

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 7, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Richard Elías, Acting Chair
 Ally Miller, Member
 Ray Carroll, Member

Also Present: Martin Willett, Chief Deputy County Administrator
 Regina Nassen, Deputy County Attorney
 Robin Brigode, Clerk of the Board
 James Ogden, Sergeant at Arms

1. AWARD

Highest Scoring Firm: Award of Contract for Solicitation No. 86380 and approval to enter into negotiations with CMG Drainage Engineering, Inc., (Headquarters: Tucson, AZ) the respondent receiving the highest score to provide engineering services for the Airport Wash Basin Management Study Project. The contract shall be for an 18 month period in an amount not to exceed \$500,000.00. 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: JE Fuller Hydrology and Geomorphology, Inc., and URS Corporation, until a contract is executed or the list is exhausted. Funding Source: Flood Control Tax Levy Fund. Administering Department: Regional Flood Control District.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

2. CONTRACT

Town of Oro Valley, to provide a License for Encroachment to manage, operate and repair an existing public pedestrian path, pedestrian bridge and shade pavilion within the Canada del Oro River Park, no cost (CTN-PW-13-292)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

3. **CONTRACT**

RESOLUTION NO. 2013 - ~~FC1~~ FC4, of the Pima County Flood Control District Board of Directors, approving and authorizing the execution of Protocols for County Conservation Lands among the District, Pima County and Tucson Electric Power Company, contract amount \$45,000.00 revenue (CTN-PW-13-299)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, May 7, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
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 Ally Miller, Member
 Ray Carroll, Member

Also Present: Martin Willett, Chief Deputy County Administrator
 Regina Nassen, Deputy County Attorney
 Robin Brigode, Clerk of the Board
 James Ogden, Sergeant at Arms

1. INVOCATION

The invocation was given by Pastor Adam Roland, Castle Rock Baptist 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. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:12 a.m.

5. RECONVENE

The meeting reconvened at 10:02 a.m. All members were present.

6. CALL TO THE PUBLIC (for Executive Session items only)

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

EXECUTIVE SESSIONS

7. The Board of Supervisors on April 16, 2013, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a claim against Pima County by Title Security Agency of Arizona as Trustee under Trust No. 2003 and Valencia Kolb Properties, L.L.C.

Regina Nassen, Deputy County Attorney, reported the case involved a claim concerning the design and construction of the Valencia/Kolb Intersection. She further stated the County Attorney's Office sought direction to proceed as discussed in Executive Session. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to proceed as directed in Executive Session.

8. The Board of Supervisors on April 16, 2013, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Foothills Real Estate, L.L.C., v. Pima County and Department of Revenue of the State of Arizona, Arizona Tax Court Case No. TX2012-000127, Tax Parcel Nos. 121-05-0140, 121-05-0150, 121-05-016A, 121-05-017F and 121-05-017J for Tax Years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this case involved the valuation and classification of the former Posada del Sol Healthcare Center. The proposed settlement would result in an estimated tax decrease for the five subject parcels of \$125,335.00 for tax year 2012 and \$76,325.00 for tax year 2013 based upon 2012 tax rates with detail as follows:

Tax Parcel No. 121-05-0140:

Reduced full cash value of \$4,526,512 for tax year 2012
Reduced limited value of \$4,454,088 for tax year 2012
Increased full cash value of \$4,524,862 for tax year 2013
Increased limited value of \$4,466,038 for tax year 2013

Tax Parcel No. 121-05-0150:

No change in full cash value of \$472,057 for tax year 2012
Increased limited value of \$464,504 for tax year 2012
No change in full cash value of \$472,607 for tax year 2013
Increased limited value of \$466,462 for tax year 2013

Tax Parcel No. 121-05-016A:

No change in full cash value of \$243,920 for tax year 2012
Increased limited value of \$240,017 for tax year 2012
No change in full cash value of \$244,470 for tax year 2013
Increased limited value of \$241,291 for tax year 2013

Tax Parcel No. 121-05-017F:

No change in full cash value of \$480,564 for tax year 2012
Increased limited value of \$472,874 for tax year 2012
No change in full cash value of \$481,114 for tax year 2013
Increased limited value of \$474,858 for tax year 2013

Tax Parcel No. 121-05-017J:

No change in full cash value of \$176,947 for tax year 2012
Increased limited value of \$174,116 for tax year 2012
Reduced full cash and limited values of \$176,947 for tax year 2013

The legal classification for all five parcels would be changed to Class 4 and values for tax year 2013 would roll over to tax year 2014. She stated that both the Assessor and the County Attorney's Office recommended settlement.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

9. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of Heights Properties, L.L.P. v. Pima County, Arizona Tax Court Case No. ST2012-000612, Tax Parcel No. 127-12-267A for tax years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this case involved a retail strip center on East Broadway Boulevard. The proposed settlement would reduce both the Full Cash and Limited Value to \$655,000.00 for both tax year 2012 and tax year 2013 on Tax Parcel No. 127-12-267A which would result in an estimated tax decrease of \$14,895 for tax year 2012 based upon 2012 tax rates; and \$15,395.00 for tax year 2103 based upon 2012 tax rates. She explained the values for tax year 2013 would roll over to tax year 2014 and that the Assessor and the County Attorney's Office recommended settlement.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and carried by a 4-1 vote, Supervisor Elias voting "Nay," to accept the recommendation.

10. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of ~~Shard~~ Sharad Pandhi v. Pima County, Arizona Tax Court Case No. ST2012-000495, Tax Parcel No. 102-21-024A for tax years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this case involved the valuation of vacant property located on the east side of Oracle Road between Rudasil Road and Las Lomitas. The Assessor and the County Attorney's Office recommended settlement of Full Cash and Limited Values at \$230,000.00 for both tax year 2012 and tax year 2013 which would result in an estimated tax decrease of \$13,485.00 for both tax year 2012 and tax year 2013 based upon 2012 tax rates. The values for tax year 2013 would roll over to tax year 2014.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and carried by a 4-1 vote, Supervisor Elias voting "Nay," to accept the recommendation.

11. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of Ina Business Center, L.L.C. v. Pima County, Arizona Tax Court Case No. ST2012-000790, Tax Parcel No. 225-41-0020 for tax years 2012 and 2013. Meeting date: 5/14/2013

Without objection, this item was continued to the Board of Supervisors' Meeting of May 14, 2013.

12. **PERSONAL POINT OF PRIVILEGE**

Supervisor Bronson introduced Andy Morales, Teacher and Student Council members from Rio Vista Elementary School who were in attendance.

FINANCE AND RISK MANAGEMENT

13. **Issuance and Sale of Bonds**

RESOLUTION NO. 2013 - 31, of the Board of Supervisors, providing for the issuance and sale of Pima County, Arizona, General Obligation Bonds, Series 2013A in one or more series and the issuance and sale of Pima County, Arizona, General Obligation Refunding Bonds, Series 2013B in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a proposal for the purchase of the bonds; authorizing and directing the refunding of certain outstanding bonds; appointing an initial registrar and paying agent for the bonds; approving and ratifying all actions taken in furtherance of this resolution.

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt the Resolution.

