

BOARD OF SUPERVISORS' MEETING MINUTES

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, September 1, 2015. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Eric Johnson, Sergeant at Arms

1. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías recognized students in attendance from the University of Arizona's Reporting Public Affairs class.

Supervisor Carroll acknowledged the passing of Colonel James Wheeler, community leader and decorated war veteran.

2. INVOCATION

The invocation was given by Pastor Julio Martinez, Lift Him Up Ministries International.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Judy Lynn, Pima County Community Outreach Coordinator, and Sam Brokenshire, Georgia Goodwin, Bart Goodwin and Cheryl Bender, Community Organizations Active in Disasters, proclaiming the month of September, 2015 to be: "PREPAREDNESS MONTH"

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Carroll made the presentation.

6. CALL TO THE PUBLIC

Dennis Currie addressed the Board regarding the 2015 Bonds and the Star Valley Specific Plan.

Geri Ottoboni spoke in opposition to the 2015 Bonds.

Richard Hernandez spoke on his possible run for public office, rising taxes and public safety.

Christopher Cole, Libertarian Party, addressed the Board on overspending and property taxes.

Kevin Kubitskey, Pima County Deputy Sheriff Association and Fraternal Order of Police, addressed problems, concerns and possible solutions regarding the County's ADP employee time, attendance and payroll system.

Supervisor Elías asked the County Attorney's Office to research the use of call to the public as a forum for political speeches.

CLERK OF THE BOARD

7. Authorization for Approvals

RESOLUTION NO. 2015 - 64, amending Resolution No. 2002-273 and authorizing approval of special event liquor licenses and temporary extension of premises/patio permits.

Supervisor Elías requested the County Attorney's Office research how often a business could apply for and receive temporary extension of premises/patio permits before being required to seek other alternatives.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to adopt the Resolution.

HUMAN RESOURCES

8. Classification/Compensation

The Clerk of the Board requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code

7188/ Records Management Division Manager/ U2(\$40,580-\$100,693)/ 1/ E*

*E = Exempt (not paid overtime)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

9. Classification/Compensation

The Recorder's Office requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code

0054/ Document Imaging Specialist-Recorder's Office/ 32(\$31,657-\$46,551)/ 5/ NE*

*NE = Non-Exempt (paid overtime)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

REAL PROPERTY

10. Surplus Property

Staff requests approval to sell surplus property consisting of vacant land located on the north side of Orange Grove Road and west of Oracle Road, Tax Parcel No. 102-07-0530 by auction to the highest bidder. (District 1)

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to approve the item.

FRANCHISE/LICENSE/PERMIT

11. Hearing - Liquor License

12104380, Thomas Robert Aguilera, Living Room Wine Café and Lounge, 2905 E. Skyline Drive, No. 168, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

12. **Hearing - Liquor License**

12104381, Thomas Robert Aguilera, Embassy Suites La Paloma, 3110 E. Skyline Drive, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

13. **Hearing - Agent Change/Acquisition of Control/Restructure**

12103936, Andrea Dahlman Lewkowitz, Romano's Macaroni Grill, 2265 W. Ina Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

JUSTICE COURT

14. **Hearing - Home Detention and Continuous Alcohol Monitoring**

ORDINANCE NO. 2015 - 35, of the Board of Supervisors, relating to prisoner home detention and continuous alcohol monitoring; establishing Home Detention Programs authorized by A.R.S. §11-251.15 and §11-459, and a Continuous Alcohol Monitoring Program authorized by A.R.S. §11-251.15(l), for certain persons who are sentenced to jail confinement pursuant to A.R.S. §28-1381 or §28-1382; authorizing the Sheriff and presiding Justice of the Peace to implement and administer the Home Detention and Continuous Alcohol Monitoring Programs; authorizing the presiding Justice of the Peace or Sheriff to collect costs assessed against defendants in the Home Detention and Continuous Alcohol Monitoring Programs and to deposit collected costs with the Pima County Treasurer; and restricting the use of collected costs to offsetting operational costs of the Home Detention and Continuous Alcohol Monitoring Programs.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías and seconded by Supervisor Miller to close the public hearing and adopt the Ordinance. No vote was taken at this time.

