

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 14, 2010

The Pima County Flood Control District Board met in its regular session at 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, December 14, 2010. Upon roll call, those present and absent were as follows:

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

Absent: Ann Day, Member

... 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 9:26 a.m.

1. RECONVENE

The meeting reconvened at 9:45 a.m. All members were present.

2. 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.

3. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement in Pima County Flood Control District v. Jeremy Perez et al. and Jeremy Perez and Miguel Garcia v. Pima County Flood Control District, Pima County Superior Court Case No. C20093554.

Chris Straub, Chief Civil Deputy County Attorney, advised that this case was an eminent domain action with counter claims related to the demolition of a structure on the property. The Pima County Attorney's Office recommended they be given the authority to maintain the existing settlement offer that was rendered in the case and to issue an Offer of Judgment as discussed in Executive Session.

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:45 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 14, 2010

The Pima County Board of Supervisors met in its regular session at 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, December 14, 2010. Upon roll call, those present and absent were as follows:

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

Absent: Ann Day, Member

1. **INVOCATION**

The invocation was given by Pastor Craig Coulter, Oro Valley Church of the Nazarene.

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. **PROCLAMATIONS/PRESENTATIONS**

- A. Presentation of a proclamation to Richard Page proclaiming December 14, 2010, to be:

"ANIMAL RESCUE FOUNDATION
VOLUNTEER COORDINATOR RICHARD PAGE DAY"

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

Supervisor Bronson presented the proclamation to Kim Janes, Division Manager, Animal Care Center and Teri White, President of the Animal Rescue Foundation, who accepted on behalf of Mr. Page.

- B. Presentation of a proclamation to Jim Hunter, operator of "Jim's Place," proclaiming December 14, 2010, to be:

"JIM HUNTER DAY IN PIMA COUNTY"

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

Supervisor Valadez presented the proclamation to Jim Hunter and the Board members expressed their appreciation for his years of service. Mr. Hunter thanked the Board for the honor, and acknowledged the Randolph-Sheppard Act as the guiding force behind the creation of jobs for the blind.

5. PERSONAL POINT OF PRIVILEGE

Supervisor Elías acknowledged Jim Murphy, former member of the Board of Supervisors, in the audience.

6. 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 THE CONSENT CALENDAR

PULLED FOR SEPARATE ACTION

1. CONTRACTS

Pima Health System

Amendment No. 2, to provide non-emergency transportation services for the term 7/1/10 to 6/30/11 and amend contractual language, no cost:

VENDOR

Southwest Ambulance of Tucson,
Inc., d.b.a. Kord's Southwest

Rural/Metro Corporation

CONTRACT NO.

07-15-S-139911-0907

07-15-R-139916-0907

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 3-0 vote, Chairman Valadez recused himself due to a potential conflict of interest, and Supervisor Day was absent, to approve the contract.

PULLED FOR DISCUSSION BY SUPERVISOR CARROLL

2. **CONTRACTS AND AWARDS**

F. **Regional Wastewater Reclamation**

23. RESOLUTION NO. 2010 - 302, approving an Intergovernmental Agreement with the City of Tucson, to provide for the terms and responsibilities for the use and allocation of effluent and reclaimed water in the Conservation Effluent Pool, no cost (01-03-T-143606-1210)

Supervisor Carroll questioned the application process for the Section 10 Permit and if enough been done to create a Habitat Conservation Plan.

* * *

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

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS**

Pima Health System

Amendment No. 2, to provide non-emergency transportation services, Southwest Ambulance of Tucson, Inc., d.b.a. Kord's Southwest and Rural/Metro Corporation (PULLED FOR SEPARATE ACTION)

2. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2010 - 300, approving an Intergovernmental Agreement with the Golder Ranch Fire District, to provide for the purchase and installation of four (4) fire hydrants in the Catalina area, Federal Fund, contract amount \$30,000.00 (01-70-G-143590-1010)
2. Drachman Design Build Coalition, Inc., Amendment No. 3, to provide installation of off-site improvements and infrastructure in the public right-of-way for a five (5) unit development known as Lessons from Civano Project for the term 7/1/10 to 6/30/11 and amend contractual language, no cost (03-70-D-139274-0307)

