

MINUTES, FLOOD CONTROL DISTRICT BOARD

FEBRUARY 21, 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 21, 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.     **CONTRACT**

RESOLUTION NO. 2012 - FC\_1, of the Board of Directors of the Pima County Regional Flood Control District, to provide for the Tres Rios Del Norte – Santa Cruz River Ecosystem Restoration Project Feasibility Phase Study, Flood Control Tax Levy Fund, contract amount \$150,000.00/\$50,000.00 in-kind services (CT-FC-12001981)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 – FC\_1.

2.     **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:17 a.m.



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CHAIRMAN

ATTEST:



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CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 21, 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 21, 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 Pastor Robert Allen, Desert Streams Bible Church.

2.     **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3.     **PERSONAL POINTS OF PRIVILEGE**

Supervisors Carroll and Elías expressed their condolences for the recent passing of Father John Malley from Salpointe Catholic High School.

Supervisor Elías acknowledged the 47th anniversary of the assassination of Malcolm X.

4.     **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

...    **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:11 a.m.

5.     **RECONVENE**

The meeting reconvened at 9:48 a.m. All members were present.

6. **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.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the three lawsuits involving Improvements on Real Property (IPR's) owned by Raytheon – Identification Nos. 89146, 89142, 89148, 89150, 89154, 89155, 89158, 89140, 89144, 89136, 89162, 89163, 89160, 89152, 183782, 183785, 183787, 183789, 183790 which are located on Tax Parcel No. 140-43-013B, belonging to the City of Tucson (Tax Court Case Nos. TX2010-000308, TX2010-001041 and TX2012-000007).

Chris Straub, Chief Civil Deputy County Attorney, stated both parties had exchanged settlement proposals but had yet to reach an agreement. The Pima County Attorney's Office sought authority from the Board to postpone this matter until March 6, 2012, and to proceed as discussed in Executive Session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' meeting of March 6, 2012, and proceed as discussed in Executive Session.

8. **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 Elías, 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. City of Tucson, to provide for the Five Points Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$500,000.00 (CT-CD-12001976)

2. City of Tucson, to provide for the 29th Street Coalition Weed and Seed Reinvestment Project, 2004 Bond Fund, contract amount \$500,000.00 (CT-CD-12001977)

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

3. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide employment and training services and amend contractual language, no cost (MA-CS-12000154)
4. Amendment No. 1, to provide school year work experience for youth attending high school and amend contractual language, U.S. DOL, ADES-WIA Grant and other Workforce Funds:

<u>Vendor</u>	<u>Contract No.</u>	<u>Contract Amount</u>
SER Jobs for Progress	MA-CS-12000238	\$ 712.34
Goodwill Industries of Southern Arizona, Inc.	MA-CS-12000242	\$ 2,880.00

5. Arizona Department of Economic Security, to provide a Data Sharing Agreement for workforce services, ADES Fund, contract amount \$5,000.00 (CT-CS-12002001)
6. Arizona Department of Economic Security, Amendment No. 6, to provide employment and training services and amend contractual language, ADES-WIA Grant Fund, contract amount \$50,000.00 revenue (CTN-CS-CMS143255)

**C. County Attorney**

7. DeConcini, McDonald, Yetwin and Lacy, P.C., Amendment No. 5, to provide legal representation for Superior Court Case No. C2004-6106, Robson Ranch Quail Creek, L.L.C. v. Pima County, et al., amend contractual language and extend contract term to 3/31/14, Wastewater Management System Development Fund, contract amount \$100,000.00 (CT-WW-12001224)

**D. Sheriff**

8. Arizona Department of Homeland Security, to provide for the 2011 Operation Stonegarden Grant Program for overtime and mileage, Federal Fund, contract amount \$975,560.00 revenue (CTN-SD-12000476)
9. Arizona Department of Homeland Security, to provide for the 2011 Operation Stonegarden Grant Program for equipment, Federal Fund, contract amount \$612,493.00 revenue (CTN-SD-12000481)

2. **RATIFICATION OF EMERGENCY PROCUREMENT**

M. Anderson Construction Corp., Amendment No. 8, to provide a job order contract for park development services, 1997 Bond (68%), 2004 Bond (20%), General Fund (11%) and other Special Revenue Funds (1%), contract amount \$400,000.00 (MA-PO-DNC000035) Natural Resources, Parks and Recreation