Supervisor Elías stated that although it was a difficult issue, it was important to evaluate the circumstances of non-violent, lower level offenders to find those who qualify and could benefit from this cost effective program.

Upon the vote, the motion unanimously carried 5-0.

DEVELOPMENT SERVICES

15. Hearing - Plat Note Modification

Co12-92-50, SABINO GREENS OF SABINO SPRINGS (LOT 18) PLAT NOTE MODIFICATION

Request of David Hoffman TR 1/2 and Michelina Hoffman TR 1/2, represented by Envision Corporation, for a modification of Plat Note No. 9 for Lot 18 of the Sabino Greens of Sabino Springs Subdivision (Bk. 44, Pg. 88) which limits each subdivision lot to a maximum graded area of 10,000 square feet. The applicant requests to allow a maximum graded area of 11,775 square feet. The subject lot is approximately 18,400 square feet zoned SP (BZ) (Specific Plan - Buffer Overlay Zone) and is located on the north side of E. Sabino Estates Drive, approximately 400 feet east of N. Bowes Road. Staff recommends **APPROVAL**. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve Co12-92-50.

16. Hearing - Rezoning Ordinance

ORDINANCE NO. 2015 - 36, Co9-07-03, Ventana Vista, L.L.C. - Kolb Road Rezoning. Owner: FAR, L.L.C. and RSVL, L.L.C. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

REAL PROPERTY

17. Condemnation

RESOLUTION NO. 2015 - 65, of the Board of Supervisors, authorizing the Pima County Attorney to condemn real property interests where necessary for the North Rillito Interceptor in Section 25, T13S, R14E and Section 32, T13S, R15E, G&SRM. (District 1)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

18. Primavera Foundation, Inc., to provide for the CASA for Families II - Supportive Housing Program, HUD Fund, contract amount \$274,593.00 (CT-CD-16-46)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

PROCUREMENT

19. SUNE DB36, L.L.C., an affiliate of SunEdison, Inc., Amendment No. 1, to assign all contracted responsibilities, obligations, and rights from Solon Development, L.L.C. (MA-PO-15-295), no cost (MA-PO-16-58) Facilities Management

Supervisor Miller questioned whether this assignment was permissible per contract provisions, why it was happening and if SunEdison had bid on the original contract. She asked if it was acceptable to the County Attorney's Office and if Solon Development, L.L.C. had begun work on the project.

George Widugiris, Procurement Director, explained the contract did allow for assignment and there would be several more reassignments from Solon in the future. He explained the County Attorney's Office had reviewed it, but was uncertain of the project's progress.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of September 15, 2015. Staff was directed to provide additional information in response to the questions posed.

20. HSA Bank, a division of Webster Bank N.A., Amendment No. 3, to assign all contracted responsibilities, obligations, and rights from JPMorgan Chase Bank, N.A. (CT-HR-13-507), Self-Insurance Trust Fund, contract amount \$329,633.80 (MA-PO-16-8) Human Resources

Supervisor Miller asked about the circumstances regarding the assignment.

George Widugiris, Procurement Director, stated the original contractor was no longer offering this service.

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item.

REAL PROPERTY

21. Friends of Robles Ranch, to provide a lease agreement for property located at 16150 W. Ajo Way, no cost (CTN-PW-16-31)

Staff was directed to work with Friends of Robles Ranch to develop an amenable lease contract with provisions to allow for the sale of furniture and electronics on the premises.

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of October 6, 2015.

TRANSPORTATION

22. Tpac, A Division of Kiewit Western, to provide precast concrete box beams for the Elephant Head Road Bridge Project, RTA (97.5%) and HURF (2.5%) Funds, contract amount \$989,460.00 (CT-TR-16-32)

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

GRANT APPLICATION/ACCEPTANCE

23. **Acceptance - Sheriff**

U.S. Department of Agriculture/U.S. Forest Service, Amendment No. 2, to provide patrol activities for the U.S. Forest Service, \$18,400.00 (GTAM 16-10)

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

BOARD, COMMISSION AND/OR COMMITTEE

24. Flood Control District Advisory Committee

Appointment of Amy McCoy, to fill a vacancy created by Philip Pearthree. No term expiration. (District 5)

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

25. Flood Control District Board of Hearing Review

Appointment of Amy McCoy, to fill a vacancy created by Philip Pearthree. No term expiration. (District 5)

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

26. Small Business Commission

Appointment of Kent Blumenthal, to fill a vacancy created by Edie Lake. No term expiration. (District 4)

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the item.

