

MINUTES, LIBRARY DISTRICT BOARD

MARCH 12, 2013

The Pima County Library 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, March 12, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
Sharon Bronson, Vice Chair
Ray Carroll, Member
Richard Elías, Member
Ally Miller, Member
Robin Brigode, Clerk

1. **CONTRACT**

Arizona State Library, Archives and Public Records, Amendment No. 1, to provide for the AZ Job Help Hubs @ Your Library Broadband Technology Opportunities Program Round 2 and amend contractual language, State Grant Fund, contract amount \$27,050.00 revenue (CTN-LIB-12000478)

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:06 a.m.

CHAIRMAN

ATTEST:

CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 12, 2013

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, March 12, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Ray Carroll, Member
 Richard Elías, Member
 Ally Miller, Member
 Robin Brigode, Clerk

1. **INVOCATION**

The invocation was given by Pastor Jon Miller, Northwest Bible Church.

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. **PRESENTATION**

Presentation to Patricia A. Noland, Pima County Clerk of the Superior Court, in recognition of her public service.

On behalf of the Board of Supervisors, Chairman Valadez recognized Patricia Noland, Pima County Clerk of the Superior Court, for her years of public service in various capacities and provided best wishes on her pending retirement. The Board took no action on this item.

5. **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 9:16 a.m. The Board reconvened at 9:17 a.m., to hear speakers prior to Executive Session.

6. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chairman inquired whether anyone wished to be heard on any items listed under Executive Session.

The following speakers addressed the Board:

- Jenny Neeley, representing Sky Island Alliance, addressed the Board regarding the Federal Energy Regulatory Commission proceedings and outlined the reasons the County should officially intervene as a party in the process.
- Pat King, representing Altar Valley Conservation Alliance, stated Altar Valley was one of the last undeveloped areas in the State and requested the Board require Kinder Morgan to utilize their three existing utility corridors and not construct a new one.

7. **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 9:24 a.m.

8. **RECONVENE**

The meeting reconvened at 10:34 a.m. All members were present.

9. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Oxford Homes, Inc., v. Pima County, Arizona Tax Court Case Nos. TX2011-000975 and TX2012-000900, Tax Parcel No. 135-02-0080 for Tax Years 2012 and 2013.

Chris Straub, Chief Civil Deputy County Attorney, reported this case involved a cooperative apartment complex comprised of 222 units located at 1306 through 1378 South Avenida Polar, Tax Parcel No. 135-02-0080. The County Attorney and Assessor have recommended a proposed settlement of a reduced full cash and limited value of \$4,885,998.00 for tax years 2012 and 2013, which would result in an estimated tax decrease of \$28,560.00 for 2012 based upon 2012 tax rates; and \$29,825.00 for 2013 based upon 2012 tax rates.

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

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of Weingarten Nostat, Inc., v. Pima County, Arizona Tax Court Case Nos. TX2011-000540 and TX2012-000622, Eight Tax Parcels for Tax Year 2012 and Seven Tax Parcels for Tax Year 2013.

Chris Straub, Chief Civil Deputy County Attorney, reported this case involved a shopping center located at the southeast corner of Oracle and Wetmore Roads directly south of the Tucson Mall. He explained all of the appeals addressed land value, not improvement value, and that the following eight parcels had been appealed for tax year 2012: Tax Parcel Nos. 105-11-0630, 105-11-0640, 105-11-0650, 105-11-0660, 105-11-0670, 105-11-0680, 105-11-0690 and 105-11-0710; and the following seven parcels had been appealed for tax year 2013: Tax Parcel Nos. 105-11-0630, 105-11-0640, 105-11-0650, 105-11-0670, 105-11-0680, 105-11-0690 and 105-11-0710.