3. **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>
Magdalena Barajas	053	DEM

<u>APPOINTMENT</u>	<u>PRECINCT</u>	<u>PARTY</u>
Betty G. Bengtson	260	DEM

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

**Pima County/Tucson Women's Commission**

Reappointment of Lucinda Hughes-Juan. Term expiration: 1/16/16.  
(Commission recommendation)

**FINANCE AND RISK MANAGEMENT**

5. **Duplicate Warrants – For Ratification**

Scholastic	\$ 298.00
Michael Vickroy, Ph.D.	\$ 1,200.00
Villas Property Partners, L.L.C.	\$ 1,200.00
Paul Lauritzen	\$ 60.00
Simplex Grinnell LP	\$ 500.00
Dominic Rizzi	\$ 45.00
Ginny Riley	\$ 150.00
Susan Brandt	\$ 62.00
The Brown Law Group	\$13,209.56
L N Curtis & Sons	\$ 347.58
CMG Drainage Engineering	\$10,007.50
DSI Investigations, L.L.C.	\$ 2,063.54
Tucson Move, L.L.C.	\$ 4,800.00
Richard L. Lougee	\$ 8,492.00
Shamrock Foods	\$ 1,467.90
Arizona Smoke School	\$ 775.00
Margarita Jacome	\$ 22.25
Praxis Consulting, Inc.	\$ 4,764.46

Janet Hart	\$ 171.72
Tracy Jamieson	\$ 207.40
Lisa Marie McGill	\$ 116.10
BC Construction Co.	\$ 540.60
Tracy K. Johnston	\$ 34.00
Peter S. McLaughlin	\$ 38.24
BC Construction Co.	\$ 1,017.68
La Buena Mexican Foods	\$ 195.00
Jackson White Gardner	\$ 295.00
Tucson Electric Power Co.	\$18,839.13
Michael Vickroy, Ph.D.	\$ 1,200.00
Michael Vickroy, Ph.D.	\$ 1,200.00
Jason Bowden	\$ 208.00
Prince Mabilia	\$ 100.00
Prince Mabilia	\$ 325.00
John Christensen	\$10,000.00

**6. RATIFY AND/OR APPROVE**

Minutes: January 24, 2012

**REGULAR AGENDA/ADDENDUM ITEMS**

**9. FRANCHISES/LICENSES/PERMITS: FIREWORKS PERMITS**

- A. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, March 2, 2012, at approximately 8:00 p.m.
- B. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, March 10, 2012, at approximately 8:30 p.m.
- C. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, April 15, 2012, at approximately 8:30 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and approve the fireworks permits.

**10. FRANCHISES/LICENSES/PERMITS: EXTENSION OF PREMISES/PATIO PERMITS**

- A. Fernando C. Montijo, American Citizens Social Club, 811 N. 2nd Avenue, P.O. Box 4, Ajo, Temporary Extension of Premises for March 31, 2012.
- B. Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for March 3 and 17, 2012.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the Arizona State Liquor Licenses and Control.

11. **DEVELOPMENT SERVICES: TYPE III CONDITIONAL USE PERMIT**

P21-11-015, VAIL SCHOOL DISTRICT NO. 20 – EAST MARY ANN CLEVELAND WAY

Request of Vail School District No. 20, represented by Verizon Wireless (Ben Feldman), on property located at 12775 E. Mary Ann Cleveland Way, in the SP Zone (Vail Valley Specific Plan), for a conditional use permit for a communication tower (adding an antenna to an existing communication tower). Chapter 18.97 in accordance with Section 18.07.030H.2.e of the Pima County Zoning Code, allows a communication tower (adding an antenna to an existing communication tower) as a Type III Conditional Use in the SP Zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Steinbrenner, Poulos and Holdridge were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions

1. Obtain an approved Development Plan.
2. Adherence to all requirements of Section 18.07.030H (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new panel antennae shall be mounted at a top-height of no greater than ninety feet (90') as shown on the submitted preliminary development plan.
2. The new panel antennae, together with its associated cabling, shall be of the same material or be painted to substantially match the color of the existing galvanized metal monopole.
3. Any new equipment necessary to serve the new antennae array shall be located within the existing walled equipment enclosure as shown on the submitted Development Plan.

