

## MINUTES, FLOOD CONTROL DISTRICT BOARD

JANUARY 6, 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, January 6, 2009. Upon roll call, those present and absent were as follows:

All Present:           Richard Elías, Chairman  
                              Ramón Valadez, Vice Chairman  
                              Sharon Bronson, Member  
                              Ray Carroll, Member  
                              Ann Day, Member  
                              Robin Brigode, Deputy Clerk

### 1. **MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan for Circle Tree Ranch, P1208-043, for a proposed expansion of an existing residential treatment facility located at the intersection of Tanque Verde and Houghton Roads, adjacent to the Agua Caliente Wash. (District 4)

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

### 2. **CONTRACTS**

A. Arizona Game and Fish Commission, Amendment No. 1, to provide a Multi-Species Conservation Plan for all Pima County and amend contractual language, no cost (01-59-A-139957-1007)

B. URS Corporation, Amendment No. 4, to provide design engineering services for Mission View Wash Drainage Improvements, extend contract term to 2/28/10 and amend scope of work, Flood Control District Tax Levy Fund, contract amount \$17,036.00 (16-59-U-136010-0405)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:35 a.m.

## MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 6, 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, January 6, 2009. Upon roll call, those present and absent were as follows:

All Present:           Richard Elías, Chairman  
                              Ramón Valadez, Vice Chairman  
                              Sharon Bronson, Member  
                              Ray Carroll, Member  
                              Ann Day, Member  
                              Robin Brigode, Deputy Clerk

### 1. **MOMENT OF SILENCE**

Chairman Elías requested a moment of silence in honor of Zaven Godoshian, father of Lori Godoshian, Clerk of the Board, who recently passed away.

### 2. **INVOCATION**

The invocation was given by Pastor Lonnie Blosser of the Central Church of the Nazarene.

### 3. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 4. **PAUSE 4 PAWS**

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

### 5. **OATH OF OFFICE** to be provided by the Honorable Jan Kearney, Presiding Judge of the Superior Court, for elected officials of Pima County:

#### BOARD OF SUPERVISORS

Ann Day, District 1  
Ramón O. Valadez, District 2  
Sharon Bronson, District 3  
Raymond Carroll, District 4  
Richard Elías, District 5

#### ASSESSOR

Bill Staples

COUNTY ATTORNEY

Barbara LaWall

COUNTY RECORDER

F. Ann Rodriguez

SCHOOL SUPERINTENDENT

Linda Arzoumanian

SHERIFF

Clarence W. Dupnik

TREASURER

Elizabeth Ford

JUSTICES OF THE PEACE

Anne Fisher Segal, Precinct No. 1

Jose Luis Castillo, Jr., Precinct No. 2

Carmen Maria Dolny, Precinct No. 4

Keith A. Bee, Precinct No. 5

Paul Simon, Precinct No. 6

Maria Lilia Felix, Precinct No. 9

Jack C. Peyton, Precinct No. 10

CONSTABLES

David Lester, Precinct No. 1

Frank Fontes, Precinct No. 2

Jim Driscoll, Precinct No. 4

Robert W. Cox, Precinct No. 6

Ray C. Brown, Precinct No. 7

Mary C. Dorgan, Precinct No. 8

Colette Philip, Precinct No. 9

Vince J. Roberts, Precinct No. 10

The Honorable Jan Kearney, Presiding Judge of the Superior Court, administered the oath of office to the elected officials.

6. **BOARD OF SUPERVISORS PROCEDURAL ORGANIZATION**

A. Appointment of the Clerk of the Board.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to appoint Lori Godoshian, Clerk of the Board.

B. Appointment of the Sergeant-at-Arms.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to appoint Randall Leddy, Sergeant-at-Arms.

C. Adoption of operating Rules and Regulations.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt the operating Rules and Regulations.

7. **PRESENTATION**

Presentation of a proclamation to Alan Storm, Superintendent of the Pima County Joint Technical Education District, proclaiming February, 2009, to be:

“Career and Technical Education Month in Pima County”

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

Supervisor Bronson read and presented the proclamation to Alan Storm who described the fields of study for the jobs of tomorrow.

... **EXECUTIVE SESSIONS**

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 Sessions at 9:30 a.m.