Mr. Straub stated the County Attorney and the County Assessor recommended the following proposed settlement: 2012 Tax Year: a reduced total full cash and limited value of \$4,017,503.00 for Tax Parcel Nos. 105-11-0630, 105-11-0660, 105-11-0670 and 105-11-0680. 2013 Tax Year: reduced total full cash and limited value of \$3,088,723.00 for Tax Parcel Nos. 105-11-0630, 105-11-0670 and 105-11-0680. The proposed settlement would result in estimated tax decrease of \$27,700.00 for tax year 2012 based upon 2012 tax rates; and \$27,735.00 for tax year 2013 based upon 2012 tax rates and that the values for tax year 2013 for the three parcels would roll over to tax year 2014.

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

11. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Metropolitan Domestic Water Improvement District v. Pima County, et al., Pima County Superior Court Case No. C20127018.

Chris Straub, Chief Civil Deputy County Attorney, explained Metropolitan Domestic Water Improvement District had filed suit against Pima County and its design consultant regarding utility relocations arising out of the Magee Road: Mona Lisa to La Cañada Road Project. The County Attorney and County Administrator recommended authorization be given to defend the County in the lawsuit, to file a counterclaim for any unpaid delay costs that may legally be collected and to further 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 accept the recommendation.

12. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible participation in proceedings before the Federal Energy Regulatory Commission concerning two applications filed by Sierrita Gas Pipeline, L.L.C., (Docket Nos. CP13-73 and CP13-74) that request authority to construct and operate an international natural gas pipeline and appurtenant facilities in Pima County.

Chris Straub, Chief Civil Deputy County Attorney, reported that approval of the applications would allow placement of a pipeline from Tucson through the Altar Valley on the west side of the Buenos Aires Wildlife Refuge to the international border in Sasabe, AZ. The County Attorney's Office recommended authorization be given to seek an extension to File for Intervention and if not granted, to just File for Intervention on both applications, and to further 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 accept the recommendation.

13. 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.

PULLED FOR DISCUSSION BY SUPERVISOR MILLER

1. CONTRACTS AND AWARDS

B. Procurement: Award

3. Low Bid: Award of Contract, Requisition No. 80018, in the amount of \$239,529.93 to the lowest responsive bidder, Tucson Asphalt Contractors, Inc., (Headquarters: Tucson, AZ) for the construction of the Julian Wash Greenway, Sixth Avenue to Park Avenue Phase 1 Project. The contract term is twenty four months with the ability to extend for contract completion. Construction is to be complete within 150 working days from Notice to Proceed. Funding Source: 1997 HURF Bond Fund. Administering Department: Public Works.

Supervisor Miller questioned the expenditure of the HURF Funds given the current conditions of the roads and the safety issues caused by the roads. She stated a prior request had been made for information relating to HURF bond expenditures and projects.

Chuck Huckelberry, County Administrator, stated this was a specific allocation from the DOT 41 bond project and explained that greenways provided a safe, alternate mode of transportation

B. Procurement: Award

4. Low Bid: Award of Contract, Requisition No. 13000233, to SPS, a.k.a. Strategic Product and Services, (Headquarters: Parsippany, NJ) for the Sheriff Department's Avaya telephone system in the annual amount of \$157,152.80. The contract award also includes \$198,796.46 for one time work during the first year of the contract. Total contract amount \$984,560.46/5 year term. The Procurement Director or his designee may execute this award by issue of a Master Agreement pursuant to this action. Funding Source: General Fund. Administering Department: Sheriff.

Supervisor Miller questioned the purpose of this award and whether it was associated with the PCWIN Project.