Jim Portner, Hearing Administrator, provided a staff report. He clarified that this was an existing communication tower with a simple change out of the antennae. There had been no public comment concerning this case. Staff recommended approval subject to standard and special conditions.

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

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-11-015, subject to standard and special conditions.

12. **TRANSPORTATION: TRAFFIC ORDINANCE**

ORDINANCE NO. 2012 - 9, of the Pima County Board of Supervisors, designating Kolb Road as a through street in Pima County, Arizona. 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 Day and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2012 - 9.

13. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2012 - 8, of the Pima County Board of Supervisors, permitting the temporary closure of Mc Cain Loop in Tucson Mountain Park for the Tucson Bicycle Classic on Friday, March 2, 2012. Staff recommends APPROVAL. (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. 2012 - 8.

14. **COUNTY ADMINISTRATOR: REGIONAL WASTEWATER IMPROVEMENTS UPDATE**

Staff recommends the following:

1. Accept the updated report on the progress of the Regional Optimization Management Plan (ROMP) Program.
2. Require the County Administrator to provide regular, formal reporting on the progress of ROMP to the Board.
3. Support the continued fiscal management efforts that have been applied to date, especially with respect to the timing of incurring additional debt to support the cash needs of this major investment program.

Chuck Huckelberry, County Administrator, briefed the Board on the Regional Optimization Management Plan Program's progress. He stated that ROMP was ahead of schedule and was on or under budget. He acknowledged staff did not foresee any major issues and would continue to provide periodic update reports to the Board as the program got closer to final implementation.

Supervisor Day explained she did not feel that the Board was being provided with the financial information needed to monitor the program in its entirety. She asked that the language of the third recommendation be deleted in its entirety and replaced with the following:

“Require the County Administrator to provide regular formal reporting on the financing required for the ROMP Program as well as the rate increases that support the debt needed to support the cash needs of this major investment program.”

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to approve staff’s recommendation No. 1 and No. 2, delete the language of recommendation No. 3 and replace it with the new language read into the record by Supervisor Day.

15. **COUNTY ADMINISTRATOR: RECOMMENDED ADJUSTMENTS TO BOARD OF SUPERVISORS DISTRICTS AND PIMA COUNTY PRECINCTS**

Staff recommends the following:

1. Adopt the proposed adjustments to supervisorial district boundaries.
2. Adopt the proposed adjustments to the precincts.
3. Disband the Pima County Redistricting Advisory Committee.

Chuck Huckelberry, County Administrator, stated this had to do with realigning the precincts that were previously approved with the new boundaries established by the Independent Redistricting Commission.

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

16. **COUNTY ADMINISTRATOR: HOUSE BILL 2656**

RESOLUTION NO. 2012 - 9, of the Pima County Board of Supervisors opposing House Bill 2656: Regional Accountability Committee and County Bonding.

Chuck Huckelberry, County Administrator, stated that House Bill 2656 (HB 2656) would have a significant impact on future County bonding. He explained that there had been an extensive amount of discussion with the community over this issue and a number of community interest groups along with leadership from local jurisdictions had also expressed their opposition of HB 2656.

The following speakers addressed the Board:

- Mike Varney, President and CEO, Tucson Metropolitan Chamber of Commerce
- Bruce Dusenberry, Representative, DM 50 Service Organization
- Joe Snell, President and CEO, Tucson Regional Economic Opportunities (TREO)

They provided the following comments:

- Opposition was expressed to House Bill 2656.
- The Arizona Realtors Association opposed HB 2656.

- Depriving 36% of County residents their voice in bond proposals was not a solution to any problem and one should not have to live in a town or city to have a voice in Pima County Bond measures.
- The County and other municipalities should come together with a new regional vision that promotes cooperation, mutual support and growth of the local economy.
- HB 2656 would compromise the efforts of TREO.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 9.