3. City of South Tucson, Amendment No. 1, to provide management and implementation of the Community Development Block Grant Program, extend contract term to 12/31/11 and amend contractual language, no cost (01-70-S-142544-1009)
4. Arizona Children's Association, Amendment No. 1, to provide for the Southern Arizona Center Against Sexual Assault (SACASA) Facility Improvement Project for the term 9/30/10 to 6/20/11 and amend contractual language, no cost (32-70-A-142643-1009)
5. Habitat for Humanity Tucson, Amendment No. 1, to provide for the Marana/Amado Habitat Housing Partnership Agreement for the term 11/1/10 to 10/31/11, no cost (11-70-H-142686-1109)
6. RESOLUTION NO. 2010 - 301, approving Grant Agreement with the U.S. Department of Housing and Urban Development, to provide for the administration of the HOPWA Renewal Project, HUD Performance Grant Fund, contract amount \$1,313,826.00 revenue (02-70-U-143587-0111)

B. Community Services, Employment and Training

7. Chicanos Por La Causa, Inc., Amendment No. 3, to provide emergency financial assistance and case management services, CSBG Fund, contract amount \$26,770.00 (07-69-C-141759-0708)
8. Tucson Urban League, Inc., to provide workforce development services for the term 11/1/10 to 10/31/11, U.S. DOL and DES Grant and Other Workforce Funds, contract amount \$50,826.00 (07-69-T-143594-1110)
9. Tucson Youth Development, to provide after school youth activities and after school work experience, for the term 8/1/10 to 5/31/11, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds; contract amount \$241,612.00 (expenditure determined by client eligibility); General Fund, contract amount \$27,000.00; total contract amount \$268,612.00 (07-69-T-143595-0810)
10. DK Advocates, Inc., to provide workforce development services for the term 11/1/10 to 10/31/11, U.S. DOL and

DES Grant and Other Workforce Funds, contract amount \$58,427.00 (07-69-D-143596-1110)

11. Tucson Urban League, Inc., to provide after school youth activities and after school work experience, for the term 8/1/10 to 5/31/11, U.S. Department of Labor and Arizona Department of Economic Security Grant Funds; contract amount \$59,906.80 (expenditure determined by client eligibility); General Fund, contract amount \$7,000.00; total contract amount \$66,906.80 (07-69-T-143599-0810)

C. County Attorney

12. The Haven, to provide for the implementation of enhancements to the Pima County Drug Court Program and the establishment of a new Drug Treatment Alternative to Prison Program, Department of Health and Human Services/SAMHSA/CSAT Grant and RICO Special Revenue Funds, contract amount \$400,000.00/3 year term (07-02-H-143588-0910)

D. Health Department

13. Marana Unified School District, Amendment No. 5, to provide administration of childhood immunization services for the term 12/5/10 to 12/4/11, no cost (01-01-M-138892-1206)
14. Tucson Unified School District, Amendment No. 1, to provide the administration of childhood immunization services for the term 12/15/10 to 12/14/11, no cost (01-01-T-142558-1209)

E. Pima Health System

15. Carondelet Heart and Vascular Institute, Amendment No. 7, to provide hospital services, extend contract term to 11/30/11 and amend contractual language, no cost (18-15-M-138814-1106)
16. General Dentistry for Kids, L.L.C., Amendment No. 3, to provide dental services and amend contractual language, no cost (18-15-G-139783-1107)
17. Children's Dental Clinic of Tucson, L.L.C., Amendment No. 2, to provide dental services, extend contract term to 12/31/11 and amend contractual language, no cost (18-15-C-140441-0108)

- 18. Evercare Hospice, Inc., Amendment No. 1, to provide hospice services and amend contractual language, PHCS Enterprise Fund, contract amount \$75,000.00 (18-15-E-141842-0309)
- 19. Creative Networks, L.L.C., d.b.a. Rescare Homecare, Amendment No. 5, to provide non-skilled homecare services and amend contractual language, no cost (07-15-C-142062-0709)
- 20. Watermark Home Care of Southern Arizona, L.L.C., d.b.a. Watermark at Home, Amendment No. 7, to provide homecare services and amend contractual language, no cost (07-15-S-142114-0709)
- 21. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 6, to provide non-skilled homecare services and amend contractual language, no cost (07-15-A-142119-0709)
- 22. Tucson Medical Center, Amendment No. 2, to provide hospital services, extend contract term to 12/31/11 and amend contractual language, no cost (18-15-T-142766-0509)