PROCUREMENT

14. **Contract**

The Board of Supervisors on April 16, 2013 continued the following:

Qwest Communications Company, L.L.C., d.b.a. CenturyLink Q.C.C., Qwest, Amendment No. 1, to provide for the voice over internet protocol communications system and amend contractual language, Capital Project Fund, contract amount \$1,238,916.03 (MA-PO-12000151) Information Technology

It was moved by Supervisor Miller, seconded by Chairman Valadez to approve the item. A substitute motion was made by Supervisor Bronson, seconded by Supervisor Elías to continue this item to the Board of Supervisors' Meeting of June 4, 2013. No vote was taken at this time.

Supervisor Bronson stated the information previously requested from IT had not been provided. She voiced concern regarding the contract cost per unit and asked for information regarding projected cost reductions. She said she wanted assurances regarding the VOIP system, its compatibility with the 911 system and that there were protocols and backups in place because these types of purchases were no longer an investment but were an expense.

Supervisor Elías concurred that the information requested had not been forthcoming and that a better understanding was needed regarding related costs.

Upon the vote being taken, the motion unanimously carried by a 5-0 vote.

OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY

15. Contract

The Board of Supervisors on April 16, 2013 continued the following:

State of Arizona, Arizona State Forestry Division, to provide for the Community Wildfire Protection Plan Project, State Grant Fund, contract amount \$10,000.00 revenue (CT-OEM-13000731)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

16. Annual Action Plan

RESOLUTION NO. 2013 - 32, of the Board of Supervisors of Pima County, Arizona, approving submission of the annual action plan 2013-2014 to the U.S. Department of Housing and Urban Development, for the following:

Community Development Block Grant Funds (CDBG)

Applicant/ Program/ Requested/ Recommended/ District

Ajo - ISDA/ Ajo Community Plaza (Sprinklers)/ \$194,000/ \$30,000/ 3

Ajo - Ajo Ambulance, Inc./ Wellness Program (Exercise Equipment)/ \$6,000/ - / 3

Ajo - Desert Senita Health Center/ Various Facility Improvements/ \$326,000/\$30,000/ 3

Amado - Community Food Bank/ Facility Improvements/ \$20,118/ \$10,000/ 3

Amado - Compass Health Care/ Amado Youth Center Renovation/ \$14,660/ \$14,660/3

Arivaca - Arivaca Action Center, Inc./ Early Childhood Center (HVAC)/ \$84,915/\$34,000/ 3

Arivaca - Townsite Water Co-op/ In Town Water Yard Storage Building/ \$16,000/\$10,000/ 3

Avra Valley Fire District/ Community Park Project/ \$54,094/ - / 3

Flowing Wells/ Amistades, Inc., Ellie Towne Teen Program/ \$25,000/ - / 3

Flowing Wells/ Northwest Fire District Fire Hydrants/ \$19,961/ \$10,000/ 1, 3

Flowing Wells/ FWNACC Operating Funds/ \$10,000/ \$10,000/ 3

Flowing Wells Unified School District/ Flowing Wells Family Resources Center Operating Funds/ \$13,000/ \$13,000/ 3

Flowing Wells Unified School District/ Flowing Wells Family Resources Center - Facility Improvements/ \$28,850/ \$28,850/ 3

Green Valley - Assistance Svc., Inc./ Fire and Home Safety/ \$37,300/ \$10,000/ 4

Green Valley - PC Parklands Foundation/ Canoa Preserve Green Valley Community Park/ \$93,700/\$35,000/ 4

Green Valley - United Community Health Center/ UCHC Facility Repair and Improvements/ \$96,129/ - / 2, 3, 4, 5

Picture Rocks - Avra Water Co-op, Inc./ Aging Meter Replacement Program/\$40,800/ - / 3

Picture Rocks - Avra Water Co-op, Inc./ Pump Replacement Program/ \$104,598/ - / 3

Picture Rocks - Avra Water Co-op, Inc./ Replacement of Defective Drain Valves toImprove Water Quality/ \$22,275/ - / 3

Picture Rocks Community Center, Inc./ Food and Diaper/ \$15,303/ - / 3

Picture Rocks Community Center/ Skate Park Lighting Project/ \$136,600/ \$75,000/ 3

Picture Rocks Volunteer Fire District/ SCBA Cascades (Fire Equipment)/ \$15,499/ - /3

Sahuarita - Food Bank/ Facility Improvement/ \$88,000/ - / 2, 3, 4

Rillito Community Coalition/ Rillito Water/ Trash Roll-Off and Clean-Up Program/\$12,000/ - / 3

Rillito Community Coalition/ Rillito Water/ Street Lights/ \$8,000/ \$8,000/ 3

Rillito Community Coalition/ Rillito Water/ Health and Safety Program/ \$5,000/ - / 3

Robles Junction Three Points - Catholic Community Services / Information & Referral/ \$18,389/ \$10,000/ 3
 Robles Junction Three Points Fire District/ Community Be Safe Program/\$25,000/ \$10,000/ 3
 Valencia West/ Drexel Heights Fire District/ Family Safety Program/ \$11,560/\$10,000/ 3, 5
 Valencia West/ Drexel Heights Fire District/ Fire Hydrant Program/ \$36,000/ \$12,000/3, 5
 Vail Food Bank (Catalina Community Svc)/ Greater Vail Community Center Lease/\$25,000/ - / 4

TOTAL REQUESTED \$1,578,750 / TOTAL RECOMMENDED \$360,510

Town of Marana/ Administration/ \$40,000/ \$15,000/ 1, 3
 Town of Marana/ Colonia Neighborhood Cleanup Program/ \$10,000/ \$10,000/ 1, 3
 Town of Marana/ Emergency Housing Repair/ \$100,000/ \$25,000/ 1, 3
 Town of Marana/ Graffiti Abatement Program/ \$12,000/ \$10,000/ 1, 3
 Town of Marana/ Owner-Occupied Housing Rehabilitation/ \$150,000/ \$25,500/ 1, 3
 City of South Tucson/ Administration/ \$70,000/ \$30,000/ 2
 City of South Tucson/ Community Cleanup/ \$10,000 / - / 2
 City of South Tucson/ Community Policing & Crime Prevention/ \$96,000/ \$45,000/ 2
 City of South Tucson/Demolition/ \$60,000/ - / 2
 City of South Tucson/ Fire Safety Equipment/ \$55,000/ - / 2
 City of South Tucson/ Graffiti Abatement Program/ \$12,000/ - / 2
 City of South Tucson/ Home Repair Program/ \$100,000/ - / 2
 City of South Tucson/ Youth Programs & Family Assistance/ \$133,725/ \$130,000/ 2
 City of South Tucson/ The Garden Kitchen/ \$119,526/ - / 2
 Pima County CDNC Department/ Administration/ \$400,000/\$370,000/ all
 Pima County CDNC Department/ Emergency, Transitional, Permanent Housing Repairs/ \$150,000/ \$100,000/ all
 Pima County CDNC Department/ Commercial Façade Improvement Program/\$100,000/ \$47,500/ all
 Pima County CDNC Department/ Brownfields/ \$100,000/ - / all
 Pima County CDNC Department/ Emergency Demolition/ \$100,000/ - / all
 Pima County CDNC Department/ Home Repair Program/ \$800,000/ \$675,970/ all
 Pima County CDNC Department/ Septic Program/ \$100,000/ \$95,000/ all
 Pima County CDNC Department/ Contingency/ \$50,000/ - / n/a