## 17. **CONTRACTS**

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

City of Tucson, to provide for an Intergovernmental Agreement for Section 8 Housing Choice Voucher Program Services, Federal HUD Funds, no cost (CTN-CD-12000499)

### B. **Procurement**

WSM Architects, Inc., Amendment No. 2, to provide construction administration services for the new Fleet Services Facility, extend contract term to 3/31/14 and amend contractual language, Fleet Services Department Funds, contract amount \$490,318.00 (CT-FM-11046556-P) Facilities Management

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

## 18. **CONTRACTS: REAL PROPERTY**

### **Acquisition of Raytheon Buffer Properties and Inclusion of same in a Future Aerospace and Defense Research Park**

- Auriga Properties, Inc., to provide an Acquisition Agreement for 221 acres of land, Tax Parcel Nos. 140-52-001E and 104-52-001F, for the Raytheon Buffer Zone, proceeds from the sale of Posada del Sol Nursing Home, contract amount \$3,750,000.00 including closing costs (CT-PW-12002021)
- First Tucson Airport Investors II, to provide an Acquisition Agreement for 161 acres of land, Tax Parcel Nos. 140-52-001C and 140-52-001D, for the Raytheon Buffer Zone, proceeds from the sale of Posada del Sol Nursing Home, contract amount \$2,245,750.00 including closing costs (CT-PW-12002020)

Chuck Huckelberry, County Administrator, briefed the Board regarding the proposed acquisition. He explained that the County's ownership of these properties would be

transitory and that they could be sold in the future to recover the costs of the acquisitions. He stated that funding for the acquisitions would be offset by revenues from the sale of Posada del Sol Healthcare Center. He recommended the Board authorize the acquisition of the properties, commit these properties to development of a future aerospace and defense research park, and cooperatively plan the use of the facilities, in consultation with Raytheon and other major employers at Tucson International Airport, to ensure these uses are compatible and contribute to Pima County's ability to become a leader in aerospace and defense industry contracting. He stated this would be an investment in fundamental basic employment which drives the economy in our community.

Supervisor Day stated the County would be spending almost \$6 million dollars of surplus during a time of competing priorities and questioned if an analysis had been done to indicate that the County would be able to sell this property in the future and recover the acquisition costs. She inquired if the County had directly consulted with Raytheon to confirm these purchases would provide a direct benefit to their operations.

Mr. Huckelberry responded that discussions had been conducted with Raytheon and that the purchases would be a benefit to them. He stated that the value of the property was at a historic low and should be a good investment in the future market.

The following speakers addressed the Board:

- Ally Miller
- Stephen Taylor, Representative, International Association of Mechanists and Aerospace Workers Local Lodge 933
- Mike Varney, President and CEO, Tucson Metropolitan Chamber of Commerce
- Joe Snell, President and CEO, Tucson Regional Economic Opportunities (TREO)
- Bruce Dusenberry, Representative, DM 50 Service Organization
- John Kromko
- Dick Basye

They provided the following comments:

- There was concern with the valuation of the two properties while other properties in the area remained flat.
- The Board was asked to deny the acquisition and to use the funds for road improvements or to serve senior citizens.
- Support was expressed for the acquisition to create the buffer zone.
- Raytheon is the largest employer in Southern Arizona with a three billion dollar impact to the economy annually and it would be in the community's best interest to protect them.
- The first priority should be the retention of Raytheon to insure that these jobs are kept in our community and the second priority should be to improve our capacity to compete in the aerospace and defense industry.

- The acquisition of the properties would preserve existing jobs and would help with the creation of new jobs in the community.
- The Tucson Association of Realtors expressed their support for the acquisition.
- Raytheon was on U.S. government land and it was questioned why they had not asked the Federal government to provide them with a buffer zone.
- Concern was expressed over the urgency of the land purchase.

On consideration, it was moved by Supervisor Bronson, seconded by Chairman Valadez and unanimously carried by a 5-0 vote, to approve the acquisitions of the Raytheon buffer properties and for inclusion of the properties in a future Aerospace and Defense Research Park.

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

A. **Board of Health**

Appointment of Gail Smith to fill the unexpired term of Lidia Allen. Term expiration: 6/30/15. (District 3)

B. **Regional Wastewater Reclamation Advisory Committee**

Reappointment of Barbee Hanson and Robert J. Iannarino. Term expirations: 3/1/16. (District 1)

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

20. **CALL TO THE PUBLIC**

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

21. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:17 a.m.



CHAIRMAN

ATTEST:



CLERK