

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 7, 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 1:00 p.m. on Tuesday, December 7, 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 Mitigation Plan and In-lieu Fee Proposal in the amount of \$13,519.00 for property located at 1456 E. Canyon Springs Court within important riparian area with underlying Xeroriparian Class B Habitat. (District 4)

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

2. **CONTRACT**

The Ashton Company, Inc., Amendment No. 1, to provide a job order contract for flood control and drainage improvements, amend contractual language and extend contract term to 12/14/11, Flood Control Tax Levy Fund, contract amount \$1,013,154.90 (26-59-A-142649-1209)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:55 p.m.

ATTEST:



CLERK



CHAIRMAN

MINUTES, LIBRARY DISTRICT BOARD

DECEMBER 7, 2010

The Pima County Library District Board met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 1:00 p.m. on Tuesday, December 7, 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. **CONTRACT**

Tucson Unified School District No. 1, Amendment No. 2, to provide a lease agreement for a branch library located at the Southwest Educational Center at 6855 S. Mark Road and extend contract term to 7/31/15, Library District Fund, contract amount \$56,471.88 (11-13-T-129313-1101) Facilities Management

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:55 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 7, 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 1:00 p.m. on Tuesday, December 7, 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. **INVOCATION**

The invocation was given by Reverend Canon Richard von Menshengen, Holy Family Catholic Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **MOMENT OF SILENCE**

Chairman Valdez and the Board Members expressed their sympathy at the passing of Art Chapa and observed a moment of silence in his memory.

4. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías acknowledged the presence of Patti Comerford, Town of Marana Council Member and Andres Cano, former District 5 intern, who were present in the audience.

5. **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 1:20 p.m.

6. **RECONVENE**

The meeting reconvened at 1:55 p.m. All members were present.

7. **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.

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A)(2) and (3), for legal advice and discussion or consideration of County staff's confidential recommendation memorandum for award of the new County Water Reclamation Facility Design/Build/Operate (DBO) contract to the highest scoring respondent. Staff's recommendation memorandum must remain confidential until award and execution of the contract pursuant to A.R.S. §34-603(G).

This item was informational only, no Board action was required.

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.

PULLED FOR SEPARATE ACTION

1. **CONTRACT AND AWARD**

D. **Facilities Management**

13. University of Arizona, to provide a Lease Agreement for 44 N. Stone Avenue and 10 E. Pennington Street, General Fund, contract amount \$570,000.00; \$5.00 revenue (11-13-U-143574-1210)

The following speakers addressed the Board:

- A. Helen Gutierrez, Owner of Desk Couture
- B. Michael Toney
- C. Rebecca Spann

They provided the following comments:

1. Concerns were raised that a University of Arizona Book Store in the Roy Place Building would compete with local businesses in the downtown area.
2. There was dissatisfaction with the architectural landscaping that was done for this project by Pima County.
3. Opposition was given to the County leasing out the building for one dollar a year.

Supervisor Day expressed her pleasure for the University of Arizona moving downtown and felt the taxpayers were getting a return on their investment with the \$400,000.00 tenant improvements.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the lease agreement and require the University of Arizona to provide written assurance that they would not compete with private enterprises in the downtown area.

PULLED FOR SEPARATE ACTION

1. **CONTRACT AND AWARD**

I. **Procurement - Award**

34. Low Bid: Award of Contract, Requisition No. 1100432, to Urban Energy Solutions, Inc. (Headquarters: Tempe, AZ) in the amount of \$423,000.00 for the Downtown Relamping Project. The contract is for a nine and a half month period and may be extended for project completion. Funding Source: Energy Efficiency and Conservation Block Grant-American Recovery and Reinvestment Act Funds. Administering Department: Facilities Management.

Dave Alpert of Sylvania Lighting Services, addressed the Board in opposition to the award of the bid and protested that his bid had been rejected.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that this item be continued to the Board of Supervisors' Meeting of December 14, 2010.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, 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. RESOLUTION NO. 2010 - 286, approving an Intergovernmental Agreement with the Arizona Board of Regents/University of Arizona, to provide operational services for the Social Justice Education Project (SJEP) CDBG Fund, contract amount \$10,000.00 (01-70-A-143494-1010)
2. RESOLUTION NO. 2010 - 287, approving an Intergovernmental Agreement with the City of South Tucson, to provide management and implementation of the Community Development Block Grant Program, CDBG Fund, contract amount \$395,000.00 (01-70-S-143547-1010)
3. City of South Tucson, Amendment No. 2, to provide management and implementation of the Community Development Block Program, extend contract term to 12/31/11 and amend contractual language, CDBG Fund, contract amount \$6,377.00 (01-70-S-141607-1008)
4. State of Arizona, Department of Commerce - Energy Office, Amendment No. 3, to provide weatherization assistance to eligible low-income residents and amend contractual language, Federal Fund, contract amount \$26,457.00 revenue (02-70-A-142212-0809)

