

MINUTES, BOARD OF SUPERVISORS' MEETING

SEPTEMBER 21, 2010

The Pima County Board of Supervisors met in its regular session at the regular meeting place at of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 21, 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 Peter Kraft, Eastside Assembly of God.

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 10:01 a.m.

4.    **RECONVENE**

The meeting reconvened at 10:50 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

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Margaret and Richard Bland v. Pima County, et. al., Pima County Superior Court Case No. C20097813.

Chris Straub, Chief Civil Deputy County Attorney, stated that Margaret and Richard Bland have made an offer of judgment to settle the case with Pima County. The County Attorney's Office and the County Administrator recommended that the offer be rejected.

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

## 7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Aviation Auto Salvage and Recycling, Inc., et. al. v. Pima County, et. al., Pima County Superior Court Case No. C20107208.

Chris Straub, Chief Civil Deputy County Attorney, explained that this case involved an allegation that the Board of Adjustment exceeded their authority by granting a variance to increase the maximum size of a recycling center to 12.8 acres and asked that Pima County be prohibited from processing a development plan for the recycling center. The Pima County Attorney's Office requested direction to defend the action and determine if the Board of Adjustment should be an active litigant in this lawsuit.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to direct the County Attorney's Office to defend the lawsuit and that the Board of Adjustment not be an active litigant.

## 8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding George B. and Kathleen M. Simons v. Stuart A. and Joan M. Brodsky, et. al., Pima County Superior Court Case No. C20092455.

Chris Straub, Chief Civil Deputy County Attorney, stated that this case alleged that Pima County was negligent in its Code enforcement actions against the Brodskys and asked that Pima County and the Chief Zoning Inspector be ordered to take additional Code enforcement action against the Brodskys. The Pima County Attorney's Office requested direction to defend this lawsuit.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to direct the County Attorney's Office to defend the lawsuit.

9. **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 Elías and unanimously carried by a 5-0 vote, that the Consent Calendar be approved in its entirety.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2010 - 226, approving a Cooperative Agreement with the U.S. Environmental Protection Agency, to provide the Brownsfields Community-wide Assessment for the term 6/30/10 to 7/1/13, Federal EPA Funds, contract amount \$400,000.00 revenue (01-70-U-143263-0610)

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

2. Amendment No. 2, to provide emergency assistance services to eligible low-income households and amend contractual language, Community Services Block Grant Fund, contract amount \$25,000.00, for the following:

<u>Vendor</u>	<u>Contract No.</u>
Greater Littletown Human Resource Group, Inc.	07-69-G-142399-0709
Arivaca Coordinating Council/Human Resource Group, Inc.	07-69-A-142400-0709
Catholic Community Services, Inc., d.b.a. St. Elizabeth's Clinic	07-69-C-142509-0709

3. Tucson Youth Development, Inc., to provide workforce development services for the term 7/1/10 to 6/30/11, U.S. Department of Labor and Arizona Department of Economic Security Funds; and General Fund, \$5,000.00, expenditure determined by client eligibility-total contract amount \$51,588.00 (07-69-T-143258-0710)

**C. Pima Health System**

4. Portable X-Ray of Arizona, L.L.C., Amendment No. 4, to provide mobile radiology/mobile electrocardiogram services, extend contract term to 10/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-138587-1106)
5. Ajo Community Health Center d.b.a. Desert Senita Community Health Center, Amendment No. 6, to provide dental, family planning extension, primary care physician, laboratory, radiology, behavioral health, licensed professional counselor and licensed clinical social worker services, extend contract term to 10/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138810-1106)
6. Charles A. Davis, D.D.S., M.S., P.C., Amendment No. 2, to provide dental services, extend contract term to 10/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-140329-1107)
7. Loren S. Wessel, D.P.M., P.C., Amendment No. 6, to provide podiatry services, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-W-140755-0608)
8. United HealthCare Insurance Company, to provide behavioral health services, PHCS Enterprise Fund, revenue based on services, no cost/5 year term (07-15-U-143260-0910)

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

Susan L. Kaster, VFW No. 10254, 10111 S. Sasabe Highway, Tucson, November 13, 2010.

**3. RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of February through April 2010.

**4. REGIONAL WASTEWATER RECLAMATION**

**Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the

following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Kalil Bottling Co., No. 2010-06. Proposed settlement amount is \$4,057.04.

