MINUTES, FLOOD CONTROL DISTRICT BOARD

MARCH 19, 2013

The Pima County Flood Control District Board 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, March 19, 2013. Upon roll call, those present and absent were as follows:

Present:

Ramón Valadez, Chairman Sharon Bronson, Vice Chair Ray Carroll, Member Richard Elías, Member Ally Miller, Member Robin Brigode, Deputy Clerk

1. **RIPARIAN HABITAT MITIGATION PLAN**

Staff requests approval of the Riparian Habitat Mitigation Plan for Desert Willow Ranch, P1212-039, new subdivision located within mapped important riparian area with Underlying Class H and Class H Habitat. (District 4)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:43 a.m.

CHAIRMAN

ATTEST:

CLERK

MINUTES, BOARD OF SUPERVISORS' MEETING

MARCH 19, 2013

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, March 19, 2013. Upon roll call, those present and absent were as follows:

Present:

Ramón Valadez, Chairman Sharon Bronson, Vice Chair Ray Carroll, Member Richard Elías, Member Ally Miller, Member Robin Brigode, Clerk

1. **INVOCATION**

The invocation was offered by Pastor Otis Brown, Jr., Siloam Free Will 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.

... EXECUTIVE SESSION

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:10 a.m.

4. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

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

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

6. LITIGATION

Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice and direction regarding a request by The Doyle Firm that Pima County waive a conflict of interest to allow the firm to represent Pima County in Murphy et al. v. Colorado River Materials, Inc., d.b.a. NAC Construction, Pima County et al., Superior Court Case No. C20130723.

Chris Straub, Chief Civil Deputy County Attorney, stated the request to waive the potential conflict of interest would allow Mr. William Doyle to represent Pima County and advised as with all requests of this nature, this matter would be at the discretion of the Board.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to waive the conflict of interest.

7. 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. Title Security Agency of Arizona, an Arizona corporation, as Trustee under Trust Nos. 773 and 787; Daniel E. Pearcy and Mattida Raksanaves, husband and wife; and KFI/AAF SR Holdings, L.L.C., an Arizona limited liability company v. Pima County, Arizona Tax Court Case No. TX2010-001181, Saguaro Ranch, 59 parcels for Tax Year 2011: generally Tax Parcel Nos. 219-07-0110 through 219-07-0160, 219-10-001E through 219-10-1690 and 219-11-006J.
- B. KFI/AAF SR Holdings, L.L.C., an Arizona limited liability company v. Pima County, Arizona Tax Court Case No. TX2011-000504, Saguaro Ranch, 4 parcels for Tax Year 2011: Tax Parcel Nos. 219-07-0040, 219-07-0050, 219-10-075A and 219-10-1010; 63 parcels for tax year 2012: generally tax parcel numbers 219-07-0040 through 219-07-0160 and 219-10-001E through 219-10-1690.

Chris Straub, Chief Civil Deputy County Attorney, stated these cases would be considered together and that the County Attorney's Office and Assessor recommended a continuance of up to 60 days to obtain additional information.

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

8. CONSENT CALENDAR

A. CALL TO THE PUBLIC

Ann Wilson addressed the Board regarding support for the Manzanita Elementary School - Safe Route to School Project.

PULLED FOR SEPARATE ACTION

1. CONTRACTS AND AWARDS

D. **Procurement - Award**

 Low Bid: Award of Contract, Requisition No. 13000212, in the amount of \$2,183,090.00 to the lowest responsive bidder, Quest Civil Constructors, Inc., (Headquarters: Phoenix, AZ) for construction of the Green Valley Water Reclamation Facility Sludge Processing/Odor Improvement Project. <u>Funding Source</u>: RWRD Obligation Fund. <u>Administering Department</u>: Regional Wastewater Reclamation Department.

Without objection, this item was continued to the Board of Supervisors Meeting of April 2, 2013, at the request of staff.

