renovation of the Roy Place Commercial Building Facade. The apparent low bid at time of bid opening, Caymus Corporation, was deemed non-responsive for failure to meet the minimum qualifications for historic experience as set forth in the solicitation. The contract is for a ten month period and may be extended for project completion. Funding Source: Facilities Renewal Fund. Administering Department: Facilities Management.
20. Highest Scoring Proposals: Award of Contracts, Requisition No. 1000133, Urban Engineering (REMOVED FOR SEPARATE ACTION)
21. Low Bid: Award of Contract, Requisition No. 1000338, in the amount of \$9,582,372.20 to the lowest responsive bidder, Eagle Rock Excavating, L.L.C., (Headquarters; Tucson, AZ), for the construction of the La Cholla Boulevard, Ruthrauff Road to River Road Project. The contract term is thirty-six months with the ability to extend the term for project completion. Construction is to be

complete within 375 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1 million. Funding Sources: 97 HURF Bond - DOT 20 (1.7%), HURF 12.6% (44.8%), RTA Sales Tax (51.7%), and Impact Fee (CDO) (1.8%) Funds. Administering Department: Transportation.

J. Real Property

- 22. Acquisition Agreement (PULLED FOR DISCUSSION)
- 23. El Paso Natural Gas Company, a Delaware Corporation, to provide a Gift Agreement, and Gift Deed and Reservation of Perpetual Easement for the donation of approximately 69.72 acres in Fee located along the alignments of South Greasewood Road and South Westover Avenue for the purposes of a linear park, Special Revenue Fund, contract amount \$22,962.00 (11-05-E-142423-1109) Natural Resources, Parks and Recreation

K. Regional Wastewater Reclamation

- 24. Title Security of Arizona, Trust No. 913, to provide a Connection Fee Credit Agreement, RWRD Fund, contract amount \$182,027.64 credit (11-03-T-141555-1109)

L. Sheriff

- 25. RESOLUTION NO. 2009 - 277, approving an Intergovernmental Agreement with the Tucson Metropolitan Counter Narcotics Alliance, to provide coordination of drug enforcement and anti-terrorism efforts, Federal Fund, contract amount \$500,000.00 revenue (01-11-T-142422-1109)

6. BOARD OF SUPERVISORS

Approval of the Board of Supervisors' Meeting Schedule for the period January through May, 2010.

7. DIVISION OF ELECTIONS

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Kinsey, Adam D.	045	DEM
Nelson, Terry A.	140	DEM
Holden, Phyliss A.	205	REP
Poule, Mike	222	REP

Crawford, Virginia D.	262	REP
Ruetz, Steven S.	382	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Watson, Paul S.	131	REP
Kinsey, Adam D.	145	DEM
Johnson, Gerald E.	168	REP
Marchand, Chad S.	180	DEM
Harrod, Julie W.	262	REP
Heidinger, Pamela J.	262	REP
Lau, Bruce H.	326	REP
Cashion Jr., Kenneth D.	392	REP

8. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Public Art Committee

Appointment of Jane L. Hallett to fill vacancy created by Kate O’Rielly. No term expiration. (County Administrator recommendation)

B. Mechanical/Plumbing Code Committee

Reappointment of Chris McGinnis. Term expiration: 5/1/13. (Committee recommendation)

C. Workforce Investment Board

Appointment of Arnold Palacios, Other, to replace Ramón Valadez. Term expiration: 9/30/12. (W.I.B. recommendation)

FINANCE AND RISK MANAGEMENT

9. Duplicate Warrants – For Ratification

Rent Properties	\$ 1,583.95
1050 North Country Club Associates	\$ 340.49

10. PROCUREMENT

Quarterly Contracts Report

Pursuant to Pima County Code, Section 11.08.010, staff submits the quarterly report on contracts awarded from July 1, 2009 through September 30, 2009.

11. REAL PROPERTY

Abandonment and Quit Claim Deed

A. RESOLUTION NO. 2009 - 278 , of the Pima County Board of Supervisors providing for the vacation and abandonment by sale of a portion of Tanque Verde Road right-of-way, Pima County Road Abandonment No.