F. Regional Wastewater Reclamation

- 23. RESOLUTION NO. 2010 - 302, approving an Intergovernmental Agreement with the City of Tucson (PULLED FOR DISCUSSION BY SUPERVISOR CARROLL)

G. Sheriff

- 24. RESOLUTION NO. 2010 - 303, approving an Intergovernmental Agreement with the Town of Marana, to provide video court for municipal prisoners, General Fund, contract amount \$10,000.00 revenue (01-11-M-143593-1210)

3. BOARD, COMMISSION AND/OR COMMITTEE

Election Integrity Commission

Reappointment of Patrick Pecoraro. Term expiration: 12/14/12. (District 2)

4. **SPECIAL TAXING DISTRICT**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 9, 2010, Flowing Wells Irrigation District Election.

5. **RATIFY AND/OR APPROVE**

Minutes: October 19, 2010
 November 2, 2010

REGULAR AGENDA/ADDENDUM ITEMS

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

The Legal Defender's Office requests approval to create one (1) new Position Control Number (PCN) allocated to the 7660/Attorney-Unclassified (Grade U3) classification. Any associated costs will be paid from the Office of Court Appointed Counsel's current budget.

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

8. **DIVISION OF ELECTIONS**

In accordance with A.R.S. §16-664, the Board of Supervisors must certify the recount results for Ballot Measure Proposition 112 of the November 2, 2010, General Election.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elias and carried by a 4-0 vote, to approve the certification of the recount results.

9. **PROCUREMENT: Appeal of the Procurement Director's Decision**

Pursuant to Pima County Code Section 11.20.010(J), EPCOR United Water, L.L.C., represented by Warner Angle Hallam Jackson and Formanek P.L.C. appeals the decision of the Procurement Director regarding Solicitation No. 0901346, Water Reclamation Facility Design-Build-Operate Project.

Without objection, this item was continued to the Board of Supervisors' Meeting of January 11, 2011.

10. **PROCUREMENT: Appeal of the Procurement Director's Decision**

Pursuant to Pima County Code Section 11.20.010(J), Mike Orr, Regional Director of Operations, Martin Harris Construction, appeals the decision of the Procurement Director regarding Solicitation No. 1100485, Pima County Administration West, Floors 1-3 Tenant Improvements.

George Widugiris, Procurement Director, provided the details of the process and advised the appellant had requested the low bid and second low bid be deemed non-responsive for failure to properly complete the subcontractor's listing form. He stated that no basis had been found for the appeal, as in this instance there was no requirement to complete the form.

Mike Orr, Martin Harris Construction, stated their reasons for protesting the award and asked the Board to consider their appeal based on the inconsistency in the completion of the bid documents.

The Chairman inquired whether anyone wished to be heard.

David Bradley, D. L. Withers Construction, stated they had complied with the requirements of the bid procedures and forms and that their approach would deliver exceptional value to Pima County.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, to deny the appeal.

Supervisor Bronson stated she believed that Martin Harris Construction had made a good faith effort in the bidding process and requested that Procurement staff meet with them to explain the bidding process and compliance to the Procurement Code.

11. FRANCHISE/LICENSE/PERMIT: Liquor License

10-40-9052, Linda Kamal Barakat, Valencia Liquor Barn, 2526 West Valencia Road, Tucson, Series 9, Liquor Store, New License Person Transfer.

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 license and forward the recommendation to the Arizona State Liquor Licenses and Control.

12. FRANCHISES/LICENSES/PERMITS: Fireworks Permits

A. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, December 22, 2010 at approximately 8:00 p.m.

B. Alan Raso, Westward Look Resort, 245 E. Ina Road, Tucson, December 31, 2010 at Midnight.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elias and carried by a 4-0 vote, to close the public hearings and approve the permits.

