

MINUTES, FLOOD CONTROL DISTRICT BOARD

APRIL 5, 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, April 5, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

Absent: Sharon Bronson, Vice Chair

1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan for placement of a manufactured home on property located at 7523 N. Shaky Rock Trail. (District 3)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the Riparian Habitat Mitigation Plan.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:30 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES BOARD OF SUPERVISORS' MEETING

APRIL 5, 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, April 5, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Lori Godoshian, Clerk

Absent: Sharon Bronson, Vice Chair

1. **MOMENT OF SILENCE**

A moment of silence was observed in honor of Supervisor Bronson's mother, Pearl E. Miller, who had recently passed away.

2. **INVOCATION**

The invocation was given by Imam Sidney Sharif, Islamic Inmates Corrections Association of America.

3. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

4. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jay Young, Southwest Housing Council, proclaiming the month of April 2011, to be:

"FAIR HOUSING MONTH"

Supervisor Elias presented the proclamation to Jay Young who accepted on behalf of the Southwest Housing Council and thanked the Board for their continued support of fair housing.

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

6. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Nancy Emptage **Emptage**, Chair member of the Animal Care Advisory Committee and representing the Animal Welfare Coalition, proclaiming the month of April 2011, to be:

“PREVENTION OF CRUELTY TO ANIMALS MONTH IN
PIMA COUNTY”

and the day of April 5, 2011, to be:

“SAFE HARBOR DAY FOR THE PETS OF
PIMA COUNTY”

Supervisor Carroll presented the proclamation to Nancy Emptage who thanked the Board for their support of the Pima Animal Care Center.

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

7. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Sister Esther Sharif and Imam Sidney Sharif, proclaiming April 16, 2011, to be:

“ISLAMIC INMATES CORRECTIONS ASSOCIATION
OF AMERICA DAY”

Supervisor Elías presented the proclamation to Immam Sharif who explained that the Islamic Inmates Corrections Association of America, in collaboration with other faith based organizations, counseled inmates in prison and helped them to reenter society. He thanked the Board for the proclamation.

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and carried by a 4-0 vote, that the Board convene to Executive Session at 9:24 a.m.

8. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

9. **CALL TO THE PUBLIC (for Executive Session item only)**

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Session. No one appeared.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding for a Temporary Extension of Premises/Patio Permit for Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Arizona.

This item was informational only, no Board action was needed.

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of 5151 East, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2009-000900, Tax Parcel Nos. 141-22-004T, 132-13-034C*, 119-01-102A* and 132-13-0330*. The parcels with * have split and are now Tax Parcel Nos. 132-13-0660, 0680, 0690, 0750, 0760 and 0770.

Leslie Lukach, Civil Deputy County Attorney, stated this was a proposed settlement for (8) parcels of unimproved real property. The proposed settlement would decrease the total Full Cash Value (FCV) from \$12,205,398.00 to \$9,664,440.00 for tax year 2010. The 2010 FCV's would rollover for tax year 2011. The following was a breakdown of the proposed changes, by parcel number:

132-13-0660 to reduce the FCV from \$3,191,549.00 to \$2,127,699.00;
132-13-0680 to reduce the FCV from \$2,926,348.00 to \$1,950,824.00;
132-13-0690 to reduce the FCV from \$1,333,006.00 to \$755,337.00;
132-13-0770 to reduce the FCV from \$1,115,235.00 to \$991,320.00;
There would be no changes to the following parcels:
132-13-0750, 132-13-0760, 132-13-0780, 141-22-004T

The County Attorney's Office and Assessor recommended approval of the settlement.

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

12. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of TPS Tucson Airport Property, L.P. v. Pima County, Arizona Tax Court Case No. TX2010-000539, Tax Parcel No. 140-42-080C.

Leslie Lukach, Civil Deputy County Attorney, stated this was a proposed settlement for a 91 room hotel near the airport. The proposed settlement would reduce the FCV from \$5,915,000.00 to \$5,000,000.00 for 2011. The 2011 FCV would rollover for 2012. The County Attorney's Office and Assessor recommended approval of the settlement.

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

13. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of CHH Tucson Partnership, L.P. v. Pima County, Arizona Tax Court Case No. TX2009-000307, Tax Parcel No. 220-13-0150.

