

MINUTES, FLOOD CONTROL DISTRICT BOARD

OCTOBER 4, 2011

The Pima County Flood Control District Board met in regular session at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 4, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

Absent: Sharon Bronson, Vice Chair

1. **CONTRACT**

El Paso Natural Gas Company, to provide a license for right-of-way encroachment, to operate and maintain an existing pig receiver on Tax Parcel No. 305-17-006B, contract amount \$8,000.00 revenue (CTN-PW-12000138)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the contract.

2. **AWARD**

Low Bid: Award of Contract, Requisition No. 1103883, in the amount of \$3,116,991.70 to the lowest responsive bidder, NAC Construction, (Headquarters: Marana, AZ), for construction of Pantano Wash Permanent Bank Stabilization, Phase II. The contract term is 30 months with the ability to extend for project completion. Construction is to be complete within 200 working days from Notice to Proceed. Funding Source: Flood Control Tax Levy. Administering Department: Regional Flood Control District.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the award.

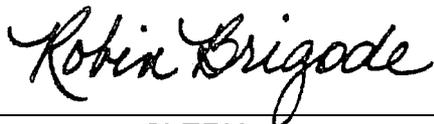
3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:03 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, LIBRARY DISTRICT BOARD

OCTOBER 4, 2011

The Pima County Library District Board met at the regular meeting place of the Pima County Board of Supervisors, Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 4, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

Absent: Sharon Bronson, Vice Chair

1. **CONTRACTS**

- A. The Art Institute of Tucson, Amendment No. 1, to provide work study program opportunities for students through the America Reads Program and extend contract to 6/30/12, no cost (CTN-LIB-12001259)
- B. Carrington College Group, Inc. (formerly known as Apollo College), to provide work study program opportunities to work in library branches, no cost (CTN-LIB-12000136)
- C. Arizona State Library, Archives and Public Records, to provide sponsorship of several Library programs, contract amount \$25,000.00 revenue (CTN-LIB-12000173)
- D. Arizona State Library, Archives and Public Records, to provide for the subscription fee for the Skills Tutor Software, contract amount \$26,764.00 revenue (CTN-LIB-12000174)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the contracts.

2. **BOARD OF SUPERVISOR POLICIES**

- A. Staff requests approval of the revisions to the Board of Supervisors Policy No. D 32.8, Pima County Library – Fines and Fees Schedule Policy.
- B. Staff requests approval of the Board of Supervisors Policy No. D 32.2, Pima County Library – Circulation Policy.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the policies.

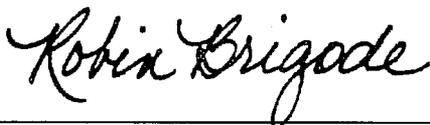
3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:03 a.m.



CHAIRMAN

ATTEST:



CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

OCTOBER 4, 2011

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, October 4, 2011. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Ray Carroll, Member
 Ann Day, Member
 Richard Elías, Member
 Robin Brigode, Clerk

Absent: Sharon Bronson, Vice Chair

1. **INVOCATION**

The invocation was given by Pastor Jon Farmer, Foothills Community Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PRESENTATION**

Presentation by Todd Emery, Arizona Department of Transportation District 2 Engineer, regarding the I-10 Ruthrauff Road to Prince Road Project.

Priscilla Cornelio, Director of the Pima County Transportation Department, introduced Mr. Todd Emery, District 2 Engineer for ADOT, who conducted the presentation and briefed the Board regarding this project.

The presentation was informational only, no action was taken.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Nancy Ledeboer, President of the Board of Directors for Literacy Connects and Betty Stauffer, Executive Director of Literacy Connects, proclaiming the month of October 2011 to be:

“GET CONNECTED THROUGH LITERACY MONTH”

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the proclamation.

Supervisor Elías presented the proclamation to Nancy Ledebauer and Betty Stauffer who thanked the Board for their support and encouraged everyone to take the Literacy pledge.

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, that the Board convene to Executive Session at 9:10 a.m.