13. **DEVELOPMENT SERVICES: Rezoning Time Extension**

Co9-05-13, ACKERMAN – OLD VAIL ROAD REZONING

Request of Robert L. Ackerman, for a five year time extension for the above referenced rezoning from RH (Rural Homestead) to CI-1 (Light Industrial/Warehousing) for approximately 10.74 acres. The rezoning was conditionally approved by the Board of Supervisors on December 6, 2005. The Board adopted Ordinance No. 2007-8 memorializing the rezoning on February 6, 2007. The rezoning will expire on December 6, 2010. The site is located on the north and south sides of Old Vail Road, approximately 850 feet west of Colossal Cave Road. Staff recommended APPROVAL OF A FIVE YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

Standard and Special Conditions

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation condition Conditions:
 - A. The property owner shall provide urban street standard roadway improvements to Old Tucson Vail Road, between the site and Colossal Cave Road.
 - B. The property owner/developer shall provide an easement and construct a temporary turnaround at the western edge of the property until such time as the property adjacent on the west is developed.
8. Flood Control Condition:

Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Wastewater Management Conditions:
 - A. At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area.
 - B. If a connection to the public sewer system is practicable at the time a tentative plat, development plan or request for building permit is submitted for review, the owner(s)/developer(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Wastewater Reclamation Department.
 - C. The owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
10. Environmental Quality Conditions:

- A. As a condition of rezoning, the applicant shall demonstrate that the site is suitable for the placement of an on-site wastewater disposal system, including the primary and reserve disposal areas, to serve the proposed development while meeting all minimum design criteria, including all applicable set backs. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing. This demonstration shall be made prior to issuance of the Certificate of Compliance.
 - B. Prior to the commencement of construction or any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
 - C. No building permit shall be issued for any structures utilizing an on-site disposal system prior to the issuance of a certificate of approval. A Provisional Verification of General Permit Conformance for an on-site wastewater treatment facility shall be required.
11. Environmental Planning Conditions:
- A. Unless Development Services is provided with information from the U.S. Fish & Wildlife Service, which indicates a site survey is not necessary, the site shall be surveyed for Pima pineapple cactus. The survey shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish & Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services. If Pima pineapple cacti are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - B. The project site shall be inspected by a trained resource specialist for the presence of Western burrowing owls. A report containing inspection results and dates of when inspections were conducted shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of the tentative plat. If any Western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
12. Cultural Resources Conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
 - B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
 - C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
13. Building heights shall be no greater than 24 feet.
14. Adherence to the preliminary development plan as approved at public hearing, understanding that variances shall be required regarding bufferyard requirements.
15. In the event the subject property is annexed into the City of Tucson, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
16. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to any rights or claims under the Private Property

Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Chris Poirier, Assistant Planning Director, summarized this request for a five year rezoning time extension. He stated that no comments had been received and that staff recommended approval subject to the original conditions and two additional conditions. Condition No. 7B was recommended by the Department of Transportation, and Condition No. 16 which has been a standard condition for rezoning cases since the passage of Proposition 207 in 2006. He reported that the additional conditions do not constitute a substantial change and therefore a hearing before the Planning and Zoning Commission was not required.

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

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and carried by a 4-0 vote, to approve the five year rezoning time extension with modified standard and special conditions.

14. DEVELOPMENT SERVICES: Zoning Code Text Amendment

Co8-10-05, CHARTER SCHOOLS, LIGHTING, FEES, GRADING STANDARDS, REZONING NOTIFICATIONS, CONDITIONAL USE TIME LIMITS, INACCURATE CITATIONS, ETC.