## **REGULAR AGENDA/ADDENDUM ITEMS**

### **10. INDUSTRIAL DEVELOPMENT AUTHORITY**

- A. RESOLUTION NO. 2010 - 227, 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 Educational Facility Revenue Bonds (Riverbend Prep Project), Series 2010 in an aggregate principal amount not to exceed \$5,000,000.00 and declaring an emergency.
- B. RESOLUTION NO. 2010 - 228, 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 \$18,000,000.00 Tax-Exempt Charter School Revenue Bonds (Imagine at Surprise and Camelback Project), Series 2010A and declaring an emergency.
- C. RESOLUTION NO. 2010 - 229, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the approval of a plan of financing in connection with certain Industrial Development Revenue Bonds to be issued in one or more series for the benefit of Tucson Electric Power Company, including the issuance of not to exceed \$100,000,000.00 aggregate principal amount of the Industrial Development Authority of the County of Pima Industrial Development Revenue Bonds, 2010 Series A (Tucson Electric Power Company Project), and declaring an emergency.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2010 - 227, 228 and 229.

**11. PROCUREMENT: APPEAL OF THE PROCUREMENT DIRECTOR'S DECISION**

Pursuant to Pima County Code Section 11.20.010(J), EAS West Contracting, L.P., appeals the decision of the Procurement Director regarding Solicitation No. 1002446, for the A7 Ranch Residential Scale Photovoltaic System.

George Widugiris, Procurement Director, briefed the Board regarding the appeal and explained the appellant protested on the basis that the low bidder, Solar Electric Systems and Products, failed to complete the requirement of identifying the list of sub-contractors and material vendors. He further explained that there was an oversight in the development of the solicitation documents as a form that was routinely used to identify sub-contractors did include reference to material contractors; however, the instruction to bidders in the solicitation specifically spoke solely to sub-contractors and not material contractors. Mr. Widugiris felt that because other bidders listed their material contractors in their bid, that did not help or detract from the evaluation and did not affect the integrity of the procurement process.

Joseph Brown, Vice President of EAS West Contracting, L.P., addressed the Board and provided additional details regarding the basis of their appeal. He asked the Board to reconsider the award of the solicitation.

Keith Rowley, CEO of Solar Electric Systems and Products, briefly explained his companies qualifications, stated his company does all of their own work and asked that the procurement process be amended to include a collusion clause, based on a prior conversation with Joseph Brown.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to deny the appeal and uphold the Procurement Director's decision.

Supervisor Elías requested staff look into including a collusion clause in the procurement process.

**12. FRANCHISES/LICENSES/PERMITS: FIREWORKS PERMITS**

A. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 2, 2010, at approximately 8:00 p.m.

B. Lori McGee, Caterpillar Inc., Tinaja Hills Training Facility, 5000 W. Caterpillar Trail, Green Valley, November 11, 2010, at approximately 8:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and approve the permits.

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

- A. Daniel Dominic Scordato, Vivace Restaurant, 4310 N. Campbell Avenue, Tucson, Temporary Extension of Premises for November 13, 2010.
- B. Heidi Marietta Rogers, Firelite Lounge and Café, 2413 W. Wetmore Road, Tucson, Temporary Extension of Premises for October 16, 28 and November 20, 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 unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

14. **DEVELOPMENT SERVICES: REZONING ORDINANCES**

- A. ORDINANCE NO. 2010 - 55, Co9-07-21, Stewart Title and Trust No. 3652 – North Como Drive Rezoning. Owner: Stewart Title and Trust TR 3652. (District 1)
- B. ORDINANCE NO. 2010 - 56, Co9-08-22, Reay, et. al. – Sandario Road Rezoning. Owner: Gordon and Lois Reay. (District 3)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2010 – 55 and 56.

15. **TRANSPORTATION: TRAFFIC ORDINANCE**

ORDINANCE NO. 2010 - 57, of the Pima County Board of Supervisors, regulating parking of vehicles on the south side of Skyline Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon 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 – 57.

16. **COUNTY ADMINISTRATOR: STATUS REPORT REGARDING THE TRANSITION OF THE FORMER KINO COMMUNITY HOSPITAL CAMPUS**

Presentation by Dr. William Crist, Vice President for Health Affairs at the University of Arizona, regarding the status and vision of a two-hospital Academic Medical Teaching System affiliated with the University of Arizona College of Medicine.

