

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

November 4, 2008 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.

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a tax appeal settlement recommendation on the following matters:

- A. Staples, et. al., v. Canoa Ranch Golf Courses, L.L.C., Parcel Nos. 304-69-017A, 304-69-020A, 304-69-0220, 304-69-023A, 304-69-024A, 304-69-026A, 304-69-027A, 304-69-028A, 304-69-0330, 304-69-034B and 304-69-0360, Superior Court Case No. C20076854.

Motion carried to accept recommendation (5-0)

- B. Staples, et. al., v. Starr Pass Resort Developments, L.L.C., Parcel Nos. 116-27-504B and 116-27-7880, Arizona Tax Court Case Nos. TX2005-050393, TX2006-000358 and TX2007-000409.

Motion carried to accept recommendation (5-0)

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 CC 1.J.25 (5-0)

6. **BOARD OF SUPERVISORS**

Naming of a room at the Murphy-Wilmot Library in honor of Betty Holpert. (District 4)

Motion carried to approve (5-0)

7. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2008-287, authorizing Pima County to support the application of the Arizona District Assemblies of God for a grant from the 12% local revenue sharing contribution of the Pascua Yaqui Tribe in the amount of \$118,500.00 to administer the Higher Ground After School Program.

Motion carried to approve (5-0)

8. **FORENSIC SCIENCE**

Memorandum of Understanding

Memorandum of Understanding with the 355th Fighter Wing, Davis-Monthan AFB, Pima County, Arizona, to clarify responsibilities and expectations in the investigation of the death of military personnel within the boundaries of Pima County.

Motion carried to approve (5-0)

9. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2008-288, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima, regarding the issuance of its Education Revenue and Refunding Bonds (Challenger Basic School, Inc. Project), Series 2008 in an aggregate principal amount not to exceed \$3,000,000.00 and declaring an emergency.

Motion carried to approve (5-0)

10. **PROCUREMENT**

A. **Appeal of Procurement Director's Decision**

Pursuant to Pima County Code Section 11.20.010(J), MBI Occupational Healthcare appeals the decision of the Procurement Director regarding Solicitation No. 0900004, Occupational Medical Services.

Motion carried to deny appeal (4-0)

UNFINISHED BUSINESS (RM 10/21/08)

B. **Award**

Award of Contracts, Requisition No. 0900004, for occupational medical services to the highest ranked/most qualified respondents in the cumulative annual amount of \$728,000.00 as listed below: Contracts are for a one-year term and include four one-year renewal periods. The award includes the authority for the Procurement Department to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts do not exceed the sum of the contract award amounts. Funding Source: Self Insurance Trust Fund. Administering Department: Finance and Risk Management.

(Headquarters: Tucson, AZ)	Annual Amount
Group A: Workers Compensation Medical Services	
Sunnyside Medcenter, P.C.	\$120,000.00
Tucson Occupational Medicine	120,000.00
Well America, Inc.	120,000.00
Group B: Occupational Medical Services	
Sunnyside Medcenter, P.C.	\$100,000.00
Tucson Occupational Medicine	100,000.00
Well America, Inc.	100,000.00
Group C: AZ Post Physical Examination Services	
Tucson Occupational Medicine	\$ 34,000.00
Sunnyside Medcenter, P.C.	34,000.00

Motion carried to approve (4-0)

NEW BUSINESS

- C. In the event an award is not made for Requisition No. 0900004, staff requests approval to extend the contract terms to 1/31/09 for the following:

Vendor	Contract No.
Scott Krasner, M.S., P.C. d.b.a. Tucson Occupational Medicine	07-52-T-133105-0703
MBI Occupational Healthcare	07-52-1333137-0703

No Board action taken

11. **REGIONAL WASTEWATER RECLAMATION**

UNFINISHED BUSINESS (RM 10/7/08)

A. **Contract**

Arizona Board of Regents, University of Arizona, Water Quality Center, Amendment No. 2, to provide an Industry/University Cooperative Research Center Membership Agreement relating to research on biosolids reuse on mine tailings and agricultural farms, extend contract term to 12/31/09 and amend contractual language, Regional Wastewater Enterprise Fund, contract amount \$107,221.70 (01-03-A-139664-0707)

Without objection, removed

NEW BUSINESS

B. **Pretreatment Settlement Agreement**

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

Rodolfo Pinal d.b.a. Rodolfo's Taco Shop, No. 2008-02. Proposed settlement amount is \$500.00.

