

MINUTES, BOARD OF SUPERVISORS' MEETING

JANUARY 11, 2011

The Pima County Board of Supervisors met in its regular session at the regular meeting place of the Pima County Board of Supervisors (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 11, 2011. Upon roll call, those present and absent were as follows:

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

1. **PERSONAL POINT OF PRIVILEGE**

All Board members expressed their grief and sadness over the tragic shooting that occurred in Tucson on January 8, 2011, and offered their condolences and prayers to Congresswoman Gabrielle Giffords, the other victims, survivors and their families. They also acknowledged the many acts of heroism and superb trauma care provided by the University Medical Center.

Supervisor Elías acknowledged Patti Comerford, Town of Marana Council Member, and Reverend Robin Hoover, in the audience.

2. **MOMENT OF SILENCE**

Chairman Valadez requested a moment of silence in honor of the survivors, victims and their families.

3. **INVOCATION**

The invocation was given by Pastor Steve Van Kley, Canyon Del Oro Baptist Church.

4. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

5. **PAUSE 4 PAWS**

The Pima County Animal Care Center showcased an animal available for adoption.

6. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the Consent Calendar, as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2011 - 9, approving an Intergovernmental Agreement with the Flowing Wells Unified School District, to provide for the Family Resource Center, HUD Grant Fund, contract amount \$15,000.00 (01-70-F-143641-1010)

B. **Community Services, Employment and Training**

2. Arizona Housing and Prevention Services, Inc., Amendment No. 1, to provide for the New Chance Collaboration Project and amend scope of work, HUD-SHP Grant Funds, contract amount \$16,400.00 (07-69-A-143053-0710)

C. **County Attorney**

3. Hawkins, Delafield & Wood, L.L.P., Amendment No. 3, to provide legal services relating to the Regional Optimization Master Plan (ROMP) and extend contract term to 3/16/16, Sewer Obligation and System Development Funds, contract amount \$200,000.00 (17-02-H-140915-0308)

D. **Health Department**

4. Arizona Department of Health Services, Amendment No. 3, to provide for the Tuberculosis Control Program and amend contractual language for the term ~~1/1/11 to 12/31/10~~ **1/1/10 to 12/31/10**, Federal Grant Fund, contract amount ~~\$142,909.00~~ **\$25,000.00** revenue (01-01-A-140692-0108)

5. The Susan G. Komen Breast Cancer Foundation, to provide for the Bridging the Gap Project, Foundation Fund, contract amount \$40,000.00 revenue (02-01-S-143657-1210)

E. Procurement

Awards

6. Low Bid: Award of Contract, Requisition No. 1100930, to Mountain Power Electrical Contractor, Inc. (Headquarters: Tucson, AZ) in the amount of \$275,390.00 for the Administration Parking Garage Levels A and B Lighting Improvement Project. This contract is for a twelve month period and may be extended for project completion. Funding Source: Energy Efficiency and Conservation Block Grant-American Recovery and Reinvestment Act Funds. Administering Department: Facilities Management.
7. Award of Direct Select Contract, Requisition No. 1101428 to Michael Gritzuk, P.E., L.L.C., in an amount not to exceed \$85,000.00 for consulting services related to various Regional Wastewater Reclamation Department (RWRD) Projects and to provide assistance in transitioning to the new Director of RWRD. Funding Source: Sewer Obligation and Enterprise Funds. Administering Department: Regional Wastewater Reclamation Department.

F. Real Property

8. RESOLUTION NO. 2011 - 10, approving an Agreement to Donate Real Property with Canoa Preserve Development Partners, L.L.C., to preserve the conservation values in perpetuity for approximately 53 acres within the San Ignacio de la Canoa Land Grant, Tax Parcel No. 304-18-9410, Special Project Fund, contract amount not to exceed \$5,000.00 for closing costs (11-64-C-143654-0111) Natural Resources, Parks and Recreation

G. Transportation

9. RESOLUTION NO. 2011 - 11, approving an Intergovernmental Agreement with the San Xavier District of the Tohono O'Odham Nation, to provide for the operation, management and maintenance of public roads within the District, HURF Fund, contract amount \$2,092,750.00/25 year term (01-04-S-143655-0111)

