

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 6, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 6, 2009. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Paul Chambliss of Cornerstone Fellowship.

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. **PERSONAL POINT OF PRIVILEGE**

Chairman Elías requested a moment of silence to honor Amelia Cramer's father who recently passed away.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to recognize the Foothills Weedwackers from the Coronado Foothills Homeowners Association. (District 1)

Supervisor Day read and presented the proclamation to Lee Cooper on behalf of the Foothills Weedwackers. Lee Cooper accepted the proclamation and expressed his gratitude for the Board's support.

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

6. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Joan Lionetti, Executive Director of Tucson Clean & Beautiful and Founder of the Trees for Tucson Program; Sally Gestautas, President of Tucson Clean & Beautiful; Sharon Foltz, Community Relations Director for Tucson Electric Power Company; and, Harold Hummer, Utility Arborist for Tucson Electric Power Company, proclaiming the month of October 2009, to be:

“TREES FOR TUCSON MONTH”

Supervisor Valadez read and presented the proclamation to the above mentioned individuals. They accepted the proclamation and expressed their gratitude and appreciation for the Board’s support.

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

... **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:20 a.m.

7. **CONVENE**

The meeting reconvened at 9:40 a.m. All members were present.

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

The Chairman inquired whether anyone wished to be heard on any item listed for Executive Session. No one appeared.

9. **LITIGATION**

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:

Title Security Agency of Arizona v. Pima County

New Tucson Units 2, 5, 7, 8, 9 and 10; 1,338 parcels; parcel numbers located in Book 305, Maps 26, 29, 30, 32, 33, 34, 35 and 37, Arizona Tax Court Case No. TX2009-000133.

(Various parcel nos.: 305-26-0010 through 305-26-1990; 305-29-0010 through 305-29-1460; 305-30-0010 through 305-30-1340; 305-32-0010 through 305-32-1590; 305-33-0010 through 305-33-0990; 305-34-0010 through 305-34-2200; 305-35-0010 through 305-35-4040; and, 305-37-0010 through 305-37-3240.)

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal. The proposed settlement would reduce the total full cash value from \$12,647,583.00 to \$8,500,000.00 and the limited value from \$8,031,140.00 to \$4,253,425.00. The taxes would decrease based on the 2009 tax rates. The Pima County Assessor and Attorney's Office recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll and carried by a 4-0 vote, Supervisor Day recused herself due to a potential conflict of interest, to accept the recommendation.

10. **LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Gonzalez v. Pima County, et. al., Pima County Superior Court Case No. C20090812.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a personal injury lawsuit which originated from an automobile accident that involved a County employee. The Pima County Attorney's Office and Risk Management recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez 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 to seek approval of a tax appeal settlement recommendation on the following matter:

R & M Real Estate v. Pima County

Tax Parcel Nos. 117-10-050A, 117-10-049A and 112-06-0160, Arizona Tax Court Case No. ST2008-000498.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a proposed settlement that involved a valuation appeal. The proposed settlement would result in:

1. 117-10-050A: No change in the valuation;
2. 117-10-049A: A minimal reduction in the full cash value from \$23,127.00 to \$21,068.00, which would result in a tax decrease;
3. 112-06-0160: A decrease in the full cash value from \$419,250.00 to \$335,400.00, which would result in a tax decrease based on the 2009 tax rates.

The Pima County Assessor and Attorney's Office recommended approval of the settlement.

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

12. 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 SEPARATE ACTION

5. REAL PROPERTY

B. Release of Public Ingress/Egress Easement

Leadstar, L.L.C., representing the Gates Pass Condominium Project, requests the release of an unneeded 25-foot public ingress/egress easement as reserved in Docket 8450 at Page 1623 and dedicated in Docket 8516 at Page 591 and Docket 9233 at Page 676, Section 15, T15S, R13E, G&SRM. No revenue. (District 5)

Without objection, this item was continued to the Board of Supervisors' Meeting of 10/20/09.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Chairman Elfas, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Resources

1. Sahuarita Unified School District, Amendment No. 2, to provide an After-School Elementary Recreation Program, extend contract term to 7/31/10 and amend contractual language, General Fund, contract amount \$45,600.00 (01-67-S-140376-0807)
2. Marana Unified School District, Amendment No. 2, to provide an After-school Elementary Recreation Program, extend contract term to 7/31/10 and amend contractual language, General Fund, contract amount \$71,250.00 (01-67-M-140444-0807)

