

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 1, 2011

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 1, 2011. Upon roll call, those present and absent were as follows:

All Present:            Ramón Valadez, Chairman  
                             Sharon Bronson, Vice Chair  
                             Ann Day, Member  
                             Richard Elías, Member  
                             Robin Brigode, Clerk

Absent:                 Ray Carroll, Member

1.    **INVOCATION**

The invocation was given by Father Emilio Chapa, St. Augustine Cathedral.

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 Jim Nelson, Mary Nelson and Amber Mazzei of the COPD Coalition of the American Lung Association of Arizona, proclaiming the month of November, 2011 to be:

"COPD AWARENESS MONTH"

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

Supervisor Bronson presented the proclamation. Jim Nelson thanked the Board and pointed out the importance of early testing and detection.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jessie Deleora, Carla Boucher-Leasure and Carol Scotti of the Pancreatic Cancer Action Network, proclaiming the month of November, 2011 to be:

"PANCREATIC CANCER AWARENESS MONTH"

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

Supervisor Elías presented the proclamation to Jessie Deleora, Carla Boucher-Leasure and Carol Scotti who emphasized the importance of pancreatic cancer awareness.

6. **PRESENTATION**

Presentation by the Tucson Mountains Association to Chuck Huckelberry, 2011 Public Servant of the Year Award.

Edwin Verburg, President of the Tucson Mountains Association, presented the award to Mr. Huckelberry and thanked him for his efforts for their community.

The Board took no action.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-0 vote, that the Board convene to Executive Session at 9:22 a.m.

7. **RECONVENE**

The meeting reconvened at 9:55 a.m. Supervisor Carroll was absent, all other members were present.

8. **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.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Peterman v. Pima County Board of Adjustment, District 1, Pima County Superior Court Case No. C20117164.

Chris Straub, Chief Civil Deputy County Attorney, stated this case related to an appeal of a District 1, Board of Adjustment decision where the requested set back variance had

been granted subject to conditions. The property owner objected to those conditions. The County Attorney's Office recommended the Chief Zoning Inspector be added as a party to the litigation and that the Board of Supervisors take the position that the Board of Adjustment should not be an active litigant in the appeal.

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

**10. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by the law firm of Gabroy Rollman & Bosse that Pima County waive a concurrent conflict of interest to allow attorney Richard M. Rollman to assist Jim Wezelman and the Law Offices of James D. Wezelman in a property tax appeal involving Raytheon Corporation.

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 carried by a 4-0 vote, to approve the waiver.

**11. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed tolling agreement between Pima County and Ira Jon Yates, related to a potential claim against Pima County involving property located at 7801 North La Cholla Boulevard.

Chris Straub, Chief Civil Deputy County Attorney, stated this case concerned a potential tolling agreement which would allow an additional 180 days to attempt to negotiate a resolution without Mr. Yates having to file a claim. The County Attorney's Office recommended approval of the proposed tolling agreement.

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

**12. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County v. Arizona La Cholla, L.L.C., et al., Pima County Superior Court Case No. C20108312.

Chris Straub, Chief Civil Deputy County Attorney, explained this case involved the condemnation of a right-of-way, drainage easement and slope easement as part of the Cortaro Farms Road/Magee Road: Thornydale to Oracle Road Project. The County Attorney's Office recommended proceeding as discussed in Executive Session.

On consideration it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-0 vote, to proceed as discussed in Executive Session.

13. **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 Squire, Sanders & Dempsey, L.L.P., to represent and provide legal advice to the Pima County Air Quality Hearing Board in the Administrative Appeal filed by Rosemont Copper Company.

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 carried by a 4-0 vote, to approve the waiver.

14. **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 Bronson and carried by a 4-0 vote, to approve the Consent Calendar as amended.

PULLED FOR SEPARATE ACTION:

1. **CONTRACTS AND AWARDS**

H. **Regional Wastewater Reclamation**

16. RESOLUTION NO. 2011 - 166, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide sewer service to the Multi-Purpose Justice Center, no cost (CT-WW-12000304)

Without objection, this item was removed from the agenda.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

**1. CONTRACTS AND AWARDS**

**A. Community Development and Neighborhood Conservation**

1. International Sonoran Desert Alliance, Inc., Amendment No. 1, to provide for the Neighborhood Stabilization Program, Historic Ajo Plaza Redevelopment Project and amend scope of work, no cost (CT-CD-12000444)
2. Arivaca Townsite Cooperative Water Company, Amendment No. 1, to provide for the Water System Improvement Project for the term 10/1/11 to 6/30/12, no cost (CT-CD-12000730)
3. City of Tucson, to provide for the transfer of eleven County NSP1 single family homes for long term affordable housing, no cost (CTN-CD-12000190)

