

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 9, 2010

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, February 9, 2010. Upon roll call, those present and absent were as follows:

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

1. **INVOCATION**

The invocation was given by Pastor Audrey Rogers, Vision Ministries Outreach.

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. **LITIGATION**

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 conflict of interest to allow Snell & Wilmer to represent EPCOR and PCL Construction Co. on the Roger Road Wastewater Treatment Plant matter.

Without objection, this item was continued to the Board of Supervisors' Meeting of February 16, 2010.

5. **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. No one appeared.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL:

1. CONTRACTS AND AWARDS

D. County Attorney

11. Gabroy, Rollman and Bosse, P.C., Amendment No. 2, to provide legal representation services with respect to retention or destruction of ballots from the May 16, 2006 Pima County Special Election and extend contract term from 1/7/10 to 1/6/12, Board of Supervisors Contingency Fund, contract amount \$50,000.00 (17-02-G-141173-0708)

Supervisor Carroll felt that approval of this contract was premature.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson to approve the Consent Calendar in its entirety. No vote was taken at this time.

A substitute motion was made by Supervisor Carroll to remove and delay Consent Calendar Item 1. D – 11, Gabroy, Rollman and Bosse, P.C., Amendment No. 2, and approve the Consent Calendar without the contract. The motion died for lack of a second.

Upon the vote being taken, the original motion carried by a 3-2 vote, Supervisor Carroll and Supervisor Day voting “Nay,” to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2010 - 32, approving an Intergovernmental Agreement with the City of Tucson, to provide joint procurement and management of service providers for the Homeless Prevention and Rapid ReHousing Program, for the term of 9/1/09 to 9/30/12, HUD Fund, no cost (01-70-T-142704-0909)
2. Town of Marana, Amendment No. 1, to provide management and implementation of the Community Development Block Grant Program for the term of 12/31/09 to 12/31/10, CDBG Fund, no cost (01-70-M-141622-1008)

B. Community Services, Employment and Training

3. Loyola Associates, Amendment No. 3, to provide consultant services for grant writing, planning, evaluation, research and extend contract term to 1/31/11, U.S. Department of Labor and WIRED Grant Funds, contract amount \$70,000.00 (07-69-L-140774-0208)
4. Goodwill Industries of Southern Arizona, Inc., Amendment No. 4, to provide employability skills workshops and amend scope of work, U.S. Department of Labor and WIA Grant Funds, contract amount \$30,000.00 (11-69-G-141103-0908)
5. Goodwill Industries of Southern Arizona, Inc., Amendment No. 3, to provide employer outreach services to One Stop participants and amend scope of work, U.S. Department of Labor, Arizona Department of Economic Security and WIA Grant Funds, contract amount \$10,350.60 (07-69-G-141333-1008)
6. Portable Practical Education Preparation (PPEP), Inc., Amendment No. 1, to provide workforce development services and amend scope of work, WIA Grant Fund, contract amount \$30,000.00 (07-69-P-142040-0709)
7. Tucson Urban League, Inc., to provide work experience and outreach services for the term 12/1/09 to 5/31/10, U.S. Department of Labor and Arizona Department of Economic Security Funds, \$72,212.40; General Fund, \$8,000.00, total contract amount \$80,212.40 (07-69-T-142706-1209)
8. Tucson Youth Development (TYD), to provide work experience and outreach services for the term 12/1/09 to 5/31/10, U.S. Department of Labor and Arizona Department of Economic Security Funds, \$260,777.00; General Fund, \$19,000.00, total contract amount \$279,777.00 (07-69-T-142707-1209)

C. County Administrator

9. RECON Environmental, Inc., Amendment No. 4, to provide biological consultant services for the Sonoran Desert Conservation Plan, extend contract term from 1/15/10 to 6/16/11 and amend contractual language, General Fund, contract amount \$20,000.00 (07-30-R-135528-0105)

D. County Attorney

10. Howard Baldwin, Esq., Amendment No. 3, to provide legal advice and representation relating to the Boards of Adjustment and extend contract term to 1/30/12, Board of Supervisors Contingency Fund, contract amount \$10,000.00 (17-02-B-139388-0207)
11. Gabroy, Rollman and Bosse, P.C., Amendment No. 2 (PULLED FOR DISCUSSION)

E. Environmental Quality

12. Arizona Department of Environmental Quality, Amendment No. 12, to provide investigation and monitoring of private wells, amend contractual language and extend contract term to 6/30/11, EPA and ADEQ Grant Funds, contract amount \$2,000.00 revenue (01-51-A-123566-1097)