A-09-12, located south of and adjacent to Tax Parcel No. 114-53-6140, in Section 34, T13S, R15E, G&SRM. (District 4)

- B. Quit Claim Deed to Elmer Ray and Patricia Ann McAllister, as Trustees of the McAllister Living Trust, dated October 25, 1999, for a portion of Tanque Verde Road right-of-way, Pima County Road Abandonment No. A-09-12. General Fund, \$4,443.00 revenue. (District 4)

12. RATIFY AND/OR APPROVE

Minutes: September 8, 2009

Warrants: October, 2009

REGULAR AGENDA/ADDENDUM ITEMS

13. COUNTY ADMINISTRATOR

The Board of Supervisors on September 8, 2009 and October 20, 2009, continued the following:

Proposed amendments to Personnel Policy 8-102 (A) (2) and (F) (3). Discussion/direction/action.

Supervisor Bronson stated a confidential, privileged attorney/client memorandum had been received from the County Attorney's Office regarding this matter and asked if the Board could make the memorandum public. Chris Straub, Chief Civil Deputy County Attorney, responded it was at the discretion of the Board.

It was thereupon moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 4-0 vote, Supervisor Carroll not present for the vote, to release the confidential memorandum entitled "Analysis of Binh Letter," dated October 28, 2009, for public inspection.

The following individuals addressed the Board:

- A. Mike Storie, Attorney, AZCOPS
- B. Maurice Othic, President, Pima County Deputy Sheriff's Association
- C. Harold Janes, Vice President, Pima County Deputy Sheriff's Association
- D. Carlos Rodriguez, Senior Resolution Specialist, SEIU-Pima County Chapter

They provided the following comments:

- 1. The compensation has a reasonable basis and the policy should not be changed.

2. The Board should obtain a Declaratory Judgment or Opinion from the Attorney General on the matter prior to taking action.
3. The change will not result in substantial cost savings as it affects a small group of people who provide critically needed services in serious situations.
4. To save the County time and resources, the policy changes should have gone to Meet and Confer and been resolved at the lowest level.
5. Morale and retention of experienced officers and staff will be affected by requiring 24/7, on-call personnel, to be away from their families without compensation.

Supervisor Bronson asked why the policy needed to be changed when it had been followed for years. She would like to see an analysis or report on how other Counties handle this process. Supervisor Bronson asked Mr. Straub and Mr. Storie to work together on this matter.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of December 1, 2009.

14. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009 – 279, of the Board of Supervisors, authorizing Pima County to support the San Ignacio Yaqui Council's application for a \$69,972.00 grant for the Old Pascua Senior Nutrition and Socialization Program and the SIYC Emergency, Employment and Social Service Program from the 12% Local Revenue-Sharing contribution of the Pascua Yaqui Tribe.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-279.

15. **PROCUREMENT: APPEAL OF PROCUREMENT DIRECTOR'S DECISION**

Pursuant to Pima County Code Section 11.20.010(J), Thompson-Krone, P.L.C., appeals the decision of the Procurement Director regarding Solicitation No. 0902199, Sportspark League, Tournament and/or Concession Coordinator Services.

George Widugiris, Procurement Director, stated this was an appeal of the Natural Resources, Parks and Recreation Department's decision to cancel and re-advertise a new Request for Proposals (RFP). The decision to deny the appeal was based on the failure to file the appeal within the Procurement Code provisions.

The Board had additional questions pertaining to the interview selection panel, the evaluation process and the decision to rebid. Rafael Payan, Director of the

Natural Resources, Parks and Recreation Department, reported on the process and decision.

Lou Ciruca, Championship Baseball, and Russell Krone, Thompson-Krone, P.L.C., stated their position, as described in the appeal, and requested the Board consider their appeal and award the contract to Championship Baseball.

The following individual addressed the Board:

Tom Carle, Recreational Services, Southern Arizona, L.L.C.