10. RESOLUTION NO. 2011 - 12, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for the design and construction of Intersection Safety and Capacity Improvement Projects, RTA Fund, contract amount \$1,550,000.00 revenue (01-04-R-143656-0111)

2. FINANCE AND RISK MANAGEMENT

Duplicate Warrant – For Ratification

Celia Garcia \$100.00

3. RATIFY AND/OR APPROVE

Minutes: November 16, 2010

REGULAR AGENDA/ADDENDUM ITEMS

7. PROCUREMENT

A. Appeal of Procurement Director's Decision

The Board of Supervisors on December 14, 2010, continued the following:

Pursuant to Pima County Code Section 11.20.010(J), EPCOR United Water, L.L.C., represented by Warner Angle Hallam Jackson and Formanek P.L.C., appeals the decision of the Procurement Director regarding Solicitation No. 0901346, Water Reclamation Facility Design-Build-Operate Project.

B. Appeal of the Procurement Director's Decision

Pursuant to Pima County Code Section 11.20.010(J), EPCOR United Water, L.L.C. (EPCOR), represented by Warner Angle Hallam Jackson and Formanek, P.L.C., appeals the decision of the Procurement Director to deny EPCOR's December 17, 2010 protest of the award to CH2M-Hill of the contract for the Water Reclamation Campus Design-Build-Operate Project, Solicitation 0901346, Pima County Contract No. 34-03-C-143624-1210.

Chairman Valadez stated that a request for a two week continuance of this matter had been made by EPCOR. Originally, the appeal was discussed as a possible agenda item for January 4, 2011. Continuing the matter to January 18, 2011, would give EPCOR their requested two weeks from the date the Board was to hear this matter. He cautioned the parties that the Title 34 mandated Evaluation Committee had determined that CH2M-Hill's proposal was responsive to the Request for Proposals. The issue before the Board of Supervisors would be whether there was

proof that the County failed to comply with procedural requirements in making the decision and whether the decision was arbitrary, unjust or an abuse of discretion. He stated he would not allow the appeal to wander into a long technical process discussion that had already been sorted out and analyzed by staff experts.

Without objection, these items were continued to the Board of Supervisors' Meeting of January 18, 2011.

8. **DEVELOPMENT SERVICES: Appeal of the Hearing Administrator's Decision**

The Board of Supervisors on August 3, 2010, September 14, 2010, and November 9, 2010, continued the following:

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 continued to the Board of Supervisors' Meeting of May 10, 2011.

9. **DEVELOPMENT SERVICES: Pima County Zoning Code Text Amendment and Regional Trail System Master Plan Manual**

A. Co8-10-06, TRAIL SYSTEM MASTER PLAN AND CONFORMING CODE AMENDMENT

Proposal to adopt by Ordinance of the Pima County Board of Supervisors the Pima County Regional Trail System Master Plan Map, replacing the Eastern Pima County Trail System Master Plan Map, and to adopt an Ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code Title 18 by amending Chapters 18.67 (Buffer Overlay Zone), 18.69 (Subdivision Standards), 18.71 (Development Plan Standards) and 18.91 (Rezoning Procedures) to replace references to the "Eastern Pima County Trail System(s) Master Plan" with the "Pima County Regional Trail System Master Plan Map or Successor." On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Holdridge and Smith were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011 – 1

B. Co8-10-06, TRAIL SYSTEM MASTER PLAN AND CONFORMING CODE AMENDMENT

Proposal to adopt by resolution of the Pima County Board of Supervisors, the Pima County Regional Trail System Master Plan Manual replacing the Eastern Pima County Trail System Master Plan. Natural Resources, Parks and Recreation and Development Services Planning staff recommend **APPROVAL**. (All Districts)

If approved, pass and adopt:

RESOLUTION NO. 2011 - 13

Donald K. McGann, McGann & Associates, Landscape Architects and Planners, appeared before the Board and provided a presentation and brief overview of the extensive and collaborative efforts over the last two years to update the Pima County Regional Trail System Master Plan. He stated the update now included City of Tucson and urban core trails, addressed identifying and accommodating regional growth and promoted enhanced opportunities for trail based recreational facilities and alternate modes of transportation.

