

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

November 16, 2010 9:00 a.m.

1. ROLL CALL

2. INVOCATION

To be offered by Pastor Kevin Prahar, Park Avenue Christian Church.

3. PLEDGE OF ALLEGIANCE

4. PAUSE 4 PAWS

... EXECUTIVE SESSIONS

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

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

1. Honeywell International v. Pima County, Arizona Tax Court Case No. TX2006-000401

Motion carried to accept recommendation (5/0)

2. Honeywell International v. Pima County, Arizona Tax Court Case No. TX2007-000579

Motion carried to accept recommendation (5/0)

3. Honeywell International v. Pima County, Arizona Tax Court Case No. TX2008-000778

Motion carried to accept recommendation (5/0)

4. Honeywell International v. Pima County, Arizona Tax Court Case No. TX2009-000749

Motion carried to accept recommendation (5/0)

5. Landmark Title Assurance Agency of Arizona, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2009-001043

Motion carried to accept recommendation (5/0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed Board of Supervisors Policy No. C 6.2, Delegation of Settlement Authority to County Attorney.

This item was informational only.

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. **CONSENT CALENDAR:** For consideration and approval

- A. **CALL TO THE PUBLIC (for Consent Calendar items only)**

- B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve as amended (5/0)

6. **COUNTY ADMINISTRATOR**

- A. **Legislative Program for 2011**

RESOLUTION NO. 2010 – **285**, of the Board of Supervisors, adopting the Pima County Legislative Program for 2011.

Motion carried to approve (5/0)

- B. **Rillito Racetrack Fees for County Fair Horseracing**

Staff requests direction to develop a four-year agreement with the Pima County Horsemen's Association to continue horseracing at Rillito Racetrack through 2014 at an incrementally increased annual fee structure during that period. The 2011 horseracing season will be assessed a fee of \$6,500.00; the second through the fourth years will be increased at a rate of \$2,500.00 per year, reaching the maximum sum of \$14,000.00 by 2014. Subsequent agreements beyond the 2014 horseracing season will be subject to future and independent action.

Motion carried to approve (5/0)

7. **COUNTY ATTORNEY**

Staff requests approval of the Board of Supervisors Policy No. C 6.2, Delegation of Settlement Authority to County Attorney.

Motion carried to approve (5/0)

8. **ASSESSOR**

Request for Redemption of Waiver of Exemption

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

Motion carried to approve (5/0)

9. **DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-642, canvass of the November 2, 2010 General Election.

Motion carried to approve (5/0)

10. **PIMA COUNTY WIRELESS INTEGRATED NETWORK**

Staff requests the Board of Supervisors support the Tumamoc Hill Consolidation Plan and approval to transmit a letter of support on behalf of Pima County to the University of Arizona.

Motion carried to approve (5/0)

***** HEARINGS *****

CLERK OF THE BOARD

11. **Pima County Code Text Amendment**

ORDINANCE NO. 2010 – 69, of the Board of Supervisors, relating to Financial Disclosure for elected officials and candidates and amending Pima County Code, Chapter 2.16.

Motion carried to approve (5/0)

FRANCHISES/LICENSES/PERMITS

Liquor Licenses

12. 10-32-9044, Richard Joseph Fortuno, Skybox Restaurant and Bar, 5605 E. River Road, No. 201, Tucson, Restaurant, New License.

Motion carried to approve (5/0)

13. 10-33-9045, Brian Edwin and Sandy Ford Metzger, The Abby, 6960 E. Sunrise Drive, No. 110, Tucson, Restaurant, New License.

Motion carried to approve (5/0)

14. 10-34-9046, Georgios Varnasidis, Athens It's Greek to Me, 15920 N. Oracle Road, No. 120, Tucson, Restaurant, New License.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

UNFINISHED BUSINESS (RM 9/14/10 and 10/19/10)

15. **Modification of Rezoning Condition**

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)

Motion carried to deny waiver and approve lot splits (5/0)

NEW BUSINESS

Comprehensive Plan Amendments

16. Co7-10-02, AJOUZ – W. INA ROAD PLAN AMENDMENT
Request of Toufic M. Ajouz and Katherine Mather-Ajouz, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) to Medium Intensity Urban (MIU). The approximately 0.88 acre property is located at 1022 W. Ina Road, on the north side of W. Ina Road approximately 100 feet west of N. La Cresta Avenue, in