8. **RECONVENE**

The meeting reconvened at 9:45 a.m. All members were present.

9. **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 recommendation for Bootjack Co. v. Pima County, Parcel Nos. 137-04-155A, 137-04-1540 and 137-04-1530, Arizona Tax Court Case No. ST2008-000181.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal for tax years 2008 and 2009 for three parcels. Parcel No. 137-04-1530 and 137-04-1540 are vacant land, Parcel No. 137-04-155A has a billboard. The proposed settlement would bring the values of these properties in line with similar parcels in the area. A memorandum was provided to the Deputy Clerk for the record that indicated the settlement would result in a decrease of the full cash value. The Pima County Assessor and the Pima County Attorney’s Office recommended approval of the settlement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the validation of the petitions presented from the Mountain Vista Fire District for the proposed Lambert Lane Annexation.

This item was informational only, the Board took no action.

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding Case No. P21-08-044, appeal of Hearing Administrator's decision to allow a Type I Conditional Use Permit for an antenna co-location and equipment area in the right-of-way located at 4798 N. Pontatoc Road.

This item was withdrawn from the agenda.

12. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

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

REMOVED FOR DISCUSSION AND SEPARATE ACTION:

1. **CONTRACT AND AWARD**

I. **Procurement**

36. Cooperative Procurement: Award of Contract, Requisition No. 0901135, in the estimated annual revenue amount of \$1,500,000.00 for a Photo Traffic Enforcement Program to American Traffic Solutions, Inc. (Headquarters: Scottsdale, AZ). Contract is for a one-year term and includes four one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.

The following individuals addressed the Board:

1. Bill Conley, Pinal County Deputy Sheriff
2. Ken Rineer
3. Mark Spear

They provided the following comments:

- A. The State Legislature did not design or make civil traffic laws for the County to use as a tax or revenue generating stream;
- B. Police officers are not educating the public regarding the purpose and use of the photo radar camera systems which was the original intent for the use of the cameras;
- C. A petition and grievances were submitted in opposition;
- D. Some felt that photo radar cameras did not increase safety;
- E. Increasing numbers of drivers who have not ever had a citation or had received a citation for years are getting citations from the River Road/Oracle intersection; and,
- F. It was felt the use of photo radar cameras was in direct conflict with the Arizona Constitution because it eliminated the right to confront a valid witness, they violate due process and numerous other technical issues.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day to deny the award of contract for Requisition No. 0901135. No vote was taken at this time.

Supervisor Day expressed concern regarding the way the photo radar award of contract was being considered because she did not feel the item had the transparency required for public trust. She felt the Board was moving forward with an action on the Consent Calendar without any public discussion or presentations to the Board to show the contract was targeted for public safety as opposed to generating revenue.

Chuck Huckelberry, County Administrator, stated the proposed contract was in response to known traffic hazards and conditions that included excessive speeding in Pima County. The issue of photo radar enforcement was studied by staff and the Sheriff's Department of Traffic Enforcement staff for six to eight months, and the contract before the Board was encouraged throughout the State as a Cooperative Purchase Agreement. In the procurement process, the Sheriff's Department and staff reviewed the vendors, analyzed the probability of citations, the payment of citations and came to the conclusion that it would be appropriate to enter into a Cooperative Procurement Agreement to install photo radar in known locations of high speed violations and vehicular accidents to improve roadway safety on the unincorporated highway system. The revenue sharing structures are specified in the statutes and set by the Administrative Office of the Courts so the Board would simply adopt a strategy that has been an effective tool in reducing excessive speed.

Board members had questions about the study and costs that were conducted by staff and those questions were answered by Lindy Funkhouser, Deputy County Administrator, and Lieutenant Carl Woolridge, Pima County Deputy Sheriff.

A roll call vote was requested on the motion to deny the award of contract. Upon the roll call vote being taken, the motion failed by a vote of 2-3, Supervisors Bronson, Valadez and Chairman Elías voting "Nay."

It was thereupon moved by Chairman Elías, seconded by Supervisor Valadez to approve the award of contract. A roll call vote was requested and upon the roll call vote being taken, the award of contract was approved by a 3-2 vote, Supervisors Carroll and Day voting “Nay.”