Motion carried to approve (4-0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Agent Change/Acquisition of Control/Restructure

12. 08-04-0109, Robert Ladd Hall, United Sports Arizona, 4300 E. Los Reales Road, Tucson.

Motion carried to approve (4-0)

Extension of Premises/Patio Permits

13. Michael Raymond Gill, Montgomery's Grill and Saloon, 13190 E. Colossal Cave Road, No. 190, Vail, Temporary Extension of Premises for November 22 and December 13, 2008.

Motion carried to approve (4-0)

14. Albert S. Hall, Jr., Acacia at St. Philips, 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for December 9, 2008.

Motion carried to approve (4-0)

15. Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension of Premises for November 22, 2008.

Motion carried to approve (4-0)

DEVELOPMENT SERVICES

UNFINISHED BUSINESS (RM 9/9/08)

Conditional Use Permit

16. P21-08-027, LEONETTI-S. GARRISON HILLS DR.
John and Susan Leonetti (Physical Resource Engineering, Inc., applicant) on property located at 19000 S. Garrison Hills Dr., in the RH zone, requests a Conditional Use Permit for Auto Storage. Chapter 18.97, in accordance with 18.13.030B35 of the Pima County Zoning Code, allows Auto Storage as another conditional use which is similar in type, scale and intensity to other listed conditional uses. Auto Storage is a Type II Conditional Use in RH. The Hearing Administrator recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 3)

Motion carried to approve, as amended (5-0)

UNFINISHED BUSINESS (RM 9/16/08)

*(**Clerk's Note:** Staff requests Items Nos. 17 and 18 to be heard together.)

17. ***Modification (Non-Substantial Change) of Rezoning Conditions**

Co23-97-01, VAIL VALLEY RANCH SPECIFIC PLAN

Request of Fidelity National Title TR 60273, represented by Rick Engineering Company, for a modification (non-substantial change) of the Vail Valley Ranch Specific Plan to reduce the front setbacks for architectural projections, porches and

livable space of residences to ten feet on Lots 1-320 of the Four Seasons–Phase 1 Subdivision Plat, Bk. 63, Pg. 10 (P1205-019) and Tax Parcel Nos. 305-05-072A, 305-05-072B, 305-05-073A, 305-05-074A, 305-05-076D, 305-05-107A, 305-73-3450, 305-73-3460 (equivalent to Lots 321-526 of the Four Seasons–Phase 2 Subdivision Plat (P1206-132–under County review). The request, if approved, would not reduce the required front setback for garages. The subject site is designated Medium Density Residential (MDR) by the Vail Valley Ranch Specific Plan. The MDR designation requires a minimum front building setback of 20 feet, or 10 feet with side or rear entry driveways. The subject site is approximately 129 acres and is located in the north central portion of the Vail Valley Ranch Specific Plan (commonly referred to as Rancho del Lago). Vail Valley Ranch Specific Plan, which in its entirety is approximately 1,600 acres in size, was originally rezoned from RH (Rural Homestead), GR-1 (Rural Residential) and CB-2 (General Business) to SP (Specific Plan) on September 12, 1989 and is located approximately 1 1/4 miles north of Interstate 10 and Colossal Cave Road, on the north and south sides of Colossal Cave Road and on the north and south sides of Mary Ann Cleveland Way, north of Union Pacific Railroad. Staff recommends **APPROVAL**. (District 4)

Motion carried to approve, as amended (5-0)

UNFINISHED BUSINESS (RM 9/16/08)

