

MINUTES, BOARD OF SUPERVISORS' MEETING

FEBRUARY 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, February 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 Father Steve Keplinger, Grace St. Paul's Episcopal 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.

...    **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.

4.     **RECONVENE**

The meeting reconvened at 9:28 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**

The Board of Supervisors on February 5, 2013, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential settlement of litigation between Robson Communities and the County in Robson Ranch Quail Creek v. Pima County, Arizona Court of Appeals Case Nos. 2 CA-CV 2012-0091-S and 2 CA-CV 2012-0156-S (Cons.).

Chris Straub, Chief Civil Deputy County Attorney, said this case involved the challenge by Robson of the County's sewer connection fee as it applied to the Quail Creek subdivision and that the decision in this case was currently under appeal. He explained that following mediation the parties had tentatively agreed to a resolution wherein the County would pay \$3,000,000.00 in cash and would provide \$500,000.00 in credits to offset charges for scheduled effluent purchases from the Green Valley Wastewater Reclamation Facility. He stated that under the terms of the proposed settlement, the payments would resolve all outstanding claims and decisions against the County and that Robson would agree not to pursue the pending claim challenging the current connection fee ordinance. He said the County Attorney's Office and outside counsel recommended the Board accept the proposed settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to accept the recommendation of the County Attorney's Office and outside counsel.

7. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Mensch, Clark and Rothschild that Pima County waive a conflict of interest to allow them to represent KE&G Construction, Inc., with respect to a third party request of Pima County to release KE&G's pricing information reflected on its JOC contract for Wastewater.

Chris Straub, Chief Civil Deputy County Attorney, reported a request had been made to waive a conflict of interest to allow the firm to represent KE&G Construction, Inc., with respect to filing a lawsuit against the County to prevent the County from releasing certain documents to a third party pursuant to a public records request, and that a request for 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. **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 Bronson, seconded by Supervisor Miller 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. Facilities Management**

1. Portable Practical Educational Preparation, Inc., to provide a lease agreement for space in the Pima County Courthouse located in Ajo, contract amount \$7,670.04 revenue/3 year term (CTN-FM-13000191)

**B. Procurement**

**Award**

2. Low Bid: Award of Contract, Requisition No. 78777 in the amount of \$369,800.00 to the lowest responsive bidder, United Builders, L.L.C. (Headquarters: Tucson, AZ) for NRPR Ajo Community Center upgrades. The contract is for a six month period and may be extended for project completion. Funding Source: Facilities Renewal Fund. Administering Department: Facilities Management.

**C. Real Property**

3. RESOLUTION NO. 2013 - 7, of the Pima County Board of Supervisors, approving and authorizing the execution of a Donation Agreement and acceptance of a Special Warranty Deed from Starpass Master Homeowners' Association, Inc., for an 84 acre parcel, Tax Parcel No. 116-27-1780, General Fund, contract amount not to exceed \$7,500.00 including closing costs (CT-PW-13000564)

**D. Recorder**

4. City of South Tucson, to provide 2013 election services, contract amount \$5,000.00 revenue (CTN-RE-13000217)
5. Town of Marana, to provide 2013 election services, contract amount \$50,000.00 revenue (CTN-RE-13000218)

**E. Sheriff**

6. Governor's Office for Children, Youth and Families, Amendment No. 1, to provide for the STOP Grant, extend contract term to 12/31/13 and amend contractual language, Federal Fund, contract amount \$297,289.00 revenue; General Fund, contract amount \$99,096.00 (in-kind services) (CTN-SD-13000202)

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

A. Susan Lai, Tucson Chinese Association, Chinese Cultural Center, 1288 W. River Road, Tucson, February 9, 2013.

B. Harvey Michael Yoos, Jr., Roland Moody VFW Post No. 3578, 1764 N. 2nd Avenue, Ajo, February 9, 2013.

**FINANCE AND RISK MANAGEMENT**

**3. Duplicate Warrants – For Ratification**

Lockwood, Andrews and Newnam, Inc.	\$ 563.20
Diane Newberg	\$ 16.00
Harinder S. Chowman	\$ 100.00
Miguel Flores	\$ 117.00
Experian, Inc.	\$ 572.27
Hitemp Management Consulting	\$1,113.76
Kathleen McCormack	\$1,450.00
Kori A. Tevere	\$ 78.00
Purcell Tire and Rubber	\$ 79.95
Union Pacific Railroad	\$ 500.00

**4. REAL PROPERTY**

**Water Utility Easement**

Water Utility Easement to Metropolitan Domestic Water Improvement District for the relocation of the Matter Well in the northwest one-quarter of Section 34, T12S, R13E. No cost. (District 1)

**5. RATIFY AND/OR APPROVE**

Minutes: January 15, 2013

**REGULAR AGENDA/ADDENDUM ITEMS**

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

The Office of Court Appointed Counsel requests approval to create three new Position Control Numbers (PCNs), associated costs will be borne by the department from within its current budget:

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
1	7660/Attorney-Unclassified	U3
1	7010/Clerk-Senior-Unclassified	U1
1	7136/Program Specialist-Unclassified	U1

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

**10. INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2013 - 8, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of not-to-exceed \$90,745,000.00 aggregate principal amount of the Industrial Development Authority of the County of Pima Industrial Development Revenue Bonds, 2013 Series A (Tucson Electric Power Company Project) and declaring an emergency.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to adopt Resolution No. 2013 - 8.

