

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

December 2, 2008 9:00 a.m.

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

(Clerk's Note: See Zoning Enforcement Board of Appeals.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

- ... **ZONING ENFORCEMENT BOARD OF APPEALS**

UNFINISHED BUSINESS (RM 12/4/07, RM 12/18/07, RM 1/15/08 and RM 9/9/08)

A. Executive Session

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P07ZV00234, Anthony A. Fuentes. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only.

B. Appeal of Hearing Officer's Decision

P07ZV00234 – Anthony A. Fuentes

In accordance with the Pima County Code 18.95.030.D, Anthony A. Fuentes, through his legal counsel, William Wissler, hereby appeals the decision of the Hearing Officer in Case No. P07ZV00234, regarding violations of the Pima County Zoning Code Section 18.01.030.E, pertaining to a cargo container not in conformance with permit requirements and not a permitted accessory

use in the SR Zone on property located at 10000 E. Catalina Highway.
(District 4)

Motion carried to dismiss and close case (5/0)

UNFINISHED BUSINESS (RM 2/5/08, RM 5/6/08 and RM 6/3/08)

C. Executive Session

Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case No. P07ZV00518, O'Neil Trust, Suzie M. O'Neil and Twyla M. Coleman. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only.

D. Appeal of Hearing Officer's Decision

P07ZV00518 – O'Neil Trust

In accordance with the Pima County Code 18.95.030.D, Twyla M. Coleman, Trustee of the O'Neil Trust, appeals the decision of the Hearing Officer in Case Nos. P07ZV00518-1 and P07ZV00518-2, regarding violations of the Pima County Zoning Code, Sections 18.01.030 and 18.25.030E, structure not meeting setback requirements in the CR-3 zone and structure (fence) erected without a building permit, on property located at 1340 W. Sol Place. (District 3)

Motion carried to continue Citation 2 to 2/3/09 (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 (5/0) except 1 CC E-13; CC 1 E-16; CC 1 F-17 and CC 4A and 4B.

6. FINANCE AND RISK MANAGEMENT

Staff requests the adoption of the revision to Board of Supervisors Policy No. D 22.7, Capitalization Policy for Capital Assets.

Motion carried to approve (5/0)

7. **HEALTH DEPARTMENT**

RESOLUTION NO. 2008 - 306, 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 \$1,500.00.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

8. **Final Plats with Assurances**

A. P1207-054, Vista Del Lago, Lots 1 – 123 and Common Areas A and B.
(District 4)

Motion carried to approve (5/0)

B. P1206-022, Molino Canyon Estates, Lots 1 – 9 and Common Area A.
(District 4)

Motion carried to approve (5/0)

***** HEARINGS *****

FRANCHISE/LICENSE/PERMIT

Liquor License

9. 08-38-8960, Michael Joseph Basha, Bashas' No. 71, 6900 E. Sunrise Drive, Tucson, Series 9, Liquor Store License, Location Transfer.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Appeal of Hearing Administrator's Decision

10. P21-08-028, ISLAMIC CENTER TUCSON – E. RIVER ROAD

In accordance with Pima County Zoning Code Section 18.97.030.F(6), Louise Kligman, M.S.W., Evan Kligman, M.D., Francine Shacter, Patricia Coit and Albert Coit appeal the decision of the Hearing Administrator in Case No. P21-08-028, to amend Special Condition Nos. 1, 2 and 3 for the existing Type I Conditional Use Permit, and change the property configuration for the Charter School at 2800 E. River Road. Chapter 18.97, in accordance with Sections 18.09.020A.1.g of the Pima County Zoning Code, allows a Charter School as a Type I Conditional Use in the SR zone. The Hearing Administrator recommends **APPROVAL WITH**

STANDARD AND SPECIAL CONDITIONS. (District 1)

Motion carried to deny appeal, uphold Hearing Officer's decision (4/1)