TOTAL REQUESTED \$2,768,251 / TOTAL RECOMMENDED \$1,578,970

Administration of Resources & Choices/ Mortgage Delinquency, Default & Foreclosure Prevention/ \$18,410/ - / all
 Administration of Resources & Choices/ Reverse Mortgage Program/ \$28,261/\$10,000/ all
 Arizona Children Association/ Kinship and Adoption Resources & Education (KARE) Family Center/ \$68,450/ - / all
 Alzheimer's Disease and Related Disorders Association, Inc. / Pima County Alzheimer's Care & Support/ \$20,000/ - / all
 Catholic Community Services/ Housing Counseling/ \$35,100/ - / all
 Catholic Community Services/ Transitional Housing HVAC/ \$44,000/ \$10,000/ all
 Chicanos Por La Causa/ Housing Counseling/ \$35,000/ - / all
 Chicanos Por La Causa/ Nahui Ollin Wellness Program/ \$25,000/ \$10,000/ all
 Child Language Center/ Renovation of Porch & Activity Area for Preschool/ Toddlers/\$32,770/ - / all
 Community Home Repair Projects of Arizona/ Owner-occupied Emergency Home Repair Program/ \$140,000/ \$100,000/ all
 DIRECT/ Home Accessibility Program/ \$55,000/ \$50,000/ all
 Dunbar Coalition/ Dunbar Community Center Renovation/ \$75,000/ \$16,000/ all
 Emerge!/ Facility Improvements/ \$59,419/ \$20,000/ all Easter Seals Blake Foundation/ PACTS/ \$40,000/ - / all Edgebrook Village II HOA/ Road Repair/ \$142,134 / - / 3
 Family Housing Resource/ Down Payment Assistance/ \$50,000/ - / all
 Family Housing Resource/ Mortgage Readiness Counseling/ \$25,000/ - / all
 Green and Healthy Homes/ Green and Healthy Homes (Operating)/ \$50,000/ - / all
 Interfaith Community Services/ Improvements to Reception Area/ \$150,000/ \$25,000/1

International Rescue Committee/ Refugee Woman's Well-being Promotion/ \$15,707/- / all
 Habitat for Humanity Tucson/ Preserve-A-Home/ \$125,000/ \$50,000/ all
 La Frontera/ Casa de Vida (Kitchen Improvements)/ \$37,704/ - / 2
 Old Pueblo Community Services/ Columbus House Case Management Offices/\$7,899 / - / all
 Our Family Services/ Bellevue Playground Project/ \$18,300/ - / all
 Pima Prevention Partnership/ Bizanteen Bikes/ \$12,649/ - / 5
 Pima Prevention Partnership/ Pima County Teen Court/ \$25,000/ \$10,000/ all
 RISE/ Computer Recycling Center/ \$25,000/ - / all
 San Ignacio Yaqui Council, Inc./ Museum Skills Training Program/ \$34,669/ - / all San Ignacio Yaqui
 Council, Inc./ Old Pascua Center Renovation Work Experience Project/ \$15,972/ - / all
 Southern Arizona Legal Aid/ Homeowner and Tenant Protection Program/\$23,053/ \$20,000/ all
 Southwest Fair Housing Council/ Fair Housing Education, Outreach & Enforcement/\$35,000/
 \$25,000/ all
 SAAVI/ Ready Set Go/ \$25,000/ - / all
 SAAVI/ Building Improvements/ \$114,132/ - / all
 Tanque Verde Valley Fire District/ Fire Hydrants/ \$90,000/ \$15,000/ all
 Tu Nidito Children and Family Services/ Children to Children/ \$10,000/ - / all
 U of A/ Social Justice Education Project/ \$15,000/ - / all

TOTAL REQUESTED \$1,723,629 / TOTAL RECOMMENDED \$361,000

Emergency Solutions Grant FY 13-14

Applicant/Program/Requested/Awarded/District

Arizona Youth Partnership/ Building Futures for Youth & Families in Marana/\$59,551/ \$4,551/ 3
 Catholic Community Services/ Robles Junction, I&R/ \$41,000/ - / 3
 Chicanos Por La Causa/ Emergency Assistance to Prevent Homelessness/\$45,000/ \$30,000/ all
 CODAC/ Open Inn, Open Door Program/ \$45,000/ \$26,165/ all
 Compass Affordable Housing/ MOMS/ \$15,000/\$15,000/ all
 Emerge Center Against Domestic Abuse/ Comprehensive Domestic Abuse Program/\$25,000/
 \$17,500/ all
 Open Inn, Inc./ LGBT Emergency Housing Program/ \$16,335/ \$16,335/ all
 Pima County Community Services/ Community Action Agency/ \$29,000/ \$29,000/ all
 Pima County Sullivan Jackson/ Employment Center/ \$11,952/ \$11,952/ all
 Primavera Foundation/ Greyhound Emergency Family Shelter/ \$10,000/ \$10,000/ all
 Primavera Foundation/ Casa Paloma Drop-In Center & Transitional Shelter/\$10,000/ \$5,000/ all
 TMM Family Services/ Rapid Rehousing Placement/ \$40,000/ - / all
 HMIS/ HMIS/ - / \$2,000/ all
 Proposed New or Existing Project/ Eligible Homeless Prevention/ Rapid Rehousing/ HMIS/
 Coordinate Assessment Project/ - / \$25,667/ all
 Pima County CDNC/ Admin /- / \$15,662/ all

TOTAL REQUESTED \$723,237 / TOTAL RECOMMENDED \$208,832

Home Program Grant

TOTAL \$529,914

Tony Bruno, representing both the Desert Senita Community Health Center in Ajo and the Arivaca Action Center, expressed appreciation to the Board and staff for their work regarding the recommendations to improve services and facilities in rural Pima County.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt the Resolution.

HEALTH

17. Contract

The Board of Supervisors on April 16, 2013 continued the following:

Tucson Unified School District, Amendment No. 3, to provide dental screening and sealant services and extend contract term to 2/1/14, no cost (CTN-HD-12000073)

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

18. Contract

The Board of Supervisors on April 16, 2013 continued the following:

Arizona Department of Health Services, to provide immunization services, Federal Fund, contract amount revenue based on services (CTN-HD-13000270)

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

PUBLIC WORKS ADMINISTRATION

19. Public Art Waiver

Pursuant to Board of Supervisors Policy No. C3.3, staff requests the Public Art Program requirement for the Orange Grove Road: Camino de la Tierra to La Cholla Boulevard Project be waived. (District 1)

Supervisor Miller questioned the waiver request and if projects would be waived in all Districts or only in District 1.

John Bernal, Deputy County Administrator, responded this request had been made in an attempt to save costs on this particular project as it was a segment being advanced to address a road capacity issue.

Supervisor Elías stated that the Public Art Program was important to the community and expressed concern that if this waiver was granted, it would set precedent to cut the requirements for other projects.

Chairman Valadez reaffirmed the Board's commitment to the Public Art Program.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to deny the waiver.

