

## MINUTES, FLOOD CONTROL DISTRICT BOARD

JUNE 2, 2009

The Pima County Flood Control District Board met in its regular session in the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, June 2, 2009. Upon roll call, those present and absent were as follows:

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

### 1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of a Riparian Habitat Mitigation Plan for the installation of a manufactured home on property located at 16241 N. Spur Bell Lane. (District 3)

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

### 2. **CONTRACT**

RESOLUTION NO. 2009 - FC 5, approving an Intergovernmental Agreement with Pima County, the Pima County Flood Control District and Pascua Yaqui Tribe, to provide construction of the Pascua Yaqui Reservation Local Drainage Improvement Project (Reference Contract No. 01-04-P-135374-1104), 2004 Bond Fund, no cost (01-59-P-141987-0602)

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

### 3. **CONTRACT**

Ashton Company, Inc., Contractors and Engineers, Amendment No. 3, to provide construction manager at-risk services for the Mission View Wash Project and amend contractual language, RWRD System Development Fund, contract amount \$5,321,419.00 (03-59-A-139392-0307)

Supervisor Carroll inquired about the conflict with the large storm sewer being installed as part of Mission View Wash Project.

John Bernal, Deputy County Administrator, stated the project dealt with drainage improvements that had been completed, but they also wanted to take advantage of serving the property with a southeast interceptor sewer augmentation project. He stated that there was a cost associated with avoiding a conflict between the outfall from the storm drainage facility and the interceptor sewer that ran through the project area. That cost was being addressed with this contract. He stated that the original estimate did not include the cost for avoiding the conflict between the storm sewer and the sanitary sewer. The original cost was for addressing the entire scope of the improvements for the project.

Supervisor Carroll inquired if the Minority and Woman-owned Business Enterprise (MWBE) requirement was included in the original contract.

Bob Lutgendorf, CIP Program Manager and Steve Playford, representative from Arcadis, stated there was a MWBE requirement associated with the first part of the contract which was the flood control portion. This was new construction work being added so the contract was being amended to add the requirement.

John Bernal, Deputy County Administrator, stated they felt it would be expedient to use the Ashton Company to construct the Southeast Interceptor Sewer Project, since they had already been awarded the contract to complete flood control improvements on this site. The cost had to be paid by the Regional Wastewater Reclamation Department.

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

#### 4. **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

JUNE 2, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, June 2, 2009. Upon roll call, those present and absent were as follows:

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

### 1.    **INVOCATION**

The invocation was given by Pastor Tom Dunham of Streams in the Desert Lutheran Church.

### 2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 3.    **PAUSE 4 PAWS**

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

### 4.    **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Ken Drozd of the National Weather Service and representatives from the Office of Emergency Management and Homeland Security proclaiming the week of June 8 through 12, 2009, to be:

“THUNDERSTORM SAFETY AWARENESS WEEK”

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

Supervisor Carroll read and presented the proclamation to Ken Drozd of the National Weather Service. He accepted the proclamation and expressed his gratitude for the Boards' support.

### ...   **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:25 a.m.

5. **RECONVENE**

The meeting reconvened at 9:45 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 Sessions. No one appeared.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement in Young v. Pima County, Tax Parcel No. 205-55-0080, Arizona Tax Court Case No. ST2008-000860.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement involving a valuation appeal. The proposed settlement would reclassify the property as Class 4, residential rental. The full cash value would remain unchanged. The limited value would decrease from \$605,739.00 to \$571,818.00 and the assessment ratio would be reduced from 22% to 10%. The Pima County Assessor and Attorney's Office recommend approval of the settlement.

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

8. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County v. Pima County Board of Adjustment, District 4, Arizona Court of Appeals Case No. 2 CA-CV 2008-0176.

Chris Straub, Chief Civil Deputy County Attorney, stated direction was inquired on whether to: contend the appeal could not proceed without the property owners as parties, or contend that the appeal could proceed without the property owners as parties. Direction was inquired on whether or not the Board of Adjustment has the authority to appeal as a party in these types of cases.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to accept the recommendation that the appeal could not proceed without the property owners as parties. Direction was also given to the County Attorney's Office that the Board of Adjustment does not have the ability to appeal these types of cases.