F. Facilities Management

13. Level 3 Communication, L.L.C., Amendment No. 7, to provide a lease agreement and extend contract term to 2/28/13 for 33 N. Stone Avenue, Suite Nos. 1610 and 1620, contract amount \$155,217.57 revenue (04-13-W-141938-0284)

G. Health Department

14. Arizona Department of Health Services, Amendment No. 4, to provide screening services under the Well Woman Healthcheck Program and amend scope of work, State Grant Fund, contract amount \$142,500.00 decrease (01-01-A-139726-0707)
15. Arizona Department of Health Services, Amendment No. 2, to provide services under the Tuberculosis Control Program for the term 1/1/10 to 12/31/10 and amend contractual language, State Grant Fund, contract amount \$87,909.00 revenue (01-01-A-140692-0108)
16. Pima Prevention Partnership, Inc., Amendment No. 2, to provide education services for Teen Pregnancy Prevention and extend contract term from 1/10/10 to 12/31/10, ADHS Grant Fund, contract amount \$100,000.00 (07-01-P-141930-0509)
17. Arizona Family Planning Council, to provide services to Family Planning Program for the term 1/1/10 to 12/31/10 and

amend scope of work, Arizona Family Planning Council Fund, contract amount \$823,836.00 revenue (02-01-A-142703-0110)

H. Office of Court Appointed Counsel

Award

18. Increase in Award in the amount of \$30,000.00 to Thomas Norton, for B503469, Amendment No. 2, to provide juvenile contract attorney services and extend contract term to 9/30/11. Funding Source: General Fund.

I. Pima Health System

19. Presidio Surgical Group, P.C., Amendment No. 6, to provide surgery services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-135766-0405)
20. Presidio Health Associates, L.L.C., d.b.a. Catalina Healthcare Center, Amendment No. 4, to provide long term care services for the term 11/1/09 to 10/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$1,500,000.00 (18-15-P-137017-1005)
21. Presidio Health Associates, L.L.C., d.b.a. Catalina Healthcare Center, Amendment No. 5, to provide long term care services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-137017-1005)
22. Oscar Rojas, M.D., Amendment No. 4, to provide pediatric primary care physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-R-137205-0106)
23. Dialysis Clinic, Inc., Amendment No. 4, to provide dialysis and laboratory services and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (18-15-D-140018-1007)
24. Dialysis Clinic, Inc., Amendment No. 5, to provide dialysis and laboratory services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-140018-1007)
25. United Seating and Mobility, L.L.C., Amendment No. 2, to provide customized durable medical equipment and amend contractual language, PHCS Enterprise Fund, no cost (07-15-U-141139-0708)

26. NSI - Nursing Service, Inc., Amendment No. 2, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-N-142065-0709)
27. Sunrise Senior Living Management, Inc., d.b.a. Sunrise Home Care, Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost. (07-15-S-142114-0709)
28. Urological Associates of Southern Arizona, P.C., Amendment No. 1, to provide urology services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142266-0909)

J. Procurement

Award

29. Low Bid: Award of Contract, Requisition No. 1001105, in the amount of \$356,160.00 to the lowest responsive bidder, R.K. Sanders, Inc. (Headquarters: Phoenix, AZ) for the replacement of roof and heating, ventilating and air-conditioning (HVAC) units at the Joyner-Green Valley Library. The contract is for a six-month period and may be extended for project completion. Funding Source: Capital Project Fund. Administering Department: Facilities Management.

K. Sheriff

30. Bureau of Land Management, Amendment No. 1, to provide law enforcement personnel services and amend contractual language, Federal Fund, no cost (01-11-B-142562-1008)
31. Bureau of Land Management, Amendment No. 2, to provide law enforcement personnel services for the term 10/1/09 to 9/30/10, Federal Fund, contract amount \$10,000.00 revenue (01-11-B-142562-1008)

L. Regional Wastewater Reclamation

32. Fidelity National Title Agency Trust No. 30226, to provide for a Connection Fee Credit Agreement, RWRD Enterprise Fund, no cost (14-03-F-142716-0210)

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>
Kryder, Richard D.	010	REP
Freiman, Scott	064	REP
Nevins, Donald L.	202	REP
Miller, Alyson	382	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Massee, James L.	089	REP
Ripley, Phyllis A.	115	REP
Moerkerken, Adriana	127	REP
Coyle, Jennifer C.	129	REP
Kreutzmann, Anne M.	265	DEM
Carey, Robert E.	373	REP
Carey, Valerie M.	373	REP
Pyzdek, Thomas	382	REP
Culver, Constance K.	387	REP

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

A. **Outside Agency Citizen Review Committee**

Appointment of Jeannine Mortimer, to replace Shamra Tankersley. No term expiration. (District 4)

