

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

September 1, 2009 9:00 a.m.

1. **ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PAUSE 4 PAWS**
5. **PRESENTATIONS/PROCLAMATIONS**
 - A. Presentation of a proclamation to Cindy Klein, Compass Behavioral Health Center and Pete Moore, HOPE Recovery, proclaiming the month of September, 2009 to be:

“NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH”

Motion carried to approve (5/0)
 - B. Presentation of a proclamation to Margaret Hoeft, President of the Tucson Chapter of the National Ovarian Cancer Coalition and to Tori Stypula, Karen Conway, Gloria MacDonald, Rita Davidson and Mary Lou Steppler, proclaiming the month of September, 2009 to be:

“OVARIAN CANCER AWARENESS MONTH IN PIMA COUNTY”

Motion carried to approve (5/0)
 - C. Presentation of a proclamation to Magdalena Barajas proclaiming Pima County's commitment to partner with the U.S. Census Bureau to help ensure a full and accurate census count in 2010.

Motion carried to approve (5/0)

... **EXECUTIVE SESSION**

Call to the Public (for Executive Session items only)

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

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations for the following:

- A. **Stardust-Cantera v. Pima County**
Tax Parcel Nos. 140-32-5690 through 140-32-7110
Arizona Tax Court Case No. TX2008-000903
- B. **Stardust-Reif v. Pima County**
Tax Parcel Nos. 132-28-0010 through 132-28-7550
Arizona Tax Court Case No. TX2008-000603
- C. **AIG v. Pima County**
Tax Parcel Nos. 133-14-462B, 133-14-8180
Arizona Tax Court Case No. TX2008-000833
- D. **First Professional Plaza v. Pima County**
Tax Parcel Nos. 105/09-015G, 105/09-015J, 105/09-015K,
105/09-015L, 105/09-015M
Arizona Tax Court Case No. TX2008-000927

Without objection, this item was continued to 9/15/09

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... **FLOOD CONTROL DISTRICT BOARD**

Right-of-Way Easement

Sale and conveyance of a right-of-way easement to Tucson Electric Power Company for the placement of electrical facilities within a portion of a drainageway lying south of River Road in Section 15, T13S, R13E, G&SRM. Revenue of \$190.00. (District 1)

Motion carried to approve (5/0)

... **LIBRARY DISTRICT BOARD**

State Grants-in-Aid

- A. Approval of grant from the Arizona State Library in the amount of \$26,235.03, to provide for the development of a Computer Literacy Program for teens to

promote the Nuestras Raices Celebration and the development of an internal Leadership Training Program for staff.

Motion carried to approve (5/0)

- B. Approval of grant from the Arizona State Library in the amount of \$25,000.00, to provide for the enhancement of the library's website and catalog.

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

- 6. **CONSENT CALENDAR:** For consideration and approval

- A. **CALL TO THE PUBLIC**
- B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve, except CC 2 (5/0)

- 7. **BOARD OF SUPERVISORS**

Approval of funding from One Percent for Youth to the Borderlands Theater Education Outreach Program in the amount of \$10,000.00. (District 5)

Motion carried to approve (5/0)

- 8. **PROCUREMENT**

Staff requests direction to proceed to the second step Request for Proposal phase of the Design/Build/Operate Project for the Regional Optimization Master Plan (ROMP) 32 MGD Water Reclamation Campus to replace the aging Roger Road Water Reclamation Facility.

Without objection, this item was continued to 10/6/09

TRANSPORTATION

- 9. **Acceptance of Projects/Roadways for Maintenance**

- A. P1205/001, Pima Farms, Lots 1-83. Developer: Redpoint Development. (District 4)

Motion carried to approve (5/0)

- B. P1203-067, Houghton Road Offsite Improvements to serve Ocotillo Preserve, Lots 1-42, Station 1+00.00 to Station 27+40.00. Developer: Terramar Properties. (District 4)

Motion carried to approve (5/0)

REGIONAL WASTEWATER RECLAMATION

10. Pretreatment Settlement Agreements

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

- A. Davis-Monthan Air Force Base, Case No. 2009-01. Proposed settlement amount is in accordance with the Industrial Wastewater Enforcement Plan.