**B. County Attorney**

4. RESOLUTION NO. 2011- 164, Department of Health and Human Services, Amendment No. 2, to provide for the enhancement and expansion of the Pima County Drug Court for the term 9/30/11 to 9/29/12, Federal Grant Fund, contract amount \$315,625.00 revenue (CTN-PCA-12000124)

**C. Facilities Management**

5. United Way Capital Corporation, Amendment No. 1, to provide a Lease Subordination, Non-Disturbance, Attornment and Estoppel Certificate for property located at 340 N. Commerce Park Loop, no cost (CT-FM-CMS127837)
6. Menlo Park Neighborhood Association, Amendment No. 1, to provide a Use Agreement for the grounds and guest house at 17 N. Linda Avenue for rainwater harvesting and gardening projects, contract amount \$300.00 revenue (CTN-FM-12000149)

**D. Health Department**

7. RESOLUTION NO. 2011- 165, approving an Intergovernmental Agreement with Arizona Department of Health Services, to provide for the Commodity Supplemental Food Program and the Senior Farmer's Market Nutrition Program, Federal Grant Fund, contract amount \$113,803.00 revenue (CTN-HD-12000178)

8. Pascua Yaqui Tribe, Amendment No. 2, to provide for the rental and use of the Pima County Mobile Dental Unit for the term 10/1/11 to 9/30/12, contract amount \$12,000.00 revenue (CTN-HD-CMS142347)
9. Northwest Fire/Rescue District, Amendment No. 1, to provide storage space for the Bio-Terrorism Preparedness Program trailer and extend contract term to 11/3/14, no cost (CTN-HD-12000048)
10. Green Valley Fire District, Amendment No. 2, to provide childhood immunization services and extend contract term to 11/2/12, no cost (CTN-HD-12000054)
11. Pima Community Access Program, to provide enrollment and retain eligible children in the Medicare and Children's Health Insurance Program for the term 8/18/11 to 8/17/13, Federal Grant Fund, contract amount \$38,840.00 revenue (CTN-HD-12000130)

**E. Procurement**

**Award**

12. Award of Master Agreement, Requisition No. 8652 to The Ashton Company, Inc. (Headquarters: Tucson, AZ); Borderland Construction Company, Inc. (Headquarters: Tucson, AZ); Granite Construction Company (Headquarters: Watsonville, CA); KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ); and Southern Arizona Paving and Construction Company (Headquarters: Tucson, AZ) for a job order master agreement for traffic signal, road intersection, paving and drainage improvements in an amount not to exceed \$3,000,000.00. Agreement is for a one year term with the option to extend for four additional one year terms. Funding Source: County HURF Fund. Administering Department: Transportation.

**F. Public Works Administration**

13. Tucson-Pima Arts Council, to provide administration of the Pima County Public Art Program for the term 7/1/11 to 6/30/13, Capital Improvement Project Fund, contract amount \$171,703.00 (CT-PW-12001511)

**G. Real Property**

14. Fidelity National Title Agency, Inc., as Trustee under Trust No. 60,137, to provide for the donation of a slope easement and three temporary construction easements needed for the Alvernon Way: Valencia Intersection Improvement Project, RTA Fund, contract

amount not to exceed \$1,000.00 including closing costs (CT-PW-12001514)

15. Fidelity National Title Agency, Inc., as Trustee under Trust 60,173, to provide for the donation of a slope easement, two temporary construction easements and right-of-way needed for the Alvernon Way: Valencia Intersection Improvement Project, RTA Fund, contract amount not to exceed \$1,000.00 including closing costs (CT-PW-12001515)

**H. Regional Wastewater Reclamation**

16. RESOLUTION NO. 2011 - 166, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, (PULLED FOR SEPARATE ACTION)

**I. Sheriff**

17. RESOLUTION NO. 2011 - 167, approving an Intergovernmental Agreement with the U.S. Forest Service, to provide law enforcement services on U.S. Forest Service Land, Federal Fund, contract amount not to exceed \$31,300.00 revenue (CTN-SD-12000187)
18. Bureau of Land Management, Amendment No. 4, to provide law enforcement services for the term 7/29/11 to 10/1/12 and amend contractual language, Federal Fund, contract amount \$10,000.00 revenue (CTN-SD-CMS142562)
19. Arizona Department of Homeland Security, Amendment No. 2, to provide for overtime and mileage under the Operation Stonegarden Grant Program for the term 7/31/11 to 9/30/11, no cost (CTN-SD-CMS143474)

