

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 8, 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 8, 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  
                                 Robin Brigode, Clerk

1.    **INVOCATION**

The invocation was given by Pastor Ted Soderholm, Catalina Church of Midtown.

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 Barbara LaWall, Pima County Attorney, and the following Award-Winning Deputy Pima County Attorneys:

Chief Criminal Deputy County Attorney Kellie L. Johnson, recipient of the 2011 *Arizona Felony Prosecutor of the Year Award*;

Deputy County Attorney Frances M. Maffetone, recipient of the 2011 *David R. White Excellence in Victim Advocacy Award*;

Deputy County Attorney Beth A. Anderson, recipient of the 2011 *Michael C. Cudahy Criminal Justice Award*; and

Deputy County Attorney Thomas E. Dugal, recipient of the 2011 *Public Lawyer Career Achievement Award*.

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

Chairman Valadez presented the proclamation to Barbara LaWall, Pima County Attorney, and the award recipients. Ms. LaWall congratulated her staff for their hard work and dedication to Pima County and thanked the Board for the acknowledgement.

## **5. 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 Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar as presented.

## **CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

### **1. CONTRACTS AND AWARDS**

#### **A. Community Development and Neighborhood Conservation**

1. State of Arizona Governor's Office of Energy Policy, to provide assistance to low-income households for installation of energy efficient measures, U.S. Department of Energy Federal Fund, contract amount \$25,631.00 revenue (CTN-CD-12000198)
2. State of Arizona Governor's Office of Energy Policy, to provide assistance to low-income households for installation of energy efficient measures or upgrades, U.S. Department of Health and Human Services Federal Fund, contract amount \$132,152.00 revenue (CTN-CD-12000199)
3. State of Arizona Governor's Office of Energy Policy, to provide assistance to low-income households for installation of energy efficient measures, State and Southwest Gas Funds, contract amount \$11,509.00 revenue (CTN-CD-12000200)
4. Chicanos Por La Causa, Inc., Amendment No. 1, to provide for the NSP2 Consortium Funding Agreement and amend contractual language, Federal HUD Fund, contract amount \$425,000.00 decrease (CT-CD-12000506)

5. Southern Arizona Legal Aid, Amendment No. 2, to provide legal services through the Homeless Prevention and Rapid Re-Housing Tenant/Landlord Resolution Program and extend contract term to 5/30/12, no cost (CT-CD-12001019)
6. Salvation Army of Tucson, to provide homeless transitional services for the term 7/1/11 to 6/30/12, Federal HUD Fund, contract amount \$136,724.00 (CT-CD-12001583)

**B. County Attorney**

7. RESOLUTION NO. 2011 - 169, Arizona Automobile Theft Authority, to provide for funding under the vertical prosecution of auto theft cases submitted by the Arizona Vehicle Theft Task Force for the term 7/1/11 to 6/30/12, State Grant Fund, contract amount \$70,682.00 revenue (CTN-PCA-12000166)

**C. Health Department**

8. Arizona Department of Health Services, Amendment No. 6, to provide for provision of services under the Tuberculosis Control Program and amend contractual language, Federal Fund, contract amount \$6,500.00 revenue (CTN-HD-CMS140692)
9. Arizona Department of Health Services, Amendment No. 1, to provide for the Emergency Preparedness Program and amend contractual language, no cost (CTN-HD-12000062)
10. Arizona Board of Regents, University of Arizona Sponsored Projects Services, Amendment No. 2, to provide oral health services to eligible children through the Mobile Health Program, extend contract term to 6/30/12 and amend contractual language, State Grant Fund, contract amount \$41,878.00 (CT-HD-12000811)

**D. Procurement**

**Award**

11. Amendment of Award: Custom Storage, MA No. B508540-BC, Version 2, to provide software, computer equipment, peripherals and related services, and increase contract amount by \$250,000.00. Funding Source: General Fund. Administering Department: Information Technology.