REGIONAL WASTEWATER RECLAMATION

20. Pretreatment Settlement Agreement

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

Abit Corporation, d.b.a. Rincon Market, Case No. C2012-27. The proposed settlement of completion of a Supplemental Environmental Project (SEP), attendance at pollution prevention school and acquisition of a permit are in accordance with the Industrial Wastewater Enforcement Response Plan.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

FRANCHISE/LICENSE/PERMIT

21. Extension of Premises/Patio Permit

Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Vail, Temporary Extension of Premises for May 12 and 16, 2013.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

22. Extension of Premises/Patio Permit

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension of Premises for May 11, 18, 25 and June 1, 2013.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

23. Liquor License

13-05-9147, Clare Hollie Abel, Dollar General Store No. 12366, 5697 S. Alvernon Way, Tucson, Series 10, Beer and Wine Store, New License.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

COUNTY ADMINISTRATOR

24. Amendments to County Bond Ordinances and Bond Program Update

ORDINANCE NO. 2013 - 22, of the Board of Supervisors, of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects, amending Ordinance No. 1997-35 Bond Implementation Plan, May 20, 1997 Special Election (as amended September 22, 1998, by Ordinance No. 1998-58; August 20, 2001 by Ordinance No. 2001-111; March 9, 2004 by Ordinance No. 2004-15; October 11,

2005 by Ordinance No. 2005-91; April 4, 2006 by Ordinance No. 2006-19; October 17, 2006 by Ordinance No. 2006-82; April 10, 2007 by Ordinance No. 2007-32; November 6, 2007 by Ordinance No. 2007-94; April 1, 2008 by Ordinance No. 2008-24; November 18, 2008 by Ordinance No. 2008-107; October 6, 2009 by Ordinance No. 2009-90; April 13, 2010 by Ordinance No. 2010-23; October 19, 2010 by Ordinance No. 2010-64; April 5, 2011 by Ordinance No. 2011-19; October 18, 2011 by Ordinance No. 2011-78; April 17, 2012 by Ordinance No. 2012-18; November 13, 2012 by Ordinance No. 2012-65), and amending scope of certain projects, amending implementation periods for certain projects, and authorizing the use of additional other funds to finance certain projects.

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

25. **Amendments to County Bond Ordinances and Bond Program Update**

ORDINANCE NO. 2013 - 23, of the Board of Supervisors, of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects, amending Ordinance No. 1997-80 Bond Implementation Plan, November 4, 1997 Special Election (as amended September 22, 1998 by Ordinance No. 1998-59; August 20, 2001 by Ordinance No. 2001-112; December 14, 2004 by Ordinance No. 2004-118; October 11, 2005 by Ordinance No. 2005-90; April 4, 2006 by Ordinance No. 2006-20; October 17, 2006 by Ordinance No. 2006-83; November 6, 2007 by Ordinance No. 2007-93; April 21, 2009 by Ordinance No. 2009-39; October 6, 2009 by Ordinance No. 2009-91; April 13, 2010 by Ordinance No. 2010-22; October 19, 2010 by Ordinance No. 2010-62; April 5, 2011 by Ordinance No. 2011-20; October 18, 2011 by Ordinance No. 2011-77; April 17, 2012 by Ordinance No. 2012-19) for the purpose of reallocating bond funds, amending the scope of certain projects, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain bond projects.

Supervisor Miller questioned the designation of HURF Funds in the other funding category for Project DOT 18 and DOT 29. She did not believe future HURF revenues should be used for these widening and capacity increasing roadway projects.

Priscilla Cornelio, Transportation Director, replied that the DOT 18 Project had been completed and the HURF Fund designation for DOT 29 had been used as a placeholder to show the true cost of the project. She said it was her expectation that when it came time to pay for the project, other sources of revenue would be available.

Nanette Slusser, Assistant County Administrator, stated that an Unfunded Capital Projects category would be available to be used as a placeholder.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and

unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance with the amendment to DOT 29 striking HURF Fund and replacing it with Unfunded Capital Projects.

26. **Amendments to County Bond Ordinances and Bond Program Update**

ORDINANCE NO. 2013 - 24, of the Board of Supervisors, of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects, amending Ordinance No. 2004-18 Bond Implementation Plan, May 18, 2004 Special Election (as amended October 11, 2005 by Ordinance No. 2005-92; April 4, 2006 by Ordinance No. 2006-21; October 17, 2006 by Ordinance No. 2006-84; April 10, 2007 by Ordinance No. 2007-33; November 6, 2007 by Ordinance No. 2007-95; April 1, 2008 by Ordinance No. 2008-25; November 18, 2008 by Ordinance No. 2008-106; April 21, 2009 by Ordinance No. 2009-40; October 6, 2009 by Ordinance No. 2009-92; April 13, 2010 by Ordinance No. 2010-24; October 19, 2010 by Ordinance No. 2010-63; December 7, 2010 by Ordinance No. 2010-70; April 5, 2011 by Ordinance No. 2011-21; October 18, 2011 by Ordinance No. 2011-79; April 17, 2012 by Ordinance No. 2012-20; November 13, 2012 by Ordinance No. 2012-66) for the purpose of amending the scope of certain projects, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain projects.

Supervisor Miller questioned what measures were in place to ensure that the City of Tucson and other organizations live up to their obligations to participate in the PECOC project. She also asked if General Funds used for the Downtown Court Complex would be repaid.

Captain Paul Wilson, Pima County Sheriff's Department, stated the amendments adjusted the list of specific agencies as beneficiaries of the project and allowed the executive management committee to elect its own Chair and Vice-Chair. He explained the City of Tucson still planned to use the facility.

Tom Burke, Director of Finance and Risk Management, explained the General Fund transfer for the Downtown Court Complex had not been a loan but had been done by Board action.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

27. **Amendments to County Bond Ordinances and Bond Program Update**

ORDINANCE NO. 2013 - 25, of the Board of Supervisors, of Pima County, Arizona, relating to General Obligation Bond Projects, amending Ordinance No. 2006-29 Bond Implementation Plan, May 16, 2006 Special Election (as amended October 6, 2009 by Ordinance No. 2009-93; April 5, 2011 by Ordinance No. 2011-22; April 17, 2012 by Ordinance Number 2012-21) for the purpose of amending the scope and implementation periods of the projects.

Supervisor Miller questioned whether there was an agreement with the University of Arizona South Campus to pay the annual maintenance costs associated with the psychiatric hospital. She also asked about operation and maintenance costs related to the University Metabolic Studies at the Abrams Building.

Jan Leshner, Deputy County Administrator, confirmed that there were intergovernmental agreements with both the Crisis Response Center and the University of Arizona for the Behavioral Health Pavilion.

Reid Spaulding, Facilities Management Director, responded that there were current negotiations with the University for a 5 year lease that would address the maintenance and operation costs.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

DEVELOPMENT SERVICES

28. Zoning Code Text Amendment

Co8-13-01, HOME OCCUPATION CODE TEXT AMENDMENT

An ordinance of the Pima County Board of Supervisors relating to Zoning (Title 18); amending the Pima County Code by amending Chapter 18.09 (General Residential and Rural Provisions), Section 18.09.030 (Home Occupations) to allow home baked and confectionary goods. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2013 - 26

Chris Poirier, Assistant Planning Director, offered the staff report and explained that the ordinance language addressed the home baked good component and conformed to state statute.

Judith Meyer, Tucson Mountains Association, addressed the Board regarding the potential effect of this ordinance on privately owned roads not maintained by the County. She stated this issue was based on the vehicular traffic of pickups and deliveries associated with this industry. She felt the owners of private roads should receive notice and grant consent for this increase of traffic on their privately owned road as it would cause an increased need for maintenance, and that a limit be placed on the amount of travel that would be allowed.

Supervisor Elías requested a legal review be conducted regarding any potential compliance issues by any party regarding Prop 207 compliance and that the issue of non-county maintained roads be pursued.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue Co8-13-01 for up to 90 days.