Motion carried to approve (5/0)

- B. Walgreens Co., Case No. 2009-02. Proposed settlement amount is \$5,975.00.

Motion carried to approve (5/0)

- C. El Guero Canelo Segundo, L.L.C., Case No. 2009-05. Proposed settlement amount is \$5,092.40.

Motion carried to approve (5/0)

*** HEARINGS ***

DEVELOPMENT SERVICES

Conditional Use Permit

- 11. P21-09-009, POZO & GIUSEPPE – E. OLD SPANISH TRAIL
American Tower Corporation, applicant, on property at 12620 E. Old Spanish Trail, in SR zone, requests a conditional use permit for a communication tower. Chapter 18.97 in accordance with Section 18.07.030.H.2d of the Pima County Zoning Code, allows a communication tower as a Type III conditional use in the SR zone. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Holdridge voted Nay, Commissioner Membrila was absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 4)

Motion carried to approve (5/0)

Rezoning Resolutions

12. RESOLUTION NO. 2009 - 219, Co9-99-09, Pinetree Properties – River Road No. 2 Rezoning. Owner: Tucson Chinese Property Company, Inc. (District 1)

Motion carried to approve (5/0)

13. RESOLUTION NO. 2009 - 220, Co9-99-17, Ali, et. al. – Oracle Road Rezoning. Owners: CAPT Properties L.L.C. (District 1)

Motion carried to approve (5/0)

14. RESOLUTION NO. 2009 - 221, Co9-99-18, Ali – Oracle Road Rezoning. Owners: CAPT Properties L.L.C. (District 1)

Motion carried to approve (5/0)

TRANSPORTATION

Traffic Ordinances

15. ORDINANCE NO. 2009 - 83, of the Board of Supervisors, establishing prima facie speed limits on Wilds Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5/0)

16. ORDINANCE NO. 2009 - 84, of the Board of Supervisors, establishing prima facie speed limits on Drexel Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 2, 3 and 5)

Motion carried to approve (5/0)

Temporary Road Closure

17. RESOLUTION NO. 2009 - 222, of the Board of Supervisors of Pima County, temporarily closing Well Road, La Mina Avenue, Fundicion Street, Lomita Avenue and Plaza Street, in the town of Ajo, Arizona, on September 21, 2009, for the Annual Ajo International Day of Peace Celebration. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (5/0)

18. **CALL TO THE PUBLIC**

19. **ADJOURNMENT**

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

DATE POSTED: 08/26/09

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, SEPTEMBER 1, 2009

1. CONTRACTS AND AWARDS

A. Community Services, Employment and Training

1. SER-Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services at Jackson Employment Center and amend contractual language, HUD and WIA Grant and General Funds (expenditure determined by client eligibility), contract amount \$38,671.00 (07-69-S-142158-0709)

B. County Attorney

2. Snell & Wilmer, L.L.P., Amendment No. 3, to provide legal advice and representation regarding Superior Court Case No. C20074840, Seaboard Surety Company, et. al., RWRD Enterprise Fund, contract amount \$150,000.00 (17-02-S-140916-0208)

C. Facilities Management

3. Portable Practical Educational Preparation, Inc., Amendment No. 2, to provide a lease agreement for space in the Pima County Courthouse located in Ajo, Arizona, extend contract term to 8/30/11 and amend contractual language, General Fund, contract amount \$4,748.19 revenue (04-13-P-139179-0207)
4. Green Valley Performing Arts Center Foundation Inc., Amendment No. 1, to provide management, operation and maintenance to Phase II of the Green Valley Performing Arts Center and amend contractual language, no cost (11-13-G-141820-0309)