George Widugiris, Procurement Director, responded this purchase was an equipment update and corresponding maintenance agreement for the telephone system at the Sheriff's Department and not part of the PCWIN Project.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Miller voting "Nay," to approve the Consent Calendar in its entirety.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Chicanos Por La Causa, Inc., Amendment No. 2, to provide for the NSP2 Consortium Funding Agreement and extend contract term to 2/28/14, no cost (CT-CD-12000506)
2. Family Housing Resources, Inc., Amendment No. 2, to provide for the NSP2 Consortium Funding Agreement and extend contract term to 2/28/14, no cost (CT-CD-~~43~~12000353)

B. Procurement: Awards

3. Low Bid: Award of Contract, Requisition No. 80018, in the (PULLED FOR SEPARATE DISCUSSION)
4. Low Bid: Award of Contract, Requisition No. 13000233 (PULLED FOR SEPARATE DISCUSSION)

2. ELECTIONS DEPARTMENT

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen appointments:

| <u>APPOINTMENTS</u> | <u>PRECINCT</u> | <u>PARTY</u> |
|---------------------|-----------------|--------------|
| James R. Cook | 209 | DEM |
| Nancy A. Linthicum | 209 | DEM |

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

Carla Jean Keegan, Diaper Bank of Southern Arizona, Westin La Paloma Resort, 3800 E. Sunrise Drive, Tucson, May 3, 2013.

4. RATIFY AND/OR APPROVE

Minutes: February 12, 2013

REGULAR AGENDA/ADDENDUM ITEMS

14. COUNTY ADMINISTRATOR: QUARTERLY REPORT ON COLLECTIONS

Staff recommends acceptance of the Quarterly Report on Collections for the period ending December 31, 2012, and approval of the write-off requests in the amount of \$68,831.00.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to accept the report and approve the write-off requests.

15. REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENTS

Staff recommends approval of the following proposed Pretreatment Settlement Agreements in accordance with the Industrial Wastewater Enforcement Response Plan, RWRD Enterprise Fund.

- A. Z Dunn Enterprises, L.L.L.P., d.b.a. The Parish, Case No. C2012-18. The proposed settlement payment of \$1,003.97, timely completion of a

Supplemental Environmental Project (SEP), acquisition of an Industrial Wastewater Discharge Permit, and attendance at IWC's Pollution Prevention School.

- B. La Encantada Group, L.L.C., d.b.a. Blanco Tacos and Tequila, Case No. C2012-24. The proposed settlement of completion of a Supplemental Environmental Project (SEP), attendance at the On-Site Pollution Prevention Seminar, and acquisition of a Permit.
- C. Atrium Finance Tucson, L.L.C., d.b.a. Marriott University Park Tucson, Case No. C2012-25. The proposed settlement of completion of a Supplemental Environmental Project (SEP), attendance at the On-Site Pollution Prevention Seminar, and acquisition of a Permit.
- D. SupplyOne, Inc., Case No. C2012-26. The proposed settlement payment of \$400.00, timely completion of a Supplemental Environmental Project (SEP), and attendance at IWC's Pollution Prevention School.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the Pretreatment Settlement Agreements.

16. **FRANCHISE/LICENSE/PERMIT: BINGO LICENSE**

11-05-8027, Arivaca Fire Department, Arivaca Action Center, 15925 W. Universal Ranch Road, Arivaca, Change of Location.

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

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

- A. Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Temporary Extension of Premises for April 27, 2013.
- B. Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for March 17, 2013.

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

18. **TRANSPORTATION: TRAFFIC ORDINANCE**

ORDINANCE NO. 2013 - 15, of the Board of Supervisors, regulating parking on Dodge Boulevard 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 Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2013 - 15.

19. **TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2013 - 15, of the Board of Supervisors, permitting the temporary closure of Kinney Road in Pima County, Arizona, for the Kinney Road 5-Mile Run on Sunday, July 14, 2013. Staff recommends APPROVAL. (Districts 3 and 5)

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2013 - 15.

20. **TRANSPORTATION: ALVERNON HEIGHTS PROJECT**

A. **Establishment of a Public Roadway**

RESOLUTION NO. 2013 - 16, of the Board of Supervisors, establishing a County Highway within the incorporated limits of the City of Tucson for the Alvernon Heights Neighborhood Association Road Improvement Project, T14S, R14E, Section 22. (District 2)

B. **Contract**

City of Tucson, to provide for the Alvernon Heights Neighborhood Association/Solar Street Lights Project, 1997 HURF Bond Fund, contract amount \$200,625.00 (CT-TR-13000579)

Supervisor Miller questioned the County establishing a road within another jurisdiction given the inability of the County to maintain the roads they have currently.