Leslie Lukach, Civil Deputy County Attorney, stated this was a proposed settlement for a 428 room hotel for tax year 2010. The plaintiff had made a formal Offer of Judgment to settle this litigation. The County Attorney's Office and Assessor recommended approval.

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

14. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement in Zumbusch Family Living Trust, et al. v. Pima County, Arizona Tax Court Case No. ST2010-000665, Tax Parcel No. 219-10-0940.

Leslie Lukach, Civil Deputy County Attorney, stated this was a proposed settlement for tax year 2011. The proposed settlement would decrease the FCV from \$1,000,000.00 to \$300,000.00. The 2011 FCV would rollover for 2012. The County Attorney's Office and Assessor recommended approval of the settlement.

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

15. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement in Douglas Alec McDougall, et al. v. Pima County, Arizona Tax Court Case No. ST2010-000677, Tax Parcel No. 218-40-2110.

Leslie Lukach, Civil Deputy County Attorney, stated this was a proposed settlement for tax year 2010. The FCV would decrease from \$1,761,159.00 to \$660,000.00 and for tax year 2011, the FCV would decrease from \$1,489,120.00 to \$660,000.00. The 2011 FCV would rollover to 2012. The County Attorney's Office and Assessor recommended approval of the settlement.

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

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

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 Day and carried by a 4-0 vote, 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 - 49, approving an Intergovernmental Agreement with the Why Fire District, to provide for fire safety equipment to improve rescue operations, CDBG Grant Fund, contract amount \$10,000.00 (01-70-W-143833-1010)
2. Arizona Department of Commerce Energy, Amendment No. 1, to provide weatherization services for the Low Income Assistance Program through Southwest Gas, HUD Grant Fund, contract amount \$2,040.00 revenue (02-70-A-143063-0710)

B. Community Services, Employment and Training

3. Chris Nybakken, d.b.a. The Nybakken Group, L.L.C., Amendment No. 3, to provide development of services for special need participants, extend contract term to 3/31/12 and amend scope of work, State Grant Fund, contract amount \$22,000.00 (07-67-N-140798-0408)
4. The Salvation Army, Amendment No. 1, to provide workforce development and support services for the CASA Program and amend scope of work, no cost (07-69-S-143080-0510)

C. Finance and Risk Management

5. RBC Dain Rauscher, Inc., Amendment No. 4, to provide financial advisor services and extend contract term to 8/31/11, no cost (07-09-R-139372-0906)
6. Squire, Sanders & Dempsey, L.L.P., to provide bond counsel services, Various Bond Funds, contract amount \$300,000.00 (07-09-S-143857-0211)

D. Health Department

7. Pima County Community College District, Amendment No. 1, to provide for the education and training of health sciences students at Posada del Sol Healthcare Center and amend scope of work, no cost (07-55-P-143277-1010)

E. Information Technology

8. New Cingular Wireless, P.C.S., L.L.C., Amendment No. 3, to provide a Non-Exclusive Right-of-Way Use License Agreement for cellular communication facilities and add a new location at McDonald Park, General Fund, contract amount \$29,653.79 revenue (12-14-A-142715-0900)

F. Institutional Health

9. University Physicians Healthcare, Amendment No. 7, to provide a Lease Agreement and revise the design and placement of the heliport, no cost (04-65-U-134151-0604)

G. Natural Resources, Parks and Recreation

10. Tucson Audubon Society, Amendment No. 3, to provide for the operation of a nature shop at the Roy P. Drachman Agua Caliente Regional Park and extend contract term to 1/31/13, no cost (11-05-T-135921-0205)

11. United Community Health Center - Maria Auxiliadora, Inc., Amendment No. 1, to provide a Lease Agreement and tenant improvements of the Amado Clinic and amend contractual language, no cost (04-05-U-143086-0710)