B. Constables

3. To provide for the Constable Ethics Standards and Training Board Equipment Grant Program, State Grant Fund, revenue:

<u>Item</u>	<u>Contract No.</u>	<u>Amount</u>
Ballistic Vest	02-78-C-142350-1009	\$ 850.00
Digital Cameras	02-78-C-142351-1009	\$3,078.00
Portable Two-way Radios	02-78-C-142352-1009	\$1,071.00
Laptop Computer	02-78-C-142353-1009	\$2,555.00
Vehicle Hazard Lighting	02-78-C-142354-1009	\$2,715.00
Spanish Language Learning Software	02-78-C-142355-1009	\$ 604.00
Laptop Computer	02-78-C-142356-1009	\$2,555.00
GPS system	02-78-C-142357-1009	\$ 850.00
GPS system	02-78-C-142358-1009	\$ 850.00

C. County Attorney

4. RESOLUTION NO. 2009 - 247, of the Board of Supervisors of Pima County, Arizona, approving a Grant Agreement with the Department of Justice, Office of Justice Programs and Bureau of Justice Assistance, to provide enhanced prosecution of drug and border-related crimes, Federal Fund, contract amount \$1,285,040.00 revenue (02-02-J-142343-0709)

D. Finance and Risk Management

5. RBC Dain Rauscher, Inc., Amendment No. 3, to provide for financial advisor services and extend contract term to 8/31/10, General Obligation Bond Fund, \$100,000.00; Sewer Revenue Bond Fund, \$75,000.00; HURF Bond Fund, \$25,000.00; total contract amount: \$200,000.00 (07-09-R-139372-0906)

E. Fleet Services

6. RESOLUTION NO. 2009 - 248, of the Board of Supervisors of Pima County, Arizona, approving an Intergovernmental Agreement with the Northwest Fire District, to provide fuel and vehicle maintenance, revenue per fee schedule (01-75-N-142341-1009)

F. Health Department

7. RESOLUTION NO. 2009 - 249, of the Board of Supervisors of Pima County, Arizona, approving an Intergovernmental Agreement with the Pascua Yaqui Tribe, to provide rental and use of the Pima County Mobile Dental Unit, contract amount \$12,000.00 revenue (01-01-P-142347-1009)
8. Golder Ranch Fire District, Amendment No. 4, to provide childhood immunization services and extend contract term to 8/1/10, no cost (01-01-G-136434-0805)
9. City of South Tucson, Amendment No. 4, to provide childhood immunization services and extend contract term to 8/1/10, no cost (01-01-S-136548-0805)
10. Green Valley Fire District, Amendment No. 1, to provide secure storage for a Bio-Terrorism Program trailer and extend contract term to 10/2/12, no cost (01-01-G-138563-1006)
11. Luz Social Services, to provide health education and awareness activities for youth, 1% for Youth Fund, contract amount \$1,000.00 (32-01-L-142360-1009)

G. Pima Health System

12. Old Pueblo Healthcare, L.L.C., Amendment No. 5, to provide primary care physician services, PHCS Enterprise Fund, contract amount \$80,000.00 (18-15-O-138391-0806)
13. Portable X-Ray of Arizona, L.L.C., Amendment No. 2, to provide mobile radiology and electrocardiogram services, extend contract term to 10/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-138587-1106)
14. Arizona Healthcare Cost Containment System, Amendment No. 10, to provide long term care services and amend contractual language, PHCS Enterprise Fund, revenue based on services (18-15-A-138594-1006)
15. L. Hunter Nash, D.D.S., P.C., Amendment No. 3, to provide dental services, extend contract term to 10/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-138661-1106)

16. Ajo Community Health Center, d.b.a. Desert Senita Community Health Center, Amendment No. 4, to provide dental, family planning extension and primary care physician services, extend contract term to 10/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138810-1106)
17. Brea Tucson, L.L.C., d.b.a. The Court at Tucson, Amendment No. 2, to provide assisted living center services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (07-15-T-140569-1007)
18. Apria Healthcare, Inc., Amendment No. 1, to provide durable medical equipment and administrative support services, PHCS Enterprise Fund, contract amount \$250,000.00 (07-15-A-141138-0808)
19. Arizona Health Care Cost Containment System, Amendment No. 5, to provide acute care medical services, extend contract term to 9/30/10 and amend contractual language, PHCS Enterprise Fund, revenue based on services (02-15-A-141668-1008)
20. Arizona Health Care Cost Containment System, Amendment No. 6, to provide acute care medical services and amend contractual language, PHCS Enterprise Fund, revenue based on services (02-15-A-141668-1008)
21. Amendment No. 2, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost:

VENDOR

CONTRACT NO.

Dependable Nurses, Inc.

