

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 2, 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, October 2, 2012. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
Ann Day, Member
Richard Elías, Member
Robin Brigode, Clerk

Absent: Sharon Bronson, Vice Chair
Ray Carroll, Member

1. **FLOOD CONTROL DISTRICT BOARD**

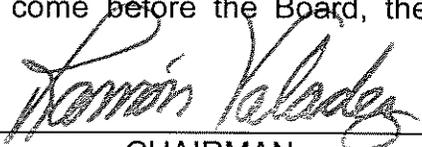
Award

Award of Master Agreement, Requisition No. 44214 to The Ashton Company, Inc. (Headquarters: Tucson, AZ), Granite Construction Company (Headquarters: Watsonville, CA), KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ) for job order master agreement: flood control and drainage improvements not to exceed \$3,000,000.00 in estimated annual County expenditures. The contractors will have to compete for jobs estimated to be over \$200,000.00. The Agreement is for a period of one year with the option to extend for four additional one year periods. Funding Source: Various Funds. Administering Department: Regional Flood Control District.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías, and carried by a 3-0 vote, to approve the award.

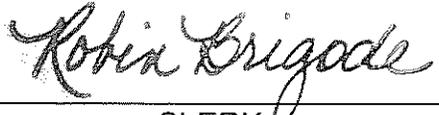
2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:05 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

October 2, 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, October 2, 2012. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
Ann Day, Member
Richard Elías, Member
Robin Brigode, Clerk

Absent: Sharon Bronson, Vice Chair
Ray Carroll, Member

1. **INVOCATION**

The invocation was given by Chaplain Al Story, Fellowship Square Tucson.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías acknowledged that October was Breast Cancer Awareness Month and asked for a moment of silence to honor those people who have lost their lives, and those who have survived the disease.

4. **PAUSE 4 PAWS**

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

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Christian Barco, Michael Sandoval, and Alethea Do, proclaiming October 15, 2012, to be:

“NATIONAL LATINO AIDS AWARENESS DAY”

Supervisor Elías presented the proclamation and thanked them for their contributions to the AIDS Awareness Organization on both the local and national level.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to approve the proclamation.

6. **CONSENT CALENDAR:** For consideration and approval

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

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 Day and carried by a 3-0 vote, to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

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

1. Job Path, Inc., to provide job training assistance to county residents, General Fund, contract amount \$431,473.00 (CT-ED-13000271)
2. Goodwill Industries of Southern Arizona, Inc., to provide employer outreach services to youth and adults in Pima County, U.S. DOL, ADES and other workforce funds, contract amount \$62,481.20 (MA-CS-13000109)

B. **Community and Economic Development**

3. United Way of Tucson and Southern Arizona, to provide for the Employee Combined Appeal Program (ECAP), General Fund, contract amount \$65,970.15 (CT-CED-13000267)

C. **County Administrator**

4. Arizona Heritage Alliance, Inc., to provide protection, preservation and enhancement of the Arizona Heritage Fund, Board Contingency Fund, contract amount \$1,000.00 (CT-CA-13000272)

D. Finance and Risk Management

5. Perr & Knight, Amendment No. 4, to provide Actuarial Services for the Pima County Self Insurance Trust Fund, and extend contract term to 6/30/13, General Fund, contract amount \$30,000.00 (CT-FN-12001189)

E. Procurement

Award

6. Highest Scoring Proposal: Award of Contract for Solicitation No. 50014 to HDR Engineering, Inc., (Headquarters: Omaha, NE) the highest-ranked respondent for the County-wide Bridge Load Rating Review and Report Project in an amount not to exceed \$345,000.00. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: AECOM Technical Services, Inc., and TranSystems Corporation, until a contract is executed or the final list is exhausted. Funding Sources: Federal Highway Bridge Fund, \$325,000.00; Regional Transportation Authority Fund, \$20,000.00. Administering Department: Transportation.

F. Regional Wastewater Reclamation

7. DeConcini, McDonald, Yetwin & Lacey, P.C., Amendment No. 6, to provide legal representation in Pima County Superior Court Case No. C2004-6106, Robson Ranch Quail Creek L.L.C. v. Pima County, et al., and amend contractual language, Wastewater Development Fund, contract amount \$100,000.00 (CT-WW-12001224)

2. BOARD, COMMISSION AND/OR COMMITTEE

Metropolitan Education Commission

Appointment of Chance Agrella, representing Tucson Regional Economic Opportunities, Inc., to replace Dianne Janis. Term expiration: 9/3/15. (Commission recommendation)

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

- A. Brenda J. Goldsmith, El Rio Health Center Foundation, The Westin La Paloma Resort & Spa, 3800 E. Sunrise, Tucson, October 19, 2012.
- B. Kara Kaczmarzyk, Tucson Audubon Society, 3835 W. Hardy Rd., Tucson, November 3, 2012.
- C. James Liebeskind, Congregation or Chadash, 3939 N. Alvernon, Tucson, November 4, 2012.
- D. Christina Furrier Geare, UMC Foundation, 3001 E. Skyline Dr. Ste. 139, Tucson, October 17, 2012.