6. RECONVENE

The meeting reconvened at 10:05 a.m. Supervisor Bronson was absent.

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

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

8. LITIGATION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the following cases in the Arizona Tax Court:

- A. AR Silver Bell, Inc. v. Pima County and ADOR
Arizona Tax Court Case No. TX2007-000596 and TX2010-000958 (Silver Bell Mine, Tax ID 51-901)

Chris Straub, Chief Civil Deputy County Attorney, stated this case was for tax years 2008 through 2011 and concerned the classification of the mining operation. He indicated that the Assistant Attorney General and Arizona Department of Revenue appraiser had presented this matter to the Board in Executive Session since the property was centrally assessed. He explained that the parties had reached a tentative proposed settlement to allocate 50% of the Full Cash Value to Class 1 and 50% to Class 6. This agreement would apply through tax year 2017. Under the proposed settlement, Pima County would owe a tax refund to the mine in an approximate amount of \$1.2 million. The settlement would allow for payment of the refund as follows:

Tax year 2012, the property would be allocated 30% at Class 1, 70% at Class 6, with a tax saving of \$1 million; and
Tax year 2013, the property would be allocated 40% at Class 1, 60% at Class 6, with a tax saving of approximately \$280,000.00.

The Attorney General's Office and the Department of Revenue recommended approval of the proposed settlement.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

- B. Marana 670 Holdings, L.L.C. v. Pima County
 Arizona Tax Court Case No. TX2010-001120
 Tax Parcel Nos. 216-40-003 thru 662 and 215-13-005K for a total of 571 parcels

Chris Straub, Chief Civil Deputy County Attorney, stated the Pima County Attorney's Office and Assessor recommended a tax decrease and refund of \$384,802.91 for a combined value of all parcel as detailed below for tax year 2010. The valuation would not roll over to tax year 2011.

Parcel Numbers	2010 FCV NOTICED	2010 FCV & LV OFFER
215-13-005K	\$1,318,800	\$ 376,800
216-40-0030		
Thru 11 (9 pcls.)	\$ 45,000 ea.	\$ 20,000 ea.
216-40-0140	\$5,736,500	\$1,639,000
216-40-0150	\$2,485,700	\$ 710,200
216-40-0160	\$2,781,800	\$ 794,800
216-40-019B	\$ 788,900	\$ 225,400
216-40-0200	\$1,296,400	\$ 370,400
216-40-0210	\$8,480,500	\$2,423,000
216-40-0240	\$2,283,400	\$ 652,400
216-40-0250	Parcel dismissed for 2010	
216-40-0340		
Thru 6620 (535 pcls.)	\$ 24,417 ea.	\$ 17,500 ea.
Partial Lots all under		
216-40-1880, 3830, 3880, 4100, 4190, 4300, 4310, 4880, 4890 (9 pcls.)	\$ 4,883 ea.	\$ 3,500 ea.
1890, 3840, 3890, 4110, 4200, 4290, 4320, 4870, 4900 (9 pcls.)	\$ 19,534 ea.	\$ 14,000 ea.
2160, 2170, 4420, 4430 (4 pcls.)	\$ 12,208 ea.	\$ 8,750 ea.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

9. **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 DISCUSSION

1. **CONTRACTS**

I. **Sheriff**

23. RESOLUTION NO. 2011 - 154, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide for the incarceration of municipal prisoners, contract amount \$164,212.00 revenue (CTN-SD-12000163)

Chuck Huckelberry, County Administrator, explained that the Sahuarita Town Council had changed this contract to reflect last year's rate structure, however that change created a gap in the term of the contract from July 1 through August 23, 2011. Mr. Huckelberry recommended the Intergovernmental Agreement be approved as presented and to direct staff to amend the contract to address the gap.