B. Community Services, Employment and Training

5. RESOLUTION NO. 2010 - 288, approving an Intergovernmental Agreement with Santa Cruz County, to administer a State Energy Sector Partnership for the term 7/1/10 to 1/15/13, U.S. Department of Labor Fund, contract amount \$130,206.00 (01-69-S-143568-0710)
6. RESOLUTION NO. 2010 - 289, approving an Intergovernmental Agreement with the City of South Tucson, to provide for the Las Artes Program for the term 7/1/10 to 6/30/11, contract amount \$38,318.00 revenue (01-69-S-143570-0710)
7. To provide emergency financial and case management services to eligible low-income residents and amend contractual language, Community Services Block Grant Fund (CSBG):

| <u>Vendor</u> | <u>Amend No.</u> | <u>Amount</u> | <u>Contract No.</u> |
|---|----------------------|---------------|---------------------|
| Arizona Housing and Prevention Services, Inc. | 3 | \$ 26,770.00 | 07-69-A-141757-0708 |
| Portable Practical Educational Preparation, Inc. | 3 | \$ 20,000.00 | 07-69-P-141761-0708 |
| Tucson Urban League, Inc. | 3 | \$20,120.00 | |
| American Indian Association of Tucson, Inc. d.b.a. Tucson Indian Center | 3 | \$ 4,820.00 | 07-69-T-141762-0708 |
| Interfaith Community Services | 3 | \$18,720.00 | 07-69-A-141763-0708 |
| | 4 | \$40,020.00 | 07-69-I-141764-0708 |

8. Arizona Department of Economic Security, Amendment No. 1, to provide employment and training services to eligible program participants and amend contractual language, no cost (01-69-A-143255-0410)
9. SER Jobs for Progress of Southern Arizona, Inc., to provide after school youth activities for the term 8/1/10 thru 5/31/11, U.S. Department of Labor, Arizona Department of Economic Security, and Workforce Investment Act (WIA) Grant Funds, contract amount \$69,364.00 (07-69-S-143535-0810)
10. SER Jobs for Progress of Southern Arizona, Inc., to provide workforce development services for the term 7/1/10 to 6/30/11, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds; contract amount \$146,500.00; General Fund, contract amount \$16,000.00; total contract amount \$162,500.00 (07-69-S-143569-0710)

C. County Attorney

11. Arizona Board of Regents - University of Arizona - Southwest Institute for Research on Women (SIROW), Amendment No. 2, to provide consulting services for the Vertical Domestic Violence Prosecution Unit, extend contract term to 7/31/12 and amend contractual language, Federal Fund, contract amount \$25,000.00 (07-02-A-140643-0208)
12. Snell & Wilmer, L.L.P., Amendment No. 5, to provide legal advice and representation regarding Court Case No. CV2008-9136, Seaboard Surety Company, et al., amend contractual language and extend contract term to 2/24/12, RWRD Management Enterprise Fund, contract amount \$200,000.00 (17-02-S-140916-0208)

D. Facilities Management

13. University of Arizona, Lease Agreement (**PULLED FOR SEPARATE ACTION**)

E. Health Department

14. Rincon Valley Fire District, Amendment No. 3, to provide childhood immunization services, extend contract term to 11/12/11 and amend contractual language, no cost (01-01-R-140372-1107)
15. Pascua Yaqui Tribe, Amendment No. 1, to provide for the rental and use of the Pima County Mobile Dental Unit, and extend contract term to 9/30/11, contract amount \$12,000.00 revenue (01-01-P-142347-1009)
16. Southern Arizona AIDS Foundation (SAAF), to provide for the SAAF Alternatives Program, State Fund, contract amount \$2,297.00 revenue (02-01-S-143492-0810)

F. Institutional Health

17. RESOLUTION NO. 2010 - 290, approving an Intergovernmental Agreement with Greenlee County, to provide Restoration to Competency (RTC) Services, General Fund, contract amount \$300,000.00 revenue/5 year term (01-65-G-143552-1210)

G. Office of Emergency Management and Homeland Security

18. RESOLUTION NO. 2010 - 291, accepting the State of Arizona Department of Homeland Security Award for the support of the Pima County Office of Emergency Management - Tucson Urban Area Security Initiative (TUASI) Incident Management Team Program, Federal and State Funds, contract amount \$100,000.00 revenue (02-79-A-143556-1010)
19. Arizona Department of Homeland Security, to provide public safety support services for the TUASI Regional Planning Cooperative, Federal and State Funds, contract amount \$90,000.00 revenue (02-79-A-143557-1010)
20. Arizona Department of Homeland Security, to provide public safety training for TUASI Training and Exercise Programs, Federal and State Funds, contract amount \$350,000.00 revenue (02-79-A-143558-1010)
21. Arizona Department of Homeland Security, to provide emergency preparedness services for the Citizen Corps – Pima Safe Program, Federal and State Funds, contract amount \$30,000.00 revenue (02-79-A-143559-1010)
22. Arizona Department of Homeland Security, to provide emergency preparedness for the Citizen Corps – Pima Safe Program, Federal

and State Funds, contract amount \$13,614.00 revenue (02-79-A-143560-1010)

23. Arizona Department of Homeland Security, to provide emergency preparedness for the Planning and Outreach Program, Federal and State Funds, contract amount \$187,500.00 revenue (02-79-A-143561-1010)

H. Pima Health System

24. L. Hunter Nash, D.D.S., P.C., Amendment No. 5, to provide dental services and amend contractual language, no cost (18-15-N-138661-1106)
25. Ajo Community Health Center, d.b.a. Desert Senita Community Health Center, Amendment No. 7, to provide dental, medical and behavioral health services and amend contractual language, no cost (18-15-A-138810-1106)
26. Charles A. Davis, D.D.S., M.S., P.C., Amendment No. 3, to provide dental services and amend contractual language, no cost (18-15-D-140329-1107)
27. Arizona Health Care Cost Containment System (AHCCCS), Amendment No. 10, to provide acute care medical services and amend contractual language, no cost (02-15-A-141668-1008)
28. Karl Gathof, M.D., P.C., Amendment No. 2, to provide psychiatry services and amend contractual language, PHCS Enterprise Fund, contract amount \$80,000.00 (18-15-G-142022-0509)
29. Julie Bradshaw, D.D.S., P.C., Amendment No. 2, to provide dental services and amend contractual language, no cost (18-15-B-142278-1009)
30. El Rio Health Center, Inc., Amendment No. 1, to provide primary and specialty physician and care services and amend contractual language, no cost (18-15-E-142842-0410)
31. Life Care Centers of America, Inc., d.b.a. Mountain View Care Center, to provide nursing facility services, PHCS Enterprise Fund, contract amount not to exceed \$4,500,000.00 (18-15-L-143542-1110)
32. Life Care Centers of America, Inc., d.b.a. La Canada Care Center, to provide nursing facility services, PHCS Enterprise Fund, contract amount not to exceed \$4,000,000.00 (18-15-L-143543-1110)