H. **Pima Health System**

12. Apodaca Enterprises, L.L.C., d.b.a. Aguilera Home, Amendment No. 5, to provide assisted living home services and reflect name and ownership change, no cost (07-15-K-140110-0907)
13. Sher-Lan, L.L.C., d.b.a. Elder Care & More II, Amendment No. 6, to provide assisted living home services and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-S-140111-0907)
14. House of Prayer, Inc., Amendment No. 5, to provide assisted living home services and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-H-140139-0907)
15. Catalina Village Assisted Living, L.P., Amendment No. 8, to provide assisted living center services and amend contractual language, no cost (18-15-C-140510-1007)
16. Supported Living Systems, Inc., Amendment No. 4, to provide behavioral health services, extend contract term to 3/31/12 and amend contractual language, no cost (18-15-S-140688-0408)
17. Arizona Community Physicians, P.C., Amendment No. 1, to provide primary care physician and specialty services, extend contract term to 3/31/12 and amend contractual language, no cost (18-15-A-142895-0410)

I. **Procurement**

18. AECOM Technical Services, Inc., Amendment No. 6, to provide architectural services for the Pima County Justice Court/Tucson City Court Complex and amend contractual language, 2004 Bond Fund, contract amount \$103,545.00 (15-13-D-137105-0805) Facilities Management

19. Cannon Parkin, Inc., d.b.a. Cannon Design, Amendment No. 10, to provide architectural and engineering services for the new psychiatric hospital/urgent care center and amend scope of work, 2004 and 2006 Bond Funds, contract amount \$24,165.00 (15-13-C-138445-0806) Facilities Management

Awards

20. Award of Contract for Requisition No. 1101303 and authority to proceed into negotiations with WSM Architects, Inc. (Headquarters: Tucson, AZ), having submitted the highest scoring proposal for architectural and engineering design services for the Pima County Fleet Services Facility. Total cost is not to exceed \$1,000,000.00. The contract is for a 12 month period and may be extended for project completion. In the event a fee agreement cannot be reached with the recommended firm, staff requests authorization to proceed to negotiations with the next highest ranked firms in the following order until a contract is executed: GLHN Architects and Engineers, Inc. (Headquarters: Tucson, AZ) and Poster Frost Mirto, Inc. (Headquarters: Tucson, AZ). Funding Source: Internal Services Fund. Administering Department: Facilities Management.
21. Low Bid: Award of Contract, Requisition No. 1101654, in the amount of \$1,096,781.00 to the lowest responsive bidder, R.E. Lee Mechanical Contracting, Inc. (Headquarters: Tucson, AZ) for the Central Plant Retrocommissioning. The contract is for a nine month period and may be extended for project completion. Funding Source: Energy Efficiency and Conservation Block Grant-American Recovery and Reinvestment Act 2009. Administering Department: Facilities Management.
22. Cooperative Procurement: Award of Contract, Requisition No. 1101809, in the annual amount of \$1,000,000.00 for software, computer equipment, peripherals, and related services to NetApp's Value Added Reseller (VAR) Custom Storage, Inc. (Headquarters: Scottsdale, AZ). Contract is for a one year term and includes four 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.

23. Low Bid: Award of Contract, Requisition No. 1101632, in the amount of \$344,000.00 for traffic paint to Ennis Paint, Inc., (Headquarters: Dallas, Texas). Contract is for a one year term and includes four one year renewal periods. Funding Sources: Transportation Special Revenue Fund. Administering Department: Transportation.

J. Real Property

24. La Paloma Property Owners Association, Inc., to provide a License Agreement to encroach for landscaping maintenance, General Fund, contract amount \$61,500.00/2 year term (12-04-L-143858-0411) Transportation
25. Tucson Airport Authority, to provide a Lease Agreement for the Ryan Field Transfer Station, Solid Waste Fund, contract amount \$19,575.00/5 year term (04-03-T-143875-0110) Environmental Services / Solid Waste

K. Sheriff

26. Arizona Department of Homeland Security, Amendment No. 2, to provide equipment under the Urban Area Security Initiative (UASI) and extend contract term to 6/1/11, no cost (01-11-A-142431-1009)