07-15-D-142064-0709

McClain Enterprises, d.b.a.,
Comfort Keepers

07-15-M-142110-0709

22. Michael T. Mayo, D.D.S., P.C., to provide dental services, PHCS Enterprise Fund, contract amount not to exceed \$300,000.00/2 year term (18-15-M-142322-1109)
23. Suncrest Healthcare Center, L.L.C., to provide nursing facility services, PHCS Enterprise Fund, contract amount not to exceed \$500,000.00 (18-15-S-142327-0809)
24. University Medical Center Corporation, to provide primary care physician services, PHCS Enterprise Fund, contract amount not to exceed \$500,000.00/ 2 year term (18-15-U-142331-0909)

25. Glendale Healthcare Associates, L.L.C., d.b.a. Desert Sky Rehabilitation Center, to provide nursing facility services, PHCS Enterprise Fund, contract amount not to exceed \$500,000.00 (18-15-G-142334-0809)

H. Procurement

Awards

26. Low Bid, Award of Contract, Requisition No. 1000036, in the amount of \$350,000.00 to the lowest responsive bidder, American Western of Arizona, L.L.C., (Headquarters: Tucson, AZ) for as-needed low income mobile home weatherization services. The contract is for a one year term and includes four one-year renewal periods. Funding Source: American Recovery and Reinvestment Act-Weatherization. Administering Department: Community Development and Neighborhood Conservation.
27. Low Bid, Award of Contract, Requisition No. 1000054, in the amount of \$330,000.00 to each of the lowest responsive bidders, Wood Stock Builders, Inc., B.C. Construction, Inc., and Desert Earth and Wood, L.L.C., (All Headquarters: Tucson, AZ) for as-needed low income conventional home weatherization services. The contracts are for a one year term and include four one-year renewal periods. Funding Source: American Recovery and Reinvestment Act - Weatherization. Administering Department: Community Development and Neighborhood Conservation.

I. Sheriff

28. RESOLUTION NO. 2009 - 250, of the Board of Supervisors of Pima County, Arizona, approving an Intergovernmental Agreement with the State of Arizona, Department of Public Safety to provide employee salary, benefits and overtime for participation in the Arizona Vehicle Theft Task Force, State Grant Fund, contract amount \$68,907.75 revenue (01-11-A-142325-1009)
29. RESOLUTION NO. 2009 - 251, of the Board of Supervisors of Pima County, Arizona, approving an Intergovernmental Agreement with the State of Arizona, Department of Public Safety, to provide employee salary, benefits and overtime for participation in the State Gang Task Force, State Grant Fund, contract amount not to exceed \$45,353.00 revenue (01-11-A-142329-0709)

2. **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>
Leon, Jesus	076	DEM
Maxwell, Ed E.	095	REP
Olson, Kathy S.	128	DEM
Olson, Paul C.	128	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Arnold, Thomas W.	079	DEM
Kalinski, Frank C.	084	REP
Monzon, Mario A.	084	DEM
Alster, Ellen B.	088	DEM
Washburn, William L.	121	REP
McDowell, Earl C.	126	REP
Kightlinger, Dianna G.	177	REP
Kightlinger, Rodney, W.	177	REP
Oebker, Daniel N.	177	REP
Leatherman, Linda C.	181	DEM
Copeland, Gary F.	193	REP
Copeland, Randa J.	193	REP
Ruth, Lisa	267	REP
Willenbrock, Alan F.	268	REP
Romero, Bastidas, Gina	363	REP
Larson, David A.	408	REP
Pfeiffer, Dee	417	REP

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

- A. Kim K. Kimbriel, Angel Charity for Children, La Encantada, 2995 E. Skyline Drive, Tucson, November 28, 2009.
- B. Kim K. Kimbriel, Angel Charity for Children, Westin La Paloma, 3660 E. Sunrise Drive, Tucson, December 12, 2009.
- C. Laura Brumbelow, Rincon Institute, 12500 E. Old Spanish Trail, Tucson, September 19, 2009.
- D. Grace L. Reed, VFW Post 10254, 10111 S. Sasabe Highway, Tucson, September 26, 2009.
- E. Grace L. Reed, VFW Post 10254, 10111 S. Sasabe Highway, Tucson, November 7 and 8, 2009.

F. Sylvia D. Bracamonte, Big Brothers Big Sisters of Tucson, 3660 E. Sunrise Drive, Tucson, October 2, 2009.

4. **TREASURER'S OFFICE**

Certificates of Clearance

Pursuant to A.R.S. §42-19118, staff requests approval of the following:

Unsecured Mobile Homes:	\$ 18,288.66
Business Personal Property:	\$176,154.44
TOTAL Unsecured Personal Property	<u>\$194,443.10</u>

5. **REAL PROPERTY**

A. Abandonments and Quit Claim Deeds

1. RESOLUTION NO. 2009 - 252, providing for the abandonment by vacation of a drainage and road easement in Lot 17, Block B of Alvernon Manor as recorded in Book 8 of Maps and Plats at Page 77, located in Section 34, T14S, R14E, G&SRM. (District 2)
2. Quit Claim Deed to Atlantic Southwest Land Ventures, L.L.C., needed for drainage and road easements in Alvernon Manor. No revenue. (District 2)
3. RESOLUTION NO. 2009 - 253, providing for the vacation of the right-of-way of Broatch Street located in Valencia Industrial Properties, as recorded in Book 48 of Maps and Plats at Page 92, located in Section 34 T14S, R14E. (District 4)
4. Quit Claim Deed to Lawyers Title of Arizona, Inc., an Arizona Corporation as Trustee under Trust No. 7982-T, for a portion of Broatch Street located in Valencia Industrial Properties. No revenue. (District 4)