33. Life Care Centers of America, Inc., d.b.a. Life Care Center of Tucson, to provide nursing facility services, PHCS Enterprise Fund, contract amount not to exceed \$4,500,000.00 (18-15-L-143544-1110)

I. Procurement

Awards

34. Low Bid: Award of Contract, Requisition No. 1100432 **(PULLED FOR SEPARATE ACTION)**
35. Sole Source: Award of Contract, Requisition No. 1100620, to Goodman's Interior Structures (Headquarters: Phoenix, AZ) in the amount of \$1,000,000.00 for Nemschoff furniture and installation. Contract term is for one year and includes four one year renewal options. Funding Source: General Funds. Administering Department: Facilities Management.
36. Award of Contract, Requisition No. 1101091, to GE Medical Systems Information Technologies, Inc. (Headquarters: Milwaukee, WI) in the amount of \$536,218.83 for the purchase, installation and training of a new GE Physio Monitoring System for patient monitoring at the new psychiatric hospital. Funding Source: 2006 Bond Fund. Administering Department: Facilities Management.
37. Low Bid: Award of Contracts, Requisition No. 1100699, in the cumulative annual amount of \$5,500,000.00 for light duty vehicles and trucks. Contracts are for a one year term which includes four one year renewal options. The award includes the authority for the Procurement Department to reallocate the amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the sum of the contract award amounts. Administering Department: Fleet Services.

| | | |
|--------------------------|-----------------------|----------------|
| <u>Funding Sources</u> : | Internal Service Fund | \$3,799,510.00 |
| | Special Revenue Fund | \$1,430,000.00 |
| | General Fund | \$ 88,490.00 |
| | Grant Funds | \$ 23,000.00 |
| | Enterprise Funds | \$ 159,000.00 |
| | Total: | \$5,500,000.00 |

| <u>Group</u> | <u>Manufacturer</u> | <u>Contractor</u> <u>(HQ Location)</u> | <u>Annual</u> <u>Amount</u> |
|--------------|---------------------|---|--------------------------------|
| A | Chevrolet | Courtesy Chevrolet (Phoenix, AZ) | \$2,500,000.00 |
| B | FORD | Berge Ford (Phoenix, AZ) | \$1,400,000.00 |

| | | | |
|---|----------------|------------------------------------|---------------|
| C | Dodge/Chrysler | Tucson Dodge (Tucson, AZ) | \$ 750,000.00 |
| D | Toyota | RP Automotive (West Covina, CA) | \$ 500,000.00 |
| E | Hyundai | RP Automotive (West Covina, CA) | \$ 250,000.00 |
| F | Nissan | RP Automotive (West Covina, CA) | \$ 100,000.00 |

Total: \$5,500,000.00

38. Low Bid: Award of Contract, Requisition No. 1100177, to Southern Arizona Paving & Construction Co., (Headquarters: Tucson, AZ), in the amount of \$379,694.50 for pavement preservation and re-striping on Mission Road within the San Xavier District of the Tohono O'odham Nation. The contract term is six months with the ability to extend for contract completion. Construction is to be completed within 60 working days from Notice to Proceed. Funding Source: American Recovery and Reinvestment Act Fund. Administering Department: Transportation.
39. Low Bid: Award of Contract, Requisition No. 1100217, to CS Construction, Inc., (Headquarters: Phoenix, AZ), in the amount of \$1,170,697.00 for countywide signal components, detection cameras, striping and sign panel replacement at various locations. The contract term is twelve months with the ability to extend for contract completion. Construction is to be completed within 180 working days from Notice to Proceed. Funding Source: American Recovery and Reinvestment Act Fund. Administering Department: Transportation.

J. Real Property

40. Town of Oro Valley, Amendment No. 1, to provide implementation of the Pima County Wireless Integrated Network and amend the Site Specific Supplemental Agreement, no cost (01-14-O-143059-0710) Office of Strategic Technology Planning
41. RESOLUTION NO. 2010 - 292, approving an Intergovernmental Agreement with the Rincon Valley Fire District, to provide implementation of the Pima County Wireless Integrated Network and a Site Specific Supplemental Agreement, no cost (01-80-R-143592-1210) Office of Strategic Technology Planning

K. Sheriff

42. RESOLUTION NO. 2010 - 293, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide video court

hearings of municipal prisoners, General Fund, contract amount \$10,000.00 revenue (01-11-S-143555-1210)

