

## MINUTES, FLOOD CONTROL DISTRICT BOARD

APRIL 2, 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, April 2, 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

\*(**Clerk's Note**: Supervisor Carroll participated telephonically.)

### 1. **AWARD**

Direct Select Award of Contract No. CT-FC-13000576, for wildlife/habitat conservation for the Paseo de las Iglesias Phase I Project. The District is contracting with the Arizona Board of Regents, on behalf of the University of Arizona, on a direct select basis for the services of Phil Rosen, Ph.D., uniquely qualified and experienced in ecological monitoring science to perform the services required. The contract shall be for a 60 month period in an amount not to exceed \$283,891.00. The contract may be extended as required for project completion. Funding Source: Flood Control Tax Levy Fund. Administering Department: Regional Flood Control District.

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

### 2. **CONDEMNATION**

RESOLUTION NO. 2013 - FC 3, of the Board of Directors of the Pima County Flood Control District, authorizing the Pima County Attorney to condemn real property interests where necessary for drainage and flood control improvements in the Pantano Wash, Sections 25 and 36 of T13S, R14E, Section 31 of T13S, R15E, and Section 6 of T14S, R15E of G&SRM.

On consideration, it was moved by Supervisor Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt Resolution No. 2013-FC3.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:20 a.m.

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CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK

## MINUTES, BOARD OF SUPERVISORS' MEETING

APRIL 2, 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, April 2, 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

\*(**Clerk's Note**: Supervisor Carroll participated telephonically.)

### 1. **INVOCATION**

The invocation was given by Pastor Craig Coulter, Oro Valley Church of the Nazarene.

### 2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 3. **PAUSE 4 PAWS**

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

### 4. **PERSONAL POINTS OF PRIVILEGE**

Supervisor Elías remembered Mr. Henry Oyama, longtime civil rights and bilingual education advocate who had recently passed away and asked everyone to perform an act of kindness in his memory.

Supervisor Elías recognized staff from the Adult Education Program who were present at the meeting.

Supervisor Miller announced that the Coronado Little League had celebrated their opening event and asked the community to support the kids.

5. **CONSENT CALENDAR**

A. **CALL TO THE PUBLIC**

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

**PULLED FOR SEPARATE ACTION**

1. **CONTRACT AND AWARD**

D. **Information Technology**

6. GRUPO-SMS USA, L.L.C., Amendment No. 2, to provide consulting services for PimaCore and tax assembly financial systems and extend contract term to 4/30/14, General Fund, contract amount \$120,000.00 (CT-IT-12000086)

Without objection, this item was removed from the agenda.

**PULLED FOR DISCUSSION BY SUPERVISOR MILLER**

1. **CONTRACTS AND AWARDS**

B. **Constables**

4. Constable Ethics, Standards & Training Board, to provide for the purchase of the following equipment, State Grant Fund:

| <u>Equipment</u> | <u>Revenue Contract<br/>Amount</u> | <u>Contract No.</u> |
|------------------|------------------------------------|---------------------|
| Laptop Computer  | \$3,115.87                         | CTN-CO-13000259     |

Supervisor Miller questioned the cost of the equipment for the contract.

Lionel Bittner, CIO, responded the equipment was for specialized mobile/vehicle use and was heavy duty to prevent damage.

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. The Primavera Foundation, Inc., Amendment No. 3, to provide for the NSP2 Consortium Funding Agreement, extend contract term to 2/28/14 and amend contractual language, no cost (CT-CD-12000344)
2. Comin' Home, Inc., Amendment No. 1, to provide for the Street Outreach Program and extend contract term to 9/30/13, no cost (CT-CD-12001932)
3. State of Arizona, Governor's Office of Energy Policy, Amendment No. 1, to provide for the Weatherization Low-Income Assistance Agreement and amend contractual language, no cost (CTN-CD-13000002)

#### B. Constables

4. Constable Ethics, Standards & Training Board, to provide for the purchase of the following equipment, State Grant Fund:

| <u>Equipment</u>           | <u>Revenue Contract Amount</u> | <u>Contract No.</u> |
|----------------------------|--------------------------------|---------------------|
| Class "A" Uniform          | \$ 837.00                      | CTN-CO-13000250     |
| Replacement Ballistic Vest | \$ 795.00                      | CTN-CO-13000253     |
| Replacement Ballistic Vest | \$ 795.00                      | CTN-CO-13000254     |
| Video Recorder             | \$ 898.00                      | CTN-CO-13000258     |
| Laptop Computer            | \$3,115.87                     | CTN-CO-13000259     |
| Replacement Ballistic Vest | \$ 795.00                      | CTN-CO-13000260     |
| Desktop Computer           | \$1,031.62                     | CTN-CO-13000267     |
| Desktop Computer           | \$1,031.62                     | CTN-CO-13000268     |
| Desktop Computer           | \$1,031.62                     | CTN-CO-13000269     |

