

MINUTES, FLOOD CONTROL DISTRICT BOARD

FEBRUARY 7, 2012

The Pima County Flood Control District Board 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, February 7, 2012. 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. **Memorandum of Agreement**

U. S. Corps of Engineers (USACOE) and Regional Transportation Authority, to provide a Memorandum of Agreement to fund a dedicated regulatory position with the Arizona Branch of the USACOE, to process Clean Water Act Section 404 Permits and related regulatory documents, Flood Control District Levy Fund, contract amount \$161,509.21/4 year term (CT-FC-12001947)

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

2. **Riparian Habitat Mitigation Proposal**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$2,126.00 for property located at 1572 E. Sahuaro Blossom Place within important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

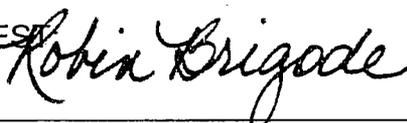
On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the Riparian Habitat Mitigation Plan.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:55 a.m.



CHAIRMAN

ATTES 

CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 7, 2012

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, February 7, 2012. 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 Bishop Ollie Wills, Sunshine Ministries.

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.

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:09 a.m.

4. **RECONVENE**

The meeting reconvened at 9:25 a.m. All members were present.

5. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on the item listed under Executive Session. No one appeared.

6. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a possible settlement in Edwin R. Moore v. Pima County, et al., Cochise County Superior Court Case No. CV2011-01171.

Chris Straub, Chief Civil Deputy County Attorney, explained that this matter concerned a proposed settlement in a lawsuit brought by Mr. Moore to challenge the County's recent sale of the Posada del Sol Nursing Home. He advised that among other things, the proposed settlement would involve the dismissal of all claims and counterclaims with prejudice, with each side bearing its own court costs and attorneys' fees. The County Attorney and the County Administrator sought authority to accept the settlement consistent with direction received in Executive Session.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to accept the settlement as discussed in Executive Session.

7. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima Health System v. AHCCCS, LC2010-000946-001 DT.

Chris Straub, Chief Civil Deputy County Attorney, reported that this matter related to an administrative appeal involving Pima County's reinsurance claim against AHCCCS for coverage of an off-label use of a drug. AHCCCS denied the claim, and the County, through outside counsel, appealed that decision and recently prevailed in the Maricopa County Superior Court which awarded the County its costs and attorneys' fees. The County Attorney sought authority to defend any further appeals by AHCCCS and to continue utilizing Quarles & Brady, L.L.P., for the same.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to accept the recommendation and authorize the defense of any further appeal utilizing Quarles and Brady, L.L.P.

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding McKesson Governmental Entities Average Wholesale Price Litigation, Case No. 1:08-CV-10843-PBS.

Chris Straub, Chief Civil Deputy County Attorney, stated that this matter concerned a class action known as the McKesson Governmental Entities Average Wholesale Price Litigation. The County was a purchaser of prescription

drugs that were the subject of the class action, and the County Attorney requested authority to file a proof of claim in that class action.

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

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.

Gavin Gallifant, owner of National Environmental Solutions, L.L.C., appeared to thank the Board and the Procurement Department for their diligence and assistance during the award process.

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, to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community and Economic Development**

1. League of United Latin American Citizens (LULAC), to provide for the 23rd Annual Youth Leadership Conference, General Fund, contract amount \$12,500.00 (CT-CED-12001927)

B. **Community Development and Neighborhood Conservation**

2. Governor's Office of Energy Policy, Amendment No. 1, to provide assistance to low-income households to install energy efficient measures, State and Federal Department of Energy Fund, contract amount \$91,617.59 revenue (CTN-CD-12000198)
3. Governor's Office of Energy Policy, Amendment No. 1, to provide assistance to low-income households to install energy efficient measures or upgrades, State and Federal Health and Human Services Fund, contract amount \$16,987.26 revenue (CTN-CD-12000199)

C. **Information Technology**

4. U.S. Department of Agriculture, Forest Service, to provide a Communication Use Lease Agreement, General Fund, contract amount \$200,000.00/20 year term (CT-IT-12001719)

D. **Institutional Health**

5. Old Pueblo Community Services, Inside Out Recovery Partnership, to provide comprehensive assessment, treatment and transition services to inmates with mental health and/or substance abuse disorders, Federal Fund, contract amount \$562,382.00 (CT-IH-12001945)

E. **Procurement**

6. RS Engineering, Inc., Amendment No. 1, to provide design engineering services for Camino De Oeste: Los Reales Road to Valencia Road, and amend contractual language, Urban HURF (12.6%) Fund, contract amount \$7,000.00 (CT-TR-11034574-P) Transportation.