CONSENT CALENDAR

27. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 5 and 9 were set aside for separate discussion and vote.

It was moved by Supervisor Elías and seconded by Supervisor Miller to approve the remainder of the Consent Calendar. No vote was taken at this time.

Supervisor Elías noted that Consent Calendar Item No. 3 was a contract with Cenpatico of Arizona, Inc., a subsidiary of which was involved with private, for profit prisons.

Upon the vote, the motion unanimously carried 5-0.

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PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Procurement

5. ADW Communications Services, Inc., and International Towers, Inc., to provide a job order contract for communications tower site maintenance, General Fund, \$750,000.00 (MA-PO-16-48) Information Technology.

Supervisor Miller questioned whether this contract had been competitively bid and asked who had previously provided these services at these sites.

George Widugiris, Procurement Director, confirmed the agreement was competitively bid and stated that any projects falling under the agreement exceeding \$50,000.00 would be competitively bid between the two vendors. Mr. Widugiris said he did not have information on the previous vendor.

Supervisor Elías voiced concern regarding environmental protection measures required by contractors when traveling to and working on these sites.

Chuck Huckelberry, County Administrator, explained that any tower sites located in environmentally sensitive areas were subject to environmental review and appropriate permitting including site specific terms and conditions to mitigate environmental impact. He stated that contractors were made aware of the terms and conditions of each specific site and were required to comply.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to continue this item to the Board of Supervisors' Meeting of September 15, 2015. No vote was taken at this time.

Supervisor Miller reviewed sections of the contract related to regulations and responsibilities.

Supervisor Elías requested additional information on the process of evaluating and selecting contractors, environmental protection measures stipulated in contracts and specific penalties imposed for non-compliance.

Upon the vote, the motion unanimously carried 5-0.

Transportation

9. Regional Transportation Authority, to provide for El Paso and Southwestern Greenway (City of South Tucson Segment) improvements, contract amount \$600,000.00 revenue/2 year term (CTN-TR-15-149)

Supervisor Miller requested clarification regarding non-RTA funding cited in the contract.

John Bernal, Deputy County Administrator, explained that the non-RTA funds indicated were for a sewer line occupying the same area and were provided by the Regional Wastewater Reclamation Department.

It was moved by Supervisor Miller, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve the item.

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CONTRACT AND AWARD

County Attorney

1. Janet Hart, Amendment No. 4, to provide professional grant writing services, extend contract term to 6/30/16 and amend scope of work, Special Revenue Fund, contract amount \$20,000.00 (CT-PCA-13-200)

Economic Development and Tourism

2. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, to promote and enhance tourism, business travel, film production and youth, amateur, semi-professional, and professional sports development and marketing, General Fund, contract amount \$3,330,000.00 (CT-ED-16-40)

Facilities Management

3. Cenpatico of Arizona, Inc., to provide an Operating Agreement for the Crisis Response Center, no cost (CTN-FM-16-28)

Procurement

4. Port of Tucson, L.L.C., Amendment No. 1, to provide for the Port of Tucson expansion and extend contract term to 9/8/16, no cost (CT-PW-15-85) Public Works
5. ADW Communications Services, Inc., and International Towers, Inc., (PULLED FOR SEPARATE ACTION)