29. **Rezoning Resolution**

RESOLUTION NO. 2013 - 33, Co9-01-01, Pima County - Canoa Ranch Rezoning. Owner: Fairfield Green Valley, Inc. (District 4)

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

30. **Modification of Rezoning Conditions (Substantial Change)**

Co9-09-05, Beaufort Company L.L.C. and NNK L.L.C. - Craycroft Road Rezoning Request of Beaufort Company L.L.C. and NNK L.L.C., represented by Freightliner of Arizona, for a modification (substantial change) of Rezoning Condition Nos. 16, 21, and 25 to allow for a Truck Dealership. Condition No. 16 requires adherence to the preliminary development plan as approved at public hearing. The applicant requests to modify the north and eastern portion of the plan which depicts a motel/restaurant development to allow for a truck dealership. Condition No. 21 requires a six foot high decorative masonry wall to be placed in the buffer yard along the northern and eastern property lines and Condition No. 25 requires the north and east side wall to be painted with a graffiti resistant painting. The applicant proposes to build a wrought iron fence along the eastern property boundary. The subject property is zoned CB-2 (General Business Zone) and located approximately 275 feet east of Craycroft Road, south of Elvira Road and approximately 340 feet north of Interstate 10. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were not present) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 2)

7. Transportation conditions:

- B. ~~Burcham Street should not connect to Elvira Street and should end in a cul-de-sac, if possible.~~ Complete the construction of Travel Center Way with the initial development of the site.

- D. ~~The required~~ An updated Traffic Impact Study shall be submitted to both Pima County and Arizona Department of Transportation for their review and approval. Offsite improvements shall be provided by the property owner/developers as determined necessary by the Traffic Impact Study.

8. Flood Control conditions:

- G. A drainage report shall be submitted at the time of development which determines the feasibility and identifies responsibilities for of any changes to the approved Development Plan (P1212-036). Any changes including but not limited to the replacement of open channels with underground drains along Elvira Road, shall require the approval of PCRCD and PCDOT.
- H. The developer shall submit an In-lieu fee (ILF) mitigation proposal that addresses the entire

amount of Pima County Regulated Riparian Habitat disturbance within Rezoning Co9-09-05 Beaufort Company Rezoning and Development Plan P12012-036) with the first submittal of the development plan for the Freightliner Modification site.

16. Adherence to the 2013 revised preliminary development plan, as approved at public hearing.

21. A six-foot high decorative masonry wall shall be placed in the bufferyard along the northern property line and a minimum six foot high wrought iron fence wall shall be placed on the eastern property lines. ~~The wall in the eastern bufferyard shall be topped by a three-foot high wrought iron fence, pointed at the top and curved inward toward the rezoning site.~~

25. The east side wrought iron fence ~~of the bufferyard wall~~ near Corazon del Pueblo and the north side of the bufferyard wall facing Littletown shall be painted with graffiti resistant paint.

26. The ~~bufferyard~~ respective fence and walls along the east and north boundaries shall be constructed concurrently with the construction of the onsite roadway and main drainageway, including and the grading near these fence and walls. A plan for ~~the these fence and~~ walls showing the location of all openings and demonstrating how said openings will be secured and explaining how only authorized personnel will have access to said openings will be prepared and presented to the Corazon del Pueblo Homeowners Association prior to the construction of ~~these fence and~~ walls.

Arlan Colton, Planning Director, stated this was a request for modification of the rezoning conditions which constituted a substantial change on the property. He reported that staff had received a petition from the neighbors in support of the request.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-09-05, subject to standard and special conditions.

31. **Waiver of the Platting Requirement**

Co9-13-01, 2006 Rupprecht Family Trust - Valley View Road Rezoning (Catalina Foothills Zoning Plan Waiver of Platting Requirements)

Request of Hugh and Melanie Rupprecht for a waiver of the platting requirements of the Catalina Zoning Plan. The applicant requests a rezoning of approximately 3.98 acres from SR (Suburban Ranch) to CR-1 (Single Residence) on property located approximately one-half mile south of Sunrise Drive on the west side of Valley View Road. The proposed rezoning substantially conforms to the Pima County Comprehensive Plan (Co7-00-20). On motion, the Planning and Zoning Commission voted 8-2 (Commissioners Membrila and Holdridge voted "Nay") to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Rezoning Conditions were recommended as follows:

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.

2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation Conditions:
 - A. Any common, private roadway/driveway serving more than one dwelling unit shall be paved (chip sealed) within six (6) months of the issuance of building permits.
 - B. Recording of an access control easement along Valley View Road frontage except for the existing two access easements.
 - C. Access is restricted to the two existing access easements with no new driveway access to Valley View Road.
8. Flood Control conditions:
 - A. Prior to issuance of any building permits for the subject property(s) a hydrology study must be submitted to PCRFCDD for approval that determines the floodplain limits, building elevations and erosion hazard setback, building pads shall be identified that avoid floodplain and erosion hazard setbacks.
 - B. EPA Watersense toilets at 1.28 gpf and low flow faucets shall be required for interior use, and other water savings features, such as side-loading washers, refrigerators with filtered indoor water system, and central-core plumbing shall be used as options for the dwellings.
 - C. Low Impact Development (LID) water harvesting should be incorporated into landscaping, paving and parking areas to irrigate native vegetation planted on the site exterior
9. Environmental Quality conditions:
 - A. The property shall be served by public or private sewer.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Wastewater Management conditions:
 - 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 Arizona Department of Environmental Quality, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

11. Cultural Resources condition:

- A. Following rezoning approval, any subsequent development requiring a Type II grading permit shall be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- B. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

~~12. Natural Resources, Parks and Recreation Department condition:~~

~~An in-lieu as described in Chapter 18.69.090.C.2.c of the Pima County Zoning Code shall be assessed for each of the proposed three new lots before approval of building permits on the individual lots. The in-lieu fee shall be \$1,820 per lot.~~

~~13. 12. Environmental Planning condition:~~

Upon the effective date of the rezoning ordinance associated with this rezoning, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation shall transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current or any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

~~14. 13. The following conditions shall be required in support of County Sustainability Initiatives, Resolution 2007-84:~~

- A. Employ water harvesting techniques with site design and grading. Direct roof runoff into landscaped areas using swales and micro basins to irrigate vegetation. Alternatively, use the water conservation techniques of the Pima County Green Building Program. The water-harvesting plan shall be approved by Development Services and shall be approved by the Flood Control District.
- B. Green building concepts for energy and water conservation, minimizing solid waste, recycling building materials, and reducing greenhouse gases shall be used to the maximum extent possible.

~~15. 14. Adherence to the sketch plan as approved at public hearing, with a restriction that only one additional lot can be created instead of the total of four shown on the plan.~~

~~16. 15. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.~~

~~17. 16. 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, stated this was a request for a waiver of the platting requirements of the Catalina Foothills Zoning Plan to allow one additional lot on the subject property.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-13-01, subject to standard and special conditions.

32. Type III Conditional Use Permit

P21-13-005, 100 Estrella L.L.C. - North Ajo Gila Bend Highway

Request of Arizona Natural Remedies Inc., (applicant) on property located at 742 and 750 N. Ajo Gila Bend Highway in Ajo, Arizona, in the CB-2 (general business) Zone, for a Medical Marijuana Dispensary in accordance with Section 18.45.040D of the Pima County Zoning Code as a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 10-0 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. Conformance with all performance standards, requirements and stipulations of Section 18.45.040.D of the Pima County Zoning Code (wherein a Medical Marijuana Dispensary is prescribed as a conditional use in the CB-2 zone).

