

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 19, 2010

The Pima County Flood Control District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 19, 2010. Upon roll call, those present and absent were as follows:

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

1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of a combination of onsite and offsite mitigation (Mitigation Plan and In-lieu Fee Proposal) for property located at 3605 E. Calle Agassiz, located within important riparian area with underlying Xeroriparian Class C Habitat. (District 4)

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson 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 10:25 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 19, 2010

The Pima County Board of Supervisors met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 19, 2010. Upon roll call, those present and absent were as follows:

All Present: Ramón Valadez, Chairman
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 Ray Carroll, Member
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 Richard Elías, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Dan Gutierrez, Drexel Heights Baptist Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías recognized the recent passing of a great statesman, Senator Jorge Luis Garcia. The Board of Supervisors expressed their sympathy and a moment of silence was observed in his memory.

4. **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

5. **RECONVENE**

The meeting reconvened at 9:25 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 under Executive Session. No one appeared.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Angela Stuebe et. al. v. Perimeter Bicycling Association of America, Inc., et. al., Pima County Superior Court Case No. C20095087.

Chris Straub, Chief Civil Deputy County Attorney, explained this was a proposed settlement of a lawsuit involving an accident at El Tour de Tucson on November 22, 2008, where the plaintiff sustained a serious brain injury. The proposed settlement would be funded exclusively by insurance. William Rubin, outside counsel, and the Department of Finance and Risk Management recommended that the offer be accepted.

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a compromise settlement agreement with a workers' compensation claimant, Richard Meister.

Chris Straub, Chief Civil Deputy County Attorney, stated that this case involved a Pima County employee who suffered an injury in 1990, and subsequently developed psychological problems related to that injury. In 1997, the Industrial Commission of Arizona deemed Mr. Meister totally and permanently disabled and was entitled to a monthly loss of earning capacity benefit. The parties have agreed to settle the matter for a lump sum of \$69,000.00 with stipulations should the claim be reopened. Ted Modler, outside counsel, and the Department of Finance and Risk Management recommended settlement.

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

9. **CONSENT CALENDAR:** For consideration and approval

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

PULLED FOR SEPARATE ACTION

6. REAL PROPERTY

Sale of Land Under Treasurer's Deed

A. Tax Parcel No. 116-19-181D

1. RESOLUTION NO. 2010 - 252, of the Pima County Board of Supervisors, authorizing the sale of land held by the State under a Treasurer's Deed to Old West Properties, L.L.C., highest bidder, for a portion of Lot 38 of Section 11, T14S, R13E, G&SRM. Sale price, \$650.00; administrative fee, \$500.00; total \$1,150.00 revenue. (District 5)
2. Quit Claim Deed to Old West Properties, L.L.C. to convey all rights and title of a portion of Lot 38 of Section 11, T14S, R13E, G&SRM. (District 5)

B. Tax Parcel No. 116-19-181E

1. RESOLUTION NO. 2010 - 253, of the Pima County Board of Supervisors, authorizing the sale of land held by the State under a Treasurer's Deed to Old West Properties, L.L.C., highest bidder, for a portion of Lot 38 of Section 11, T14S, R13E, G&SRM. Sale price, \$750.00; administrative fee, \$500.00; total \$1,250.00 revenue. (District 5)
2. Quit Claim Deed to Old West Properties, L.L.C. to convey all rights and title of a portion of Lot 38 of Section 11, T14S, R13E, G&SRM. (District 5)

Without objection, these items were removed from the agenda.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías 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. Kuehl Enterprises, L.L.C., to provide planning, technical/training assistance and report preparation services for the term 8/1/10

to 7/31/11, Community Development Block Grant Fund,
contract amount \$15,000.00 (32-70-K-143332-0810)

B. Community Services, Employment and Training

2. San Ignacio Yaqui Council, Inc., Amendment No. 2, to provide emergency assistance to eligible low income households experiencing a temporary financial crisis and amend contractual language, Community Services Block Grant Fund, contract amount \$26,196.00 (07-69-S-142506-0709)
3. Arizona Board of Regents, University of Arizona, d.b.a. Pima County Cooperative Extension, Amendment No. 2, to provide emergency assistance services to low income families, extend contract term to 6/30/11 and amend contractual language, Community Services Block Grant Fund, contract amount \$25,000.00 (07-69-A-142786-0709)