PULLED FOR SEPARATE ACTION BY SUPERVISOR ELIAS

1. CONTRACTS AND AWARDS

D. Procurement - Award

9. Limited Competition: Award of Contract, Requisition No. 13000301, TekSystems, Inc., (Headquarters: Hanover, MD) for staffing services in the amount of \$1,500,000.00. Contract is for a one year term and includes four one year renewal periods. The Award includes the authority for the Procurement Director to process renewals without further action by the Board of Supervisors provided that the sum of the contract amount does not exceed the award amount. <u>Funding Source</u>: General Fund. <u>Administering Department</u>: Information Technology.

Supervisor Elías questioned the expenditure for temporary staffing given the current job market and the vacancy issue within the IT Department. He stated he had been unaware of staffing difficulties and asked if present employees could be trained to perform the duties that would go to the staffing agency. Supervisor Bronson stated she supported this for a one year period and any renewal needed to be brought back to the Board. She requested a report be prepared which addressed current open positions, current staffing, the reporting structure within the IT organization and competitive salaries within the region.

Supervisor Miller asked if it would be more cost effective to subcontract IT services rather than to provide them in-house.

Supervisor Carroll stated a relationship with the Community College or University might place skilled people within our organization and said the development of in-house talent would be more cost effective.

Chairman Valadez questioned the staffing shortage given the recent centralization of the the IT Department. He stated the report directed by the Board needed to contain information relating to the cost savings and how effectiveness of the department had been improved as a result of the consolidation of IT services, rather than allowing for IT personnel on a department level.

George Widugiris, Procurement Director, replied to the Boards questions and explained this was an as-needed contract that contained standard renewal options and a not to exceed contract amount. He stated the contract could be brought back to the Board annually for approval.

Chuck Decker, Deputy IT Director, stated it was difficult in the Tucson job market to secure and retain qualified information technology personnel. He added that outsourcing would be problematic due to the unique nature of the varying department IT needs. He briefly explained the outreach that had been conducted with the University and believed that salary disparity had recently been addressed.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors Meeting of April 2, 2013.

PULLED FOR DISCUSSION BY SUPERVISOR MILLER

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. City of South Tucson, to provide cost reimbursement for home repair programs, HUD Federal Fund, contract amount \$19,880.00 (CT-CD-13000489)

Supervisor Miller requested information regarding the structure of the grant funding for Community Development Block Grants and specific contract language.

Hank Atha, Deputy County Administrator, briefly described CDBG funding and answered specific contract questions.

C. Information Technology

4. City of Tucson, Amendment No. 10, to provide for the PCWIN Communication System and amend contractual language, no cost (CT-IT-13000558

Supervisor Miller asked for clarification on replacement of the communication tower.

Captain Paul Miller, Pima County Sheriff's Department, addressed the questions regarding the contract.

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. City of South Tucson (PULLED FOR DISCUSSION)

B. Facilities Management

2. Level 3 Communications, L.L.C., Amendment No. 8, to provide a lease agreement and extend contract term to 8/31/13 for 33 N. Stone Ave., Suite Nos. 1610 and 1620, contract amount \$30,292.32 revenue (CTN-FM-CMS141938)

C. Information Technology

- 3. Gerald James Morgan, Amendment No. 2, to provide SCADA server support services and extend contract term to 4/30/14, General Fund, contract amount \$25,000.00 (CT-IT-12001444)
- 4. City of Tucson, Amendment No. 10 (PULLED FOR DISCUSSION)

D. Procurement

- 5. Barker Morrissey Contracting, Inc., B.C. Construction, Inc., Durazo Construction Corporation, Hickam Construction Company and W.E. O'Neil Construction Company, Amendment No. 1, to provide a Job Order Master Agreement for remodeling and construction services at various locations and extend contract term to 4/2/14, Various Funds, contract amount \$2,050,000.00 (MA-PO-12000495) Facilities Management
- 6. Employers Dental Services, Amendment No. 3, to provide group pre-paid dental services, extend contract term to 6/30/14 and amend contractual language, Employee Contributions (50%) and Various Funds (50%), contract amount \$700,000.00 (MA-PO-12000532) Human Resources
- 7. Humana Insurance Company d.b.a. Humana Specialty Benefits, Amendment No. 3, to provide life insurance benefits, extend contract term to 6/30/14 and amend contractual language, General Fund (12%) and Employee Contributions (88%), contract amount \$2,600,000.00 (MA-PO-12000533) Human Resources
- 8. PSOMAS, Inc., Amendment No. 4, to provide for the Homer Davis Elementary School Pedestrian Enhancement Project, extend contract term to 4/14/14 and amend contractual language, Capital Projects Fund, contract amount \$17,720.00 (CT-TR-10029064-P) Transportation