**B. APPROVAL OF THE CONSENT CALENDAR**

On consideration, it was moved by Chairman Elias, seconded by Supervisor Bronson 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. Town of Marana, Amendment No. 2, to provide management and implementation of the Community Development Block Grant Program and extend contract term to 12/31/09, CDBG Grant Fund, no cost (01-70-M-138937-1006)
2. Town of Marana, Amendment No. 1, to provide management and implementation of the Community Development Block Grant Program and extend contract term to 12/31/09, CDBG Grant Fund, no cost (01-70-M-140524-1007)

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

3. Arizona Department of Housing, Amendment No. 2, to provide administration of an eviction prevention/emergency and homeless housing assistance program and extend contract term to 6/30/10, Arizona Department of Housing Grant Fund, contract amount \$160,000.00 revenue (01-69-A-140968-0708)
4. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services to youth and adults, DOL and WIA Grant Funds, contract amount \$16,250.00 (11-69-G-141103-0908)
5. Goodwill Industries of Southern Arizona, Inc., to provide workforce development services for youth and adults, DOL and WIA Grant Funds, contract amount \$50,983.00 (07-69-G-141647-0908)

**C. Constables Office**

6. State of Arizona Constable Ethics, Standard and Training Board, to provide a training grant for 6 constables and 1 deputy constable, State Grant Fund, contract amount \$1,116.08 revenue (02-78-A-141646-0109)

**D. County Attorney**

7. RESOLUTION NO. 2009-1, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Edward Byrne Memorial Justice Assistance Grant Fund, contract amount \$101,643.00 revenue (01-02-T-141644-1007)

**E. Facilities Management**

8. American Indian Association of Tucson, Inc., d.b.a. Tucson Indian Center, to provide a Lease Agreement at 97 E. Congress, Suite 100, contract amount \$996,981.75 revenue (04-13-A-141651-0109)

**F. Fleet Services**

9. RESOLUTION NO. 2009-2, approving an Intergovernmental Agreement with the City of Tucson, to provide alternative fuels at the City of Tucson fueling stations, Internal Service Fund, estimated contract amount \$50,000.00 (01-75-T-141629-1208)

**G. Health Department**

10. Arizona Board of Regents, Amendment No. 4 **2**, to provide services to women, newborns and infants up to the age of two years and amend contractual language, State Fund, contract amount \$2,000.00 decrease (01-01-A-139770-0707)
11. Arizona Department of Health Services, Amendment No. 1, to provide for the Teen Pregnancy Prevention Program and extend contract term to 12/31/09, Federal Fund, no cost (01-01-A-140608-0108)
12. Animal Welfare Alliance of Southern Arizona, Inc., Amendment No. 3, to provide spay and neuter clinics, extend contract term to 12/13/09 and amend contractual language, Health Fund, no cost (07-01-A-140625-1207)
13. Arizona Department of Health Services, Amendment No. 1, to provide for the Tuberculosis Control Program and extend contract term to 12/31/09, State Fund, contract amount \$72,649.00 revenue (01-01-A-140692-0108)

14. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for the administration of the HerStory Health Project and extend contract term to 9/29/09, University of Arizona Grant Fund, contract amount \$33,510.01 revenue (02-01-A-140708-0907)

**H. Pima Health System**

15. Southwest Dental Anesthesia Services, Amendment No. 4, to provide general anesthesia services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-135316-0205)
16. Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 8, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-137036-1005)
17. Raul Sora, M.D., L.L.C., Amendment No. 3, to provide behavioral health-bilingual psychiatry diagnosis and treatment services, extend contract term to 10/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-S-137092-1105)
18. Oscar Rojas, M.D., Amendment No. 2, to provide primary care physician pediatric services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-R-137205-0106)
19. Haven Behavioral Services of Tucson, L.L.C., d.b.a. Sonora Behavioral Health Hospital, Amendment No. 5, to provide psychiatric hospital services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$600,000.00 (18-15-S-137218-0106)
20. Southwest Orthopedic Surgery Specialists, P.L.C., Amendment No. 3, to provide orthopedic services, extend contract term to 9/30/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137289-1005)
21. Marana Health Center, Inc., Amendment No. 2, to provide specialty care services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-M-138942-0107)
22. Newborn Intensive Care Group, P.C., Amendment No. 1, to provide Neonatology/newborn services, extend contract term to