B. Release of Public Ingress/Egress Easement

Leadstar, L.L.C., representing the Gates Pass Condominium Project, (PULLED FOR SEPARATE ACTION)

C. Addendum to Easement and Agreement

Addendum to Easement and Agreement between the City of Tucson

and Pima County for the construction of the Santa Cruz Interceptor Sewer Line as re-recorded in Docket 12942 at Page 69. The addendum will add four turnaround easements for use by the Pima County Regional Wastewater Reclamation Department. No cost or revenue. (District 5)

6. RATIFY AND/OR APPROVE

Warrants: September, 2009

REGULAR AGENDA/ADDENDUM ITEMS

13. BOARD OF SUPERVISORS

Funding for Green Valley Household Hazardous Waste Collection Program. Direction/Action. (District 4)

Chuck Huckelberry, County Administrator, provided a report. He stated clarification was needed for funding concerning the Household Hazardous Waste Collection Program. His recommendations were:

1. Pima County should maintain its commitment to contributing to a successful Household Hazardous Waste Collection and Disposal Program;
2. Pima County should contribute its budgeted amount of \$306,000.00 to support this current fiscal year program conditioned upon the program restoring community collection events to the maximum extent possible unless further mid-year State budget cost transfers occur;
3. Pima County and the City of Tucson should continue negotiations to revise the existing IGA to provide for cost participation and contributions by other benefiting regional entities.

Chairman Elías inquired about other jurisdictions contributing in a more equitable manner.

Mr. Huckelberry explained that in the future, the program and its funding should change and reflect regional character and flavor of the other participating jurisdictions. He remarked that he asked the City Manager to begin discussions since the City was the primary agency responsible for the administration of the program. He believed they were going to do that. He felt it would be appropriate to have proportional participation on either a population basis or area served basis by all jurisdictions in Pima County.

Chairman Elías responded that he would like a letter sent to the City Manger from the County Administrator expressing the clarity of the Board's intention concerning the funding of the program.

Supervisor Bronson asked how any potential State cost shifts would affect the funding for this program.

Mr. Huckelberry confirmed that any State cost shifts would affect the funding, and he affirmed that his recommendation to the Board was conditioned upon any significant budget revisions by the State.

The following speakers addressed the Board:

1. Bill Katzel
2. Frank Felkner
3. Stan Riddle

They provided the following comments:

- A. Support was sought from the Board concerning the restoration of the funding for the Household Hazardous Waste Collection Program in Green Valley.
- B. They felt communication was a problem between the County and the City of Tucson concerning funding issues. The Green Valley collection and other outlying collection sites were eliminated due to unequal and inappropriate budget reductions.
- C. Acknowledgement was made regarding an Intergovernmental Agreement (IGA) currently being processed for correction of the deficiency in funding. They asked the Board to change the effective date to October 14, 2009.
- D. They recommended that the Board adopt the County Administrator's recommendation to include the reinstatement of the Green Valley Collection Program.
- E. The La Posada Community in Green Valley greatly supported the Household Hazardous Waste Program collection site in Green Valley. They felt hazardous waste disposal was an essential service to continue at such a modest cost.
- F. They felt this was an environmental concern that needed to be addressed.

Chairman Elfas expressed his appreciation to the Green Valley residents for their support and contributions to hazardous waste collections. He reported that the Green Valley collection site collected the most hazardous waste overall. He acknowledged his support of the program and its vitality to our environment.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to accept the County Administrator recommendations and change the effective date of the Intergovernmental Agreement to October 14, 2009.

14. **COUNTY ADMINISTRATOR**

A. **Classification and Compensation**

The County Attorney's Office requests approval to create five new Position Control Numbers (PCNs) to be allocated as follows. There will be no General Fund costs associated with these five positions.

<u>PCN's</u>	<u>Class Code</u>	<u>Grade</u>	<u>Title</u>
3	3115	R1	Attorney
1	3145	P3	Paralegal
1	3143	P2	Legal Secretary

B. Revisions to Merit System Rules and Personnel Policy

Staff recommends approval of the proposed revision to the following Merit System Rules and Personnel Policy:

Merit System Rule 3 – Merit System Commission. The Job Retraining and Placement Program was eliminated from the Merit System Rules and approved by the Board of Supervisors on September 8, 2009. Merit System Rule 3 was not updated to reflect that deletion. Therefore, this action changes appealable actions to conform to the deletion of the Job Retraining and Placement Program by renumbering the applicable rules for appeals from Rule 11.5.B through G to Rule 11.5.B through E.