B. **APPROVAL OF CONSENT CALENDAR**

On consideration, it was moved by Supervisor Elias, seconded by Supervisor Day and carried by a 4-0 vote, Supervisor Bronson absent, to approve the Consent Calendar as presented.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

1. Primavera Foundation, Inc., Amendment No. 1, to provide for the City of South Tucson Redevelopment Project and amend scope of work, no cost (CT-CD-12001292)

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

2. Cochise Private Industry Council, to provide workforce development services for veterans to assist in obtaining employment and/or training in green jobs industries, U. S. Department of Labor Fund, contract amount \$68,726.00 (CT-CS-12001352)

3. Job Path, Inc., to provide job training assistance, General Fund, contract amount, \$371,473.00 (CT-ED-12001366)
4. Arizona Department of Economic Security, Amendment No. 5, to provide employment and training services for Pima County's Workforce Programs and amend contractual language, no cost (CTN-CS-CMS143255)

C. Health Department

5. Arizona Department of Health Services, Amendment No. 3, to provide for the Women, Infants and Children Program, Breastfeeding Peer Counseling Program and Farmer's Market Nutrition Program, Federal Funds, contract amount \$2,027,485.00 revenue (CTN-HD-CMS143105)
6. Arizona Family Planning Council, Amendment No. 1, to provide services under the Family Planning Title X Grant, Federal Funds, contract amount \$56,474.00 revenue (CTN-HD-CMS143713)

D. Information Technology

7. U.S. Department of Agriculture Forest Service, to provide a lease for use of the Mount Lemmon GATR Communication Facility, no cost/30 year term (CTN-IT-12000135)

E. Institutional Health

8. CONMED, Inc., Amendment No. 5, to provide correctional health services to adults and remanded juveniles and amended scope of work, no cost (CT-IH-12000397)

F. Pima Health System

9. Carondelet Heart and Vascular Institute, Amendment No. 8, to provide hospital services and extend contract term to 9/30/11, no cost (CT-PH-CMS138814)
10. Carondelet Health Network, d.b.a. Carondelet St. Mary's Hospice, Amendment No. 2, to provide hospice services and amend contractual language, no cost (CT-PH-CMS141561)
11. Holy Cross Hospital, Inc., Amendment No. 1, to provide nursing facility services and change contract term to 9/30/11, no cost (CT-PH-CMS143761)

12. Carondelet Medical Group, Inc., Amendment No. 3, to provide primary care physician services and extend contract term to 9/30/11, no cost (CT-PH-12001399)
13. Carondelet Health Network, Amendment No. 2, to provide hospital services and extend contract term to 9/30/11, no cost (CT-PH-12001404)

G. Procurement

14. Cannon Parkin, Inc., d.b.a. Cannon Design, Amendment No. 12, to provide architectural and engineering services for the new psychiatric hospital and urgent care center and amend scope of work, 2004 and 2006 Bond Funds, contract amount \$133,340.00 (CT-FM-07007268-P) Facilities Management

H. Real Property

15. HSL Skyline Gateway Properties, L.L.C., to provide a license for right-of-way encroachment to retain and maintain existing landscaping and wall located at Skyline Drive and Swan Road, contract amount \$18,000.00 revenue (CTN-PW-12000137)
16. City of Tucson, to provide a license for drainageway encroachment for a groundwater extraction line as a part of the City's Monitor Well Water Testing Project, contract amount \$1,625.00 revenue (CTN-PW-12000141)
17. Star Valley Master Homeowners Association, to provide a license and maintenance agreement to encroach on medians and rights-of-way in the vicinity of Wade Road/Los Reales Road and Camino Verde Yedra Road with existing landscaping and irrigation improvements, contract amount \$17,000.00 revenue (CTN-PW-12000142)
18. Jalyn Leasing, L.L.C., to provide a license for bufferyard encroachment in right-of way of Canada Street with existing landscaping, contract amount \$1,625.00 revenue (CTN-PW-12000144)

I. Sheriff

19. Arizona Department of Homeland Security, Amendment No. 1, to provide for overtime and mileage under the Operation Stonegarden Project, contract amount \$270.00 revenue decrease (CTN-SD-12000131)

