

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

January 4, 2011 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Pastor Adam Roland, Castle Rock Baptist Church.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

5. **OATH OF OFFICE** to be provided by the Honorable Jan Kearney, Presiding Judge of the Superior Court, for newly elected officials of Pima County:

CLERK OF THE SUPERIOR COURT

Patricia A. Noland

JUSTICES OF THE PEACE

Ann Fisher Segal, Precinct No. 1

Maria Alvillar, Precinct No. 3

Keith Bee, Precinct No. 5

Gail A. Wight, Precinct No. 7

Susan Bacal, Precinct No. 8

CONSTABLES

Frank J. Fontes, Precinct No. 2

George D. Gradillas, Precinct No. 3

Margaret Cummings, Precinct No. 5

... **EXECUTIVE SESSIONS**

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the following:

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

Motion carried to accept recommendation (5/0)

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

Motion carried to accept recommendation (5/0)

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

Motion carried to accept recommendation (5/0)

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

Motion carried to accept recommendation (5/0)

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

Motion carried to accept recommendation (5/0)

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

Motion carried to authorize a third extension of the agreement (5/0)

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

This item was informational only.

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

A. Contract

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

Motion carried to approve (5/0)

B. Real Property - Condemnation

RESOLUTION NO. 2011 - FC 1, of the Pima County Flood Control District, authorizing the Pima County Attorney to condemn real property interests where necessary for the Pantano Wash Bank Improvement Phase II: Tanque Verde Road to Speedway Boulevard Bank Project and Linear Park Improvements, in Section 6, T14S, R15E, G&SRM. (District 4)

Motion carried to approve (5/0)

C. Real Property - Special Warranty Deed

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

Motion carried to approve (5/0)

D. Facility Easement for the Lower Santa Cruz Replenishment Project

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

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

6. CONSENT CALENDAR: For consideration and approval

A. CALL TO THE PUBLIC (for Consent Calendar items only)

B. APPROVAL OF CONSENT CALENDAR

Motion carried to approve (4/1)

UNFINISHED BUSINESS (RM 12/7/10)

7. BOARD, COMMISSION AND/OR COMMITTEE

Election Integrity Commission

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

Motion carried to approve (5/0)

NEW BUSINESS

8. FORENSIC SCIENCE

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

Motion carried to approve (5/0)

TRANSPORTATION

9. Acceptance of Project/Roadway for Maintenance

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

Motion carried to approve (5/0)

10. REGIONAL WASTEWATER RECLAMATION

Pretreatment Settlement Agreement

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

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

Motion carried to approve (5/0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Liquor Licenses

11. 10-46-9058, Kuldip Singh Sahota, 7 Eleven No. 17426D, 4661 E. Skyline Drive, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (5/0)

12. 10-47-9059, Randy D. Nations, World Sports Grill, 2290 W. Ina Road, Tucson, Series 6, Bar, Person Transfer.

Motion carried to approve (5/0)

*(**Clerk's Note**: See Sheriff's Report.)

- *13. 10-48-9060, James Patrick Walsh III, Mexico Way Store, 9418 S. Nogales Highway, Tucson, Series 9/9S, Liquor Store/Liquor Store-Sampling Privileges, Probate/Will Assignment/Divorce Decree.

Motion carried to approve (5/0)

Sampling Privilege

14. 10-45-9057, Martha L. Branson, Indulgence, 750 N. 2nd Avenue, Ajo, Series 9S, Liquor Store-Sampling Privileges.

Motion carried to approve (5/0)

Fireworks Permit

15. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, January 15, 2011, at approximately 8:00 p.m.

Motion carried to approve (5/0)

Extension of Premises/Patio Permits

16. Randy D. Nations, Fox and Hound Smokehouse and Tavern, 7625 N. La Cholla Boulevard, Tucson, Temporary Extension for January 15, 2011.

Motion carried to approve (5/0)

17. Kym Thomas Myers, Holiday Inn Hotel and Suites, 4550 S. Palo Verde Road, Tucson, Temporary Extension for February 3-12, 2011.

Motion carried to approve (5/0)

18. **CALL TO THE PUBLIC**

19. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 12/28/10

TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, JANUARY 4, 2011

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2011 - 1, approving an Intergovernmental Agreement with the Drexel Heights Fire District, to provide five fire hydrants in the Valencia West Target Area, HUD Grant Fund, contract amount \$30,000.00 (01-70-D-143625-1010)
2. RESOLUTION NO. 2011 - 2, approving an Intergovernmental Agreement with the Drexel Heights Fire District, to provide for the Family Safety Program in the Valencia West Target Area, HUD Grant Fund, contract amount \$20,000.00 (01-70-D-143626-1010)
3. RESOLUTION NO. 2011 - 3, approving an Intergovernmental Agreement with the Town of Marana, to provide management and implementation of the Community Development Block Grant Program, HUD Grant Fund, contract amount \$115,000.00 (01-70-M-143632-1010)
4. Southern Arizona AIDS Foundation, Amendment No. 2, to provide for the Positive Direction Housing Program and amend contractual language, HOPWA Grant Fund, contract amount \$18,190.00 decrease (11-70-S-140665-0108)
5. Town of Marana, Amendment No. 2, to provide for management and implementation of the Community Development Block Grant Program and extend contract term to 12/31/11, no cost (01-70-M-141622-1008)
6. Southern Arizona Legal Aid, Inc., Amendment No. 1, to provide for the Tenant/Landlord Resolution Program and extend contract term to 9/30/11, no cost (02-70-S-142389-1009)
7. Town of Marana, Amendment No. 1, to provide for management and implementation of the Community Development Block Grant Program, amend contractual language and extend contract term to 12/31/11, no cost (01-70-M-142420-1009)
8. Arivaca Townsite Cooperative Water Company, Amendment No. 1, to provide for water system improvements, amend contractual language and extend contract term to 3/31/11, no cost (32-70-A-142498-1009)