Awards

7. Low Bid: Award of Contract, Requisition No. 12000116 IFB No. 14913, in the amount of \$1,229,200.00, to National Environmental Solutions, L.L.C. (Headquarters: Peoria, AZ), for Vector Manhole Cockroach Treatment. The contract is for a four-year term. Funding Source: General Fund. Administering Department: Regional Wastewater Reclamation.
8. Sole Source: Award of Contract, Requisition No. 12000232, in the annual amount of \$2,000,000.00, to Waukesha Pearce Industries, Inc. (Headquarters: Houston, TX), for engine replacement parts and service. The contract is for a one year term and includes four one-year renewal periods. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
9. Amendment of Award: William L. Eastman d.b.a. Eastman Distributing, Master Agreement No. B507400-BC, Amendment No. 1, to provide milk and dairy products and increase contract amount by \$100,000.00. Funding Source: General Fund. Administering Department: Sheriff.
10. Amendment of Award: Rod Robertson Enterprises, Master Agreement No. 12000054, to provide privately owned vehicle towing, storage and auction services and increase

contract amount by \$950,000.00. Funding Source: Other Internal Service Funds. Administering Department: Sheriff.

11. Low Bid: Award of Contract, Requisition No. 17940, in the amount of \$18,750,777.34 to the lowest responsive bidder, Select Development and Construction, Inc., (Headquarters: Tucson, AZ), for the construction of the La Canada: River Road to Ina Road Project. The contract term is for forty eight months with the ability to extend for contract completion. Construction is to be complete within 480 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.5 million for this project. Funding Source: Federal STP (80%) and RTA Funds (20%). Administering Department: Transportation.
12. Low Bid: Award of Contract, Requisition No. 24811, in the amount of \$1,147,690.82 to the lowest responsive bidder, Select Development and Construction, Inc., (Headquarters: Tucson, AZ), for the construction of Valencia Road Street Lighting and Sidewalk Improvements: Cardinal Avenue to Westover Avenue Project. The contract term is twenty four months with the ability to extend for contract completion. Construction is to be complete within 200 working days from Notice to Proceed. Funding Sources: Federal HSIP (67%) and RTA Funds (33%). Administering Department: Transportation.

F. Real Property

13. Joseph S. Dominguez and Maryann Hedrick, Trustee, to provide an Acquisition Agreement for Tax Parcel No. 225-51-2380 needed for the Ina/Oracle Intersection Improvement Project, RTA Fund, contract amount \$269,000.00 including closing costs. (CT-PW-12001949)

G. Sheriff

14. City of Phoenix, Police Department, to provide for the Arizona Internet Crimes Against Children Task Force, no cost (CTN-SD-12000470)

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>
Phyliss R. Golden	070	DEM
Stacey Collins	064	REP
Cody E. Whitaker	254	REP
Allyson J. Miller	379	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Alexander Vernon	275	DEM
David L. Williams	355	DEM
William G. L. Beard	033	REP
Stacey Collins	044	REP
Cynthia A. Coleman	124	REP
Tiana L. Smith	305	REP
Mary M. Bartley	312	REP
Amanda M. Sipes	342	REP
Cody E. Whitaker	364	REP
Edward G. Wagner	392	REP
John M. Lesko	396	REP

3. **BOARDS, COMMISSIONS AND COMMITTEES**

A. **Election Integrity Commission**

Reappointment of Andrew Spencer. Term expiration: 2/28/14.
(Green Party Recommendation)

B. **Pima County Minority and Woman Business Enterprise Commission**

Staff requests that the inactive Minority and Woman Business Enterprise Commission be disbanded.

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

A. Mary J. Redden, Tucson Roller Derby, 5120 S. Julian Drive, Tucson, January 21, February 18, March 24, April 13, 14, 15 and May 12, 2012.