20. RESOLUTION NO. 2011 - 151, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for overtime and employee related expenses for the Enhance DUI Enforcement Program, contract amount \$70,000.00 revenue (CTN-SD-12000153)
21. RESOLUTION NO. 2011 - 152, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for overtime and employee related expenses for the Enhance School/Bus Zone Enforcement and Education Program, contract amount \$20,000.00 revenue (CTN-SD-12000154)
22. RESOLUTION NO. 2011 - 153, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for overtime and employee related expenses for the Promote and Enhance Child Passenger Safety Program, contract amount \$15,000.00 revenue (CTN-SD-12000155)
23. RESOLUTION NO. 2011 - 154, approving an Intergovernmental Agreement with the Town of Sahuarita (PULLED FOR SEPARATE DISCUSSION)

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>
Shaun E. McClusky	053	REP
Robert I. Compton	146	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Robert E. Peak	326	DEM
Barbara L. Wherry	346	DEM
Kurt A. Ohlrich	370	DEM
Danielle L. Rushford	395	DEM
Ray C. Brown	010	REP
Brieanna Peipelman	011	REP
Randall J. Graf	209	REP
Diane M. Woodrow	220	REP
Robert I. Compton	233	REP
Mark C. Spear	241	REP
Cody E. Whitaker	254	REP
Kathleen A. Blotkamp	269	REP
Kenneth J. Biehl	289	REP
Virginia B. Hoyne	329	REP
Andrea D. Hurley	393	REP

3. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **Pima County Workforce Investment Board**

Appointment of Rose Capono, Business, to replace Liz Russo-Clyde.
Term expiration: 9/30/12. (Committee recommendation)

B. **Pima County Sports and Tourism Authority**

Appointment of Jim Arnold to fill existing vacancy. Term expiration:
4/6/12. (Commission recommendation)

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

A. William Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, October 7, 2011.

B. Bob Day, Missing in America Project, Veterans Recovery Program, 6090 N. Oracle Road, Tucson, November 12, 2011.

C. Brenda J. Goldsmith, El Rio Health Center Foundation, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 28, 2011.

D. Scott Arthur Anderson, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, October 28 and 29, 2011.

E. Laurie S. Buckelew, VFW Post 10254 Ladies Auxiliary, 17000 W. Ajo Way, Tucson, October 7, 8 and 9, 2011.

F. Laurie S. Buckelew, VFW Post 10254 Ladies Auxiliary, 17000 W. Ajo Way, Tucson, October 13, 14, 15 and 16, 2011.

G. Laurie S. Buckelew, Three Points Fire Local 3504, 17000 W. Ajo Way, Tucson, October 19, 20, 21, 22 and 23, 2011.

H. Laurie S. Buckelew, Three Points Fire Local 3504, 17000 W. Ajo Way, Tucson, October 27, 28, 29 and 30, 2011.

I. Pattie Lynn Feder, Angel Charity for Children, Inc., Westin La Paloma, 3800 E. Sunrise Drive, Tucson, December 10, 2011.

5. **TREASURER'S OFFICE**

Duplicate Warrant – For Ratification

Eleanor Crafton Lewis \$15.20

6. **REAL PROPERTY**

A. **Abandonment, Quit Claim Deed and Warranty Deed**

1. RESOLUTION NO. 2011 - 155, of the Pima County Board of Supervisors, providing for the vacation by exchange of a portion of Drexel Road, Pima County Abandonment A-11-02, located within Section 6, T15S, R15E, G&SRM. No revenue. (District 4)
2. Quit Claim Deed to HVF West, L.L.C., a Michigan Limited Liability Company, all its rights, title and interest for a portion of Mann Ave. No revenue. (District 4)
3. Warranty Deed from HVF West, L.L.C., a Michigan Limited Liability Company, in exchange for a portion of tax parcel No. 141-03-0010, located within Section 6, T15S, R15E, G&SRM. No revenue. (District 4)

B. **Quit Claim Deed**

Quit Claim Deed to the Town of Sahuarita, all rights, title and interest to property located within Section 13, T17S, R13E, G&SRM (Sahuarita Bridge). No revenue. (District 2)

7. **REGIONAL WASTEWATER RECLAMATION**

Public Announcement

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 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:

Tucson Tallow Company, Inc., Case No. C2011-16. The proposed settlement amount of \$1,500.00.

