

MINUTES, FLOOD CONTROL DISTRICT BOARD

JANUARY 4, 2011

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, January 4, 2011. 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. **CONTRACT**

Town of Oro Valley, Amendment No. 1, to provide for the Lomas de Oro Wash Channelization Project and the Oro Valley Estates Drainage Improvement Project-Phase II and extend contract term to 12/31/11, no cost (01-59-O-142465-1109)

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

2. **REAL PROPERTY - CONDEMNATION**

RESOLUTION NO. 2011 - FC_1, of the Pima County Flood Control District, authorizing the Pima County Attorney to condemn real property interests where necessary for the Pantano Wash Bank Improvement Phase II: Tanque Verde Road to Speedway Boulevard Bank Project and Linear Park Improvements, in Section 6, T14S, R15E, G&SRM. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - FC_1.

3. **REAL PROPERTY - SPECIAL WARRANTY DEED**

Special Warranty Deed to convey the settlement parcels to Red Mountain Asset Fund I, L.L.C., a Delaware Limited Liability Company, located in Section 25, T14S, R13E, G&SRM. (District 2)

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

4. **FACILITY EASEMENT FOR THE LOWER SANTA CRUZ REPLENISHMENT PROJECT**

Facility Easement to Central Arizona Water Conservation District for the Lower Santa Cruz Replenishment Project-Phase 1.

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

5. **ADJOURNMENT**

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



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 4, 2011

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, January 4, 2011. 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 Adam Roland, Castle Rock Baptist 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. **OATH OF OFFICE** to be provided by the Honorable Jan Kearney, Presiding Judge of the Superior Court, for elected officials of Pima County:

CLERK OF THE SUPERIOR COURT

Patricia A. Noland

JUSTICES OF THE PEACE

Ann Fisher Segal, Precinct No. 1

Maria Alvillar, Precinct No. 3

Keith Bee, Precinct No. 5

Gail A. Wight, Precinct No. 7

Susan Bacal, Precinct No. 8

CONSTABLES

Frank J. Fontes, Precinct No. 2

George D. Gradillas, Precinct No. 3

Margaret Cummings, Precinct No. 5

The Honorable Jan Kearney, Presiding Judge of the Superior Court, administered the oath of office to the elected officials present.

... **EXECUTIVE SESSION**

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

5. **RECONVENE**

The meeting reconvened at 9:40 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:

- A. Kimco Barclay Marana L.L.P. v. Pima County, Arizona Tax Court Case No. TX2009-000551, 6 parcels: 216-36-017R, 221-04-001B, 221-04-0020, 221-04-0030, 221-04-004A and 221-04-004E.

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended the following:

Tax Year 2010

Parcel No. 221-04-001B, to reduce the Full Cash Value (FCV) from \$3,893,175.00 to \$2,123,550.00. The FCV would not rollover for 2011.

Parcel No. 221-04-0020, to reduce the FCV from \$3,593,700.00 to \$1,960,200.00. The FCV would not rollover for 2011.

Parcel No. 221-04-0030, to reduce the FCV from \$1,197,900.00 to \$653,400.00. The FCV would not rollover for 2011.

Parcel No. 221-04-004A, to reduce the FCV from \$7,187,400.00 to \$3,920,400.00. The FCV would not rollover for 2011.

Parcel No. 221-04-004E, to reduce the FCV from \$808,959.00 to \$441,546.00. The FCV would not rollover for 2011.

Parcel No. 216-36-019R, to reduce the FCV from \$1,978,930.00 to \$1,079,705.00. The FCV would not rollover for 2011.

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

- B. Landmark Title Assurance Agency of Arizona, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2009-000826, 699 parcels in La Estancia De Tucson: Tax Parcel Nos. 141-36-0010 to 6800.

Tax Year 2009

Parcel Nos. 141-09-0630, 141-09-0670, 141-09-0690, 141-09-0700, 141-09-0710, 141-09-0730, 141-09-074A, 141-09-076A, 141-36-3310, 141-36-3320, 141-36-336A, 141-36-3370 and 141-36-6740 through 6800 (6 parcels). The Assessor and the County Attorney's Office recommended no change in the FCV for these parcels.

The Assessor and County Attorney's Office recommended the following changes:

Parcel No. 141-36-6810, to reduce the FCV from \$320,431.00 to \$98,800.00.

