

MINUTES, FLOOD CONTROL DISTRICT BOARD

AUGUST 15, 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 Monday, August 15, 2011. Upon roll call, those present and absent were as follows:

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

1. **CONTRACT**

RESOLUTION NO. 2011-FC 5, of the Pima County Board of Directors of the Pima County Flood Control District, approving and authorizing the execution of a purchase agreement with Shirley Sneed, David Carter, Jr., and Melanie Carter Carvalho, for approximately 13.99 acres of underdeveloped property located generally at the northern terminus of Bear Canyon Road, and adjacent to the southern boundary of Sabino Canyon National Recreation Area, Flood Control District Tax Levy Fund, contract amount not to exceed \$458,000.00 including closing costs (CT-FC-12000798)

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

2. **REAL PROPERTY**

Master Agreement for Mutual Public Lands Management between the Pima County Board of Supervisors and the Pima County Flood Control District, to provide the terms and conditions for the exchanges of land.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

AUGUST 15, 2011

The Pima County Zoning Enforcement Board of Appeals 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 Monday, August 15, 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. **LITIGATION**

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. P11CV00002-1, Life Enrichment Poverty Intervention. The Board may also, during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to the Board of Supervisors' Meeting of September 20, 2011.

2. **APPEAL OF HEARING OFFICER'S DECISION**

P11CV00002-1, LIFE ENRICHMENT POVERTY INTERVENTION

In accordance with the Pima County Zoning Code Section 18.95.030C, Life Enrichment Poverty Intervention, Raymond Lockwood, the defendant, appeals the decision of the Hearing Officer in Case Number P11CV00002-1. The citation was for a violation of the Zoning Code Section 18.09.020Q (open storage-burnt structure and all the debris from the fire damage). (District 3)

Without objection, this item was continued to the Board of Supervisors' Meeting of September 20, 2011.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.

ATTEST:



CLERK



CHAIRMAN

MINUTES, BOARD OF SUPERVISORS' MEETING

AUGUST 15, 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 Monday, August 15, 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 Reverend Blake Hutson, St. Philip's in the Hills Episcopal 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. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Alison Hughes, Chair of the Pima County/Tucson Women's Commission, proclaiming August 26, 2011, to be:

"WOMEN'S EQUALITY DAY"

Supervisor Bronson presented the proclamation to Alison Hughes and Sheila Tobias. Ms. Hughes expressed her gratitude for the Board's support.

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:25 a.m.

5. **RECONVENE**

The meeting reconvened at 10:25 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.

The following speakers addressed the Board regarding the sale of Posada del Sol Health Care Center:

- A. Maya Castillo, President of the Pima Chapter for SEIU Local 5
- B. Michael Rusing, Attorney with Rusing and Lopez, representing Mavin Enterprises
- C. John Carney
- D. Ed Moore

They provided the following comments:

- 1. Concern was expressed for the future of Posada del Sol.
- 2. During the process for the sale of Posada del Sol, it was important to protect the rights of employees, the continuance of quality care that the residents are used to and to keep the operation of the facility in its current good standing.
- 3. Without the employees that residents are used to they could go through traumatic stress.
- 4. Mavin Enterprises was the highest bidder for the contract regarding the sale of Posada del Sol and should have been awarded the contract. They felt it was an unfair and unreasonable to change the deposit requirement (earnest money) during the second round of bidding.
- 5. There have never been any questions raised regarding Mavin Enterprises' history with their quality of care and they have a distinguished history in the nursing home field.

7. **LITIGATION**

The Board of Supervisors on August 2, 2011, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice and direction regarding the sale or lease of Posada del Sol Health Care Center.

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow the law firm of DeConcini, McDonald, Yetwin and Lacey to represent Catalina Foothills School District No. 16 regarding a Building Code violation and the applicability of Pima County's Building Codes to school property.

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 waive the potential conflict of interest.