Chuck Huckelberry, County Administrator, stated a status report had been provided to the Board, and the presentation would reflect the vision of the emerging system at the Kino Campus and highlight the remarkable strides that have been made since 2004. Mr. Huckelberry acknowledged the presence of the following key individuals in the audience:

Dr. William Crist, Vice President for Health Affairs at the University of Arizona  
Dr. Steve Goldschmid, Dean – UA College of Medicine  
Dr. Craig Stump, Associate Professor of Medicine and Nutritional Sciences and Section Chief for Endocrinology, Diabetes and Hypertension  
Dr. Hugo Villar, Professor and Vice Chairman of the Department of Surgery, Chief of Surgical Oncology and Clinical Department Chair  
Dr. John Kettelle, Assistant Professor of Clinical Surgery and Chief Medical Officer at UPHH  
Dr. Paul Hicks, Vice Head and Section Chief Family Medicine  
Dr. Mazda Shirazi, Vice Head and Section Chief of Emergency Medicine, and Chief of Staff

Dr. William Crist thanked the Board on behalf of the University of Arizona and introduced the following topics and individuals who summarized the changes that have occurred, what was currently happening and what direction this cooperative effort would take in the future:

UA Healthcare Facilitated Development at the Kino Campus  
Kevin Burns, Interim CEO, UA Healthcare, Inc.

Financial Performance at UPH Hospital.  
Tim Kares, MBA, CFO, UPH Hospital

Training the Physician Workforce of the Future  
Dr. Victoria Murrain, Assistant Dean for Graduate Medical Education

Primary Care – Health Promotion/Disease Prevention  
Dr. Tamsen Bassford, Chair Family/Community Medicine

The Arizona Diabetes Alliance  
Donna Zazworsky, RN, VP Carondelet Health Network

UA Center of Excellence in Diabetes  
Dr. Harold Szerlip, Vice Head and Service Chief, UPH Hospital

Behavioral Health Institute for Mental Health Services/Level III Trauma Services  
Diane Rafferty, CEO UPH Hospital

The Board thanked the presenters for their healthcare commitment to the community.

This item was informational only, no action was taken by the Board.

17. **COUNTY ADMINISTRATOR: CORAZON DE LOS TRES RIOS DEL NORTE**

Direction to staff to begin planning and discussion to evaluate opportunities for development of recreation, recharge and environmental restoration along the Santa Cruz River at the confluence of the Rillito River and Canada del Oro Wash, with the following stakeholders:

Pima County Bond Advisory Committee	Regional Transportation Authority
Pima County Parks Commission	City of Tucson
US Army Corps of Engineers	Town of Marana
Bureau of Reclamation	Other interested stakeholders

Chuck Huckelberry, County Administrator, briefed the Board on this project explaining this was a long range vision with many independent components, some of which were already in process.

Supervisor Bronson commended staff and asked to include the Town of Oro Valley as a stakeholder.

Supervisor Elías indicated he would like to include the Tucson Mountains Association, as well as any other affected neighborhoods on the west side as additional stakeholders. He also requested more information about the science of recharge as he had concerns about our water resources.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, to accept the report and direct staff to begin the planning process with the stakeholders. No vote was taken at this time.

Supervisor Day asked for estimated project costs to better understand how this would impact the secondary tax rate.

Supervisor Carroll voiced his concerns regarding the scope, implementation schedule, total cost and partnerships for this project. He requested that the Board hold off on a vote for this item until specific information was received.

Chuck Huckelberry emphasized that this was only the beginning stages of planning and discussion regarding this project.

Upon the vote being taken, the motion unanimously carried by a 5-0 vote.

18. **CONTRACTS AND AWARDS**

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

1. To provide workforce development services for the term 7/1/10 to 1/15/13, U.S. Department of Labor Fund, for the following:

<u>Vendor</u>	<u>Contract No.</u>	<u>Amount</u>
Cochise County Workforce Development, Inc., d.b.a. Cochise Private Industry Council	07-69-C-143280-0710	\$260,411.00
Yuma Private Industry Council	07-69-Y-143281-0710	\$216,141.00

**B. Procurement**

2. SunE M5C Holdings, L.L.C., Amendment No. 5, to provide a Consent to Merger and amend contractual language, Utility Expense Budget Fund, no cost (11-13-S-142106-0609) Facilities Management
3. Amendment of Award: Verizon Wireless (VAW) L.L.C., (Headquarters: Basking Ridge, NJ) B507011, Revision No. 1, to provide wireless products and services, extend contract term to 10/14/11 and increase the award in the amount of \$750,000.00. Funding Source: General Fund. Administering Department: Information Technology.

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

**19. BOARD, COMMISSION AND/OR COMMITTEE: REGIONAL WASTEWATER RECLAMATION ADVISORY COMMITTEE**

Appointment of Robert J. Iannarino to replace Corey Smith. Term expiration: 3/1/12. (District 1)

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

**20. PERSONAL POINT OF PRIVILEGE**

Supervisor Bronson announced that Tucson Regional Economic Opportunities, Inc. (TREO) will be celebrating its fifth anniversary with a luncheon on October 1, 2010.

**21. CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Mr. Al Velez addressed the Board regarding the condemnation and the taking of his property.

**22. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:40 a.m.