Parcel No. 141-36-6820, to reduce the FCV from \$360,685.00 to \$111,200.00.

Parcel No. 141-36-6830, to reduce the FCV from \$340,636.00 to \$105,000.00.

Parcel No. 141-36-6840, to reduce the FCV from \$315,350.00 to \$97,200.00.

Parcel No. 141-36-6850, to reduce the FCV from \$575,029.00 to \$177,300.00.

Parcel No. 141-36-6860, to reduce the FCV from \$263,110.00 to \$81,100.00.

Parcel No. 141-36-6880, to reduce the FCV from \$443,610.00 to \$136,800.00.

Parcel No. 141-36-6890, to reduce the FCV from \$336,821.00 to \$103,900.00.

Parcel No. 141-36-6900, to reduce the FCV from \$537,240.00 to \$165,700.00.

Parcel No. 141-36-6910, to reduce the FCV from \$524,628.00 to \$161,800.00.

Parcel No. 141-36-6920, to reduce the FCV from \$352,830.00 to \$108,800.00.

Parcel No. 141-36-6930, to reduce the FCV from \$348,063.00 to \$107,300.00.

Parcel No. 141-36-6940, to reduce the FCV from \$274,720.00 to \$84,700.00.

Parcel No. 141-36-6950, to reduce the FCV from \$828,427.00 to \$255,500.00.

Parcel No. 141-36-6960, to reduce the FCV from \$514,181.00 to \$158,600.00.

Parcel No. 141-36-6970, to reduce the FCV from \$516,846.00 to \$159,400.00.

Parcel Nos. 141-36-0010 through 6730, 665 parcels, to reduce the FCV from \$13,301.00 to \$9,000.00.

Tax Year 2010

Parcel Nos. 141-36-0010 through 6730, 665 parcels, to reduce the FCV from \$10,001.00 to \$7,000.00. These FCV's would not rollover for 2011.

The Assessor and the County Attorney's Office recommended no change in the other parcels for tax year 2010.

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

- C. Landmark Title Assurance Agency of Arizona, L.L.C., et al. v. Pima County, Arizona Tax Court Case No. TX2009-000826, 299 parcels in Four Seasons: Tax Parcel Nos. 305-73-0010 to 3200.

Tax Year 2009

Parcel Nos. 305-05-072A, 072B, 073A, 074A and 305-73-3470. The Assessor and the County Attorney's Office recommended no change in the FCV.

Parcel Nos. 305-73-0900 through 305-73-1000, 305-73-1020, 305-73-1050 through 305-73-1080, 305-73-2030, 305-73-2170, 305-73-2240, 305-73-2260, 305-73-2300 through 305-73-2320, 305-73-2370, 305-73-2380, 305-73-2400 through 305-73-2420, 305-73-2450, 305-73-2520 through 305-73-2590, 305-73-2640, 305-73-2650, 305-73-2670, 305-73-2680, 305-73-2700 through 305-73-2730, 305-73-2860, 305-73-2880, 305-73-2950 through 305-73-3130, 305-33-3170. The Assessor and County Attorney's Office recommended that these parcels be dismissed from the lawsuit.

The Assessor and the County Attorney's Office recommended the following changes:

- Parcel No. 305-73-3450, to reduce the FCV from \$1,026,617.00 to \$684,400.00;
- Parcel No. 305-73-3460, to reduce the FCV from \$797,413.00 to \$85,056.00;
- Parcel No. 305-05-076D, to reduce the FCV from \$18,001.00 to \$4,000.00;
- Parcel No. 305-05-107A, to reduce the FCV from \$780,000.00 to \$520,000.00.

The Assessor and the County Attorney's Office recommended the reduction of the FCV from \$47,811.00 to \$21,000.00 for each of the following parcels:

305-73-0010 through 305-73-0089, 305-73-101, 305-73-103, 305-73-104, 305-73-1090 through 305-73-1360, 305-73-1390, 305-73-1420 through 305-73-1440, 305-73-1530 through 305-73-2020, 305-73-2040 through 305-73-

2160, 305-73-2180, 305-73-2220, 305-73-2250, 305-73-2270 through 305-73-2290, 305-73-2330 through 305-73-2360, 305-73-2390, 305-73-2600 through 305-73-2630, 305-73-2740 through 305-73-2850, 305-73-2870, 305-73-2890 through 305-73-2940; 305-73-3180 through 305-73-3200, 305-73-3450 through 305-73-3470.