His comments were:

- A. As one of the bidders, he felt that proper protocol for communicating with staff was observed during the bidding process.
- B. Rebidding this contract put previous bidders at a disadvantage when their submittals became public.

On consideration, it was moved by Supervisor Day, seconded by Chairman Elías and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to deny the appeal of the Procurement Director’s decision.

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

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

Quality Inn, n/k/a Grant Inn, No. 2009-08. Proposed settlement amount is \$500.00.

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

17. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

09-24-8994, James Famighetti, Jimmy’s Canal Street Pizzeria, 5655 E. River Road, No. 111, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Chairman Elías, and unanimously carried by 5-0 vote, to close the public hearing, approve the liquor license request and forward the recommendation to the Arizona State Liquor Licenses and Control.

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

Lori McGee, Caterpillar Inc., 5000 W. Caterpillar Trail, Green Valley, November 12, 2009 at approximately 8:00 p.m.

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

19. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

A. Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Temporary Extension of Premises for November 16, 2009.

B. Pamela L. Headley, Brats Bar and Grill, 5975 W. Western Way, No. 106, Tucson, Temporary Extension of Premises for November 14, 2009.

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

It was thereupon moved by Supervisor Bronson, seconded by Chairman Elías, and unanimously carried by a 5-0 vote, to close the public hearings, approve the extension of premises/patio permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

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

P21-09-025, COX – S. SONOITA HIGHWAY

Request of Leo and Rhea Cox, on the property located at 18585 S. Sonoita Highway in the RH Zone, for a conditional use permit for a winery. Chapter 18.97, in accordance with 18.13.030.B.1 of the Pima County Zoning Code, allows a winery as a Type II Conditional Use in the RH Zone. The Hearing Administrator recommends approval, subject to standard and special conditions. (District 4)

STANDARD CONDITIONS PER THE PIMA COUNTY ZONING CODE

1. The winery must be set back 300' from the property line.

NOTE: The applicant has secured relief from this requirement through a recently-approved variance from the Board of Adjustment. Per same, the required setback was reduced to 162' on the west boundary, 28' on the south boundary, and 263' on the east boundary.

REQUIRED STANDARDS AND FINDINGS

Following are the Hearing Administrator's findings relative to the standards set by Pima County Code Sec. 18.97.030.F.3.c. These Sections stipulate that the following standards be met by the proposed use:

1. It will not be in serious conflict with the objectives of the general land use plan or the area plan in which situated. The Pima County Comprehensive Plan designates the site as *Low Intensity Rural (LIR)*, the expressed purpose of which is to, "designate areas for low-density residential and other compatible uses."

The site's RH zoning is consistent with those districts allowed under the *LIR* designation. Within the RH district, wineries are an identified conditional use, along with several other low-intensity commercial uses. This is a very rural area along Sonoita Highway (State Route 83) and the winery in question has

been in operation with the support of the surrounding neighbors for some time. As such, and in light of the low-intensity nature of this use, a winery at this location is found to be an acceptable use within the *LIR* designation and within the established land-use context. The Hearing Administrator finds that it will not be in serious conflict with the objectives of the Comprehensive Plan.

2. It will provide safeguards for the protection of adjacent developed property, or if the adjacent property is undeveloped, for the legal permitted uses of such property.
The surrounding properties are generally rural-residential in nature to the west, south and east. It is abutted by State Trust Land on the north. Given that the winery in question has been in operation at this location for some time, has done so with the general support and acceptance of its neighbors, and has co-existed well with them, no special safeguards are deemed warranted other than standard Zoning Code requirements. As mentioned above, the owner recently received approval of a setback reduction from the Board of Adjustment, toward which none of the neighbors voiced any objection.
3. It has adequate accessibility to the County road network.
The site takes direct access from S. Sonoita Highway, a paved public street which is a designated "major street" on the Pima County Major Streets and Routes Plan. Access is found to be adequate. The entry road from Sonoita Highway, which benefits all of the residential properties in the area, is maintained by the owner of the winery.
4. It has sufficient off-street parking and loading facilities, that will be developed in accordance with County engineering standards.
Parking and loading requirements will be verified during the permit review and approval process.
5. It will meet County standards in terms of control of noise, smoke, glare or heat, odors, vibrations, fly, ash, dust, fumes, vapors, gasses, and other forms of air pollution, liquids and solid wastes.
None of the above issues pertain to this request. The winery in question is not anticipated to cause any of the above nuisances to the surrounding properties.
6. Hours of operation will not be detrimental to adjoining residents.
The existing operation will continue its established hours of operation, which have shown over time to not present a problem to the surrounding residential properties.
7. Landscaping will be fully in conformance with zoning code regulations.
Landscaping and screening requirements will be verified during the permit review and approval process.