Conditional Use Permit

11. P21-08-060, VALENCIA 13 L.L.C. – W. VALENCIA ROAD
Valencia 13 L.L.C., represented by Michael Marks, on property located at 3345 W. Valencia Road., in the GR-1 zone, requests a conditional use permit for a gasoline service station and convenience store. Chapter 18.97, in accordance with Sections 18.14.030.B.3 and 18.14.030.B.2 of the Pima County Zoning Code, allows a gasoline service station and convenience store as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 5)

Without objection, continued to 12/16/08

12. **Rezoning Ordinances**

- A. ORDINANCE NO. 2008 - **112**, Co9-05-24, Catalano, et. al. – Mona Lisa Road Rezoning. Owner: Vincent and Donna Catalano and Stephen and Jennifer Nunn. (District 1)

Motion carried to approve (5/0)

- B. ORDINANCE NO. 2008 - **113**, Co9-07-33, 4D Properties – Orange Grove Road Rezoning. Owner: 4D Properties. (District 1)

Motion carried to approve (5/0)

- C. ORDINANCE NO. 2008 - **114**, Co9-07-27, Noseck/Davis – Camino Dorotea Rezoning. Owner: Ronald, Denise and Raymond Noseck and Michael Davis. (District 4)

Motion carried to approve (5/0)

13. **Rezoning Resolutions**

- A. RESOLUTION NO. 2008 - **307**, Co9-01-45, Casas Adobes Baptist Church - La Cholla Boulevard Rezoning No. 3. Owners: Casas Adobes Baptist Church and Sierra Bravo Properties, L.L.C. (District 1)

Motion carried to approve (5/0)

B. RESOLUTION NO. 2008 - 308, Co9-78-91, Hall - Bear Canyon Road Rezoning. Owners: David and Judith De La Ossa. (District 4)

Motion carried to approve (5/0)

14. **Street Name Change**

Present

Proposed

Markou Ranch Place
(District 4)

Mesquite Thicket Court

Motion carried to approve (5/0)

TRANSPORTATION

UNFINISHED BUSINESS (RM 8/5/08, RM 9/9/08 and RM 11/4/08)

15. **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.

Motion carried to approve (5/0)

NEW BUSINESS

16. **Traffic Resolution**

RESOLUTION NO. 2008 - 309, of the Pima County Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue, and Plaza Street in the Town of Ajo, for the Ajo Rotary Club Christmas Eve Street Parade on December 24, 2008.

Motion carried to approve (5/0)

17. **CALL TO THE PUBLIC**

18. **ADJOURNMENT**

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

DATE POSTED: 11/26/08

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, DECEMBER 2, 2008

1. CONTRACTS AND AWARDS

A. Community Resources

1. Sunnyside School District, Amendment No. 1, to provide before/after school and summer recreation program for elementary school-age children and extend contract term to 7/31/09, General Fund, contract amount \$90,000.00 (01-67-S-140424-0807)

B. Community Services, Employment and Training

2. John Laswick, Amendment No. 2, to provide technical expertise in the development of grant applications, extend contract term to 9/30/09 and amend contractual language, State Equalization Grant Fund, contract amount \$15,000.00 (07-69-L-138986-1006)
3. DK Advocates, Inc., Amendment No. 1, to provide workforce development services for the One Stop Program and amend contractual language, no cost (07-69-D-140975-0708)
4. Tucson Urban League, Inc., Amendment No. 1, to provide workforce development services for the One Stop Program and amend contractual language, no cost (07-69-T-140976-0708)
5. A Road to Learning, L. L. C., Amendment No. 1, to provide workforce development services, after-school education and amend contractual language, WIA Grant Fund, contract amount \$4,346.00 decrease (07-69-A-141226-0908)
6. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide employer outreach services and correct contract term from 10/1/08 - 9/30/09 to 9/1/08 - 8/31/09, no cost (07-69-G-141333-1008)
7. Literacy Volunteers of Tucson, Inc., to provide workforce development and volunteer coordinator services, WIA Grant Fund, contract amount \$20,000.00; General Fund, contract amount \$4,000.00 (07-69-L-141571-0109)

