

MINUTES, FLOOD CONTROL DISTRICT BOARD

DECEMBER 11, 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, December 11, 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

*(Clerk's Note: Supervisor Carroll arrived at 9:07 a.m.)

1. **ACQUISITION AGREEMENT**

Golda Velez and Harris and Carol Bernstein, to provide an Acquisition Agreement for the purchase of property needed for the Paseo De Las Iglesias River Park, Tax Parcel No. 119-18016F, 1997 Bond Fund, contract amount \$311,137.00 including closing costs (CT-PW-13000468)

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

2. **ACQUISITION AND EXCAVATION AGREEMENT**

RESOLUTION NO. 2012 – FC 8, approving an Acquisition and Excavation Agreement and escrow instructions between Pima County, **Pima County Flood Control District**, CPC Southwest Materials, Inc. and CalPortland Company, to provide for the purchase of 616 acres of riparian open space, Flood Control District Tax Levy Fund, contract amount \$4,207,000.00 including closing costs (CT-PW-13000473)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 – FC 8.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:40 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 11, 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, December 11, 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

*(Clerk's Note: Supervisor Carroll arrived at 9:07 a.m.)

1. **INVOCATION**

The invocation was given by Chaplain Steve Martinez, Pima County Adult Detention Complex.

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.

4. **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 Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. County Attorney

1. Slosser, Struse, Fickbohm, Marvel & Fletcher, P.L.C., Amendment No. 2, to provide legal representation of the Public Fiduciary in claim by Ginger Rodgers Rappeport and extend contract term to 1/11/15, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-12001410)

B. Procurement

2. Sundt Construction, Inc., Amendment No. 7, to provide construction manager at risk services for the Joint Court Complex and amend contractual language, 2004 Bond Fund, contract amount \$512,676.00 (CT-FM-11042215-P)

Awards

3. Award of Contract, Requisition No. 12000472, Syn-Tech Systems, Inc. (Headquarters: Tallahassee, FL) for a fuel management solution, to the highest ranked/most qualified respondent in the amount of \$621,131.00. Contract is for a five year term. Funding Source: Certificates of Participation (COPS). Administering Department: Information Technology.
4. Limited Competition: Award of Contract, Requisition No. 13000062, Aztech Controls (Headquarters: Chandler, AZ) for eliminator pumps and parts in the annual amount of \$535,479.00. The award amount is for \$2,677,395.00 for a five-year term. Funding Source: RWRD Enterprise Fund Administering Department: Regional Wastewater Reclamation.

C. Public Works

5. City of Tucson, to provide for the Paseo De Las Iglesias Project, Phase 1: Ecosystem Restoration, Bank Protection and River Park from Ajo Way to Silverlake Road, no cost (CTN-FC-13000162)

D. Real Property

- 6. Journal Broadcast Group, Inc., Amendment No. 1, to provide a Lease for 2401 W. Zinnia Ave. and extend contract term to 9/22/22, contract amount \$26,019.00 revenue (CTN-PW-CMS131483)
- 7. Freeport McMoRan Sierrita, Inc., to provide a License for Right-of-Way Encroachment for Section 12, T18S, R12E and Sections 4, 16, 17 and 18, T18S, R13E, G&SRB&M, contract amount \$32,000.00 revenue (CTN-PW-13000160)

E. Regional Wastewater Reclamation

- 8. Arizona Board of Regents, University of Arizona, Amendment No. 2, to provide membership in the Industry/University Cooperative Research Center, amend contractual language and extend contract term to 6/30/13, RWRD Enterprise Fund, contract amount \$35,000.00 (CT-WW-12001218)

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Election Integrity Commission

Reappointment of Patrick Pecoraro. Term expiration: 12/14/14. (District 2)

B. Pima County Employee Merit System Commission and Pima County Law Enforcement Council

Reappointment of Georgia Brosseau, Democrat. Term expiration: 12/31/16. (District 2)

FINANCE AND RISK MANAGEMENT

3. Duplicate Warrants – For Ratification

Harrington Industrial Plastics	\$	739.16
R & G Psychological Services	\$	1,685.00
University of Arizona	\$	110.00
Tammy Baldwin	\$	76.00
Lee Dorsey	\$	37.62
Anissa Anjennette Taylor	\$	67.23

4. **SPECIAL TAXING DISTRICT**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 13, 2012 Election conducted by the Flowing Wells Irrigation District.