An Ordinance of the Pima County Board of Supervisors relating to Zoning; amending the Pima County Zoning Code, Title 18 by amending Chapters 18.01 (General Provisions), 18.07 (General Regulations and Exceptions), 18.09 (General Residential and Rural Zoning Provisions), 18.69 (Subdivision Standards) and 18.79 (Sign Standards) to delete specific fee amounts; amending Chapters 18.07 (General Regulations and Exceptions), 18.09 (General Residential and Rural Zoning Provisions), 18.13 (Rural Homestead Zone), 18.14 (Rural Residential Zone), 18.17 (Suburban Ranch Zone), 18.19 (SH Zone), 18.39 (General Commercial Standards), 18.43 (Local Business Zone), 18.45 (General Business Zone), 18.49 (Campus Park Industrial Zone), 18.61 (Hillside Development Overlay Zone), 18.63 (Historic Zone), 18.67 (Buffer Overlay), 18.75 (Off-Street Parking and Loading Standards), 18.81 (Grading Standards) to defer the lighting requirements to the County Outdoor Lighting Code requirements; amending Chapter 18.03 (General Definitions) to add a definition for a carport, to further describe a guest house and to revise the charter school definition; amending Chapter 18.07 to allow modification of the front yard setback thru the modification of setback requirements; amending Chapter 18.09 to add charter schools as an outright permitted use, to delete the reference to additional fees for the secondary dwelling appeal; amending Chapters 18.12 (Institutional Reserve Zone), 18.13 and Chapter 18.17 to correct inaccurate citations; amending Chapters 18.37 (Multiple Use Zone) and 18.43 to add charter schools as an outright permitted use; amending Chapter 18.81 (Grading Standards) to revise the Type I permit requirement; amending Chapter 18.91 (Rezoning Procedures) to revise notification requirements to conform with State Statutes; amending Chapter 18.97 (Conditional Use Procedures) by revising time limits and time

extensions. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Holdridge and Smith were absent) to recommend APPROVAL. Staff recommended APPROVAL. (All Districts)
If approved, pass and adopt:

ORDINANCE NO. 2010 ~~—74,~~

Chris Poirier, Assistant Planning Director, provided an overview of the changes to the Zoning Code associated with this request. He stated staff additionally recommended a new definition for "guest house" to be incorporated into the proposed ordinance language. He reported that one comment had been received regarding the elimination of current wording in the Code.

Supervisors Bronson and Elias agreed with the need to amend the Zoning Code to be in alignment with State statute but felt more time was needed to review all of the information being presented.

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Bronson and carried by a 4-0 vote, to continue this item to the Board of Supervisors' Meeting of January 18, 2011.

Supervisor Bronson asked that evidence of stakeholder participation be brought back to the Board with the proposed ordinance.

15. **DEVELOPMENT SERVICES: Plan Adoption and Zoning Code Text Amendment**

Co8-10-06, TRAILS SYSTEM MASTER PLAN AND CONFORMING CODE AMENDMENT

Without objection, this item was removed from the agenda.

16. **TRANSPORTATION: Traffic Resolution**

RESOLUTION NO. 2010 - 304, of the Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue and Plaza Street for the Ajo Rotary Club Christmas Eve Street Parade on December 24, 2010. Staff recommended 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 Elias and carried by a 4-0 vote, to close the public hearing and to approve Resolution No. 2010 – 304.

17. **PIMA COUNTY ELECTION INTEGRITY COMMISSION**

RESOLUTION NO. 2011 2010- 305, of the Pima County Board of Supervisors, concerning the support for automated election auditing.

Chuck Huckelberry, County Administrator, explained the request of the Election Integrity Commission for support of legislation pertaining to an automated election auditing system which they felt would significantly improve the election process.

Tom Ryan, Election Integrity Commission member, addressed the Board and explained that the Secretary of State was interested in legislation to support this technology and that Pima County had a unique opportunity to develop and evaluate this technology.

Supervisor Bronson asked if funding would be available for this project.

Mr. Ryan advised that the vendor was willing to participate at no cost to the County and that he understood the Secretary of State had plans to seek funding from the Federal Election Assistance Commission which had been set aside for novel approaches to election auditing.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to adopt Resolution 2010-305.

18. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

The Pima County Neighborhood Reinvestment Oversight Committee recommends approval of the following Neighborhood Reinvestment Project and authorization for staff to negotiate a future Intergovernmental Agreement, if applicable:

<u>Neighborhood</u>	<u>Project</u>	<u>Est. Budget</u>
South Tucson Community	Community Garden/Farmers Market	\$220,500.00

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson, and carried by a 4-0 vote, to approve the project and authorize staff to negotiate an intergovernmental agreement.

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

P1208-046, Camino Verde Village, Lots 1 - 388 and Common Areas A and B. (District 3)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the final plat with assurances.