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

- D. Fidelity National Title Agency v. Pima County, Arizona Tax Court Case No. TX2009-000829, 390 parcels in Gladden Farms: 217-56-1310 to 5670, 217-57-3760 to 4930 and 217-53-0806 to 8070.

The Assessor and the County Attorney's Office recommended the following for Tax Year 2010:

Parcel Nos. 217-56-1490, 217-56-1500, 217-56-1680 through 217-56-1720, 217-56-2150, 217-56-2200, 217-56-2210 and 217-56-2220, the Assessor and County Attorney's Office recommended that these parcels be dismissed from the lawsuit.

Parcel No. 217-53-8060, to reduce the FCV from \$1,775,700.00 to \$986,500.00. Parcel No. 217-53-8070, to reduce the FCV from \$1,337,400.00 to \$743,000.00.

Parcel Nos. 217-56-1310, 217-56-1330 through 217-56-1480, 1660, 1670, 1730 through 1810, 1830, 2050 through 2140, and 2230 through 2250, to reduce the FCV from \$30,000.00 to \$25,000.00 each.

Parcel Nos. 217-56-3230 through 3750, to reduce the FCV from \$15,001.00 to \$10,000.00 each.

Parcel Nos. 217-56-3900 through 4780, to reduce the FCV from \$15,001.00 to \$10,000.00 each.

Parcel Nos. 217-56-4930 through 5670, to reduce the FCV from \$15,001.00 to \$10,000.00 each.

Parcel Nos. 217-57-3760 through 4930, to reduce the FCV from \$15,001.00 to \$10,000.00 each.

These values would not rollover for 2011.

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

- E. Commerce Bank of Arizona, Inc. v. Pima County, Arizona Tax Court Case No. TX2009-000836, 7 parcels: 216-01-003H, 003N, 216-20-016U, 016X, 216-25-015F, 019B and 020C.

The Assessor and the County Attorney's Office recommended the following changes:

Tax Year 2009

Parcel Nos. 216-20-016U, 216-20-016X, 216-25-015F, 019B and 020C, be dismissed from the lawsuit.

Parcel No. 216-01-003H, to reduce the FCV from \$500,000.00 to \$180,000.00. Parcel No. 216-01-003N, to reduce the FCV from \$500,000.00 to \$240,000.00.

Tax Year 2010

Parcel No. 216-25-020C, be dismissed from the lawsuit.

Parcel No. 216-01-003H, to reduce the FCV from \$500,000.00 to \$90,000.00; Parcel No. 216-01-003N, to reduce the FCV from \$500,000.00 to \$120,000.00; Parcel No. 216-20-016X, to reduce the FCV from \$186,200.00 to \$79,800.00; Parcel No. 216-25-015F, to reduce the FCV from \$325,000.00 to \$144,800.00. Parcel No. 216-25-019B, to reduce the FCV from \$800,000.00 to \$300,000.00. These values would not rollover for 2011.

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding authorization for a third extension of the agreement to toll the statute of limitations with respect to the claim of San Joaquin Investments, L.L.C., against Pima County that was originally approved by the Board of Supervisors on December 9, 2008.

Chris Straub, Chief Civil Deputy County Attorney, explained the extension of the tolling agreement would allow time for the parties to complete a settlement of the claims and their office also sought Board direction on this item.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to authorize a third extension of the agreement.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of a claim by San Joaquin Land Investments, L.L.C., against the County, and entering into an exchange of properties with San Joaquin Land Investments, L.L.C., pursuant to the terms of an Exchange Agreement.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Bingham McCutchen L.L.P., that Pima County waive potential conflicts of interest arising from the firm's representation of General Electric Company, Honeywell International, Inc., Raytheon, Inc. and Credit Suisse Securities, L.L.C. Such waivers will allow Bingham McCutchen L.L.P., to represent Pima County with respect to allegations concerning groundwater contamination at the Broadway Pantano Superfund Site.

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

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

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding authorization to file an Amicus Curiae Brief on behalf of the County in support of Pinal County's Petition for Review in reference to Pinal County Mental Health, No. 201000029.