FINANCE AND RISK MANAGEMENT

4. **Duplicate Warrants – For Ratification**

Marian Kozielski Cocklin	\$	26.70
Keith M. Campbell	\$	41.80
Gerald Thatcher	\$	17.80
Ryan Redmon	\$	100.00
Shabtai Betesh	\$	9.00
CRF Investigations	\$	5,467.08
Robert Koumal	\$	195.00
Rodger Lee II	\$	155.00
Steven Gabaeff, MD	\$	10,965.00
Brian K. McKenna	\$	300.00
John Beck Jr.	\$	40.60
Karyn Elizabeth Prechtel	\$	36.86
Jessie Gomez	\$	1,615.03
Amber Barber	\$	468.00
Louis J. Newsome	\$	140.00
Jose L. Chaidez	\$	450.00
Wingspan	\$	2,549.46
Wingspan	\$	5,090.98
Petrice B. Johnson	\$	3.56
Data Link Software Consultants, Inc.	\$	7,080.00
Jame Patrick Valdez Slowey	\$	140.00
Teresa C. Franco	\$	3.06
Bobette G. Rego	\$	3.06
Dell Marketing, L.P.	\$	1,187.96
Karen Lanser	\$	60.00

5. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of May 2012.

6. **TRANSPORTATION**

Permission to Advertise

Magee Road
Road Establishment No. 3013
(District 1)

November 13, 2012

7. **RATIFY AND/OR APPROVE**

Minutes: September 4, 2012

Warrants: September, 2012

REGULAR AGENDA/ADDENDUM ITEMS

7. **TRANSPORTATION: Request for Development Impact Fee Waiver**

The Tucson Wildlife Center requests the Board of Supervisors waive the Roadway Development Impact Fee for the Wildlife Rehabilitation Facility within the Catalina Foothills Benefit Area.

Supervisor Elías questioned whether this location was situated in the Catalina Foothills Benefit Area. He stated he understood this was a non-profit organization but that there were also benefits that are received from the impact fees. Supervisor Elías then made a motion to provide a 90% waiver of the fees. The motion died for lack of a second.

Lisa Bates, President of the Tucson Wildlife Center, stated that the facility was located at the far end of East Speedway Boulevard which was a smaller ranching type of road at the base of the Rincon Mountains. She explained the mission of their organization and that they provided a needed service in rescuing large animals from a very large area averaging about 800 rescues a year. She stated this request came about as the facility attempted to consolidate their outbuildings into one building for efficiency and that they received virtually no public traffic.

Chuck Huckelberry, County Administrator, addressed the issue of prior use of the property in relation to requiring the payment of development impact fees. He recommended staff review the matter and report back to the Board.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and carried by a 3-0 vote, to continue this matter to the Board of Supervisors meeting of October 9, 2012.

8. **FRANCHISE/LICENSE/PERMIT: Agent Change/Acquisition of Control/Restructure**

12-03-0033, Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, No. 103, Tucson, Acquisition of Control.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

9. **FRANCHISE/LICENSE/PERMIT: Liquor License**

12-28-9125, Christopher James Macauley, Mac's Pub & Patio, 190 W. Continental Road, Suite 202, Green Valley, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

10. **FRANCHISES/LICENSES/PERMITS: Fireworks Permits**

A. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, October 20, 2012 at approximately 8:30 p.m.

B. Lonnie Lister, Skyline Country Club, 8200 E. St. Andrew Drive, Tucson, October 27, 2012 at approximately 9:00 p.m.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to close the public hearings and approve the fireworks permits.

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

Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for October 12, 31 and November 4, 2012.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

12. **DEVELOPMENT SERVICES: Appeal of Hearing Administrator's Decision**

P21-12-009, WEE CARE COMPANION ANIMAL SHELTER INC. – N. EL MORAGA DR.

The property owner, Wee Care Companion Animal Shelter Inc., has appealed the decision of the Pima County Hearing Administrator regarding a Type I conditional use permit for an animal rescue and sanctuary facility at the address 3340 N. El Moraga Dr. in the SR zone. Chapter 18.97 in accordance with Section 18.17.030.B.6. of the Pima County Zoning Code allows an animal rescue and sanctuary facility as a Type I conditional use in the SR zone. The Hearing Administrator DENIED the request. (District 3)

Jim Portner, Hearing Administrator, gave a background of the case and stated that he had based his denial on the lack of a full time presence and oversight at the facility. He explained that the applicant had since proposed other arrangements.

