

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

October 2, 2007 9:00 a.m.

1. **ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PAUSE 4 PAWS**
- ... **EXECUTIVE SESSIONS**

Public discussion and action may occur on the executive session items listed below during the regularly scheduled meeting.

UNFINISHED BUSINESS (RM 8/20/07 and 9/4/07)

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Glenn, Thomas and Leigh Ann v. Pima County et. al., Pima County Superior Court Cause No. C20071047.

Accept County Attorney's Office Recommendation, as amended (5-0)

UNFINISHED BUSINESS (RM 9/4/07)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Desert American Builders, Inc. v. Pima County, et. al., Pima County Superior Court Cause No. C20063999; and Desert American Builders, Corp. v. Pima County, United States District Court Cause No. 07-CV-347-TUC.

Motion Failed to Accept County Attorney's Office and Development Services Recommendations (4-1)

NEW BUSINESS

- C. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding litigation strategies for Dos Picos Land Limited Partnership v. Pima County, Pinal County Superior Court Cause No. CV200500478.

Without objection, removed

- D. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in *Moody v. Pima County et al.*, Pima County Superior Court Cause No. C20045446.

Motion carried to continue negotiation of settlement (5-0)

- E. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the approval of tax appeal settlement recommendations for the following:

1. Gersten/Russell Holdings, Ltd., Tax Parcel Nos. 212-11-0400 and 212-11-0470, Arizona Tax Court Case No. ST2007-000022.

Accept County Attorney's Office and Assessor's Recommendations (5-0)

2. Sloanne Barker, Jr., and Donna S. Barker, Tax Parcel No. 219-51-0760, Arizona Tax Court Case No. ST2007-000027.

Accept County Attorney's Office and Assessor's Recommendations (5-0)

- F. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request that Pima County waive a conflict of interest to allow Mesch, Clark and Rothschild to represent Sandra Stewart and Stewart Engineering Services, L.L.C. regarding an alleged zoning violation.

Motion carried to approve Waiver of Conflict of Interest (5-0)

BOARD OF SUPERVISORS SITTING AS OTHER BOARD(S)
FLOOD CONTROL DISTRICT BOARD

UNFINISHED BUSINESS (RM 9/18/07)

- A. RESOLUTION NO. 2007-FC 11, approving an Intergovernmental Agreement with the Arizona Game and Fish Commission, to provide for a Multi-Species Conservation Plan for Pima County, contract amount \$247,620.00 revenue; Tax Levy Fund \$96,110.00 in-kind services (01-59-A-139957-0907)

Motion carried to approve (4-0)

NEW BUSINESS

B. Award

Highest Scoring Proposal: Award of Contract, Requisition No. 0703894, to Granite Construction Company (Headquarters: Watsonville, CA), for Construction Manager at-Risk Services for Canada Del Oro Linear Park: Thornydale Road to Magee Road. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms on the final list in the following order: The Ashton Company, Inc. or Hunter Contracting Co. until a contract is executed or the final list is exhausted. Contract is for a thirty month period

with the option to extend for purposes of project completion. The estimated cost of pre-construction services is \$100,000.00. Total cost of construction is estimated at \$3,000,000.00. Funding Source: 2004 Bond Fund, Question No. 5. Administering Department: Regional Flood Control District

Motion carried to approve (4-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. **CONSENT CALENDAR**: For consideration and approval

- A. **Call to the Public**
- B. **Approval of Consent Calendar**

Motion carried to approve; except Item CC1.F.23; (4-0)

6. **COUNTY ADMINISTRATOR**

A. **Board of Supervisors Policy**

Staff requests approval of revisions to the Board of Supervisors Policy No. C 2.6, Internal Audit Function.

Motion carried to continue to 10/16/07 (4-0)

B. **Revisions to Merit System Rules and Personnel Policies**

Staff requests approval of the following revisions:

1. Personnel Policy 7-108.C
Clarifies the statement that the absence for six weeks or longer contained in this particular policy is based on the medical disability leave under this provision. It also contains a condition that intermittent medical disability leave without pay may occur as an ADA accommodation or due to a serious medical condition as determined by Human Resources and may be interspersed with paid time.
2. Personnel Policy 7-108.1.2
Revised to include a condition for accruals of sick and annual leave to include intermittent medical disability leave without pay.
3. Personnel Policy 7-108.1.9
Added to include conditions that must be met for the employer's share of insurance premiums for those on intermittent medical disability leave. This corresponds to requirements for others on a leave of absence with pay, except Family and Medical Leave Act (FMLA) which is set forth in Federal Law.
4. Personnel Policy 7-108.1.10 and 1.11
These policies are renumbered from Personnel Policy 7-108.1.9 and 1.10. The revised Personnel Policy 7-108.1.10. allows for interspersed leave and paid time to include intermittent medical leave as set forth in Personnel Policy C.