B. Michael Wayne Bradford, Tucson Troop Support, 5120 S. Julian Drive, Tucson, February 10 and 11, 2012.

C. Andrew S. Heideman, Rotary Club of Green Valley, 1111 Via Arcoiris, Green Valley, February 29, 2012.

D. Michael Wayne Bradford, Tucson Troop Support, 5120 S. Julian Drive, Tucson, February 24, 2012.

- E. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, February 10, 2012.
- F. Pedro Pacheco, Knights of Columbus, Council No. 8077, 8650 N. Shannon Road, Tucson, February 11, 2012.
- G. Harvey Michael Yoos, Jr., Roland Moody VFW Post No. 3578, 1764 N. 2nd Avenue, Ajo, January 28, 2012.
- H. Michelle Lynn Garmon, St. Thomas the Apostle Preschool, 5150 N. Valley View Road, Tucson, February 4, 2012.

5. FINANCE AND RISK MANAGEMENT

Duplicate Warrants – For Ratification

Tiphonie A. Roberts	\$	1,098.33
Watermark At Home	\$	963.92
Kathleen Carroll	\$	4,580.00
Lorraine A. Dorame	\$	68.04
Holmes Tuttle Ford	\$	566.02
Dagmar Harrison	\$	260.00
Air Express Int'l USA	\$	200.00
Roger Packard	\$	29.34
Simona Damon	\$	54.68
Colin Hill	\$	304.72

6. RATIFY AND/OR APPROVE

Minutes: January 10, 2012

Warrants: January, 2012

REGULAR AGENDA/ADDENDUM ITEMS

10. COUNTY ADMINISTRATOR: Classification and Compensation

The Sheriff's Department requests approval to create two new position control numbers (PCNs). All costs associated for the new PCNs will be paid as follows: PCN 7136, HIDTA Grant Fund, and PCN 3211, State of Arizona Governor's Office for Children, Youth and Families STOP Grant Fund.

<u>Position Requested</u>	<u>Classification Code/Title</u>	<u>Salary/Grade</u>
1	7136/Program Specialist	U2
1	3211/Deputy Sheriff	S1

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

11. **FLEET SERVICES**

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2012.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías, and unanimously carried by a 5-0 vote, to approve the annual vehicle exemptions for 2012.

12. **FRANCHISE/LICENSE/PERMIT: Extension of Premises/Patio Permit**

Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, Temporary Extension of Premises for February 21, 2012.

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

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Day 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.

13. **DEVELOPMENT SERVICES: Rezoning Closure**

Co9-05-28, SORREL 136 – SORREL LANE REZONING

Proposal to close Co9-05-28, a rezoning from GR-1, Rural Residential, to CR-2, Single Residence (67 acres) and CR-3, Single Residence (69 acres), located on the northeast corner of Sorrel Lane and Hermans Road. The rezoning was conditionally approved in 2007 and will expire on March 13, 2012. Staff recommends CLOSURE. (District 5)

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 close the public hearing and approve the rezoning closure.

14. **DEVELOPMENT SERVICES: Rezoning Ordinance**

ORDINANCE NO. 2012 - 4 Co9-11-05, Sonoran Solutions, L.L.C. – Homestead Avenue Rezoning. Owner: Sonoran Solutions, L.L.C., William Schumacher. (District 4)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2012 - 4.

15. **TRANSPORTATION: Traffic Ordinances**

- A. ORDINANCE NO. 2012 - 5 of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Palo Verde Road in Pima County, Arizona. Staff recommends APPROVAL. (District 2)
- B. ORDINANCE NO. 2012 - 6, of the Pima County Board of Supervisors, regulating traffic at the intersection of Kolb Road and Mountain Shadows Place and Ventana Canyon Drive. Staff recommends APPROVAL. (District 1)

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 hearings and adopt Ordinance Nos. 2012 - 5 and 2012 - 6.

16. **BOARD OF SUPERVISORS**

Pursuant to A.R.S. §16-223 (C), the Board of Supervisors shall meet upon receipt of the Governor's election proclamation which is calling a Special Primary and General Election to fill the vacancy in Arizona's Eighth Congressional District, and direct that the election proclamation be published according to the statutory requirements. (All Districts)

Chuck Huckelberry, County Administrator, reported that this item related to the call for a special election to replace Congresswoman Giffords. He explained that Pima County was obligated to conduct these elections and that this was the necessary notification to begin the official process.

Supervisor Bronson inquired whether the State would be absorbing the costs of the election.