9. **CONSENT CALENDAR**

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

**A. CALL TO THE PUBLIC**

PULLED FOR DISCUSSION:

**1. CONTRACT AND AWARD**

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

4. Loyola Associates, Amendment No. 2, to provide consultant, grant writing, planning, evaluation, research and facilitation services and amend contractual language, U.S. Department of Labor and Arizona Department of Commerce WIRED Grant Fund, contract amount \$40,000.00 (07-69-L-140774-0208)

Joe Sweeney addressed the Board regarding getting Loyola Associates to plan and evaluate a 287 G-Unit.

The Chairman reminded Mr. Sweeney that in the future he needed to address the Board concerning items that were not listed on the agenda during the call to the public at the end of the agenda.

PULLED FOR DISCUSSION BY SUPERVISOR DAY:

**1. CONTRACT AND AWARD**

**J. Procurement**

31. HDR Engineering, Inc., Amendment No. 6, to provide project management and roadway design engineering services for the La Canada Drive: Ina Road to Calle Concordia Project, amend scope of work and contractual language, 50% RTA and 50% CDO Impact Fee Funds, contract amount \$302,577.00 (16-04-H-139265-0207) Transportation

Supervisor Day expressed concern regarding the increase in money for this contract. She requested a detailed report explaining the dramatic cost increases concerning this project.

Chuck Huckelberry, County Administrator, stated that a memorandum would be delivered to the Board explaining the cost increases concerning this project.

**B. APPROVAL OF CONSENT CALENDAR**

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

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2009-99, approving an Intergovernmental Agreement with the State of Arizona - Department of Commerce Energy Office, to provide for a Weatherization Assistance Program, State Grant Fund, contract amount \$1,705,544.00 revenue (01-70-A-141978-0509)
2. Community Food Bank, Inc., Amendment No. 1, to provide for the Food Assistance Program and amend scope of work, General Fund, contract amount \$6,655.00 decrease (11-70-C-141460-0708)
3. Pima Association of Governments, Amendment No. 1, to provide for regional planning services and amend scope of work, General Fund, contract amount \$4,977.00 decrease (11-70-P-141524-0708)

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

4. Loyola Associates, Amendment No. 2 (PULLED FOR DISCUSSION)

**C. County Attorney**

5. Goering, Roberts, Rubin, Brogna, Enos and Treadwell-Rubin, P.C., Amendment No. 7, to provide legal services related to the defense of Workers' Compensation Claims, extend contract term to 5/28/11 and amend contractual language, Risk Management Tort Fund, contract amount \$200,000.00 (17-02-G-135233-0604)

**D. Environmental Quality**

6. Arizona Department of Environmental Quality, Amendment No. 4, to provide for the Voluntary No-Drive Day Program and amend scope of work, ADEQ Grant Fund, contract amount \$76,250.00 revenue decrease (02-51-A-136398-0805)

**E. Facilities Management**

7. AAT Communications Corporation, Amendment No. 4, to provide for the termination of a roof top antenna site management agreement, contract amount \$800.00 revenue (07-13-A-125363-1198)

8. Larry E. and Claire B. Klingler, Amendment No. 1, to provide a lease agreement for the Catalina Sheriff's Sub-Station located at 15631 N. Oracle Road, Suite No. 175 and extend contract term to 4/30/12, General Fund, contract amount \$61,000.00 (04-13-K-134341-0504)

**F. Health**

9. Northwest Fire District, Amendment No. 4, to provide administration of childhood immunizations services and extend contract term to 5/16/10, no cost (01-01-N-136059-0505)
10. Arizona Board of Regents, University of Arizona, Arizona Health Sciences Center, Amendment No. 3, to provide for the Preparedness and Response for Bio-Terrorism Telehealth and Telemedicine Program, extend contract term to 6/19/10 and amend contractual language, Federal Bio-Terrorism Preparedness and Response Fund, contract amount \$5,400.00 (01-01-A-138087-0606)
11. Arizona Department of Health Services, Amendment No. 2, to provide for the HIV Prevention/Surveillance Program and amend contractual language, Arizona Department of Health Services Grant Fund, contract amount \$8,700.00 revenue decrease (01-01-A-138127-0106)
12. Arizona Board of Regents, University of Arizona, Health Sciences Center, Amendment No. 4, to provide internship opportunities for public health students and extend contract term to 6/30/10, no cost (07-01-A-138323-0706)