Motion carried to approve (4-0)

C. **Classification and Compensation**

1. The Natural Resources, Parks and Recreation Department requests approval to create a new Position Control Number to be allocated to the 7150/Program Manager-Unclassified. The position will be 50 percent grant funded and 50 percent from departmental funding.
2. The Natural Resources, Parks and Recreation Department requests approval to create 17.5 new Position Control Numbers to provide appropriate level of staffing to operate Sportspark for the following:

Class	Code Title	Grade/Salary Range	Overtime Code
7020	Special Staff Assistant U.C.	U1(Up to \$53,901)	NP*
0915	Trades Maintenance	44(\$39,731-\$57,780)	PT** Specialist Sr.
0912	Trades Maintenance	38(\$34,775-\$50,801)	PT** Specialist
0911	Trades Maintenance	33(\$31,356-\$45,207)	PT** Technician
0910	Trades Maintenance Helper	23(\$25,944-\$36,316)	PT**
2211	Laborer	12(\$21,365-\$29,376)	PT**
6262	Recreation Program	44(\$39,731-\$57,780)	NP* Coordinator
1171	Administrative Support	30(\$29,568-\$42,173)	PT* Specialist
6285	Sports Official	MS(Up to \$52,958)	PT*
0030	Office Support Level III	23(\$25,944-\$36,316)	PT**

* Not Paid Overtime (Exempt)

** Paid Overtime (Non-Exempt)

3. The Department of Wastewater Management requests approval to create a new Position Control Number to be allocated to 2419/Wastewater Conveyance System Monitor-Senior. No General Fund impact.

Motion carried to approve (4-0)

D. Continuation of Emergency Policy Revisions for Military Leave for Operation Enduring Freedom

RESOLUTION NO. 2007- 251, of the Pima County Board of Supervisors, declaring an emergency order to extend military leave to and create benefits options for employees who are reservists and/or who are called to active duty in support of Operation Enduring Freedom.

Motion carried to approve (4-0)

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

7. RESOLUTION NO. 2007- 252, approving and authorizing grant application submissions to the United States Environmental Protection Agency (EPA) for federal funds to promote sustainable Brownfield Development within Pima County, for the following:
 - (1) Community-wide Assessment Grant for petroleum products;
 - (2) Community-wide Assessment Grant for hazardous substances in the amount of \$200,000.00 revenue each.

Motion carried to approve (4-0)

DEVELOPMENT SERVICES

8. Final Plat with Assurances

P1204-075, McCloskey Property, Lots 1-29 and Common Area A. (District 4)

Motion carried to approve (4-0)

TRANSPORTATION

9. Acceptance of Projects/Roadways for Maintenance

A. P1202-058, Alta Vista Sonrisa, Lots 1-16. Developer: Albert Moussa. (District 1)

B. P1201-104, Shamrock Center, Block 1, Lots 1-16 and Common Areas A and B. Developer: GMI Southwest, Inc. (District 3)

C. P1203-033, Public Offsite Roadway Improvements for Sycamore Canyon: Harrison Road from Sahuarita Road to Camino del Toro. Developer: Sycamore Springs, L.L.C., c/o The Remington Group. (District 4)

D. P1204-057, Nido del Aguila, Lots 1-9. Developer: Faulkner Land Company. (District 4)

Motion carried to approve (4-0)

WASTEWATER MANAGEMENT

10. Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, Wastewater Management Enterprise Fund:

The Kroger Corporation, d.b.a. Fry's Food and Drug, No. 2007-06. Proposed settlement amount of \$2,385.48.

Motion carried to approve (4-0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Extension of Premises/Patio Permits

11. Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Temporary Extension of Premises for October 19, 2007.

12. Sharon O. Rahe, Water Hole, 16540 W. Avra Valley Road, Marana, Temporary Extension of Premises for October 27, 2007.

13. Elizabeth Ann Montgomery, Montgomery's Grill and Saloon, 13190 E. Colossal Cave Road, No. 190, Vail, Temporary Extension of Premises for October 6, 7, 9 and 28, 2007.