B. **Pima County Air Quality Hearing Board**

Appointment of Curtis C. Lueck, Ph.D., Engineer, to replace Sheila Bowen. Term expiration: 2/9/13. (Staff recommendation)

C. **Pima County Sports and Tourism Authority**

Appointments: John Grabo, Regional Economic Development, to replace Kendall Bert; Suzy Mason, U of A/Collegiate Athletics, to replace Rocky La Rose; and Keith Alexander, Rental Car Industry, to replace Mike Hawkins. Term expirations: 2/9/12. (Staff recommendations)

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

A. Charles J. Wunder Jr., Valle Verde Rotary Club, 3660 S. Camino Del Sol, Green Valley, March 6, 2010.

B. William D. Woodruff, Corpus Christi Church Activities Group, 300 N. Tanque Verde Loop Road, Tucson, February 12, 2010.

C. Daniel Keith Leung, Tucson Chinese Association, 1288 W. River Road, Tucson, April 30, 2010 and May 1, 2010.

5. **RATIFY AND/OR APPROVE**

Minutes: December 15, 2009.

REGULAR AGENDA/ADDENDUM ITEMS

6. COUNTY ADMINISTRATOR: Classification and Compensation Matters

The County Attorney's Office requests approval to create nine Position Control Numbers (PCNs) as follows. There will be no General Fund impact.

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
1	3147/Criminal Investigator – AZ Post Certified - CA	P4
4	3115/Attorney	R1
1	3143/Legal Secretary	P2
1	3145/Paralegal	P3
1	3139/Legal Processing Support - CA	P2
1	3162/Administrative Services Specialist – CA	P4

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

DEVELOPMENT SERVICES: Rezoning

The Board of Supervisors' on 12/15/09 and 1/19/10 continued the following:

7. Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

Request of Sahuarita Corners L.P./Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting Nay) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Tom Hudson, Zoning Administrator, provided a staff report outlining the proposed use of the site. He referred to New Condition No. 23 which was privately negotiated with Avis Acres Preservation Coalition and outlined in the memorandum of 2/4/10. He also noted for the record a correction to Condition 18A which should refer to Condition 9H instead of 8H.

The Chairman inquired whether anyone wished to be heard. The following speakers addressed the Board:

- A. Marigold Love, representative of Avis Acres Preservation Coalition.
- B. Francis Timothy Dolan.
- C. Nancy Freeman, representative of the Groundwater Awareness League, Green Valley.

They provided the following comments:

1. Avis Acres Preservation Coalition supported the proposed development.
2. Improvements within the rezoning would be beneficial to everyone in Avis Acres and the surrounding communities.
3. The proposed rezoning will cause serious flooding problems and water supply issues. The property should not be developed until these are addressed.

The Board expressed concern over unresolved flooding, drainage problems and assured water supply.

Michael Grassinger, The Planning Center, explained how the developer has been working closely with everyone involved to resolve the issues. He agreed to a delay to allow time to develop an acceptable drainage plan.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of April 6, 2010.

DEVELOPMENT SERVICES: Conditional Use Permit

8. P21-09-037, ROGERS - N. MUSKET RD.

Request of Roxanna Rogers on property at 11425 N. Musket Rd., in the GR-1 zone, for a Conditional Use Permit for a roping arena with amplification and mounted shooting. Chapter 18.97, in accordance with Section 18.14.030.B.22 of the Pima County Zoning Code, allows a roping arena with amplification and mounted shooting as another conditional use which is similar in type, scale and intensity to other listed conditional uses. Roping arena with amplification and mounted shooting is a Type II Conditional Use in GR-1. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

SHOULD THE BOARD OF SUPERVISORS AGREE WITH THE HEARING ADMINISTRATOR'S RECOMMENDATION FOR APPROVAL, IT IS SUGGESTED THAT THIS APPROVAL BE GRANTED SUBJECT TO THE FOLLOWING STANDARD AND SPECIAL CONDITIONS:

Standard Conditions

1. An approved Development Plan.
2. All buildings shall be set back a minimum of 100 feet from any property line. *
* Note: The 100-foot setback requirement is not met by the existing facilities on the property. The owner/applicant has secured relief from this standard requirement by way of an approved variance from the Board of Adjustment.

Special Conditions Attendant to the Roping Arena with Amplification

1. The facility shall be limited to four (4) public equestrian events per month. Such events shall each be no more than two (2) consecutive days in length.
2. All events, attendant amplification, and night-time lighting of the roping arena shall cease no later than 9:30 PM.
3. Parking of all vehicles, horse trailers, etc. associated with the events shall occur on the property and not within adjacent public rights-of-way.