SONORAN DESERT CONSERVATION CONCEPT PLAN/ENVIRONMENTAL ISSUES

Draft Biologically-Preferred Reserve System

In December, 2001 the Board of Supervisors incorporated the Conservation Lands System (CLS) into the Comprehensive Plan 2001 Update as the Regional Environmental Policies. The CLS is the heart of the Sonoran Desert Conservation Plan (SDCP). On June 21, 2005, the Board of Supervisors amended the Comprehensive Plan Regional Environmental Policies and the CLS to reflect recommendations from the SDCP Science Technical Advisory Committee that were based on new scientific and technical data. As adopted, Conservation Guidelines associated with the CLS establish conservation objectives for a variety of projects (e.g. rezoning actions, comprehensive plan amendments, Type II and Type III conditional use permits, etc.) that require discretionary decision by the Board of Supervisors. Conservation objectives include:

1. Important Riparian Areas — 95% undisturbed natural open space
2. Biological Core Management Areas — 80% undisturbed natural open space
3. Special Species Management Areas — 80% undisturbed natural open space
4. Multiple Use Management Areas — 66-2/3% undisturbed natural open space

The subject site is located within an area that is designated as Biological Core Management Area the Conservation Lands System (CLS).

Based upon aerial photo review, the existing winery and service roadway impact a total of approximately 40% of the total 10-acre property. While this is above the established threshold of 80% preservation for Biological Core Management Areas, the essentially "green" nature of the winery operation is viewed as a significant mitigating factor and that, further, the winery operation does not undermine the spirit and intent of the CLS nor the County's biological conservation policies.

Biological Impacts Report Summary and Staff Commentary

On July 17, 2001, the Board of Supervisors adopted Ordinance No. 2001-103, which requires a biological impact report, applicant's notice to the US Fish and Wildlife Service (USFWS) staff regarding the pending matter, and staff commentary on biological resources and development impacts of the subject site and proposal.

Staff has reviewed the biological factors associated with this application and has determined that that approval of this application is not expected to affect any resources essential to Pima County's biological conservation policies.

Sonoran Desert Conservation Plan (SDCP) Facts Confirmed Per Pima County GIS

Per the Pima County Department of Transportation (PCDOT) geographic information system (GIS), and the Sonoran Desert Conservation Plan maps contained therein, the following facts are hereby confirmed pertaining to this Conditional Use Permit application:

1. Cactus ferruginous Pygmy Owl. The site is not within the Priority Conservation Area (PCA) for the Cactus ferruginous pygmy-owl, and is not within the former critical habitat nor the USFWS draft recovery area. It is located within Survey Zone 2.
2. Pima Pineapple Cactus. The site is not within the Priority Conservation Area (PCA) for the Pima Pineapple Cactus and is located outside of the area modeled as having potential for the species.
3. Western Burrowing Owl. The site is not within the Priority Conservation Area (PCA) for the Western Burrowing owl and lies within an area that is modeled as having "low" potential for the species.

The Chairman inquired whether anyone wished to be heard. No one appeared. Jim Portner, Hearing Administrator, provided a report, stated no comments had been received and explained the approval was being recommended subject to standard and special conditions.

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 approve the Conditional Use Permit subject to standard and special conditions.