Motion carried to approve (4-0)

DEVELOPMENT SERVICES

Rezoning

14. Co9-05-23, KLK CONSULTING GROUP, INC. DEFINED BENEFIT PLAN– RIVER ROAD REZONING

Request of KLK Consulting Group, Inc. Defined Benefit Plan, represented by the Planning Center, for a rezoning of 2.23 acres from CR-1 (Single Residence) and 0.18 acres from SH (Suburban Homestead) to TR (Transitional), on property located on the north side of River Road, approximately 1,600 feet east of First Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Spendiarian voted **NAY**, Commissioners Cook, Cuyugan and Membrilla were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS** and standard and special requirements. (District 1)

Motion carried to approve, as amended (4-0)

TRANSPORTATION

15. **Traffic Ordinances**

- A. ORDINANCE NO. 2007- 90, of the Board of Supervisors, designating River Road as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 4)
- B. ORDINANCE NO. 2007- 91, of the Board of Supervisors, establishing prima facie reasonable speed limits on portions of River Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 4)
- C. ORDINANCE NO. 2007- 92, of the Board of Supervisors, designating Violet Street as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (4-0)

16. **CALL TO THE PUBLIC**

17. **ADJOURNMENT**

POSTED: Levels A & B, Floors 1 & 5, Pima County Administration Bldg.
DATE POSTED: 9/26/07
TIME POSTED: 5:00 P.M.

CONSENT CALENDAR SUMMARY, OCTOBER 2, 2007

1. CONTRACTS AND AWARDS

A. Community Services

1. Primavera Foundation, Inc., Amendment No. 7, to provide emergency financial assistance to eligible low-income households, extend contract term to 6/30/08 and amend contractual language, Federal and State Grant Funds, contract amount \$106,000.00; General Fund, contract amount \$8,000.00 (07-39-T-133576-1003)

B. Development Services

2. Town of Marana, Amendment No. 1, to provide regulation of public property within each other's jurisdictional territory-Code Compliance, extend contract term to 6/30/10 and amend contractual language, no cost (01-25-M-128497-0101)

C. Facilities Management

3. Country Fair White Elephant, Inc., to provide a lease agreement for real property located at the northwest corner of the Green Valley Governmental Center, General Fund, contract amount \$50.00 revenue (04-13-C-140021-0907)

D. Health Department

4. Brigham Young University, to provide internship opportunities for public health students in undergraduate or graduate programs, no cost (07-01-B-139989-0707)

E. Pima Health System

5. Arizona Cardiovascular Specialists, P.C., d.b.a. The Heart Center of Southern Arizona, Amendment No. 5, to provide cardiology services, extend contract term to 8/31/08 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-A-133018-0903)
6. Laila B. Hishaw, D.D.S., P.L.L.C., Amendment No. 4, to provide pediatric dental services, extend the contract term to 11/30/08 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-H-133452-1203)
7. University Medical Center Corporation, Amendment No. 5, to provide primary care physician services and amend contractual language, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-U-134837-0904)
8. Arizona Oral and Maxillofacial Surgeons, P.L.L.C., Amendment No. 4, to provide dental and oral surgery services, extend contract term to 10/31/08 and amend contractual language, no cost (18-15-A-135072-1004)

9. Quality Care Solutions, Inc., Amendment No. 3, to provide software license and maintenance services and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (27-15-Q-135228-1104)
10. VibrantCare Outpatient Rehabilitation West, Inc., Amendment No. 3, to provide physical, occupational and hand therapy services, extend contract term to 11/30/08 and amend contractual language, no cost (18-15-N-135315-1204)
11. Presidio Surgical Group, P.C., Amendment No. 3, to provide surgery services and amend contractual language, no cost (18-15-P-135766-0405)
12. University Medical Center Corporation, Amendment No. 8, to provide hospital services and amend contractual language, PHCS Enterprise Fund, contract amount \$15,000,000.00 (18-15-U-135865-0405)
13. SRCV-Rosa, L.L.C., d.b.a. Santa Rosa Care Center, Amendment No. 5, to provide long term care services including skilled nursing facility and amend contractual language, PHCS Enterprise Fund, contract amount \$5,000,000.00 (18-15-S-137045-1005)
14. Arizona Health Care Cost Containment System, Amendment No. 3, to provide long term care services and amend contractual language, PHCS Enterprise Fund, contract amount \$10,000,000.00 revenue based on services (18-15-A-138594-1006)
15. Arizona Health Care Cost Containment System, Amendment No. 4, to provide long term care services and amend contractual language, no cost (18-15-A-138594-1006)
16. Critical Care Systems, Inc., to provide home infusion therapy services, PHCS Enterprise Fund, contract amount \$1,500,000.00/2 year term (18-15-C-140004-0807)
17. Dialysis Clinic, Inc., to provide dialysis and laboratory services, PHCS Enterprise Fund, contract amount \$1,000,000.00 (18-15-D-140018-1007)