43. RESOLUTION NO. 2010 - 294, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement under Operation Stonegarden Program, Federal Grant Fund, contract amount \$652,326.00 revenue (01-11-A-143562-1010)
44. RESOLUTION NO. 2010 - 295, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for equipment under the Operation Stonegarden Program, Federal Grant Fund, contract amount \$941,035.00 revenue (01-11-A-143563-1010)
45. Arizona Department of Homeland Security, Amendment No. 2, to provide for the Urban Area Security Initiative Grant Program (UASI) and extend contract term to 8/31/11, no cost (01-11-A-141638-1008)
46. Arizona Department of Homeland Security, Amendment No. 1, to provide for detection, prevention and removal abilities of the Pima County Bomb Squad, and extend contract term to 12/31/10, no cost (01-11-A-142429-1009)
47. Arizona Department of Homeland Security, Amendment No. 1, to provide training and exercise under the Urban Area Security Initiative, and extend contract term to 12/31/10, no cost (01-11-A-142430-1009)
48. Arizona Department of Homeland Security, Amendment No. 1, to provide equipment under the Urban Area Security Initiative and extend contract term to 12/30/10, no cost (01-11-A-142431-1009)
49. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Pima County Wireless Integrated Network (PCWIN) and extend contract term to 9/30/11, no cost (01-11-A-142445-1009)

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Elections Integrity Commission

1. Reappointment of Michael Duniho. Term expiration: 12/7/12 (District 4)
2. Reappointment of Benny White. Term expiration: 12/7/12. (Republican Party Recommendation)
3. Reappointment of Donna Branch-Gilby. Term expiration 12/7/12. (Democratic Party Recommendation)

B. Workforce Investment Board

Appointment of Jo Anne Westerman, Business, to replace Jason Ott; and Vaughn Croft, Education, to replace Mike Proctor. Term expirations: 9/30/12 (Committee Recommendations)

C. Pima County Wireless Integrated Network

Appointment of Assistant Chief Mike Brandt, Northwest Fire District (2nd Alternate), to replace Assistant Chief Jayme Kahle. No term expiration. (Committee Recommendation)

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

A. Deborah L. Jassem, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, November 26, 27, December 3 and 4, 2010.

B. Sherie Steele, Santa Lucia Ranch, 11801 W. Arivaca Road, Amado, December 5, 2010.

C. William D. Woodruff, Knights of Columbus, Council No. 12696, 300 N. Tanque Verde Loop Road, Tucson, December 31, 2010.

4. DIVISION OF ELECTIONS

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

| <u>RESIGNATION</u> | <u>PRECINCT</u> | <u>PARTY</u> |
|--------------------|-----------------|--------------|
| Waldron, Jack T. | 166 | GRN |

5. FINANCE AND RISK MANAGEMENT

Duplicate Warrants – For Ratification

| | |
|-------------|----------|
| James Doyle | \$344.06 |

6. SPECIAL TAXING DISTRICT

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 9, 2010 election conducted by the Cortaro-Marana Irrigation District.

7. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of August and September, 2010.

8. **REAL PROPERTY**

Condemnation

RESOLUTION NO. 2010 - 296, of the Pima County Board of Supervisors, to condemn for real property or real property interests where necessary for the Magee/Cortaro Farms Road: Thornydale to Shannon Road Project, in Sections 28, 29, 32 and 33, T12S, R13E, G&SRM. (District 1)

9. **RATIFY AND/OR APPROVE**

Minutes: October 12, 2010
Zoning Enforcement Board of Appeals -
November 16, 2010

Warrants: November, 2010

REGULAR AGENDA/ADDENDUM ITEMS

10. **COUNTY ADMINISTRATOR: RENOVATION OF THE EL BANCO BUILDING**

Staff requests approval of the Pima County Housing Commission's recommendation to allocate \$600,000.00 in Housing Bond Funds for the renovation of the El Banco Building for a Comprehensive One Stop Housing Assistance Center.

Supervisor Day stated she had concerns about using Affordable Housing Bond Funds for this project.

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

11. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION**

A. The County Administrator's Office requests approval to create two new classifications and four new Position Control Numbers (PCNs). Any associated costs will be paid from the current department budget.

| <u>Class Code</u> | <u>Class Title</u> | <u>Grade/Range</u> | <u>EEO, O/T Code</u> |
|-------------------|----------------------------|------------------------|----------------------|
| 7070 | Communications Coordinator | U2 (\$39,392-\$96,724) | 2, E* |

7575 New Media Editor U2 (\$39,392-\$96,724) 2, E*

*E = Exempt, Not Paid Overtime

| <u>Positions Requested</u> | <u>Classification Code/Title</u> | <u>Salary/Grade</u> |
|----------------------------|----------------------------------|---------------------|
| 3 | 7070/Communications Coordinator | U2 |
| 1 | 7075/New Media Editor | U2 |

B. The Office of Court Appointed Counsel requests approval to create four Position Control Numbers (PCNs). Any associated costs will be paid from the current department budget.

| <u>Positions Requested</u> | <u>Classification Code/Title</u> | <u>Salary/Grade</u> |
|----------------------------|----------------------------------|---------------------|
| 2 | 7660/Attorney-Unclassified | U3 |
| 1 | 5233/Social Worker | M2 |
| 1 | 0030/Office Support Level III | 23 |

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

12. **COUNTY ADMINISTRATOR: REVISIONS TO MERIT SYSTEM RULES AND PERSONNEL POLICIES**

Staff requests approval of the following Personnel Policy revisions effective December 7, 2010:

Personnel Policy 8-104.C.3 is revised to conform with a recent revision to the Fair Labor Standards Act (FLSA) requiring employers to provide reasonable break time for an employee to express milk for her nursing child.

Personnel Policy 8-122.B.3 is revised to conform to Board of Supervisors action on October 5, 2010, to allow employees who have children who have not attained age 26 to remain on our plans until the adult child attains age 26, regardless of child's student or marital status or the availability of other employer-based coverage for that child. Based on new Federal legislation, "mental retardation" is replaced with "intellectual disability".

Personnel Policy 8-122.E.1.j consolidates dependent coverage with spousal and domestic partner coverage and deletes item k in the current policy. This requires re-lettering of the subsequent policies.