9. CONSENT CALENDAR

A. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 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. Drexel Heights Fire District, Amendment No. 1, to provide five (5) fire hydrants for the Valencia West Area, CDBG Grant Fund, contract amount \$2,867.00 (CT-CD-12000580)

B. Health Department

2. Northern Arizona University, College of Health and Human Services, to provide an affiliation agreement to coordinate clinical and educational experiences including educational research, learning and public services for students, no cost (CTN-HD-12000030)

C. **Procurement**

3. Network Infrastructure Corporation, Amendment No. 4, to provide the Pima County Wireless Integrated Network Microwave Connectivity Network System and amend contractual language, no cost (MA-PO-B507378-BC)

Awards

4. Cooperative Procurement: Award of Contract, Solicitation No. 8330, in the annual amount of \$3,000,000.00 for “as required” printing and distribution of election ballot services and related materials to Runbeck Election Services, Inc. (Headquarters: Tempe, AZ). Contract is for a one-year term and includes four one-year renewal periods. The award includes the authority for the Procurement Department to make revisions to the contract without further action by the Board of Supervisors provided that the revisions do not change the scope of the contract or the annual award amount. Funding Source: General Fund Administering Departments: Division of Elections and Recorder.
5. Amendment of Award: Amendment No. 1, to provide fuel (gasoline, diesel and bio-diesel), extend contract terms to 3/31/12, increase contract amount by a total amount of \$3,450,000.00. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

| <u>Contractor</u> | <u>Contract No.</u> | <u>Amount</u> |
|---|---------------------|----------------|
| Western Refining Wholesale (formerly Phoenix Fuel Company) | B503392 | \$3,200,000.00 |
| Union Distributing Company of Tucson | B503388 | \$ 250,000.00 |
| Pro Petroleum. Incorporated | B503387 | \$ 0.00 |

6. Low Bid: Award of Contract, Requisition No. 1103012, in the amount of \$1,965,202.00 to the lowest responsive bidder, Reynolds Inliner, L.L.C. (Headquarter: Orleans, IN) for construction of the 49ers Country Club CIPP Rehabilitation Project. Funding Source: RWRD Obligations Fund. Administering Department: Regional Wastewater Reclamation Department.
7. Low Bid: Award of Contract, Requisition No. 1103853, in the amount of \$571,454.00 to the lowest responsive bidder, The Ashton Company, Inc., (Headquarters: Tucson, AZ), for the construction of the Golder Ranch Drive Bridge at CDO Wash

Deck Rehabilitation Project. The contract term is twelve months with the ability to extend the term for project completion. Construction is to be complete within 80 working days from Notice to Proceed. Funding Source: RTA Sales Tax. Administering Department: Transportation.

D. Sheriff

8. RESOLUTION NO. 2011 - 131, approving an Intergovernmental Agreement with the Town of Marana, to provide for the incarceration of municipal prisoners for the term 7/1/11 to 6/30/12, contract amount \$312,265.00 estimated revenue (CTN-SD-12000034)

2. ELECTIONS DEPARTMENT

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

| <u>RESIGNATIONS</u> | <u>PRECINCT</u> | <u>PARTY</u> |
|---------------------|-----------------|--------------|
| Douglas Newborn | 187 | REP |
| Elise R. Lawson | 246 | GRN |

| <u>APPOINTMENTS</u> | <u>PRECINCT</u> | <u>PARTY</u> |
|----------------------|-----------------|--------------|
| Roger D. Salzgeber | 226 | DEM |
| William L. Wardle | 214 | REP |
| Barbara A. Wardle | 214 | REP |
| Serlin Weathers | 255 | REP |
| Melanie M. Rollinson | 362 | REP |
| Martin E. Katvala | 389 | REP |
| Scott A. Randall | 391 | REP |
| Douglas J. Newborn | 402 | REP |
| Deanie A. Sparks | 070 | GRN |

3. BOARD, COMMISSION AND/OR COMMITTEE

Tucson-Pima County Bicycle Advisory Committee

Appointment of Karilyn Roach to replace Karen Berchtold. Term expiration: 8/31/13. (Committee recommendation)

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

- A. Anne Elizabeth Broome, Big Brothers Big Sisters of Tucson, Westin La Paloma Country Club, 3660 E. Sunrise Drive, Tucson, October 7, 2011.
- B. Aditi Gupta, India Society of Southern Arizona, Tucson Chinese Cultural Center, 1288 W. River Road, Tucson, October 29, 2011.