2. ELECTIONS DEPARTMENT

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Uhlich, Karin E.	070	DEM
McLeod, Roderick J.	227	DEM
Loscheider, Courtney R.	231	DEM
Salter, Kristian H.	270	DEM
Winger, Elodie V.	280	DEM
Kriss, Joseph	313	DEM
Dyckman, Rachel M.	318	DEM
Soto, Alexandria	343	DEM
Holt, Jo M.	360	DEM
Samuels, Robert M.	402	DEM
Johnson, Amy M.	414	DEM
Litsky, Sean D.	053	REP
Rawson, Jennifer M.	181	REP
Beatty, William H.	220	REP
Leith, Maureen M.	241	REP
Brearcliffe, Sean E.	242	REP
Jones, Lisbeth A.	252	REP
Donnelly, Laura D.	299	REP
Guthrie, David K.	382	REP
Guthrie, Rebecca D.	382	REP

7. REAL PROPERTY

Sale of Land Under Treasurer's Deed - Tax Parcel No. 116-19-181B

- A. RESOLUTION NO. 2011 – 50, of the Pima County Board of Supervisors, authorizing the sale of land held by the State under a Treasurer's Deed to Jeffrey M. Grubic and Deborah Dale, highest bidder, for a portion of Lot 36 of Section 11, T14S, R13E, G&SRM. Sale price: \$37,050.00; administrative fee: \$500.00; total \$37,550.00 revenue. (District 5)
- B. Quit Claim Deed to Jeffrey M. Grubic and Deborah Dale, to convey all rights and title of a portion of Lot 36 of Section 11, T14S, R13E, G&SRM. (District 5)

8. PROCLAMATION

Proclaiming May 1, 2011 through May 7, 2011, to be:

"Youth Week in Pima County"

9. RATIFY AND/OR APPROVE

Minutes: February 8, 2011

Zoning Enforcement Board of Appeals Minutes of
February 15, 2011

Warrants: March, 2011

REGULAR AGENDA/ADDENDUM ITEMS

17. FINANCE AND RISK MANAGEMENT

RESOLUTION NO. 2011 - 51, of the Pima County Board of Supervisors, providing for the issuance and sale of Pima County, Arizona, General Obligation Bonds, Series 2011 in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a proposal for the purchase of the bonds; appointing an initial registrar and paying agent for the bonds; approving and ratifying all actions taken in furtherance of this resolution.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to adopt Resolution No. 2011 – 51.

18. HEALTH DEPARTMENT

RESOLUTION NO. 2011 - 52, of the Pima County Board of Supervisors, approving the submittal of a grant proposal with the State of Arizona Governor's Office of Highway Safety for the provision of car seats under the Occupant Protection Program, in the amount of \$17,102.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to adopt Resolution No. 2011 – 52.

19. SHERIFF'S DEPARTMENT

RESOLUTION NO. 2011 - 53, of the Pima County Board of Supervisors, approving and authorizing submission of a grant proposal to the Governor's Office of Highway Safety for DUI enforcement and equipment, in the amount of \$562,779.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to adopt Resolution No. 2011 – 53.

20. COUNTY ADMINISTRATOR: Bond Ordinance Amendments

A. ORDINANCE NO. 2011 - 19, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects. Amending Ordinance No. 1997-35 Bond Implementation Plan, May 20, 1997 Special Election (as amended by Ordinance No. 1998-58, Ordinance No. 2001-111, Ordinance No. 2004-15, Ordinance No. 2005-91, Ordinance No. 2006-19, Ordinance No. 2006-82, Ordinance No. 2007-32, Ordinance No. 2007-94, Ordinance No. 2008-24, Ordinance No.2008-107, Ordinance No. 2009-90, Ordinance No. 2010-23 and Ordinance No. 2010-64) for the purpose of amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain projects.

B. ORDINANCE NO. 2011 - 20, of the Board of Supervisors of Pima County, Arizona, relating to Highway User Revenue Fund Revenue Bond Projects. Amending Ordinance No. 1997-80 Bond Implementation Plan, November 4, 1997 Special Election (as amended by Ordinance No. 1998-59, Ordinance No. 2001-112, Ordinance No. 2004-118, Ordinance No. 2005-90, Ordinance No. 2006-20, Ordinance No. 2006-83, Ordinance No. 2007-93, Ordinance No. 2009-39, Ordinance No. 2009-91, Ordinance No. 2010-22 and Ordinance No. 2010-62) for the purpose of reallocating bond funds, amending the scope of certain projects, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain bond projects.