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

B. Community Services, Employment and Training

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

C. County Administrator

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

D. County Attorney

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

E. Facilities Management

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

F. Finance and Risk Management

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

G. Health Department

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

H. Information Technology

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

I. Institutional Health

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

J. Kino Sports Complex

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

K. Pima Health System

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

L. Procurement

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

Awards

28. Most Qualified: Award of Contract, Requisition No. 1001542, in the award amount of \$764,035.00 (initial acquisition cost) to the highest ranked/most qualified respondent, Iler Group, Inc., d.b.a. GPS Fleet Solutions (Headquarters: Wesley Chapel, FL) for GPS Tracking Solution. Contract is for a one year term and includes four one year renewal periods. Costs for years 2-5 should not exceed \$397,936.00 per year. Funding Source: Self Insurance Trust Fund. Administering Department: Finance and Risk Management.
29. Award of Contracts for Requisition No. 1100637 to each of the following firms for as needed structured cabling services at various Pima County locations. Group 1 (inside fiber optic/copper cabling): award \$333,333.00 to each of the following firms: Native Tele-Data Solutions, Inc., (Headquarters: Tucson, AZ), Sturgeon Electric Co., Inc. (Headquarters: Henderson, CO), and TLC Communications, Inc., (Headquarters: Tucson, AZ). Group 2 (outside fiber optic/copper cabling): award \$166,666.00 to each of the following firms: Native Tele-Data Solutions, Inc., (Headquarters: Tucson, AZ), Sturgeon Electric Co., Inc. (Headquarters: Henderson, CO), and TLC Communications, Inc., (Headquarters: Tucson, AZ). The term of the contracts is one year with the option to extend for up to two additional one year periods. Funding Source: Various Funds. Administering Department: Information Technology.

30. Amendment of Award: Verizon Wireless L.L.C., (Headquarters: Basking Ridge, NJ), B501313, Revision No. 9 (Reference Contract No. 11-11-V-140574-0707) to provide wireless products and services and increase in award in the amount of \$420,000.00. Funding Source: General Fund. Administering Department: Information Technology.
31. Low Bid: Award of Contract, Requisition No. 1100713, in the amount of \$291,329.13 to the lowest responsive bidder, Tucson Asphalt, (Headquarters: Tucson, AZ), for the construction of the Rillito River Divided Urban Pathway: Mountain Avenue to First Avenue. The contract term is six months with the ability to extend for contract completion. Construction is expected to be complete in 120 days from the Notice to Proceed. Funding Source: Transportation Enhancement Grant Fund. Administering Department: Natural Resources, Parks and Recreation.

2. **DIVISION OF ELECTIONS**

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

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

3. **BOARD, COMMISSION AND/OR COMMITTEE**

Pima County/Tucson Women’s Commission

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

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

- A. Donald Richard Pelfree, Roland G. Moody VFW Post 3578, 1764 N. 2nd, Ajo, December 31, 2010.
- B. Louis Emmett Abney, Knights of Columbus Council 14230, 13260 E. Colossal Cave Road, Vail, January 28, 2011.

5. **RECORDER**

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

6. **REGIONAL WASTEWATER RECLAMATION**

Public Announcements

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review, or copies may be obtained, for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

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

7. SPECIAL TAXING DISTRICT

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 9, 2010, Avra Valley Irrigation and Drainage District Election.

8. REAL PROPERTY

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

9. RATIFY AND/OR APPROVE

Minutes: November 9, 2010

Warrants: December 2010

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

January 4, 2011 9:00 a.m.

... EXECUTIVE SESSIONS

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

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

Motion carried to waive potential conflicts of interest (5/0)

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

Motion carried to authorize the filing of an Amicus Brief (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. COUNTY ADMINISTRATOR

- A. **Fingerprinting and Criminal History Records Check of Prospective and Current Pima County Employees, Contract Employees and Volunteers**

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

Motion carried to amend language and proceed (5/0)

B. Las Campanas Specific Plan - Substantial Change Request

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

Motion carried to approve (5/0)

2. CONTRACTS

A. Economic Development and Tourism

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

Motion carried to approve (5/0)

B. Office of Cultural Resources and Historic Preservation

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

Motion carried to approve (5/0)

C. Office of Emergency Management and Homeland Security

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

Motion carried to approve (5/0)

D. Real Property

4. RESOLUTION NO. 2011 - 8, of the Pima County Board of Supervisors, approving and authorizing the execution of a Settlement Agreement, Exchange Agreement and Special Warranty Deed with San Joaquin Land

Investments. L.L.C., Self Insurance Trust Fund, contract amount not to exceed \$8,500.00 for closing costs (24-64-S-143653-0111)

Motion carried to approve (5/0)

3. **FINANCE AND RISK MANAGEMENT**

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

A. \$403,315.00 to the Community Services System of PHS&S.

B. \$2,596,685.00 for uses related to the PHS&S transition.

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 12/30/10

TIME POSTED: 11:00 a.m.