Special Conditions Attendant to the Mounted Shooting

1. The mounted shooting on the property shall occur only during the calendar months of March, April, and May and within the context of the four (4) organized public equestrian events (as authorized in

- the "Roping Arena with Amplification" Special Condition #1 above), **or** as part of occasional, private practice sessions.
2. The property owners or operators of the arena shall, by written recorded agreement, indemnify and hold Pima County harmless from any liability from the existence, use, or operation of the arena and all mounted-shooting events held therein.
 3. The property owner or operators of the arena shall provide evidence of a valid policy of liability insurance in the amount of two million dollars as required by the Cowboy Mounted Shooting Association (CMSA). Documentation of insurance shall be provided prior to the issuance of the Conditional Use Permit for mounted shooting.
 4. Shooting events shall not start earlier than 9:00 AM and shall not be in violation of Pima County's Noise Ordinance, Title 9.30.050.
 5. Under no circumstances shall mounted shooting be permitted later than 6:00 PM.
 6. All mounted shooting events shall be sanctioned by the CMSA or the MSA and be subject to all associated rules and regulations.

Jim Portner, Hearing Administrator, provided a staff report and stated that this application was needed because the previous Development Plan was not formally approved within the required nine month time period which caused the original Conditional Use Permit approval to lapse. He confirmed that the Development Plan had been approved and the Conditional Use Permit approval was identical to the previous one.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-09-037, subject to standard and special conditions.

9. **BOARD OF SUPERVISORS**

RESOLUTION NO. 2010 – 34, of the Pima County Board of Supervisors, in support of U.S. House Resolution 715, the "Saguaro National Park Boundary Expansion and Study Act of 2009." (Districts 3 and 5)

Supervisor Carroll stated that both Saguaro National Park East and West are included.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010 – 34.

10. **BOARD, COMMISSION AND OR COMMITTEE: Regional Wastewater Reclamation Advisory Committee**

Appointment of John Lynch to fill unexpired term of Adam R. Bliven. Term expiration: 3/1/13. (District 3)

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

11. **DEVELOPMENT SERVICES: Final Plat with Assurances**

P1209-021, Tanuri Valley, Lots 1 through 10. (District 1)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve P1209-021.

12. **PROCUREMENT: Award**

The Board of Supervisors' on 2/2/10 continued the following:

Award of Contract, Requisition No. 1000882, to Jacobs Engineering Group, Inc., (Headquarters: Pasadena, CA) the respondent submitting the highest scoring proposal for the ROMP Water Reclamation Campus Central Laboratory Complex Site Civil Engineering Project. The total cost for this project shall not exceed \$1,000,000.00. In the event that a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms on the final-list in the following order: Stantec Consulting, Inc., Kimley-Horn and Associates, Inc., until a contract is executed. Funding Source: Capital Fund Sewer Revenue Obligation. Administering Department: Regional Wastewater Reclamation.

Supervisor Bronson asked why the contract was awarded to Jacobs Engineering Group, Inc., a company based in Pasadena, California instead of Stantec Consulting, Inc., a local company in Tucson.

Chuck Huckelberry, County Administrator, explained that Jacobs Engineering Group, Inc., scored one tenth of one point higher on the written proposal while Stantec Consulting, Inc., received the top rating on the oral interview. He stated that both companies were equal overall and it was the Board's choice of whom to award the contract.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the award of contract to the Tucson company, Stantec Consulting, Inc.

DEVELOPMENT SERVICES: Conditional Use Permit

The Board of Supervisors' on 2/2/10 continued the following:

13. P21-09-033, WOSICKI – E. INTERSTATE - 10

Request of T-Mobile, (c/o Declan Murphy, applicant), on behalf of David Wosicki (property owner), on property at 22700 E. Interstate - 10, in the RH zone, for a Conditional Use Permit for a communication tower and associated on-the-ground equipment area. The property in question is a former Titan Missile installation site that has since been physically removed and the property accordingly cleared. The proposed tower height is one hundred ninety feet (190') and is of "lattice" construction. Chapter 18.97, of the Pima County Zoning Code, allows this use in the RH zone, subject to a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Creasy-Klein and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.
(District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of March 2, 2010.

14. **OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY:
Ratification of Resolution**

RESOLUTION NO. 2010 - 33, of the Pima County Board of Supervisors, to proclaim the existence of an emergency due to heavy rain, wind and storm damage.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to ratify and adopt Resolution No. 2010 – 33.

15. **CALL TO THE PUBLIC**

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

16. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:55 a.m.