

## **AGENDA SUMMARY**

### **Pima County Board of Supervisors' Meeting**

**130 W. Congress St., Hearing Room, 1st Fl.**

**April 21, 2009 9:00 a.m.**

1. **ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PAUSE 4 PAWS**
- ... **EXECUTIVE SESSIONS**

#### **Call to the Public (for Executive Session items only)**

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County v. Concord Equities, Tax Parcel No. 137-11-428V, Arizona Tax Court Case No. TX2005-050275/1 CA-TX 08-003.

Motion carried to accept recommendation (5-0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding participation in a settlement conference with a private mediator in Valles, et. al. v. Pima County, et. al., U.S. District Court Case No. 08-CV-00009TUC.

Motion carried to proceed as discussed in Executive Session (5-0)

#### **BOARD OF SUPERVISORS SITTING AS OTHER BOARDS**

- ... **FLOOD CONTROL DISTRICT BOARD**

RESOLUTION NO. 2009 – FC **4**, of the Board of Directors of the Pima County Flood Control District, Pima County, Arizona, providing notice to withdraw from membership in the University of Arizona's Water Conservation Alliance of Southern Arizona, and approving and authorizing the termination of the Intergovernmental Agreement (01-59-

A-136290-0705) between Pima County, **Pima County Flood Control District** and the Arizona Board of Regents for membership in said alliance.

Motion carried to approve (5-0)

... **STADIUM DISTRICT BOARD**

**Contract**

Pima County, **Pima County Stadium District** and the Pima County Sports and Tourism Authority, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708)

Without objection, continued to 5-5-09

**BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

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

A. **CALL TO THE PUBLIC**

B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve, except CC.1.C.4 (5-0)

6. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2009 - **69**, providing for the issuance and sale of \$18,940,000.00 principal amount of Pima County, Arizona Sewer Revenue Bonds, Series 2009; providing for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a bid for the purchase of the bonds; authorizing and directing the execution and delivery of documents and further actions relating to the issuance of the bonds; appointing an initial bond registrar and paying agent for the bonds; and declaring an emergency.

Motion carried to approve (5-0)

7. **PROCUREMENT**

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

Pursuant to Pima County Code Section 11.20.010(J), Keith R. Eismann, Value Added Communications, appeals the decision of the Procurement Director regarding Solicitation No. 0901141, ADC Inmate Telephone System.

Without objection, withdrawn by applicant

**B. Award**

Award of Revenue Contract, Solicitation No. 0901141: to the Highest Scoring Proposal submitted by FSH Communications, L.L.C., (Headquarters: Chicago, IL) for an inmate telephone system for the Sheriff's Adult Detention Center. Funding Source: none required - revenue contract. Administering Department: Sheriff's Department.

Motion carried to approve (5-0)

**8. ECONOMIC DEVELOPMENT AND TOURISM**

Staff recommends approval of the proposed alteration plan for Old Tucson Studio Building 800 (Stage II).

Motion carried to approve (5-0)

**9. FIRE DISTRICT: GOLDER RANCH FIRE DISTRICT**

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Golder Ranch Fire District for the proposed La Reserve Annexation. (District 1)

Motion carried to approve (5-0)

**10. NATURAL RESOURCES, PARKS AND RECREATION**

RESOLUTION NO. 2009 - 70, of the Pima County Board of Supervisors, approving applications for various wildlife projects under the U.S. Fish and Wildlife Service Partners for Wildlife Grant Program.

Motion carried to approve (5-0)

**11. REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

RESOLUTION NO. 2009 - 71, of the Board of Supervisors, providing notice to withdraw from membership in the University of Arizona's Water Conservation Alliance of Southern Arizona, and approving and authorizing the termination of the Intergovernmental Agreement (01-59-A-136290-0705) between **Pima County**, Pima County Flood Control District and the Arizona Board of Regents for membership in said alliance.

