

MINUTES, BOARD OF SUPERVISORS' MEETING

SEPTEMBER 14, 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, September 14, 2010. Upon roll call, those present and absent were as follows:

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

Absent Ray Carroll, Member

1. **INVOCATION**

The invocation was given by Pastor Robert T. Allen, Desert Stream Bible 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.

4. **PERSONAL POINT OF PRIVILEGE**

Supervisor Bronson acknowledged the presence of Patti Comerford, Town of Marana Council Member, in the audience.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, that the Board convene to Executive Session at 9:07 a.m.

5. **RECONVENE**

The meeting reconvened at 9:22 a.m. All members were present.

6. **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.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the following cases in the Arizona Tax Court:

- A. Johnson and Ruelas v. Pima County
Arizona Tax Court No. ST2010-000116
Tax Parcel No. 224-36-3100

Chris Straub, Chief Civil Deputy County Attorney, stated that the case was for the tax year 2010. The Pima County Attorney's Office and the Assessor recommended a decrease in the Full Cash Value from \$373,542.00 to \$349,374.00. This value would not roll over for tax year 2011.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

- B. Zucarelli v. Pima County
Arizona Tax Court No. ST2010-000110
Tax Parcel No. 218-40-1920

Chris Straub, Chief Civil Deputy County Attorney, explained that the case was for tax year 2011. The Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value from \$1,545,402.00 to \$1,250,000.00. This value would roll over for tax year 2012.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

- C. Ramirez and Romero v. Pima County
Arizona Tax Court No. ST2010-000142
Tax Parcel No. 130-10-0210.

Chris Straub, Chief Civil Deputy County Attorney, advised that the case was for tax year 2011. The Pima County Attorney's Office and Assessor recommended a decrease in the Full Cash Value from \$67,231.00 to \$40,000.00. This value would roll over for tax year 2011.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

8. **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.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the Consent Calendar as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

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

1. Community Food Bank, Inc., Amendment No. 2, to provide emergency assistance to eligible low-income households and amend contractual language, ~~CDBG~~ **CSBG** Grant Fund, contract amount \$17,200.00 (07-69-C-142505-0709)
2. El Rio Santa Cruz Neighborhood Health Center, Inc., Amendment No. 2, to provide emergency assistance to eligible low-income households and amend contractual language, ~~CDBG~~ **CSBG** Grant Fund, contract amount \$25,000.00 (07-69-E-142507-0709)
3. Comin' Home, Inc., to provide workforce development and support services for the Homeless Veterans Reintegration Project, U.S. Department of Labor Fund, contract amount \$67,291.00 (07-69-C-143233-0710)
4. Job Path, Inc., to provide workforce development services and job training assistance to residents to obtain employment or to advance in their current job, various funding sources, contract amount \$377,130.00 (07-69-J-143241-0710)

B. **County Attorney**

5. RESOLUTION NO. 2010 - 221, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Pima County Victim Witness Program, State

Fund, contract amount \$27,420.00 revenue (01-02-T-143236-0710)

C. Pima Health System

6. Renal Care Associates, P.C., Amendment No. 4, to provide nephrology services, extend contract term to 10/31/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-R-138511-1106)
7. Corpuz Holdings, L.L.C., d.b.a. Amorosa Assisted Living, Amendment No. 5, to provide assisted living home services, extend contract term to 8/31/11 and amend contractual language, PHCS Enterprise Fund, contract amount \$25,000.00 (07-15-A-140225-0907)

D. Procurement

8. Cannon Parkin, Inc., d.b.a. Cannon Design, Amendment No. 9, to provide architectural and engineering services for the new psychiatric hospital and urgent care center and amend contractual language, 2004 and 2006 Bond Funds, contract amount \$160,900.00 (15-13-C-138445-0806) Facilities Management
9. URS Corporation, Amendment No. 2, to provide roadway planning and design engineering services for the La Cholla Boulevard: Magee Road to Tangerine Road Improvement Project and amend contractual language, RTA (80%) and Impact Fee (20%) Funds, contract amount \$2,403,125.00 (16-04-U-141897-0409) Transportation

E. Real Property

10. RESOLUTION NO. 2010 - 222, approving an Intergovernmental Agreement with the Golder Ranch Fire District, to provide a Site Specific Supplemental Agreement for the implementation of the Pima County Wireless Integrated Network, no cost (01-80-G-143231-0910) Office of Strategic Technology Planning

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

- A. Laura Beth Brumbelow, Rincon Institute, 12500 E. Old Spanish Trail, Tucson, September 18, 2010.

- B. Priscilla M. Altuna, Mobile Meals of Tucson, Inc., St. Philips Plaza, 4280 N. Campbell Avenue, Tucson, October 24, 2010.
- C. Sylvia D. Bracamonte, Big Brothers Big Sisters of Tucson, La Paloma, 3660 E. Sunrise Drive, Tucson, October 1, 2010.
- D. William D. Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, October 1, 2010.
- E. Brooke I. McDonald, TMC Foundation, La Encantada, 2905 E. Skyline Dr., Suite 279, Tucson, October 16, 2010.

3. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of January, 2010.

4. **RATIFY AND/OR APPROVE**

Minutes: August 3, 2010
 August 16, 2010
 August 31, 2010

REGULAR AGENDA/ADDENDUM ITEMS

9. **COUNTY ADMINISTRATOR: Classification and Compensation**

- A. The Juvenile Court Center requests approval to create the following four new Position Control Numbers (PCNs). There will be no General Fund costs associated with these positions.

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
2	8535/Family Drug Court Support Specialist	WJ
1	8017/Research and Evaluation Specialist – Courts	XD
1	8026/Research and Evaluation Assistant – Courts	WU

- B. The Public Fiduciary requests approval to create the following new classification for research, verification and coordination for indigent funerals/burials. All associated costs will be absorbed in the current department budget.

<u>Class Code</u>	<u>Class Title</u>	<u>Grade Range</u>	<u>EEO, O/TCODE</u>
5340	Public Fiduciary Indigent Burial Coordinator	30 (\$29,568 - \$42,173)	6, NE*

*NE = Nonexempt (paid overtime)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the PCNs and the creation of the new classification.

10. **ASSESSOR: Request for Redemption of Waiver of Exemption**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all the applications for Redemption of the Waivers of Tax Exemptions for the year 2010 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the redemption of waivers.

11. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2010 - 223, 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 Education Facility Revenue Bonds (American Leadership Academy Project) Series 2010, in an aggregate principal amount not to exceed \$17,000,00.00 and declaring an emergency.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to adopt Resolution No. 2010 – 223.

Supervisor Bronson stated that she would like to see a more concerted effort to spend the funds within Pima County.

12. **DEVELOPMENT SERVICES: Appeal of the Hearing Administrator’s Decision**

The Board of Supervisors on 8/3/10, continued the following:

P21-09-036, PIMA COUNTY RIGHT-OF-WAY – W. SAGE ST.

In accordance with Pima County Zoning Code Section 18.97, New Cingular Wireless, represented by Lake and Cobb, P.L.C., appeal the decision of the Hearing Administrator in Case No. P21-09-036, for a Type I Conditional Use Permit for a communication tower/utility pole replacement in the right-of-way located at 1715 W. Sage St. in the SR zone. Chapter 18.97, in accordance with Section 18.07.030H.2.e.7 of the Pima County Zoning Code, allows a communication tower/utility pole replacement meeting certain conditions as a Type I Conditional Use in the SR zone. The Hearing Administrator DENIED the request for the proposed communication tower. (District 1)

Without objection, this item was continued to the Board of Supervisors’ Meeting of November 9, 2010.

13. **DEVELOPMENT SERVICES: Conditional Use Permit**

P21-10-010, UNISOURCE ENERGY CORPORATION – E. WOODPECKER LANE

Request of Unisource Energy Corporation, represented by FM Group for AT&T, on property located at 4725 E. Woodpecker Lane, in the GR-1 zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030H.2.e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the GR-1 zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Matter, and Smith were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Standard Conditions

1. Obtaining an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The tower height shall be no more than fifty-five feet (55').
2. The proposed tower, panel antennae, and any exterior cabling shall be painted a matte-finish grey color.
3. The tower and equipment area shall be placed within the existing Unisource/TEP walled compound, as depicted on the submitted Preliminary Development Plan, so as to provide maximum screening of the equipment building and tower structure.
4. The owner shall make the tower available for co-location to other service providers when approached by them in the future.

Jim Portner, Hearing Administrator, provided the staff report on this Type III Conditional Use Permit request for a communication tower with a 55' height limit. The proposed tower would be located within an existing TEP compound surrounded by a brick and/or masonry wall that completely screens the lower portion of the compound and averages 12' in height. The Planning and Zoning Commission recommended approval with the addition of four special conditions relating to height, color, visible location of the pole and availability for co-location by other carriers in the future. He noted that no public comment had been received for this hearing.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, to close the public hearing and approve the conditional use permit subject to standard and special conditions.

DEVELOPMENT SERVICES: Modification of Rezoning Conditions

14. Co9-87-46, WESSEX DEVELOPMENT COMPANY – FLOWING WELLS REZONING

Request of River Crossing Veterinary Investments, L.L.C., represented by Fluoresco Lighting and Signs, for a modification of Rezoning Condition No. 21 that restricts the rezoning site to a maximum of one free standing identification site per roadway frontage. The subject property is approximately 8.85 acres. It was rezoned from SH (Suburban Homestead) to CB-1 (Local Business) in 1988. The subject property is located at the southwest intersection of River Road and La Canada Drive. Staff recommends APPROVAL WITH MODIFIED AND ADDITIONAL CONDITIONS. (District 1)

Rezoning Condition No. 21

“Signage on the site shall be limited to one freestanding identification sign on each roadway frontage, as allowed for a development complex. The sign shall be of a monument style, as required by the Major Streets and Scenic Routes Plan. The intensity of the sign lighting shall not be obtrusive to residential properties shall not exceed that necessary to illuminate the sign and make it legible from La Canada Drive. Each new sign shall not exceed 50 square feet in area.”

