

## MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 2, 2010

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, March 2, 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. **EASEMENTS FOR INGRESS AND EGRESS**

Easements for Ingress and Egress, to grant private access over and across Pima County Tax Parcel Nos. 109-26-001E and 109-26-008E, Section 26, T13S, R14E, G&SRM, Pima County, Arizona, to the following:

- A.     Ronald Lynn Voigt and Adelina S. Esquivel
- B.     Eric G. Ramsay and Lois P. Ramsay
- C.     Eliza A. Beltran and Aurelia Beltran

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

### 2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 2, 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, March 2, 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 Larry Biehl of Immanuel Presbyterian Church.

2.    **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.    **PAUSE 4 PAWS**

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

4.    **RECONVENE**

The meeting reconvened at 9:40 a.m. All members were present.

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

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Session. No one appeared.

6.    **LITIGATION**

The Board of Supervisors' on 2/16/10, continued the following:

Pursuant to A.R.S. § 38-431.03(A) (3) and (4), for legal advice and direction regarding the Award of Contract, Requisition No. 1000882, concerning the ROMP Water Reclamation Campus Central Laboratory Complex Site Civil Engineering Project. ~~to Stantec Consulting, Inc., and possible claims by other ranked firms.~~

Chris Straub, Chief Civil Deputy County Attorney, stated this item was informational only, no Board action was required.

**7. 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 potential conflict of interest to allow Squire, Sanders & Dempsey, L.L.P., to represent RBC Capital Markets Corporation on the pledged revenue obligation transaction while serving as the County's bond counsel for other types of financings.

Chris Straub, Chief Civil Deputy County Attorney, stated a waiver was at the discretion of the Board.

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

**8. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible filing of an Amicus Brief or request to de-publish the Court of Appeals opinion in Kadlec v. Dorsey, a case concerning dedication of public roadways.

Chris Straub, Chief Civil Deputy County Attorney, stated this case concerned an opinion issued by the Court of Appeals in which they departed from the general rule in Arizona concerning a real property dedication. The Court of Appeals ruled that due to the inherently public nature of roadways, all roadway dedications in Arizona are now presumed to be public use unless the circumstances show that the grantor intended to limit the roadway to use by particular property owners. This approach may make it difficult to determine whether roadway easements created by private parties through deed reservations, or other types of instruments, are public or private. A petition for review by the Arizona Supreme Court has been filed in this case. The County Attorney's Office sought direction from the Board on whether to file an amicus brief supporting the petition or to seek de-publication of the Court of Appeals' opinion.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to proceed as discussed in executive session.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction as to Pima County's position regarding its performance bond on the following matters:

- A. In Re: West Speedway Phase II, L.L.C., U.S. Bankruptcy Court Case No. 4:09-BK-15664-EWH
- B. In Re: West Speedway Partners, L.L.C., U.S. Bankruptcy Court Case No. 4:06-BK-01632-EWH
- C. Valles et. al., v. Pima County, U.S. District Court Case No. CV08-0009-TUC-FRZ (JCG)

Chris Straub, Chief Civil Deputy County Attorney, stated these cases involved a performance bond for improvements at a subdivision. Pima County is the beneficiary of the bond. He explained that a proposed settlement between the surety, the bankruptcy debtor and the purchaser of the property had been submitted by the debtor to the Bankruptcy Court. At the same time, a written demand had been made on the bond company for payment of the proceeds of the bond.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the recommendation against the settlement and authorize the County Attorney's Office to file a lawsuit to collect the bond if necessary.

10. **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 SEPARATE ACTION

1. **CONTRACT**

**Procurement**

Kord's Metro Service, Inc., Amendment No. 2, to provide non-emergent medical transportation services and amend contractual language for the term 6/1/10 to 5/31/11, PHCS Enterprise Fund, contract amount \$390,000.00 (11-15-K-141959-0609) Pima Health System

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Chairman Valadez recused himself due to a potential conflict of interest, to approve the contract.

**B. APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as presented.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACT**

**Procurement**

Kord's Metro Service, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

**2. CONTRACTS AND AWARDS**

**A. Community Development and Neighborhood Conservation**

1. City of South Tucson, Amendment No. 2, to provide management and implementation of the Community Development Block Grant Program for the term 12/31/09 to 12/31/10, no cost (01-70-S-140050-1007)
2. City of South Tucson, Amendment No. 1, to provide management and implementation of the Community Development Block Grant Program for the term 12/31/09 to 12/31/10, no cost (01-70-S-141607-1008)
3. City of South Tucson, Amendment No. 2, to provide management and implementation of the Community Development Block Grant Program for the term 12/31/09 to 12/31/10, no cost (01-70-S-141922-0209)
4. Primavera Foundation, Inc., Amendment No. 1, to provide for the City of South Tucson Redevelopment Project and amend scope of services, HUD Neighborhood Stabilization Grant Fund, contract amount \$110,000.00 (11-70-P-142183-0709)
5. Leslie A. Carlson, to provide technical assistance and training for the Homeless Prevention and Rapid Re-Housing Program for the term 10/1/09 to 9/30/12, HUD Grant Fund, contract amount \$26,500.00 (02-70-C-142734-1009)