#### C. Facilities Management

5. Arizona Department of Economic Security, to provide for the operation of vending businesses in Pima County buildings by individuals licensed with the Business Enterprise Program, no cost (CTN-FM-13000263)

**D. Information Technology**

6. GRUPO-SMS USA, L.L.C., Amendment No. 2  
(REMOVED FOR SEPARATE ACTION)

**E. Sheriff**

7. Arizona Department of Homeland Security, to provide for the Operation Stonegarden Equipment Program, Federal Grant Fund, contract amount \$37,500.00 revenue (CTN-SD-13000255)

**2. GRANT APPLICATION/ACCEPTANCE**

**A. Office of Emergency Management and Homeland Security**

RESOLUTION NO. 2013 - 20, of the Pima County Board of Supervisors, accepting the Arizona Emergency Response Commission Award for the support of the Pima County Office of Emergency Management in the amount of \$22,000.00.

**B. Sheriff**

RESOLUTION NO. 2013 - 21, of the Pima County Board of Supervisors, approving and authorizing the submission of a grant proposal to the Governor's Office of Highway Safety for DUI Enforcement and Equipment in the amount of \$488,758.00.

**3. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

**Consent to Easement**

Consent to Easement from Crisantes Investment, L.L.C., to the City of Tucson for property located at 16156 and 16160 N. Oracle Road, Tax Parcel No. 222-12-0570, for the purpose of obtaining access for a water well. The property is encumbered by the County's Affordable Housing Agreement and Lien.

**4. ELECTIONS DEPARTMENT**

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

APPOINTMENT  
Wendy C. Farwell

PRECINCT  
173

PARTY  
DEM

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

A. **Small Business Commission**

Appointment of Lyra Done to replace Lea Marquez-Peterson. Term expiration: 1/17/17. (Commission recommendation)

B. **State Board of Equalization**

Reappointment of George Garcia. Term expiration: 12/31/16. (District 1)

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

- A. Shay C. Beider, Integrative Touch for Kids, Hacienda del Sol, 5501 N. Hacienda del Sol Road, Tucson, March 30, 2013.
- B. Benjamin S. Jimenez, Knights of Columbus Council No. 8077, St. Elizabeth Ann Seton, 8650 N. Shannon Road, Tucson, April 30, 2013.
- C. Patrick J. Farrell, Casas Adobes Rotary Foundation, La Paloma Country Club, 3660 E. Sunrise Drive, Tucson, April 26, 2013.

**FINANCE AND RISK MANAGEMENT**

7. **Duplicate Warrants – For Ratification**

|  |            |
|--|------------|
| David E. Schmersal                           | \$ 75.00   |
| Nancy Jean Arias                             | \$ 8.90    |
| Michael O'Hearn                              | \$ 128.00  |
| Schlesinger Consulting Engineering, P.L.L.C. | \$5,961.08 |

8. **REAL PROPERTY**

**Quit Claim Deed**

Quit Claim Deed to Arizona La Cholla, L.L.C., an Arizona limited liability company, all rights, title and interest in the described property situated in Section 33, T12S, R13E, G&SRM, Pima County, Arizona, as part of Superior Court Case No. C20108312.

9. **RATIFY AND/OR APPROVE**

Minutes: March 5, 2013

Warrants: March, 2013

## REGULAR AGENDA/ADDENDUM ITEMS

### 6. **PROCUREMENT: AWARD**

The Board of Supervisors on March 19, 2013, continued the following:

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. Funding Source: General Fund. Administering Department: Information Technology.

Without objection, this item was continued to the Board of Supervisors' Meeting of April 9, 2013.

### 7. **PROCUREMENT: AWARD**

The Board of Supervisors on March 19, 2013, continued the following:

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. Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation Department.

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

### 8. **DEVELOPMENT SERVICES: REZONING CLOSURE/TIME EXTENSION**

Co9-02-24, FIDELITY TITLE AGENCY TRUST 10,930, ET AL., - KOLB ROAD REZONING

- A. Proposal to close Co9-02-24, a rezoning from GR-1 (Rural Residential) to CB-2 (General Business) of 1.38 acres located at the northeast corner of Kolb Road and Interstate 10 Frontage Road. The rezoning was conditionally approved in 2003 and expired on January 14, 2013. Staff recommends AGAINST CLOSURE. (District 4)

Chris Poirier provided a brief report regarding the request. The Chairman inquired whether anyone wished to be heard, no one appeared.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and accept staff's recommendation against closure.