1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-138976-0207)

23. Catalina Ear, Nose, and Throat, P.C., Amendment No. 1, to provide ear, nose, throat and dermatology, and dermatopathology services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-138978-0207)
24. Intermountain Centers for Human Development, Inc., Amendment No. 2, to provide behavioral health services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-I-139040-0207)
25. Easter Seals Blake Foundation, Amendment No. 2, to provide habilitative residential services, behavioral health management and counseling services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-B-139072-0207)
26. Agave Surgical Associates, P.C., Amendment No. 1, to provide surgery services, extend contract term to 1/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-139074-0207)

**I. Procurement**

27. Kathryn Kellner d.b.a. Kellner Studio, Amendment No. 3, to provide presentation and communication strategies consulting services and extend contract term to 11/17/09, General Fund, contract amount \$7,500.00 (07-02-K-137405-1105) County Attorney
28. AECOM Services, Inc., d.b.a. AECOM Design, Amendment No. 3, to provide architectural services for the Pima County Justice Court/Tucson City Court Complex and amend contractual language, 2004 Bond Fund, contract amount \$84,600.00 (15-13-D-137105-0805) Facilities Management
29. Qwest Corporation, Amendment No. 2, to provide PBX dial tone voice and other data communication related services, Various Department Funds, contract amount \$750,000.00 (11-14-Q-137139-0805) Information Technology
30. Malcolm Pirnie, Inc., Amendment No. 8, to provide for the Ina Road WPCF Process Change and Expansion Construction Management Project and extend contract term to 9/1/09, no cost (16-03-M-125816-0399) Regional Wastewater Reclamation

31. Stantec Consulting, Inc., Amendment No. 5, to provide for the Marana WWTF BNROD Expansion Design Project and extend contract term to 6/30/09, no cost (16-03-S-137487-1205) Regional Wastewater Reclamation
32. Greeley and Hanson, Amendment No. 7, to provide for the Pima County Metropolitan Wastewater Treatment System Capacity Management, Nutrient Removal, Solids Handling/Treatment and CIP Development Study and amend contractual language, WWM Enterprise Fund, contract amount \$197,334.00 (16-03-G-137854-0206) Regional Wastewater Reclamation
33. AECOM Design Services, d.b.a. AECOM Design, Amendment No. 2, to provide consultant services, extend contract term to 1/31/10 and amend contractual language, Federal RICO Fund, contract amount \$990,000.00 (07-11-C-137637-0206) Sheriff

#### **Awards**

34. Low Bid: Award of Contract, Requisition No. 0900648, in the amount of \$1,100,000.00 for Sodium Bisulfite to Thatcher Company of Arizona (Headquarters: Buckeye, AZ). Contract is for a one-year term and includes four one-year renewal options. Funding Source: Wastewater Management Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
35. Low Bid: Award of Contracts, Requisition No. 0900797, in the cumulative award amount of \$515,000.00 for de-icing, dust control & soil stabilization; \$325,000.00 to Desert Mountain Corporation (Headquarters: Kirtland, NM) and \$190,000.00 to Soilworks, L.L.C. (Headquarters: Gilbert, AZ). Contracts are for an initial one-year term and include four one-year renewal options. 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 annual award amount of \$515,000.00. Funding Source: General Fund. Administering Department: Transportation.
36. Cooperative Procurement: Award of Contract, Requisition No. 0901135 (PULLED FOR SEPARATE ACTION AND DISCUSSION)
37. Low Bid: Award of Contract, Requisition No. 0901160, in the amount of \$303,445.00 to the lowest responsive bidder, Weber

Group, L.C. (Headquarters: Chandler, AZ) for removal and disposal of the existing underground fuel tanks and replacement with a new above ground tank and all associated work located at 12600 N. Sanders Rd., Marana, AZ for Fleet Services. The contract is for an eight-month period and may be extended for project completion. Funding Source: Internal Service Fund. Administering Department: Facilities Management.

