

# MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 15, 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, January 15, 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 Rabbi Thomas Louchheim, Congregation Or Chadash.

## 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.

Geri Ottoboni addressed the Board regarding the adoption procedures at the Pima County Animal Care Center.

## ...    **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 9:15 a.m.

## 4.     **RECONVENE**

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

## 5.     **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. No one appeared.

6. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Howard Baldwin that Pima County waive a conflict of interest to allow him to represent Miriam and Roy Kyle with respect to a zoning enforcement matter.

Chris Straub, Chief Civil Deputy County Attorney, explained this item concerned representation of the continued operation of a bed and breakfast from the Kyles' home and stated the waiver was at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to waive the conflict of interest.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Mesch, Clark and Rothschild that Pima County waive a conflict of interest to allow them to represent Tyler McConnell with respect to filing a claim and possible litigation against Pima County, the Pima County Sheriff and the Pima County Jail.

Chris Straub, Chief Civil Deputy County Attorney, explained this item regarded representation of a possible claim and litigation arising out of an injury at the jail and stated the waiver was at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to waive the conflict of interest.

8. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías recognized the birthdays of Martin Luther King Jr., his wife, Emily Velde Elías and his best friend, Robert Joseph Diaz.

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. 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 in its entirety.

## CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

### 1. CONTRACTS AND AWARDS

#### A. Community Development and Neighborhood Conservation

1. The Dunbar Coalition, Inc., Amendment No. 1, to provide for facility improvements at the Dunbar Community Cultural Center and extend contract term to 3/31/13, no cost (CT-CD-12000781)
2. University of Arizona, Board of Regents-Drachman Institute, Amendment No. 1, to provide for the Neighborhood Stabilization Program 2 (NSP2), extend contract term to 6/30/13 and amend contractual language, no cost (CT-CD-12002213)

#### B. Health Department

3. Green Valley Fire District, Amendment No. 3, to provide childhood immunization services and extend contract term to 11/2/13, no cost (CTN-HD-12000054)

#### C. Information Technology

4. Alltel Communications Southwest Holding, Inc., d.b.a. Verizon Wireless, to provide a Tower License for wireless communication facilities, General Fund, contract amount \$117,124.87 revenue/5 year term (CTN-IT-13000192)

#### D. Procurement

5. D.L. Withers Construction, L.C., Amendment No. 1, to provide tenant improvements for Project ARCH-Abrams Building Level 4 and amend contractual language, General Fund, contract amount \$950,000.00 (CT-FM-13000293) Facilities Management

#### Awards

6. Low Bid: Award of Contract, Requisition No. 13000178, Arizona Truck Center, d.b.a. Vanguard Truck Center of Tucson (Headquarters: Atlanta, GA) for four dump trucks and two truck tractors, in the total amount of \$755,918.00. Contract is for a one time purchase. Funding Source: Internal Service Fund and Enterprise Fund. Administering Department: Fleet Services.

7. Amendment of Award: MA No. 12000294, Amendment No. 5, Shamrock Foods Company, to provide food items for the Pima County Jail in the amount of \$85,000.00 per year. Funding Source: General Fund. Administering Department: Sheriff's Department.

**E. Superintendent of Schools**

8. Arizona Supreme Court, Administrative Office of the Courts, Amendment No. 1, to provide educational and professional development services to the Pima Accommodation School District, extend contract term to 6/30/14 and amend contractual language, Federal Funds, contract amount \$107,954.00 revenue (CTN-SS-12000479)

**2. ELECTIONS DEPARTMENT**

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Ernst, Rick	141	DEM

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

**Corrections Officer Retirement Board**

Appointment of Stephen Faulstish, Elected Representative, to replace Michael Escobar. Term expiration: 12/31/17. (Committee recommendation)

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

Gary G. Richelson, Congregation Bet Shalom, 3881 E. River Road, Tucson, February 2, 2013.