Awards

- 9. Limited Competition: Award of Contract, Requisition No. 13000301, TekSystems, Inc. (PULLED FOR SEPARATE ACTION)
- 10. Low Bid: Award of Contract, Requisition No. 13000212 (PULLED FOR SEPARATE ACTION)
- 11. Low Bid: Award of Contract, Requisition No. 81098, in the amount of \$999,994.00 to the lowest responsive bidder, Southern Arizona Paving and Construction Co., (Headquarters: Tucson, AZ) for the Countywide Chip Seal Project. The contract term is eight months with the ability to extend for contract completion. Construction is to be complete within 45 working days from Notice to Proceed. <u>Funding Source</u>: County HURF Fund. <u>Administering Department</u>: Transportation.
- 12. Low Bid: Award of Contract, Requisition No. 81099, in the amount of \$1,391,335.00 to the lowest responsive bidder, Tucson Asphalt Contractors, Inc., (Headquarters: Tucson, AZ) for the Countywide Overlay East Project. The contract term is eight months with the ability to extend for contract completion. Construction is to be complete within 90 working days from Notice to Proceed. <u>Funding Source</u>: County HURF Fund. <u>Administering Department</u>: Transportation.

E. Real Property

13. RESOLUTION NO. 2013 – <u>18</u>, acceptance of Trustee's Deed from the Mary Ewing Henderson Trustee for approximately 22.5 acres and structure at 3401 W. Anklam Road, General Fund, contract amount not to exceed \$14,067.93 (CT-PW-13000648) Natural Resources, Parks and Recreation

Transportation

F.

14. Regional Transportation Authority, to provide for design and construction of the Manzanita Elementary School Safe Route to School Project, Phase 2 and the Summerhaven Sidewalk Project, RTA Fund, contract amount \$463,000.00 revenue (CTN-TR-13000246)

- 15. Regional Transportation Authority, to provide for High Intensity Activated Crosswalks on Palo Verde Road at Alvord Road and Milton Road, RTA Fund, contract amount \$454,000.00 revenue (CTN-TR-13000248)
- Regional Transportation Authority, to provide right-of-way acquisition, design and construction of a divided urban path and an underpass at Broadway Boulevard along the Pantano Riverpath: Broadway Boulevard to Kenyon Drive, RTA Fund, contract amount \$1,956,000.00 revenue (CTN-TR-13000251)

2. ELECTIONS DEPARTMENT

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

RESIGNATIONS	PRECINCT	PARTY
Samuel Douglas	283	REP
Diane Raab	143	GRN
APPOINTMENTS	PRECINCT	<u>PARTY</u>
Sergio E. Mendez	188	REP
Elizabeth J. Lopez	283	REP
Mary H. DeCamp	057	GRN

3. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Animal Care Center Advisory Committee

Appointment: Pat Hubbard, Humane Society of Southern Arizona, to fill the vacancy created by Kerri Burns. Term expiration: 3/19/17. (Organizational recommendation)

B. Corrections Officer Retirement Board

Appointment: Denise Strang, Elected Representative, to fill the vacancy created by Renee Mattas. Term expiration: 12/31/16. (Committee recommendation)

C. Metropolitan Energy Commission

Appointment: Nicole Sweeney, to fill an existing vacancy. Term expiration: 3/19/15. (Committee recommendation)

D. **Pima County Wireless Integrated Network**

Appointment: Keith Brittain, University of Arizona Police Department, 2nd Alternate, to fill the vacancy created by Kevin Haywood. No term expiration. (Jurisdictional recommendation)

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

- A. David Shannon Richter, American Parkinson Disease Association, AZ Chapter, 3500 E. Sunrise Drive, Tucson, April 7, 2013.
- B. Edward P. Sheffer, St. Thomas the Apostle Life Teen Group, St. Thomas the Apostle Church, 5150 N. Valley View Road, Tucson, April 20, 2013.