**J. Public Works Administration**

38. RESOLUTION NO. 2009- 3, approving an Intergovernmental Agreement with the Metropolitan Domestic Water Improvement District, to provide for the use of public rights-of-way, no cost (01-76-M-141661-0109)

**K. Sheriff**

39. RESOLUTION NO. 2009- 4, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$504,000.00 revenue (01-11-A-141636-1108)
40. RESOLUTION NO. 2009- 5, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for equipment under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$400,000.00 revenue (01-11-A-141637-1108)
41. RESOLUTION NO. 2009- 6, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for strengthening the border through deterrence, prevention and protection capabilities, Urban Area Security Initiative Grant Fund, contract amount \$229,000.00 revenue (01-11-A-141638-1008)
42. RESOLUTION NO. 2009- 7, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide video-court hearings of municipal prisoners, General Fund, contract amount \$10,000.00 revenue (01-11-S-141660-1208)
43. Arizona Department of Public Safety, Amendment No. 6, to provide for the H.I.D.T.A. XV Program, H.I.D.T.A. Grant Fund, contract amount \$42,852.97 (01-11-A-136214-1004)

2. **SPECIAL TAXING DISTRICT**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 11, 2008 Election conducted by the Avra Valley Irrigation and Drainage District.

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

A. **Tucson/Pima County Historical Commission**

Reappointment of Gerald B. Juliani. Term expiration: 12/31/12. District 4)

B. **Housing Commission**

Reappointment of Frank Moreno and Jon Miles. Term expirations: 12/31/12. (District 5)

C. **Pima County Employee Merit System Commission and Law Enforcement Council**

Reappointment of Manuel Medina, Democrat. Term expiration: 12/31/12. (District 5)

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

Appointment of Carol Dow to replace Gypsy Lyle. Term expiration: 12/19/12. (Commission recommendation)

4. **DIVISION OF ELECTIONS**

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Stump-Green, Jane B.	012	REP
Segal, Robert J.	042	GRN
Andersen, Marie A.	055	REP
Andersen, Mark E.	055	REP
Beach, Ana R.	055	REP
Spencer, Andrew J.	057	GRN
Freeman, Max	181	REP
Pribanic, Joe	181	REP
Zielbauer, Patricia M.	189	REP
Leroy, Curtiss E.	226	REP
Leroy, Maxine J.	226	REP
Heald, Jack M.	237	REP
LaMear, Rebecca B.	237	REP
Rigoli, Julio A.	237	REP
Wroldsen, Virginia K.	237	REP

Brown, Barbara A.	310	REP
Woods, Lawrence P.	310	REP
Woods, Sandra T.	310	REP
Flynn, Barbara Z.	359	REP
Peace, Cecilia	382	REP
Peace, Robert	382	REP
Biggs, Sherri	393	REP

**FINANCE AND RISK MANAGEMENT**

**5. Duplicate Warrants – For Ratification**

ERRINGER, CHRISTOPHER T.	\$	508.56
AIR EVAC SERVICES, INC.	\$	2,315.74

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

- A. Kiri Gragg, Heaven's Gate I, 3200 E. Irvington Rd., Tucson, December 13 and 14, 2008.
- B. Michelle Lynn Garmon, St. Thomas the Apostle Preschool, 5151 N. Valley View Rd., Tucson, February 7, 2009.

**7. REAL PROPERTY**

**Abandonment and Quit Claim Deed**

- A. RESOLUTION NO. 2009-8, of the Pima County Board of Supervisors, providing for the vacation and abandonment by exchange of a portion of Belvedere Avenue, located between Houghton Road and Melpomene Way, in Section 34, T14S, R14E, Abandonment No. A-07-09. (District 2)
- B. Quit Claim Deed to Tennessee Penguins, L.L.C., for a portion of Belvedere Avenue. No revenue. (District 2)

**8. FOR THE RECORD**

On December 2, 2008, the Board of Supervisors continued the following contracts to this date. These matters were heard and approved on December 16, 2008.