The Chairman inquired as to whether anyone wished to be heard.

The following individual addressed the Board:

Sue Clark, Pima Trails Association.

Her comments were:

1. The Pima Trails Association began working on the creation of this master plan in 1988 and was involved in both the 1996 and current updates.
2. The Board was urged to approve the plan update.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance No. 2011 – 1 and Resolution No. 2011 – 13.

10. **DEVELOPMENT SERVICES: Plat Note Waiver**

Co12-72 – 112, RANCHO DEL SOL LINDO (LOT 263) PLAT NOTE WAIVER

Request of John and Florence Koch, represented by Douglas Koch, for a Waiver of Plat Note No.15 for Lot 263 of the Rancho del Sol Lindo Subdivision, Lots 123 thru 438 (Bk. 25, Pg. 47) which states, “Density will be no more than one mobile home per lot until public sewers are available.” The applicant requests to place a second dwelling on the lot which is approximately 1.07 acres zoned SH (Suburban Homestead) and is located north of Jaguar Lane via a cul-de-sac on the east side of Paseo Alejandro, approximately 485 feet north of Calle Cristobal and 800 feet south of Calle Carmela. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

Conditions:

1. A Floodplain Use Permit shall be obtained for the proposed residence. The proposed residence shall be oriented parallel to flow.
2. The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems on the subject property at the time a request for a building permit is submitted for review.

Arlan Colton, Planning Director, offered the staff report on this request for a Plat Note Waiver to add a second dwelling unit. He stated the original Plat Note required certain actions be taken prior to placement of a second dwelling, even though the second dwelling unit would be allowed with the overall zoning on the property. He advised that one note of opposition from a property owner in the subdivision had been received.

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

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to close the public hearing and approve the request with conditions.

11. **PROCUREMENT**

Contracts

A. Community Services, Employment and Training

1. RESOLUTION NO. 2011- 14, approving an Intergovernmental Agreement with the Pima County Community College District, to provide for the Health Professions Opportunity Grant, HPOG Grant Fund, contract amount \$571,925.00 revenue (01-69-P-143679-1010)
2. RESOLUTION NO. 2011- 15, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Bridges/Supportive Housing Program, contract amount \$84,111.00 revenue (01-69-T-143680-0710)

B. Facilities Management

DPR Construction, Inc., Change Order No. 14, to provide for the construction of the Psychiatric Hospital and Crisis Response Center and amend scope of work, 2004 and 2006 Bond Funds, contract amount \$712,634.00 (03-13-D-142271-0709)

C. Pima Health System

1. PCOA for All, Amendment No. 1, to provide home care services to PHS members and amend contractual language, no cost (07-15-P-143622-1210)

2. Bridgeway Health Solutions of Arizona, L.L.C., Amendment No. 1, to provide for the management of PHS business operations and amend contractual language adding a clause to acknowledge Pima County's relationship with SEIU and Bridgeway's Commitment to continue the relationship, no cost (07-15-B-143623-0111)
3. Bridgeway Health Solutions of Arizona, L.L.C., Amendment No. 2, to provide for the management of PHS business operations and amend contractual language as requested by AHCCCS and amend the monthly administration fee, no cost (07-15-B-143623-0111)
4. Healthcare Financial Solutions, to provide assistance with the transition and integration of PHS to Bridgeway Health Solutions, PHCS Enterprise Fund, contract amount \$165,000.00 (07-15-H-143681-0111)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the contracts and adopt Resolution Nos. 2011- 14 and 15.

12. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Josh Jance conveyed his concern regarding the public remarks made by Sheriff Clarence Dupnik about the Tucson community relative to the recent shooting incident.

Michael Toney appeared to express his grief and concern for Congresswoman Giffords and the other victims involved in the recent tragic shooting. He spoke to the need for tighter gun control legislation.

13. **ADJOURNMENT**

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



CHAIRMAN

ATTEST:



CLERK