5. **RATIFY AND/OR APPROVE**

Minutes: November 13, 2012
November 26, 2012

REGULAR AGENDA/ADDENDUM ITEMS

5. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION**

The Information Technology Department requests the creation of seven new classifications. No additional associated cost.

<u>Class Code</u>	<u>Class Title</u>	<u>Grade/Range</u>	<u>EEO Code</u>	<u>FLSA Code</u>
7714	ITD-Relationship Manager-Senior- Unclassified	U4 (\$65,654-\$136,808)	9	E*
7712	ITD-Information Architect- Unclassified	U4 (\$65,654-\$136,808)	2	E*
7710	ITD-Security and Compliance Architect-Unclassified	U4 (\$65,654-\$136,808)	2	E*
7708	ITD-Applications Manager- Unclassified	U3 (\$52,523-\$112,695)	9	E*
7706	ITD-Communications Architect- Unclassified	U3 (\$52,523-\$112,695)	2	E*
7704	ITD-Computing Architect- Unclassified	U3 (\$52,523-\$112,695)	2	E*
7702	ITD-Technical Infrastructure Center Manager-Unclassified	U3 (\$52,523-\$112,695)	9	E*

*E = Exempt, Not Paid Overtime

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

6. **FRANCHISE/LICENSE/PERMIT: EXTENSION OF PREMISES/PATIO PERMIT**

Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for December 31, 2012.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

7. DEVELOPMENT SERVICES: TYPE III CONDITIONAL USE PERMIT

P21-12-014, UNISOURCE ENERGY CORPORATION – 4801 N. CRAYCROFT RD.

Request of FM Group (on behalf of AT&T Mobility), on property located at 4801 N. Craycroft Rd., in the CR-1 Zone, for a communication tower, in accordance with Section 18.07.030.H.2.e. of the Pima County Zoning Code as a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 3-2 (Commissioners Spendiarian and Richey voting NAY; Commissioner Smith recusing himself due to a potential conflict of interest; and Commissioners Matter, Neeley, Mangold, and Membrila were absent) to recommend DENIAL. The Hearing Administrator recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

Standard Conditions

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

Special Conditions

1. The new tower shall have a structure/antennae height no more than sixty-two feet (62').
2. The new tower shall be camouflaged as an artificial palm tree (monopalm).
3. The top of the faux palm fronds will not extend higher than sixty-five feet (65').
4. The new walled enclosure surrounding the tower and on-the-ground equipment will match, as best as possible, the look, texture, and color of the existing wall.

Jim Portner, Hearing Administrator, provided the staff report and advised that this permit related to the replacement of an existing communications tower, although this was a stand-alone Type III Conditional Use Permit application for a new tower. The existing tower was located within the Unisource/Tucson Electric Power compound. Due to future plans, the existing tower needed to be moved out of the compound. The proposal located the new tower just outside the north wall of the existing compound and included a surrounding wall. Mr. Portner reported correspondence had been received from surrounding neighbors and the Fletcha Caida Community Association in opposition to the request. The Planning and Zoning Commission had recommended denial.

Supervisor Elías asked if any accommodations had been made to the neighborhood. Jim Portner replied that some modifications were made regarding the design and the location of the tower.

Tim Burmer of the FM Group, Inc., representing the applicants, addressed the Board and presented background on the project and the attempts made to accommodate the neighborhood.

