

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

April 13, 2010 9:00 a.m.

1. ROLL CALL

2. INVOCATION

To be offered by Pastor Jennifer Hageman, St. Mark's United Methodist Church.

3. PLEDGE OF ALLEGIANCE

4. PAUSE 4 PAWS

5. PRESENTATIONS

- A. Presentation of a proclamation to Jerry Shapius, Event Organizer, proclaiming April 12, 2010 through April 18, 2010, to be:

"CYCLOVIA TUCSON WEEK"

Motion carried to approve (5/0)

- B. Presentation of the 2010 Small Business Award of the Year, as recommended by the Pima County Small Business Commission, to MicroBusiness Advancement Center (MAC).

... EXECUTIVE SESSIONS

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations for the following:

1. DHS Property Investments Ltd. Partnership v. Pima County
Tax Parcel Nos. 128-10-0560 and 122-12-341D
Arizona Tax Court Case No. TX2009-000172

Motion carried to accept recommendation (5/0)

2. Fidelity National Trust v. Pima County
Tax Parcel Nos.: 22 parcels 219-34-0280 through 0490
Arizona Tax Court Case No. TX2009-000833

Motion carried to accept recommendation (5/0)

3. 260 Pantano L.L.C., v. Pima County
Tax Parcel Nos.: 57 parcels (134-28-0010 through 0080, 0120; 0490-0600, 0620-0680; and 0710 – 0790); 71 parcels (134-28-0130 – 0480, 0810-0860, 0880-1360); and 1 parcel (134-28-1370)
Arizona Tax Court Case No. TX2009-000835

Motion carried to accept recommendation (5/0)

4. Hobeich v. Pima County
Tax Parcel No. 108-13-3430
Arizona Tax Court Case No. TX2009-000827

Motion carried to accept recommendation (5/0)

5. Landmark Title v. Pima County
Tax Parcel Nos.: 16 parcels (225-14-3670, 3680, 3710-3820, 3850, and 3960; and 2 parcels (225-14-3870 & 3880)
Arizona Tax Court Case No. TX2009-000834

Motion carried to accept recommendation (5/0)

6. Tucson 5151 Investments v. Pima County
Tax Parcel No. 127-01-005D
Arizona Tax Court Case No. TX2009-000335

Motion carried to accept recommendation (5/0)

7. First American Title v. Pima County
Tax Parcel Nos.: 10 parcels (108-25-1980, 2300, 2330, 2360, 2370, 2390, 2400, 2410, and 2420); and 108 parcels (108-25-1410-1910, 1980, 2000-2190, 2300, 2330, 2360-2420, 2440-2800)
Arizona Tax Court Case No. TX2009-000831

Motion carried to accept recommendation (5/0)

8. Fidelity National Title v. Pima County
Tax Parcel Nos.: 34 parcels (205-75-5790, 5830-5870, 5970-5990, 6100-6340); 3 parcels (205-75-5800, 5810, 5820); and 19 parcels (205-75-5880-5960, 6000-6090)
Arizona Tax Court Case No. TX2009-00106

Motion carried to accept recommendation (5/0)

(Clerk's Note: See Zoning Enforcement Board of Appeals.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... BOARD OF DEPOSIT

Award of Servicing Bank Contract

Award of Contract, Requisition No. 1001076, in the amount of \$1,700,000.00 to the highest ranked/most qualified respondent, Bank of America National Association (Headquarters: Charlotte, NC) for servicing bank and other ancillary banking services to Pima County. Contract is for a three year term and includes one (1) two year renewal period. Funding Source: General Fund. Administering Department: Treasurer.

Motion carried to approve (5/0)

... FLOOD CONTROL DISTRICT BOARD

Real Property - Condemnation

RESOLUTION NO. 2010 – **FC** 4, of the Pima County Flood Control District, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Santa Cruz River: Ajo Way to Silverlake Bank Protection, Ecosystem Restoration and Linear Parkway Project, in Section 23, 26 and 27 of T14S, R13E, G&SRM. (District 5)

Motion carried to approve (5/0)

... ZONING ENFORCEMENT BOARD OF APPEALS

UNFINISHED BUSINESS (RM 10/13/09, RM 1/19/10 and RM 3/9/10)

A. Executive Session

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case Nos. P08ZV00529, 1 and 3, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only.