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

6. Literacy Volunteers of Tucson, Inc., Amendment No. 1, to provide volunteer coordinator services and amend scope of work for the term 1/1/10 to 12/31/10, U.S. Department of Labor Fund, contract amount \$15,000.00 (07-69-L-141571-0109)
7. Arizona Department of Economic Security, Amendment No. 2, to provide employment and training services for the term 2/1/10 to 12/31/10, ADES-ARRA Fund, contract amount \$377,600.00 revenue (01-69-A-141894-0209)
8. Pima County Community College District, Amendment No. 1, to provide workforce development services and amend contractual language, WIA, Veterans Rehabilitation Services, WIRED, Housing Grant Funds, contract amount \$1,060,000.00; General Fund, contract amount \$90,000.00; total contract amount \$1,150,000.00 (01-69-P-142221-0709)
9. SER-Jobs for Progress of Southern Arizona, Inc., to provide youth work experience and outreach for the term 12/1/09 to 5/31/10, U.S. Department of Labor, Arizona Department of Economic Security and WIA Grant Funds, contract amount \$88,225.00 (07-69-S-142755-1209)

**C. Office of Court Appointed Counsel**

10. Osborn Maledon, P.A., Amendment No. 1, to provide post-conviction relief panel representation attorney services for the term 5/31/10 to 5/31/13, General Fund, contract amount \$100,000.00 (17-74-M-140673-0507)

**D. Office of Emergency Management & Homeland Security**

11. Arizona Department of Homeland Security, Amendment No. 2, to provide for the Citizens Corps Program for the term 4/1/09 to 5/1/09, Federal Fund, no cost (01-79-A-141684-1008)
12. Arizona Department of Homeland Security, to provide for the Citizens Corps Program for the term 10/1/09 to 9/30/10, Federal Fund, contract amount \$15,774.00 revenue (02-79-A-142739-1009)

**E. Pima Health System**

13. Premier Surgery Center of Tucson, L.P., d.b.a. Premier Surgery Center of Tucson, Amendment No. 5, to provide surgery services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-H-135710-0305)

14. Old Pueblo Anesthesia, P.C., Amendment No. 5, to provide anesthesia services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-O-135901-0705)
15. John R. Klein, M.D., P.C., Amendment No. 5, to provide orthopedic services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-136026-0505)
16. Alfredo Guevara, Jr., M.D., FACS, Amendment No. 5, to provide urology services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-G-136671-1005)
17. Marco B. Saucedo M.D., P.C., d.b.a. Women's Health and Surgery Center, Amendment No. 7, to provide primary care physician and OB/GYN services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-136840-0805)
18. SRCV-Rosa, L.L.C., d.b.a. Santa Rosa Care Center, Amendment No. 13, to provide nursing facility services, PHCS Enterprise Fund, contract amount \$3,000,000.00 (18-15-S-137045-1005)
19. Quince Holdings, L.L.C., d.b.a. Pueblo Springs Rehabilitation Center, Amendment No. 8, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-137062-1005)
20. Quince Holdings, L.L.C., d.b.a. Pueblo Springs Rehabilitation Center, Amendment No. 9, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-137062-1005)
21. University Orthopedic Specialists, P.L.L.C., Amendment No. 5, to provide orthopedic surgery services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-137145-0905)
22. Southwest Orthopaedic Surgery Specialists, P.L.C., Amendment No. 5, to provide orthopedic surgery services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137289-1005)
23. Southwestern Eye Center, Ltd., Amendment No. 5, to provide ophthalmology, optometry and surgicenter services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137384-0406)

24. AKDHC, L.L.C., d.b.a. Arizona Kidney Disease and Hypertension Center, Amendment No. 6, to provide nephrology services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-137424-0406)
25. Urgent Care Associates, P.C., Amendment No. 4, to provide primary care physician and urgent care services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-137458-0406)
26. Arizona Pediatric Surgery, Ltd., Amendment No. 3, to provide pediatric surgery services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138007-0406)
27. Radiology Ltd., P.L.C., Amendment No. 4, to provide radiology services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-R-138584-1006)
28. Portable X-Ray of Arizona, L.L.C., Amendment No. 3, to provide mobile radiology/mobile electrocardiogram services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-138587-1106)
29. Specialist In Dermatology, P.L.L.C., Amendment No. 3, to provide dermatology services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-138809-1006)
30. Marana Health Center, Inc., Amendment No. 3, to provide primary care and specialty services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-138942-0107)
31. Arizona's Children Association, Amendment No. 5, to provide a therapeutic day program, respite, and therapeutic children's foster care services and amend contractual language for the term 2/1/10 to 1/31/11, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-A-139082-0207)
32. Arizona Children's Health Care Corporation, d.b.a. Los Ninos Home Medical Services, Amendment No. 4, to provide patient ventilator/supply services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-139095-1106)
33. Genesis OB/GYN, P.C., Amendment No. 5, to provide OB/GYN services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-139253-1206)