- C. ORDINANCE NO. 2011 - 21, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation and Sewer Revenue Bond Projects. Amending Ordinance No. 2004-18 Bond Implementation Plan, May 18, 2004 Special Election (as amended by Ordinance No. 2005-92, Ordinance No. 2006-21, Ordinance No. 2006-84, Ordinance No. 2007-33, Ordinance No. 2007-95, Ordinance No. 2008-25, Ordinance No. 2008-106, Ordinance No. 2009-40, Ordinance No. 2009-92, Ordinance No. 2010-24, Ordinance No. 2010-63 and Ordinance No. 2010-70) for the purpose of amending the scope of certain projects, amending implementation periods for certain bond projects, and authorizing the use of additional other funds to finance certain projects.
- D. ORDINANCE NO. 2011 - 22, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation Bond Projects. Amending Ordinance No. 2006-29 Bond Implementation Plan, May 16, 2006 Special Election (as amended by Ordinance No. 2009-93) for the purpose of amending the scope and implementation periods for certain projects.

Chuck Huckelberry, County Administrator, explained these items were amendments to the 1997, 2004 and 2006 Bond Implementation Plans which were unanimously recommended by the County Bond Advisory Committee. He provided a brief overview of current funding issues.

On consideration, it was moved by Supervisor Elías seconded by Supervisor Day, and carried by a 4-0 vote, to close the public hearings and adopt Ordinance Nos. 2011 – 19, 20, 21 and 22.

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

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension of Premises for May 1, 7, 8, 14, 15, 21, 22, 28, 29, June 4, 5, 11, 12, 18, 19, 25, 26, July 2, 3, 9, 10, 16, 17, 23, 24, 30, 31, August 6, 7, 13, 14, 20, 21, 27 and 28, 2011.

The Chairman inquired whether anyone wished to be heard.

Scott A. Busse, applicant, explained although he may not require all of the requested dates, he had included them because the State Liquor Department had indicated that their approval process would take much longer in the future.

It was thereupon moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona State Liquor Licenses and Control.

22. **FRANCHISE/LICENSE/PERMIT: Agent Change/Acquisition of Control/Restructure**

11-01-0024, Mark Winston Burroughs, Cione's Italiano, 13190 E. Colossal Cave Road, No. 160, Vail, Agent Change and Acquisition of Control.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the application for Agent Change/Acquisition of Control/Restructure subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

23. **FRANCHISE/LICENSE/PERMIT: Liquor License**

11-07-9068, Carlos O. Gonzalez, Branding Iron North Bar and Grill, 2660 W. Ruthrauff 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 Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing, approve the liquor license subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

24. **FRANCHISE/LICENSE/PERMIT: Fireworks Permit**

Debbie Johnson, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, April 12, 2011, at approximately 8:30 p.m.

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

25. **DEVELOPMENT SERVICES: Rezoning**

Co9-10-07, STEELE – SARTILLION AVENUE (AJO) REZONING Request of M.A. and Judy Steele, for a rezoning of approximately 0.24 acre from CR-4 (Mixed-Dwelling Type) to CMH-2 (County Manufactured and Mobile Home) on property located on the southwest corner of Sartillion Avenue and Dorsey Street, approximately 230 feet west of Ajo-Gila Bend Highway (N. Second Avenue). The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Neeley was absent) to recommend **APPROVAL**, subject to standard and special conditions. Staff recommends **APPROVAL**, subject to standard and special conditions. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE REZONING, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

Completion of the following requirements within one year from the date the rezoning request is approved by the Board of Supervisors:

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 of residential development without the written approval of the Board of Supervisors.
7. Environmental Quality condition:
A Notice of Intent to Discharge shall be submitted to PDEQ in order to receive a Discharge Authorization for the existing on-site wastewater treatment system prior to issuance of the Certificate of Compliance.
8. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. § 41-865 and A.R.S. § 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
9. Adherence to the sketch plan as approved at public hearing for two residential units.
10. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
11. The property owner shall execute and record the following disclaimer regarding Prop 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 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(I)."