Personnel Policy 8-122.E.1.i is re-lettered to k.

Personnel Policy 8-122.E.1.m is re-lettered to I and defines dependent child pursuant to the change noted in PP 8-122.B.3 above allowing health coverage until the child attains age 26.

Personnel Policy 8-122.E.2 deletes the requirement that changes be made on the appropriate forms since changes are now made in our on-line enrollment system.

Personnel Policy 8-122.H is revised to reflect the legal requirements for a retirement benefits program by State law.

Mike Humphrey addressed the Board regarding Personnel Policy 8-122.H and requested restoration of retiree benefits and that Federal financial assistance be sought to help defray the cost of the coverage.

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

13. COUNTY ADMINISTRATOR: QUARTERLY MANAGEMENT REPORT ON COLLECTIONS

Staff recommends acceptance of the Quarterly Management Report on collections for the period ending September 30, 2010, and approval of the write-off requests in the amount of \$664,654.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the report and approve the write-off requests.

14. HEALTH DEPARTMENT

RESOLUTION NO. 2010 - 297, of the Pima County Board of Supervisors, approving the offer and acceptance from the Arizona Department of Health Services for provision of services under the Health Start Program Grant in the amount of \$181,567.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010 – 297.

15. INDUSTRIAL DEVELOPMENT AUTHORITY

RESOLUTION NO. 2010 - 298, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$170,000,000.00 revenue bonds (Tucson Medical Center) in one or more series from time to time 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 – 298.

16. **OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY**

RESOLUTION NO. 2010 - 299, of the Pima County Board of Supervisors accepting the State of Arizona Department of Emergency and Military Affairs, Arizona Division of Emergency Management Award for the support of the Pima County Office of Emergency Management in the amount of \$340,571.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010 – 299.

17. **PROCUREMENT: AWARD**

Award of Contract, Requisition No. 0901346, to the respondent submitting the overall highest scoring proposal for the Water Reclamation Facility Design/Build/Operate Project. In accordance with A.R.S. §34-603(G), the details of the recommendation are in a confidential memorandum to be discussed in Executive Session. The contract will have an initial design/build period that will run through January 31, 2015, and a 15 year operation period thereafter with a County option to renew the operation period for one additional five year period. Funding Source for the design/build cost: Regional Wastewater Reclamation Department (RWRD) Obligation. Funding Source for operations over the 15 – 20 year service contract period: Annual RWRD Operation and Maintenance Budget. Administering Department: Regional Wastewater Reclamation Department.

Chuck Huckelberry, County Administrator, stated this had been a two year planning process for the replacement and reconstruction of the Roger Road Treatment Facility. He explained that State law required the proposals, recommendation and contract documents remain confidential until after the contract was executed. He stated that the recommended proposal was well under the estimate for both the design/build portion and operational portion for the facility. He stated that staff recommended CH2M Hill Engineers, Inc. and that there will be a five day period after the contract is executed for the award to be appealed.

The following speakers addressed the Board:

1. Karum Kassam, Sr. Vice President of EPCOR United Water, L.L.C.,
2. Dick Basye, Vice President, Pima Association of Tax Payers
3. Joe Glicker, CH2M Hill Engineers, Inc.

They provided the following comments:

1. EPCOR United Water had spent two years and 2 million dollars on the proposal and have been told they were not the recommended vendor, but no information had been provided regarding the basis for that decision.

2. The County should have considered the option to pipe the water directly to the farms in the Marana area.
3. Rumors were circulating that the plan would be to ultimately treat the water for drinking water.
4. CH2M Hill Engineers have met with Service Employees International Union (SEIU) representatives to reach an agreement regarding the current employee transitions.

Chuck Huckelberry explained that 90% of the effluent is returned to the initial water provider who then will make the decision on its use. He further stated that the quality of the effluent will be increased and will meet Arizona Department of Environmental Quality requirements for discharge and that there are no current or future plans for toilet-to-tap use of the water.

Chairman Valadez and Supervisor Bronson agreed it was unfortunate that statute would not allow more transparency for this process. They commended both of the firms that had submitted proposals and the County staff that had worked on this project.

Supervisor Elías explained it was very important to protect the employees and felt it was in everyone's best interest to have an agreement with SEIU. He stated he had been in opposition to the design/build/operate choice for this particular project of the ROMP Program due to the award for the operation of the facility to an outside firm. He cited a past example of water contamination that had made him very aware of the need to protect the environment and to protect the public. He would prefer the County operate the facility to provide a direct line of accountability.

Supervisor Carroll stated that he did not feel the package went far enough and had hoped it would be a design/build/operate and finance proposal which would remove the opportunity for the contractor to raise the cost of the project.

Supervisor Day said she felt partnering with a private contractor was the most cost effective and responsible method to get the job done.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 3-2 vote, Supervisors Carroll and Elías voting "Nay," to award the contract to CH2M Hill Engineers, Inc., in the amount of \$172,266,445.00 for design and construction, and for the amount specified in the contract for the operation and maintenance of the facility for a 15 year period with one five year renewal option.

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

P1209-055, Quail Call Estates, Lots 1 – 8 and Common Areas A and B. (District 4)

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

19. **DEVELOPMENT SERVICES: ACCEPTANCE AND EXECUTION OF RESTRICTIVE COVENANT DOCUMENTS**

PPW10-01, AVERY, ET AL. – OLD SONOITA HIGHWAY SUBDIVISION PLAT WAIVER

Acceptance and execution of restrictive covenant documents pertaining to Condition No. 9 of the Subdivision Plat Waiver approved by the Board of Supervisors on August 3, 2010, with the following: (District 4)

Marcia and Richard Avery
Willard and Deborah Adams

Hank Cordaro
Joseph Patterson and Kathleen McNaboe

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to accept and execute the restrictive covenant documents.