**FINANCE AND RISK MANAGEMENT**

**5. Duplicate Warrants – For Ratification**

Mona Ann Baker	\$ 384.08
Sylvia Soltero Ebeling	\$ 298.69
Angela Wood	\$ 140.00
Bonnie Bolton	\$ 140.00
Flor Gill	\$ 450.00
Big'uns Southwest Services, L.L.C.	\$ 1,665.22
Cheryl Lapper	\$ 60.00

Verizon Wireless	\$17,434.82
Anne-Marie Braswell	\$ 12.96
Virginia Dove	\$ 140.00
Angela Wood	\$ 16.20
Dallas/Ft. Worth Airport	\$ 2,221.05

6. **REGIONAL WASTEWATER RECLAMATION**

**Public Announcements**

Pursuant to A.R.S. § 49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following cases will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 3035 W. El Camino del Cerro, Tucson, Arizona, 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreements:

- A. Z Dunn Enterprises, L.L.L.P., d.b.a. The Parish, Case No. C2012-18. The proposed settlement 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 are all in accordance with the Industrial Wastewater Enforcement Response Plan.
- 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) and attendance at the on-site pollution prevention seminar are both in accordance with the Industrial Wastewater Enforcement Response Plan.
- 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 are all in accordance with the Industrial Wastewater Enforcement Response Plan.
- D. SupplyOne, Inc., Case No. C2012-26. The proposed settlement of \$400.00, completion of a supplemental environmental project (SEP), and attendance at pollution prevention school are all in accordance with the Industrial Wastewater Enforcement Response Plan.

**7. RATIFY AND/OR APPROVE**

Minutes: December 11, 2012

**REGULAR AGENDA/ADDENDUM ITEMS**

**10. BOARD OF SUPERVISORS: JUSTICE OF THE PEACE, PRECINCT 7**

Appointment of the Justice of the Peace, Precinct 7.

Robin Brigode, Clerk of the Board, reported the following individuals had submitted their Letter of Interest, Resume and Financial Disclosure Statement and met the criteria to be considered as candidates to fill the vacancy for Justice of the Peace, Precinct 7:

- Brian R. Abbott
- Michael Acosta
- Barbara Blake
- Barbara Delgado
- Teresa Enriquez
- Juston D. Knight
- Lisa R. Royal
- James R. Stahle

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to appoint Lisa R. Royal as Justice of the Peace, Precinct 7.

**11. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES**

P1211-022, La Cholla Overlook Estates, Lots 1 – 4. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the Final Plat with Assurances.

**12. FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

12-40-9137, Clare Hollie Abel, Dollar General Store No. 10369, 802 N. 2nd Avenue, Ajo, Series 10, Beer and Wine Store, New License.

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.

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

- A. Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, Temporary Extension of Premises for February 12, 2013.
- B. Scott A. Busse, Territorial, 3723 S. Palo Verde, Tucson, Temporary Extension of Premises for January 19, February 2, 9, 16 and 23, 2013.

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 hearings, approve the permits and forward the recommendations to the Arizona Department of Liquor Licenses and Control.

14. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2013 - 10, of the Board of Supervisors, regulating parking on Shannon Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- B. ORDINANCE NO. 2013 - 11, of the Board of Supervisors, establishing an abutting school crosswalk on Shannon Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)
- C. ORDINANCE NO. 2013 - 12, of the Board of Supervisors, establishing a pedestrian crosswalk on Kain Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2013 - 13, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Continental Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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 hearings and adopt Ordinance Nos. 2013 - 10, 11, 12 and 13.

15. **CONTRACTS**

A. **Health Department**

Tucson Unified School District, Amendment No. 3, to provide childhood immunization services and extend contract term to 12/14/13, no cost (CTN-HD-12000069)

**B. Office of Emergency Management**

Arizona Department of Homeland Security, to provide for emergency management planning, State Homeland Security Grant Fund, contract amount \$110,000.00 revenue (CTN-OEM-13000197)

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

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

**A. Election Integrity Commission**

Appointment of Bill Beard to replace Charles Geoffrion. Term expiration: 8/31/14. (District 1)

**B. Tucson-Pima County Historical Commission**

Appointment of Josephine Hilliard to replace Kathleen Nabours; and reappointment of Sandee Brooke. Term expirations: 12/31/16. (District 5)

**C. Pima County Housing Commission**

Reappointment of Jon Miles. Term expiration: 12/31/16. (District 5)

**D. Merit System Commission and Law Enforcement Merit Council**

Reappointment of John Fink, Republican. Term expiration: 12/31/16. (District 1)

Reappointment of Jerry T. Estruth, Democrat. Term expiration: 12/31/16. (District 3)

Reappointment of Manuel Medina, Democrat. Term expiration: 12/31/16. (District 5)

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

**17. CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Dale Babel addressed the Board regarding the City of Tucson Water Department's appeal process.

18. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:40 a.m.

  
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CHAIRMAN

ATTEST:

  
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CLERK