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

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

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

Co9-05-16, PULSIFER TR - VALENCIA ROAD REZONING

Request of Michael Marks, MJM Consulting, representing Diamondback Properties and Investments, L.L.C., for a five year time extension for the above referenced rezoning from GR-1 (Rural Residential) to CR-4 (Mixed-Dwelling Type) for approximately 9.34 acres. The rezoning was conditionally approved by the Board of Supervisors on March 21, 2006. The Board adopted Ordinance No. 2007-44 memorializing the rezoning on May 15, 2007. The rezoning will expire on March 21, 2011. The site is located on the north side of Valencia Road, approximately 675 feet east of Mark Road. Staff recommends **APPROVAL**, subject to modified standard and special conditions. (District 3)

"IF THE DECISION IS MADE TO APPROVE THE TIME EXTENSION, THE FOLLOWING STANDARD AND SPECIAL CONDITIONS SHOULD BE CONSIDERED:

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, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner shall dedicate 25 feet right-of-way for Valencia Road.
 - B. Location of access on Valencia Road shall coordinate with and shall require approval of the Department of Transportation.
 - C. Provision of necessary improvements adjacent to the property along Valencia Road frontage and shall be coordinated with the Department of Transportation.
8. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. A drainage analysis will be required to determine the need for, and sufficiency of, proposed on-site and off-site improvements and associated maintenance agreements.
9. Wastewater conditions:
 - A. The owner/developer 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 / developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Wastewater Management Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall

have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Wastewater Reclamation Department.

- C. The owner/developer shall time the construction of all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. To serve new development within the rezoning area and provide for future flow through needs, the owner/developer shall fund, design and construct an off-site extension of the public sewerage system from the intersection of Valencia and Mark Roads to the easternmost boundary of the rezoning area in the Valencia Road right of way, and coordinate the construction of this off-site sewer line with the Pima County Department of Transportation improvements of Valencia Road.
 - E. The owner/developer shall fund, design and construct any necessary downstream augmentation of the public sewerage system before any on-site sewers may be put into use.
 - F. The owner/developer shall connect all new development within the rezoning area to Pima County's public sewer system in the manner specified by the Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
 - G. The owner/developer shall fund, design and construct all on-site sewers necessary to serve new development within the rezoning area.
 - H. The owner/developer shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - I. The owner/developer shall design and construct any necessary off-site sewers to accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - J. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality conditions:
- A. The owner/developer shall conduct sufficient soil sampling and analysis on the subject parcels, and submit the results to Pima County Department of Environmental Quality (PDEQ), to demonstrate that the Arizona Department of Environmental Quality (ADEQ) Residential Soil Remediation levels for the 13 Environmental Protection Agency Priority Metals are not exceeded.
 - B. If the soil report shows that the site exceeds the maximum levels for the priority metals, building permits shall not be issued until such time that the site and the Saginaw Hill site have been remediated. Soil sampling and analysis shall be submitted to PDEQ demonstrating that the site meets ADEQ requirements and documentation provided showing that the Saginaw Hill site no longer poses a risk to the subject property.
11. Environmental Planning condition:

Plants to be used for landscaping and revegetation of common areas shall be drought tolerant native species that are compatible with native vegetation endemic to the project area. Under no circumstances shall the following exotic plant species be planted anywhere on the site:

- Fountain grass (*Pennisetum setaceum*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Johnson grass (*Sorghum halapense*)
 - Giant reed (*Arundo donax*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Pampas grass (*Cortaderia selloana*)
 - Red brome (*Bromus rubens*)
 - Mediterranean grass (*Schismus spp.*)
 - Tree of heaven (*Ailanthus altissima*)
 - African sumac (*Rhus lancea*)
 - Russian olive (*Eleagnus angustifolia*)
 - Salt cedar/Tamarisk (*Tamarix pertandra & T. ramosissima*)
 - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Burmuda
 - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
 - African rue (*Peganum harmala*)
 - Iceplant (*Mesembryanthemem crystallinum*)
 - Arabian Grass (*Schisums arabicus*)
 - Natal Grass (*Melinis repens (Rhynchelythrum repens)*)
12. Adherence to the preliminary development plan as approved at public hearing.
13. ~~Only twenty (20) of the forty four (44) units shall be constructed prior to transportation concurrency being met with the improvements to Valencia Road.~~
- 44.13. The owners/applicant(s) shall disclose the potential for noise from the casino as the lot(s) are sold.
- 45.14 The development plan requires review by the Design Review Committee.
15. The owner/developer shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner/developer shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
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 Statues Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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)."