B. Appeal of Hearing Officer Decision

P08ZV00529-1 and 3, James Hessler

In accordance with the Pima County Zoning Code Section 18.95.030C, James Hessler, appeals the decision of the Hearing Officer in Case No. P08ZV00529–1, for a violation of the Zoning Code, Sections 18.07.030C and 18.09.020Q, open storage of used materials, debris and inoperable vehicles; and Case No.

P08ZV00529-3, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, contractor's yard not a permitted or conditional use in CR-1, on property located at 340 N. Hilton Road, Vail, AZ. (District 4)

Motion carried to uphold hearing officer's decision (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

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

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

B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve as amended, except item 6.B.2 (5/0)

***** HEARINGS *****

7. **FRANCHISE/LICENSE/PERMIT**

Fireworks Permit

Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, April 21, 2010 at 7:30 p.m. (Notation: If weather cancellation occurs on 4/21/10, then display will be rescheduled for April 24, 2010.)

Motion carried to approve (5/0)

8. **COUNTY ADMINISTRATOR**

Amendments to County Bond Ordinances and Bond Program Update

A. ORDINANCE NO. 2010 - 22, of the Pima County Board of Supervisors relating to the Highway User Revenue Fund Revenue Bond projects amending Ordinance No. 1997-80 Bond Implementation Plan, November 4, 1997 Special Election (as amended September 22, 1998 by Ordinance No. 1998-59; August 20, 2001 by Ordinance No. 2001-112; December 14, 2004 by Ordinance No. 2004-118; October 11, 2005 by Ordinance No. 2005-90; April 4, 2006 by Ordinance No. 2006-20; October 17, 2006 by Ordinance No. 2006-83; November 6, 2007 by Ordinance No. 2007-93; April 21, 2009 by Ordinance No. 2009-39; and October 6, 2009 by Ordinance No. 2009-91) for the purpose of reallocating bond funds, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain bond projects.

Motion carried to approve (5/0)

- B. ORDINANCE NO. 2010 - 23, of the Pima County Board of Supervisors relating to General Obligation and Sewer Revenue Bond projects amending Ordinance No. 1997-35 Bond Implementation Plan, May 20, 1997 Special Election (as amended September 22, 1998 by Ordinance No. 1998-58; August 20, 2001 by Ordinance No. 2001-111; March 9, 2004 by Ordinance No. 2004-15; October 11, 2005 by Ordinance No. 2005-91; April 4, 2006 by Ordinance No. 2006-19; October 17, 2006 by Ordinance No. 2006-82; April 10, 2007 by Ordinance No. 2007-32; November 6, 2007 by Ordinance No. 2007-94; April 1, 2008 by Ordinance No. 2008-24; November 18, 2008 by Ordinance No. 2008-107; and October 6, 2009 by Ordinance No. 2009-90) for the purpose of amending the scope of certain projects, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain projects.

Motion carried to approve (5/0)

- C. ORDINANCE NO. 2010 - 24, of the Pima County Board of Supervisors relating to General Obligation and Sewer Revenue Bond Projects amending Ordinance No. 2004-18 Bond Implementation Plan, May 18, 2004 Special Election (as amended October 11, 2005 by Ordinance No. 2005-92; April 4, 2006 by Ordinance No. 2006-21; October 17, 2006 by Ordinance No. 2006-84; April 10, 2007 by Ordinance No. 2007-33; November 6, 2007 by Ordinance No. 2007-95; April 1, 2008 by Ordinance No. 2008-25; November 18, 2008 by Ordinance No. 2008-106; April 21, 2009 by Ordinance No. 2009-40; and October 6, 2009 by Ordinance No. 2009-92) for the purpose of reallocating bond funds, amending the scope of certain projects, amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain projects.