20. **TRANSPORTATION: ACCEPTANCE OF PROJECT/ROADWAY FOR MAINTENANCE**

Co12-72-78, Hunter Subdivision No. 2, Lots 191-221. Developer: MW2 Development. (District 3)

Without objection, this item was removed from the agenda.

21. **COUNTY ADMINISTRATOR: AMENDMENTS TO PIMA COUNTY BOND ORDINANCE**

ORDINANCE NO. 2010 - 70, 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, Ordinance No. 2010-24, and Ordinance No. 2010-63, for the purpose of amending Project 4.46 – Wilmot Library.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010 – 70.

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

- A. 10-36-9048, Andrew Thomas Sisk, Oasis Cafe, 28 Plaza Street, Ajo, Series 12, Restaurant, New License.
- B. 10-37-9049, Robert Emmett Smith, Alliance Beverage Distributing Co., L.L.C., 3535 E. Columbia Street, Tucson, Series 4, Wholesaler, 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 hearings, approve the licenses and forward the recommendations to the Arizona State Liquor Licenses and Control.

23. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMIT**

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, January 15, 22, 29, February 5, 12, 19, 26, March 5, 12, 19, 26, April 2, 9, 16, 23 and 30, 2011.

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 permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

24. **DEVELOPMENT SERVICES: REZONING**

Co9-10-05, PIMA COUNTY – TIFFANY LOOP REZONING

Request of Pima County, for a rezoning of approximately 6.9 acres from RH (Rural Homestead) to CB-2 (General Business) on property located on the east side of Tiffany Loop, approximately 400 feet south of the intersection of Linda Vista Boulevard and Tiffany Loop and approximately 500 feet west of Interstate 10. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Smith and Holdridge were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

If the decision is made to approve the Co9-10-05 rezoning, the following standard and special conditions should be considered:

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

1. The owner / developer shall not construe any 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 / developer to that effect.
2. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
3. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
4. The owner / developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
5. The owner / developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the

time of review of the tentative plat, development plan, sewer construction plan or request for building permit.

6. An acceptable site analysis meeting the rezoning site analysis guidelines shall be submitted with any development plan project application on the subject property.

Arlan Colton, Planning Director, provided a staff report. He stated the property was adjacent to the new Twin Peaks Interchange and the request was being made as part of the comprise with San Joaquin Partners Investments, L.L.C.

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

25. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-72-198, COOK – LINDA VISTA ROAD REZONING

Request of Pima County, for a waiver of Rezoning Condition Nos. 1 through 7. The modification of Condition No. 1 is classified as a substantial change. Condition No. 1 restricts use of the rezoning site to outdoor recreational uses; Condition No. 2 requires provisions for hooding outdoor lighting to prevent the light sources from being seen from adjacent properties; Condition No. 3 requires provision of necessary rights-of-way for roads and drainage; Condition No. 4 requires completion of requirements for a zoning ordinance within two years of the date of rezoning approval (February 20, 1973) by the Board of Supervisors; Condition No. 5 requires a suitable arrangement for sanitary facilities; Condition No. 6 requires recording of a covenant holding Pima County harmless in the event of flooding; and Condition No. 7 requires submittal of a development plan. The subject property is approximately 2.25 acres zoned CB-2 (General Business) and is located on the east and west sides of Tiffany Loop, south of the intersection of Linda Vista Boulevard and Tiffany Loop and approximately 500 feet west of Interstate 10. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Smith and Holdridge were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

If the decision is made to approve the waiver of rezoning conditions for Co9-72-198, the following standard and special conditions should be considered:

1. ~~Recording a covenant restricting the use to outdoor recreational uses only as stated in Section 1601-b of the Pima County Zoning Ordinance Number 1952-III.~~
2. ~~Provisions for hooding outside lighting so that the light source cannot be seen from adjacent properties.~~
3. ~~Providing for necessary rights of way for roads and drainage by separate instrument.~~
4. ~~Completion of the requirements for a zoning ordinance within two (2) years from the date of approval by the Board of Supervisors.~~
5. ~~A suitable arrangement with the Pima County department of Sanitation regarding sanitary facilities.~~
6. ~~Recording a covenant holding Pima County harmless in the event of flooding.~~
7. ~~Submittal of a development plan.~~

1. The owner / developer shall not construe any 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 / developer to that effect.
2. The owner / developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
3. The owner / developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
4. The owner / developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
5. The owner / developer shall also design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
6. An acceptable site analysis meeting the rezoning site analysis guidelines shall be submitted with any development plan project application on the subject property.

Arlan Colton, Planning Director, provided a staff report and explained the prior rezoning from 1972, restricted the use of the north portion of the property to a miniature golf course which was never built. He said no public comment had been received.

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 waiver of modification of the rezoning with conditions.