**J. Transportation**

20. Surface Strategy, L.L.C., Amendment No. 1, to provide artist services for the Magee Road/Cortaro Farms Road: Mona Lisa to La Canada Drive Improvement Project, extend contract term to 12/31/12 and amend scope of work, RTA, Urban HURF and Impact Fee Funds, contract amount \$100,150.00 (CT-TR-CMS143195)

2. **ELECTIONS DEPARTMENT**

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Ray C. Brown	010	REP

  

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Tyler A. Aldrich	163	DEM
Christopher J. Wick	225	DEM
Dona I. Booth	078	REP
A. David Burbank	206	REP
Sylvia A. Vulgamott	251	REP
Blythe C. Guvenen	319	REP
Herman W. Paul	377	REP

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

A. **Bond Advisory Committee**

Appointment of Kelly Gottschalk, to replace Byron Howard. Term expiration: 11/30/17. (City of Tucson recommendation)

B. **County Attorney Investigators Local Retirement Board**

Reappointment of David McDonald. Term expiration: 11/30/15. (Committee recommendation)

C. **Employee Merit System Commission and Law Enforcement Council**

Reappointment of Richard Huff, Republican. Term expiration: 12/31/15. (District 4)

D. **Workforce Investment Board**

Appointment of Jean Maldonado to fill the unexpired term of Roger Forrester. Term expiration: 9/30/12. (Staff recommendation)

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

A. Kord Marquez Klinefelter, American Legion Riders, No. 1 Plaza, Ajo, October 21 and 22, 2011.

B. Jerry Gordon, The Country Club of Green Valley in conjunction with the Kokopelli Committee, 77 E. Paseo De Golf, Green Valley, November 3, 4 and 5, 2011.

- C. Harvey Michael Yoos, Jr., Roland Moody V.F.W. Post No. 3578, 1764 N. 2nd Avenue, Ajo, October 29, 2011.
- D. Deborah L. Jassem, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, November 25, 26 and December 2, 2011.
- E. Deborah L. Jassem, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, December 3, 2011.

**FINANCE AND RISK MANAGEMENT**

**5. Duplicate Warrants – For Ratification**

Foothills Gastroenterology	\$	22.00
Bob Barker	\$	435.72
Martha Meza	\$	150.00
HC Consolidated Properties, Inc.	\$	650.00
Abdirahman Abdi	\$	300.00
State of Arizona	\$	30,397.84
Bryan Johnson	\$	5.00
Headmaster, L.L.P.	\$	108.00
Jane Jacobs Walton	\$	12,890.00
Prime Oro Valley, L.L.C.	\$	789.71
Casey Promotions	\$	999.87
Justine Hernandez	\$	137.39
Cynthia Ettinger	\$	6,125.00
Stephen Zlotnick	\$	28.35
Barbara Smith	\$	2,621.00

**6. CONSOLIDATED JUSTICE COURTS**

**Judge Pro Tempore**

The Pima County Consolidated Justice Court requests the appointment of Paul Julien as Judge Pro Tempore for the period July 1, 2011 through June 30, 2012.

**7. TREASURER’S OFFICE**

**Fill the Gap**

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five (5) percent set-aside “Fill-the-Gap” Funds in the amount of \$1,440,217.09 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior Court and Justice Court for processing of criminal cases.

8. **RATIFY AND/OR APPROVE**

Minutes: September 6, 2011

Warrants: October, 2011

**REGULAR AGENDA/ADDENDUM ITEMS**

15. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2011- 168, 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 Education Facility Revenue Bonds (American Leadership Academy Project), Series 2011 in an aggregate principal amount not to exceed \$17,000,000.00 and declaring an emergency.

On consideration it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, to adopt Resolution No. 2011- 168.

16. **PROCUREMENT: Award**

The Board of Supervisors on 10/11/11 continued the following:

Low Bid: Award of Contract, Requisition No. 1100759, in the amount of \$374,999.99 (Lump Sum Bid) plus a Force Account amount of \$50,000.00 for a total amount of \$424,999.99 to the lowest responsive bidder, CS Technologies, L.L.C., (Headquarters: Phoenix, AZ) to provide for the construction of the Avra Valley WRF Security Improvements Project. Funding Source: RWRD Obligations. Administering Department: Regional Wastewater Reclamation Department.

George Widugiris, Procurement Director, provided a report and explained the history related to this solicitation. He recommended approval of the award to CS Technologies and stated pursuant to such award, CS Technologies would withdraw their appeal.