- C. Anne Rounds, Ronald McDonald House Charities of Southern AZ, 2905 E. Skyline Drive, Tucson, September 30, 2011.

5. **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(s):

- A. Dunkin' Donuts, L.L.C., Case No. C2011-03. Proposed settlement amount is \$699.97.
- B. Chipotle Mexican Grill, Inc., Case No. C2011-05. Proposed settlement amount is \$699.97 plus the completion of a supplemental environmental project in accordance with the Industrial Wastewater Enforcement Response Plan.

6. **SUPERIOR COURT**

Judges Pro Tempore

Appointment of the following as Judge Pro Tempore of Superior Court for the period of July 21, 2011 through June 30, 2012.

| | | |
|--------------------------|------------------|------------------|
| Bellovin, Barry | Butler, Jane | Erickson, George |
| Karl, Karen | Kimminau, Brian | Million, Wendy |
| Treadwell, Rubin, Pamela | Wohl, Jacqueline | |

7. **REAL PROPERTY**

Abandonment and Quit Claim Deed

- A. RESOLUTION No. 2011 - 132, of the Pima County Board of Supervisors providing for the vacation of a portion of public alley, Pima County Abandonment No. A-11-03, within Section 28, T14S, R14E, G&SRM. (District 2)

- B. Quit Claim Deed to Hudson Baylor Corp, a New York Corporation, to convey title to the right-of-way of a public alley, within Section 28, T14S, R14E, G&SRM, \$10,400.00 revenue. (District 2)

8. RATIFY AND/OR APPROVE

Minutes: June 21, 2011

REGULAR AGENDA/ADDENDUM ITEMS

10. BOARD OF SUPERVISORS: TIE VOTE

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the Green Valley Fire District Annexation and the June 29, 2011 Superior Court Order in Case No. C20113736 remanding the matter to the Board of Supervisors for further consideration.

On August 2, 2011, the Board of Supervisors took the following action:

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and carried by a 2 to 2 vote, Supervisors Bronson and Elías voting “Nay,” Chairman Valadez recusing himself from the vote due to a potential Conflict of Interest, to accept the recommendations of County Administrator’s Memorandum dated August 1, 2011, to validate the petitions annexing the North Sahuarita Block into the Green Valley Fire District and to pass (proposed) Resolution No. 2011-130.

As required by Board of Supervisors Rules and Regulations, Rule F (2), this item was to appear at this meeting for another vote. If the result of that vote is another tie, the item is denied.

Chairman Valadez recused himself due to a potential conflict of interest.

The following speakers addressed the Board:

- A. Lynne Skelton, Vice-Mayor of the Town of Sahuarita
- B. Kim DeMarchi, Attorney with Lewis and Roca, representing Rural Metro Corporation
- C. Bill Katzel
- D. Ray Wardlaw
- E. Donna Aversa, Attorney representing Green Valley Fire District
- F. Anne Marie Braswell, on behalf of Rural Metro Fire Chief Tom Brandhuber
- G. Martha Hall
- H. Carol Zimmerman
- I. Carlos Flores
- J. Gerard Manse
- K. Linda Cooper
- L. Tom Murphy

They provided the following comments:

1. Support was expressed for the annexation, and the Board was asked to approve the validation of the petitions.
2. Green Valley residents had the necessary information to make an informed decision when they signed the petitions, they had not been misled.
3. The best interest for the community would be to have one fire service provider which would be essential during critical emergency situations.
4. Opposition was expressed for the annexation.
5. The statute requires that the Board make the finding on the validity of the petitions. The sole issue is validity and the Fire District did not follow the law.
6. Form and process is critical to ensure only eligible residents sign the petition, and when they sign, they have full understanding of the content.
7. In the past, the Board had approved annexations that had minor errors on the petitions.