Merit System Rule 8 – Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail. Grammatical changes are made to Merit System Rule 8.3.D, changing “his/her” to “he/she” and to Merit System Rule 8.5.B, changing “he/she” to “his/her”.

The Board of Supervisors’ on 9/8/09, continued the following:

Personnel Policy 8-102 – Premium Pay. The Board of Supervisors pulled Personnel Policy 8-102.G.3 along with two other policies due to a request of an employee of the Sheriff’s Department. Please be advised that the reference to the Sheriff’s Department in Personnel Policy 8-102.G.3 has been obsolete for some time. This personnel policy addresses shift differential pay for nursing classifications and does not pertain to any other classification. Further, nurses have not been employed in the Sheriff’s Department for some time. The continued reference to the Sheriff’s Department in this rule is simply an oversight and has no impact on current employees in the Sheriff’s Department. The other policies that were pulled, Personnel Policies 8-102 A.2. and F.2., are still under review.

C. Continuation of Emergency Policy Revisions for Military Leave for Operation Enduring Freedom

RESOLUTION NO. 2009 - 254, of the Board of Supervisors of Pima County, Arizona, declaring an emergency order to extend military leave and create benefit options for employees who are reservists and/or are called to active duty in support of Operation Enduring Freedom.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve Classification and Compensation, Revisions to Merit System Rules and Personnel Policy, and adopt Resolution No. 2009 – 254.

15. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009 - 255, of the Board of Supervisors of Pima County, Arizona, approving and authorizing the County to submit applications to the U.S. Environmental Protection Agency seeking Federal funds to conduct Brownfields Grant Activities within Pima County through a community-wide assessment grant for petroleum products and/or a community-wide assessment grant for hazardous substances.

Supervisor Bronson commented that she hoped revitalization would occur in the Flowing Wells area.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2009 - 255.

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

P1209-010, Chula Vista, Lots 1-7. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to approve the final plat with assurances.

17. **FIRE DISTRICT: GOLDER RANCH FIRE DISTRICT**

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Golder Ranch Fire District for the proposed Oro Valley Annexation. (District 1)

On consideration, it was moved by Supervisor Day, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the validation of petitions.

18. **PROCUREMENT**

The Board of Supervisors' on 9/1/09, continued the following:

Staff requests direction to proceed to the second step Request for Proposal phase of the Design/Build/Operate Project for the Regional Optimization Plan (ROMP) 32 MGD Water Reclamation Campus to replace the aging Roger Road Water Reclamation Facility.

Without objection, this item was continued to the Board of Supervisors' Meeting of 10/20/09.

19. **COUNTY ADMINISTRATOR: BOND ORDINANCE AMENDMENTS**

A. ORDINANCE NO. 2009 - 90, of the Board of Supervisors of Pima County, Arizona, 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; and November 18, 2008 by Ordinance No. 2008-107); 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.

- B. ORDINANCE NO. 2009 - 91, of the Board of Supervisors of Pima County, Arizona, relating to 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; and April 21, 2009 by Ordinance No. 2009-39) for the purpose of amending implementation periods for certain bond projects and authorizing the use of additional other funds to finance certain bond projects.
- C. ORDINANCE NO. 2009 - 92, of the Board of Supervisors of Pima County, Arizona, 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 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; and April 21, 2009 by Ordinance No. 2009-40) for the purpose of amending the scope of certain projects and authorizing the use of additional other funds to finance certain projects.
- D. ORDINANCE NO. 2009 - 93, of the Board of Supervisors of Pima County, Arizona, relating to General Obligation Bond Projects amending Ordinance No. 2006-29 Bond Implementation Plan May 16, 2009 Special Election for the purpose of amending the scope of a project.

The Chairman inquired whether anyone wished to address the Board. No one appeared.

Chuck Huckelberry, County Administrator, provided a report. He explained that these were routine amendments made on the bond program. All of the proposed amendments had been before the Bond Advisory Committee and were unanimously recommended to the Board.

Supervisor Carroll felt the biggest road blocks were money and water on many projects being proposed in Southern Arizona, especially the Paseo de Iglesias Project. He inquired if clarification could be provided concerning this matter and asked about the scaled down restoration of the project and the length of time involved.

Mr. Huckelberry commented that the actual amendment expanded the scope and length of the Paseo de Iglesias Project to reach Congress Street. He stated it was an ongoing, active, project designed to reestablish and revitalize an environmental restoration of the Santa Cruz River. He indicated that reclaimed water would be used on the project. He explained that bonds were allocated to this project and segments would be implemented within the next 2 to 3 years, but full funding of the completely restored, riparian Santa Cruz River would take a couple of decades before completion.