**E. Sheriff**

12. RESOLUTION NO. 2011 - 170, approving an Intergovernmental Agreement with the Department of Justice, Community Oriented Policing Services, to provide for the Child Sexual Predator Program, Federal Fund, contract amount \$496,910.00 revenue (CTN-SD-12000197)

**2. ELECTIONS DEPARTMENT**

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

| <u>APPOINTMENTS</u>  | <u>PRECINCT</u> | <u>PARTY</u> |
|----------------------|-----------------|--------------|
| Elizabeth A. Britton | 212             | DEM          |
| Linda M. Higgins     | 142             | REP          |
| Eileen T. Evans      | 413             | REP          |

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

**A. Canoa Ranch Community Trust/Oversight Committee**

Appointment of David Yubeta as alternate for Thomas Sheridan. No term expiration. (District 3)

**B. Flood Control District Advisory Committee**

Ratification of appointments for Town of Oro Valley Representatives: Paul R. Jungen to replace Dave Parker; and Phil Trenary as alternate. No term expirations. (Town of Oro Valley recommendations)

**FINANCE AND RISK MANAGEMENT**

**4. Duplicate Warrants – For Ratification**

|                             |            |
|-----------------------------|------------|
| Bursey and Associates, P.C. | \$3,973.24 |
| Rick L. Lougee              | \$8,361.00 |
| Jason Hawkins               | \$ 538.79  |
| Wingspan                    | \$ 649.35  |
| Coca-Cola Refreshments      | \$1,169.20 |

**5. RATIFY AND/OR APPROVE**

Minutes: September 13, 2011

## **REGULAR AGENDA/ADDENDUM ITEMS**

### **6. COUNTY ADMINISTRATOR**

RESOLUTION NO. 2011 - 171, of the Board of Supervisors, adopting a Pima County Legislative Program for 2012.

Martin Willett, Chief Deputy County Administrator, reported that the proposed Legislative Program articulated the concepts that the County would like to pursue on behalf of the Board.

Chairman Valadez stated that promotion of enhanced professional services for small businesses had been recommended by the Small Business Commission and the County Administrator for inclusion in the Program.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 171, as amended to include the recommendation from the Small Business Commission.

### **7. COUNTY ADMINISTRATOR**

RESOLUTION NO. 2011 - 172, of the Board of Supervisors, approving and authorizing the execution of an amended and restated Rocking K Specific Plan Development Agreement with Rocking K Development Co.

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 - 172.

### **8. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2011 - 173, of the Pima County Board of Supervisors, approving an application for a grant from the U.S. Environmental Protection Agency to conduct Brownsfield Grant activities within Pima County through a Community-Wide Assessment Grant for petroleum products and/or a Community-Wide Assessment Grant for hazardous substances.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2011 - 173.

### **9. FORENSIC SCIENCE CENTER FEE SCHEDULE**

ORDINANCE NO. 2011 - 84, of the Board of Supervisors, relating to Forensic Science, repealing the current fee schedule and adopting a new fee schedule.

Philip Grant, Pubic Fiduciary, expressed concern with the proposed fee schedule as it could adversely impact his department with the significant cost increase. He specifically questioned the fees for storage.

Chuck Huckelberry, County Administrator, stated that the fee proposal addressed the issue of storage for extended periods of time at the Medical Examiner's Office and the inability to get the proper release of the decedent. He suggested that the Board adopt the proposed fee schedule and monitor the effect of the fees for a period of three months.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing, adopt Ordinance No. 2011 - 84 and to conduct a review of the fiscal impacts in three months to assess the effectiveness of the new fee.

10. **HEALTH DEPARTMENT: PIMA COUNTY CODE TEXT AMENDMENT**

ORDINANCE NO. 2011 - 85, of the Board of Supervisors, relating to hand washing facilities; amending the Pima County Code, Title 8 Health and Safety, by adding Section 8.22.

Sherry Daniels, Pima County Health Department Director, briefed the Board on the proposed ordinance. She noted that there had been a public comment period and two public meetings had been held where stakeholders and community members in attendance expressed support for the proposed changes. She stated that staff recommended approval.

The following individual addressed the Board:

A. Brad Brumm, member of the Pima County Board of Health

His comments were:

1. According to the CDC, hand washing is the simplest most effective and least expensive way to prevent illness.
2. The Board of Health and the Health Department had been looking at ways to encourage hand washing. They found that the lack of hand washing facilities or sanitizers was the most basic obstacle.
3. He encouraged the Board to support and approve the proposed ordinance.