C. County Attorney

4. Department of Justice, Office on Violence Against Women, Amendment No. 2, to provide for four attorneys, one legal assistant, one legal secretary, one detective and one part-time forensics technician, non-local travel and consultant costs for the Centralized Domestic Violence Prosecution Unit for the term 8/1/10 to 7/31/12, Federal Grant Fund, contract amount \$990,498.00 revenue (02-02-J-140242-0807)
5. Gabroy, Rollman & Bosse, P.C., Amendment No. 3, to provide legal advice and representation relating to Town of Marana v. Pima County, et. al., and amend contractual language, RWRD Enterprise Fund, contract amount \$50,000.00 (17-02-G-140477-1007)

D. Facilities Management

6. Goldberg & Osborne, Amendment No. 2, to provide an office lease agreement and storage unit space in the Bank of America Building, extend contract term to 7/31/14 and amend contractual language, contract amount \$7,200.00 revenue (04-13-G-139865-0804)

E. Health Department

7. AWASA, d.b.a. Animal Welfare Alliance of Southern Arizona, Inc., Amendment No. 1, to provide spray and neuter services, extend contract term to 12/13/11 and amend contractual

language, Health Fund, contract amount \$220,000.00 (07-01-A-142624-1209)

F. Office of Emergency Management and Homeland Security

8. City of Tucson Police Department, Amendment No. 1, to provide for the procurement of digital video downlink equipment to be mounted on Tucson Police Department aviation assets, extend contract term to 12/31/10 and amend contractual language, Department of Homeland Security Fund, no cost (01-01-T-142132-0709)

G. Procurement

9. CH2M Hill, Inc., Amendment No. 8, to provide design engineering services for the Ina Road Wastewater Pollution Control Facility Capacity and Effluent Quality Upgrade Project, extend contract term to 2/4/12 and amend contractual language, RWRD Obligations, contract amount \$2,510,833.00 (16-03-C-140877-0208) Regional Wastewater Reclamation
10. The Ashton Company, Inc., Amendment No. 2, to provide for job order contract for traffic signal, roadway intersection, paving and drainage improvements, extend contract term to 9/21/11 and amend contractual language, various 2004 and 2007 Bond and Capital Improvement Funds, contract amount \$729,466.60 (26-04-A-141353-0908) Transportation
11. KE&G Construction, Inc., Amendment No. 2, to provide job order contract for traffic signal, roadway intersection, paving and drainage improvements, extend contract term to 9/21/11 and amend contractual language, various 2004 and 2007 Bond and Capital Improvement Funds, contract amount \$222,961.47 (26-04-K-141354-0908) Transportation

H. Sheriff's Department

12. RESOLUTION NO. 2010 - 248, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide overtime, employee related expenses and capital outlay to enhance selective traffic enforcement, Federal Grant Fund, contract amount \$69,460.00 revenue (01-11-G-143335-1010)
13. RESOLUTION NO. 2010 - 249, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for the purchase of one fully equipped police package motorcycle and one speed detection

device to enhance selective traffic enforcement, Federal Grant Fund, contract amount \$23,866.00 revenue (01-11-G-143336-1010)

14. RESOLUTION NO. 2010 - 250, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for the purchase of collision reconstruction equipment, Federal Grant Fund, contract amount \$7,000.00 revenue (01-11-G-143337-1010)
15. RESOLUTION NO. 2010 - 251, approving an Intergovernmental Agreement with the U.S. Department of Justice: Community Oriented Policing Services (COPS), to provide law enforcement technology for the Community Oriented Policing Services Program for the term 12/16/09 to 12/15/12, Federal Grant Fund, contract amount \$200,000.00 revenue (01-11-U-143340-1209)
16. U.S. Department of Agriculture, Forest Service, Coronado National Forest, Amendment No. 1, to provide law enforcement on National Forest Service land and amend contractual language, Federal Fund, contract amount not to exceed \$31,300.00/year revenue (01-11-U-142436-1109)

2. **BOARD OF SUPERVISORS**

Approval of the Board of Supervisors' Meeting Schedule for the period of January through May, 2011.

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

A. **Board of Adjustment, District 4**

Appointment of Stephen Hopkins, to fill unexpired term of Susanne Blodgett. Term expiration: 10/31/12.

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

Appointment of Nena Ashton, to replace Debbie Rich. Term expiration: 12/31/12. (District 4)

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

Louis Vern Brand, BPO Elks No. 1576, 350 Yermo St., Ajo, October 16, 2010.