Section 25, T12S, R13E in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Poulos, Membrila, Smith and Steinbrenner were absent) to recommend **MODIFIED APPROVAL** subject to Rezoning Policies (RP). Staff recommends **DENIAL**. (District 1)

Motion carried to approve (5/0)

17. Co7-10-03, PIMA COUNTY REGIONAL FLOOD CONTROL DISTRICT – LEE MOORE WASH STUDY AREA SPECIAL AREA POLICY PLAN AMENDMENT

Request of the Pima County Regional Flood Control District, to amend the Pima County Comprehensive Plan Regional, Rezoning and Special Area Plan Policies by amending Special Area Plan Policy S-18, Floodplain Management, to add a new section to reference and incorporate the June, 2010 Lee Moore Wash Basin Management Study (LMWBMS) and to provide for a comprehensive Flood Control Protection Program and appropriate guidelines for development. Planned Land Use Intensity would remain unchanged. The 101,253 acre unincorporated Pima County portion of the 136,320 acre LMWBMS Area defines the amendment area, which is generally bounded by Interstate 10 and the City of Tucson on the north, Sonoita Highway/State Route 83 on the east, Coronado National Forest and Santa Rita Experimental Range on the south and S. Nogales Highway, the San Xavier District and the Town of Sahuarita on the west. The amendment site covers all or part of: T15S, R4E, Sections 31 and 32; T16S, R14E, Sections 1-15, 18-20, 22, 28-30 and 32-36; T16S, R15E, Sections 7, 10-15, 17, 18, 22-27, 32, 34 and 36; T16S, R16E, Sections 15, 16, 18-22 and 26-35; T17S, R14E, Sections 1-5, 8-17, 20-28 and 34-35; T17S, R15E, Sections 1-36; T17S, R16E, Sections 1-35; T17S, R17E, Sections 18 and 19; T18S, R14E, Sections 1, 2 and 11-13; T18S, R15E, Sections 1-27, 35 and 36; and T18S, R16E, Sections 3-8 and 17-19 in the Rincon-Southeast/Santa Rita and Upper Santa Cruz Subregions. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Poulos, Membrila, Smith and Steinbrenner were absent) to recommend **APPROVAL** subject to Rezoning Policies (RP). Staff recommends **APPROVAL**. (Districts 2 and 4)

Motion carried to approve (5/0)

18. **CALL TO THE PUBLIC**

19. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 11/10/10

TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, NOVEMBER 16, 2010

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. City of Tucson, Amendment No. 1, to provide for the acquisition and rehabilitation of 30 foreclosed units to be conveyed to a community land trust to improve and revitalize neighborhoods impacted by foreclosure crisis, HUD Fund, contract amount \$510,207.00 (02-70-T-142836-0410)

B. County Administrator

2. Racy Associates, Inc., Amendment No. 2, to provide legislative representation services and extend contract term to 12/1/12, Various Department Funds, contract amount \$280,000.00 (07-30-R-138848-1106)
3. Arthur A. Chapa, Amendment No. 2, to provide legislative representation services and extend contract term to 12/1/12, Various Department Funds, contract amount \$210,000.00 (07-30-C-138849-1106)

C. Health Department

4. Arizona Board of Regents, University of Arizona, Health Sciences Center, Amendment No. 7, to provide internship opportunities for public health students and amend contractual language, no cost (07-01-A-138323-0706)

D. Information Technology

5. Arizona Department of Public Safety, Amendment No. 4, to provide reciprocal co-location of radio communication systems per site-specific agreement and amend scope of work, no cost (01-14-A-139470-0507)

E. Office of Court Appointed Council

Award

6. Qualified Applicant Award of Contract, Requisition No. 0901254, in an amount not to exceed \$300,000.00 to Jacob Amaru, to provide court appointed attorney services on the Superior Court Felony Panel. Contract is for an initial three year period and provides one renewal for an additional three year period. The award includes the authority for the Procurement Director to approve a future renewal without further action by the Board of Supervisors. Funding Source: General Fund.