21. TRANSPORTATION: TRAFFIC ORDINANCES

- A. ORDINANCE NO. 2009 - 102, of the Board of Supervisors, regulating traffic at the intersection of Ferret Drive and Lemur Lane in Pima County, Arizona. Staff recommends approval. (District 1)
- B. ORDINANCE NO. 2009 - 103, of the Board of Supervisors, establishing prima facie reasonable speed limits for vehicles on Mainsail Boulevard in Pima County, Arizona. Staff recommends approval. (District 1)
- C. ORDINANCE NO. 2009 - 104, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 10,000 pounds from using Telera Street over the Ajo Wash Bridge (Structure No. 8258) in Pima County, Arizona. Staff recommends approval. (District 3)
- D. ORDINANCE NO. 2009 - 105, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 30,000 pounds from using Mission Road over the Mine Haul Road Bridge (Structure No. 8318) in Pima County, Arizona. Staff recommends approval. (District 3)
- E. ORDINANCE NO. 2009 - 106, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 40,000 pounds from using Marsh Station Road over the Cienega Creek, Medium

Wash RCB and Mescal Arroyo Wash Bridges (Structure Nos. 8293, 8294 and 8299) in Pima County, Arizona. Staff recommends approval. (District 4)

- F. ORDINANCE NO. 2009 - 107, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 20,000 pounds from using Greaterville Road over the Empire Gulch Wash Bridge (Structure No. 8300) in Pima County, Arizona. Staff recommends approval. (District 4)
- G. ORDINANCE NO. 2009 - 108, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Madera Canyon Road in Pima County, Arizona. Staff recommends approval. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2009-102, 2009-103, 2009-104, 2009-105, 2009-106, 2009-107 and 2009-108.

22. BOARD OF SUPERVISORS

- A. RESOLUTION NO. 2009 - 280, of the Board of Supervisors, calling for the voluntary elimination of artificial trans fats from food sold in restaurants and other food service establishments and served to the public in Pima County. (District 5)

The following speakers addressed the Board:

1. Masha Miedanor
2. Sherry Gillespie, American Restaurant Association
3. Cynthia Bruwer
4. Sally Erroa
5. Jim Dumbauld, Medical Director, St. Elizabeth Health Center and Chairman of the Health and Healthcare Committee for Sustainable Tucson

They provided the following comments:

- A. The Board should adopt this resolution to help alleviate the current health crisis due, in part, to consuming food with trans fats.
- B. Restaurants have recognized the important trend by moving away from using trans fats but do not wish compliance to be mandated.
- C. Several studies were cited supporting the fact that cultures who consume natural foods do not experience medical, dental and mental health conditions that are now frequently seen in our country.

- D. Foods with trans fats are particularly dangerous to children and should not be served in schools or hospitals.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-280.

- B. RESOLUTION NO. 2009 - 281, of the Board of Supervisors, relating to conservation and the environment; reaffirming the value of the Sonoran Desert Conservation Plan, recognizing the critical role of Maeveen Behan in developing it, and re-naming the Conservation Lands System as the "Maeveen Marie Behan Conservation Lands System." (Districts 2 and 5)

The following speakers addressed the Board:

1. Sherry Barrett, Assistant Field Supervisor for the U.S. Fish and Wildlife Service, Tucson Office
2. Cecil Schwalbe, former member of the Science Technical Advisory Team for the Sonoran Desert Conservation Plan
3. Carolyn Campbell, representative of the Coalition for the Sonoran Desert Protection Committee
4. Ruben Reyes, representative for Congressman Raúl Grijalva
5. Ron Barber, representative for Congresswoman Gabriel Giffords

They provided the following comments:

- A. Ruben Reyes read the following entry made by the Congressman into the U.S. Congressional Record:

HON. RAÚL M. GRIJALVA OF ARIZONA
IN THE HOUSE OF REPRESENTATIVES
Thursday, October 29, 2009

"I rise today to honor an incredible public servant and community leader who has made an indelible mark on the Sonoran Desert region and on the community of Tucson, Arizona.