F. Procurement

18. Amendment No. 1, to provide job order contracts for park development services and authorize the Procurement Director to allocate funding as needed between the following vendors, no cost:

Hunter Contracting Company	26-05-H-139365-0207
Durazo Construction Corporation	26-05-D-139371-0207
M. Anderson Construction Corp.	26-05-M-139409-0207

19. HDR Engineering, Inc., Amendment No. 1, to provide project management and roadway design engineering services for the La Canada: River Road to Ina Road Project and amend contractual language, no cost (16-04-H-139002-1106) Transportation
20. HDR Engineering, Inc., Amendment No. 1, to provide roadway design engineering services for the La Cholla Boulevard: River Road to Ruthrauff Road Project and amend contractual language, no cost (16-04-H-139619-0607) Transportation

Awards

21. Amendment of Award: Amendment No. 1, in the amount of \$180,000.00 each for investigator services and extend contract terms to 12/10/10 for the following: Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

B503643 James W. Driscoll, Jr. d.b.a. Driscoll Investigations and Research, Inc.
 B503644 David Keith Lopez, d.b.a. At Your Services Investigations
 B503645 Vincent Paul Fuca, d.b.a. In Touch Investigations
 B503652 Lois J. Grushka, d.b.a. Capital Service Investigations
 B503646 Edward G. Hardesty, d.b.a. E.G. Hardesty Investigations, Inc.
 B503647 Charles E. Laroue, Jr., d.b.a. Lash Laroue Investigations, L.L.C.

22. Amendment of Award: Lawrence Y. Gee, d.b.a. Benavidez Law Group, P.C., B503683, Amendment No. 1, to provide juvenile attorney services, extend contract term to 9/30/11 and increase contract amount by \$100,000.00. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

23. Award of Contract under Requisition No. 0800535 to MMLA Psomas, Inc., d.b.a. Psomas (Headquarters: Tucson, AZ) for engineering services for the Cortaro Farms Road: Camino de Oeste to Thornydale Road Project in an amount not to exceed \$700,000.00 for a term of three years with the option to extend until project completion. Funding Source: HURF Bond Fund. Administering Department: Transportation.

Without objection, removed

G. Sheriff

24. RESOLUTION NO. 2007- 247, approving an Intergovernmental Agreement with the Arizona Attorney General's Office/Victims' Rights Program, to provide for the Victims' Rights Program, State Grant Fund, contract amount \$54,200.00 revenue (01-11-A-139980-0707)

H. Transportation

25. RESOLUTION NO. 2007- 248, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide

design and construction of Bicycle Package 1, RTA Fund, contract amount \$2,405,000.00 revenue (01-04-R-140022-1007)

- 26. The Regional Transportation Authority, Amendment No. 1, to provide 6-foot wide bike lanes on Kolb Road from 0.25 miles north of Valencia to I-10, and construction of 6-foot wide paved shoulder on Kolb Road from I-10 to East Voyager Road (0.7 miles), RTA Fund, contract amount \$110,000.00 revenue (01-04-R-138458-0706)

2. **DIVISION OF ELECTIONS**

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Gaddy, Norma J.	093	REP
Townsend, Rebecca D.	096	REP
Click, Jim	106	REP
Rojas, Miguel E.	134	DEM
Chadwick, Sharon E.	166	DEM
Barby, Paul M.	210	DEM
Kalabas, Christopher N.	212	REP
St. Angelo, Lynne	216	REP
Hill, David E.	237	DEM
Gall, Steve J.	254	DEM
Halstead, Dale H.	265	DEM
Dillingham, Mary	278	REP
Pawlak, Julie A.	315	REP
Benson, James H.	359	DEM

3. **BOARD, COMMISSION AND/OR COMMITTEE**

Mechanical/Plumbing Code Committee

Appointment of James S. Palmer, Engineer, to fill unexpired term of Samuel W. Dukes. Term expiration: 5/1/09. (Staff recommendation)

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

- A. Elizabeth Ruth Campbell, Big Brothers Big Sisters of Tucson, Inc, Beaudry RV Resort, 3200 E. Irvington Road, Tucson, October 6 and 7, 2007.
- B. Karen Sue McEwen, Parish Family Festival, St. Elizabeth Ann Seton Catholic Church, 8650 N. Shannon Road, Tucson, October 28, 2007.
- C. Elizabeth Bollinger, Boys and Girls Clubs of Tucson, Westin La Paloma, 3660 E. Sunrise Drive, Tucson, November 17, 2007.