5. **FINANCE AND RISK MANAGEMENT**

Duplicate Warrants – For Ratification

Raul Rodriguez Sora, M.D.	\$900.00
Carolina M. Cabral	\$ 12.15
Frank Duarte	\$ 26.99

6. **REAL PROPERTY**

Sale of Land Under Treasurer's Deed

- A. **Tax Parcel No. 116-19-181D**
(PULLED FOR SEPARATE ACTION)

- B. **Tax Parcel No. 116-19-181E**
(PULLED FOR SEPARATE ACTION)

REGULAR AGENDA/ADDENDUM ITEMS

10. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2010 – 254, amending Resolution No. 2010-41, of the Board of Supervisors of Pima County, Arizona, by amending the approval of the issuance of the Industrial Development Authority of the County of Pima Education Revenue Bonds (Paradise Education Center Project), Series 2010, by increasing the aggregate principal not to exceed amount from \$8,000,000.00, to an aggregate principal amount not to exceed \$13,000,000.00, changing the location of the project, and declaring an emergency.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010–254.

11. **INFORMATION TECHNOLOGY**

Staff requests approval of amendments to Board of Supervisors Policy No. C 3.12, Electronic Mail.

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

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

10-29-9041, Marc Guy Lory, Frog's Bakery and Café, 7109 N. Oracle Road, Tucson, Restaurant, Series 12, New License.

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

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

Joel Bacalia, Catalina Foothills High School, 4300 E. Sunrise Drive, Tucson, October 29, 2010, at approximately 7:00 p.m.

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

14. **COUNTY ADMINISTRATOR**

A. **Pima County Bond Program Update**

Chuck Huckelberry, County Administrator, stated the ordinance amendments being presented were needed to administer the Bond Program and had been unanimously recommended by the Bond Advisory Committee. He indicated there had been a concern raised regarding the Wilmot Branch Library Renovation Project. It was anticipated that the renovation costs would be substantially less than what had been appropriated and that the excess funds had been recommended to be allocated for the acquisition of State land.

Supervisor Carroll stated he remained apprehensive regarding changing the allocation for the project until it had been completed. He stated these funds had been voter approved and should remain in the library system for other closely situated projects. He offered that these matters should be referred to the Library Advisory Board for their review prior to being forwarded to the Bond Advisory Committee.

Supervisor Bronson stated she wanted to assure there were sufficient funds to complete what the bond package had originally required for the Wilmot Branch Library.

Supervisor Day questioned why the bridge over the Ventana Wash on River Road had been eliminated from the HURF Projects. Mr. Huckelberry responded this had been removed from the Bond Program as the scope of the project and related costs had substantially increased. The County would seek Federal funds for the bridge replacement and would reallocate the bond funds for other transportation needs.

Supervisor Day requested a detailed report be provided before the end of the calendar year regarding the 1997 HURF Bond Program and the impact to the debt service.

Supervisor Elias asked that the report be expanded to encompass the 1997 HURF, General Obligation and Sewer Revenue Bond Programs.

B. Amendments to Pima County Bond Ordinances

1. ORDINANCE NO. 2010 - 62, An Ordinance of the Board of Supervisors of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects, amending Ordinance No. 1997-80, as amended by 1998-59, Ordinance No. 2001-112, Ordinance No. 2004-118, Ordinance No. 2005-90, Ordinance No. 2006-20, Ordinance No. 2006-83, Ordinance No. 2007-93, Ordinance No. 2009-39, Ordinance No. 2009-91, and Ordinance No. 2010-22, for the purpose of reallocating bond funds, amending the scope of certain projects, and authorizing the use of additional other funds to finance certain bond projects.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-62, with the direction that a report be prepared by the end of the year regarding the 1997 HURF, General Obligation and Sewer Revenue Bond Programs.

2. ORDINANCE NO. 2010 - 63, an Ordinance of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects, amending Ordinance No. 2004-18, as amended by Ordinance No. 2005-92, Ordinance No. 2006-21, Ordinance No. 2006-84, Ordinance No. 2007-33, Ordinance No. 2007-95, Ordinance No. 2008-25, Ordinance No. 2008-106, Ordinance No. 2009-40, Ordinance No. 2009-92 and Ordinance No. 2010-24, for the purpose of reallocating bond funds, amending the scope of certain projects, amending implementation periods for certain bond projects, and authorizing the use of additional other funds to finance certain projects.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-63 as amended, by removing the Wilmot Library Renovation Project No. 4.46, to refer the project to the Library Advisory Board for review and comment, and that the matter be brought back for consideration at the December 7, 2010, Board of Supervisors' Meeting.

3. ORDINANCE NO. 2010 - 64, an Ordinance of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects amending Ordinance No. 1997-35 as amended by Ordinance No. 1998-58, Ordinance No. 2001-111, Ordinance No. 2004-15, Ordinance No. 2005-91, Ordinance No. 2006-19, Ordinance No. 2006-82; Ordinance No. 2007-32, Ordinance No.