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

P21-12-018, STAHLKOPFF – E. SUMMIT STREET

Request of Carlos and Veronica Stahlkopff, represented by Jaca Design, L.L.C., on property located at 1644 and 1646 E. Summit St., in the GR-1 Zone, for a Conditional Use Permit for a Barber Shop and Office Use. Chapter 18.97 in accordance with Sections 18.14.030B.6 and 18.14.030B.7 of the Pima County Zoning Code allows a Barber Shop and Offices as a Type II Conditional Use in the GR-1 Zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 2)

Standard Conditions & Requirements per the Pima County Zoning Code

Personal Services (including hair salon, barber shop, catering service or interior decorating) and Professional and Semiprofessional Services:

1. Shall require a Type II procedure.
2. Shall have a maximum floor area of two thousand square feet.

Special Conditions

1. The new building shall be of a Santa Fe architectural style and color palette as described in the applicant's submitted materials and as necessary to be aesthetically consistent with the existing convenience store.
2. The size of the building shall be no more than 800 square feet as shown on approved Development Plan No. P1204-056.

Jim Portner, Hearing Administrator, provided a report, stated there had been no objections filed regarding the permit and explained the special conditions for this request.

The Chairman inquired whether anyone wished to be heard. No one appeared. 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 approve P21-12-018, subject to standard and special conditions.

**12. DEVELOPMENT SERVICES: TYPE II CONDITIONAL USE PERMIT**

P21-12-019, BALCER – EAST TANQUE VERDE ROAD

Request of Richard and Lisa Balcer, represented by Old Pueblo Children's Services, on property located at 11011 E. Tanque Verde Rd., in the RVC Zone, for a Conditional Use Permit for a Plant Nursery, Country General Store and Farmer's Market. Chapter 18.97 in accordance with Section 18.41.040A of the Pima County Zoning Code allows a Plant Nursery, Country General Store and Farmer's Market as a Type II Conditional Use in the RVC Zone. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions & Requirements per the Pima County Zoning Code

The Pima County Zoning Code prescribes no standard requirements for the proposed general store, plant nursery, or farmer's market uses.

Special Conditions

1. This conditional use permit is for a plant nursery, general store, and farmer's market only, together with those ancillary activities that normally and routinely accompany these uses. No other commercial uses are approved for this site.
2. The proposed uses shall occur on the property in substantial conformance with their location as shown on the conceptual site plan that was submitted by the applicant in conjunction with this conditional use permit application.
3. Any expansion of any of the individual uses labeled as "covered farmer's market area," "general store," or "pavilion plants & pots for sale" (i.e. the plant nursery) by more than 50% of their area as shown on the submitted conceptual site plan shall trigger the requirement for a new conditional use permit application, public notice, and public hearing process. The intent of this special condition is to allow a reasonable growth of the site's three uses before any new public process of conditional use permit is required.
4. All of the above assumes that no new site improvements are proposed for the property. If any new or additional site improvements are contemplated by the property owners in conjunction with any of the approved conditional uses, it shall be the province of the Pima County Subdivision Coordinator to determine whether a formal Development Plan or other form of site plan review is required as a prerequisite to the issuance of permits.

Jim Portner, Hearing Administrator, provided a report, stated there had been no objections filed regarding the permit and explained the special conditions for this request.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-12-019, subject to standard and special conditions.

**13. TRANSPORTATION: TRAFFIC RESOLUTION**

RESOLUTION NO. 2013 - 9, of the Board of Supervisors, permitting the temporary closure of McCain Loop in Tucson Mountain Park for the Tucson Bicycle Classic on Friday, March 15, 2013. 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 Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt Resolution No. 2013 - 9.

**14. CONTRACT: REAL PROPERTY**

Vail UPRR North II, L.L.C., Vail UPRR South, L.L.C. and Vail UPRR Russo, L.L.C., to provide a Developer Agreement for the acquisition of right-of-way across state lands, contract amount \$1,500.00 revenue (CTN-PW-13000234)

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

**15. CALL TO THE PUBLIC**

The following Pima County employees who were members of Service Employees International Union, Local 48 addressed the Board:

- Sophia Blue
- Jeff Barnes
- Lisette Arvizu
- Judith Schneider, retired
- Janice Clem
- Monica Nicholas
- Juan Perez
- John Becerra
- Maya Castillo, Local President

The speakers requested the Board of Supervisors provide Pima County employees with a wage increase for FY 13/14, for the following reasons:

- Employees have not felt valued by the County.
- Health care costs have continued to rise and employees were having a hard time paying for those increases.

- Increased regulations have required employees to learn new skills and to operate new equipment.
- Wages have not kept up with the rise in gasoline and food prices.
- Many employees have taken second jobs to compensate for shrinking paychecks.
- Many employees were also single parents who found it difficult to make ends meet.
- The cost of childcare and preschool was hard to manage for employees.

16. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:00 a.m.



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CHAIRMAN

ATTEST:



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CLERK