Motion carried to approve (5-0)

**\*\*\* HEARINGS \*\*\***

**FRANCHISES/LICENSES/PERMITS**

**Extension of Premises/Patio Permits**

12. Alice Jeanne Mazon, Papagayo Sunrise Inc., 4717 E. Sunrise Dr., Tucson, Temporary Extension of Premises for May 2, 2009.

Motion carried to approve (5-0)

13. Albert Hall, Acacia at St. Phillips, 4340 N. Campbell Ave., No. 103, Tucson, Temporary Extension of Premises for May 8, 2009.

Motion carried to approve (5-0)

14. **ENVIRONMENTAL QUALITY**

**Pima County Code Text Amendment**

ORDINANCE NO. 2009 - **36**, of the Board of Supervisors of Pima County, Arizona, relating to environmental quality; amending the Pima County Code by amending Title 7, Chapters 7.03 and 7.09 to amend the fees for the Drinking Water Systems Program and Hazardous Waste Management Program.

Motion carried to approve (5-0)

15. **FORENSIC SCIENCE CENTER**

ORDINANCE NO. 2009 - **37**, of the Pima County Board of Supervisors, Pima County, Arizona, relating to forensic science, repealing the current fee schedule and establishing new fees for the provision of certain services.

Motion carried to approve (5-0)

16. **NATURAL RESOURCES, PARKS AND RECREATION**

ORDINANCE NO. 2009 - **38**, of the Pima County Board of Supervisors, Pima County, Arizona; amending Ordinance No. 2004-89 and establishing fees for the use of various County parks and recreational facilities and for services provided therein.

Motion carried to continue to 5-5-09 (5-0).

**DEVELOPMENT SERVICES**

UNFINISHED BUSINESS (RM 11/18/08 and RM 2/17/09)

**Plat Note Waiver/Modification**

- 17. Co12-77-29, Green Valley Desert Hills No. 2 Subdivision Plat-Plat Note Modification for Lot 476 and Common Area C Cluster Development Option  
Request of Green Valley Desert Hills No. 2, Inc., represented by Gilbert and Norlane Moss, for a plat note modification to allow approximately 540 square feet of Common Area C adjacent to Lot 476 to be incorporated into Lot 476. The lot is approximately 4,750 square feet, zoned CR-3, located on the northeast corner of Circulo De Las Lomas and Calle Alhambra, approximately 2,000 feet north of Camino Del Sol. Staff recommends **APPROVAL WITH CONDITIONS**. (District 4)

Without objection, withdrawn by applicant

NEW BUSINESS

**PLAT NOTE WAIVER**

- 18. Co12-71-60A, OSHRIN PARK SUBDIVISION, LOT 78  
Request of David Scheeler and Kelli Koski for a waiver of plat note No. 8 of Oshrin Park (Bk. 27, Pg. 26) which states, "The owner hereby files a covenant running with the land that all lots will be limited to one dwelling unit per gross acre until sewers are available." The applicant requests to allow a second dwelling on Lot 78, which is 1.00 acre zoned SH and is located on the north side of Calle Appaloosa, approximately 330 feet east of Cerius Stravenue, north of Pima Farms Road. Reference Case: Co9-70-39. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

Motion carried to approve (5-0)

- 19. **Street Name Change**

Present	Proposed
Unnamed easement/road Co14-09-004 (District 3)	Spica Drive

Motion carried to approve (5-0)

- 20. **CALL TO THE PUBLIC**

- 21. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.  
DATE POSTED: 4/15/09  
TIME POSTED: 5:00P.M.

## CONSENT CALENDAR, APRIL 21, 2009

### 1. CONTRACTS AND AWARDS

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

1. Arizona Community Action Association, Amendment No. 1, to provide an independent contractor agreement with Southwest Gas, contract amount \$15,555.00 revenue (02-69-A-141191-0708)

#### B. County Attorney

2. Snell & Wilmer, L.L.P., Amendment No. 2, to provide legal advice and representation regarding Superior Court Case C20074840, Seaboard Surety Company, et. al. and amend contractual language, RWRD Enterprise Fund, contract amount \$100,000.00 (17-02-S-140916-0208)