Chris Straub, Chief Civil Deputy County Attorney, stated authorization was requested to file an Amicus Brief on behalf of the County for reasons discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to authorize the filing of an Amicus Brief on behalf of the County.

12. **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 Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting "Nay," that the Consent Calendar be approved as presented.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2011 - 1, approving an Intergovernmental Agreement with the Drexel Heights Fire District, to provide five fire hydrants in the Valencia West Target Area, HUD Grant Fund, contract amount \$30,000.00 (01-70-D-143625-1010)
2. RESOLUTION NO. 2011 - 2, approving an Intergovernmental Agreement with the Drexel Heights Fire District, to provide for the Family Safety Program in the Valencia West Target Area, HUD Grant Fund, contract amount \$20,000.00 (01-70-D-143626-1010)
3. RESOLUTION NO. 2011 - 3, approving an Intergovernmental Agreement with the Town of Marana, to provide management and implementation of the Community Development Block Grant Program, HUD Grant Fund, contract amount \$115,000.00 (01-70-M-143632-1010)
4. Southern Arizona AIDS Foundation, Amendment No. 2, to provide for the Positive Direction Housing Program and amend contractual language, HOPWA Grant Fund, contract amount \$18,190.00 decrease (11-70-S-140665-0108)
5. Town of Marana, Amendment No. 2, to provide for management and implementation of the Community Development Block Grant Program and extend contract term to 12/31/11, no cost (01-70-M-141622-1008)
6. Southern Arizona Legal Aid, Inc., Amendment No. 1, to provide for the Tenant/Landlord Resolution Program and extend contract term to 9/30/11, no cost (02-70-S-142389-1009)
7. Town of Marana, Amendment No. 1, to provide for management and implementation of the Community Development Block Grant Program, amend contractual language and extend contract term to 12/31/11, no cost (01-70-M-142420-1009)

8. Arivaca Townsite Cooperative Water Company, Amendment No. 1, to provide for water system improvements, amend contractual language and extend contract term to 3/31/11, no cost (32-70-A-142498-1009)
9. Empowering Local Communities, Inc., Amendment No. 1, to provide for the Home Repair Program, amend contractual language and extend contract term to 12/31/10, no cost (32-70-E-142584-1009)
10. Town of Marana, Amendment No. 1, to provide for management and implementation of the Community Development Block Grant Program, amend contractual language and extend contract term to 12/31/11, no cost (01-70-M-142832-0110)

B. Community Services, Employment and Training

11. Primavera Foundation, Amendment No. 3, to provide emergency assistance and case management services and amend contractual language, CSBG Grant Fund, contract amount \$28,670.00 (07-69-P-141758-0708)
12. RESOLUTION NO. 2011 - 4, approving a Grant Agreement with the U.S. Department of Labor, to provide for the administration of the National Emergency Grant Program, ADES-NEG Grant Fund, contract amount \$1,164,497.00 revenue (02-69-U-143651-1110)

C. County Administrator

13. League of United Latin American Citizens, Inc., to provide for the 22nd Annual Youth Leadership Conference, General Fund, contract amount \$12,500.00 (32-30-L-143618-1210)

D. County Attorney

14. Compass Healthcare, Inc., d.b.a. Compass Behavioral Health Care, to provide drug treatment services to defendants, Federal Fund, contract amount \$400,000.00/3 year term (07-02-C-143613-0910)

E. Facilities Management

15. Gordon Huether, Amendment No. 1, to provide public art services for the Consolidated Justice Court/Municipal Court Complex and amend contractual language, no cost (07-13-H-142943-0510)

F. Finance and Risk Management

16. Heinfeld, Meech, & Co., P.C., Amendment No. 5, to provide Wastewater Management audit services and extend contract term to 6/9/11, RWRD Enterprise Fund, contract amount \$30,000.00 (07-09-H-136257-0605)