D. Health

5. State of Arizona Department of Corrections, to provide an inmate labor pool to support the Pima County Animal Care Center, General Fund, contract amount: \$8,760.00 (11-01-A-142292-0908)

E. Natural Resources, Parks and Recreation

6. RESOLUTION NO. 2009 - 216 , approving an Intergovernmental Agreement with the Altar Valley School District, to provide design and construction of the Altar Valley School District Recreational Facility, 2004 Bond Fund, no cost (01-05-A-142293-0909)

7. RESOLUTION NO. 2009 - 217 , approving an Intergovernmental Agreement with the Altar Valley School District, to provide operation and maintenance of the Altar Valley School District Recreational Facility, no cost (01-05-A-142294-0909)
8. RESOLUTION NO. 2009 - 218 , approving a ground lease with Native Seeds/Southwestern Endangered Aridland Resources Clearinghouse for a conservation education facility at Brandi Fenton Memorial Park, contract amount \$25.00 revenue (04-05-N-142295/0909)

F. Office of Court Appointed Counsel

9. Ronald Zack, Amendment No. 3, to provide court appointed attorney services on the Juvenile Attorney Panel and assign contract from Doris M. Reed, General Fund, no cost (17-74-R-136596-0705)

Award

10. Award of Contract, Requisition No. 0901254, in the total amount of \$300,000.00 to Richard Luff, for court appointed attorney services on the Superior Court Felony Panel. Contract is for a three-year period and provides one renewal for an additional three-year period. Funding Source: General Fund.

G. Pima Health System

11. Mariposa Community Health Center, Inc., Amendment No. 8, to provide primary care physician, dental, radiology, OB/GYN, transportation and pharmacy services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-137143-1005)
12. University Orthopedic Specialists, P.L.L.C., Amendment No. 4, to provide orthopedic surgery services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-U-137145/0905)
13. Southwest Orthopedic Surgery Specialists, P.L.C., Amendment No. 4, to provide orthopedic services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137289-1005)
14. Arizona Department of Economic Security, Amendment No. 13, to provide home and community based services to eligible elderly and physically disabled individuals and amend contractual language, PHCS Enterprise Fund, contract amount \$1,562,307.00 revenue (01-15-D-137491-0705)

15. Radiology LTD., P.L.C., Amendment No. 3, to provide radiology services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$800,000.00 (18-15-R-138584-1006)
16. ABC Dental Centers, P.C., Amendment No. 3, to provide dental services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138585-1006)
17. Specialists In Dermatology, P.L.L.C., Amendment No. 2, to provide dermatology services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-S-138809-1006)
18. Easter Seals Blake Foundation, Amendment No. 3, to provide habilitative residential services, behavioral health management and counseling services and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-B-139072-0207)
19. Heart Care of Southern Arizona, P.C., d.b.a. Desert Cardiology of Tucson, Amendment No. 2, to provide cardiology services, extend contract term to 8/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-H-140334-0907)
20. University Medical Center Corporation, Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142058-0509)
21. Lutheran Social Services of the Southwest, Amendment No. 1, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-L-142111-0709)
22. Senior Living Options, L.L.C., d.b.a. Palm Valley Rehabilitation and Care Center, to provide nursing facility services, PHCS Enterprise Fund, contract amount \$500,000.00 (18-15-S-142277-0809)
23. Julie Bradshaw, D.D.S., P.C., to provide dental services, PHCS Enterprise Fund, contract amount \$300,000.00 (18-15-B-142278-1009)

H. Procurement

24. MWH Constructors, Inc., Amendment No. 1, to provide construction manager at-risk services for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project and amend contractual language, 2004 Bond Fund, contract amount \$634,809.00 (03-03-M-141162-0808) Regional Wastewater Reclamation

25. Kittelson & Associates, Inc., Amendment No. 8, to provide professional engineering design for the Sunrise Drive: Craycroft Road to Kolb Road Project and amend contractual language, 1997 HURF Revenue Bond Fund, contract amount \$100,000.00 (07-04-C-133698-1203) Transportation