Mr. Huckelberry advised that the County would be paying approximately \$1.9 million and that the State would be contributing approximately \$40,000.00 for printing costs.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the proclamation and direct the required publication.

17. **BOARD OF SUPERVISORS: Development Services Fee Schedule Discussion/Action. (District 3)**

Supervisor Bronson stated that she had been contacted by a number of homebuilders and developers whose time extensions were about to expire. They

explained that the current economy, financing and community demand prevented them from moving forward. Supervisor Bronson remarked that looking at a reduction in the fees and increasing the one year extension period to 3 to 5 years would be positive steps toward job creation and helping the community.

Supervisor Carroll expressed his appreciation to Supervisor Bronson for addressing this matter and supported the reduction of the fees.

Supervisor Elías stated that the four recommendations proposed by the County Administrator made sense to help spur the economy.

The following speaker addressed the Board:

- David Godlewski, President of Southern Arizona Homebuilders Association (SAHBA):

He offered the following comments:

- SAHBA supported the four recommendations proposed by the County Administrator.
- The new market reality emphasized the need and importance of allowing more time to complete projects, and to make sure that fees remained equitable during this economic downturn.
- The Development Services Department staff was commended for working very diligently with the industry.

Supervisor Day discussed how Pima County fees compared with other jurisdictions, and questioned the need for Development Services to continue to be subsidized by the General Fund.

Supervisor Bronson noted that many of the jurisdictions imposed a construction sales tax.

Mr. Huckelberry, advised that due to the economy, Development Services would continue to need General Fund support. He stated that it was important to maintain a minimum level of good talent so that Pima County would have experienced staff to process the work when the economy improved.

Supervisor Bronson inquired whether the changes to the fees and extension times could be done administratively or would they require an ordinance amendment.

Mr. Huckelberry stated, although he had not yet discussed this matter with the County Attorney's Office, he felt that this process could be handled administratively, pending approval of an ordinance amendment by the Planning

and Zoning Commission and the Board. He noted that should an ordinance amendment not be approved, the existing fees would be due and payable by the petitioner.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the following recommendations of the County Administrator with the caveat that fees be held in abeyance for time extensions until the adoption of the ordinance amendment:

1. Modify the initial approval period to extend from one year to three years.
2. Modify the timeframe for extension of approvals from one year to two years.
3. Reduce the fee for extension of approvals to an amount less than 25 percent of the original fee if such action is comparable to the practice in other jurisdictions in the region.
4. Suspend the two percent annual fee increase for Fiscal Year 2012/13.

18. COUNTY ADMINISTRATOR: Appointment of Pima County Public Defender

Appointment of Lori J. Lefferts to the position of Pima County Public Defender effective March 3, 2012.

Chuck Huckelberry, County Administrator recommended the appointment of Lori J. Lefferts to replace Robert Hirsh as the Pima County Public Defender.

Supervisor Elías expressed appreciation for Mr. Hirsh's leadership in the Public Defender's Office during his years of service.

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

19. COUNTY ADMINISTRATOR: Revision to Board of Supervisors' Policy

Staff requests approval of the revision to the Board of Supervisors' Policy No. D29.3, Pima County Small Purchase Policy.

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

20. CONTRACTS AND AWARDS

A. Procurement: Award

Amendment of Award: Technology Providers, Inc., B503746-BC, Version No. 1, to provide audio/visual equipment and services, and retroactively extend the contract term from 1/17/12 to 5/30/12. No incremental funding

or change in scope. Funding Source: General Fund. Administering Department: Facilities Management

B. Real Property

Verizon Wireless, L.L.C., to provide for the demolition of the Verizon Wireless owned shelter at Tumamoc Hill, contract amount \$75,000.00 revenue (CTN-PW-12000480)

C. Superintendent of Schools

Arizona Supreme Court, to provide an Intergovernmental Agreement for the Pima Accommodation School District, Federal Elementary and Secondary Education Act Funds, contract amount \$126,661.17 revenue (CTN-SS-12000479)

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

21. CALL TO THE PUBLIC

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

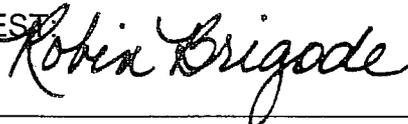
22. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 9:55 a.m.



CHAIRMAN

ATTEST



CLERK