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

On consideration it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearing and approve the rezoning time extension subject to modified standard and special conditions.

27. **TRANSPORTATION: Traffic Ordinance**

ORDINANCE NO. 2011 - 23, of the Board of Supervisors, regulating the turning of vehicles on Orange Grove Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

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

On consideration it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearing and adopt Ordinance No. 2011- 23.

28. **TRANSPORTATION: Traffic Resolution**

RESOLUTION NO. 2011 - 54, of the Board of Supervisors, permanently closing Giaconda Way 50 ft. west of Via Ponte in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

The Chairman inquired whether anyone wished to be heard.

Bob Gugino, representing the Casas Adobes Shopping Center, spoke in favor of the proposed closure. He believed the closure was satisfactory to a majority of the businesses and neighbors in the area and would ensure that the integrity of the neighborhood was maintained after the substantial improvements to the intersection of Ina Road and Oracle Road were completed.

On consideration it was moved by Supervisor Day, seconded by Supervisor Carroll and carried by a 4-0 vote, to close the public hearing and adopt Resolution No. 2011- 54.

29. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Melanie Nelson, Clara Dupnik and Marjorie Hrabe, proclaiming the month of April 2011, to be:

"PIMA COUNTY INTERFAITH COUNCIL MONTH"

Supervisor Carroll read the proclamation into the record.

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

30. **BOARD OF SUPERVISORS**

Approval of the Board of Supervisors' Meeting Schedule for the period of May through August, 2011.

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

31. **COUNTY ADMINISTRATOR**

Staff recommends approval of a \$3,000.00 sponsorship from the Board Contingency Fund for Tucson's Birthday Planners in support of "Happy Birthday Tucson 2011."

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

32. **CONTRACTS AND AWARDS**

A. **Facilities Management**

1. AECOM Technical Services, Inc., Amendment No. 5, to provide architectural and engineering design services for the Superior Court 8th floor remodel, extend contract term to 7/14/12 and amend scope of work, General Fund, contract amount \$13,900.00 (15-13-A-141923-0409)

B. **Pima Health System**

2. Cambiare, L.L.C., Amendment No. 2, to provide technical, financial and regulatory assistance needed for the transition to Bridgeway Health Solutions, L.L.C., extend contract term to 1/31/12 and amend scope of work, PHCS Enterprise Fund, contract amount \$163,125.00 (07-15-C-143638-1210)

C. **Procurement-Award**

3. Most Qualified: Award of Contract, Requisition No. ~~1303034~~ **1103031**, in the annual amount of \$465,696.00 to the highest ranked/most qualified respondent, Cox Arizona Telcom, L.L.C. (Headquarters: Phoenix, AZ) for E-Rate Priority One telecommunications and internet connections. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: General Fund. Administiring Department: Information Technology.

D. **Transportation**

4. RESOLUTION NO. 2011- 55, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for the design and construction of the Houghton Road: Irvington to Valencia Road Improvement Project, 1997 Bond Fund, contract amount \$7,500,000.00 (01-04-R-143892-0411)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to approve the contracts, the award as corrected, and adopt Resolution No. 2011- 55.

33. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

John Becerra, Service Employees International Union (SEIU) member, addressed the Board regarding the County Administrator's 2011/2012 health insurance recommendation and expressed concerns with the Meet and Confer process.

Maya Castillo, President of SEIU, Pima Chapter, described SEIU's involvement with the process of finding health insurance options for Fiscal Year 2011/2012 and asked that in the future, they be sent to the Meet and Confer Committee for discussion and recommendation.

Gary Bahr addressed the Board regarding barking dogs and improvements that have occurred.

Brian Johnson spoke regarding the Meet and Confer process and the County Administrator's 2011/2012 health insurance recommendation. He requested that all documents used in the preparation of his recommendations be placed on the County's website.

Michael Toney spoke about issues surrounding the proposed Rosemont Mine.

34. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:30 a.m.



CHAIRMAN

ATTEST:



CLERK