Maeveen Marie Behan has changed the face of Pima County and will leave a legacy of successful community-based conservation planning and endangered species protection throughout the country by the work she has accomplished in Southern Arizona.

Maeveen Marie Behan, JD, PhD, was born July 13, 1961 in Milwaukee, Wisconsin. Maeveen lived in numerous states as a child and graduated from the University of Georgia with a BA in English. While in high school, Maeveen was the first woman in Georgia to break the six-minute mile. She continued her athletic prowess on the tennis court and has always loved to run races in any city where she vacationed. She is a rabid lifelong Alabama football and Chapel Hill basketball fan.

Maeveen met the love of her life, Harry Goldwasser, while they were students together at the University of Georgia. Harry and Maeveen married in 1986. Maeveen is devoted to her bloodhounds, Sweet Peas, Charlie and Hermione, and has written a series of children's stories based on her dogs.

After Maeveen received her Juris Doctorate from the University of Alabama School of Law, and her husband Harry completed his residency at UNC Chapel Hill, they moved to

Arizona, where they lived in Chinle while Maeveen worked for the Navajo Nation. They moved to Tucson in 1992 and Maeveen went to work for Pima County, where her career has encompassed numerous projects. In December 2006, Maeveen received her doctorate in Arid Lands Research Sciences researching the role of folklore in conservation; the title of her dissertation is Science and Lore in Animal Law. Reading up to four books a day, her interests are extremely diverse. She relishes mysteries, cartoons, myths, fables, and folklore throughout history.

Her extraordinary intelligence, integrity and high standards are reflected in everything she sets her hand to. Maeveen has accomplished the culmination of her life's work over the last decade as the principal author and guiding light of Pima County's national award winning Sonoran Desert Conservation Plan and as the first Director of the County's Office of Conservation Science and Environmental Policy. Maeveen is a prolific author, writing dozens of reports for the plan and directing over 200 others covering a wide variety of topics. Maeveen has been the leader in developing the County's efforts to preserve the key biological resources of the Sonoran Desert through a precedent setting Multi-species Habitat Conservation Plan. Maeveen has provided leadership for the community response to the listing of the cactus ferruginous pygmy-owl as a federally endangered species. The result has been hailed as a national model by local, regional and national media, planning and government agencies, and non-profit organizations for how to respond to the dilemma posed by urban growth and living with the environment. She recommended that the County broaden the scope of discussions to other important and vulnerable species as well as infrastructure, taxation, history, archeology, open space, housing, water, recreation and ranching. Instead of limiting the response to the boundaries of unincorporated Pima County, Maeveen suggested that the Board of Supervisors open the process to all affected entities, including ranchers, developers, environmental groups, tribal entities, interested citizens, and elected leaders of the incorporated entities.

Maeveen Behan's efforts have catalyzed support for open space acquisition, funding for repairing wildlife corridors, improved cooperation among jurisdictions, strengthening of Federal land commitments, and revisions of County policies and procedures.

Maeveen personally attended over 600 meetings with citizens and elected officials about the Sonoran Desert Conservation Plan and made herself available night and day for over 3 years. She also inspired the science community to participate in developing the Sonoran Desert Conservation Plan in a way that honored their integrity as scientists without intrusion of jurisdictional concerns or political pressure from interest groups. Maeveen also created the Sonoran Desert Kids program to educate and inspire generations of young citizens about the importance of the desert ecosystem.

In 2001 the Board adopted the Conservation Lands System as the long-term, locally adopted vision for balancing economic integrity and protecting natural resources and cultural heritage in Pima County. Pima County is completing the final draft of its Multi-Species Habitat Conservation Plan for submittal to the U.S. Fish and Wildlife Service.

Her commitment to transparency in government and to an open public process involving scientists, conservationists, business interests, multiple jurisdictions, government agencies and other stakeholders has been a model for the nation. Her keen insight, sense of duty, and humor inspires us all. Maeveen's professional and life mantra has always been, 'Just do the right thing.'