Special Conditions

1. The applicant shall, within fourteen (14) days of the Planning & Zoning Commission public hearing on this matter, provide a written certification that addresses each and every item enumerated in Section 18.45.040.D of the Pima County Zoning Code and which describes how each of these various standards and performance requirements are met.
2. Prior to issuance of the conditional use permit, the applicant shall submit a final site plan to Pima County, which must be reviewed by the Deputy Chief Zoning Inspector, for adequate compliance with the following:
 - a. The existing asphalt pavement area on the property shall be striped appropriately to provide for the full required number of vehicular spaces as stipulated by the Pima County Zoning Code.
 - b. The size/dimensions of all parking spaces and parking area access lanes (PAAL's) shall be in accordance with Pima County standards.
 - c. Disabled parking space(s) and a designated pedestrian route from them to the building entrance shall be provided in accordance with Pima County standards.
 - d. A minimum six-foot (6') tall, continuous screening element shall be installed along the site's entire eastern boundary so as to provide a visual screen of the facility from the adjacent residences directly to the east.
 - e. The existing open vehicular access along the site's State Route 85 and W. 1st Street frontages shall be maintained in its current state so as to allow free and open visibility into the site from these frontages by law enforcement personnel.
 - f. Within the property boundary, provide delineation of the driveway access on 1st Street with

- striping, planters, and/or some other acceptable barrier that will define the access to the site and control access along the 1st Street frontage.
- g. Within the property boundary, provide post and cable or fencing to further delineate the access to the site that controls access along 2nd Avenue.
- h. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all of its requirements shall be submitted to Development Services Department prior to issuance of building permits.
3. The items enumerated in Item #2 above shall be physically installed on the site prior to the facility being officially opened for business.
4. In consideration of Pima County Zoning Code Section 18.45.040.D.6 (Permit Conditions), which prescribes certain options and obligations to the Board of Supervisors in the interest of conserving and promoting the public health, safety, convenience, and general welfare, the enumerated items of sub-section D.6.a through D.6.i are hereby incorporated, as follows, as further special conditions and requirements on this conditional use permit:
- a. This conditional use permit shall expire two (2) years from the date of its issuance; the applicant is required to file a new conditional use permit application and procure approval of same prior to the expiration date in order to preserve uninterrupted operation of the facility.
- b. The medical marijuana dispensary shall meet all security requirements adopted by the Arizona Department of Health Services.
- c. The storage facilities for the medical marijuana stored or grown on site shall prevent the emission of dust, fumes, vapors or odors into the environment.
- d. The owner/operator shall secure a certification from the State Fire Marshall, or from another acceptable entity responsible for fire safety in the area in which the medical marijuana dispensary is to be located, stating that the structure complies with all fire code requirements and must supply that certification to the development services department.
- e. The medical marijuana dispensary is prohibited from providing or offering any service that furnishes offsite delivery of the medical marijuana.
- f. The medical marijuana dispensary is prohibited from permitting anyone to consume marijuana on the premises.
- g. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent lot or parcel containing an established residential use.
- h. The medical marijuana dispensary building shall be setback a minimum of one hundred twenty-five feet (125') from any adjacent property with a residential zoning classification.
- i. The medical marijuana dispensary shall comply with applicable sections of Title 8 of the Pima County Code.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Miller voting “Nay,” to close the public hearing and approve P21-13-005, subject to standard and special conditions.

ENVIRONMENTAL QUALITY

33. Pima County Code Text Amendment

ORDINANCE NO. 2013 - 27, of the Board of Supervisors, relating to solid waste; repealing the ban on the acceptance of out-of-county municipal waste for Pima County's solid waste facilities.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

EXECUTIVE SESSIONS

34. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of Honeywell International v. Pima County, Arizona Tax Court Consolidated Case Nos. TX2011-000848 and TX2012-000791, Tax Parcel No. 220-11-074A for Tax Years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this involved a high-tech manufacturing complex previously known as Honeywell Aerospace Tucson, located on the east side of Oracle Road north of 1st Avenue and south of Tangerine Road in Oro Valley. The Assessor and the County Attorney's Office recommended settlement in the amount of \$21,000,000 for both the Full Cash and Limited Values for tax year 2012 and \$20,000,000 for both the Full Cash and Limited Values for tax year 2013 which would result in an estimated tax decrease of \$72,550.00 for tax year 2012 based upon 2012 tax rates and \$103,485.00 for tax year 2013 based upon 2012 tax rates and the values for tax year 2013 would roll over to tax year 2014.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

35. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of HSL Airport Hotel, L.L.C., an Arizona limited liability company v. Pima County, Arizona Tax Court Case No. TX2012-000461, Tax Parcel Nos. 140-42-017A and 140-42-017B for Tax Years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this involved a full service hotel located in the area northeast of the Tucson International Airport. She explained the proposed settlement would result in an estimated tax decrease of \$92,290.00 for tax year 2012 based upon 2012 tax rates and \$101,500.00 for tax year 2013 based upon 2012 tax rates and the values for tax year 2013 would roll over to tax year 2014 resulting in the following detail:

Tax Parcel No. 140-42-017A:	\$3,567,790 FCV and Limited for tax years 2012 and 2013
Tax Parcel No. 140-42-017B:	No change

Further, the Plaintiff had agreed that all taxable personal property located at the subject property would be listed and assessed for tax years 2012 and 2013, and the associated personal property taxes would be fully paid. The County Assessor and the County Attorney's Office recommended settlement .

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

36. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of HSL EBS Properties, L.L.C., an Arizona limited liability company v. Pima County, Arizona Tax Court Case No. TX2012-000460, Tax Parcel No. 127-08-203A for Tax Years 2012 and 2013.

Regina Nassen, Deputy County Attorney, reported this involved a hotel currently operating as an Embassy Suites located on the north side of Broadway Boulevard, between Rosemont Boulevard and Craycroft Road. She explained that the County Assessor and the County Attorney's Office recommended settlement in the amount of \$5,822,000.00 for the Full Cash Value and \$5,779,400.00 for the Limited Value for tax year 2012 and \$5,822,000.00 for both the Full Cash and Limited Values for tax year 2013 which would result in an estimated tax decrease of \$17,330.00 for tax year 2012 based upon 2012 tax rates and \$20,780.00 for tax year 2013 based upon 2012 tax rates and that the values for tax year 2013 would roll over to tax year 2014.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

37. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding settlement of Innovation Commerce Campus, L.L.C., an Arizona limited liability company v. Pima County, Arizona Tax Court Case No. TX2012-000772, Tax Parcel Nos. 223-02-012K and 223-02-014G for Tax Year 2013.

Regina Nassen, Deputy County Attorney, reported this involved two parcels of vacant land zoned for industrial use located in Oro Valley on the east side of Rancho Vistoso Boulevard. The County Assessor and County Attorney's Office recommended settlement as follows:

Tax Parcel No. 223-02-012K:	\$11,980	Full Cash and Limited Value
Tax Parcel No. 223-02-014G:	\$1,642,213	Full Cash and Limited Value

She explained the proposed settlement would result in an estimated tax decrease of \$11,160.00 for tax year 2013 based upon 2012 and that the values for both of the subject parcels for tax year 2013 would roll over to tax year 2014.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the recommendation.