Supervisor Bronson stated another road block was the City of Tucson not being a partner in this. She opined that this project should have been a part of the planning process of Rio Nuevo. She remarked it was unfortunate it did not happen but felt this project would enhance the Sonoran Desert Conservation Plan and would provide recreational opportunities for the residents of Pima County and draw them to the downtown area.

Supervisor Carroll expressed his support of the bonds and felt it was a noble investment but also wished it would have been done cooperatively with the Rio Nuevo money. He noted that during the next Bond Election, he hoped this would be something they could be able to justify that bond money was spent on thus far. He inquired about the closing of the Arivaca Junction Oxidation Pond and replacing it with a gravity sewer that would flow to the Green Valley Treatment Plant. He wondered if the Green Valley Treatment Plant had the capacity and the ability to absorb this additional flow from Arivaca, as well as potential expansion in Green Valley.

Mr. Huckelberry stated the interconnect taking the Arivaca Junction Oxidation Pond out of service and interconnecting it into the Green Valley Treatment Plant would not cause any measurable decrease in capacity for expansion of the Green Valley area. He noted that there was significant capacity in the Green Valley reserve.

Supervisor Carroll asked if the Bond Advisory Committee would come before the Board and give an update or report on their deliberations.

Mr. Huckelberry responded yes.

Supervisor Day inquired about the bond amendments concerning Kino and if they were part of the lease agreement with UPH.

Mr. Huckelberry affirmed that in the component of the amendment with the hospital there would be a heliport reconstruction. It also indicated that the County would consult with UPH concerning clinic space at the hospital in order to allow more

direct physician care at the hospital based clinics. He noted the available space was located at the Abrams Center and there was approximately 25,000 square feet to be constructed as clinic space. He stated durable medical equipment including furnishing, that went into the initial construction, of equipping and operating a medical facility were bond eligible expenses. He acknowledged the clinics and the expanded clinic were an expansion of the existing lease between Pima County and UPH with a very nominal rent applied.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson, and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No's. 2009 - 90, 91, 92 and 93.

20. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSE

09-20-8990, Rocky Lee Carr, Sonoran Winery, ~~938~~ **9385** Wiltbank Road, Tucson, Series 13, Domestic Farm Winery, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the license subject to the Zoning Inspector's Report, which indicated the applicant must obtain a Type II Conditional Use Permit and forward the recommendation to the State Liquor Control Board.

21. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES

- A. 09-21-8991, Ana Daniela Perez, Carlota's Authentic Mexican Cuisine, 7401 N. La Cholla Boulevard, Tucson, Series 12, Restaurant, New License.
- B. 09-22-8992, Dennis Keith Shew, Del Monaco's Restaurant, 5151 S. Country Club Road, Tucson, Series 12, Restaurant, New License.

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

22. FRANCHISES/LICENSES/PERMITS: FIREWORKS PERMITS

- A. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, November 7, 2009 at 8:00 p.m.
- B. Tim Powers, Old Tucson Company, 201 S. Kinney Road, Tucson, November 21, 2009 at 9:30 p.m.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings and approve the permits.

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

- A. Eric A. Lopez, Putney's Sports Grill, 6090 N. Oracle Road, Tucson, Temporary Extension of Premises for October 17, 2009.
- B. Albert S. Hall, Acacia at St. Phillips, 4340 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for October 24, 2009; December 31, 2009 and January 1, 2010.
- C. Rick Quintela, Mad Cow Bar, 2660 W. Ruthrauff Road, Tucson, Temporary Extension of Premises for October 10, 2009.
- D. James Counts, Nimbus Brewing Co., L.L.C., 3850 E, 44th Street, No. 138, Tucson, Temporary Extension of Premises for October 24, 2009.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the State Liquor Control Board.

24. **TRANSPORTATION**

A. **Southwest Benefit Area**

ORDINANCE NO. 2009 - 94, of the Board of Supervisors of Pima County, Arizona, relating to capital improvements funding within development fee benefit areas; repealing Ordinance 2009-2 in its entirety; adopting a new ordinance to add the new Southwest Benefit Area, roadway projects within the new benefit area and revised project lists for Avra Valley and San Xavier Benefit Areas. (All Districts)

B. **Pima County Code Text Amendment**

ORDINANCE NO. 2009 - 95, of the Board of Supervisors of Pima County, Arizona, relating to capital improvements funding and development fees; amending Chapters 19.01 and 19.02 of the Pima County Code to clarify terms and definitions; amending Chapter 19.03 of the Pima County Code to update current impact fee schedules and add the Southwest Benefit Area Impact Fee and Implementation Schedules. (All Districts)