34. Valley ENT., P.C., Amendment No. 4, to provide ear, nose and throat services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-139385-0107)
35. Critical Care Systems, Inc., Amendment No. 4, to provide home infusion therapy services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-140004-0807)
36. Hanger Prosthetics & Orthotics West, Inc., Amendment No. 3, to provide durable medical equipment and amend contractual language, PHCS Enterprise Fund, no cost (18-15-H-140679-0108)
37. COPE Community Services, Inc., Amendment No. 1, to provide residential and outpatient behavioral health services and amend contractual language for the term 2/1/10 to 1/31/11, PHCS Enterprise Fund, no cost (07-15-C-140689-0208)
38. University Physicians Healthcare, Amendment No. 1, to provide primary care physician and specialty services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-141533-1108)
39. Sonora Quest Laboratories, L.L.C., Amendment No. 1, to provide laboratory services and amend contractual language for the term 2/1/10 to 1/31/11, PHCS Enterprise Fund, no cost (18-15-S-141676-1208)
40. United States Department of Veterans Affairs, Amendment No. 1, to provide nursing facility services and amend contractual language for the term 2/17/10 to 2/16/11, PHCS Enterprise Fund, contract amount \$1,000,000.00 estimated revenue (18-15-U-141735-0209)
41. Pima Heart Physicians, P.C., Amendment No. 1, to provide cardiology and laboratory services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-142059-0509)
42. Dependable Home Health, Inc., Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-D-142063-0709)
43. McLain Enterprises, Inc., d.b.a. Comfort Keepers, Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount \$1,000,000.00 (07-15-M-142110-0709)

44. Jelodon Corp., d.b.a. Health Care Nursing, Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-J-142112-0709)
45. NurseCore Management Services, L.L.C., d.b.a. Nursecore, Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-N-142113-0709)
46. Bayada Nurses, Inc., Amendment No. 2, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-B-142129-0709)
47. Maxim Healthcare Services, Inc., Amendment No. 3, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-M-142130-0709)
48. Suncrest Healthcare Center, L.L.C, Amendment No. 2, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-142327-0809)
49. University Medical Center Corporation, Amendment No. 1, to provide primary care physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142331-0909)
50. University Physicians Healthcare, Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-142586-0509)

**F. Procurement**

51. Hunter Contracting Company, Amendment No. 5, to provide a job order contract for park development services and amend contractual language for the term 2/6/10 to 2/5/11, Various Funds, no cost (26-05-H-139365-0207) Natural Resources, Parks and Recreation
52. Arizona Medical Transport, L.L.C., d.b.a. Arizona Medical Transit, Amendment No. 2, to provide non-emergent medical transportation services and amend contractual language for the term 6/1/10 to 5/31/11, PHCS Enterprise Fund, contract amount \$795,000.00 (11-15-A-141956-0609) Pima Health System

53. American Pony Express, Inc., d.b.a. Allstate Cab Company, Amendment No. 2, to provide non-emergent medical transportation services and amend contractual language for the term 6/1/10 to 5/31/11, PHCS Enterprise Fund, contract amount \$590,000.00 (11-15-A-141957-0609) Pima Health System
54. A & K Transportation Company, Inc., d.b.a. Handi-Car, Amendment No. 2, to provide non-emergent medical transportation services and amend contractual language for the term 6/1/10 to 5/31/11, PHCS Enterprise Fund, contract amount \$375,000.00 (11-15-A-141961-0609) Pima Health System

### **Awards**

55. Increase in Award to Arcadia Landscaping, Amendment No. 1, B506615, in the amount of \$60,000.00 for annual landscaping services. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.
56. Sole Source: Award of Contract, Requisition No. 1001093, in the amount of \$2,000,000.00 to Valley Power Systems Southwest (Headquarters: Phoenix, AZ) for replacement parts, freight, technical assistance and labor to repair, rebuild and install Waukesha equipment. Contract is for a one year term and includes four one year renewal options. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
57. Low Bid: Award of Contract, Requisition No. 1000947, in the amount of \$1,408,113.78 to the lowest responsive bidder, Southern Arizona Paving and Construction Company, (Headquarters: Tucson, AZ) for pavement preservation in the San Xavier District of the Tohono O'odham Nation. The contract term is twelve months with the ability to extend for contract completion. Construction is to be complete within 90 working days from Notice to Proceed. Funding Source: American Recovery and Reinvestment Act Fund. Administering Department: Transportation.