**G. Human Resources**

13. American Indian Association, d.b.a. Tucson Indian Center, Amendment No. 2, to provide recruitment and retention services for Native American employment and extend contract term to 6/30/10, General Fund, contract amount \$20,000.00 (07-43-A-140857-0708)

**H. Information Technology**

14. GRUPO-SMS USA, L.L.C., Amendment No. 4, to provide as-needed design and support for C# /ASP.net programming and consulting services, extend contract term to 4/30/10 and amend contractual language, General Fund, contract amount \$150,000.00 (07-14-G-139553-0507)

**I. Institutional Health**

15. University Physicians, Inc., Amendment No. 5, to provide health and behavioral health services for juveniles at the Pima County Juvenile Detention Center, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$1,494,262.00 (18-65-U-135773-0205)
16. Arizona Superior Court, Amendment No. 1, to provide joint administration and oversight of healthcare contracts for the provision of healthcare services to juveniles at Pima County Detention Center and extend contract term to 6/30/10, General Fund, revenue based on services (01-65-A-140878-0707)

**J. Procurement**

17. Pima Community Access Program, Amendment No. 5, to provide healthcare eligibility and enrollment assistance services, extend contract term to 6/30/10 and amend contractual language, General Fund, contract amount \$260,140.00 (18-65-P-137888-0705) Institutional Health
18. Mahoney and Associates, Amendment No. 2, to provide as-needed real estate appraisal services for right-of-way/whole property, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$45,000.00 (07-64-M-139850-0707) Real Property
19. Headquarters West, Inc., Amendment No. 2, to provide as-needed real estate appraisal services for ranch and farm land, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, no cost (07-64-H-139852-0707) Real Property
20. Southwest Appraisal Associates, Amendment No. 2, to provide as-needed real estate appraisal services for right-of-way/whole property, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$45,000.00 (07-64-S-139878-0707) Real Property
21. Southwest Appraisal Associates, Amendment No. 2, to provide as-needed real estate appraisal services for floodprone properties, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, no cost (07-64-S-139879-0707) Real Property

22. Baker, Peterson, Baker and Associates, Inc., Amendment No. 2, to provide as-needed real estate appraisal services for ranch and farm land, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$60,000.00 (07-64-B-139880-0707) Real Property
23. Baker, Peterson, Baker and Associates, Inc., Amendment No. 2, to provide as-needed real estate appraisal services for right-of-way/whole property, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$75,000.00 (07-64-B-139881-0707) Real Property
24. Baker, Peterson, Baker and Associates, Inc., Amendment No. 2, to provide as-needed real estate appraisal services for floodprone properties, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$60,000.00 (07-64-B-139883-0707) Real Property
25. Paul Hendricks Real Estate Appraisal and Counseling, Amendment No. 2, to provide as-needed real estate appraisal services for right-of-way/whole property, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$75,000.00 (07-64-P-139884-0707) Real Property
26. Paul Hendricks Real Estate Appraisal and Counseling, Amendment No. 2, to provide as-needed real estate appraisal services for ranch and farm land, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, contract amount \$60,000.00 (07-64-P-139886-0707) Real Property
27. Singleton and Lee, Amendment No. 2, to provide as-needed real estate appraisal services for right-of-way/whole property, extend contract term to 7/23/10 and amend contractual language, 1997 and 2004 Bond Fund, no cost (07-64-S-139920-0707) Real Property
28. URS Corporation, Inc., Amendment No. 3, to provide engineering design services for Mission View Wash Sewerline, amend scope of work and contractual language, Regional Wastewater Reclamation System Development Fund, contract amount \$15,180.00 (16-64-U-140707-0208) Real Property