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

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

The Board of Supervisors on 10/11/11 continued the following:

Pursuant to Pima County Code Section 11.20.010(J), CS Technologies, L.L.C., appeals the decision of the Procurement Director regarding Avra Valley Solicitation No. 1100759 – Avra Valley WRF Security Improvements Project.

The appellant withdrew their appeal.

18. **REGIONAL WASTEWATER RECLAMATION: Pretreatment Settlement Agreement**

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

El Minuto Cafe, Inc., Case No. C2011-14. The proposed settlement of performance of a supplemental environmental project (SEP) in the form of installation of a gravity grease interceptor within one (1) year is in accordance with the Industrial Wastewater Enforcement Response Plan.

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

19. **FRANCHISES/LICENSES/PERMITS: Liquor License**

11-30-9091, Gary Thomas Kilbourne, Outlaw Saloon, 1302 W. Roger Road, Tucson, Series 6, Bar, Person Transfer and Location Transfer.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, to close the public hearing, approve the liquor license subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

20. **FRANCHISES/LICENSES/PERMITS: Liquor License**

11-27-9088, Troy Charles DeVos, QuikTrip No. 1481, 401 W. Orange Grove Road, Tucson, Series 10, Beer and Wine Store, 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 carried by a 4-0 vote, to close the public hearing, approve the liquor license and forward the recommendation to the Arizona State Liquor Licenses and Control.

21. **TRANSPORTATION: Environmental Assessment and Mitigation Report**

Staff recommends approval of the Environmental Assessment and Mitigation Report for the Valencia Road: Alvernon Way to Wilmot Road Project. (District 2)

Priscilla Cornelio, Transportation Director, explained how the proposed project would improve safety and eliminate congestion on the roadway. She stated the project addressed all of the suggestions submitted by the Citizen Advisory Committee (CAC) with the exception of two roundabouts. Ms. Cornelio also addressed the concerns which were raised by Alan Cowan, CAC member.

Harry E. Clyde addressed the Board and stated his concerns had been addressed in the presentation.

On consideration it was moved by Chairman Valadez, seconded by Supervisor Elías and carried by a 4-0 vote, to close the public hearing and approve of the Environmental Assessment and Mitigation Report.

22. **COUNTY ADMINISTRATOR: Digital Advantage Program**

Staff recommends approval of an allocation from the Board Contingency Fund in the amount of \$5,000.00 for the County's year four payment for the Digital Advantage Program of Sunnyside Unified School District.

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

23. **CONTRACT: Community Services, Employment and Training**

City of South Tucson, to provide year round youth and recreation programs at the John Valenzuela Youth Center for the term 7/1/11 to 6/30/16, U.S. Department of Labor, Arizona Department of Economic Security and other Workforce Funds, contract amount \$565,000.00 (CT-CS-12001626)

Without objection, this item was removed from the agenda.

24. **CONTRACT: Community Services, Employment and Training**

Comin Home, Inc., to provide outreach activities to homeless veterans in support of the Homeless Veterans' Reintegration Project for the term 7/1/11 to 6/30/12, U.S. Department of Labor Fund, contract amount \$67,291.00 (CT-CS-12001614)

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

25. **CONTRACT: Community Services, Employment and Training**

Metropolitan Tucson Convention and Visitors Bureau, to promote and enhance tourism, business travel, film production, sports, development and marketing for the term 7/1/11 to 6/30/12, General Fund, contract amount \$3,010,920.30 (CT-ED-12001620)

Chairman Valadez read a statement from Supervisor Carroll in support of the contract.

Supervisors Bronson, Day and Elias thanked staff and requested the quarterly audit reports be forwarded for their review.

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

26. **CONTRACTS: Real Property**

- A. Smyth Steel Manufacturing, Inc., to provide a Sales Agreement and Special Warranty Deed for the sale/exchange of real property and improvements within Sections 31 and 36, T19S, R13E, G&SRM, no cost (CTN-PW-12000214)
- B. Town of Marana and Verizon Wireless, L.L.C., to provide a Utility Sharing Agreement for property located at 10001 N. Silverbell Road (a.k.a. Beacon Hill), General Fund, contract amount \$12,000.00 (CT-PW-12001589)
- C. City of Tucson and NRG Solar Avra Valley, L.L.C., to provide a Restrictive Covenant and Subordination Agreement to preserve onsite and offsite mitigation lands, no cost (CTN-PW-12000239)

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

27. **CALL TO THE PUBLIC**

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

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:25 a.m.

  
CHAIRMAN

ATTEST:

  
CLERK