Supervisor Day commented that the errors on the petitions were minor and should not triumph the intentions of the citizens who signed the petitions. She did not believe that there was any confusion during the signing process of the petitions and residents were fully aware of what signing the petition meant. She stated that the petitions should be approved and pointed out that this was not the first time the Board had approved annexation petitions with minor flaws.

Supervisor Elías stated it was unfortunate that the work on the petitions did not conform to the letter of the law. He felt that one of the biggest aberrations of this process was giving the Fire District the opportunity to obtain more signatures when the Board granted them additional time.

Supervisor Bronson explained that when she had initially voted in favor of the annexation, she was simply voting on the verification that there were sufficient signatures by property owners as well as by assessed valuation. At that time, she had expressed serious concerns regarding the form of the petition and other issues. She acknowledged that she had erred in granting additional time to the Fire District when they had requested it so they could obtain sufficient signatures by number in assessed valuation. She stated that the proposed annexation had been plagued with problems from the start.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day to accept the recommendation of the County Administrator's Memorandum dated August 1, 2011, to validate the petitions annexing the North Sahuarita Block into the Green Valley Fire District and to pass Resolution No. 2011 - 130. Upon the roll call vote being taken, the motion failed 2-2, with Supervisors Bronson and Elías voting "Nay," and Chairman Valadez recused himself due to a potential conflict of interest.

11. **COUNTY ADMINISTRATOR: CONTINGENCY ALLOCATION TO GREEN VALLEY SAHUARITA CHAMBER OF COMMERCE**

Staff recommends the allocation of \$5,000.00, Contingency Fund, to the Green Valley Sahuarita Chamber of Commerce for the purpose of developing a promotional video *Today in America* hosted by Terry Bradshaw, provided Rancho Sahuarita, Quail Creek, Meritage Homes, La Posada, the Town of Sahuarita and the Green Valley Sahuarita Association of Realtors make a similar financial commitment. Direction to Economic Development and Tourism Dept. to develop a contract and monitor the video production.

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

12. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION**

The Pima County Medical Examiner requests the creation of the following classification. No cost.

| <u>Class Code</u> | <u>Class Title</u> | <u>Grade Range</u> | <u>EEO, O/T Code</u> |
|-------------------|--|----------------------------------|----------------------|
| 4447 | Forensic Medical Investigator Supervisor | 49 (\$44,642 to \$65,095) | 2, E* |

*E = Exempt (not paid overtime)

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

13. **FINANCE AND RISK MANAGEMENT: MEET AND CONFER MEMORANDUM OF UNDERSTANDING**

The Board of Supervisors on June 21, 2011 and July 12, 2011, continued the following:

Staff requests approval of the Meet and Confer Memorandum of Understanding with Service Employees International Union (SEIU) for Fiscal Year 2011-2012.

Chuck Huckelberry, County Administrator, explained that the purpose of the continuation was to allow the committee further discussion in hopes that some alternative language could be developed regarding the health benefits section of the Memorandum of Understanding (MOU), but the committee was unable to reach a consensus regarding modification to the MOU. His recommendation to the Board was to establish a health insurance benefit and wellness committee that would directly report to the County Administrator. The committee would consist of the following:

- (2) members of SEIU;
- (1) member of the Pima County Deputy Sheriffs' Association;
- (1) member of the Pima County Sheriff's Department Fraternal Order of Police Lodge 20;
- (1) member of the Pima Corrections Association; and,
- (3) unaffiliated County employee representatives.

(3) Ex-officio members would be the County's health insurance and benefits consultant, Human Resources Director and Human Resources Division Manager for Benefits.

He stated that the committee would consider matters regarding health insurance benefits and wellness and would be responsible for developing recommended strategies and surveys to communicate with and inform all County employees concerning these programs. All materials presented to, or discussed by the committee, would be provided to the Board for informational purposes and the County Administrator would also provide the Board with all recommendations made by the committee. He felt that the creation of the committee would be the best alternative to meet the intent of the SEIU proposal, completely safeguard employee medical use data and educate employees regarding the cost of providing health insurance benefits.

Supervisor Elías indicated that the creation of a committee of eight could be problematic at times because it created the potential for a tie. He asked if one member could be added to the SEIU group so there would be a committee with an odd number of members.