- B. Request of MJM Consulting, Inc., (Michael Marks), for a five-year time extension for the above-referenced rezoning from GR-1 (Rural Residential) to CB-2 (General Business). The subject site was rezoned in 2003. A five-year time extension request was approved by the Board of Supervisors on February 19, 2008. The rezoning expired on January 14, 2013. The site is 1.38 acres located at the northeast corner of Kolb Road and Interstate 10 Frontage Road. Staff recommends APPROVAL OF A FIVE-YEAR REZONING TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

1. Submittal of a development plan if 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, Document Services.
6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
7. Transportation conditions:
  - A. Access will not be allowed directly on Kolb Road or the I-10 On Ramp.
  - B. Provision of all improvements on Kolb Road by the property owner(s), as determined necessary by the Department of Transportation during the plan review process.
  - C. Provision of improvements by the property owner(s) to the existing cross-section of I-10 Frontage Road between Kolb Road and the east property line of Parcel A. These improvements will include vertical curbs, sidewalks and additional pavement as determined necessary by the Department of Transportation during the plan review process.
8. Flood Control conditions:
  - A. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a balanced drainage basin.
  - B. The property owner(s) shall provide all necessary drainage related improvements that are needed as a result of the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
  - C. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
9. Department of Environmental Quality conditions:
  - A. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.
  - B. As a condition of approval, the property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
10. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing (EXHIBIT B).
11. 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.
12. The property owner(s) shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of 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 of 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)."
  13. The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.
  14. Under no circumstances shall the following non-native plant species be planted on the site:
    - Fountain grass (*Pennisetum setaceum*)
    - Buffelgrass (*Pennisetum ciliare*)
    - Johnson grass (*Sorghum halapense*)
    - Giant reed (*Arundo donax*)
    - Common crabgrass (*Digitaria sanguinalis*)
    - Pampas grass (*Cortaderia selloana*)
    - Red brome (*Bromus rubens*)
    - Mediterranean grass (*Schismus spp.*)
    - Tree of Heaven (*Ailanthus altissima*)
    - African sumac (*Rhus lancea*)
    - Russian olive (*Eleagnus angustifolia*)
    - Salt cedar/Tamarisk (*Tamarix pentandra* and *T. ramosissima*)
    - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
    - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
    - African rue (*Peganum harmala*)
    - Iceplant (*Mesembryanthemum crystallinum*)
    - Arabian Grass (*Schismus arabicus*)
    - Natal Grass (*Melinis repens* (=Rhynchelythrum repens))
  15. Environmental Planning Condition:  
Upon the effective date of the time extension associated with the rezoning, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners or property within the rezoning site and Pima County may enforce this rezoning condition against the current any future property owner. Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

On consideration, it was moved by Supervisor Carroll, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve a five year rezoning time extension with modified standard and special conditions.

9. **DEVELOPMENT SERVICES: FINAL PLAT WITHOUT ASSURANCES**

P1212-049, Olyver Land, L.L.C., Lot 1. (District 2)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the final plat without assurances.

10. **CONTRACTS**

A. **Economic Development and Tourism**

University of Arizona Foundation – College of Science, to provide for the promotion of Pima County attractions in the Geotourism Marketing Initiative, Economic Development and Tourism Special Revenue Fund, contract amount \$15,000.00 (CT-ED-13000660)

B. **Procurement**

Kimley-Horn and Associates, Inc., Amendment No. 1, to provide design services for the Regional Wastewater Reclamation Department Security Improvement Projects, extend contract term to 2/13/15 and amend contractual language, RWRD Obligations Fund, contract amount \$593,791.00 (CT-WW-12002223) Regional Wastewater Reclamation Department

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

11. **GRANT APPLICATION/ACCEPTANCE: OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY**

A. RESOLUTION NO. 2013 - 22, of the Pima County Board of Supervisors, accepting the State of Arizona, Department of Homeland Security Award for the support of the Pima County Office of Emergency Management in the amount of \$162,889.00 for the South Regional Training and Exercise Project.

B. RESOLUTION NO. 2013 - 23, of the Pima County Board of Supervisors, accepting the State of Arizona, Department of Homeland Security Award for the support of the Pima County Office of Emergency Management in the amount of \$20,900.00 for the CERT Exercise Project.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2013 - 22 and 23.

12. **CALL TO THE PUBLIC**

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

13. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:20 a.m.

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CHAIRMAN

ATTEST:

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CLERK