Awards

26. SFQ: Award of two Job Order Contracts, Requisition No. 0901890, in the amount of \$175,000.00 to each of the top ranked firms, Environmental Strategies, Inc. (Headquarters: Tucson, AZ) and Durazo Construction Corporation (Headquarters: Tucson, AZ) for residential property rehabilitation services for foreclosed properties acquired by Pima County. Contracts are for a one-year term with the option to extend for up to two additional one-year periods. Funding Source: Other Special Revenue Grants. Administering Department: Community Development and Neighborhood Conservation.

I. Superintendent of Schools

27. Tombstone Unified School District, Amendment No. 1, to provide rental of classroom and office space for the Statewide Instruction Technology Special Project Division Program and amend contractual language, Federal Fund, contract amount \$2,400.00 (01-38-T-140927-1007)

*(Clerk's Note: The following item may present a potential Conflict of Interest for Supervisor Carroll)

***2. DIVISION OF ELECTIONS**

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Carroll, Ray J.	106	REP
Cushman, Sally M.	210	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Carroll, Ray J.	099	REP
Freeman, Christina M.	171	REP
Hartigan, Melissa S.	180	REP
Spencer, Laura L.	194	REP
Beatty, Patricia J.	220	REP
Edwards, Bernice M.	255	REP
Dotson, Yvonne L.	340	REP
Ruetz, Steven S.	382	REP

Leuty, Edward B.	391	REP
Legat, Eileen J.	392	REP

Motion carried to approve (4-0)

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

A. **Election Integrity Commission**

Appointment of Mary DeCamp, Green Party representative. Term expiration: 9/30/11. (Party recommendation)

B. **Tucson/Pima Metropolitan Energy Commission**

Appointment of Vivian Harte to fill the unexpired term of Earl J. Jacobson. Term expiration: 11/30/10. (Committee recommendation)

C. **Workforce Investment Board**

Appointment of Dorothy Kret, business, to fill the vacancy created by Carol Somers. Term expiration: 9/30/09. (Staff recommendation)

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

A. Kirsten G. Culliney, Sahuaro Girl Scout Council, Hacienda Program Center, 3101 N. Sabino Canyon Road, Tucson, September 25, 2009.

B. Maya T. Luria, Tucson Culinary Festival, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, October 2 and 3, 2009.

C. Catherine C. Curtin, Catalina Foothills School District Foundation, La Encantada, 2905 E. Skyline Drive, Tucson, October 2, 2009.

D. Raymond C. Zucker, Green Valley Elks Lodge No. 2592, 2951 S. Camino Mercado, Green Valley, October 4, 2009.

E. Lacey T. DeLeon, Boys and Girls Clubs of Tucson, 3800 E. Sunrise Drive, Tucson, November 21, 2009.

5. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of June, 2009.

REGIONAL WASTEWATER RECLAMATION

6. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Le Rendezvous Restaurant, No. 2009-07. Proposed settlement amount is \$530.54.

7. RATIFY AND/OR APPROVE

Minutes: July 7, 2009

Warrants: August, 2009

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

September 1, 2009 9:00 a.m.

... EXECUTIVE SESSIONS

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 Gardella et. al. v. Pima County et. al., Pima County Superior Court Cause No. C20070967.

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

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Pima County v. Pekny, Pima County Superior Court Cause No. C20080387.

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

- C. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of Dos Picos v. Pima County, Pinal County Superior Court Cause No. CV2005/00478.

Motion carried to accept recommendation (5/0)

- D. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations on the following:

1. Pima County v. CLPF-MMIC-DASCO-Tucson Mob
Tax Parcel No. 133-14-227C
Arizona Tax Court Case No. TX2008-000254
2. CLPF-MMIC-DASCO-Tucson Mob v. Pima County
Tax Parcel No. 133-14-227C
Arizona Tax Court Case No. TX2008-000659

Motion carried to accept recommendation (5/0))

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... LIBRARY DISTRICT BOARD

Oro Valley request to the League of Cities and Towns for legislation allowing the Town to create a separate Library Taxing District and the request of the Town for full funding of the Oro Valley Affiliate Library. Discussion/Direction/Action.