18. ***Plat Note Waiver/Modification**

P1205-019, FOUR SEASONS–PHASE 1 SUBDIVISION

Request of Fidelity National Title TR 60273, represented by Rick Engineering Company, for a plat note modification to reduce the front setbacks for architectural projections, porches and livable space of residences to ten feet for Lots 1-320 of the Four Seasons–Phase 1 Subdivision Plat (Bk. 63, Pg. 10). Subdivision Plat Permitting Note 2 requires a minimum individual lot setback of 20 feet. The subject site is approximately 107 acres and is located in the north central portion of the Vail Valley Ranch Specific Plan (commonly referred to as Rancho del Lago) northwest of Colossal Cave Road and on the west side of Mary Ann Cleveland Way. Staff recommends **APPROVAL**. (District 4)

Motion carried to approve, as amended (5-0)

NEW BUSINESS

Appeal of Hearing Administrator’s Decision

19. P21-08-024 PIMA COUNTY RIGHT-OF-WAY–6803 NORTH CASAS ADOBES DRIVE

In accordance with Pima County Zoning Code Section 18.97.030F(6), Dr. Russ J. Andaloro appeals the decision of the Hearing Administrator in Case No. P21-08-026, to allow a Type I Conditional Use Permit for an antenna co-location and equipment area in the right-of-way at 6803 N. Casas Adobes Dr. in the CR-1 zone. Chapter 18.97, in accordance with Sections 18.07.030H2D4 of the Pima County Zoning Code, allows an antenna co-location and equipment area as a Type I Conditional Use in the CR-1 zone. The Hearing Administrator recommends **APPROVAL**. (District 1)

Motion carried to deny appeal (4-1)

20. **REZONING ORDINANCES**

- A. ORDINANCE NO. 2008-**104**, Co9-08-02, Hinkle–Clayton Road Rezoning. Owner: Jerrol Jay Hinkle. (District 3)

Motion carried to approve (5-0)

- B. ORDINANCE NO. 2008-**105**, Co9-08-10, Black Horse Advisors, L.L.C.–Hawser Road Rezoning (Zoning Plan Plat). Owner: Black Horse Advisors, L.L.C. (District 1)

Motion carried to approve (5-0)

TRANSPORTATION

UNFINISHED BUSINESS (RM 8/5/08 and RM 9/9/08)

21. **Pima County Code Text Amendment**

ORDINANCE NO. 2008-**72**, of the Pima County Board of Supervisors, establishing regulations for the use of the Public Right-of-Way within the unincorporated areas of Pima County, Arizona, by adding chapter 10.50.

Without objection, continued to 12/2/08

NEW BUSINESS

22. **Waiver of Development Impact Fee**

Pursuant to Pima County Code Section 19.03.070, Kenneth Paul requests a waiver of the Roadway Development Impact Fee for property located at 16050 E. Hilton Ranch Road, Vail, in the Mountain View Impact Fee Benefit Area. (District 4)

Motion carried to approve, as amended (5-0)

23. **Traffic Resolution**

RESOLUTION NO. 2008-**289**, of the Pima County Board of Supervisors, permitting the temporary closure of Plaza Street in the Town of Ajo for the Ajo Chamber of Commerce Street Fair on November 15, 2008.

Motion carried to approve (5-0)

24. **CALL TO THE PUBLIC**

25. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 10/29/08

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, NOVEMBER 4, 2008

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2008-**283**, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide for a Workforce Housing Program, Federal Grant Fund, contract amount \$200,000.00 (01-70-S-141446-0109)

B. Community Resources

2. Flowing Wells School District, Amendment No. 1, to provide for after-school and summer elementary school-based recreation programs and extend contract term to 7/31/09, General Fund, contract amount \$43,375.00 (01-67-F-140177-0807)
3. Altar Valley Unified School District, Amendment No. 1, to provide for after-school and summer elementary school-based recreation programs and extend contract term to 7/31/09, General Fund, contract amount \$45,337.00 (01-67-A-140264-0807)

C. County Attorney

4. Gary W. DeLand, Amendment No. 1, to provide expert litigation and criminal justice services relating to Laya v. Pima County, Case No. CV06-458-TUC-DCB and amend contractual language, Risk Management Tort Fund, contract amount \$25,000.00 (29-02-D-139400-0107)