FINANCE AND RISK MANAGEMENT

5. **Duplicate Warrants – For Ratification**

Anh C. Pearson	\$356.11
Donna L. Lopez	\$203.82
David M. Waterman	\$5,800.00
Judith B. Clinco	\$204.23
CBIZ Benefits & Insurance	\$17,825.00
Office Depot	\$55.10
Office Depot	\$184.36
United Rentals North America, Inc	\$1,068.23
United Rentals North America, Inc	\$1,467.52
Pite Duncan, LLP	\$172.00
Pite Duncan, LLP	\$172.00
Pite Duncan, LLP	\$223.20
Pite Duncan, LLP	\$127.20
Pite Duncan, LLP	\$225.60
Pite Duncan, LLP	\$220.00
Copper State Bolt & Nut Co.	\$201.62

6. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of December 2012 and January 2013.

7. **REAL PROPERTY**

Quit Claim Deed

Quit Claim Deed to Pima County, as public right-of-way, all of its right, title and interest in the described property situated in Section 15, T13S, R13E, G&SRM, Pima County, Arizona.

8. **RATIFY AND/OR APPROVE**

Minutes: February 19, 2013

REGULAR AGENDA/ADDENDUM ITEMS

9. COUNTY ADMINISTRATOR: LITERACY CONNECTS

The Board of Supervisors on February 5, 2013, February 19, 2013 and March 6, 2013, continued the following:

Staff requests an allocation from the FY 2013/2014 Board of Supervisors' Contingency Fund to Literacy Connects in the amount of \$167,000.00 for full literacy infusion at Mission Manor Elementary School, continued evaluation of the program and to provide initial funding to attract other investments to improve overall literacy of elementary school age children.

Supervisor Elías stated this was a great project which likely would receive an approximate \$3 million in grant funds from Helios Education Foundation. It was thereupon moved by Supervisor Elías and seconded by Supervisor Carroll, to approve the allocation request in the amount of \$75,000.00. No vote was taken at this time.

Supervisor Miller said she agreed this was a wonderful project but felt it should be integrated into current school district budgets rather than as an additional burden to tax payers especially when the County cannot provide employee raises or fix roads.

Upon the vote being taken, the motion carried by a 4-1 vote with Supervisor Miller voting "Nay."

10. FIRE DISTRICT: NORTHWEST FIRE DISTRICT

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Northwest Fire District for the proposed Blue Bonnet Annexation. (District 1)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to validate the petitions.

11. FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES

- A. 13-03-9145, Randy D. Nations, Lee Lee Oriental Supermart, 1990 W. Orange Grove, Tucson, Series 9, Liquor Store, Person Transfer.
- B. 13-04-9146, Thomas Robert Aguilera, La Mia Toscana, 7332 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 Supervisors Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings, approve the permits and forward the recommendations to the Arizona Department of Liquor Licenses and Control.

12. TRANSPORTATION: TRAFFIC ORDINANCES

- A. ORDINANCE NO. 2013 <u>16</u>, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Orange Grove Road in Pima County, Arizona. Staff recommends APPROVAL. (Districts 1 and 3)
- B. ORDINANCE NO. 2013 **17**, of the Board of Supervisors, repealing an ordinance regulating traffic on Sunset Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- C. ORDINANCE NO. 2013 <u>18</u>, of the Board of Supervisors, regulating traffic at the intersection of Valencia Road and Wade Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- D. ORDINANCE NO. 2013 <u>19</u>, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Wade Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)
- E. ORDINANCE NO. 2013 **20**, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Voyager Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and adopt Ordinance Nos. 2013 - <u>16</u>, <u>17</u>, <u>18</u>, <u>19</u>, and <u>20</u>.

13. BOARD OF SUPERVISORS

RESOLUTION NO. 2013 - **19**, of the Board of Supervisors, in support of comprehensive immigration reform, urging positive action by the 113th Congress. (District 5)

On consideration, it was moved by Supervisor Elías and seconded by Supervisor Carroll, to adopt Resolution No. 2013- <u>19</u>. No vote was taken at this time.