F. Pima Health System

7. LifeCare Solutions, Inc., Amendment No. 5, to provide durable medical equipment, medical supplies and administrative supportive services, PHCS Enterprise Fund, contract amount \$650,000.00 (07-15-L-140580-0108)
8. Maxim Healthcare Services, Inc., Amendment No. 6, to provide homecare services and amend contractual language, no cost (07-15-M-142130-0709)
9. Michael T. Mayo, D.D.S., P.C., Amendment No. 1, to provide dental services and amend contractual language, no cost (18-15-M-142322-1109)
10. Mariposa Community Health Center, Inc., Amendment No. 1, to provide primary care physician, dental, radiology, OB/GYN, transportation services and amend contractual language, no cost (18-15-M-143151-1010)

G. Procurement

11. AECOM Technical Services, Inc., Amendment No. 5, to provide technical architectural services for the Pima County Justice Court/Tucson City Court Complex, extend contract term to 12/31/11 and amend contractual language, no cost (15-13-D-137105-0805) Facilities Management
12. MWH Constructors, Inc., Amendment No. 11, to provide construction manager at-risk services for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project and amend scope of work, RWRD Obligations, contract amount \$7,750,000.00 (03-03-M-141162-0808) Regional Wastewater Reclamation

Awards

13. Award of Contracts, Requisition 1100519 to Weber Group, L.C. (Headquarters: Chandler, AZ) and Yellow Jacket Drilling Services, L.L.C. (Headquarters: Phoenix, AZ) in the amount of \$195,000.00 each for as-needed well installation, development and repair construction services at various locations. The term of the contracts is one year with the option to extend for up to four additional one year periods. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.
14. Award of Contract, Requisition No. 1100118, to Brown & Caldwell, (Headquarters: Walnut Creek, CA) the respondent submitting the highest scoring proposal for the System Wide Biosolids and Biogas Utilization Master Plan Project. The total cost for this project shall not exceed

\$300,000.00. 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 in the following order: HDR Engineering, Inc., and Greeley and Hansen, L.L.C., until a contract is executed. Funding Source: System Development Fund. Administering Department: Regional Wastewater Reclamation Department.

H. **Real Property**

15. RESOLUTION NO. 2010 – 282, approving an Intergovernmental Agreement with the Pima Community College District, to provide authorization to share communication sites for the Pima County Wireless Integrated Network Project and a Site-Specific Supplemental Agreement, no cost (01-80-P-143465-1110) Office of Strategic Technology Planning

I. **Sheriff**

16. RESOLUTION NO. 2010 – 283, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement for the Operation Stonegarden Program, Federal Grant Fund, contract amount \$61,046.00 revenue (01-11-A-143474-1010)
17. RESOLUTION NO. 2010 – 284, approving an Intergovernmental Agreement with the Governor's Office of Economic Recovery, to provide for the Public Safety Stabilization Program, Federal Fund, contract amount \$365,222.00 revenue (01-11-G-143482-1010)

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

A. **Arizona Municipal Property Corporation**

Reappointments of Bernhardt Wm. Collins, Cecilia Cruz, Frank Y. Valenzuela, Stanley Lehman and Virginia L. Yrun. Term expirations: 11/19/11. (Corporation recommendations)

B. **Pima County/Tucson Women's Commission**

Appointment of Marietta Martin - Term expiration: 10/19/14; and Lori Mennella - Term expiration: 8/17/14. (Commission recommendations)

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

- A. Ruth Dormanen, Players Club, 16024 N. Oracle Rd., Tucson, December 4, 2010.

- B. Jonas Wes Hunter, Greater Oro Valley Arts Council, d.b.a. The Southern Arizona Arts and Cultural Alliance, La Encantada, 2905 E. Skyline Drive, Tucson, November 13, 2010.

4. **FINANCE AND RISK MANAGEMENT**

Duplicate Warrant – For Ratification

Scott A. Miller \$ 135.00

5. **RECORDER**

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

Without objection, this item was removed from the agenda.

6. **TREASURER’S OFFICE**

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five (5) percent set-aside “Fill-the-Gap” Funds in the amount of \$1,548,032.67 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior Court and Justice Court for processing of criminal cases.

7. **REAL PROPERTY**

Abandonment of Sewer Facilities

Abandonment of sewer facilities to Title Security Agency of Arizona, as Trustee under Trust No. 943, for Tax Parcel Nos. 130-14-4320 and 130-14-439B. No revenue. (District 2)

8. **RATIFY AND/OR APPROVE**

Minutes: September 21, 2010
 October 5, 2010

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting
130 W. Congress St., Hearing Room, 1st Fl.
November 16, 2010 9:00 a.m.

... EXECUTIVE SESSION

Call to the Public (for Executive Session item only)

Public discussion and action may occur on the executive session item listed below during the regularly scheduled meeting.