29. Arthur J. Gallagher Risk Management Services, Inc., Amendment No. 2, to provide insurance broker/risk management consultant services, extend contract term to 6/30/10 and amend contractual language, Self-Insurance Trust Fund, contract amount \$3,555,000.00 (07-52-A-139751-0707) Finance and Risk Management
30. HDR Engineering, Inc., Amendment No. 5, to provide project management and roadway design engineering services for the La Canada: River Road to Ina Road Project, extend contract term to 12/31/09, amend scope of work and contractual language, RTA Fund, no cost (16-04-H-139002-1106) Transportation
31. HDR Engineering, Inc., Amendment No. 6 (PULLED FOR DISCUSSION)

### **Awards**

32. Low Bid: Award of Contracts, Requisition No. 0901707, in the annual amount of \$2,525,000.00 for sodium hypochlorite to HASA, Inc. (Headquarters: Eloy, AZ) and Hill Brothers Chemical Co. (Headquarters: Tucson, AZ). Each contract is for a one-year term and includes four one-year renewal periods. The award includes the authority for the Procurement Department to reallocate the award 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 do not exceed the sum of the contract award amounts. Funding Source: Regional Wastewater Reclamation Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
33. Highest Scoring Proposal: Award of Contract, Requisition No. 0901034, Psomas, (Headquarters: Los Angeles, CA), the respondent submitting the highest scoring proposal for design engineering services for the Alvernon Way at Valencia Road Intersection Improvements. The contract shall be for a 30-month period not to exceed \$375,000.00. The contract may be extended as required for project completion. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: Kimley-Horn and Associates, Inc., and EPS Group, Inc., until a contract is executed or the list is exhausted. Funding Source: RTA Fund. Administering Department: Transportation.

**K. Public Works**

34. RESOLUTION NO. 2009-100, approving an Intergovernmental Agreement with Pima County, the Pima County Flood Control District and Pascua Yaqui Tribe, to provide construction of the Pascua Yaqui Reservation Local Drainage Improvement Project (Reference Contract No. 01-04-P-135374-1104), 2004 Bond Fund, no cost (01-59-P-141987-0602)

**L. Real Property**

35. International Sonoran Desert Alliance, to provide a Purchase Agreement for the Ajo Curley School Gymnasium parcel, consisting of the Historic Ajo Gymnasium Structure on approximately .6 of an acre and an Ingress/Egress Easement Agreement, CDBG Grant Fund, contract amount \$110,000.00; 2004 Bond Fund, contract amount \$100,000.00 includes closing costs (11-64-I-141977-0609)

**M. Sheriff**

36. RESOLUTION NO. 2009-101, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of the Arizona HIDTA Regional Training Center, H.I.D.T.A. Grant Fund, contract amount \$117,794.00 revenue (01-11-A-141967-0109)
37. RESOLUTION NO. 2009-102, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Border Anti-Narcotics Network, H.I.D.T.A. Grant Fund, contract amount \$44,500.00 revenue (01-11-A-141968-0109)
38. RESOLUTION NO. 2009-103, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Pima County/Tucson Metro Counter Narcotics Alliance, H.I.D.T.A. Grant Fund, contract amount \$238,609.00 revenue (01-11-A-141969-0109)
39. RESOLUTION NO. 2009-104, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Warrant Apprehension Network and Tactical Enforcement Detail, H.I.D.T.A. Grant Fund, contract amount \$54,200.00 revenue (01-11-A-141970-0109)

40. RESOLUTION NO. 2009-105, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Pima County HIDTA Investigative Task Force, H.I.D.T.A. Grant Fund, contract amount \$216,335.00 revenue (01-11-A-141971-0109)
41. RESOLUTION NO. 2009-106, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Investigative Support Center, H.I.D.T.A. Grant Fund, contract amount \$1,105,012.00 revenue (01-11-A-141972-0109)
42. RESOLUTION NO. 2009-107, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the operational objectives of Domestic Highway Interdiction, H.I.D.T.A. Grant Fund, contract amount \$30,000.00 revenue (01-11-A-141973-0109)