Motion carried to oppose legislation (3-2)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

RESOLUTION NO. 2009 - **223**, of the Board of Supervisors of Pima County, supporting the grant application of Carivaca Estates, Inc., to the Pascua Yaqui Tribe for a portion of the Tribe's annual contribution to Cities, Towns and Counties, in the amount of \$6,000.00. (District 3)

Motion carried to approve (5/0)

2. COUNTY ADMINISTRATOR

Staff recommends endorsement of the comments to the U.S. Army Corps of Engineers regarding the CalPortland Cement Application for a 404 Permit for open pit limestone mining activities in Davidson Canyon.

Motion carried to approve as amended (5/0)

3. CONTRACTS AND AWARDS

A. Community Services, Employment and Training

1. Arizona Board of Regents, University of Arizona, Amendment No. 3, to provide administration of the Workforce Innovation in Regional Economic Development (WIRED) Program and amend contractual language, U.S. Dept. of Labor/WIRED Grant Fund, contract amount \$131,145.00 (01-69-A-140408-0707)

Motion carried to approve (5/0)

2. The Salvation Army, Amendment No. 1, to provide emergency financial assistance services, extend contract term to 9/30/10 and amend contractual language, Federal and State Grant Funds, contract amount \$28,000.00 (07-69-S-142050-0708)

Motion carried to approve (5/0)

B. Procurement - Award

3. Low Bid, Award of Contract, Requisition No. 0902368, in the amount of \$7,385,569.50 to the lowest responsive bidder, The Ashton Company, Inc., Contractors and Engineers (Headquarters: Tucson, AZ), for the construction of the Sunrise Drive: Craycroft Road to Kolb Road Project. The contract term is thirty-six months with the ability to extend for contract completion. Construction is to be complete within 325 working days from Notice to Proceed. The department requests that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.0 million. Funding Source: 1997 HURF Bond Fund. Administering Department: Transportation.

Motion carried to approve (5/0)

C. Sheriff

4. Tucson Airport Authority, Amendment No. 5, to provide for the lease of office and hangar space, extend contract term to 8/31/10 and amend contractual language, Federal H.I.D.T.A. Grant Fund, contract amount \$453,725.90 (04-11-T-130503-0901)

Motion carried to approve (5/0)

D. Superintendent of Schools

5. RESOLUTION NO. 2009 – 224, approving the agreement between the Pima County Recorder and the Pima County School Superintendent, to provide elections services for local school districts, various District Funds, contract amount \$120,820.00 (07-38-P-142301-0709)

Motion carried to approve (5/0)

E. Transportation

6. RESOLUTION NO. 2009 – 225, approving an Intergovernmental Agreement with the Town of Marana, to provide public transit services, Town of Marana Transit Fund, contract amount \$11,258.20 revenue (01-04-M-142312-0909)

Motion carried to approve (5/0)

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

A. **Public Art Committee of the Tucson Pima Arts Council**

Appointment of Donald Luria to replace Sandra Maxfield. No term expiration.
(District 1)

Motion carried to approve (5/0)

B. **Board of Adjustment, District 1**

Appointment of James R. Snedden to replace Peter Schlegel. Term expiration:
8/31/13. (District 1)

Motion carried to approve (5/0)

C. **Pima County Bond Advisory Committee**

Ratification of the Town of Oro Valley appointment of Kit Thomas Donley to
replace John Neis. Term expiration: 9/30/15. (Jurisdictional recommendation)

Motion carried to approve (5/0)

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

DATE POSTED: 8/28/09

TIME POSTED: 12:00 P.M.