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding permission to file an appeal of the State Board of Equalization decisions on the IPR's for Tax Year 2010:

<u>SBOE Number</u>	<u>Notice FCV</u>	<u>SBOE Value</u>
94056741083782	\$ 974,734.00	\$
94056740183785	\$ 432,825.00	\$
94056741083787	\$ 2,181,521.00	\$
94056740183789	\$ 1,772,293.00	\$
94056740183790	\$17,151,935.00	\$4,634,820.00
94056740089136	\$ 9,289.00	\$ 500.00
94056740089140	\$ 2,453,381.00	\$
94056740089142	\$17,236,375.00	\$
94056740089144	\$ 859,156.00	\$
94056740089146	\$ 7,579,306.00	\$
94056740089148	\$10,601,665.00	\$
94056740089150	\$ 424,764.00	\$
94056740089152	\$ 3,503.00	\$
94056740089154	\$ 4,211,472.00	\$
94056740089155	\$ 282,882.00	\$
94056740089158	\$ 55,853.00	\$
94056740089160	\$ 17,001.00	\$
94056740089163	\$ 270,913.00	\$ 500.00

Motion carried to accept recommendation (5/0)

(Clerk's Note: See Zoning Enforcement Board of Appeals.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... ZONING ENFORCEMENT BOARD OF APPEALS

UNFINISHED BUSINESS (RM 11/9/10)

*(**Clerk's Note:** At the direction of Chris Straub, Chief Civil Deputy County Attorney, this item is to be removed.)

*A. **Executive Session**

~~Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P09CV00138-1 and 2, Bonnie Martinez-Hatley and Robert Martinez. The Board may also, during the course of the hearing and upon motion, enter into executive session.~~

Without objection, this item was removed from the agenda.

B. **Appeal of Hearing Officer's Decision**

P09CV00138-1 and 2, Bonnie Martinez-Hatley and Robert Martinez
In accordance with the Pima County Zoning Code Section 18.95.030C, Bonnie Martinez-Hatley and Robert Martinez, appeal the decision of the Hearing Officer in the following Case No. P09CV00138-1, regarding a violation to Zoning Code Section 18.14.020.A.7, excessive number of livestock; and, Case No. P09CV00138-2, regarding violations to Zoning Code Section 18.01.030.E.1, structures without permits (animal corrals/goat pens, goat houses, round pen, animal shade and adjoined sheds over 200 square feet), on property located at 11970 W. Archer Drive, Tucson, AZ. (District 3)

Motion carried to reverse Hearing Officer's decision (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

NEW BUSINESS

1. **BOARD OF SUPERVISORS**

Presentation by Bill Carnegie, CEO, Community Food Bank, regarding the current state of the food bank. Discussion/Action (District 3)

No action required by the Board.

2. **COUNTY ADMINISTRATOR**

A. Staff requests approval of the proposed revised Board of Supervisors Policy No. C2.7, Prohibiting Weapons in Pima County Facilities and Vehicles.

Motion carried to approve (5/0)

B. Presentation of the Pima Association of Governments Clean Fuels/Clean Cities Program, highlighting the Electric Vehicles Initiative.

No action required by the Board.

3. **CONTRACT AND AWARD**

UNFINISHED BUSINESS (RM 11/2/10 and 11/9/10)

A. **Economic Development and Tourism**

Metropolitan Tucson Convention and Visitors Bureau, to provide for the promotion of tourism, business travel, film production, youth, amateur, semi-professional and professional sports development and marketing for the term 7/1/10 to 6/30/11, General Fund, contract amount \$2,565,463.00 (11-71-M-143410-0710)

Motion carried to approve (5/0)

NEW BUSINESS

B. **Procurement**

Award

Low Bid: Award of Contract, Requisition No. 1100624, in the amount of \$9,565,600.00 to the lowest responsive bidder, D.L. Withers Construction, L.C. (Headquarters: Phoenix, AZ) for the ROMP Central Laboratory Complex. Contract is for a sixteen month period and may be extended for project completion, if necessary. Funding Source: Regional Wastewater Reclamation Department Obligations Fund. Administering Department: Facilities Management.

Motion carried to approve (5/0)

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

Pima County Board of Health

Appointment of Miguel Rojas. Term Expiration: 11/30/14. (District 2)

Motion carried to approve (5/0)

5. **PROCLAMATION**

Proclaiming November 20, 2010 to be:

“GRADY D. SCOTT APPRECIATION DAY”

Motion carried to approve (5/0)

6. 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(s) 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:

Walgreens.Com, an Illinois Corporation, No. C2010-07. Proposed settlement amount is \$60,500.00.

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 11/12/10

TIME POSTED: 11:00 a.m.