Chuck Huckelberry, County Administrator, explained that this establishment process was a temporary mechanism that allowed the County to make an expenditure within another jurisdiction pursuant to the provisions of the decision by the Court of

Appeals. He stated when this project was completed the roadway would be abandoned.

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 carried by a 4-1 vote, Supervisor Miller voting “Nay,” to close the public hearing, adopt Resolution No. 2013 - 16 and approve the contract.

21. **COUNTY ADMINISTRATOR**

RESOLUTION NO. 2013 - 17, of the Board of Supervisors, opposing the construction and operation of the West Route Alternative for the proposed El Paso/Kinder Morgan Sierrita Pipeline to be sited through the Altar Valley and west of the Buenos Aires National Wildlife Refuge crossing the International Border with Mexico near Sasabe, Arizona.

Carolyn Campbell, Coalition for Sonoran Desert Protection, thanked the Board for their decision to File an Intervention and proposed the following revisions to the resolution:

Insert the language: “call upon the Federal Energy Regulatory Commission, the Congressional Delegation, Department of Homeland Security and Department of Interior, to use all authorities and resources to urge a thorough consideration analysis of alternative U.S./Mexico border crossing locations other than Sasabe, Arizona.”

And secondly to strike: WHEREAS, the Board of Supervisors believes no pipeline should be constructed through the Altar Valley, ~~but if a pipeline is absolutely necessary, it should be constructed on the route with the least impact; and~~

Supervisor Bronson asked the County Administrator to comment on the proposed resolution language changes.

Chuck Huckelberry, County Administrator, stated the insertion of the language as a fourth item in the resolved portion would be appropriate. He said that rather than strike the language as proposed, a separate line would be added, “If there ever is a pipeline, it should be constructed on the route with the least impact, and”

On consideration, it was moved by Supervisor Bronson ,seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt Resolution No. 2013 - 17, as amended.

22. **CONTRACTS**

A. **Community and Economic Development**

League of United Latin American Citizens, to provide for the 24th Annual Youth Leadership Conference, General Fund, contract amount \$12,500.00 (CT-CED-13000663)

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

1. Arizona Community Action Agency, Amendment No. 1, to provide emergency services, U.S. Department of Housing and Urban Development/SHP Fund, contract amount \$30,000.00 revenue (CTN-CS-12000609)
2. Yuma Private Industry Council, Amendment No. 2, to provide workforce development services for the State Energy Sector Partnership Program and extend contract term to 6/30/13, no cost (CT-CS-12001205)
3. Cochise Private Industry Council, Amendment No. 2, to provide workforce development services for the State Energy Sector Partnership Program and extend contract term to 6/30/13, no cost (CT-CS-12001208)

C. **Procurement: Award**

Low Bid: Award of Contract, Requisition No. 83393 in the amount of \$561,700.00 to the lowest responsive bidder, Silver Sage Builders, L.L.C., (Headquarters: Tucson, AZ) for Base Bid and Alternate No. 1 for the Pima County Adult Detention Center Tower and Kitchen Roof Replacement and Kitchen Freezer Replacement Project. The contract is for a six month period and may be extended for project completion. Funding Source: General Fund, \$450,000.00; and Criminal Justice Enhancement Fund, \$111,700.00. Administering Department: Facilities Management.

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

23. **CALL TO THE PUBLIC**

Chris Deile addressed the Board regarding Absolutism and its relation to the Alcoholics Anonymous organization.

Beryl Baker spoke about the amount of money being allocated for a study on the airport corridor and felt it should be much less.

24. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:06 a.m.

CHAIRMAN

ATTEST:

CLERK

DRAFT