26. **DEVELOPMENT SERVICES: REZONING TIME EXTENSION**

Co9-04-07, STARBOUND TUCSON HOTEL, L.L.C. – PALO VERDE ROAD REZONING

Request of Palo Verde Property, L.L.C. and Starbound Gateway, Inc., for a five year time extension for the above referenced rezoning from CI-1 (Light Industrial/Warehousing) and CI-1 (AE) (Light Industrial/Warehousing) (Airport Environs and Facilities) to CB-2 (General Business) and CB-2 (AE) (General Business) (Airport Environs and Facilities). The subject site was rezoned in 2005. The rezoning expired on November 15, 2010. The site is approximately 5.82 acres located on the west side of Palo Verde Road, approximately 1/4 mile south of Interstate 10. Staff recommends **APPROVAL OF A FIVE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.** (District 2)

If the decision is made to approve the rezoning time extension, the following standard and special conditions should be considered:

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 without the written approval of the Board of Supervisors.
7. Transportation condition:
The property owner(s) shall provide off-site roadway improvements determined necessary by the Department of Transportation.
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 related improvements created by the proposed development both on-site and off-site of the subject property, including, but not limited to, detention and landscaped buffers to reduce off-site flow peak volumes and velocities, and to stabilize the banks of Julian Wash. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. A drainage study shall be submitted for review and approval by the Flood Control District that addresses the impacts of development to the federally-mapped floodplain and local drainage area. The study shall also determine erosion setback hazard areas.
9. Wastewater Management 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 time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~
 - ~~C. The owner(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management 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 Wastewater Management Department.~~
 - ~~D. The owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Management Department in the required 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. The owner(s)/developer(s) shall fund, design and construct all sewers necessary to serve development within the rezoning area at his/her own expense.~~
 - ~~F. The owner(s)/developer(s) shall provide all weather, unrestricted vehicular access to all new, existing and/or relocated public sewer manholes within the rezoning area. The owner(s)/developer(s) shall also bring all existing public sewer easements (and/or public utility easements containing public sewer lines) within the rezoning area into accordance with the most recent Pima County Wastewater Management Department's standards for such easements, as specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~

- ~~G. Should the owner(s)/developer(s) relocate any existing public sewer lines within the rezoning area, the owner(s)/developer(s) shall ensure that flow through through the rezoning area is maintained without interruption.~~
- ~~H. 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.~~
- A. The owner/developer shall not construe any 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/developer to that effect.
- B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater 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/developer 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 Reclamation Department.
- C. The owner/developer shall time 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/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater 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. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- F. The owner/developer 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. Natural Resources, Parks and Recreation conditions:
- A. The owner(s)/developer(s) shall dedicate 20 feet to Pima County along the western border for the Julian Wash Linear Park and label the trail as "Public Non-Motorized Trail Easement and Public Utility Easement".
- B. The owner(s)/developer(s) shall construct a 12-foot trail within the linear park and the trail shall be a natural surface (earthen) compacted to 95% over native subgrade compacted to 95%.
- C. The 12-foot trail shall be completed by 75% permit stage.
11. Prior to development plan approval, the owner(s)/developer(s) shall record an Avigation Easement and Disclosure Statement approved by the Tucson Airport Authority (TAA). A copy of the executed Avigation Easement and Disclosure Statement shall be provided to TAA.
12. Adherence to the preliminary development plan as approved at public hearing (Exhibit "B").
13. In the event the subject property is annexed into the City of Tucson, 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.
14. 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)."

Arlan Colton, Planning Director, briefed the Board on this request and stated this was a redevelopment which would convert a hotel into an assisted living facility. There had been no public comment received on this request.

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 approve a five year time extension subject to modified standard and special conditions.

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

P21-10-013, HERNANDEZ – N. LA CHOLLA BLVD.

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

Standard Conditions

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

Special Conditions

1. This conditional use permit is for a commercial riding stable and school only. No other commercial activities on the site are authorized. No organized special events or equestrian competitions are allowed.
2. The riding stable and school shall only operate during daylight hours. No night-time school activities or outdoor lighting of the riding rings is allowed.
3. No stables, corrals, or any other structures (whether permanent or temporary) shall be permitted within the primary channel banks of the natural wash that traverses the property's western boundary.
4. No stable or school-related structures, facilities, or activities shall be located or occur within the regulatory 100-year floodplain of the aforementioned natural wash (see above Special Condition #3) unless a formal Floodplain Use Permit is procured from the Pima County Regional Flood Control District.
5. The storage of any commercial vehicles and/or commercial equipment on the property that is not directly related to the operation of the riding stable and school is prohibited.
6. The property owner/developer shall dedicate to Pima County forty-five feet (45') of right-of-way for La Cholla Boulevard per the Major Streets and Routes Plan (Co14-79-2) along the entire frontage of the 10-acre property as part of the required Development Plan or, if allowed to be delayed, then within ninety (90) days of Pima County request. If not dedicated as part of the Development Plan, then the property owner/development shall both covenant to dedicate said right-of-way within ninety (90) days of the request from Pima County and a note shall be placed on the approved Development Plan stating so.

7. The property owner shall adhere to the one hundred five feet (105') building setback per Zoning Code Sec. 18.77.030.B.1 (Major Streets & Routes Plan Building Setback).
8. The property owner/developer shall provide onsite and offsite improvements as determined necessary by the Department of Transportation (DOT) during the review of the Development Plan. This may apply to the steep onsite driveway, if determined necessary by DOT.
9. No additional access shall be allowed on La Cholla Boulevard.
10. The property owner/developer shall agree to be responsible for regrading their driveway when La Cholla Boulevard improvements are done.

Jim Portner, Hearing Administrator, provided a report and stated this request was identical to the application previously approved by the Board. It was being reintroduced as the development plan process had expired on the original request but was now complete.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Day, seconded by Supervisor Bronson 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.