Maya Castillo, President of Service Employees International Union Local 48, thanked the Board for their leadership on this important issue which will be beneficial to our community.

Supervisor Miller offered amending language to three paragraphs of the resolution. After discussion and clarification, the following amendments were accepted by the maker and seconder of the motion for approval of the resolution:

- Paragraph 8: taxpaying residents immigrants who aspire to become citizens and who meet reasonable requirement the requirements of federal immigration laws, and
- Paragraph 12: accountability, and proportionality, and immigration laws.
- Paragraph 13: (1) earned legalization with a path to citizenship; (3) improved immigration enforcement and border security that is consistent with our nation's values laws.

Upon the vote being taken, the motion unanimously carried by a 5-0 vote, to adopt Resolution No. 2013 - $\underline{19}$.

14. CONTRACT: Community Development and Neighborhood Conservation

Epidaurus d.b.a. Amity Foundation, to provide for the construction of a rental development at Dragonfly Village and Declaration of Covenants, Conditions and Restrictions, HUD HOME Program Fund, contract amount \$500,000.00/20 year term (CT-CD-13000662)

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

15. **CONTRACTS: Procurement**

A. Sundt Construction, Inc., Amendment No. 10, to provide construction manager at risk services for the Downtown Court Complex and amend contractual language, 2004 Bond Fund, contract amount \$76,868.00 (CT-FM-11042215-P) Facilities Management

B. AECOM Technical Services, Inc., Amendment No. 8, to provide architectural services for the Downtown Court Complex, extend contract term to 6/30/15 and amend contractual language, 2004 Bond Fund, contract amount \$1,846,360.00 (CT-PO-11021149-P) Facilities Management

C. KINO SPORTS NORTH FIELDS PROJECT

1. **Operating Transfer**

Pursuant to Board of Supervisors Policy D 22.8, staff requests approval of an operating transfer from the Stadium District Special Revenue Fund to the Capital Projects Fund in the amount of \$2,424,460.00 for the Kino Sports North Fields Modification Project.

2. Award

Low Bid: Award of Contract, Requisition No. 83853 in the amount of \$2,424,460.00 to the lowest responsive bidder, Canyon Building and Design, L.L.C., (Headquarters: Tucson, AZ) for Base Bid and Alternate No. 1 for the Kino Sports North Fields Modification Project. The contract is for a ten month period and may be extended for project completion. <u>Funding Source</u>: Capital Projects Fund (Operating Transfer from Stadium District Special Revenue). <u>Administering Department</u>: Facilities Management.

Supervisor Miller questioned the contract provisions dealing with the Downtown Court Complex and the construction of the parking garage. She also requested information regarding the operating transfer.

Reid Spaulding, Facilities Management Director, and Hank Atha, Deputy County Administrator, answered her inquiries.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the contracts, operating transfer and award.

16. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Board of Adjustment, District 5

Appointment: Bruce Gungle to fill the vacancy created by Lissa Gibbs. Term expiration: 8/31/15.

B. Canoa Ranch Community Trust/Oversight Committee

Appointment: Daniel Brocious to fill the vacancy created by Roberto Bedoya. No term expiration. (District 5)

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

17. **FIRE DISTRICT: Mountain Vista Fire District**

Authorization for the Assessor, the Clerk of the Board, and staff to take all necessary and appropriate action to implement the decision of the Property Tax Oversight Commission to include the Mountain Vista Fire District annexation, completed January 22, 2013, into the tax/assessment roll for the 2013 tax levy.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to authorize the necessary and appropriate actions.

18. **REAL PROPERTY**

Drainage Easement

Conveyance of a Drainage Easement to SOK Investment Holdings, L.L.C., for the construction and maintenance of underground drainage improvements to serve Tax Parcel No. 108-19-3180 within Section 19, T13S, R14E, G&SRM, \$54.00 revenue (District 3)

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

19. **PROCLAMATION**

Proclaiming April 1, 2013, to be:

"TUCSON CORRAL OF THE WESTERNERS 60TH ANNIVERSARY DAY"

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

20. CALL TO THE PUBLIC

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

21. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:35 a.m.

	CHAIRMAN
ATTEST:	
CLERK	