BOARD OF SUPERVISORS

38. Study Sessions for the County Administrator's Recommended Budget Fiscal Year 2013-14. Proposed dates: May 15, 2013 and June 5, 2013. Discussion/Schedule. (District 1)

Supervisor Miller explained she would like budget deliberations to be conducted in public session and therefore proposed the Study Sessions.

Geri Ottoboni addressed the Board in support of the Study Sessions to help the public better understand why and where their tax dollars were being spent.

It was moved by Supervisor Miller, seconded by Supervisor Carroll and carried by a 2-3 vote, Supervisor Bronson, Supervisor Elías and Chairman Valadez voting “Nay,” to approve this item with the amendment that the Study Session dates be scheduled by Clerk of the Board.

REAL PROPERTY

39. Joint Use Agreement and Permit Application

- A. Fitness International, L.L.C., to provide a joint use agreement to govern driveway access for Tax Parcel No. 225-12-065A. No cost (District 4)
- B. Arizona Department of Transportation, to provide a Highway Encroachment Permit on Tax Parcel No. 225-12-065A. No cost. (District 4)

It was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Miller voting “Nay,” to approve this item.

CONTRACT AND AWARD

40. COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

EXPRESS Services, Inc. d.b.a. EXPRESS Employment Professionals, Amendment No. 1, to provide substitute teachers to Pima Vocational High School for classroom instruction in math, english, social studies or electives as needed and extend contract term to 6/30/14, General Fund, contract amount \$35,000.00 (CT-CS-12-2278)

Supervisor Miller stated she did not feel that monies from the General Fund should be utilized for this program.

It was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Miller voting “Nay,” to approve this item.

CONSENT CALENDAR, MAY 7, 2013

41. Call to the Public (for Consent Calendar items only)

The Chairman inquired whether anyone wished to address the Board on any item listed on the Consent Calendar. No one appeared.

42. Approval of the Consent Calendar

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the Consent Calendar, as amended.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

Real Property

22. RES Equities L.L.C., to provide for the purchase of properties located at 1505 E. Apache Park Place and 1680 E. Benson Highway, Tax Parcel Nos. 132-16-9190 and 132-16-9180, PHS Transition Fund, contract amount \$1,460,000.00 including closing costs (CT-PW-13-737)

Supervisor Miller questioned whether the Homeland Security Building could be used for storage space instead of purchasing additional property.

Supervisor Elías expressed concern about storing these types of items in a residential area and would like that topic included in questions to be answered by staff.

Chairman Valadez requested a full analysis of the items to be stored and whether or not it would be an appropriate use.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to direct staff to investigate existing space to determine suitability of the current request for storage from the Sheriff and the Bio Terrorism Cache of the Health Department and to continue the item for a maximum of two weeks.

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. International Sonoran Desert Alliance, Inc., Amendment No. 2, to provide for the Neighborhood Stabilization Program, Historic Ajo Plaza Redevelopment Project, extend contract term to 2/28/14 and amend contractual language, no cost (CT-CD-12-444)
2. Primavera Foundation, Inc., Amendment No. 3, to provide for the Neighborhood Stabilization Program, City of South Tucson Redevelopment Project, extend contract term to 3/18/14 and amend contractual language, no cost (CT-CD-12-1292)
3. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for the Social Justice Education Project and extend contract term to 9/30/13, no cost (CT-CD-12-2303)
4. Rillito Water Users Association, to provide for the Water System Improvements Project for Rillito residents, CDBG Fund, contract amount \$96,649.00 (CT-CD-13-519)

5. Town of Marana, to provide for the management and implementation of the Community Block Grant Program, CDGB Fund, contract amount \$49,899.00 (CT-CD-13-685)
6. U.S. Department of Agriculture, Rural Development, to provide for the Housing Preservation Grant program, CDBG Fund, contract amount \$27,500.00 revenue (CTN-CD-13-283)

Information Technology

7. Total Solutions, Amendment No. 3, to provide voter registration/database consulting services and amend contractual language, Document Storage and Retrieval Fund (77%) and Help America Vote Act Grant Fund (23%), contract amount \$65,000.00 (CT-RE-12-299)
8. City of Tucson, Amendment No. 11, to provide for the PCWIN Site Specific Agreement - City of Tucson Fire Station 17 Communications Site and amend contractual language, contract amount \$18,072.21 revenue (CT-IT-13-558)
9. City of Tucson, Amendment No. 12, to provide for the PCWIN Site Specific Agreement - Public Safety Training Academy Communications Site and amend contractual language, contract amount \$24,194.61 revenue (CT-IT-13-558)
10. Superior Court of Arizona in Pima County and Pima County Consolidated Justice Court, Amendment No. 1, to provide co-location of computing systems in a common physical area known as the Court Data Center and extend contract term to 3/15/14, no cost (CTN-IT-12-283)
11. Pinal County, to provide for the sharing of certain Accela Permitting System data, reports and integration, no cost (CTN-IT-13-291)

Procurement

12. Willis of Arizona, Inc., Amendment No. 2, to provide insurance broker/consultant services and extend contract term to 6/30/14, Self-Insurance Trust Fund, contract amount \$4,000,000.00 (MA-PO-12-736) Finance and Risk Management

13. Award

Amendment of Award: MA-PO-12-500, Amendment No. 3, Ameritas Life Insurance Corp., to provide third-party dental plan administration services, extend contract term to 6/30/15, increase contract amount by \$1,000,000.00 and increase rates. Funding Source: Employee Contribution (50%) and various Department Funds (50%). Administering Department: Human Resources.

14. The Ashton Company, Inc., Amendment No. 4, to provide a job order contract for wastewater plant construction and rehabilitation repair services ancillary to the Regional Optimization Master Plan, RWRD Obligation Fund, contract amount \$4,000,000.00 (MA-PO-DNC-1) Regional Wastewater Reclamation Department
15. Quest Civil Constructors, Inc., Amendment No. 4, to provide a job order contract for wastewater plant construction and rehabilitation repair services ancillary to the Regional Optimization Master Plan, RWRD Obligation Fund, contract amount \$4,000,000.00 (MA-PO-DNC-1) Regional Wastewater Reclamation Department
16. **Award**

Direct Select: Award of Contract, Requisition No. 90474, in the amount of \$440,852.00, to DOWL, HKM, L.L.C. (Headquarters: Anchorage, AK) for construction management services for the Orange Grove Road: Camino de la Tierra to La Cholla Boulevard Project. The contract term is for twelve months with the ability to extend for contract completion. Funding Source: 1997 HURF Bond Fund, DOT-44 (95.6%) and RTA Intersection Safety Fund (4.4%). Administering Department: Public Works.
17. **Award**

Highest Scoring Proposal: Award of Solicitation No. 85467 to Westland Resources, Inc. (Headquarters: Tucson, AZ), the highest-ranked respondent for the Continental Ranch Regional Pump Station Upgrade Design Project for the Regional Wastewater Reclamation Department. Engineering design and construction phase services are required for this project and total cost for all work is not expected to exceed \$300,000.00. 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: HDR Engineering, Inc., then Stantec Consulting Services, Inc., until a contract is executed or the final list is exhausted. Funding source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation Department.
18. **Award**

Low Bid: Award of Contract, Requisition No. 13-155, W. W. Grainger, Inc., d.b.a. Grainger (Headquarters: Lake Forest, IL) for hand tools in the annual amount of \$271,259.24. Contract is for a five year term and includes four annual review periods. The total five year award amount is \$1,356,296.20. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation District.