The following speakers addressed the Board:

- Pat Hubbard, Shelter Director, Humane Society of Southern Arizona
- Dr. Russ Andelono spoke on behalf of himself and Phillip Bellomo
- Karter Neal, past President of Arizona Veterinary Medical Association
- Shery Christopher

They provided the following comments:

- Wee Companion Animal Shelter INC. (Facility) was all indoors and was very clean, well run, and cats were healthy and cared for.
- Facility partnered with the Pima Animal Care Center to rescue “at-risk” cats.
- Facility had caused disruptions in the surrounding neighborhood, the chain-link fence had not been permitted, and the graded property was an eyesore.
- Facility had been operating for over a year without permits.
- Facility was located in residential neighborhood and disrupted the natural balance of the community.

The applicant, Harold McGrogan, Executive Director of Wee Care Animal Shelter, addressed the Board and stated that the facility fit into the Comprehensive Plan for the low-intensity urban designation and met all requirements for a Type 1 Conditional Use Permit with the exception of the operating hours. He reported the Code did not require an onsite resident but to

address the reasons for denial, they would extend their working hours and place signage to provide afterhours contact information to the adjacent neighbor.

Supervisor Elías questioned the possibility of having horses and dogs at the rescue as this seemed to be of great concern to the neighbors. Jim Portner replied that the granting of a conditional use permit could be contingent upon conditions imposed by the Board of Supervisors which would limit the operation as currently described.

Chairman Valadez asked the applicant what backup procedure would be used if the neighbor was not home. The applicant responded that he would be available for contact as he lives only 20 minutes away and that his telephone number is posted at the facility in case of any off-hour emergency.

Supervisor Elías said it was troubling that the applicant did not go through the process of obtaining a permit before beginning operation at the facility. He asked the applicant to remove the street light that had been installed on the property.

On consideration, it was moved by Supervisor Elías, seconded by Chairman Valadez and carried by a 2-1 vote, Supervisor Day voting “Nay,” to close the public hearing, grant the appeal subject to the following conditions, and to direct staff to review the property for compliance with other County Codes.

Standard Conditions per the Pima County Zoning Code

None

Special Conditions

1. This facility is limited to the housing of cats (felines) only and all animals shall be housed indoors.
2. Per the applicant’s reassurance, the facility will house no more than twenty-four (24) cats any one time.
3. No dogs or horses are permitted on the property for animal rescue or sanctuary purposes.
4. Sanctuary staff shall be physically present on the property until 7:00 PM daily.
5. Emergency contact information must be clearly posted on the property on or near the front door of the residence / sanctuary structure. This shall include contact information for the neighboring property owner who has agreed to be the night-time contact for the facility, as well as a 24-hour, seven-day-a-week cell phone number for the Executive Director of Wee Care Companion Animal Shelter, Inc.
6. The neighboring property owner must have a key to the residence / sanctuary structure.
7. The existing fence on the property must have a valid permit or physically removed.
8. The elevated lighting must be removed from the property.

13. TRANSPORTATION: Traffic Ordinances

- A. ORDINANCE NO. 2012 - 50, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Meredith Boulevard in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

- B. ORDINANCE NO. 2012 - 51, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Anthony Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- C. ORDINANCE NO. 2012 - 52, of the Pima County Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Avra Valley Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2012 - 53, of the Pima County Board of Supervisors, regulating parking on Avenida Paisano in Pima County, Arizona. Staff recommends APPROVAL. (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 Day and carried by a 3-0 vote, to close the public hearings and adopt Ordinance Nos. 2012- 50, 2012- 51, 2012- 52 and 2012- 53.

14. **CONTRACT: Community Services, Employment and Training**

Salvation Army, Amendment No. 5, to provide emergency services for the Community Action Agency Program, extend contract term to 6/30/13 and amend contractual language, Federal and State Social Services grant fund, contract amount \$16,887.00 (CT-CS-12000462)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 3-0 vote, to approve the contract.

15. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

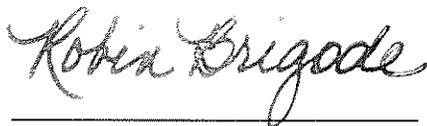
Dr. Suzanne Miles, Interim Chancellor of Pima Community College, addressed the Board thanking them for their support over the recent months specifically with funding adult education and the support of Pima One-Stop.

16. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:05 a.m.


CHAIRMAN

ATTEST:


CLERK