## 2. DIVISION OF ELECTIONS

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Finniss, Clark P.	006	REP
Finniss, Pat A.	006	REP
Lofffield, Anne F.	060	REP
Rivera, Edwin A.	065	REP
Booth, Dona I.	078	REP
Westphal, Craig	088	REP
Ekstrom, Kevin M.	124	REP
Milton, Mike	163	REP
Braun, Scott S.	173	REP
Spear, Myrtle I.	187	REP
Page, Becky	200	REP
Woolsoncroft, Howard L.	227	REP
Buchanan, Charles J.	264	REP
Diamond, Billie	283	REP
Montiel, Louis F.	300	REP
Paluda, Tom G.	333	REP
Gray, Carolyne N.	338	DEM
Howard, Jack E.	357	REP
Sato, Lisa A.	359	REP
Steffens, Sherese L.	379	REP
Cunnington, Rick	381	REP
Zeitler, Scott H.	386	REP
Zeitler, Tabiatha	386	REP
Balderrama, Elise	392	REP
Jackson, Anita M.	392	REP
Chandler, Marion	393	REP
Landau, Michele F.	413	REP
Landau, Wayne C.	413	REP

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

A. **Cable Renewal Committee**

Staff requests the temporary Cable Renewal Committee and all present appointed member terms be extended to December 31, 2009.

B. **Cooperative Extension Board**

Reappointments: Term expirations: 6/30/10

Patrick Pacheco

Barbara Stockwell, Alternate

Lloyd Gabriel

Micaela K. McGibbon

Marie Hirsch

Reappointments: Term expirations: 6/30/11

Nancy Armstrong

Marian Hannon, Alternate

Roger Watson

Rick Frey, Alternate

(Committee recommendations)

C. **Tucson-Pima County Bicycle Advisory Committee**

Reappointment of Martha Lemen and Tony Crosby. Term expirations: 6/30/11. (Committee recommendations)

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

A. Bonnie J. Vining, Live Acoustic Venue Association, 12901 N. Sabino Canyon Parkway, Mount Lemmon, May 31, 2009.

B. Bonnie J. Vining, Live Acoustic Venue Association, 12901 N. Sabino Canyon Parkway, Mount Lemmon, June 7, 2009.

C. Bonnie J. Vining, Live Acoustic Venue Association, 12901 N. Sabino Canyon Parkway, Mount Lemmon, June 14, 2009.

D. Bonnie J. Vining, Live Acoustic Venue Association, 12901 N. Sabino Canyon Parkway, Mount Lemmon, June 21, 2009.

E. Jones Wes Hunter, Greater Oro Valley Arts Council, 2905 E. Skyline Drive, Tucson, May 16, 2009.

F. William Woodruff, Corpus Christi Church, 300 N. Tanque Verde Loop Road, Tucson, May 30, 2009.

5. **FINANCE AND RISK MANAGEMENT**

Pursuant to Board of Supervisors Policy D22.8, approval of the Operating Transfer Reports for Fiscal Year 07/08 and the period of July 2008 through April 2009.

6. **RATIFY AND/OR APPROVE**

Minutes: April 7, 2009  
April 14, 2009  
May 19, 2009, Zoning Enforcement Board of Appeals

Warrants: May, 2009

**REGULAR AGENDA/ADDENDUM ITEMS**

10. **BOARD OF SUPERVISORS**

RESOLUTION NO. 2009- 108, of the Board of Supervisors, pledging to maximize the use of Federal Economic Recovery (Stimulus) Funds for the products and services that are made or performed in the United States of America. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0, to adopt Resolution No. 2009- 108.

11. **FINANCE AND RISK MANAGEMENT**

A. **Operating Transfer**

Pursuant to Board of Supervisors Policy No. D22.8, staff requests approval for an operating transfer in the amount of \$3,400,000.00 from the Pima Health System (Arizona Long Term Care System) to the General Fund.

B. **Workers' Compensation Program**

RESOLUTION NO. 2009- 109, requesting exemption from posting of security for Pima County's Self-Insured Workers' Compensation Program.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the transfer and to adopt Resolution No. 2009 109.