C. Major Streets and Scenic Routes Plan

ORDINANCE NO. 2009 - 96, of the Board of Supervisors of Pima County, Arizona, relating to the Major Streets and Scenic Routes Plan; amending the plan by adding, deleting and/or modifying certain roadway segments in conformance with the Southwest Infrastructure Plan (SWIP). (All Districts)

Chuck Huckelberry, County Administrator, provided a report. He explained this was to implement the Southwest Infrastructure Plan and the primary component of the plan was to modify and amend the transportation impact fees collected in the benefit area. He stated the process was very structured and followed statutory requirements. It required a long lead time advertising period and rigorous analysis to justify the fees that were being proposed to the Board. The ordinances and adoption would close that process. His recommendations were:

1. Adopt the three ordinances pertaining to impact fee adjustments and related matters for the Southwest area;
2. Prior to establishing a specific implementation date for these impact fee ordinance adjustments, the various questions raised with respect to policy considerations for making such adjustments, including growth forecasts, rationale for phasing of adjustments, etc. will be adequately addressed with special interest constituencies;
3. The specific implementation date of the initial increased fee adjustment would be reported to the Board of Supervisors prior to its occurrence and, at this point in time, that date is expected to be no sooner than January 1, 2011.

The following speakers addressed the Board:

1. David Lutz
2. Amber Smith

The provided the following comments:

- A. Support was shown to raise impact fees to get relief for the taxpayers due to out of control sprawl which has driven taxes up significantly.
- B. The County was already overcrowded and congested with unrelenting growth.
- C. The Metropolitan Pima Alliance (MPA) questioned the timing and implementation of the impact fees. The Board was asked that the fee not be triggered until 3,500 building permits were issued, which would be around 2012, and then faze the fee in, in 3 to 5 years increments, which would allow the area to absorb development more naturally and improve development throughout the decade.
- D. The MPA questioned the infrastructure projections of 40,000 residents. If this was the case, the fazing in of the fee over a 10 to 15 year time period would not be detrimental and the County could still get the infrastructure out there which is greatly needed.

Supervisor Bronson inquired how the number of 1,500 residential permits was derived in regards to the suggestion from MPA of 3,500 permits.

Ben Goff, Deputy Director, Department of Transportation, explained the number was developed by staff in discussions with Southern Arizona Home Builders Association (SAHBA) that would be a level to show the County was on the path of recovery. They felt it was a reasonable indicator of what would be a recovered building economy.

On consideration it was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearings, accept the County Administrator recommendations and adopt Ordinance No's. 2009 - 94, 95 and 96. The Board also stated that prior to establishing a specific implementation date for the impact fee ordinance adjustments, rationale for fazing of adjustments would be addressed with the stakeholders and interested constituencies, and the specific implementation date of the initial increased fee adjustment be reported to the Board prior to its occurrence, no sooner than January 1, 2011, and it is to be brought back to the Board for approval.

25. TRANSPORTATION: TRAFFIC ORDINANCE

ORDINANCE NO. 2009 - 97, of the Board of Supervisors of Pima County, Arizona, establishing prima facie speed limits on Golf Links Road in Pima County, Arizona. (District 2)

The Chairman inquired whether anyone wished to address the Board. No one appeared.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt Ordinance No. 2009 - 97.

26. COUNTY ADMINISTRATOR: SOCCER FIELD LIGHTING FOR BRANDI FENTON MEMORIAL PARK

Staff requests direction regarding funding and a source of funds to allow the soccer fields to be used in the evening under lighted conditions.

Chuck Huckelberry, County Administrator, explained approved bond funds were used for the construction of light fixtures at Brandi Fenton Park. He confirmed that bond funds were revenues made available for capital construction but could not be used on operational or maintenance costs associated with the lighting of the fields. The operational costs associated with the lights, energy usage and increased field maintenance required, were part of a supplemental budget requested by Natural Resources, Parks and Recreation Department. Due to budget cuts imposed on the County because of transfer costs from the State and loss of revenues, the Board did not include any supplemental budgets requests in the adoption of the County budget for this year, therefore, the operating costs associated with the lights at Brandi

Fenton Park were not included in the adopted budget. Natural Resources, Parks and Recreation Department had estimated the energy and maintenance costs needed for operation of the lights, at the additional soccer fields for the balance of this fiscal year, would be \$25,775.00. The Board was asked to provide direction as to where those funds would be taken from.