- A. HDR Engineering, Inc. (139265)
- B. Braaksma Design, Inc. (141556)

9. **RATIFY AND/OR APPROVE**

Minutes: November 18, 2008  
December 2, 2008, Zoning Enforcement Board of Appeals

Warrants: December, 2008

**REGULAR AGENDA/ADDENDUM ITEMS**

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

- A. The Sheriff's Department requests the creation of one (1) new Position Control Number to be allocated to the 3530/Public Safety Support Specialist classification. No cost.
- B. The Sheriff's Department requests the creation of two (2) new Position Control Numbers to be allocated as follows:

<u>CLASS CODE</u>	<u>CLASS TITLE</u>	<u>GRADE/RANGE</u>	<u>EEO, O/T CODE</u>
7101	Project Manager Unclassified	U2(\$39,392-\$96,724)	NP*
1168	Administrative Support Specialist-Senior	33(\$31,356-\$45,207)	PT**

\*NP = (Not Paid Overtime) Exempt  
\*\*PT = (Paid Overtime) Non Exempt

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

14. **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

RESOLUTION NO. 2009-9, authorizing Pima County to accept the first year of funding of a five-year grant from the U.S. Department of Education for the 2009 21st Century Community Learning Centers Project on behalf of the Pima Vocational High School.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-9.

15. **DEVELOPMENT SERVICES: FINAL PLATS WITH ASSURANCES**

- A. P1206-125, Fagan Ranch, Lots 1-242, Reservoir Site, Blocks 1-5 and Common Areas A-1 thru A-11, B-1 thru B-6, C-1 thru C-5, D, E-1 thru E-3, F-1 thru F-10, G-1 thru G-5. (District 4)
- B. P1207-088, Rio Antigua Condominium Units 1101-1104, 2101-2104, 3101-3104, 4101-4106, 5101-5104, 6101-6104, 7101-7104, 8101-8103, 9101, 9102, 10101-10103, 11101-11104, 12101-12104, 13101-13104, 14101-

14104, 15101-15103 and 16101-16104, Common Elements A (Streets, Parking, Landscaping and Open Spaces), Pool Area B, Private Drainage Basin C and Limited Common Elements D-Z, AA-ZZ and AAA-LLL (Courtyards, Storage and Allocated Parking Spaces). (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the final plats with assurances as presented.

**16. FIRE DISTRICT: MOUNTAIN VISTA FIRE DISTRICT**

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Mountain Vista Fire District for the proposed Lambert Lane Annexation. (District 1)

Eric Hawkins, attorney for Mountain Vista Fire District, was present to answer questions.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the validation of petitions as presented.

**17. PROCUREMENT**

**A. Appeal of Procurement Director's Decision**

Pursuant to Pima County Code Section 11.20.010(J), 4-L Construction, Inc., appeals the decision of the Procurement Director regarding Solicitation No. 0900800, Rose Neighborhood Pedestrian Bridge over the Rodeo Wash.

**B. Low Bid: Award of Contract**

The Board of Supervisors' on 12/16/08, continued the following:

Low Bid: Award of Contract, Requisition No. 900800, in the amount of \$215,280.00 to the lowest responsive bidder, The Ashton Company, Inc., (Headquarters: Tucson, AZ), for the Rose Neighborhood pedestrian bridge over Rodeo Wash. The apparent low bidder, 4-L Construction, Inc. was deemed non-responsive for failure to meet the 1% MBE goal set for this project, and their submitted Request for Waiver was denied. The contract term is six months with the ability to extend the term for contract completion. Funding Source: 2004 Bond Fund. Administering Department: Transportation.

Without objection, these items were continued to the Board of Supervisors' Meeting of January 13, 2009.

18. **REAL PROPERTY: CONDEMNATION**

The Board of Supervisors' on 12/2/08, continued the following:

RESOLUTION NO. 2008-305, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the La Canada: Ina Road to Calle Concordia Project in Sections 22, 23, 26, 27, 34 and 35 of T12S, R13E and Sections 2 and 3, T13S, R13E, G&SRM. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution No. 2008-305.

19. **TRANSPORTATION: ACCEPTANCE OF PROJECT/ROADWAYS FOR MAINTENANCE**

P1203-108, Rancho del Lago, Blocks 43 and 49 Public Road Improvements; Mary Ann Cleveland Way, Station 358+50 to Station 378+36.55, Colossal Cave Road, Station 378+36.55 to Station 392+25, Colossal Cave Road, Station 17+07.55 to Station 31+43.41. Developer: Vail Valley Joint Venture, c/o The Estes Company. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the acceptance of project/roadways for maintenance.