G. Health Department

17. VitalCheck Network, Inc., Amendment No. 3, to provide remote ordering services for vital records, amend contractual language and extend contract term to 1/31/12, no cost (11-01-V-140183-1007)
18. Arizona Department of Health Services, Amendment No. 3, to provide for the Teen Pregnancy Prevention Program, amend contractual language and extend contract term to 12/31/11, State Fund, contract amount \$125,000.00 revenue (01-01-A-140608-0108)
19. Arizona Early Childhood Development and Health Board, Amendment No. 3, to provide child care health consultant services and amend contractual language, no cost (02-01-A-142244-0709)
20. Green Valley Fire District, Amendment No. 1, to provide childhood immunization services and extend contract term to 11/2/11, no cost (01-01-G-142414-1109)
21. Arizona Department of Health Services, Amendment No. 1, to provide for the Regional Oral Health Coordinator Project and amend contractual language, State Fund, contract amount \$34,750.00 revenue (01-01-A-142779-0210)

H. Information Technology

22. Mediacom Arizona, L.L.C., Amendment No. 1, to provide a non-exclusive cable television license, amend contractual language and extend contract term to 6/30/15, General Fund, contract amount \$37,500.00 (12-14-M-141284-0600)

I. Institutional Health

23. Arizona Health Care Cost Containment System, Amendment No. 6, to provide for inpatient hospital services for inmates, amend contractual language and extend contract term to 9/30/11, no cost (01-65-A-136012-1004)

J. **Kino Sports Complex**

24. Sunnyside School District, Amendment No. 3, to provide before/after school recreation programs, amend contractual language and extend contract term to 7/31/11, General Fund, contract amount \$50,000.00 (01-57-S-140424-0807)

K. **Pima Health System**

25. Marana Health Center, Inc., Amendment No. 5, to provide professional healthcare services and extend contract term to 12/31/11, no cost (18-15-M-138942-0107)

L. **Procurement**

26. AECOM Technical Services, Inc., Amendment No. 4, to provide consultant services for the Pima County Wireless Integrated Network and extend contract term to 1/31/15, Various Funding Sources, contract amount \$575,000.00 (07-14-C-137637-0206) Office of Strategic Technology Planning
27. CPE Consultants, L.L.C., Amendment No. 1, to provide for the Infrastructure Survey Program for Growth and Capacity Planning and amend scope of work, RWRD Enterprise Fund, contract amount \$37,900.00 decrease (07-03-C-142918-0410) Regional Wastewater Reclamation

Awards

28. Most Qualified: Award of Contract, Requisition No. 1001542, in the award amount of \$764,035.00 (initial acquisition cost) to the highest ranked/most qualified respondent, Iler Group, Inc., d.b.a. GPS Fleet Solutions (Headquarters: Wesley Chapel, FL) for GPS Tracking Solution. Contract is for a one year term and includes four one year renewal periods. Costs for years 2-5 should not exceed \$397,936.00 per year. Funding Source: Self Insurance Trust Fund. Administering Department: Finance and Risk Management.
29. Award of Contracts for Requisition No. 1100637 to each of the following firms for as needed structured cabling services at various Pima County locations. Group 1 (inside fiber optic/copper cabling): award \$333,333.00 to each of the following firms: Native Tele-Data Solutions, Inc., (Headquarters: Tucson, AZ), Sturgeon Electric Co., Inc. (Headquarters: Henderson, CO), and TLC Communications, Inc., (Headquarters: Tucson, AZ). Group 2 (outside fiber

optic/copper cabling): award \$166,666.00 to each of the following firms: Native Tele-Data Solutions, Inc., (Headquarters: Tucson, AZ), Sturgeon Electric Co., Inc. (Headquarters: Henderson, CO), and TLC Communications, Inc., (Headquarters: Tucson, AZ). The term of the contracts is one year with the option to extend for up to two additional one year periods. Funding Source: Various Funds. Administering Department: Information Technology.

30. Amendment of Award: Verizon Wireless L.L.C., (Headquarters: Basking Ridge, NJ), B501313, Revision No. 9 (Reference Contract No. 11-11-V-140574-0707) to provide wireless products and services and increase in award in the amount of \$420,000.00. Funding Source: General Fund. Administering Department: Information Technology.

31. Low Bid: Award of Contract, Requisition No. 1100713, in the amount of \$291,329.13 to the lowest responsive bidder, Tucson Asphalt, (Headquarters: Tucson, AZ), for the construction of the Rillito River Divided Urban Pathway: Mountain Avenue to First Avenue. The contract term is six months with the ability to extend for contract completion. Construction is expected to be complete in 120 days from the Notice to Proceed. Funding Source: Transportation Enhancement Grant Fund. Administering Department: Natural Resources, Parks and Recreation.