8. **CORRECTION FOR THE RECORD**

On September 13, 2011, the Board of Supervisors approved the following. Staff requests a correction to the contract number as indicated below:

Arizona Department of Health Services, Amendment No. 7, to provide breast and cervical cancer screening services and extend contract term to 6/30/12, Federal and State Grant Funds, revenue based on services (CTN-HD-4200005212000057)

9. **RATIFY AND/OR APPROVE**

Minutes: August 15, 2011

Warrants: September, 2011

REGULAR AGENDA/ADDENDUM ITEMS

10. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION MATTERS**

A. The Sheriff's Department requests approval to create a new Position Control Number (PCN):

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary/Grade</u>
1	3221/Lieutenant	S3

Any associated costs incurred with the creation of this new PCN will be borne by the HIDTA grant funding.

B. The Office of Court Appointed Counsel requests approval to create eight new Position Control Numbers (PCNs):

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary/Grade</u>
4	7660-Attorney-Unclassified	U3
3	0030/Office Support Level III	23
1	7136/Program Specialist – Unclassified	U1

Any associated costs incurred with the creation of these new PCNs will be borne by the Office of Court Appointed Counsel from within its current budget.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the requests.

11. **COUNTY ADMINISTRATOR: QUARTERLY MANAGEMENT REPORT ON COLLECTIONS**

Staff recommends acceptance of the Quarterly Management Report on Collections for the period ending June 30, 2011, and approval of the write-off request in the amount of \$678,508.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to accept the report and approve the write-off request.

12. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2011 - 156, authorizing the Chairman of the Board of Supervisors, the County Administrator and the Finance Director to cause the sale and execution and delivery pursuant to a Series 2011 Obligation Indenture of Sewer System Revenue Obligations, Series 2011B, in an aggregate principal amount not in excess of \$215,000,000.00, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by Pima County, Arizona, pursuant to a Series 2011B purchase agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate as part of purchasing property to be part of the sewer system of the County and payment of related financing costs including the delegation to the Chairman of the Board of Supervisors, the County Administrator and the Finance Director of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such Series 2011B Obligations and ordering the sale of such Series 2011B Obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such Series 2011B Obligations; and authorizing the Finance Director to expend all necessary funds therefor.

On consideration, it was moved by Supervisor Elías, seconded by Chairman Valadez and carried by a 3-1 vote, Supervisor Carroll voting "Nay," to adopt Resolution No. 2011 - 156.

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

P1211-005, Ventana Reserve II, Lots 1- 31 and Common Area A. (District 1)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the final plat with assurances.

14. **REGIONAL WASTEWATER RECLAMATION: PRETREATMENT SETTLEMENT AGREEMENT**

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Chipotle Mexican Grill, Inc., No. C2011-05. Proposed settlement amount is \$699.97 plus completion of a supplemental environmental project.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the Pretreatment Settlement Agreement.

15. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES**

A. 11-20-9081, Anastasios D. Georgelos, Three Points Restaurant, 9470 S. Sasabe Road, Tucson, Series 6, Bar, Person Transfer and Location Transfer.

B. 11-28-9089, Troy Charles DeVos, QuikTrip No. 1479, 3636 N. Craycroft Road, Tucson, Series 10, Beer and Wine Store, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearings, approve the licenses and forward the recommendations to the Arizona State Liquor Licenses and Control.

16. **FRANCHISE/LICENSE/PERMIT: LIQUOR LICENSE**

11-26-9087, Steven Alex Dunn, Game On Sports Grille, 6453 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona State Liquor Licenses and Control.

17. **HEALTH DEPARTMENT**

A. ORDINANCE NO. 2011 - 68, of the Board of Supervisors, relating to animals; amending the Pima County Code by amending Chapter 6.04, Section 6.04.060 Fees.