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

A. 08-43-8966, Richard Alexander Coomer, Picture Rocks Horseshoe Steakhouse and Saloon, 6575 N. Sandario Road, Tucson, Series 12, Restaurant License, New License.

B. 08-44-8967, Matthew Angus McKinnon, Sur Real Latin American Cuisine, 3001 E. Skyline Drive, Tucson, Series 12, Restaurant License, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings, approve the requests and forward the recommendations to the State Liquor Control Board.

21. **FRANCHISE/LICENSE/PERMIT: WINE FESTIVAL LICENSE/WINE FAIR LICENSE**

Robert K. Johnson, d.b.a., Colibri Vineyard and Winery, St. Phillips Plaza, L.L.C., 4280 N. Campbell Avenue, Tucson, January 11 and 25, and February 1 and 15, 2009, from 10:00 a.m. to 1:00 p.m.

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

22. **DEVELOPMENT SERVICES: APPEAL OF HEARING ADMINISTRATOR'S DECISION**

The Board of Supervisors' on 11/18/08, continued the following:

P21-08-044, PC ROW – 4798 N. PONTATOC ROAD

In accordance with Pima County Zoning Code Section 18.97.030.F.(6), Austin Lee appeals the decision of the Hearing Administrator in Case No. P21-08-044, to allow a Type I Conditional Use Permit for an antenna co-location and equipment area in the right-of-way located at 4798 N. Pontatoc Rd. in the CR-1 zone. Chapter 18.97, in accordance with Sections 18.07.030H2d4 of the Pima County Zoning Code, allows an antenna co-location and Equipment Area as a Type I Condition Use in the CR-1 zone. The Hearing Administrator recommends APPROVAL.

Without objection, Next G Networks had withdrawn their request for a Type I Conditional Use Permit from the agenda. The appeal is moot.

23. **DEVELOPMENT SERVICES: SPECIFIC PLAN ORDINANCE**

ORDINANCE NO. 2009- 1, Co23-08-01, South Kolb Road Specific Plan (First Amendment). Owners: Lucky Levin Railroad, L.L.C. and Valencia Kolb Properties, L.L.C. (District 4)

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 Ordinance No. 2009-1.

24. **TRANSPORTATION: ROADWAY DEVELOPMENT IMPACT FEE PROJECTS**

ORDINANCE NO. 2009- 2, of the Board of Supervisors of Pima County, Arizona, relating to capital improvement funding within the established benefit areas; identifying specific projects by benefit area with associated cost per project. (All Districts)

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009-2.

25. **BOARD OF SUPERVISORS**

County Administrator Employment Contract. (07-30-H-141673-0109)  
Discussion/Action. (District 2)

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elías to approve the contract. No vote was taken at this time.

Lee Ewing, representing Arizonan's for Immigration Control, addressed the Board in opposition of the proposed County Administrator's contract.

Upon the vote being taken, the motion carried by a 4-1 vote, Supervisor Carroll voting "Nay."

26. **BOARD OF SUPERVISORS: DAVIDSON CANYON**

- A. RESOLUTION NO. 2009- 10, of the Pima County Board of Supervisors relating to the environment and natural resources, calling on the U.S. Army Corps of Engineers to refuse to issue a Clean Water Act Section 404 Permit to California Portland Cement Company for a road across Davidson Canyon in the absence of a complete project-wide Environmental Impact Statement; and requesting that the U.S. Bureau of Land Management require a complete project-wide Environmental Impact Statement prior to the issuance of any mineral lease in or adjacent to Davidson Canyon. (District 5)

The following speakers addressed the Board:

1. Richard Calabro                      2. Charlotte Cook                      3. Linda Schmidt

They provided the following comments:

- A. The Board was asked for their support by unanimously adopting Resolution No. 2009- 10 and to require a full Environmental Impact Statement;
- B. This was an important area and there are more impacts than were previously known which necessitates the need for an Environmental Impact Statement;
- C. The impacts and concerns included the threat to the environment, the mining operation would pose a dangerous safety hazard due to the number of trips made by large trucks in and out of the mining site, concerns regarding the watershed, ingress/egress through Davidson Canyon Wash, the historical Andrada Ranch that is in close proximity to the mining operation, the possible degradation of the riparian area, viewshed impairment and the loss of the recreational area;
- D. On their new plan of operations, the mining operation was planned to be larger;
- E. The new roadway does not follow the existing roadway;
- F. The Empire/Fagan Coalition submitted the same petition to the Bureau of Land Management that was submitted to the Governor with over 1,600 signatures;
- G. When the mining lease is concluded, this area will not look the same;
- H. Individuals purchased their property in this area because it was in close proximity to Scenic Route 83, the area is pristine, open space and nice views that would be changed by the mining operation; and,
- I. The 1872 Mining Law should be changed to help protect this and other important areas.

Suzanne Shields, Regional Flood Control District Director, stated that just because the roadway was not located on the same footprint as the existing roadway, that does not give Pima County the ability to revoke the permit. There were no flood flows, a change in velocities nor any backing up of water so there was no floodplain reason to deny the permit.

Chuck Huckelberry, County Administrator, stated there is a State Mineral Lease on the west bank of Davidson Canyon that was granted with a conditional series of statements, but no environmental assessment was required by the State of Arizona even though Pima County requested it. There is a Federal Mineral Lease on the east bank of Davidson Canyon, and the Bureau of Land Management has stated they would require an environmental assessment. Pima County believed an environmental assessment was necessary given the nexus between the Clean Water Act 404 Permit that would be required to cross Davidson Canyon. The mining operation was in the process of preparing that environmental assessment, but they indicated they would prepare that assessment and then determine if they needed to take the next step. The resolution before the Board indicated the answer was already known, and the County was now linked to that environmental assessment with the 404 Clean Water Act which gives more powers and authority to the Federal Government and the Corps of Engineers. In addition, the new designation of Davidson Canyon as an outstanding water state becomes effective February 2, 2009, after rule making was already approved by the Governor's Regulatory Review Council and the Arizona Department of Environmental Quality. That designation alone would give additional powers to the Corps of Engineers with regard to their 404 Permit process so the two resolutions before the Board brings to the forefront all of the Federal compliance requirements that are still necessary but are still pending.

Supervisor Bronson stated on August 26, 2004, President Bush signed an executive order on the facilitation of cooperative conservation, and she asked whether anything from that executive order would improve Pima County's standing. Chairman Elías stated direction to staff to review that order could be given to determine if there was information that could help improve Pima County's standing.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009-10, and to direct staff to review the executive order for cooperative conservation to determine whether Pima County's standing could be improved.

B. RESOLUTION NO. 2009-11, of the Pima County Board of Supervisors relating to the environment and natural resources, calling on the Director of the Arizona Department of Environmental Quality to not issue a Stormwater Discharge Permit for mining operations in or immediately adjacent to Davidson Canyon, unless and until he has considered the results of a complete project-wide Environmental Impact Statement. (District 5)

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson to adopt Resolution No. 2009-11. No vote was taken at this time.

Supervisor Carroll requested a friendly amendment to include a requirement for the completion of a project-wide Environmental Impact Statement to determine if this proposal was contrary to the public interest before consideration of such a permit was undertaken.

Chuck Huckelberry, County Administrator, stated the proposed amendment could give the impression that the County had the authority to tell the Director of the Arizona Department of Environmental Quality what to do which they do not.

Chairman Elías responded that was a concern he had. He declined to accept the amendment but would direct the County Administrator to include that language in a cover letter to be sent to the Department of Environmental Quality.

Supervisor Carroll requested the cover letter be circulated to all Board Members to sign if the vote to adopt the resolution was unanimous. Upon the vote being, the motion carried unanimously by a 5-0 vote to adopt Resolution No. 2009-11, and direct the County Administrator to include the proposed language in a cover letter to be sent to the Arizona Department of Environmental Quality.

27. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Dale Roose requested eligibility requirements for Handi-Car be turned over to the Pima County Department of Transportation because eligibility requirements are currently determined by the City of Tucson for a service that is not ADA paratransit. Many individuals have been inappropriately excluded from Handi-Car service because they did not meet eligibility requirements.

Joe Sweeney addressed the issue of immigration and illegal aliens and their influx into the community.

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:35 a.m.