Real Property

6. Arizona Board of Regents, The University of Arizona, to provide for the Continental Community Center lease at 530 E. Whitehouse Canyon Road, contract amount \$2,400.00 revenue/2 year term (CTN-PW-16-27)
7. Tucson Electric Power Company, to provide an Agreement to Grant Access Easement and Access Use and Maintenance Agreement for an existing roadway on Empirita Ranch, Tax Parcel Nos. 306-18-008D, 008F, 029B, 033A and 033B, located in Sections 24, 25 and 36, T17S, R18E, G&SRM, Pima County, Arizona, no cost/25 year term (CTN-PW-16-32)
8. Bureau of Land Management, to provide a Right-of-Way Grant/Temporary Use Permit for public sewer facilities across property located in Section 12, T15S, R11E and Section 7, T15S, R12E, G&SRM, Pima County, Arizona, no cost/29 year term (CTN-PW-16-29)

Transportation

9. Regional Transportation Authority, (PULLED FOR SEPARATE ACTION)

GRANT APPLICATION/ACCEPTANCE

10. **Acceptance - County Attorney**
Office of the Arizona Attorney General, to provide for the Victims' Rights Program, \$246,188.00 (GTAW 16-6)
11. **Acceptance - Community Development and Neighborhood Conservation**
U.S. Department of Housing and Urban Development, Amendment No. 1, to provide for the Continuum of Care Program - Casa for Families II Transitional Housing and amend scope of work, no cost (GTAM 16-8)

BOARD, COMMISSION AND/OR COMMITTEE

12. **Metropolitan Education Commission**
Appointments of Guillermo Figueroa and Rafael Meza, to fill the vacancies created by Chance Agrella and JoAnn Sayre. Term expirations: 8/7/18. (Commission recommendations)
13. **Flood Control District Advisory Committee**
Ratification of Town of Marana appointment: Jennifer Christelman, alternate representative, to fill a vacancy created by Paul Baughman. No term expiration. (Jurisdictional recommendation)
14. **Library Advisory Board**
Appointment of Nancy Magelli, to fill a vacancy created by Elizabeth Sullivan. Term expiration: 6/30/19. (District 1)

15. **Pima County Small Business Commission**

Appointment of Mark S. Miller, to fill a vacancy created by Mark Finchem. No term expiration. (District 1)

SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273

16. Michelle L. Phillips, Greater Green Valley Community Foundation, Green Valley Recreation Canoa Ranch, 5750 S. Turquoise Mountain Drive, Green Valley, September 10, 2015.
17. Vanessa Elizabeth Palestino, The Above and Beyond Children's Foundation, St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, October 16, 2015.
18. Teresa Liverzani-Baker, Youth On Their Own, Plaza Colonial, 2870 E. Skyline Drive, Tucson, October 11, 2015.
19. Virginia C. Murphy, Steven M. Gootter Foundation, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 1, 2015.

ELECTIONS

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

APPOINTMENT-PRECINCT-PARTY

John R. Dalton, Jr.-170-REP; Linda K. McCurdy-226-REP

FINANCE AND RISK MANAGEMENT

21. **Duplicate Warrants - For Ratification**

Advent Electric, Inc. \$12,865.00; Rancho De Conejo Community Water Coop, Inc. \$500.00; Schlesinger Consulting Engineering, P.L.L.C. \$15,436.09; Earnhardt V, Inc. \$541.55; Deborah Tinajero \$109.03; Christine A. Davis \$156.00; Lindsay Pino \$83.00; Sebastian Quinac \$125.00; Parents-2-Children AZ, L.L.C. \$2,500.00; Davis C. Dingeldine \$228.58.

RECORDER

22. **Ratification**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of June, 2015.

SUPERIOR COURT

23. **Fill the Gap Application**

Staff requests approval to submit a Fill-the-Gap Application to the Arizona Supreme Court Administrative Office of the Courts for Fiscal Year 2016.

24. **Judge Pro Tempore Appointment**

Appointment of Walter Weber as Judge Pro Tempore of the Superior Court from September 1, 2015 through June 30, 2016.

TREASURER

25. **Fill the Gap**

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five percent set-aside "Fill-the-Gap" Funds in the amount of \$1,246,732.04 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior and Justice Courts for processing of criminal cases.

RATIFY AND/OR APPROVE

26. Minutes: July 7, 2015
Warrants: August, 2015

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28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:58 a.m.

CHAIR

ATTEST:

CLERK