Mr. Huckelberry replied he had no objection to Supervisor Elías's suggestion.

The following speakers addressed the Board:

- A. Willie Belin, Pima County Sheriff's Department, active member representing FOP Lodge No 20
- B. Joseph Cameron, President of the Pima County Deputy Sheriff's Association
- C. Maya Castillo, President of SEIU, Pima Chapter
- D. David Peru, Vice-President of the Pima County Sheriff's Commanders Association

They provided the following comments:

- 1. FOP Lodge No. 20, the Pima County Deputy Sheriffs' Association and the Sheriffs' Commanders Association did not support the MOU as presented by SEIU, however, they expressed support for Mr. Huckelberry's alternative recommendation of setting up his own committee.
- 2. The Deputy Sheriffs' Association's members liked the current healthcare system provided by Human Resources and did not feel SEIU represented their interests.
- 3. They would like to see some balance on the proposed committee and inquired if three Deputy Sheriff Association members could be on the committee if there was going to be three SEIU members on the committee.

4. SEIU requested that the Pima County Wellness Coordinator be included on the committee that was recommended by the County Administrator.
5. It is important to come together and deal with the issue of health insurance and employee wellness, and the County needed to do the best that they could in order to improve the general health and wellness of employees.

Supervisor Carroll asked if the County Administrator could respond to the Deputy Sheriffs' Association representative's inquiry about adding a third member to the committee from their association.

Mr. Huckelberry responded that he had attempted to bring some degree of balance to the committee. The committee would forward their recommendations to him and he would then inform the Board on all deliberations of the committee. He replied that it was up to the Board on how many members they wanted on the committee.

Supervisor Elías stated the formation of a new committee would not relieve Human Resources of the responsibilities they currently have regarding health insurance benefits for County employees. The committee would add another dimension because their focus would be on finding the best options available to employees concerning benefit usage, cost and wellness.

On consideration, it was moved by Supervisor Elías, seconded by Chairman Valadez and carried by a 3-2 vote, Supervisors Carroll and Day voting "Nay," to approve the Meet and Confer MOU as transmitted, including the County Administrator's recommendation for the Health Insurance Benefit and Wellness Committee to be established, changing the number of members to nine by adding another member of SEIU and to include the Pima County Wellness Coordinator in the committee as an Ex-Officio member.

14. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2011 – 133, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its Educational Facility Revenue Bonds (Fountain Hills Charter School Project), Series 2011 in an aggregate principal amount not to exceed \$4,000,000.00 and declaring an emergency.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 133.

15. **REAL PROPERTY: AWARD OF PURCHASE CONTRACT**

The Board of Supervisors on August 2, 2011, continued the following:

Consent by the Board of Supervisors for the Award of Purchase Contract for the sale of Posada del Sol Health Care Center located at 2250 N. Craycroft Road, Tax Parcel Nos. 121-05-0140, 0150, 016A, 017F and 017J, to Hunter Properties

Investments, L.L.C, in the amount of \$7,800,000.00. The term of the sale is cash with a \$500,000.00 deposit received as earnest money.

Chuck Huckelberry, County Administrator, recommended that the Board approve the sale of Posada del Sol to Hunter Properties Investments. L.L.C. He stated that they were the highest bidder to have fully satisfied the County's minimum requirements and clearly demonstrated the ability to promptly close on the transaction to purchase the facility. He indicated that staff had been sent to Nebraska to review the facilities operated by Hunter Properties, and staff had reported that Hunter Properties was capable of managing and operating a long term care facility and had successfully done so in Nebraska.

Pat Wilson, Administrator at Posada del Sol, confirmed that she supported Hunter Properties as the purchaser of Posada del Sol after visiting a facility owned by them in Nebraska that had once been owed by the County. She recommended that the Board proceed with the sale of Posada del Sol to them.

Supervisor Elías expressed his appreciation to Posada del Sol's employees and management and thanked them for the excellent quality of care they give to the residents at the facility.