Supervisor Elías questioned how the department had advertised the meetings and notified the stakeholders.

Ms. Daniels responded a mailing had been done. Marcy Flanagan, Pima County Health Department Division Manager for the Community Surveillance and Investigation Division, further explained that the distribution list was composed of the license holders currently on file for mobile food units and large event holders they have worked with in the past.

Supervisor Day remarked that the Health Department had moved too fast, there were too many concerns, and she would not support the ordinance at this time.

Supervisor Elías concurred with Supervisor Day and thought that the Health Department had moved along without the proper vetting of this ordinance and without enough public input.

Chairman Valadez stated that the ordinance had not been put through the proper process that included affected stakeholders and the public.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to deny approval of Ordinance No. 2011 - 85.

**11. DEVELOPMENT SERVICES: COMPREHENSIVE PLAN AMENDMENT**

Co7-11-03, PIMA COUNTY – COMPREHENSIVE PLAN COST OF DEVELOPMENT ELEMENT AMENDMENT

Request of Pima County to amend the Cost of Development Element of the Pima County Comprehensive Plan, to clarify that the Pima County Regional Wastewater Reclamation Department assesses sewer connection fees on a regional basis while reimbursing developers who install sewer system improvements beyond those needed to serve their particular developments. On motion, the Planning and Zoning Commission voted 7-0, (Commissioners Matter, Spendiarian and Cox-Golder were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

Arlan Colton, Planning Director, explained that this was a technical amendment to the Cost of Development Element of the Comprehensive Plan.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-11-03.

**12. DEVELOPMENT SERVICES: REZONING RESOLUTION**

RESOLUTION NO. 2011 - 174, Co9-05-16, Pulsifer Trust – Valencia Road Rezoning. Owner: Diamondback Properties and Investments, L.L.C. (District 3)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day, and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2011 - 174.

**13. COUNTY ADMINISTRATOR**

RESOLUTION NO. 2011 - 175, relating to the location of the United States Air Force MQ-9 Remote Split Operations Unit at Davis-Monthan Air Force Base in Tucson, Arizona; and authorization to send a letter of support.

Supervisor Elías inquired if the MQ-9 RSO Unit would create additional noise pollution problems for the residents.

Chuck Huckelberry, County Administrator, responded there would be no noise impact because the aircrafts would be operated remotely.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve Resolution No. 2011 - 175.

**14. CONTRACTS: NATURAL RESOURCES, PARKS AND RECREATION**

- A. Pinnacle Concessions, L.L.C., Amendment No. 2, to provide for the operation and administration of concessions at Mike Jacob Sports Park, amend contract term to 12/31/12 and amend contractual language, no cost (CTN-PR-CMS142667)
- B. Pinnacle Concessions, L.L.C., Amendment No. 3, to provide for the operation and administration of concessions at Mike Jacob Sports Park and amend contractual language, no cost (CTN-PR-CMS142667)
- C. Championship Sports, L.L.C., Amendment No. 3, to provide for the operation and administration of leagues and tournaments at Mike Jacob Sports Park, amend contract term to 12/31/12 and amend contractual language, no cost (CT-PR-12001596)
- D. Championship Sports, L.L.C., Amendment No. 4, to provide for the operation and administration of leagues and tournaments at Mike Jacob Sports Park and amend contractual language, General Fund, contract amount \$6,960.00 (CT-PR-12001596)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts and to direct staff to provide a report regarding the issues at Mike Jacob Sports Park.

**15. BOARD, COMMISSION AND/OR COMMITTEE: BOARD OF ADJUSTMENT, DISTRICT 5**

Reappointments of Lissa Gibbs and Victoria Khalidi. Term expirations: 8/31/15.

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

**16. CALL TO THE PUBLIC**

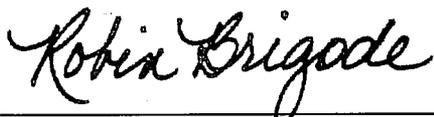
The Chairman inquired whether anyone wished to be heard. No one appeared.

17. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:52 a.m.

  
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CHAIRMAN

ATTEST:

  
\_\_\_\_\_  
CLERK