### **G. Real Property**

58. International Sonoran Desert Alliance, Inc., to provide a Grant of Preservation Easement over and upon for the historic Ajo Train Depot, and escrow fees, closing costs and title insurance, 2004 Bond Fund, contract amount not to exceed \$5,000.00 (11-64-I-142744-0310) Cultural Resources

**H. Sheriff**

- 59. RESOLUTION NO. 2010 - 37, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for the Bomb Squad activities, Federal Grant Fund, contract amount \$30,000.00 revenue (01-11-A-142743-1209)
- 60. RESOLUTION NO. 2010 - 38, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide law enforcement dispatch services and management of dispatch records, General Fund, contract amount \$146,000.00 revenue (01-11-S-142746-0710)
- 61. RESOLUTION NO. 2010 - 39, approving an Intergovernmental Agreement with the Pima Community College District, to implement and administer the educational courses, and provide instruction for recruit deputies and corrections officers, Special Revenue Fund, contract amount \$300,000.00; PCC Fund, contract amount \$300,000.00 revenue (01-11-P-142747-0909)
- 62. Arizona Board of Regents, U of A Veterinarian Diagnostic Labs, Amendment No. 2, to provide animal necropsy and expert testimony services in the investigation of felony animal cruelty cases and amend contractual language for the term 3/1/10 to 2/28/11, General Fund, no cost (01-11-A-140767-0308)
- 63. City of South Tucson, Amendment No. 1, to provide for the incarceration of Municipal Prisoners and amend contractual language, General Fund, no cost (01-11-S-142243-0709)

**I. Transportation**

- 64. City of Tucson, Amendment No. 1, to provide for the Bicycle and Pedestrian Safety and Education Program for the term 7/1/09 to 6/30/11, no cost (01-04-T-138151-0606)
- 65. Weitzman Studios, Inc., to provide artist services for the La Cholla Boulevard; Magee Road to Tangerine Road Project, RTA and Impact Fee Funds, contract amount \$200,000.00 (07-04-W-142760-0210)

**3. 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>
Latas, Salette A.	341	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Kalina, Richard D.	014	REP
Foster, Bobby E.	035	REP
Sullivan, Daniel P.	074	DEM
Russell, Carl E.	260	DEM
Chamblee, Jennifer M.	292	DEM
Roosa, John D.	328	REP
Roper, Paul W.	330	REP
Fitzgerald, Stephen M.	377	REP
Kleving, Michael I.	382	REP
Potter, Roland C.	384	REP

4. **BOARD, COMMISSION AND/OR COMMITTEE**

**Animal Care Center Advisory Committee**

Appointment of Julie S. Hall, Animal Defense League of Arizona, to fill unexpired term of Deborah Ann Smoot. Term expiration: 3/31/11. (Organizational recommendation)

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

- A. Gary G. Richelson, Congregation Bet Shalom, 3881 E. River Road, Tucson, March 6, 2010.
- B. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, March 5, 2010.
- C. William Dean Woodruff, Knights of Columbus Council No. 12696, 300 N. Tanque Verde Loop Road, Tucson, March 20, 2010.
- D. Donald R. Pelfree, Roland Moody V.F.W. Post No. 3578, 1764 N. 2nd, Ajo, February 20, 2010.
- E. Veronica Elizabeth Smith, American Citizens Social Club, 811 N. Second Avenue, Ajo, March 6, 2010.
- F. Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo del Norte, Tucson, March 28, 2010.
- G. John S. Brell, Santa Catalina Catholic Parish, 14380 N. Oracle Road, Tucson, March 17, 2010.

6. **REAL PROPERTY**

Quit Claim Deed to Landmark Title Agency of Arizona, L.L.C., Trust No. 18318-T, for a portion of vacated right-of-way known as Broatch Street, A-09-03. No revenue. (District 4)

7. **PROCLAMATION**

Proclaiming Sunday, March 7, 2010 to be:

“MUSLIM-JEWISH PEACEWALK DAY IN PIMA COUNTY”

8. **CORRECTION FOR THE RECORD** (Previously approved by the Board of Supervisors on November 3, 2009)

RESOLUTION NO. 2009-277, Intergovernmental Agreement between the Pima County Sheriff's Department and the ~~Arizona Department of Homeland Security~~ **City of Tucson**.

9. **RATIFY AND/OR APPROVE**

Minutes: January 5, 2010

Warrants: February, 2010

**REGULAR AGENDA/ADDENDUM ITEMS**

11. **BOARD OF SUPERVISORS**

Appointment of Arizona State Senator, District 30, to fill the unexpired term of Jonathan Paton, Republican.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson to approve the appointment of Frank R. Antenori as Arizona State Senator for District 30. Upon the roll call vote being taken, the motion carried by a 4-1 vote, with Supervisor Elías voting “Nay.”