#### C. Economic Development and Tourism

3. Southern Arizona Kart Club, Inc., Amendment No. 3, to provide development, operation and lease agreement and amend contractual language, no cost (04-71-S-127657-0600)
4. **Pima County**, Pima County Stadium District and the **Pima County Sports and Tourism Authority**, to provide for Authority activities and approve the FY 09/10 Budget, Stadium District Fund, contract amount \$300,000.00; and Authority contribution, contract amount \$50,000.00 annually (\$100,000.00 for FY 08/09 and FY 09/10) (11-71-P-141887-0708)

Without objection, continued to 5-5-09

#### D. Health

5. Arizona Department of Health Services, Amendment No. 2, to provide for the Tuberculosis Control Program and amend contractual language, Arizona Department of Health Services Fund, contract amount \$30,854.00 decrease (01-01-A-141124-0708)

#### E. Pima Health System

6. AKDHC L.L.C., d.b.a. Arizona Kidney Disease and Hypertension Center, Amendment No. 4, to provide nephrology services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-137424-0406)

7. Tucson Heart Hospital-Carondelet, L.L.C., d.b.a. Tucson Heart Hospital, Amendment No. 4, to provide hospital services, extend contract term to 11/30/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-M-138814-1106)
8. Tucson Pulmonology, P.C., Amendment No. 1, to provide pulmonology services extend contract term to 4/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-139375-0507)
9. Valley ENT., P.C., Amendment No. 2, to provide ear, nose and throat services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-139385-0107)
10. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 7, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$850,000.00 (07-15-A-139487-0407)
11. Arizona Health Care Cost Containment System, Amendment No. 2, to provide acute care medical services and amend contractual language, PHCS Enterprise Fund, no cost (02-15-A-141668-1008)
12. Arizona Health Care Cost Containment System, to provide acute care medical services and medically necessary pregnancy termination services, PHCS Enterprise Fund, revenue based on services (18-15-A-141871-1008)
13. Arizona Health Care Cost Containment System, to provide long term care and medically necessary pregnancy termination services, PHCS Enterprise Fund, revenue based on services (18-15-A-141872-1008)
14. Carondelet Medical Group, Inc., to provide primary care physician services, PHCS Enterprise Fund, contract amount \$1,500,000.00/2 year term (18-15-C-141874-0409)

**F. Regional Wastewater Reclamation Department**

15. Diablo Village Estates, L.L.C., to provide a connection fee credit agreement for development agreement for upgrades to the Avra Valley Wastewater Treatment Plant as referenced in contract no. 14-03-S-137012-0905, RWRD Enterprise Fund, contract amount \$330,197.47; and \$330,197.47 revenue (14-03-D-141885-0409)
16. Rocking K Development Company, to provide master sewer service agreement for construction of improvements to the public sanitary sewerage system and provision of sanitary sewerage service for Rocking

K South, Blocks 1-14, P1207-006, RWRD Enterprise Fund, no cost (14-03-R-141886-0409)

**G. Sheriff**

17. RESOLUTION NO. 2009 - 67, approving an Intergovernmental Agreement with the Department of Justice: Community Oriented Policing Services, to provide for the 2006 C.O.P.S. Technology, Federal Grant Fund, contract amount \$246,807.00 revenue (01-11-J-141868-1105)
18. Mesa Police Department, Amendment No. 1, to provide for participation in the Arizona Southwest Border Alliance and extend contract term to 6/30/09, H.I.D.T.A. XV Grant Fund, contract amount \$12,868.30 (01-11-M-136286-1004)
19. Tucson Police Department, Amendment No. 3, to provide for participation in the Arizona Southwest Border Alliance and extend contract term to 6/30/09, H.I.D.T.A. XV Grant Fund, contract amount \$100,000.00 (01-11-T-136289-1004)

**2. PROCUREMENT**

**Quarterly Contracts Report – 1st Quarter, 2009**

Pursuant to Pima County Code, Section 11.08.010, staff submits the quarterly report on contracts awarded from January 1, 2009 through March 31, 2009.

