

AGENDA SUMMARY

**Pima County Board of Supervisors' Meeting
130 W. Congress St., Hearing Room, 1st Fl.
November 1, 2011 9:00 a.m.**

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Father Emilio Chapa, St. Augustine Cathedral.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

5. **PRESENTATIONS/PROCLAMATIONS**

- A. 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"

Motion carried to approve (4-0)

- B. 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"

Motion carried to approve (4-0)

6. **PRESENTATION**

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

The Board took no action.

... **EXECUTIVE SESSION**

Call to the Public (for Executive Session item only)

(**Clerk's Note:** In addition to the executive session listed below, pursuant to A.R.S. §38-431.03(A)(3) the Board of Supervisors, or the Board sitting as other boards, may vote to go into executive session for the purpose of obtaining legal advice from its counsel with respect to any item listed on this agenda or any addendum thereto.)

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.

Motion carried to accept recommendation (4-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

7. **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, except CC 1H-16 (4-0)

8. **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.

Motion carried to approve (4-0)

9. **PROCUREMENT**

UNFINISHED BUSINESS (RM 10/11/11)

A. **Award**

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.

Motion carried to approve (4-0)

B. Appeal of the Procurement Director's Decision

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.

Without objection, this item was withdrawn.

NEW BUSINESS

10. 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.

Motion carried to approve (4-0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Liquor Licenses

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

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

Motion carried to approve (4-0)

12. 11-27-9088, Troy Charles DeVos, QuikTrip No. 1481, 401 W. Orange Grove Road, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (4-0)

TRANSPORTATION

13. 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)

Motion carried to approve (4-0)

14. CALL TO THE PUBLIC

15. ADJOURNMENT

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 10/26/11
TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, NOVEMBER 1, 2011

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, to provide sewer service to the Multi-Purpose Justice Center, no cost (CT-WW-12000304)

Without objection, removed from the agenda.

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:

RESIGNATION
Ray C. Brown

PRECINCT
010

PARTY
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

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

November 1, 2011 9:00 a.m.

... EXECUTIVE SESSIONS

Call to the Public (for Executive Session items only)

- A. 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.

Motion carried to approve (4-0)

- B. 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.

Motion carried to accept recommendation (4-0)

- C. 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.

Motion carried to accept recommendation (4-0)

- D. 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.

Motion carried to approve (4-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. **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.

Motion carried to approve (4-0)

2. **CONTRACTS**

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

1. 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, removed from the agenda.

2. 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)

Motion carried to approve (4-0)

B. **Economic Development and Tourism**

3. 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)

Motion carried to approve (4-0)

C. **Real Property**

4. 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)

Motion carried to approve (4-0)

5. 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)

Motion carried to approve (4-0)

6. 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)

Motion carried to approve (4-0)

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

DATE POSTED: 10/28/11

TIME POSTED: 11:30 a.m.