2007-94, Ordinance No. 2008-24, Ordinance No. 2008-107, Ordinance No. 2009-90, and Ordinance No. 2010-23, for the purpose of amending the scope of certain projects, amending implementation periods for certain projects, and authorizing the use of additional other funds to finance certain projects.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-64.

15. DEVELOPMENT SERVICES: Modification of Rezoning Condition

The Board of Supervisors on September 14, 2010, continued the following.

Co9-81-94, PIONEER TRUST OF ARIZONA NO. 11,326 – CAMINO CASA VERDE REZONING

Request of Garold C. Brown Family Limited Partnership, represented by Jeffery Stanley, P.E., for a waiver of Rezoning Condition No. 10 which states, "Recording of a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors." The subject site is 9.4 acres of the original 40 acre rezoning to CB-2 and is located on the north side terminus of Ward Lane, approximately 630 feet west of Bessett Avenue and 600 feet north of Camino Casa Verde. Staff recommends DENIAL OF THE WAIVER AND APPROVAL OF LOT SPLITS WITH CONDITIONS. (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of November 16, 2010.

16. DEVELOPMENT SERVICES: Rezoning Closure/Time Extension

A. Co9-00-30, ARAVAIPA PROPERTIES, L.L.C. – VALENCIA ROAD REZONING

Proposal to close Co9-00-30, a rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) and CB-2 (General Business) of 15.0 acres located on the south side of Valencia Road, approximately 1/4 mile west of Cardinal Avenue. The rezoning was conditionally approved in 2000 and will expire on November 21, 2010. Staff recommends AGAINST CLOSURE. (District 5)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve with staff's recommendation against closure.

B. Co9-00-30, ARAVAIPA PROPERTIES, L.L.C. – VALENCIA ROAD REZONING

Request of PBH II, L.L.C. for a five-year time extension for the above-referenced rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) and CB-2 (General Business). The subject site was rezoned in 2000. The

rezoning will expire on November 21, 2010. The site is 15.0 acres located on the south side of Valencia Road, approximately 1/4 mile west of Cardinal Avenue. Staff recommends APPROVAL OF A FIVE YEAR TIME EXTENSION WITH ORIGINAL STANDARD AND SPECIAL CONDITIONS. (District 5)

- “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, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Provision of off-site improvements to Camino de la Tierra, as determined necessary by the Department of Transportation. Provision of off-site improvements to Valencia Road that include, but are not limited to, appropriately designed continuous right-turn deceleration lanes and appropriately designed acceleration lanes and adjacent improvements such as curb, sidewalk, drainage, storm drains, etc. Any modifications to the existing median require Department of Transportation approval.
 - B. The number, location and design of the access points to the subject property shall need the approval of the Department of Transportation at the time of the submittal of a development plan or subdivision plat for any portion of the subject property.
 - C. Property owner(s) shall dedicate 25 feet of right-of-way for the south half right-of-way of Valencia Road adjacent to the subject property.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s) shall provide all necessary drainage improvements, both on-site and off-site of the subject property. The location, design, and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.
 - D. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. The property owner(s) shall contact the Flood Control District to determine whether a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) may be applied for due to the impact of the federally mapped floodplain (FEMA) on the proposed development.
 - F. A riparian mitigation plan shall be required for development in designated riparian areas.
9. Wastewater ~~Management~~ Reclamation conditions:
 - A. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
 - B. The owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Management Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s)/developer(s) shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Management Reclamation Department.
 - C. The owner(s)/developer(s) shall time the construction of all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s)/developer(s) shall connect all new development within the rezoning area to

- Pima County's public sewer system in the manner specified by the Wastewater ~~Management~~ Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- E. To serve new development within the rezoning area, and provide for future flow-through needs, the owner(s)/developer(s) shall fund, design and construct an off-site and on-site extension of the public sewerage system, as specified by the Wastewater ~~Management~~ Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit. The off-site and on-site extension of the public sewerage system shall include a 15" public flow-through sewer to the western boundary of the rezoning area.
 - F. The owner(s)/developer(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plat or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements in Chapter 18.81 of the Pima County Zoning Code.
 11. Adherence to the revised preliminary development plan as approved at public hearing. CB-2 parcels are restricted to the indoor uses allowed by the CB-2 zone (EXHIBIT B).
 12. Residential uses are restricted to eighteen (18) units.
 13. Master Development Plan Requirements:

This rezoning is subject to the approval of a master block plat and development plan for the entire rezoning area prior to the issuance of any permits. Subsequent site development requires submittal of development plans prepared in accordance with the master development plan. The master block plat shall include all necessary improvements and dedications (including roads, sewer, drainage and open space).
 14. The Pima County Subdivision & Landscape Review Section Staff shall review the design and approve the design consistent with the Commercial Design Manual for the Master Development with the following restrictions:
 - A. All bufferyards and integrated interior landscape areas shall be located in a designated common area and shall be maintained by a master association.
 - B. Provision of tree-lined bufferyards along east and west boundaries of residential uses on Lots 2 and 6.
 15. Environmental Planning condition:

The site shall be inspected for the presence of the Western burrowing owl by a qualified resource specialist. A report, which contains survey results and dates, shall be provided to Pima County immediately upon completion of the inspection. This report shall be received prior to approval of a development plan or tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 16. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) 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(s) shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 18. Provision of a pedestrian pathway along the bank protection where practicable.
 19. 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 be heard. No one appeared. On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the five year time extension with original standard and special conditions.

17. DEVELOPMENT SERVICES: Rezoning Ordinance

ORDINANCE NO. 2010-65, Co9-08-24, Junior League of Tucson, Inc. – River Road Rezoning. Owner: Junior League of Tucson, Inc. (District 1)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-65.

18. DEVELOPMENT SERVICES: Rezoning Resolutions

A. RESOLUTION NO. 2010-255, Co9-00-35, Southwest Food Systems, Inc. – Oracle Road No. 2 Rezoning. Owner: John Mallo. (District 1)

B. RESOLUTION NO. 2010-256, Co9-93-08, Southwest Food Systems, Inc. - Oracle Road Rezoning. Owner: John Mallo. (District 1)

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Resolution Nos. 2010-255 and 256.

19. TRANSPORTATION: Traffic Ordinance

ORDINANCE NO. 2010-66, of the Pima County Board of Supervisors, establishing prima facie speed limits on Redington Road. Staff recommends APPROVAL. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010-66.

20. CONTRACT: Economic Development and Tourism

The Board of Supervisors on October 12, 2010, continued the following.

Arizona-Sonora Desert Museum, Amendment No. 1, to provide a cooperative management agreement and amend contractual language, no cost (23-71-A-135188-1003)

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

21. CONTRACT: County Administrator

Approval of a Foreign Trade Zone Application Agreement between Ventana Medical Systems, Inc. (Ventana), Pima County and the associated taxing jurisdictions of Amphitheater Unified School District, Pima County Community College, Joint Technical Education District and Golder Ranch Fire District (11-71-V-143401-1010)

Chuck Huckelberry, County Administrator, provided a report and stated this was an agreement with the associated taxing jurisdictions in support of the application of Ventana Medical Systems for a Foreign Trade Zone designation by the Federal government. He stated there were numerous tax benefits involved with this designation and the agreement was conditioned on holding harmless the impacted educational and public safety taxing jurisdictions.

The Board thanked all parties for their collaboration on this economic development effort.

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

22. CONTRACTS

A. County Attorney

1. RESOLUTION NO. 2010 - 257, authorizing a grant agreement with the Department of Health and Human Services, Office of the Secretary, to provide for the Pima County Drug Court, Federal Fund, contract amount \$873,050.00/3 year term - revenue (02-02-H-143400-0910)
2. RESOLUTION NO. 2010 - 258, authorizing a grant agreement with the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, to provide for the Pima County Drug Court, Federal Fund, contract amount \$299,414.00/3 year term - revenue; in-kind match, General Fund, contract amount \$100,982.00 (02-02-J-143402-1010)

B. Office of Emergency Management and Homeland Security

Arizona Department of Homeland Security, Amendment No. 1, to provide for the Citizen Corps Program and the Pima County Citizen Corps Council, amend contractual language and extend contract term to 3/31/11, Federal Fund, no cost, (02-79-A-142739-1009)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution Nos. 2010-257 and 258.

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

A. **Pima County Fair Commission**

Reappointment of Donald Clark. Term expiration: 6/30/14. (District 3)

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

Appointment of Mohur Sidhwa to replace Anna Harper. Term expiration: 12/31/12. (District 5)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve appointment/reappointment.

24. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Gary Bahr addressed the Board regarding dog noise.

Mia Hanson, Executive Director of Tucson Meet Yourself, addressed the Board to express her thanks to Pima County for making Tucson Meet Yourself successful.

Joe Sweeney addressed the Board regarding amnesty.

25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:25 a.m.