

AGENDA AND TAX LEVY HEARING SUMMARY

Pima County Board of Supervisors' Meeting

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

August 15, 2011 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Reverend Alvin R. Castin, Jr., Rising Star Baptist Church.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Alison Hughes, Chair of the Pima County/Tucson Women's Commission, proclaiming August 26, 2011, to be:

"WOMEN'S EQUALITY DAY"

Motion carried to approve (5/0)

... **EXECUTIVE SESSION**

Call to the Public (for Executive Session items only)

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

UNFINISHED BUSINESS (RM 8/2/11)

Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice and direction regarding the sale or lease of Posada del Sol Health Care Center.

This item was informational only.

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

Contract

RESOLUTION NO. 2011-FC 5, of the Pima County Board of Directors of the Pima County Flood Control District, approving and authorizing the execution of a purchase agreement with Shirley Sneed, David Carter, Jr., and Melanie Carter Carvalho, for approximately 13.99 acres of underdeveloped property located generally at the northern terminus of Bear Canyon Road, and adjacent to the southern boundary of Sabino Canyon National Recreation Area, Flood Control District Tax Levy Fund, contract amount not to exceed \$458,000.00 including closing costs (CT-FC-12000798)

Motion carried to approve (5/0)

... ZONING ENFORCEMENT BOARD OF APPEALS

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 No. P11CV00002-1, Life Enrichment Poverty Intervention. The Board may also, during the course of the hearing and upon motion, enter into executive session.

Without objection, continued to 9-20-11.

B. Appeal of Hearing Officer's Decision

P11CV00002-1, LIFE ENRICHMENT POVERTY INTERVENTION

In accordance with the Pima County Zoning Code Section 18.95.030C, Life Enrichment Poverty Intervention, Raymond Lockwood, the defendant, appeals the decision of the Hearing Officer in Case Number P11CV00002-1. The citation was for a violation of the Zoning Code Section 18.09.020Q (open storage-burnt structure and all the debris from the fire damage). (District 3)

Without objection, continued to 9-20-11.

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 (5/0)

7. **BOARD OF SUPERVISORS: Tie Vote**

Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding the Green Valley Fire District Annexation and the June 29, 2011 Superior Court Order in Case No. C20113736 remanding the matter to the Board of Supervisors for further consideration.

On August 2, 2011, the Board of Supervisors took the following action:

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and carried by a 2 to 2 vote, Supervisors Bronson and Elías voting “Nay,” Chairman Valadez recusing himself from the vote due to a potential Conflict of Interest, to accept the recommendations of County Administrator’s Memorandum dated August 1, 2011, to validate the petitions annexing the North Sahuarita Block into the Green Valley Fire District and to pass (proposed) Resolution No. 2011-130.

As required by Board of Supervisors Rules and Regulations, Rule F (2), this item is to appear at this meeting for another vote. If the result of that vote is another tie, the item is denied.

Motion to approve failed (2/2)

8. **COUNTY ADMINISTRATOR**

A. **Contingency Allocation to Green Valley Sahuarita Chamber of Commerce**

Staff recommends the allocation of \$5,000.00, Contingency Fund, to the Green Valley Sahuarita Chamber of Commerce for the purpose of developing a promotional video *Today in America* hosted by Terry Bradshaw, provided Rancho Sahuarita, Quail Creek, Meritage Homes, La Posada, the Town of Sahuarita and the Green Valley Sahuarita Association of Realtors make a similar financial commitment. Direction to Economic Development and Tourism Dept. to develop a contract and monitor the video production.

Motion carried to approve (5/0)

B. **Classification and Compensation**

The Pima County Medical Examiner requests the creation of the following classification. No cost.

<u>Class Code</u>	<u>Class Title</u>	<u>Grade Range</u>	<u>EEO, O/T Code</u>
4447	Forensic Medical Investigator Supervisor	49	2, E*
		(\$44,642 to \$65,095)	

*E = Exempt (not paid overtime)

Motion carried to approve (5/0)

9. **FINANCE AND RISK MANAGEMENT**

UNFINISHED BUSINESS (RM 6/21/11 and 7/12/11)

Meet and Confer Memorandum of Understanding

Staff requests approval of the Meet and Confer Memorandum of Understanding with Service Employees International Union (SEIU) for Fiscal Year 2011-2012.

Motion carried to approve (3/2)

10. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2011 – 133, 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 its Educational Facility Revenue Bonds (Fountain Hills Charter School Project), Series 2011 in an aggregate principal amount not to exceed \$4,000,000.00 and declaring an emergency.