The following speakers addressed the Board:

1. Cassandra Meynard
2. Stephanie Maben
3. Ted Schmidt
4. David Cosgrove
5. Sherri Silverberg
6. Ebie Aldaghi
7. Scot Litteen

They provided the following comments:

- A. The Board was asked to fund the operating and maintenance costs associated with the lighting of the soccer fields at Brandi Fenton Park.
- B. They urged the Board to appreciate the fact that this matter was vitally important to the soccer community; Tucson Soccer Academy (TSA) in particular.
- C. Pima County has become one of the leaders in the nation for open space. It was imperative to remember the national average for developed parks is 10 acres per thousand people of population. Pima County is at 20% of the national average.
- D. Appreciation was shown for the efforts that have been put into the development of Brandi Fenton Park, and the Board was asked to make it completely usable by adding the lights. A sports field with lights is three times more valuable than a field without lights.
- E. As the winter season and darkness starts to come earlier, the kids and soccer teams will have no place to practice. Other fields currently with lights are already overcrowded with teams. Pima County also has a shortage of lighted fields and parks available for use throughout the community.
- F. TSA is the largest soccer club in Pima County, with close to a thousand kids from all districts. It is a non-profit organization that pays about \$25,000.00 per year for lights and field usage fees. Another \$40,000.00 is provided by the organization on scholarships for kids that cannot afford to play soccer which is all done by fundraising. Their soccer players are using the fields between 2 to 6 hours per week, depending on age group. They felt the mission of the Board was to protect the health, safety and welfare of the community. The precious aspect of our community is the children.
- G. Brandi Fenton Park revitalized the area for the community. It should be valued, made useful and available to members of the community in all aspects.
- H. The importance of health and exercise were stressed.

- I. The soccer community serves a wider scope of younger people than any other activity available. Soccer players ranged between the ages of 5 to 19 years of age. It is a sport that is equally shared by girls and boys.
- J. Opportunities are given to kids that otherwise would not have the chance to go to college and further their education. Numerous TSA coaches are also collegiate coaches and this was a way for them to examine the development and skills of players and recruit players with scholarships to local colleges.
- K. Without lights at the park, further burden is put on coaches, parents and players.

The Chairman explained how the Board faced a difficult budget year last year and difficult decisions had to be made with the loss of over \$50 million in revenue. He cautioned that it was a terrible balancing act that the Board faced. He concurred that a community without appropriate amenities for our youth and elderly would be lacking. He expressed his support and hoped the support was given back to the Board when the time comes that they would have to make further, tougher decisions within the coming year concerning the budget about these issues and similar issues.

On consideration, it was moved by Supervisor Valadez, seconded by Chairman Elias to turn on the lights at Brandi Fenton Park effective immediately. Direction was given to staff to review the Natural Resources, Parks and Recreation (NRPR) Department's budget and see if the \$25,000.00 required to fund the operation of the lights were available and report back to the Board within 30 days. If the amount found in Natural Resources, Parks and Recreation Department's budget is not sufficient, direction was given to place this item on a future agenda to take the remaining amount or entire amount of funds, whichever is appropriate, out of the Contingency Fund, contingent on the State budget. Upon the roll call vote being taken, the motion unanimously carried 5-0.

27. CONTRACTS

A. Health Department

- 1. Coalition for African American Health and Wellness, to provide health education and awareness activities, 1% for Youth Fund, contract amount \$2,500.00 (11-01-C-142380-0909)
- 2. RESOLUTION NO. 2009 - 256, of the Pima County Board of Supervisors, approving an Intergovernmental Agreement with the City of Tucson, to provide for animal care enforcement services, contract amount \$1,315,890.00 revenue (01-01-T-142364-0709)

B. Regional Wastewater Reclamation

- 3. Sundt/Kiewit Joint Venture, Amendment No. 3, to provide construction manager at-risk services for the Roger Road Wastewater Treatment Plant to the Ina Road Water Pollution Control Facility Plant Interconnect, 2004 Sewer Revenue Bond (60%); Water Infrastructure

and Finance Authority of Arizona/American Recovery and Reinvestment Act Funds (40%), contract amount \$384,175.00 decrease (03-03-S-141878-0309)

C. Real Property

4. RESOLUTION NO. 2009 - 257, approving and authorizing the execution of the following documents with Susan S. Clyne, a widow; Susan S. Clyne, Trustee, or her successors in Trust, under the Susan S. Clyne Living Trust, dated February 19, 2007, and any amendments thereto; Janet Anderson, an unmarried woman; and Meade S. Clyne, a married man, as his sole and separate property for the purchase of Clyne Ranch:
 - A. Assignment and Assumption
(11-64-C-142253-0809, Amendment 1)
 - B.. Option Agreement
(11-64-C-142283-1009)
 - C. Restrictive Covenants (2)
(11-64-C-142253-0809)
 - D. Declarations of Easement (3)
(11-64-C-142253-0809)
 - E. Right of First Refusal
(11-64-C-142253-0809)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution No's. 2009 - 256 and 257.

28. BOARD, COMMISSION AND/OR COMMITTEE

Community Action Agency Board

Reappointment of John Vasquez Bedoy. Term expiration: 12/31/12. (District 3)

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

29. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to address the Board.

Joe Sweeney addressed the Board regarding immigration issues and policies at Kino Hospital.

30. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:50 a.m.