Motion carried to approve (5/0)

- D. Pima County Bond Program Update, Semi-Annual Report for Fiscal Year 2009/2010.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Electrical Substation

9. Co18-10-01, ARIZONA STATE LAND DEPARTMENT/SOUTHWEST TRANSMISSION COOPERATIVE INC. – W. VALENCIA ROAD 115/24.9kV ELECTRICAL SUBSTATION PERMIT (EXPANSION)

Request of Southwest Transmission Cooperative, Inc., represented by The WLB Group, for an approximate 2.49 acre expansion of an existing 115/24.9kV electrical substation and a request to waive the screening requirements as prescribed in Section

18.07.040B.5b. of the Pima County Zoning Code. The expansion site is located immediately south and west of the existing substation at the southwest corner of W. Valencia Road and S. Vahalla Road. Staff recommends **APPROVAL WITH CONDITIONS.** (District 3)

Motion carried to approve (5/0)

10. **CALL TO THE PUBLIC**
11. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 4/7/10
TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, APRIL 13, 2010

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Yuma Private Industry Council, Amendment No. 4, to provide administration of the Workforce Innovation in Regional Economic Development (WIRED) Program and amend contractual language, Arizona Department of Commerce - WIRED Fund, contract amount \$373,831.00 decrease (11-69-Y-140339-0707)
2. Cochise Private Industry Council, Amendment No. 4, to provide administration of the Workforce Innovation in Regional Economic Development (WIRED) Program and amend contractual language, Arizona Department of Commerce - WIRED Fund, contract amount \$67,915.00 decrease (11-69-C-140340-0707)
3. Arizona Board of Regents, University of Arizona, Amendment No. 4, to provide administration of the Workforce Innovation in Regional Economic Development (WIRED) Program and amend contractual language, U.S. Department of Labor - WIRED Fund, contract amount \$153,831.00 (01-69-A-140408-0707)
4. Corporation for a Skilled Workforce, Amendment No. 1, to provide consultant services for the implementation of the WIRED Program, U.S. Department of Labor – WIRED Fund, contract amount \$64,000.00 (07-69-C-142314-0709)
5. Arivaca Coordinating Council/Human Resource Group, Inc., Amendment No. 1, to provide emergency assistance to eligible low-income households for the term 7/1/10 to 6/30/11 and amend contractual language, Community Services Block Grant Fund, contract amount \$25,000.00 (07-69-A-142400-0709)
6. El Rio Santa Cruz Neighborhood Health Center, Inc., Amendment No. 1, to provide emergency assistance to eligible low-income households experiencing a temporary financial crisis for the term 7/1/10 to 6/30/11 and amend contractual language, Community Services Block Grant Fund, contract amount \$25,000.00 (07-69-E-142507-0709)
7. Arizona Housing and Prevention Services, Inc., Amendment No. 1, to provide emergency assistance to eligible low-income households for the term 7/1/10 to 6/30/11 and amend contractual language, Community Services Block Grant Fund, contract amount \$24,810.00 (07-69-A-142508-0709)

B. Facilities Management

8. John Christensen, OKO Prototype, to provide public art services for the new psychiatric hospital on the University Physicians Healthcare Campus at Kino for the term 4/13/10 to 7/31/11, 2004 and 2006 Bond Funds, contract amount \$200,000.00 (07-13-C-142861-0410)

C. Health

9. Arizona Department of Health Services, Amendment No. 3, to develop, implement and evaluate a countywide HIV Prevention/Surveillance Program, ~~Federal~~ **State** Grant Fund, contract amount \$25,618.00 decrease (01-01-A-138127-0106)
10. Arizona Department of Health Services, Amendment No. 3, to provide for the distribution of fresh fruit and vegetables and amend contractual language, Federal Fund, contract amount \$3,053.75 revenue (01-01-A-140662-0308)

D. Office of Court Appointed Counsel

Award

11. Increase in award, No. B501742 to Cynthia J. Sweet, to provide juvenile contract attorney services for the Pima County Juvenile Court in the amount of \$30,000.00. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

E. Pima Health System

12. Urgent Care Associates, P.C., Amendment No. 5, to provide primary care physician and urgent care services for the term 4/1/10 to 3/31/11 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-137458-0406)
13. Bridgeway Health Solutions of Arizona, L.L.C., Amendment No. 1, to provide services for the Preferred Medicare Advantage Plan (MAP) and amend contractual language, PHCS Enterprise Fund, no cost (07-15-B-142421-0110)
14. Cornerstone Hospital of Southeast Arizona, L.L.C., Amendment No. 1, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-142485-1009)