The following speakers addressed the Board:

- A. John Carney
- B. Michael Rusing, Attorney with Rusing and Lopez, representing Mavin Enterprises

They provided the following comments:

1. Concern was expressed regarding the purchasers of Posada del Sol.
2. After the sale of Posada del Sol, they hoped the facility continued to operate with the utmost quality.
3. Mavin Enterprises felt they should have been awarded the contract since they were the highest bidder and a solid operator.
4. Mavin Enterprises felt the County had not justified why it hadn't awarded the contract to them when the County had the potential of making an additional \$1,350,000.00 on the sale of the facility.

Supervisor Elías commented that the residents at Posada del Sol had been without a voice during this entire process and that was one of the reasons that the process of the sale of the facility deserved the upmost concern and care. He stated that he had had a good conversation with Mr. Hunter but his concern was that Mr. Hunter did not fully understand what happens at his facility from time to time. He was also disappointed with the lack of responsive bidders that had fully met the requirements of the contract and recognized the fact that there was not a great deal of people willing to purchase a County owned facility of this type. He indicated that the main concerns were making sure the residents and employees were protected during the transfer of the facility.

Mr. Huckelberry affirmed the primary concern was the clients of the facility, and that the clients continued to receive the services they needed. The second most important component was the protection of the employees and that all employees were transitioned with the sale of the facility. He stated that Hunter Properties successfully met the two requirements.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Valadez and carried by a 4-1 vote, Supervisor Elías voting “Nay,” to award the purchase contract to Hunter Properties Investment, L.L.C.

16. BOARD OF SUPERVISORS: TAX LEVY

- A. Adoption of the Fiscal Year 2011/2012 Tax Rates and establishing Tax Levy amounts.

If approved, pass and adopt:

RESOLUTION NO. 2011 - 134

Supervisor Day stated she had already expressed her concern regarding the tax rate during the Budget hearing and her position had not changed. She felt the County should not be seeing a tax rate increase with the drop of net assessed values and with the condition of the local economy. She indicated the Budget did not address some of the important community issues like road maintenance and graffiti abatement and asked the Board to consider the possibility of utilizing some of the reserves and unallocated revenue generated from the tax rate to address those issues.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías to close the public hearing and adopt Resolution No. 2011 - 134. Upon the roll call vote being taken, the motion carried by a 3-2 vote with Supervisors Carroll and Day voting “Nay.”

- B. RESOLUTION NO. 2011 - 135, authorizing delivery of the tax statements and the collection of the 2011 taxes.

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

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 135.

17. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

11-19-9080, Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Suite 103, Tucson, Series 12, Restaurant, New License.

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

18. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Albert Sherman Hall, Jr., Acacia Skyline, L.L.C., d.b.a. Acacia, 3001 E. Skyline Drive, No. 133, Tucson, Permanent Extension of Premises.

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

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

Stephanie Sanders, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, September 3, 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 Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

20. **DEVELOPMENT SERVICES: APPEAL OF THE HEARING ADMINISTRATOR'S DECISION**

The Board of Supervisors on August 3, 2010, September 14, 2010, November 9, 2010, January 11, 2011 and May 10, 2011, continued to following:

P21-09-036, PIMA COUNTY RIGHT-OF-WAY – W. SAGE ST.

In accordance with Pima County Zoning Code Section 18.97, New Cingular Wireless, represented by Lake and Cobb, P.L.C., appeal the decision of the Hearing Administrator in Case No. P21-09-036, for a Type I Conditional Use Permit for a communication tower/utility pole replacement in the right-of-way located at 1715 W. Sage St. in the SR zone. Chapter 18.97, in accordance with Section 18.07.030H.2.e.7 of the Pima County Zoning Code, allows a communication tower/utility pole replacement meeting certain conditions as a Type I Conditional Use in the SR zone. The Hearing Administrator DENIED the request for the proposed communication tower. (District 1)

Without objection, the appeal was dismissed as requested by J. Gregory Lake of Lake and Cobb, P.L.C.