B. ORDINANCE NO. 2011 - 69, of the Board of Supervisors, relating to animals; amending the Pima County Code by amending Chapter 6.04 amending Section 6.04.070 to limit discounted licenses per household, add a late fee for kennel permit holders, update and increase the postage fee to a processing fee.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day to adopt Ordinance Nos. 2011 - 68 and 69.

The following speakers addressed the Board:

- A. Jane Schwerin, President of People for Animals and a member of the Animal Care Advisory Committee
- B. Michael Toney

They provided the following comments:

1. The Board was asked to increase the license fee for unaltered dogs and to decrease the cost of altering dogs at the Pima Animal Care Center (PACC).
2. Due to the overpopulation of animals, in August, 2011, 1,219 animals were euthanized at PACC; spaying and neutering of animals would help reduce the number of animals euthanized each month.
3. The Board was asked to vote no on the sections in the proposed Ordinances that increased the price of altering dogs.

Supervisor Elías withdrew his motion stating the Board needed more time to understand the implications related to the proposed increase of fees.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-0 vote, to continue these items to the Board of Supervisors' Meeting of October 11, 2011.

18. **DEVELOPMENT SERVICES: REZONING**

Co9-10-03, MOORE TR – ORACLE JAYNES STATION ROAD REZONING

Request of MGM Family, L.L.C., represented by T and T Engineering, L.L.C., for a rezoning of approximately 11.55 acres from SR (Suburban Ranch) to TR (Transitional) on property located on the southeast corner of La Cholla Boulevard and Fountains Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 10-0 to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

"Completion of the following conditions within five years from the date the rezoning request is approved by the Board of Supervisors:

1. Submittal of a development plan is determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. Transportation condition:
The property owner/developer shall provide offsite improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.

7. Flood Control conditions:
 - A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
 - B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.
8. Wastewater Reclamation
 - A. The owner/developer shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.
 - B. The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.
 - C. The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Regional Wastewater Reclamation Department and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - E. The owner/developer shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.
 - F. The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Environmental Quality conditions:
 - A. The property owner(s) shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan or request for a building permit. On-site wastewater disposal shall not be allowed.
 - B. Prior to the commencement of construction of any grading, land clearing or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
11. Adherence to the Preliminary Development Plan as approved at public hearing.

12. A final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
14. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions or rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions or rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans."

Arlan Colton, Planning Director, provided the staff report and stated the Planning and Zoning Commission had recommended approval with the addition of Condition No. 16. Staff supported that recommendation. Staff received one comment at the Planning and Zoning Commission meeting that expressed concern about flooding across the street. Regional Flood Control would be addressing that issue with him directly.

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

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and carried by a 4-0 vote, to close the public hearing and approve Co9-10-03 with standard and special conditions.

19. **DEVELOPMENT SERVICES: REZONING**

Co9-11-05, SONORAN SOLUTIONS, L.L.C. – HOMESTEAD AVENUE REZONING
Request of Sonoran Solutions, L.L.C., represented by William Schumacher, for a rezoning of approximately 2.34 acres from SR (Suburban Ranch) to SR-2 (Suburban Ranch Estate), on property located on the southeast corner of Homestead Avenue and Prospect Lane. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Cox-Golder, and Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

“Completion of the following requirements within five years from the date of the rezoning request is approved by the Board of Supervisors:

1. Flood Control District conditions:
 - A. Recording of a covenant holding Pima County harmless in the event of flooding.
 - B. The property owner(s) shall obtain a Floodplain Use Permit for any development on the subject property.
 - C. A Riparian Habitat Mitigation Plan is required.
 - D. Areas located outside of the building envelope shall be designated Natural Open Space (NOS) and shown in a surveyable manner on the site plan. Covenants documenting preservation of the NOS shall be recorded prior to issuance of the Floodplain Use Permit.
 - E. No perimeter fencing shall be permitted.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
5. Environmental Quality condition:

As a condition of rezoning, the applicant shall demonstrate that the lot, as proposed, can accommodate a home site and a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation testing and shall be designed to accommodate the type of facility proposed in accordance with Arizona Administrative Code, Title 18, Chapter 9, Table 1. This demonstration shall be made prior to issuance of the Certificate of Compliance.
6. Cultural Resources Conditions:
 - A. A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction and other ground-disturbing activities from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. § 41-865 and A.R.S. § 41-844, require the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - B. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County’s cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to the sketch plan and the riparian mitigation plans as approved at public hearing.
8. The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Department of Community Services indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a Certificate of Compliance is issued.
9. The property owner shall execute and record the following disclaimer regarding Prop 207

rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims of causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions or rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chris Poirier, Assistant Planning Director, provided the staff report and explained that the written staff report was in error because the subject property was located outside of the Maeveen Marie Behan Conservation Land System and should be corrected to indicate it is within the Land System. He stated that there had been no public comment and staff recommended approval with conditions.

The Chairman inquired whether anyone wished to be heard. No one appeared. On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and carried by a 4-0 vote, to close the public hearing and approve Co9-11-05 with standard and special conditions.

20. COUNTY ADMINISTRATOR: APPOINTMENT OF PUBLIC FIDUCIARY

Staff recommends the appointment of Philip Grant to the position of Pima County Public Fiduciary effective October 30, 2011.

Anita Royal, Pima County Public Fiduciary, thanked the Board for giving her the opportunity to serve as the Pima County Public Fiduciary for the past two decades and expressed her support for the appointment of Philip Grant as the new Public Fiduciary for the County.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Day and carried by a 4-0 vote, to appoint Philip Grant as Pima County Public Fiduciary, effective October 30, 2011.

21. COUNTY ADMINISTRATOR: THE JULIAN WASH AND HARRISON GREENWAYS

A. Staff recommends approval and/or advancement of the following Greenway Projects at a cost of \$9.83 million, funding for which will come from bonds previously approved for these purposes:

Julian Wash Greenway

- Project 1: Kolb Road Underpass
- Project 2: La Estancia (Kolb Road to Wilmot Road)
- Project 3: Wilmot Road to Van Buren Avenue
- Project 4: Van Buren Avenue to Valencia Road
- Project 5: Valencia Road to Drexel Road
- Project 6: Drexel Road to Country Club Road to the Kino Environmental Restoration Project (KERP)

- Project 7: KERP to Aviation Highway
- Project 8: Park Avenue to Sixth Avenue

Harrison Greenway

- Phase I: Julian Wash to Valencia Road
- Phase II: Irvington Road to Sellarole Road
- Phase III: Valencia Road to Irvington Road

B. Staff requests direction/authorization for the following:

1. Direct staff to begin implementation of the following projects using DOT-41, District 2 Transportation Improvement Bonds:
 - a. Wilmot Road to Van Buren Avenue \$60,000.00
 - b. Van Buren Avenue to Valencia Road \$720,000.00
 - c. Valencia Road to Drexel Road \$700,000.00
 - d. Park Avenue to Sixth Avenue \$1,000,000.00

2. Authorize the use of DOT-41, District 2 Transportation Improvement Bonds for the following two projects pending approval by the Pima County Bond Advisory Committee (BAC) for an ordinance amendment to include these segments:
 - a. La Estancia (Wilmot Road to Kolb Road) \$650,000.00
 - b. Harrison Greenway \$850,000.00

3. Authorize the use of DOT-11, Drexel Road-Alvernon to Tucson Boulevard monies to fund the on-street bike lanes from the terminus of the Julian Wash Greenway at Interstate 10 to Country Club Road, extending north to the KERP, and including the segment on the Tucson Diversion Channel to the Aviation Bike Path subject to the approval of the expanded scope by the BAC.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the projects and authorize the requests.

22. COUNTY ADMINISTRATOR: BUDGET TRANSFER AUTHORIZATIONS

Staff recommends approval to transfer \$1,289,510.00 from the Pima Health System Transition Fund to other appropriate Funds for the following:

Kino Community Center Capital Improvements	\$500,000.00
Pima Vocational High School Relocation	\$175,000.00
Continental Ranch River Park Bridges	\$114,510.00
Small River Park Projects	\$500,000.00

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the budget transfer authorizations.