Supervisor Elías expressed his opposition for the appointment. He stated that Mr. Antenori had publicly threatened the Board on making the appointment.

12. **COUNTY ADMINISTRATOR**

**Classification and Compensation Matters**

The Community Development and Neighborhood Conservation Department requests approval to create the following seven new Position Control Numbers. Five positions will be used by CDNC in administering the grant and two will be used by the Finance and Risk Management Department in support of CDNC. There will be no General Fund impact.

<u>Classification Code/Title</u>	<u>Salary Grade</u>
1357/Accountant - Senior (Finance & Risk Mgmt.)	44
1366/Finance Analyst - Senior (Finance & Risk Mgmt.)	45
1812/Administrative Specialist	38
1841/Program Services Specialist	41
1847/Program Manager	56
1851/Contract Specialist	44
2363/Planner – Senior	56

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

**13. FINANCE AND RISK MANAGEMENT**

Staff request approval of Board of Supervisors Policy No. D22.9, Cost Recovery for Credit Card and Debit Card Processing.

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

**14. INDUSTRIAL DEVELOPMENT AUTHORITY**

A. RESOLUTION NO. 2010 – 40, of the Board of Supervisors, of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its Charter School Revenue Bonds (Odyssey Preparatory Academy Project), Series 2010 in an aggregate principal amount not to exceed \$13,500,000.00 and declaring an emergency.

B. RESOLUTION NO. 2010 - 41, of the Board of Supervisors, of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$8,000,000.00 Tax-Exempt and/or Taxable Education Revenue Bonds (Paradise Education Center Project), Series 2010 and declaring an emergency.

C. RESOLUTION NO. 2010 - 42, of the Board of Supervisors, of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its Charter School Revenue Bonds (Cambridge Academy-East, Inc. Project), Series 2010 in an aggregate principal amount not to exceed \$10,000,000.00 and declaring an emergency.

D. RESOLUTION NO. 2010 - 43, of the Board of Supervisors, of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$10,000,000.00 Tax-Exempt and/or Taxable Education Revenue Refunding Bonds (Academy of Tucson Project), Series 2010 and declaring an emergency.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson, to adopt Resolution Nos. 2010 - 40, 41, 42 and 43. The motion was withdrawn at this time.

The following individual addressed the Board:

Mary Schuh

She provided the following comments:

1. The County needed to start using restraint and examine things more thoroughly.
2. She addressed the Odyssey Preparatory Academy Project, to purchase twelve acres in Buckeye, AZ, that was not located in Pima County. She stated that the contract read that it was a loan and not using any taxing power, she found that ludicrous. Charter Schools are public schools and their source of revenue is tax money. She found it interesting that it stated in the proposal they would be getting State revenues.
3. She was concerned about the necessity of the economic timing of the Resolutions and the black hole of our revenue. She inquired about the County's protection during the economic downturn of our State.

Michael Slania, Attorney of Russo, Russo & Slania, P.C., addressed the comments made by Mary Schuh. He stated that the Industrial Development Authority (IDA) issued bonds and they were in fact revenue bonds. They were not affiliated with other sources of revenue. The only source of revenue that was pledged to these bonds were the revenues that were derived from the particular entity. He explained that there were no tax revenues or other outside revenues used which included Pima County's credit or the State's credit. He reported that the rating is derived from these bonds by analyzing the credit of that particular entity. The State's financial crisis is taken into account by the rating agency and is part of the determination of the rating, but it would not impact Pima County or the State. He remarked those ratings were only for that Bond issue. He indicated that each of the four bond issues were separate, stand alone Charter Schools, and each would be rated on their own depending on their particular revenue stream and how many students they were educating.

Supervisor Bronson inquired who would be at risk if there was a failure in the revenue stream.

Mr. Slania responded the bondholders and borrower were the two at risk. The Deed of Trust that is given as the source of revenue meant the trustee would have the ability to foreclose upon the borrower and take the property back and sell it.

Supervisor Bronson asked if the IDA held regular meetings.

Mr. Slania responded yes. The IDA meetings are held on the third Friday of every month and are open to the public.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2010 - 40, 41, 42 and 43.