20. **PROCUREMENT: Award**

The Board of Supervisors on December 7, 2010, continued the following:

Low Bid: Award of Contract, Requisition No. 1100432, to Urban Energy Solutions, Inc. (Headquarters: Tempe, AZ) in the amount of \$423,000.00 for the Downtown Relamping Project. The contract is for a nine and a half month period and may be extended for project completion. Funding Source: Energy Efficiency and Conservation Block Grant-American Recovery and Reinvestment Act Funds. Administering Department: Facilities Management.

Chuck Huckelberry, County Administrator, stated this item had been reviewed by staff and that their recommendation remained unchanged.

On consideration it was moved by Supervisor Bronson, seconded by Supervisor Elias and carried by a 3-1 vote, Chairman Valadez voting "Nay," to approve the award.

21. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. City of Tucson, Amendment No. 1, to provide for the design and construction of the Barrio Hollywood Neighborhood Reinvestment Project and extend contract term to 12/31/11, no cost (01-70-T-139440-0507)

B. **Economic Development and Tourism**

2. Tucson Regional Economic Opportunities, Inc., to provide for economic development activities and programs for the term 7/1/10 to 6/30/11, General Fund, contract amount \$350,000.00 (07-71-T-143614-0710)

C. **Facilities Management**

3. Community Partnership of Southern Arizona, to provide a ground lease for property located at 2499 E. Ajo Way, General Fund, contract amount \$25.00 revenue/25 year term (04-13-C-143621-1210)

D. **Natural Resources, Parks and Recreation**

4. City of Tucson, Amendment No. 1, to provide for the Morris K. Udall Park Sports Fields Improvement Project and amend contractual language, 2004 Bond Fund, contract amount \$222,177.00 decrease (01-05-T-140500-0108)

5. City of Tucson, Amendment No. 1, to provide for the Lincoln Park Softball Fields Improvement Project and amend contractual language, 2004 Bond Fund, contract amount \$220,000.00 (01-05-T-140499-0108)
6. University of Arizona-Board of Regents, Amendment No. 4, to provide for the Invasive Plant Management, Education and Eradication Coordination Project for the term 8/1/10 to 7/31/11, Arizona Game and Fish Grant Fund, contract amount \$50,000.00 (07-05-A-138448-0806)

E. Office of Court Appointed Council

7. RESOLUTION NO. 2010 - 306, approving an Intergovernmental Agreement with Mohave County, to provide consultation services for the JustWare Case Management System, Fill-the-Gap Fund, contact amount \$5,000.00 (01-14-M-143610-1210)

F. Office of Strategic Technology Planning

8. The Nordensson Group, L.L.C., Amendment No. 2, to provide consulting services to assist in the creation of a structure for consistent Pima County media communications and public awareness, extend contract term to 3/18/12 and amend contractual language, Communities Putting Prevention to Work Grant and Various Department Funds, contract amount \$150,000.00 (07-30-N-142442-0909)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, to approve the contracts and adopt Resolution No. 2010 - 306.

22. CONTRACTS AND AWARDS: Pima Health System

- A. Bridgeway Health Solutions of Arizona, L.L.C., to provide for the management of business operations of Pima Health Systems, General Fund, contract amount \$17,000,000.00 (07-15-B-143623-0111)
- B. PCOA (Pima Council on Aging) for All, to provide homecare/attendant care services to Pima Health System members, PHCS Enterprise Fund, contract amount not to exceed \$3,000,000.00 (07-15-P-143622-1210)

Supervisor Elías stated this was a very important change in operations for Pima County and said that concern for the employees had prompted this action as it would be unlikely the County would receive another State contract for long term care services. He stated that issues had been raised regarding non-emergency transport, lack of customer service, lack of cultural sensitivity, unreasonable wait

times for transportation and payment delays. He requested that staff continue to meet with Bridgeway to resolve those issues so the elders in our community receive the best level of care.

Supervisor Elías requested that the language recommended in the memorandum provided to the Board and dated December 13, 2010, which related to the Memorandum of Understanding with Service Employees International Union, be incorporated into a contract amendment and brought back to the Board of Supervisors for approval in January.