Motion carried to approve (5/0)

11. **REAL PROPERTY**

UNFINISHED BUSINESS (RM 8/2/11)

Award of Purchase Contract

Consent by the Board of Supervisors for the Award of Purchase Contract for the sale of Posada del Sol Health Care Center located at 2250 N. Craycroft Road, Tax Parcel Nos. 121-05-0140, 0150, 016A, 017F and 017J, to Hunter Properties Investments, L.L.C, in the amount of \$7,800,000.00. The term of the sale is cash with a \$500,000.00 deposit received as earnest money.

Motion carried to approve (4/1)

***** HEARINGS *****

12. **BOARD OF SUPERVISORS**

Tax Levy

A. Adoption of the Fiscal Year 2011/2012 Tax Rates and establishing Tax Levy amounts.

If approved, pass and adopt:

RESOLUTION NO. 2011 - 134

Motion carried to approve (3/2)

- B. RESOLUTION NO. 2011 - 135, authorizing delivery of the tax statements and the collection of the 2011 taxes.

Motion carried to approve (5/0)

FRANCHISES/LICENSES/PERMITS

Liquor License

13. 11-19-9080, Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Suite 103, Tucson, Series 12, Restaurant, New License.

Motion carried to approve (5/0)

Extension of Premises/Patio Permit

14. Albert Sherman Hall, Jr., Acacia Skyline, L.L.C., d.b.a. Acacia, 3001 E. Skyline Drive, No. 133, Tucson, Permanent Extension of Premises.

Motion carried to approve (5/0)

Fireworks Permit

15. Stephanie Sanders, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, September 3, 2011, at approximately 8:30 p.m.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Appeal of the Hearing Administrator's Decision

UNFINISHED BUSINESS (RM 8/3/10, 9/14/10, 11/9/10, 1/11/11 and 5/10/11)

16. P21-09-036, PIMA COUNTY RIGHT-OF-WAY – W. SAGE ST.
In accordance with Pima County Zoning Code Section 18.97, New Cingular Wireless, represented by Lake and Cobb, P.L.C., appeal the decision of the Hearing Administrator in Case No. P21-09-036, for a Type I Conditional Use Permit for a communication tower/utility pole replacement in the right-of-way located at 1715 W. Sage St. in the SR zone. Chapter 18.97, in accordance with Section 18.07.030H.2.e.7 of the Pima County Zoning Code, allows a communication tower/utility pole replacement meeting certain conditions as a Type I Conditional Use in the SR zone. The Hearing Administrator **DENIED** the request for the proposed communication tower. (District 1)

Without objection, this item was dismissed.

NEW BUSINESS

Modification (Substantial Change) of Rezoning Conditions

17. Co9-08-08, RIVERSIDE ASSOCIATES, ET AL. – RIVER ROAD NO. 2 REZONING
Request of Riverview Ventures, L.L.C. and Pima County, represented by the Planning Center, for a modification (substantial change) of rezoning Conditions Nos. 17 and 19 to allow for residential uses. Condition No. 17 requires adherence to the preliminary development plan as approved at public hearing for an office building development on Parcel “B” in the plan. Condition No. 19 prohibits certain uses including duplex, apartment or other multiple dwelling developments. The subject site is 8.71 acres zoned TR and SH® located on the east side of River Road at Roller Coaster Road, approximately 2,000 feet east of La Cholla Boulevard. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Neeley and Cox-Golder were absent) to recommend **APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve, as amended (5/0)

18. **CALL TO THE PUBLIC**

19. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 8/9/11
TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, AUGUST 15, 2011

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. Drexel Heights Fire District, Amendment No. 1, to provide five (5) fire hydrants for the Valencia West Area, CDBG Grant Fund, contract amount \$2,867.00 (CT-CD-12000580)

B. Health Department

2. Northern Arizona University, College of Health and Human Services, to provide an affiliation agreement to coordinate clinical and educational experiences including educational research, learning and public services for students, no cost (CTN-HD-12000030)

C. Procurement

3. Network Infrastructure Corporation, Amendment No. 4, to provide the Pima County Wireless Integrated Network Microwave Connectivity Network System and amend contractual language, no cost (MA-PO-B507378-BC)