15. **PROCUREMENT**

The Board of Supervisors' on 1/5/10, continued the following:

A. Award of Contracts, Requisition No. 1000585

1. Highest Scoring Proposal for design engineering services for the Valencia Road: Alvernon Road to Wilmot Road Project (4VAKDP) to PSOMAS Inc., (Headquarters: Los Angeles, CA). The contract shall be for a 60-month period in an amount not to exceed \$6,000,000.00. The contract may be extended as required for project completion. Funding Source: RTA Fund. Administering Department: Transportation.
2. Second Highest Scoring Proposal for design engineering services for the Valencia Road: Mark Road to Ajo Highway Project (4RTVMW) to HDR Engineering, Inc., (Headquarters: Omaha, NE). The contract shall be for a 42-month period in an amount not to exceed \$4,000,000.00. The contract may be extended as required for project completion. Funding Source: RTA Fund. Administering Department: Transportation.
3. Third Highest Scoring Proposal for design engineering services for the Camino de Oeste: Los Reales Road to Valencia Road Project (4COLRV) to AECOM, (Headquarters: Los Angeles, CA). The contract shall be for a 24-month period in an amount not to exceed \$475,000.00. The contract may be extended as required for project completion. Funding Source: RTA Fund. Administering Department: Transportation.

B. Staff recommends the following action:

1. Award the Valencia: Alvernon to Wilmot; and Valencia: Ajo Highway to Mark Road projects to the highest scoring firms, PSOMAS and HDR, respectively. Both of these projects are high-priority RTA projects, and both consultants have a proven track record of delivering high-priority, complex projects within compressed timelines. This action will also result in the awarding of the majority of the \$1.5 million of consulting work to small and minority firms that are sub-consultants on these projects.
2. Direct the Department of Transportation to reissue, through professional solicitation, the Camino De Oeste: Los Reales to Valencia project to provide an opportunity for local firm participation in a project of smaller scope.

3. To avoid delay to RTA funded projects, authorize initiation of the consultant selection process for the Valencia Road: Wilmot to Kolb as well as Magee Road: La Cañada to Oracle projects following existing procedures.
4. Defer solicitation and award of additional DOT contracts until the Small Business Commission recommendations are evaluated by the Board of Supervisors.

Supervisor Bronson stated that the Board had asked for this item to be continued specifically to address issues related to local engineering firms, the present Procurement process, and whether the County wanted to help during these challenging economic times.

Chuck Huckelberry, County Administrator, indicated additional recommendations had been provided regarding this award. He explained that staff felt it was important to proceed with the first two projects to keep the RTA funding and to make sure implementation of those improvements were done as soon as possible. He stated that they have closely followed the process currently under way with the Small Business Commission, and it would appear that any modifications to policy recommended by the Commission would take several weeks.

Chairman Valadez asked Tom Ward, Chairman of the Small Business Commission, if he agreed. Mr. Ward responded yes and explained the Small Business Commission was aware that the two large Valencia Road Projects were RTA funded and they did not wish to see any delay. He reported that the Commission's report would not affect these two projects, and they agreed that reissuing the bid for the smaller project would give smaller engineering firms another opportunity.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the recommendations as outlined above in items B1 through B4.

16. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS**

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

- A. Quiznos Sub, No. 10895, Case No. C2009-15. Proposed settlement agreement is \$391.65.
- B. Little Caesar Enterprises, Inc., Case No. 2009-14. Proposed settlement agreement is \$391.65.

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

17. **SHERIFF**

RESOLUTION NO. 2010 - 44, approving and authorizing submission of a grant proposal to the Governor's Office of Highway Safety for DUI enforcement and equipment in the amount of \$498,392.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2010 - 44.

18. **FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

- A. Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for March 27, April 24, May 29 and June 26, 2010.
- B. Eric Anthony Lopez, Putney's Sports Grill, 6090 N. Oracle Road, Tucson, Temporary Extension of Premises for March 13, 2010.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearings, approve the extension of premises/patio permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

19. **DEVELOPMENT SERVICES: CONDITIONAL USE PERMIT**

The Board of Supervisors' on 2/2/10 and 2/9/10, continued the following:

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 April 20, 2010.

20. **DEVELOPMENT SERVICES: STREET NAME CHANGES**

	<u>Present</u>	<u>Proposed</u>
A.	Unnamed Easement Co14-10-002 (District 1)	Shannon View Court
B.	Unnamed Easement Co14-09-008 (District 3)	Cherry Blossom Road
C.	Unnamed Easement Co14-10-001 (District 3)	Serene View Place

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 hearings and approve the street name changes.

21. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION 2010 – 45, of the Board of Supervisors permitting the temporary closure of McCain Loop Road during the Tucson Bicycle Classic on March 12, 2010. Staff recommends APPROVAL. (District 3)

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 adopt Resolution No. 2010 - 45.

22. **TRANSPORTATION: TRAFFIC ORDINANCE**

ORDINANCE NO. 2010 - 7, of the Pima County Board of Supervisors, regulating parking of vehicles on the east and west sides of Sabino Canyon Parkway Park in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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 adopt Ordinance No. 2010 - 7.