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

P21-10-016, MID AMERICAN ASSN. FOR AUTISTIC TRAINING AND RESEARCH – S. HELVETIA ROAD

Mid American Association For Autistic Training and Research, represented by Baker & Associates Engineering Inc., on property located at 22411 S. Helvetia Road, in the RH zone, requests a Conditional Use Permit for a Community Service Agency. Chapter 18.97, in accordance with 18.13.030.B35 of the Pima County Zoning Code, allows a Community Service Agency as an other conditional use which is similar in type, scale and intensity to other listed conditional uses. A Community Service Agency is a Type II Conditional Use in RH. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 4)

Standard Conditions per the Pima County Zoning Code

1. Minimum site area must be ten (10) acres

Special Conditions

1. This conditional use permit approval is for a community service agency and its support activities only, the type and character of which are depicted on the submitted preliminary development plan. No other uses of commercial intensity are permitted.
2. The development of the property shall proceed in general conformance with the site layout and improvements as shown on the submitted preliminary development plan. Any significant departure from the layout shown, or any encroachment into the HDZ/ Natural Areas delineated on same, shall be reviewed by the Hearing Administrator to determine compliance with the intent of this condition.
3. The existing private access easement of record located in the southwest quadrant of the property, as shown on the submitted preliminary development plan, shall remain in place. Physical access provisions to honor the easement shall be insured to those properties holding vested rights to that easement.

4. If the owner/developer chooses to install an entry or security gate on their project, any and all property owners having legally-established physical access through the subject property shall be afforded a key, a key-card, or some such mechanism as necessary to insure their ability to open and close the gate as needed.
5. Design of the permanent buildings on the site shall be of a southwestern architectural character and shall, to the extent practical, elicit a residential "look and feel". If Development Services Department staff is unsure as to whether the submitted building plans satisfy this requirement, they may refer the matter to the Hearing Administrator for a definitive finding in this regard.

Jim Portner, Hearing Administrator, reported that concerns had initially been presented regarding property access but it had been addressed in the recommended conditions. No further public comments had been received.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Carroll, seconded by Supervisor Bronson 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.

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

P21-10-012, PICTURE ROCKS VOLUNTEER FIRE DISTRICT – N. SANDARIO ROAD

Request of Picture Rocks Volunteer Fire District, represented by FM Group, on property located at 7341 N. Sandario Rd., in the GR-1 Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H2e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the GR-1 zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Matter and Smith were absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 3)

Standard Conditions

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

Special Conditions

1. The new wireless antennae shall be mounted at a top height of no greater than seventy-seven feet (77').
2. The proposed antennae shall be painted essentially the same color as the existing monopole.
3. The equipment area shall be located behind the existing fire-station building as shown on the submitted Development Plan.

Jim Portner, Hearing Administrator, provided a report and stated this was a co-location request on an existing communication tower for an antenna. He stated that no public comment had been received.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías 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.

30. DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT

P21-10-014, PIMA COUNTY – S. WESTOVER AVENUE

Request of AT&T Mobility represented by FM Group, on property located at 5200 S. Westover Avenue, in the SH Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H2e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SH zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Matter and Smith were absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 5)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 8, 2011.

31. DEVELOPMENT SERVICES: REZONING ORDINANCES

- A. ORDINANCE NO. 2010 - 71, Co9-09-07, Pima County - Center Street (Ajo) Rezoning. Owner: Ajo Lions Club. (District 3)
- B. ORDINANCE NO. 2010 - 72, Co9-09-08, Pima County - Cameron Avenue (Ajo) Rezoning. Owner: Jose and Margarita Martinez. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2010 – 71 and 72.

32. TRANSPORTATION: TRAFFIC ORDINANCE

ORDINANCE NO. 2010 - 73, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits on Bowes Road. Staff recommends **APPROVAL**. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2010 – 73.

33. **COUNTY ADMINISTRATOR: PIONEER HOTEL FIRE 40TH ANNIVERSARY DOCUMENTARY FILM SHOWING**

Request of the Northwest Fire District for funding support for the December 19, 2010 public showing of the Pioneer Hotel Fire Documentary in the amount of \$2,360.00.

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

34. **CONTRACT: PIMA HEALTH SYSTEM**

Pima Council on Aging, Amendment No. 1, to provide case management services, caregiver training, caregiver support and respite services, PHCS Enterprise Fund, contract amount \$335,508.00 revenue (18-15-P-143122-0710)

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

35. **CONTRACT: REAL PROPERTY**

New Cingular Wireless PCS, L.L.C., to provide a Structure Co-Location Agreement to share space at the Rincon Valley Fire Station No. 1, communication site, located at 8850 S. Camino Loma Alta, Vail, contract amount \$2,000.00 a month revenue/25 year term (11-80-N-143609-1210)

Chuck Huckelberry, County Administrator, stated this co-location was part of the tower system for the Pima County Wireless Integrated Network. He explained a public meeting had been held where a representative from Rocking K/Diamond Ventures had proposed an alternative site approximately a half a mile further east. He said there were several factors to be considered regarding the alternate site including additional costs to the County.

Mr. Huckelberry recommended the contract be approved with conditions, one being that the property owner of the alternate location provide a financial package that would hold the County harmless in the transaction.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to conditionally approve the contract subject to the property owner of the alternate location holding Pima County harmless, that an agreement be reached by the partners in the project to relocate and that a public hearing be held regarding the alternate location by the second week in January of 2011.

36. **BOARD, COMMISSION AND/OR COMMITTEE: ELECTION INTEGRITY COMMISSION**

Appointment of Andrew Spencer to fill the unexpired term of Mary DeCamp. Term Expiration: 9/30/11. (Green Party Recommendation)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of January 4, 2011.

37. **CALL TO THE PUBLIC**

Gary Behr spoke about the progress with the Animal Care Center and hoped the good work continued.

Joseph Sweeney spoke on immigration issues.

38. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:55 p.m.



CHAIRMAN

ATTEST:



CLERK