D. Facilities Management

5. City of Tucson Police Department, to provide a Lease Agreement for the Interagency Advocacy Center, at 2329 E. Ajo Way, contract amount \$189,900.00 revenue (04-13-T-141464-1008)

E. Finance

6. Squire, Sanders & Dempsey, L.L.P., Amendment No. 4, to provide bond counsel services, extend contract term to 11/14/09 and amend contractual language, no cost (07-09-S-135350-1104)

F. Health Department

7. RESOLUTION NO. 2008-**284**, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for the Occupant Protection Program, Federal Fund, contract amount \$240.00 revenue (01-01-G-141448-1108)
8. RESOLUTION NO. 2008-**285**, approving an Intergovernmental Agreement with the Northwest Fire District, to provide for storage space for the Bio-Terrorism Preparedness Program trailer, no cost (01-01-N-141468-1108)

9. Governor's Office for Children, Youth and Families, Division for Substance Abuse Policy, Amendment No. 3, to provide for the Anti-Meth Initiative and amend contractual language, no cost (01-01-G-137707-0106)
10. Governor's Office for Children, Youth and Families, Division for Substance Abuse Policy, Amendment No. 4, to provide for the Anti-Meth Initiative and extend contract term to 3/31/09, State Grant Fund, contract amount \$30,000.00 revenue (01-01-G-137707-0106)
11. Marana Unified School District, Amendment No. 2, to provide childhood immunization services and extend contract term to 12/4/09, no cost (01-01-M-138892-1206)
12. Arizona Board of Regents, University of Arizona, Amendment No. 2, to provide HIV/STD testing and counseling for youth and extend contract term to 9/29/09, Federal Fund, contract amount \$50,000.00 revenue (02-01-A-139181-0906)
13. Animal Welfare Alliance of Southern Arizona, Inc. (AWASA), Amendment No. 2, to provide spay and neuter clinics in Pima County and extend contract term to 12/13/09, Health Fund, contract amount \$200,000.00 (07-01-A-140625-1207)
14. State University of New York, to provide internship opportunities for students studying dietetics, no cost (07-01-S-141451-1108)

G. Institutional Health

15. Arizona Health Care Cost Containment System (AHCCCS), Amendment No. 4, to provide inpatient hospital services to eligible inmates and extend contract term to 9/30/09, no cost (01-65-A-136012-1004)

H. Office of Court Appointed Counsel

16. Award of Contracts, for representation of indigent persons in Juvenile Court. Each contract terminates on June 30, 2010, has a compensation cap of \$150,000.00 and provides for an additional three year period. Funding Source: General Fund.

No.	Attorney	Amount
0900947	Bradley J. Armstrong	\$150,000.00
0900948	Geoffrey L. Ferlan	\$150,000.00

I. Pima Health System

17. Creative Networks, L.L.C., d.b.a. ResCare HomeCare, Amendment No. 10, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (11-15-C-134425-0704)
18. Michael T. Mayo, D.D.S., P.C., Amendment No. 3, to provide dental services, extend contract term to 10/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-135156-1104)

19. DVA Renal Healthcare, Inc., Amendment No. 3, to provide dialysis services, extend contract term to 3/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-G-135983-0505)
20. Tucson Orthopaedic Institute, P.C., Amendment No. 2, to provide orthopedic and MRI services, extend contract term to 7/30/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-T-138314-0806)
21. Portable X-Ray of Arizona, L.L.C., Amendment No. 1, to provide mobile radiology/mobile electrocardiogram services, extend contract term to 10/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-138587-1106)
22. US Bioservices Corporation, Amendment No. 2, to provide prescription Synagis, extend contract term to 10/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-138825-1106)
23. Arizona Consumer Direct Personal Care, L.L.C., Amendment No. 6, to provide home care services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-A-139487-0407)
24. Hundred Palms Tucson, L.L.C., d.b.a. Hundred Palms Tucson, Amendment No. 1, to provide assisted living center services, extend contract term to 9/30/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$200,000.00 (18-15-H-140512-1007)

J. Procurement

25. Increase in award for light vehicles to the following. Total contract amount \$2,000,000.00. Funding Source: Other Internal Service Fund. Administering Department: Fleet Services.