15. Carondelet Health Network, to provide hospital services for the term 5/1/09 to 4/30/11, PHCS Enterprise Fund, contract amount not to exceed \$15,000,000.00 (18-15-C-142852-0509)

F. Procurement

Awards

16. Cooperative Procurement: Award of Contract, Requisition No. 1001609, in the amount of \$1,262,571.00 to Dell (Headquarters: Buffalo Grove, IL). Initial acquisition cost is \$922,571.00 that will be amortized over a three year period for Microsoft Licenses and Software Assurance. Estimated annual maintenance fee is \$170,000.00 per year, starting at year four through year six (term required by supplier). The contract term is for three years and includes three renewal periods. This award includes the authority for the Procurement Director to approve future amendments/renewals without further action by the Board of Supervisors for reasons other than increases in funding. Funding Source: General Fund. Administering Department: Information Technology.
17. Cooperative Procurement: Award of Contract, Requisition No. 1001627, in the amount of \$1,500,000.00 to Dell (Headquarters: Round Rock, TX) to provide computer equipment, peripherals and related services. The contract is for a one year term and includes four renewal periods. This award includes the authority for the Procurement Director to approve future amendments/renewals without further action by the Board of Supervisors for reasons other than increases in funding. Funding Source: General Fund. Administering Department: Information Technology.

G. Sheriff

18. RESOLUTION NO. 2010 - 77, approving an Intergovernmental Agreement with the Office of National Drug Control Policy, to provide for the High Intensity Drug Trafficking Area Program Cycle 17 initiatives, Federal Grant Fund, contract amount \$6,825.84 revenue (01-11-O-142862-0107)
19. RESOLUTION NO. 2010 - 78, approving an Intergovernmental Agreement with the Office of National Drug Control Policy, to provide for the High Intensity Drug Trafficking Area Program Cycle 18 initiatives, Federal Grant Fund, contract amount \$248,357.10 revenue (01-11-O-142863-0108)
20. RESOLUTION NO. 2010 - 79, approving an Intergovernmental Agreement with the Office of National Drug Control Policy, to provide for

the High Intensity Drug Trafficking Area Program Cycle 20 initiatives, Federal Grant Fund, contract amount \$2,241,209.00 revenue (01-11-O-142864-0110)

21. City of Tucson, Amendment No. 2, to provide architectural design review services associated with renovations of Thomas Price Service Center for the Pima County Wireless Integrated Network Project and amend contractual language, 2004 Bond Fund, no cost (01-11-T-141803-0309)

2. BOARD OF SUPERVISORS

Approval of the Board of Supervisors Meeting Schedule for the period May through August, 2010.

3. DIVISION OF ELECTIONS

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Kennedy, Kelly	125	REP
Kennedy, Tiane R.	125	REP
Sutter, James F.	178	REP
Collins, Ashley	250	REP
Collins, Cyndi	250	REP
Collins, Monty	250	REP
Jackson, Anita M.	392	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Ferrell, Rocky	243	REP
Clarke, Von H.	329	DEM

4. FINANCE AND RISK MANAGEMENT

Duplicate Warrants – For Ratification

Luis Felix	\$206.00
Matt Thomas	\$206.00
Christine Whiting (aka Christine Konigsfeld)	\$231.84
Carondelet Imaging Center	\$ 84.56
St. Mary’s Imaging Center	\$ 12.92
St. Mary’s Imaging Center	\$145.68
St. Mary’s Imaging Center	\$ 17.55
St. Mary’s Imaging Center	\$ 30.83
Margaret Fisher	\$ 15.00
Trico Electric Cooperative	\$908.29

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

- A. Karen J. Kornman, Friend of Old Pueblo, N.R.A., Beaudry RV Event Center, 3200 E. Irvington, Tucson, May 22, 2010.
- B. Susan Lynn Kaster, VFW No. 10254, 10111 S. Sasabe Highway, Tucson, May 8, 2010.
- C. Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, April 8, 2010.
- D. Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, April 24, 2010.
- E. Linda E. Jallad, Tohono Chul Park, 7366 N. Paseo Del Norte, Tucson, April 29, 2010.
- F. William D. Woodruff, Knights of Columbus No. 12696, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, April 11, 2010.
- G. William D. Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, May 14, 2010.