2. DIVISION OF ELECTIONS

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignation:

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Piasecki, Barbara M.	045	GRN

3. BOARD, COMMISSION AND/OR COMMITTEE

Pima County/Tucson Women’s Commission

Appointment of Lucy Howell. Term Expiration: 10/10/14. (Commission recommendation)

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

A. Donald Richard Pelfree, Roland G. Moody VFW Post 3578, 1764 N. 2nd, Ajo, December 31, 2010.

- B. Louis Emmett Abney, Knights of Columbus Council 14230, 13260 E. Colossal Cave Road, Vail, January 28, 2011.

5. **RECORDER**

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

6. **REGIONAL WASTEWATER RECLAMATION**

Public Announcements

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:

- A. Trench Shore Rentals, a subsidiary of Woodenberg Industries, Inc., an Arizona Corporation, No. C2010-07. Proposed settlement amount is \$1,200.00.
- B. Scot and Barbara Shuman, d.b.a. Bumsted's. Proposed settlement amount is \$1,009.42.

7. **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, Avra Valley Irrigation and Drainage District Election.

8. **REAL PROPERTY**

RESOLUTION NO. 2011 - 5, authorizing the Pima County Attorney to condemn real property interests where necessary for the Sabino Creek Lift Station Project in Section 28, T13S, R15E, G&SRM.

9. **RATIFY AND/OR APPROVE**

Minutes: November 9, 2010

Warrants: December 2010

REGULAR AGENDA/ADDENDUM ITEMS

13. BOARD, COMMISSION AND/OR COMMITTEE: ELECTION INTEGRITY COMMISSION

The Board of Supervisors on 12/7/10, continued the following:

Appointment of Andrew Spencer to fill the unexpired term of Mary DeCamp. Term Expiration: 9/30/11. (Green Party Recommendation)

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

14. FORENSIC SCIENCE

RESOLUTION NO. 2011 - 6, of the Board of Supervisors of Pima County, accepting the National Institute of Justice Award for the support of the Pima County Forensic Science Center Investigative Improvement Program in the amount of \$175,000.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 6.

15. TRANSPORTATION: ACCEPTANCE OF PROJECT/ROADWAY FOR MAINTENANCE

P1204-090, Countryside Manor, Lots 1-52 and Common Areas A and B. Developer: KB Home. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to accept the project/roadway for maintenance.

16. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

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

Supervisor Elías inquired why the proposed settlement amount was unusually high.

Michael Gritzuk, Regional Wastewater Reclamation Department Director, explained that it was due primarily to the company's film processing activities. He stated that Walgreens was a repeat violator, the violation regarded their failure to report on twenty of their stores, and they had exceeded the limits for chrome and silver in six of those stores.

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

17. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES

- A. 10-46-9058, Kuldip Singh Sahota, 7 Eleven No. 17426D, 4661 E. Skyline Drive, Tucson, Series 10, Beer and Wine Store, New License.
- B. 10-47-9059, Randy D. Nations, World Sports Grill, 2290 W. Ina Road, Tucson, Series 6, Bar, 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 unanimously carried by a 5-0 vote, to close the public hearings, approve the licenses and forward the recommendations to the Arizona State Liquor Licenses and Control.

18. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE

10-48-9060, James Patrick Walsh III, Mexico Way Store, 9418 S. Nogales Highway, Tucson, Series 9/9S, Liquor Store/Liquor Store-Sampling Privileges, Probate/Will Assignment/Divorce Decree.

James Walsh III, applicant, addressed the Board and stated the liquor license application only required applicants to report violations for the past ten years. He indicated the Pima County Sheriff reported violations back to 1988 and listed the violation as a felony when it was a misdemeanor.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

19. FRANCHISE/LICENSE/PERMIT: SAMPLING PRIVILEGE

10-45-9057, Martha L. Branson, Indulgence, 750 N. 2nd Avenue, Ajo, Series 9S, Liquor Store-Sampling Privileges.

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, approve the sampling privilege and forward the recommendation to the Arizona State Liquor Licenses and Control.

20. **FRANCHISE/LICENSE/PERMIT: FIREWORKS PERMIT**

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, January 15, 2011, 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 hearing and approve the permit.