Garry Hays, representing AT&T, stated that AT&T worked with the Supervisor's office and tried to work with the neighbors to propose a tower with the least

impact on the community. He explained that the proposed tower would be camouflaged with a palm tree and that there were existing 80 foot power poles on the same side of the street. Mr. Hays explained that there would be a significant gap in coverage if no tower was erected.

The following speakers addressed the Board:

- Robert White
- Tom Parsons, Stubbs & Schubart, P.C., representing Belman Revocable Trust

They provided the following comments:

- Main objection to the tower included degradation of the neighborhood, visual degradation and degradation of property values.
- There had been no compromise on the height of the tower.
- Requested denial or tabling until the new structures were submitted for review under the Scenic Corridor Criteria and that the application be treated as an expansion of a non-conforming use.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-12-014, subject to standard and special conditions.

8. TRANSPORTATION: TRAFFIC ORDINANCE

ORDINANCE NO. 2012 – 70, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Garigans Gulch in Pima County. Staff recommends APPROVAL. (District 4)

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 - 70

9. BOARD OF SUPERVISORS: DAVIS-MONTHAN AIR FORCE BASE AND THE 162ND FIGHTER TRAINING WING OF THE ARIZONA NATIONAL GUARD

RESOLUTION NO. 2012 – 111, of the Pima County Board of Supervisors, supporting both Davis-Monthan Air Force Base and the 162nd Fighter Training Wing of the Arizona National Guard. (District 2)

The following speakers addressed the Board in support of the resolution:

- David Welsh on behalf of TREO
- Jessica Floyd on behalf of Congressman Ron Barber
- General Ron Shoopman, President, Southern Arizona Leadership Council

- Mike Varney, President, Tucson Metro Chamber
- John Delfrari, President, 162nd Fighter Wing Minuteman Committee
- Brian Andrews, Member, 162nd Fighter Wing Minuteman Committee
- Mike Grassinger, President, DM 50

Chairman Valadez stressed that this community, its leadership and its elected officials do adamantly support Davis-Monthan Air Force Base, the 162nd Fighter Training Wing and their missions.

Supervisor Elías commented that he confidently supported the resolution but cautioned that there also needed to be an awareness of continuing noise levels in the community.

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, to adopt Resolution No. 2012 - 111.

10. **BOARD OF SUPERVISORS: TUCSON WATER POLICY**

Tucson Water policy discussion including City Code 27-52 Customer Service Relief and Courtesy Adjustments. Discussion/Action. (District 3)

The following individual addressed the Board:

Dale Babel

His comments were:

- He stated that Mayor Rothschild had turned this issue over to City Attorney Rankin for investigation.
- People who had been billed incorrectly should be reimbursed no matter how long it takes, how far back they go or how many people were involved.
- He stated that a spokesman had indicated there may be a rate increase due to the adjusted courtesy adjustments and new rules regarding the adjustments.
- Lack of competence and failure to follow the City Code caused a very expensive oversight and Tucson Water needed to be held accountable.

Supervisors Bronson and Carroll both expressed interest in being updated on the progress and outcome of Mr. Babel's situation. The Board took no action on this item.

11. **BOARD OF SUPERVISORS: STORIES THAT SOAR!**

Authorize the allocation of \$5,000.00 from the Contingency Fund to Stories that Soar! for programming at the BEYOND Tucson event commemorating the January 8, 2011 tragedy. (District 5)

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

12. **BOARD OF SUPERVISORS: CHISPA FOUNDATION**

Authorize the allocation of \$2,000.00 from the Contingency Fund to CHISPA Foundation Inc., a 501(c)3 non-profit entity, to help pay the costs of its 2012 holiday events, "Fiesta Feliz" and "Festival de Navidad." (District 5)

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

13. **COUNTY ADMINISTRATOR: MID-YEAR BUDGET ADJUSTMENTS FOR THE NATURAL RESOURCES, PARKS AND RECREATION DEPARTMENT**

Staff recommends the approval of the mid-year budgeted expenditure authority adjustments totaling \$997,521.00 for the Natural Resources, Parks and Recreation Department.