Contract	Vendor	Amount
B504944	Courtesy Chevrolet	\$1,500,000.00
B504947	Five Star Ford	\$ 500,000.00

Without objection, removed

26. Award of direct-select contract, Requisition No. 0900829, in an amount not to exceed \$444,205.00 to Kittelson and Associates, Inc., (Corporate Headquarters: Portland, OR) to provide roadway design engineering services for the Ina Road at Oracle Road Intersection Improvements. Contract term will be for an 18 month period. Funding Source: Capital Improvement and RTA Funds. Administering Department: Transportation.

K. Real Property

27. Homeowner Association of Finisterra, Inc., to provide a License for right-of-way encroachment at Craycroft Road and Finisterra Drive, contract amount \$9,125.00 revenue (12-04-H-141418-1108) Transportation

L. **Regional Wastewater Reclamation**

28. Fidelity National Title Agency Trust No. 602296, to provide a Connection Fee Credit Agreement, no cost (11-03-F-141449-1108)

M. **Sheriff**

29. RESOLUTION NO. 2008-**286**, approving an Intergovernmental Agreement with the Arizona Department of Public Safety, to provide for 75% of one assigned employee salary and benefits and 100% of their overtime for participation in the Arizona Vehicle Theft Task Force, State Grant Fund, contract amount \$68,907.75 revenue (01-11-A-141471-1108)
30. United States Department of Agriculture, Forest Service, Coronado National Forest, Amendment No. 5, to provide law enforcement services, Federal Fund, contract amount \$31,300.00 revenue (01-11-U-136728-0805)

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

A. **Canoa Ranch Community Trust/Oversight Committee**

Appointment of Roberto Bedoya to replace Lydia Grijalva. No term expiration. (District 5)

B. **Design Review Committee**

Appointment of D'Laine Steinbrenner, Homeowner Association representative, to replace William Ford. Term expiration: 12/31/11. (Staff recommendation)

C. **Metropolitan Education Commission**

Reappointment of Dr. Kent Barrabee. Term expiration: 2/16/11. (Commission recommendation)

D. **Pima County Election Integrity Commission**

Appointment of Paul Eckerstrom, Democratic Party representative. Term expiration: 11/30/10. (Pima County Democratic Party)

E. **Workforce Investment Board**

Appointment of Carl Rosborough, representing Business, to fill the unexpired term of Joe Altamirano. Term expiration: 9/30/09.

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

- A. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, November 9, 2008.
- B. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Road, Vail, November 15, 2008.
- C. Kim Kimbriel, Angel Charities for Children, La Encantada, 2905 East Skyline Drive, Tucson, November 7, 2008.

D. Lori Banzhaf, TMC Foundation Gala Night, La Paloma Resort, 3800 E. Sunrise Drive, Tucson, November 5, 2008.

4. **REAL PROPERTY**

Deed of Conservation Easement and Grant of Access Easement

Deed of Conservation Easement and Grant of Access Easement from DAZ9-Ina Overlook, L.L.C., for a portion of the Badger Hole Ranch archaeological site located in Section 31, T12S, R13E, G&SRM. No cost. (District 1)

5. **RATIFY AND/OR APPROVE**

Minutes: September 9, 2008
September 16, 2008

Warrants: October, 2008

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

November 4, 2008 9:00 a.m.

... EXECUTIVE SESSIONS

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

- A. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding Dr. Russ J. Andaloro's appeal of the Hearing Administrator's decision in Case No. P21-08-024.

Informational item only

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Friends of Madera Canyon v. Pima County Board of Adjustment No. 4, Pima County Superior Court No. C2008-4694.

Motion carried to accept recommendation (4-1)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. PROCUREMENT

Contract

R.S. Engineering, Inc., Amendment No. 1, to provide design engineering services for the Tanque Verde Road: Catalina Highway to Houghton Road Project, extend contract term to 5/31/09 and amend scope of work, 1997 HURF Revenue Bond Fund, contract amount \$99,381.00 (16-64-R-140497-1207)

Motion carried to approve (5-0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 10/31/08

TIME POSTED: 9:30 A.M.