B. Ron Barber, representative for Congresswoman Gabriel Giffords, read into the record the following letter from the Congresswoman:

"Dear Maeveen:

I regret that I cannot be there in person today to join with the Pima County Board of Supervisors and so many of your friends and admirers to celebrate your significant contributions to the preservation of our beautiful Sonoran Desert. Please know that I am with you in spirit.

Maeveen you are one of those rare individuals who works behind the scenes to accomplish amazing things. You never sought any recognition for yourself and I know you would have been happiest if your name had never become public. You wanted only to preserve the best parts of your adopted Pima County.

For more than seven years, you worked on development of the Sonoran Desert Conservation Plan. It was called an audacious and novel undertaking, covering about 2 million of Pima County's 5.9 million acres. The plan covers a landscape larger than the state of Connecticut that ranges from scrub desert and grasslands to limestone caves and 10,000-foot mountains. No other plan in the country has done anything on this scale or with such integration. You oversaw the research and writing of more than 250 technical reports and were responsible for as many as 600 public meetings.

The voters of this community first recognized the value of your work in 2004 by approving a \$174 million open-space bond measure by a margin of nearly 2-to-1. Your outstanding work in consensus-building was recognized by the American Planning Association and with the Ahwahnee (ahh-wha-nee) Award in Regional Initiatives. Environmentalists and planners alike have praised the plan that you developed, lauding it as an ideal model for other communities seeking to balance growth and conservation.

Given Tucson's pygmy owl controversy in the mid- to late 1990s, it is hard to believe that something so sweeping as the Sonoran Desert Conservation Plan was able to get off the ground. It would not have happened without you, Maeveen. You brought the opposing parties together during the plan's crucial early stages.

Generations not yet born will thank you for your foresight and the work you accomplished here. This is an extraordinary legacy. Today it is truly fitting for our community to thank you by renaming Pima County's Conservation Lands System in your honor.

Maeveen, on behalf of a grateful community, I say thank you for a job well done. You are a treasure who has helped us preserve another treasure, the desert that we all know and love so much.

With great respect and admiration,
Gabrielle Giffords
Member of Congress"

- C. Maeveen first educated the community in what needed to be done to create a conservation plan. She then gathered together scientists, cultural resource experts, developers and ranchers to work together to achieve what is now considered to be a plan that is national in scope and benefits the plants and animals unique to this community.
- D. It is important to move forward and complete the process and protect the legacy.
- E. Maeveen was a guiding light and force behind the Sonoran Desert Conservation Plan. She was a meticulous planner, visionary and fondly remembered as "George Patton in velvet gloves."
- F. It is entirely fitting that this plan be named after this wonderful human being.

- G. Thanks to the Board for adopting the Resolution and honoring Maeveen at this meeting.

The Board of Supervisors expressed their praise and gratitude to Maeveen Behan for her exceptional attitude in life and numerous contributions to the County.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 roll call vote, to adopt Resolution No. 2009-281, in honor of Maeveen Marie Behan.

23. **BOARD, COMMISSION AND/OR COMMITTEE: PARKS AND RECREATION COMMISSION**

Appointment of Charles S. Catino to replace David Ridings. Term expiration: 7/31/15. (District 4)

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

24. **CONTRACTS: PROCUREMENT**

A. MWH Constructors, Inc., Amendment No. 3, to provide for the construction of the Interim Digested Sludge Thickening Facility for the Ina Road WPCF Capacity and Effluent Quality Upgrade Project and amend contractual language, 2004 Sewer Revenue Bond Fund, contract amount \$1,540,000.00 (03-03-M-141162-0808)

B. MWH Constructors, Inc., Amendment No. 4, to provide earthwork, construction of retention ponds and drainage piping for the Ina Road WPCF Capacity and Effluent Quality Upgrade Project and amend contractual language, 2004 Sewer Revenue Bond Fund, contract amount \$4,727,565.00 (03-03-M-141162-0808)

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

25. **CALL TO THE PUBLIC**

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

26. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.