Chuck Huckelberry, County Administrator, explained that the mid-year budget adjustments were needed for facilities that had been opened and were operating but not considered in the budget process last year. Mr. Huckelberry stated these adjustments would be annualized when discussing next year's budget.

Supervisor Day supported the budget adjustments and asked the Board to include operation and maintenance funding for Catalina Regional Park.

Supervisor Carroll expressed his appreciation for the mid-year budget adjustment but also shared his concerns regarding the effect that the drought has had on Agua Caliente Park. He noted that more than half of the facility had been drained and the lake was no longer fed by the stream. He recommended a visit to the facility before the next budget cycle.

It was thereupon moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 5-0 vote, to approve the budget adjustments.

14. **COUNTY ADMINISTRATOR: PIMA COUNTY COMPREHENSIVE PLAN UPDATE/IMAGINE GREATER TUCSON VISION**

RESOLUTION NO. 2012 – 112, of the Pima County Board of Supervisors, relating to planning; accepting and adopting “Looking Forward: a Vision For a Greater Tucson” as the regional vision for Pima County and as the primary vision component for the 2013 Comprehensive Plan Update.

The following speakers addressed the Board:

- Steve Huffman, Government Affairs Director, Tucson Association of Realtors
- David Godlewski, President, Southern Arizona Homebuilders Association

They provided the following comments:

- Although supportive of Imagine Greater Tucson and the Comprehensive Plan Update, concerns were expressed regarding certain statements in “Looking Forward: a Vision For a Greater Tucson”.
- Specific objections were made to the statement, “toward a future that is unsustainable economically, environmentally and socially.”
- Offers of collaboration on the Comprehensive Plan Update were made.

Chuck Huckelberry, County Administrator, responded that the phrase in question was a statement of finding based on Imagine Greater Tucson’s conclusions. Mr. Huckelberry stated that this was a beginning point to debate land use issues and allow active participation and input to the plan itself.

Supervisor Day said that Imagine Greater Tucson was a far-reaching plan to spur innovative thinking and there would be opportunities to debate the issues from this starting point.

Supervisor Carroll maintained that it was necessary to be sure the Board was not dictated by anyone, the case-by-case approach be continued, and that the Board remain even handed from the very beginning.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and carried by a 4-1 vote, Supervisor Carroll voting “Nay,” to adopt Resolution No. 2012 – 112, with the caveat that this was an iterative process much like the Conservation Plan and that there would be ample opportunity for input from stake holders and individuals, and that the County was bound by the Arizona Constitution and the Statutes of the State of Arizona as the Plan was developed.

15. **CONTRACTS**

A. **Health Department**

1. AWASA d.b.a. Animal Welfare Alliance of Southern Arizona, Inc., Amendment No. 3, to provide spay and neuter services on behalf of Pima Animal Care Center, amend contractual language and extend contract term to 12/13/13, Health Fund, contract amount \$220,000.00 (CT-HD-12000834)

B. **Real Property**

2. RESOLUTION NO. 2012 – 113, approving an Acquisition and Excavation Agreement and escrow instructions between **Pima County**, Pima County Flood Control District, CPC Southwest Materials, Inc. and CalPortland Company, to provide for the purchase of 616 acres of riparian open space, Flood Control District Tax Levy Fund, contract amount \$4,207,000.00 including closing costs (CT-PW-13000473)

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

16. **ECONOMIC DEVELOPMENT AND TOURISM**

Pursuant to the Agreement with the Pima Air and Space Museum (PASM), staff requests approval to install additional security fencing.

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

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

A. **Pima County Election Integrity Commission**

Reappointment of Benny White. Term expiration: 12/7/14. (Republican Party recommendation)

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

Reappointment of Mohur Sidhwa. Term expiration: 12/31/16. (District 5)

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

18. **CALL TO THE PUBLIC**

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

19. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:40 a.m.



CHAIRMAN

ATTEST:



CLERK