5. **REAL PROPERTY**

A. **Condemnations**

- 1. RESOLUTION NO. 2007- 249, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for

real property or real property interests where necessary for the Sunset Road and Sunray Drive Intersection Improvement Project, located in Sections 12 and 13, T13S, R12E, G&SRM. (District 3)

2. RESOLUTION NO. 2007- **250**, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn real property or real property interests where necessary for the Town of Marana's I-10 and Twin Peaks Traffic Interchange Project, located in Sections 15 and 22, T12S, R12E, G&SRM. (District 3)

B. Public Utility License

Public Utility License granted to Rancho Sahuarita Water Company, L.L.C., f.k.a. Interchange Water Company, Inc., to provide a public water distribution system using all County public rights-of-way now existing or hereafter established and lying within the unincorporated areas of Pima County. (All Districts)

6. RATIFY AND/OR APPROVE

Minutes: August 7, 2007

Warrants: September, 2007

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

October 2, 2007 9:00 a.m.

... EXECUTIVE SESSION

Public discussion and action may occur on the executive session item listed below during the regularly scheduled meeting.

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in Stidham v. Pima County et. al., Pima County Superior Court Cause No. C20054392.

Motion carried to proceed as discussed in Executive Session (5-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

BOARD, COMMISSION AND/OR COMMITTEE

1. Cable Renewal Committee

Appointment of Larry Sayers to replace Sissy McCabe. Term expiration: 6/30/08. (District 3)

Motion carried to approve (4-0)

DEVELOPMENT SERVICES

2. Withdrawal of Final Plat Approval

P1206-097, Tres Adobes, Lots 1-3 and Common Areas A and B. Staff requests acceptance of the applicant's withdrawal of the Final Plan which was approved on August 7, 2007, and confirmation the zoning will remain SR. (District 4)

Motion carried to approve (4-0)

***** HEARINGS *****

Comprehensive Plan Amendment

3. Co7-07-33, PIMA COUNTY-W. VALENCIA ROAD PLAN AMENDMENT

Request of Pima County, to amend the Pima County Comprehensive Plan from Low Intensity Urban 3.0 (LIU-3.0) and Medium Intensity Urban (MIU) to Community Activity Center (CAC). The subject property is approximately 34.8 acres and is located on the north and south sides of W. Valencia Road and east of W. Mark Road, in Sections 12 and 13, T15S, R12E, in the Southwest Subregion. If approved, direction to staff to initiate a rezoning of the subject 34.8 acres from GR-1 Rural Residential zone to CB-2 General Business zone. (District 3)

Motion carried to approve, as amended (4-0)

Plat Note Modification

4. P1204-058, SOLAR DEL VIEJO (LOT 69) PLAT MODIFICATION, BK. 59, PG. 75
Request of Robert Arnold Davis and Andrea Hope Davis, represented by Castro Engineering, for a Plat Note Modification of Lot 69 of the Solar Del Viejo Subdivision Plat (Bk. 53, Pg. 50). The applicant requests to reconfigure the platted natural open space on Lot 69, removing 4,657.63 square feet and adding in a new location 4,700.01 square feet. Solar Del Viejo is a 137.96 acre subdivision that was rezoned from RH (Rural Homestead) to CR-1 (Single Residence Zone) in 1997. The subject property is located on the north side of West Placita Quieta, approximately 1/3 mile west of the I-19 frontage road and approximately 400 feet north of West La Placita Colonia, Green Valley. Staff recommends **APPROVAL WITH CONDITIONS** and special and standard requirements. (District 4)

Motion carried to approve (4-0)

5. **PROCLAMATION**

Proclamation proclaiming October 3, 2007 to be:

“Change a Light, Change the World Day”

Motion carried to approve (5-0)

POSTED: Levels A & B, Floors 1 & 5, Pima County Administration Bldg.
DATE POSTED: 9/28/07
TIME POSTED: 11:00 A.M.