Chris Poirier, Assistant Planning Director, briefed the Board on this request for a modification of Rezoning Condition No. 21 that would allow a free standing sign for an emergency animal hospital. He also provided a brief history of the development’s non-conformance issues related to signs. He emphasized that this contractor was taking the necessary steps to be in conformance and that this matter would still have to go before the Board of Adjustment.

Supervisor Day asked the contractor if he would be limiting the size of the sign to 50 square feet and an overall height of 8 feet.

Mark T. Jones, Fluoresco Lighting and Signs, addressed the Board and stated that he had been working with Development Services and had agreed to comply with the requested size and height limitations.

Supervisors Elías and Bronson expressed concern about the existing, non-compliant signage for this area. Supervisor Bronson suggested that staff be directed to determine which signs were not up to Code and meet with property/business owners in the development to come up with an integrated solution for conformance, as opposed to dealing with these issues one at a time.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, to close the public hearing, approve the modification of Rezoning Condition No. 21 subject to modified and additional conditions, incorporate the condition requested by Supervisor Day that each new

sign shall not exceed 50 square feet in area and that this matter go before the Board of Adjustment for approval.

15. **DEVELOPMENT SERVICES: Modification of Rezoning Conditions**

Co9-81-94, PIONEER TRUST OF ARIZONA NO. 11,326 – CAMINO CASA VERDE REZONING

Request of Garold C. Brown Family Limited Partnership, represented by Jeffery Stanley, P.E., for a waiver of Rezoning Condition No. 10 which states, "Recording of a covenant to the effect that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors." The subject site is 9.4 acres of the original 40 acre rezoning to CB-2 and is located on the north side terminus of Ward Lane, approximately 630 feet west of Bessett Avenue and 600 feet north of Camino Casa Verde. Staff recommends **DENIAL OF THE WAIVER AND APPROVAL OF LOT SPLITS WITH CONDITIONS.** (District 4)

Without objection, this item was continued to the Board of Supervisors' Meeting of October 19, 2010.

16. **DEVELOPMENT SERVICES: Rezoning Resolution**

RESOLUTION NO. 2010 - 224, Co9-01-01, Pima County – Canoa Ranch Rezoning. Owner: Fairfield Green Valley, Inc. (Districts 3 and 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearing and adopt Resolution No. 2010 – 224.

17. **COUNTY ATTORNEY**

RESOLUTION NO. 2010 - 225, of the Pima County Board of Supervisors, authorizing Pima County to enter into the Arizona Automobile Theft Authority Grant for the Vertical Prosecution Program, in the amount of \$79,950.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to adopt Resolution No. 2010 - 225.

18. **DIVISION OF ELECTIONS: Uncontested Elections**

Cancellation of uncontested elections for Avra Valley Fire District and Pima Community College District, District 2, scheduled for the November 2, 2010 General Election, and appointment of the following candidates who filed nomination petitions:

Avra Valley Fire District Candidates (Vote for 3)

Michael T. Garcia
Aleya L. Lassen
Billie M. Villa

Pima Community College District 2 Candidates (Vote for 1)

David Longoria

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the above item.

19. CONTRACTS AND AWARDS: Procurement

Amendment of Award: AT&T Mobility, L.L.C., (Headquarters: Atlanta, GA), B507983, Revision 1, (Reference No. 11-11-A-140577-0707), to provide wireless products and services, extend contract term to 6/30/11 and increase the award in the amount of \$664,000.00. Funding Source: General Fund. Administering Department: Information Technology.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the contract.

20. BOARD, COMMISSION AND/OR COMMITTEE: Pima County Employee Merit System Commission and Law Enforcement Council

Appointment of John L. Fink, Republican, to replace John M. Boyd. Term expiration: 12/31/12. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to approve the appointment.

21. FRANCHISE/LICENSE/PERMIT: Extension of Premises/Patio Permit

Heidi Marietta Rogers, Firelite Lounge and Cafe, 2413 W. Wetmore Road, Tucson, Temporary Extension of Premises for September 23, 2010.

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to close the public hearing, approve the application for Extension of Premises/Patio Permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

22. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to address the Board.

The following individual addressed the Board:

Scott D. McDonald, Fennemore Craig, P.C.

His comments were:

1. He represented Rosemont Copper Company.
2. He presented Board Members with copies of a letter sent to Ursula Kramer, Director of Pima County Department of Environmental Quality.
3. He advised that this letter stated it was their position that, according to State law and Pima County regulations, it was Ms. Kramer, and not the County Administrator or Board of Supervisors, who had the exclusive authority to review pending Air Quality Permit applications and issue the Class II Air Quality Permit to Rosemont Copper Company.

23. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:48 a.m.