Awards

4. Cooperative Procurement: Award of Contract, Solicitation No. 8330, in the annual amount of \$3,000,000.00 for "as required" printing and distribution of election ballot services and related materials to Runbeck Election Services, Inc. (Headquarters: Tempe, AZ). Contract is for a one-year term and includes four one-year renewal periods. The award includes the authority for the Procurement Department to make revisions to the contract without further action by the Board of Supervisors provided that the revisions do not change the scope of the contract or the annual award amount. Funding Source: General Fund Administering Departments: Division of Elections and Recorder.
5. Amendment of Award: Amendment No. 1, to provide fuel (gasoline, diesel and bio-diesel), extend contract terms to 3/31/12, increase contract amount by a total amount of \$3,450,000.00. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

<u>Contractor</u>	<u>Contract No.</u>	<u>Amount</u>
Western Refining Wholesale (formerly Phoenix Fuel Company)	B503392	\$3,200,000.00
Union Distributing Company of Tucson	B503388	\$ 250,000.00
Pro Petroleum. Incorporated	B503387	\$ 0.00

6. Low Bid: Award of Contract, Requisition No. 1103012, in the amount of \$1,965,202.00 to the lowest responsive bidder, Reynolds Inliner, L.L.C. (Headquarter: Orleans, IN) for construction of the 49ers Country Club CIPP Rehabilitation Project. Funding Source: RWRD Obligations Fund. Administering Department: Regional Wastewater Reclamation Department.

7. Low Bid: Award of Contract, Requisition No. 1103853, in the amount of \$571,454.00 to the lowest responsive bidder, The Ashton Company, Inc., (Headquarters: Tucson, AZ), for the construction of the Golder Ranch Drive Bridge at CDO Wash Deck Rehabilitation Project. The contract term is twelve months with the ability to extend the term for project completion. Construction is to be complete within 80 working days from Notice to Proceed. Funding Source: RTA Sales Tax. Administering Department: Transportation.

D. Sheriff

8. RESOLUTION NO. 2011 - **131**, approving an Intergovernmental Agreement with the Town of Marana, to provide for the incarceration of municipal prisoners for the term 7/1/11 to 6/30/12, contract amount \$312,265.00 estimated revenue (CTN-SD-12000034)

2. ELECTIONS DEPARTMENT

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Douglas Newborn	187	REP
Elise R. Lawson	246	GRN
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Roger D. Salzgeber	226	DEM
William L. Wardle	214	REP
Barbara A. Wardle	214	REP
Serlin Weathers	255	REP
Melanie M. Rollinson	362	REP
Martin E. Katvala	389	REP
Scott A. Randall	391	REP
Douglas J. Newborn	402	REP
Deanie A. Sparks	070	GRN

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

Tucson-Pima County Bicycle Advisory Committee

Appointment of Karilyn Roach to replace Karen Berchtold. Term expiration: 8/31/13.
(Committee recommendation)

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

- A. Anne Elizabeth Broome, Big Brothers Big Sisters of Tucson, Westin La Paloma Country Club, 3660 E. Sunrise Drive, Tucson, October 7, 2011.
- B. Aditi Gupta, India Society of Southern Arizona, Tucson Chinese Cultural Center, 1288 W. River Road, Tucson, October 29, 2011.
- C. Anne Rounds, Ronald McDonald House Charities of Southern AZ, 2905 E. Skyline Drive, Tucson, September 30, 2011.

5. **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. Dunkin' Donuts, L.L.C., Case No. C2011-03. Proposed settlement amount is \$699.97.
- B. Chipotle Mexican Grill, Inc., Case No. C2011-05. Proposed settlement amount is \$699.97 plus the completion of a supplemental environmental project in accordance with the Industrial Wastewater Enforcement Response Plan.

6. **SUPERIOR COURT**

Judges Pro Tempore

Appointment of the following as Judge Pro Tempore of Superior Court for the period of July 21, 2011 through June 30, 2012.

Bellovin, Barry
Karl, Karen
Treadwell, Rubin, Pamela

Butler, Jane
Kimminau, Brian
Wohl, Jacqueline

Erickson, George
Million, Wendy

7. **REAL PROPERTY**

Abandonment and Quit Claim Deed

- A. RESOLUTION No. 2011- **132**, of the Pima County Board of Supervisors providing for the vacation of a portion of public alley, Pima County Abandonment No. A-11-03, within Section 28, T14S, R14E, G&SRM. (District 2)
- B. Quit Claim Deed to Hudson Baylor Corp, a New York Corporation, to convey title to the right-of-way of a public alley, within Section 28, T14S, R14E, G&SRM, \$10,400.00 revenue. (District 2)

8. **RATIFY AND/OR APPROVE**

Minutes: June 21, 2011

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

August 15, 2011 9:00 a.m.