23. **COUNTY ADMINISTRATOR: RIVER PARK BRIDGES AT CONTINENTAL RANCH**

Town of Marana, approving an Intergovernmental Agreement to define the responsibilities for the design, construction, maintenance and operation of the River Park Bridges Project, 2004 Bond and Capital Improvement Project Fund, contract amount not to exceed \$200,000.00 (CT-CA-12001430)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the Intergovernmental Agreement with the Town of Marana.

24. **COUNTY ADMINISTRATOR: SELECTION OF PHILABAUM GLASS STUDIO AND GALLERY FOR PUBLIC ART IN THE COUNTY ADMINISTRATION BUILDING**

Staff recommends approval of Philabaum Glass Studio and Gallery to provide glass panel public art for the renovations associated with the Administration and Administration West Buildings to be placed in the lobby of the Administration Building in an amount not to exceed \$70,000.00.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the recommendation.

25. **COUNTY ADMINISTRATOR: CONTINGENCY FUND ALLOCATION FOR DOWNTOWN TUCSON PARTNERSHIP**

Staff recommends approval of an allocation from the Board Contingency Fund in the amount of \$49,294.85 for the Downtown Tucson Partnership for the County's Voluntary Business Improvement District contribution for Fiscal Year 2011/2012.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the allocation.

26. **COUNTY ADMINISTRATOR: FUNDING REQUEST FROM EMERGE! CENTER AGAINST DOMESTIC ABUSE**

Staff recommends approval of an allocation from the Board Contingency Fund in the amount of \$101,130.00 for Emerge! Center Against Domestic Abuse and to direct staff to develop a supplemental agreement with Emerge!.

The following individual addressed the Board:

Dr. Bellal Joseph, Trauma Surgeon at University Medical Center

He provided the following comments:

- A. Domestic violence is a very serious disease in Arizona and in the last census Arizona was second in the country for death by domestic violence.
- B. Emerge Center is the only facility in Tucson that deals with domestic abuse at the trauma center.
- C. He expressed his support for the approval of the allocation.

On consideration, it was moved by Supervisor Day, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the allocation.

27. DEVELOPMENT SERVICES: FINAL PLAT WITH ASSURANCES

P1206-132, Del Webb at Rancho Del Lago Phase II, Lots 321 – 530 and Common Areas A-1 – A-3, B-1 – B-3, C, D-1 – D-13, E-1 – E-2 and F-1 – F-2 Common Area A, B, C, D, E & F. (District 4)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the final plat with assurances.

28. CONTRACTS: COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

- A. RESOLUTION NO. 2011 - 157, authorizing the execution of an Intergovernmental Agreement with the Pima Community College District to provide workforce development services for youth and adults, WIA, Veterans and Housing Grant Funds, contract amount \$924,075.00; General Fund, contract amount \$90,000.00; total contract amount not to exceed \$1,014,075.00 (MA-CS-12000150)
- B. Goodwill Industries of Southern Arizona, Inc., Amendment No. 5, to provide workforce development services, extend contract term to 8/31/12 and amend contractual language, United States Department of Labor, Arizona Department of Economic Security Vocational Rehabilitation and other Workforce Funds, contract amount \$62,481.20 (MA-CS-12000152)

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Day and carried by a 4-0 vote, to approve the contracts and adopt Resolution No. 2011 - 157.

29. CALL TO THE PUBLIC

The Chairman inquired whether anyone wished to be heard.

Sheldon Gutman addressed the Board regarding spring training at Kino Sports Complex and expressed that if the Board allowed Major League Soccer to be played at the complex, it would ruin the turf.

Michael Toney spoke regarding University of Arizona and Rio Nuevo issues.

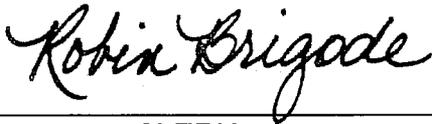
30. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:03 a.m.



CHAIRMAN

ATTEST:



CLERK