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

- A. Randy D. Nations, Fox and Hound Smokehouse and Tavern, 7625 N. La Cholla Boulevard, Tucson, Temporary Extension for January 15, 2011.
- B. Kym Thomas Myers, Holiday Inn Hotel and Suites, 4550 S. Palo Verde Road, Tucson, Temporary Extension for February 3-12, 2011.

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.

22. **COUNTY ADMINISTRATOR: FINGERPRINTING AND CRIMINAL HISTORY RECORDS CHECK OF PROSPECTIVE AND CURRENT PIMA COUNTY EMPLOYEES, CONTRACT EMPLOYEES AND VOLUNTEERS**

Staff requests acceptance of the draft ordinance language and direction to publish the notice of public hearing for a future Board of Supervisors' Meeting.

Chuck Huckelberry, County Administrator, explained that this proposed ordinance would update the Pima County Code to correctly reflect organizational changes and would also provide for more in-depth background checks for employees that perform specific jobs that required access to certain individuals, restricted information or critical locations. He said the ordinance would provide a more efficient way of handling background checks while still working with the Sheriff's Department and complying with State and Federal laws. He recommended that the Board accept the language in the draft ordinance with an amendment to add the following language to the existing statement:

"will pay a fee to the Arizona Department of Public Safety or any properly authorized public safety agency within the County."

Supervisor Elías indicated that this action emphasized the importance of our infrastructure and that was why he felt it was in our best interests to have our wastewater systems operated by County employees.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the draft ordinance language and direct staff to publish the notice of public hearing for a future Board of Supervisors' meeting.

23. **COUNTY ADMINISTRATOR: LAS CAMPANAS SPECIFIC PLAN - SUBSTANTIAL CHANGE REQUEST**

Staff requests the Planning and Zoning Commission consider the substantial change request at its meeting in January 2011, and forward a recommendation for property located on the west side of La Canada Drive, north of Desert Bell Drive and south of Camino Casa Verde, to allow a church steeple of up to 67 feet.

Chuck Huckelberry, County Administrator, explained that the request for the church steeple exceeded the height limitations in the Las Campanas Specific Plan.

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

24. **CONTRACT: OFFICE OF CULTURAL RESOURCES AND HISTORIC PRESERVATION**

RESOLUTION NO. 2011 - 7, of the Pima County Board of Supervisors, approving the Participant Agreement with Arizona State Parks that designates Pima County as a certified local government in recognition of Pima County's Historic Preservation Program and entitles Pima County to apply for and accept federal certified local government matching funds for historic preservation, no cost (01-73-A-143659-0111)

Supervisor Elías commended staff and stated this agreement would enable Pima County to be the first to operate a Historic Preservation Office.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 7.

25. **CONTRACTS**

A. **Economic Development and Tourism**

Pima County Fair Horse Racing Commission and Pima County Horsemen's Association, Inc., to provide for the non-exclusive operation and management of the Rillito Racetrack, contract amount \$6,500.00 revenue (11-71-P-143661-0111)

B. **Office of Emergency Management and Homeland Security**

Mt. Lemmon Fire District, Amendment No. 1, to provide for the acquisition and sale of real property located at 13170 N. Oracle Control Road, amend contractual language and extend contract term to 5/31/15, no cost (22-30-M-142888-0410)

C. Real Property

RESOLUTION NO. 2011 - 8, of the Pima County Board of Supervisors, approving and authorizing the execution of a Settlement Agreement, Exchange Agreement and Special Warranty Deed with San Joaquin Land Investments. L.L.C., Self Insurance Trust Fund, contract amount not to exceed \$8,500.00 for closing costs (24-64-S-143653-0111)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution No. 2011 8.

26. FINANCE AND RISK MANAGEMENT

Staff requests approval for an operating transfer in the amount of \$3,000,000.00 from Pima Health System and Services (PHS&S) to the General Fund for the following:

- A. \$403,315.00 to the Community Services System of PHS&S.
- B. \$2,596,685.00 for uses related to the PHS&S transition.

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

27. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Gary Bahr addressed the Board concerning dog issues.

Michael Toney spoke regarding Rosemont Mine.

28. ADJOURNMENT

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


CHAIRMAN

ATTEST:


CLERK