19. Award

Sole Source: Award of Contract, Requisition No. 13-204, in the annual amount of \$365,666.00 to Spillman Technologies, Inc., (Headquarters: Salt Lake City, UT) for Spillman software maintenance. Contract is for a one year term and includes four one year renewal periods. The award includes the authority for the Procurement Department to renew without further action by the Board of Supervisors provided that the renewed annual contract amount does not exceed the original annual contract award amount approved by the Board of Supervisors. Funding Source: General Fund. Administering Department: Sheriff's Department.

20. Award

Highest Scoring Firm: Award of Contract for Solicitation No. 80249 and approval to enter into negotiations with Schlesinger Consulting Engineering, P.L.L.C., (Headquarters: Tucson, AZ) the respondent receiving the highest score to provide design engineering services for Wilmot Road: north of Sahuarita Road. The contract shall be for a 36 month period in an amount not to exceed \$750,000.00. 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: PSOMAS, and Kimley-Horn and Associates, Inc., until a contract is executed or the list is exhausted. Funding Source: RTA Fund. Administering Department: Transportation.

21. Award

Low Bid: Award of Contract, Requisition No. 81100, in the amount of \$2,504,870.00 to the lowest responsive bidder, Southern Arizona Paving and Construction Co., (Headquarters: Tucson, AZ) for the construction of the Countywide Overlay West Project. The contract term is twelve months with the ability to extend for contract completion. Construction is to be complete within 90 working days from Notice to Proceed. Funding Source: County HURF Fund. Administering Department: Transportation.

Real Property

22. RES Equities L.L.C., (PULLED FOR SEPARATE ACTION)

23. School District No. 12, to provide for a donation agreement for the Valencia: Alvernon Way to Wilmot Road Project, Tax Parcel No. 140-32-003A, RTA Fund, contract amount \$5,000.00 including closing costs (CT-PW-13-742)

24. John P. Burns American Legion Post 36, to provide a property use license agreement for the use of Veterans Memorial Plaza for cleanup and ceremonies, no cost (CTN-PW-13-288)
25. Green Valley Fairways Property Owners Association, Inc., to provide a right of way license agreement to allow planting and landscaping maintenance within various approved medians located within T18S, R13E, S14, G&SRB&M, no cost (CTN-PW-13-290)
26. RESOLUTION NO. 2013 - 34, of the Pima County Board of Supervisors, approving and authorizing the execution of a settlement agreement and mutual release of claims between Pima County and Tucson Electric Power Company, an Arizona Corporation ("TEP") and protocols for County preserve land among Pima County, Pima County Regional Flood Control District and TEP, contract amount \$45,000.00 revenue (CTN-PW-13-299)

Sheriff

27. Arizona Department of Homeland Security, Amendment No. 1, to provide for overtime and mileage reimbursement under the Operation Stonegarden Program and extend contract term to 6/30/13, Federal Fund, contract amount \$83,353.01 revenue (CTN-SD-CMS143562)
28. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Operation Stonegarden Equipment Program and extend contract term to 6/30/13, Federal Grant Fund, contract amount \$18,400.00 revenue (CTN-SD-13-39)

BOARDS, COMMISSIONS AND/OR COMMITTEES

29. **Election Integrity Commission**
Reappointment of Barbara Tellman. Term expiration: 5/7/15. (Democratic Party recommendation)
30. **Pima County/Tucson Commission on Addiction, Prevention and Treatment**
Appointments of Dennis Regnier and Shelby Ackerman. Term expirations: 4/30/15. (Commission recommendations)

Reappointment of Mauricio Lopez. Term expiration: 4/30/15 (Commission recommendation)
31. **Metropolitan Education Commission**
Appointment of Molly Gilbert, representing the Tucson Chamber of Commerce. Term expiration: 4/16/16. (Commission recommendation)

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

Ratification of Town of Sahuarita Appointment: Anthony Amos to replace Lynne Skelton. Term expiration: 6/10/14. (Jurisdictional recommendation)

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

33. Edith E. Wageman, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, May 1, 2013.
34. Jonas Wes Hunter, Greater Oro Valley Arts Council d.b.a. The Southern Arizona Arts Cultural Alliance, La Encantada, 2905 E. Skyline Drive, Suite 279, Tucson, June 8 and August 24, 2013.
35. John S. Brell, Santa Catalina Catholic Parish, 14380 N. Oracle Road, Tucson, May 4, 2013.
36. Nancy C. Atherton, St. Phillip's in the Hills Episcopal Church, 4440 N. Campbell Avenue, Tucson, May 5, 2013.

ELECTIONS

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

Resignations-Precinct-Party

Boyd Hershman-054-Rep; Sharon Betz-129-Rep; Daniel Danielson-205-Rep; Wilfred Greenlee-243-Rep

Appointments-Precinct-Party

Robert L. Schwartz-214-Dem; Claudia D. McCoy-069-Rep; Sydney J. Dudikoff-087-Rep; Carmen A. Polder-120-Rep; George Kundert-129-Rep

FINANCE AND RISK MANAGEMENT

38. **Duplicate Warrants - For Ratification**

Troxell Communications, Inc. \$335.49; Lecroy and Milligan Assoc., Inc. \$2,623.85; Capitol Strategies, L.L.C. \$9,200.00; Larry Simpson \$500.00; Filter Product Corporation \$126.00; Community Home Repair \$1,118.61; Filter Product Corporation \$76.50; Filter Product Corporation \$99.00; Filter Product Corporation \$103.21; Jennifer L. Becker \$84.65; Amerigas \$351.47; Rosemarie Perry \$150.00; Amanda Rosano \$132.00; Ricoh USA, Inc. \$362.87

JUSTICE COURT

39. Judge Pro Tempore Appointments

Appointments of Judges Pro Tempore of the Consolidated Justice Court for the period of July 1, 2013 through June 30, 2014: Richard Augur, Thomas Benavidez, Sallie Blake, John Casey, Hortencia Delgadillo, David Dingledine, Roger Duncan, Ruben Esparza, Robert Gibson, Martin Green, Thomas Johnson, Paul Julien, Fred Klein, Joe Machado, Cecilia Monroe, John Peck, Linda Penn, William Scott, Anne Ward, Adam Watters, Walter Weber, Gail Wight

RATIFY AND/OR APPROVE

40. Minutes: April 2, 2013
Warrants: April, 2013

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43. CALL TO THE PUBLIC

Keith Van Heyningen spoke to the Board regarding speakers at an immigration rally whose supporters were local elected officials.

The following Pima County employees, Service Employees International Union Local 48 members, addressed the Board:

- John Becerra, Chapter Chairperson
- Jeffrey Summers
- Maya Castillo, President

They offered the following comments regarding the wage/compensation proposal for FY 13/14:

- The work done by County employees was important to the safety, health and education of the community.
- Health care costs, FICA, retirement and the cost of living continued to rise while employee salaries did not.
- The proposed raise was a great start, but was not enough.
- The County needed to commit to moving front line employees forward.
- County employees have been impacted by the economic downturn as much as any other county resident.
- County salaries have not been competitive.
- SEIU and employees wanted to work with the County on cost savings programs.

Shawn Pfund, Detective with the County Attorney's Office, submitted a proposal regarding salaries for his division and stated it was necessary to be competitive.

44. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

CHAIRMAN

ATTEST:

CLERK