23. **BOARD OF SUPERVISORS: MARANA REGIONAL LANDFILL**

RESOLUTION NO. 2010 - 46, concerning the proposed Marana Regional Landfill.  
(District 3)

The following speakers addressed the Board:

- A. James McMurtrie
- B. Elaine Ramirez
- C. Steve Storzer
- D. Ron Asta
- E. Pamela Ruppelius
- F. Jens T. Hill
- G. Robin Meissner

They provided the following comments:

1. Support was expressed for the proposed Resolution.
2. Opposition was strong for the proposed landfill.
3. The Board was thanked for their support and expeditious response and attention to this matter.
4. A slideshow of the Brawley Wash and the area that surrounded the proposed landfill site was presented showing how the wash flowed in the area after a rainfall.
5. The site was environmentally sensitive and it should be preserved for future generations.
6. The landfill needed to be evaluated and questions were raised on why Marana officials were fast tracking through this matter.
7. One hundred families live in a one mile radius of the proposed site and it would negatively affect their lives.
8. The groundwater is located below the site, and they are running the risk of contamination if the landfill were to leak. It could take decades to clean-up.
9. More time was needed to study alternate sites for the location of the landfill.
10. There was no plan amendment on the agenda and for that reason the Marana Planning Commission's vote to recommend approval was outside the law. It needed to be returned to them to do it right.
11. Marana is proposing a landfill over the largest rising aquifer in Pima County. The aquifer is our future and without this water, Tucson would be lost.
12. The Board was provided with a map from the USGS showing the rising water table and the declining water table in the Avra Valley area.
13. There are other issues concerning the proposed landfill that are not being addressed, the process needs to be slowed down.
14. Help was requested to stop Marana, Herb Kai and DKL from destroying the precious groundwater.
15. There was no transparency regarding the proposed landfill. The issue was very thick in politics, connections, and a request was made to the Board for someone from the County to be present at a meeting between the Marana residents and Mr. Rossi, the Marana lobbyist for the landfill.

Supervisor Bronson requested that the speakers' comments along with the Resolution be forwarded to the Marana Town Council, the Mayor, and Town Manager, if adopted.

Supervisor Elías indicated that he spoke with Richard Miranda, Assistant City of Tucson Manager, and he mentioned that the Tucson Water Department was working on a report related to the proximity of the proposed landfill to the Recharge Station the City of Tucson Water Department owns adjacent to the site. He urged everyone to get a copy of the report when it was final so they could develop a better understanding of what is going to be happening to the water quality as a result of the proposed landfill.

Supervisor Day commented that Mr. Asta had worked on the proposed Pinal County landfill and inquired about his employment and involvement with the proposed Marana Landfill.

Ron Asta explained he was not working for anyone on this project and was not a paid consultant for this project. He acknowledged his recent work on the rezoning of the landfill in Pinal County.

Supervisor Elías inquired about the height of the proposed Marana Landfill.

Chuck Huckelberry, County Administrator, explained that the proposed landfill would be 150 to 170 feet tall, which would make it taller than the Los Reales Landfill and 143 feet taller than Marana City Hall. He stated that Supervisor Day had referenced a discussion that Pima County had with Pinal County with regard to their landfill. He felt it was important to understand that the landfill at Tangerine would close at some point in time, and there was no interest in pursuing another landfill in the unincorporated area in Northern Pima County. He said there were no lands available that met the strict criteria that was followed in 1993 on a regional landfill site selection. The landfill that is located in Pinal County could support the waste disposal transporters in Northern Pima County and there had been some discussions on whether the County would financially participate. The County had said they would not and that needed to be made very clear.

Supervisor Day indicated that the County's entire strategy for solid waste was unclear to her. She stated that four years ago she was told the Tangerine Landfill was to close in 2009. Then a year and a half ago, the Board was told the Tangerine Landfill had another four years of life, and now it apparently has yet another ten years of life. Her point was that at one time, the County Administrator acknowledged that the County was in fact looking at acquiring a landfill in Pinal County to use and then backed out because the County did not have the money. The landfill in Pinal County, that Mr. Asta had helped with, was in direct competition with the Marana Landfill proposal.

Mr. Huckelberry explained that the life of the Tangerine Landfill had been adjusted because the waste streams have diminished due to the economic conditions which prolonged the life of the landfill to around 2020. He noted that it was dependent upon whether or not waste stream competitiveness picked-up from private haulers. He responded he did not believe the County favored either landfill.

Supervisor Elías asked that the speaker comments and the Resolution also be transmitted to the Congressional Delegations Districts 7 and 8, to the Pascua Yaqui Tribe and the Tohono O’odham Nation.

Supervisor Day explained that she wanted transparency to protect the residents and to be sure the water system was held free from contamination. She explained that permitting a landfill came with very stringent State and Federal regulations.

Mr. Huckelberry suggested the Board invite the individuals that were proposing the landfill in Pinal County to list the categories and the processes and procedures that they have gone through. The Board could then make an objective comparison between the two sites. He stated that both facilities could make presentations regarding technical issues and transparency, and which site would be the most appropriate in a regional context.