21. **DEVELOPMENT SERVICES: MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS**

Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD NO. 2 REZONING
Request of Riverview Ventures, L.L.C. and Pima County, represented by the Planning Center, for a modification (substantial change) of rezoning Conditions Nos. 17 and 19 to allow for residential uses. Condition No. 17 requires adherence to the preliminary development plan as approved at public hearing for an office building development on Parcel “B” in the plan. Condition No. 19 prohibits certain uses including duplex, apartment or other multiple dwelling developments. The subject site is 8.71 acres zoned TR and SH® located on the east side of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Neeley and Cox-Golder were absent) to recommend APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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 of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. Access is only allowed as shown on the 2011 revised Preliminary Development Plan or as approved by the Department of Transportation.
 - B. Bicycle and pedestrian access for residential development of Parcel B shall be provided to Oracle Jaynes Station Road/Roller Coaster Road and shall be approved by the Department of Transportation.
8. Flood Control conditions:
 - A. The property owner(s)/developer(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed; and a meeting prior to submittal is recommended.
 - C. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
 - D. The property owner(s)/developer(s) shall dedicate right-of-way or easements (on-site and off-site) for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - E. A riparian mitigation plan shall be required for development in designated riparian areas.
 - F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements, at no cost to Pima County, that are needed as a result of the proposed development of the subject property. The location, design, and construction of said improvements shall be subject to the approval of the Flood Control District.

- G. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.
9. Wastewater Reclamation conditions:
- A. The ~~property~~ owner(s)/developer(s) shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s)/developer(s) to that effect.
- B. The ~~property~~ owner(s)/developer(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation 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(s)/developer(s) 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 Regional Wastewater Reclamation Department.
- C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional 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.
- E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- F. 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 condition:
The property owner(s)/developer(s) must connect to the public sewer system at the location and in the manner specified by Wastewater ~~Management~~ Reclamation at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
11. Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.

12. Natural Resources, Parks and Recreation conditions:
- A. At a minimum, two access points from Parcel A to the river park shall be provided.
 - B. The property owner(s)/developer(s) shall convey the cross hatched area to Pima County as shown on the 2011 revised Preliminary Development Plan prior to the approval of a Development Plan.
 - C. The property owner(s)/developer(s) shall provide a landscape design and construction plan with the Development Plan submittal for the property to be conveyed to Pima County that is a portion of Parcel A, as shown on the PDP Preliminary Development Plan. The plan shall be incorporated with Pima County's current and future plans for the river park in this area. NRPR staff shall review and approve the plans prior to installation by the developer.
13. Environmental Planning conditions:
- A. The 1.78-acre conveyance of land to the Rillito River Park shall be re-vegetated with native mesquite trees and other native vegetation, at a density that matches or exceeds the area along the river just east of the site, as approved by the Natural Resources, Parks and Recreation Department.
 - B. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
 - C. Upon the effective date of the Ordinance the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owner(s) of property within the rezoning site and Pima County may enforce this rezoning condition against any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant to run with the land, memorializing the terms of this condition.

Invasive Non-Native Plant Species Subject to Removal:

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|------------------------|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitialis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains Lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |
| Pennisetum ciliare | Buffelgrass |
| Pennisetum setaceum | Fountain grass |
| Rhus lancea | African sumac |
| Salsola spp. | Russian thistle |
| Schismus arabicus | Arabian grass |
| Schismus barbatus | Mediterranean grass |
| Sorghum halepense | Johnson grass |

- o. Wholesale of oil
 - p. Trailer or manufactured or mobile home for caretaker
 - q. Self-storage facility
21. There shall be no vehicular access allowed to Roller Coaster Road/Oracle Jaynes Station Road.
 22. The design of the Roller Coaster Wash shall be considerate of equestrian and pedestrian uses.
 23. The gross density shall be a minimum of 44 10 residences per acre.
 24. 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.
 25. Prior to development plan or subdivision plat approval, title to Pima County parcel 104-01-066B shall have been transferred to Riverside Associates.
 26. If Northwest Fire/Rescue District requires access from Roller Coaster Road it will be emergency access for emergency vehicles only with a crash gate.