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

- A. Richard Thomas Poirier, Knights of Columbus, 300 N. Tanque Loop Road, Tucson, April 18, 2009.
- B. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo del Nored, Tucson, April 16, 2009.
- C. Deborah Jassem, Tohono Chul Park, 7366 N. Paseo del Nored, Tucson, April 19, 2009.
- D. Lia K. Sansom, Tucson Audubon Society, 3835 W. Hardy Road, Tucson, April 25, 2009.

4. **REAL PROPERTY**

**Condemnation**

RESOLUTION NO. 2009- **68** of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for improvements to Tanque Verde Road: Catalina Highway to Houghton Road in Sections 34, 35 and 36 in T13S, R15E and Sections 1 and 2, T14S, R15E, G&SRM. (District 4)

5. **RATIFY AND/OR APPROVE**

Minutes:        March 3, 2009

                    Zoning Enforcement Board of Appeals Minutes  
                    April 7, 2009

## **ADDENDUM SUMMARY**

### **Pima County Board of Supervisors' Meeting**

**130 W. Congress St., Hearing Room, 1st Fl.**

**April 21, 2009 9:00 a.m.**

#### **... EXECUTIVE SESSIONS**

##### **Call to the Public (for Executive Session items only)**

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Dos Picos et. al. v. Pima County, Pinal County Superior Court Case No. CV2005-00478.

Motion carried to approve recommendation (5-0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding legal defense options related to the Broadway-Pantano Landfill.

Motion carried to approve recommendation (5-0)

#### **BOARD OF SUPERVISORS SITTING AS OTHER BOARDS**

#### **... LIBRARY DISTRICT BOARD**

##### **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Snell & Wilmer to represent K-GAM in negotiations with the Pima County Library District for a lease on K-GAM's property located on Wilmot Road.

Motion carried to approve (5-0)

#### **BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

##### **1. BOARD OF SUPERVISORS**

Renaming of the Hidden Canyon Trail in Tucson Mountain Park to the Lorraine Lee Hidden Canyon Trail. (District 5)

Motion carried to approve (5-0)

**2. COUNTY ADMINISTRATOR**

**A. Proposed Revisions to Board of Supervisors' Policies**

Staff requests approval of the following amendments:

1. Policy No. D 21.1, Equal Employment Opportunity and Affirmative Action Policy;
2. Policy No. D 21.2, Prevention of Sexual Harassment;
3. Policy No. D 21.3, Prevention of Workplace Harassment;
4. Policy No. D 21.4, Native American Employment Policy; and
5. Policy No. D 23.11, Preventing Workplace Violence.

Motion carried to approve (5-0)

**B. Notice of Action Requiring Bond Ordinance Amendment**

1. Pursuant to Pima County Code Section 3.06.07(C), Board direction on Executive Session Item No. A may cause the need for a Bond Ordinance Amendment during the next amendment cycle to reallocate funding remaining from the Tumamoc Hill acquisition (1997 Bond Project SD-10) and funds remaining from the Los Morteros acquisition (1997 Bond Project SD-4) to the Tucson Mountain Park acquisition project that includes Dos Picos (1997 Bond Project SD-1).
2. This notice is to be provided in conjunction with the Executive Session item for legal advice and direction regarding Dos Picos et. al. v. Pima County, Pinal County Superior Court Case No. CV2005-0047.

Motion carried to accept recommendation (5-0)

**3. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

The Pima County Neighborhood Reinvestment Oversight Committee recommends denial of the additional request as follows:

<u>Neighborhood</u>	<u>Project</u>	<u>Estimated Budget</u>
North Dodge	Neighborhood Sidewalks	\$136,665.50

Motion carried to approve the project (5-0)

#### 4. **CONTRACTS**

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

RESOLUTION NO. 2009 - **72**, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to enhance education and workforce services, Arizona Department of Economic Security Grant Fund, contract amount \$5,648,277.00 revenue (01-69-A-141894-0209)

Motion carried to approve (5-0)