6. **REAL PROPERTY**

A. **Condemnation**

RESOLUTION NO. 2010 - 80, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Magee/Cortaro Farms Road: Thornydale to La Canada Project, in Sections 27, 33 and 34 of T12S, R13E, G&SRM. (District 1)

B. **Right-of-Way Easements**

- 1. Acceptance of Perpetual Right-of-Way from the Arizona State Land Department, to allow Pima County to keep Camino Loma Alta on State land, in Section 35, T15S, R16E, and Section 2, T16S, R16E, G&SRM, \$51,362.00 refund. (District 4)
- 2. Sale and Conveyance of a Right-of-Way Easement to Tucson Electric Power, for placement of electrical facilities Tax Parcel Nos. 140-02-015A and 140-02-019A, Section 3, T15S, R14E, G&SRM, \$3,400.00 revenue. (District 2)

Without objection, this item was continued to 5/4/10.

7. 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 case(s) 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, 5025 W. Ina Road, Tucson, Arizona, 85743. 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 Agreement(s):

- A. McDonalds, No. 1996. Proposed settlement amount is \$3,531.86.
- B. Walgreens Company, No. 5532. Proposed settlement amount is \$10,000.00.
- C. Best of Everything, d.b.a., Delectables Restaurant and Catering. Proposed settlement amount is \$1,009.42.

8. PROCLAMATION

Proclaiming the month of April, 2010, to be:

"FINANCIAL CAPABILITY MONTH"

9. RATIFY AND/OR APPROVE

Minutes: February 16, 2010

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

April 13, 2010 9:00 a.m.

. . . EXECUTIVE SESSIONS

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction as to Pima County's position regarding its performance bond on the following matters:

- A. West Speedway Phase II, L.L.C.
U.S. Bankruptcy Court Case No. 4:09-BK-15664-EWH

Motion carried to accept recommendation (5/0)

- B. West Speedway Partners, L.L.C.
U.S. Bankruptcy Court Case No. 4:06-BK-01632-EWH

Motion carried to accept recommendation (5/0)

- C. Valles et. al., v. Pima County
U.S. District Court Case No. CV08-0009-TUC-FRZ (JCG)

Motion carried to accept recommendation (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

Retiree Health Coverage. Discussion/Direction. (District 4)

Motion carried to research Obama Healthcare and provide Executive Session report (5/0)

2. COUNTY ADMINISTRATOR

- A. Financial assistance to the Mount Lemmon Fire District in the amount of \$137,500.00 from the Board of Supervisors Contingency Fund. Discussion/Direction/Action.

Motion carried to approve (5/0)

- B. Future of the Sahuarita Landfill, and the amount and conditions of a General Fund subsidy for operation and maintenance expenses for fiscal year 2010/11. Discussion/Direction/Action.

Motion carried to include as Budget item for consideration (5/0)

- C. Active employee medical insurance contribution strategy for fiscal year 2010/11. Discussion/Direction/Action.

Motion carried to continue to 4/20/10 (5/0)

- D. Funding for University Physicians Healthcare Hospital and Plan for final transition into an integrated two-hospital medical education system of the University of Arizona, College of Medicine. Discussion/Direction/Action.

Motion carried to proceed with IGA (5/0)

3. **PROCUREMENT**

Amendment of Award

Amendment of Award: Contract No.11-03-S-142227-0809 (BC B506672) to Sierra Southwest Cooperative Services, Inc., for an additional one year period, effective August 1, 2010, and increase the award in the not to exceed amount of \$2,000,000.00 to \$4,000,000.00. This amendment will supply the County with additional MMBtu of natural gas and a new firm fixed price and index price based on actual market prices at the time of purchase. This request includes the authority to negotiate and execute the required contract amendments with Sierra Southwest and Southwest Gas. Funding Source: RWRD Operations and Maintenance Fund. Administering Department: Regional Wastewater Reclamation.

Motion carried to approve (5/0)

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

Outside Agency Citizen Review Committee

Appointment of Pam Moseley to replace Cazlin Robbins. No term expiration. (District 3)

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 4/9/10
TIME POSTED: 11:00 A.M.