Arlan Colton, Planning Director, provided the staff report and stated they had received five comments in opposition to the modification and one comment requesting postponement. Staff had also received two emails that were similar to the comments already received. He stated that staff recommended approval with modified standard and special conditions and requested the addition of Condition No. 25, which he read into the record as follows:

“Prior to development plan or subdivision plat approval, title to Pima County Parcel 104-01-066B shall have been transferred to Riverside Associates.”

The Chairman asked if anyone wished to be heard. No one appeared.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve Co9-08-08 with modified standard and special conditions including an additional condition that if Northwest Fire District requires access on Roller Coaster Road it will be an emergency access for emergency vehicles only with a crash gate, and to include Condition No. 25 as read by Mr. Colton.

22. **CONTRACTS**

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

1. The Salvation Army, Amendment No. 4, to provide emergency assistance services, extend contract term to 6/30/12 and amend contractual language, Emergency Services Network Grant Fund, contract amount \$16,887.00 (CT-CS-12000462)
2. The Salvation Army, to provide workforce development services for the term 7/1/11 to 6/30/12, HUD Grant Fund, contract amount \$128,643.00 (CT-CS-12001029)

B. Facilities Management

3. Country Fair White Elephant, Amendment No. 2, to provide for the operation, maintenance and repair of the facility, extend contract term to 11/30/26 and amend contractual language, contract amount \$40.00 revenue (CTN-FM-CMS140021)
4. Community Performing Arts Center Foundation, Inc., to provide an Equipment Purchase Agreement, no cost (CTN-FM-12000082)
5. Community Performing Arts Center Foundation, Inc., to provide a Bill of Sale for equipment purchase, General Fund, contract amount \$165,255.00 (CT-FM-12001034)

C. Information Technology

6. T.W. Telecom of Arizona, L.L.C., Amendment No. 1, to provide a Master Conduit Agreement, General Fund, \$82,692.40 revenue/14 year term (CTN-IT-12000041)
7. T.W. Telecom of Arizona, L.L.C., Amendment No. 1, to provide a Fiber License Agreement, Various Project Funds, contract amount not to exceed \$2,800,000.00/14 year term (CT-IT-12000806)

D. Natural Resources, Parks and Recreation

8. Arizona Superior Court on behalf of the Juvenile Court Center, Amendment No. 2, to provide for juvenile work crew services, extend contract term to 6/30/12 and amend contractual language, General Fund, contract amount \$100,000.00 (CT-PR-12001002)
9. Tucson Cactus and Succulent Society, Inc., to provide for the development, operation and maintenance of Pima Prickly Park, no cost (CTN-PR-12000063)

E. Superintendent of Schools

10. Pima County Recorder, Amendment No. 1, to provide for election services, extend contract term to 6/30/12 and amend contractual language, Various School District Funds, contract amount \$120,820.00 (CT-SS-12000951)

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

23. **REAL PROPERTY**

Master Agreement for Mutual Public Lands Management between the Pima County Board of Supervisors and the Pima County Flood Control District, to provide the terms and conditions for the exchanges of land.

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

24. **BOARD OF SUPERVISORS**

Discussion and action to appoint the Clerk of the Board. (District 2)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to appoint Robin Brigode as Clerk of the Board effective September 3, 2011.

25. **BOARDS COMMISSIONS AND/OR COMMITTEES**

A. **Board of Health**

Reappointment of Paul Horwitz. Term expiration: 6/30/15. (District 3)

B. **Fair Horse Racing Commission**

Reappointment of Steve Brody. Term expiration: 1/21/13. (District 3)

C. **Pima County Housing Commission**

Reappointments of Henry Boice and Tim Escobedo. Term expirations: 12/31/15. (District 3)

D. **Planning and Zoning Commission**

Reappointment of Bonnie Poulos. Term expiration: 6/19/15. (District 3)

E. **State Board of Equalization**

Reappointment of Beverly Weissenborn. Term expiration: 12/31/12. (District 3)

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

26. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Michael Toney addressed the Board regarding the global economy.

27. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:30 p.m.



CHAIRMAN

ATTEST:



CLERK