##### B. **Procurement**

Arizona Department of Transportation, to provide for the implementation of the Disadvantaged Business Enterprise Race Neutral Program, no cost (11-26-A-141899-0409)

Motion carried to approve (5-0)

##### C. **Real Property**

RESOLUTION NO. 2009 - **73**, of the Board of Supervisors of Pima County, Arizona, approving and authorizing the execution of the following with SCCREI Ranch, L.L.C.; BCCREI, L.L.C.; RCCREI, L.L.C.; CFCREI Ranch, L.L.C.; SMC MCC HOLDINGS, L.L.C.; BDMC MCC Holdings, L.L.C.; RKC MCC Holdings, L.L.C.; CCFMCC Holdings, L.L.C.; KEMF-MCC, L.L.C.; and Marley Cattle Company, L.L.P., (22-64-S-141898-0409):

- 1 Purchase and Option Agreement, 2004 Bond Fund, contract amount \$20,020,000.00 including closing costs.
2. Phase II Option Agreement, no cost.
3. Phase III Option Agreement, no cost.
4. Ranch Management Agreement, no cost.

Motion carried to approve (5-0)

#### 5. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

##### A. **Metropolitan Education Commission**

Reappointment of Laura Shaw, Business/TREO. Term expiration: 3/21/12. (Commission recommendation)

Motion carried to approve (5-0)

**B. Pima County/Tucson Commission on Addiction, Prevention and Treatment**

Appointment of Tanya Valladares to fill the vacancy created by Joseph Bass. Term expiration: 11/30/10. (Commission recommendation)

Motion carried to approve (5-0)

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

Appointment of Desiree Gonzales to fill the vacancy created by Isabella Soto. Term expiration: 10/22/10. (Commission recommendation)

Motion carried to approve (5-0)

**D. Small Business Commission**

Appointment of Joy Soler to replace Edmund Marquez. Term expiration: 4/30/13. (District 5)

Motion carried to approve (5-0)

**E. Workforce Investment Board**

Appointments of Tere LeBarron, Business, to fill the unexpired term of Alicia Moises; Jason Ott, Business, to fill the unexpired term of Roy Sasiadek; and Dr. Nicholas Clement, Other, to fill the unexpired term of Manuel Isquierdo. Term expirations: 9/30/09. (Staff recommendations)

Motion carried to approve (5-0)

**\*\*\* HEARINGS \*\*\***

**6. COUNTY ADMINISTRATOR**

**Bond Ordinance Amendments**

- A. ORDINANCE NO. 2009 - **39**, of the Board of Supervisors of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects, amending Ordinance No. 1997-80 (as amended September 22, 1998 by Ordinance No. 1998-59 and August 20, 2001 by Ordinance No. 2001-112 and December 14, 2004 by Ordinance No. 2004-118 and October 11, 2005 by Ordinance No. 2005-90 and April 4, 2006 by Ordinance No. 2006-20 and October 17, 2006 by Ordinance No. 2006-83 and November 6, 2007 by Ordinance No. 2007-93) Bond Implementation Plan, November 4, 1997 Special Election, to amend project scopes and implementation period schedules for selected projects; amending bond sales schedules.

Motion carried to approve (4-1)

- B. ORDINANCE NO. 2009 - **40**, 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 and April 4, 2006 by Ordinance No. 2006-21 and October 17, 2006 by Ordinance No. 2006-84 and April 10, 2007 by Ordinance No. 2007-33 and November 6, 2007 by Ordinance No. 2007-95 and April 1, 2008 by Ordinance No. 2008-25 and November 18, 2008 by Ordinance No. 2008-106) 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.

Motion carried to approve (4-1)

## 7. PROCLAMATIONS

- A. Proclaiming April 26, 2009, to be:

**“CARONDELET NEUROLOGICAL INSTITUTE DAY”**

Motion carried to approve (5-0)

- B. Proclaiming the week of May 1 to May 7, 2009, to be:

**“YOUTH WEEK IN PIMA COUNTY”**

Motion carried to approve (5-0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 4/17/09

TIME POSTED: 12:30 P.M.