12. **INDUSTRIAL DEVELOPMENT AUTHORITY**

A. RESOLUTION NO. 2009- 110, 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 Education Revenue Bonds (Arizona Academy of Leadership, Inc. Project), Series 2009 in an aggregate principal amount not to exceed \$4,000,000.00 and declaring an emergency.

- B. RESOLUTION NO. 2009- 111, 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 Education Revenue Bonds (Berean Academy Project), Series 2009 in an aggregate principal amount not to exceed \$8,000,000.00 and declaring an emergency.
- C. RESOLUTION NO. 2009- 112, 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 Education Revenue Bonds (Legacy Traditional School Project), Series 2009 in an aggregate principal amount not to exceed \$18,500,000.00 and declaring an emergency.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No.'s 2009- 110, 111 and 112.

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

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, July 4, 2009 at 9:00 p.m.

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

14. **FRANCHISE/LICENSE/PERMIT: TEMPORARY EXTENSION OF PERMISES**

Randy D. Nations, Fox and Hound Smokehouse and Tavern, 7625 N. La Cholla Blvd., Tucson, June 19, 20 and 21, 2009.

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

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

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

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

Without objection, this item was continued to the Board of Supervisors' Meeting of June 16, 2009.

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

P21-08-082, M3/KAPPLER, L.L.C. - W. SUNSET ROAD

Request of Crown Communications, applicant, on property located at 2051 W. Sunset Rd., in a TR zone, for a conditional use permit for a communication tower. Chapter 18.97 in accordance with Section 18.07.030.H.2d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the TR zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Smith and Richey were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Standard Conditions

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

Special Conditions

1. The proposed monopole shall utilize the "monopalm" palm-tree camouflage design as indicated in the applicant's submittal materials.
2. The masonry wall surrounding the monopole and equipment area shall be consistent in materials, surface treatment, and color with the other decorative wall elements (e.g. the trash enclosures and other nearby walls) on the River Crossing Corporate Center property which are located in the immediate vicinity of the equipment area."

Jim Portner, Hearing Administrator, provided a report and recommended approval subject to standard and special conditions. Staff received one email from a nearby homeowner association representative who had some questions. It was the understanding of staff, that the applicant met with the representative, and they found the application satisfactory.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-08-082 subject to standard and special conditions.

17. **DEVELOPMENT SERVICES: REZONING ORDINANCES**

- A. ORDINANCE NO. 2009- 51, Co9-06-46, Cummings - Oracle Road Rezoning. Owner: Scott Cummings. (District 1)
- B. ORDINANCE NO. 2009- 52, Co9-05-26, Brockhuis – Tanque Verde Road Rezoning (Zoning Plan Plat). Owner: Todd Brockhuis. (District 4)
- C. ORDINANCE NO. 2009- 53, Co9-06-26, Speed, et. al. – Soldier Trail Rezoning (Zoning Plan Plat). Owner: Speed, et. al. (District 4)

- D. ORDINANCE NO. 2009-54, Co9-06-33, Country Club of Green Valley, Inc. – Paseo De Golf Rezoning. Owner: County Club of Green Valley, Inc. (District 4)
- E. ORDINANCE NO. 2009-55, Co9-07-31, Weisbrod Trust -Irvington Road Rezoning. Owner: Maynard and Martha Weisbrod Trust. (District 5)

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

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No.'s 2009-51, 52, 53, 54 and 55.

**18. DEVELOPMENT SERVICES: REZONING RESOLUTION**

RESOLUTION NO. 2009-113, Co23-97-01, Vail Valley Ranch Specific Plan. Owners: Fidelity National Title, TR 60273 (Four Seasons) and First American Title, TR 9113 (Block 45). (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2009-113.