... EXECUTIVE SESSION

Call to the Public (for Executive Session item only)

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

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow the law firm of DeConcini, McDonald, Yetwin and Lacey to represent Catalina Foothills School District No. 16 regarding a Building Code violation and the applicability of Pima County's Building Codes to school property.

Motion carried to waive conflict of interest (5/0)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

Master Agreement for Mutual Public Lands Management between the Pima County Board of Supervisors and the **Pima County Flood Control District**, to provide the terms and conditions for the exchanges of land.

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. CONTRACTS

A. Community Services, Employment and Training

1. The Salvation Army, Amendment No. 4, to provide emergency assistance services, extend contract term to 6/30/12 and amend contractual language, Emergency Services Network Grant Fund, contract amount \$16,887.00 (CT-CS-12000462)

Motion carried to approve (5/0)

2. The Salvation Army, to provide workforce development services for the term 7/1/11 to 6/30/12, HUD Grant Fund, contract amount \$128,643.00 (CT-CS-12001029)

Motion carried to approve (5/0)

B. Facilities Management

3. Country Fair White Elephant, Amendment No. 2, to provide for the operation, maintenance and repair of the facility, extend contract term to 11/30/26 and amend contractual language, contract amount \$40.00 revenue (CTN-FM-CMS140021)

Motion carried to approve (5/0)

4. Community Performing Arts Center Foundation, Inc., to provide an Equipment Purchase Agreement, no cost (CTN-FM-12000082)

Motion carried to approve (5/0)

5. Community Performing Arts Center Foundation, Inc., to provide a Bill of Sale for equipment purchase, General Fund, contract amount \$165,255.00 (CT-FM-12001034)

Motion carried to approve (5/0)

C. Information Technology

6. T.W. Telecom of Arizona, L.L.C., Amendment No. 1, to provide a Master Conduit Agreement, General Fund, \$82,692.40 revenue/14 year term (CTN-IT-12000041)

Motion carried to approve (5/0)

7. T.W. Telecom of Arizona, L.L.C., Amendment No. 1, to provide a Fiber License Agreement, Various Project Funds, contract amount not to exceed \$2,800,000.00/14 year term (CT-IT-12000806)

Motion carried to approve (5/0)

D. Natural Resources, Parks and Recreation

8. Arizona Superior Court on behalf of the Juvenile Court Center, Amendment No. 2, to provide for juvenile work crew services, extend contract term to 6/30/12 and amend contractual language, General Fund, contract amount \$100,000.00 (CT-PR-12001002)

Motion carried to approve (5/0)

9. Tucson Cactus and Succulent Society, Inc., to provide for the development, operation and maintenance of Pima Prickly Park, no cost (CTN-PR-12000063)

Motion carried to approve (5/0)

E. **Superintendent of Schools**

10. Pima County Recorder, Amendment No. 1, to provide for election services, extend contract term to 6/30/12 and amend contractual language, Various School District Funds, contract amount \$120,820.00 (CT-SS-12000951)

Motion carried to approve (5/0)

2. **REAL PROPERTY**

Master Agreement for Mutual Public Lands Management between the **Pima County Board of Supervisors** and the Pima County Flood Control District, to provide the terms and conditions for the exchanges of land.

Motion carried to approve (5/0)

3. **BOARD OF SUPERVISORS**

Discussion and action to appoint the Clerk of the Board. (District 2)

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 8/11/11

TIME POSTED: 11:30 a.m.

ADDENDUM SUMMARY

**Pima County Board of Supervisors' Meeting
130 W. Congress St., Hearing Room, 1st Fl.
August 15, 2011 9:00 a.m.**

1. BOARDS COMMISSIONS AND/OR COMMITTEES

A. Board of Health

Reappointment of Paul Horwitz. Term expiration: 6/30/15. (District 3)

Motion carried to approve (5/0)

B. Fair Horse Racing Commission

Reappointment of Steve Brody. Term expiration: 1/21/13. (District 3)

Motion carried to approve (5/0)

C. Pima County Housing Commission

Reappointments of Henry Boice and Tim Escobedo. Term expirations: 12/31/15.
(District 3)

Motion carried to approve (5/0)

D. Planning and Zoning Commission

Reappointment of Bonnie Poulos. Term expiration: 6/19/15. (District 3)

Motion carried to approve (5/0)

E. State Board of Equalization

Reappointment of Beverly Weissenborn. Term expiration: 12/31/12. (District 3)

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 8/11/11
TIME POSTED: 12:55 p.m.