Chuck Huckleberry, County Administrator, briefly explained the plans for the transition of both the business management and home health care operations. He advised that the last major component for this process would be the transition of Posada del Sol to the Carondolet System which would come before the Board in the near future. He explained the urgency to submit the transition plan to Arizona Health Care Cost Containment System (AHCCCS), due to regulatory changes that will become effective January 1, 2011. Mr. Huckelberry stated that additional information regarding the issues that have been raised will be brought back to the Board and stated that there were other matters, such as claims processing, which would require amendments to the contract.

Mr. Huckelberry also reported on the transition of the employees to Bridgeway and PCOA for All, the employees that may be needed to process claims and the employees that would be absorbed back into Pima County departments. Every effort was made to make this as seamless as possible for the employees.

Chairman Valadez requested clarification regarding transitioning employees who would return to employment with Pima County.

Gwyn Hatcher, Human Resources Director, explained the process was contained in the Pima County Merit System Rules and Personnel Policies that addressed re-employment rights.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, to approve the contract and direct staff to bring back a contract amendment which should contain the following language:

"The Parties acknowledge that County, through its meet and confer process, has an existing non-binding Memorandum of Understanding with the Service Employees International Union (SEIU) that terminates on June 3, 2011. As part of its commitment to meet the challenges presented by the existing health care environment, ensure continuity of care for the community and preserve the existing dedicated and expert workforce, Bridgeway agrees that it will use its best efforts to identify issues of mutual agreement with SEIU on or before March 1, 2011."

23. CONTRACT AND AWARD: Procurement

Motorola, Inc., Amendment No. 1, to provide for the Pima County Wireless Integrated Network Voice Radio System and amend contractual language, no cost (11-14-M-142376-0909) Office of Strategic Technology Planning

12-14-2010 (16)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 3-1 vote, Supervisor Elías voting "Nay," to approve the award.

24. CONTRACT AND AWARD: Procurement

Cooperative Procurement: Award of Contract, Requisition No. 1101207, in a total amount of \$1,052,739.95. This includes an initial acquisition cost of \$889,897.95 that will be amortized in a three year period for VMWare Enterprise Licenses, and an estimated annual maintenance fee of \$79,435.00 for the fourth year, and \$83,407.00 for the fifth year, to Dell (Headquarters: Buffalo Grove, IL). Contract is for a three year term and includes two one year renewal periods. The award includes the authority for the Procurement Director to approve future amendments/renewals without further action by the Board of Supervisors for reasons other than increases in funding. Funding Source: General Fund. Administering Department: Information Technology.

Supervisor Carroll requested that amendments and/or renewals for this item be brought back to the Board for approval.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and approved by a 4-0 vote, to approve the award and direct staff to bring back future amendments/renewals to the Board of Supervisors.

25. CONTRACT AND AWARD: Procurement

Low Bid: Award of Contract, Requisition No. 1100485, in the amount of \$2,596,000.00 to the lowest responsive bidder, D. L. Withers Construction, L.C. (Headquarters: Phoenix, AZ) for the Pima County Administration West, Floors 1-3 Tenant Improvements. The contract is for a nine month period and may be extended for project completion. Funding Source: 1997 Bond Fund, \$1,825,000.00; and Facilities Renewal Fund, \$771,000.00. Administering Department: Facilities Management.

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

26. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Tucson/Pima County Metropolitan Energy Commission

Reappointments: Tina E. Cook, Erika Roush, Hyman Kaplan, Melissa Miller, Joel Wagner, Vivian Harte and Fargad Moghimi. Term expirations: 11/30/12.

B. Pima County Parks and Recreation Commission

Appointment of James L. Mazzocco to replace Gary Davidson, and Thomas J. Drzazgowski to replace Stephanie Maben. Term expirations: 6/30/12. (District 1)

C. **Outside Agency Citizen Review Committee**

Appointment of Steve Huffman to replace Colin Zimmerman. No term expiration. (County Administrator)

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

27. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Gary R. Bahr thanked Supervisor Elías for his concern about the aging population and conveyed his appreciation to all of the Board members for their excellent communication.

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:45 a.m.



CHAIRMAN

ATTEST:



CLERK