**19. TRANSPORTATION: ROADWAY DEVELOPMENT IMPACT FEES**

The Board of Supervisors' on 5/12/09, continued the following:

- A. Pursuant to A.R.S. §11-1102, conduct a public hearing regarding the establishment of the Southwest Benefit Area and amendments to existing development impact fees.
- B. Direct staff to:
  - 1. Prepare an ordinance to amend Title 19 of the Pima County Code to establish the Southwest Benefit Area, fee schedules and policies and to redefine San Xavier and Avra Valley Benefit Areas as recommended;
  - 2. Amend Pima County Ordinance No. 2009-02, to provide a new project list for the Southwest Benefit Area and revised lists for the Avra Valley and San Xavier Benefit Areas;
  - 3. Prepare an ordinance to modify the Major Street and Scenic Routes Plan to be consistent with the SWIP (Southwest Infrastructure Plan);

4. Prepare and release a public report documenting the need to increase impact fee county-wide and to prepare an ordinance amendment for adoption in no less than 120 days. Contained in the ordinance will be a delayed effective date of six months based on local economic conditions. This effective date will be reevaluated at the end of the six month period for possible extension.
5. Undertake infrastructure studies in the remaining benefit areas to better define future growth, needed projects, project costs, and required impact fees.

Without objection, this item was continued to the Board of Supervisors' Meeting of August 4, 2009.

**20. TRANSPORTATION: TRAFFIC ORDINANCES**

ORDINANCE NO. 2009- 56, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on El Camino de Tres Arroyos in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

ORDINANCE NO. 2009- 57, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Camino Loma Alta in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No.'s 2009- 56 and 57.

**21. BOARD OF SUPERVISORS**

RESOLUTION NO. 2009- 114, of the Pima County Board of Supervisors, supporting the University of Arizona Department of Family and Community Medicine's Grant application to the Pascua Yaqui Tribe for a portion of the Tribe's annual contribution to cities, towns, and counties, in the amount of \$32,984.00. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009- 114.

**22. COUNTY ADMINISTRATOR: COOPERATING AGENCY MEMORANDUM OF UNDERSTANDING**

Staff requests approval of a Cooperating Agency Memorandum of Understanding with Coronado National Forest regarding the proposed Rosemont Mine National Environmental Protection Act process.

The following speaker addressed the Board:

Gayle Hartman, President of Save the Scenic Santa Ritas

She provided the following comments:

- A. She expressed her gratitude and appreciation for the Board's support.
- B. She felt that the County had expertise in social and economic impacts and wondered why they were omitted from the memorandum.
- C. She felt that the Forest Service had predetermined their decision regarding Rosemont Mine when they commented that they did not have the ability to choose a no-action alternative.

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

**23. HEALTH DEPARTMENT: GRANT APPLICATION**

RESOLUTION NO. 2009-115, of the Pima County Board of Supervisors, approving the submittal of a proposal to the State of Arizona Governor's Office of Highway Safety for the provision of car seats under the Occupant Protection Program.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-115.

**24. HEALTH DEPARTMENT: CONTRACT**

Barrio Hollywood Neighborhood Association, to provide for the Midnight Hoops Basketball Program at the El Rio Neighborhood Center, 1% for Youth Health Fund, contract amount not to exceed \$3,000.00 (32-01-B-142009-0609)

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

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

**A. Tucson-Pima County Bicycle Advisory Committee**

Appointment of Jean Gorman to replace Zach McDonald. Term expiration: 6/30/11. (Committee recommendation)

Reappointment of Eric Post. Term expiration: 6/30/11. (Committee recommendation)

**B. Library Advisory Board**

Appointments:

Maureen Lueck to replace Dan Eckstrom. Term expiration: 6/30/11. (District 2)

Marty Moreno to replace Sofia H. Abrams. Term expiration: 6/30/13.  
(District 2)

**C. Trial Court Appointments Nominating Committee, District 4**

Appointments: No term expiration  
Jani Greenwald, Democrat,  
Brian Abbott, Republican  
Jeff Abbott, Republican

Reappointments: No term expiration  
~~Peter Davis, Democrat~~ **Peter J. Davis Jr., Republican**  
Jane Singer, Democrat  
Boyd Drachman, Republican  
Mike Hennesy, Democrat  
(District 4)

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

**26. CALL TO THE PUBLIC**

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

**27. ADJOURNMENT**

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