Supervisor Day opined that the appropriate place to resolve technical questions on the aquifer, flooding and airports was during the technical review and permitting process.

Mr. Huckelberry replied that would happen after the decision had been made regarding the site and that technical requirements would be imposed regardless of the facility site.

Supervisor Day stated that the proposed Resolution created more unanswered issues about the entire solid waste strategy.

Chairman Valadez directed that the solid waste discussion be placed on the April 6, 2010, Board of Supervisors’ Meeting agenda.

Supervisor Carroll requested a continuance of the Resolution as he wanted to get more familiar with the issue.

Supervisor Bronson responded the Resolution was merely requesting transparency. It was a non-binding Resolution, and they were simply asking Marana to slow down the process to become transparent and to give County staff time to respond to some of the legitimate concerns raised by residents.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías to adopt Resolution No. 2010 - 46. Upon the roll call being taken, the motion carried by a 3-2 vote, with Supervisors Carroll and Day voting “Nay.”

24. **BOARD OF SUPERVISORS: ANNUAL VEHICLE EXEMPTIONS FOR THE PIMA COUNTY SHERIFF**

Pursuant to A.R.S. §28-2511 and §38-538.03, request that the Board of Supervisors authorize the annual vehicle exemptions for 2010.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the annual vehicle exemptions for 2010.

25. **CONTRACT AND AWARD: PROCUREMENT - AWARD**

The Board of Supervisors' on 2/16/10, continued the following:

Award of Contract, Requisition No. 1000829, to CPE Consultants, L.L.C. (Headquarters: Tucson, AZ), the respondent submitting the highest scoring proposal for Infrastructure Survey Program for growth and capacity planning in the amount not to exceed \$500,000.00. 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: PSOMAS, RBF Consulting, until a contract is executed. Funding Source: Wastewater Management Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.

On consideration, it was moved by Supervisor Bronson and seconded by Supervisor Elías to approve the award of contract. No vote was taken at this time.

Supervisor Day thanked Mr. Huckelberry for the memo which explained that the inspection of the manholes was something that needed to be done. She stated that the County had already spent \$4.2 million and have had two previous contract extensions over the course of nine years, and the work was only eighty percent complete. She stated that the County was in a recession and asked how they could possibly be giving a \$500,000.00 contract to count manholes, many of which have already been covered over for thirty years or longer. She felt it created a perception that they were not being responsible in handling taxpayers money. She would like to see the recommendation instituted that called for in-house data collection and GPS survey efforts as well as asset inspections.

Mike Gritzuk, Regional Wastewater and Reclamation Department Director, explained that it could not be done in-house at present because the department did not have the surveying staff nor did they have the sophisticated GPS type of equipment. He stated that they could gear up to do it, but it would take some time.

Mr. Huckelberry explained that future program options were based on an entire inventory being done at one time. Once the entire inventory was completed, it would be appropriate for staff to continue to make updates every time new manholes or new sewer lines were added to the system.

Supervisor Day stated she could not support the financial aspect of the contract to count manholes when the County needed money for a hundred other things.

Chairman Valadez inquired on the advantages of spending the \$500,000.00 on this award.

Mr. Huckelberry explained the contract was much more than just counting manholes. He reported on the issues and the associated liabilities and confirmed that the recommendation to the Board was to award the contract. He said this project would save the County money because it would avoid the possibility of receiving additional fines with regard to sanitary sewer overflows by the Arizona Department of Environmental Quality of up to \$25,000.00 per day, per incident.

Supervisor Elias stated the information provided explained the need for this type of assessment and infrastructure survey.

Supervisor Bronson stated it was her recollection that part of the strategic planning process called for this to be done to avoid additional costs.

Supervisor Carroll stated the money could be used in other areas, and taxpayers were concerned about the way the County was spending money.

A substitute motion was made by Supervisor Day, seconded by Supervisor Carroll, to collect the sewer survey data and photographs through in-house GPS survey efforts as well as asset protection. The motion failed by a 2-3 vote, with Supervisor Bronson, Supervisor Elías and Chairman Valadez voting "Nay."

The motion to approve the award of contract was carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay."

**26. CONTRACT AND AWARD: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

Arizona Board of Regents, University of Arizona, to provide emergency assistance, case management, referral, and advocacy services to eligible low income households for the term 7/1/09 to 6/30/10, Community Services Block Grant Fund, contract amount \$50,000.00 (07-69-A-142786-0709)

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

**27. CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

The following speakers addressed the Board:

Mary Schuh spoke concerning the Northwest Fire District and provided a handout.

Ann Marie Cannon addressed the Board concerning the Retirees Insurance Program and the change to healthcare benefits.

Kaissa Gurvine addressed the Board concerning the development of soccer fields on the northwest side of town.

Joe Sweeney spoke on E-Verification issues with Mexican Nationals.

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.