C. Institutional Health

8. Conmed, Inc., Amendment No. 1, to provide healthcare services for inmates, psychological evaluations for Sheriff Deputies and Correction Officers and amend contractual language, no cost (07-65-C-141126-0808)

D. Pima Health System

9. Kindred Hospitals West, L.L.C., d.b.a. Kindred Hospital of Tucson, Amendment No. 7, to provide hospital services, extend contract term to 3/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-133895-0304)
10. Urological Associates of Southern Arizona, P.C., Amendment No. 5, to provide urology services, extend contract term to 8/31/09 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-U-134983-0904)
11. L. Hunter Nash, D.D.S., P.C., Amendment No. 2, to provide dental services, extend contract term to 10/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-138661-1106)
12. Alvernon Optical, Inc., Amendment No. 1, to provide vision care services and amend contractual language, PHCS Enterprise Fund, contract amount \$50,000.00 (18-15-A-139632-0707)

E. Procurement

13. HDR Engineering, Inc., Amendment No. 5, to provide project management and roadway design engineering services for the La Canada Drive: Ina Road to Calle Concordia Project and amend scope of work, RTA Tax Revenue Fund, contract amount \$265,434.00 (16-04-H-139265-0207) Transportation

Motion carried to continue to 1/6/09 (5/0)

Awards

14. Award of Contract for Requisition No. 0900157 to DMJM H&N, Inc., d.b.a. DMJM Design (Aecom Services, Inc., d.b.a. Aecom Design) (Corporate Headquarters: Los Angeles, CA) for architectural and engineering design services for the Pima County Superior Court, 8th Floor Relocation and Remodel Project. Tier one services for programming and preliminary design are estimated not to exceed \$120,000.00. Tier two services for the balance of the project through construction administration will be negotiated based on the outcome of tier one services. The initial contract will be for a twelve-month period to be extended as required for project completion. In the event a fee agreement cannot be reached with the highest ranked firm, request authorization to negotiate with the next highest ranked firms in the following order: The Durrant Group (Corporate Headquarters: Dubuque, IA) and DLR Group (Corporate Headquarters: Phoenix, AZ). Funding Source: 1997 Bond Fund. Administering Department: Facilities Management.

15. Increase in award for light vehicles to the following. Total increase amount \$1,045,608.00. The amendment shall decrease the number of renewal periods to 2 one-year periods. Funding Source: Other Internal Service Fund. Administering Department: Fleet Services.

<u>Contract</u>	<u>Vendor</u>	<u>Amount</u>
B504944	Courtesy Chevrolet	\$492,498.00
B504947	Five Star Ford	\$187,020.00
B504951	Longo Toyota	\$366,090.00

16. Highest Scoring Proposals: Award of Contracts Requisition No. 0900466, URS Corporation (Corporate Headquarters San Francisco, CA) and PSOMAS (Corporate Headquarters Los Angeles, CA) for quality and constructability review services for plans, specifications, and construction cost estimates for Transportation Capital Improvement projects. The term of each contract will be for a period of one-year with the option to renew for two additional one-year terms. Contract amounts shall not exceed \$300,000.00 each. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

Without objection, item removed by staff.

F. **Transportation**

17. Braaksma Design, Inc., to provide artist services for the La Canada Drive: Ina Road to Calle Concordia Roadway Project, HURF Bond (16%), RTA (59%) and Urban HURF (24%) Funds, contract amount: \$250,000.00 (07-04-B-141556-1208)

Motion carried to continue to 1/6/09 (5/0)

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

A. **Cable Renewal Committee**

Staff requests the Temporary Cable Renewal Committee and all present appointed member terms be extended to June 30, 2009.

B. **Metropolitan Education Commission**

Appointment of Patricia Wiedhopf, at-large member to fill the unexpired term of Xavier Manrique. Term expiration: 12/31/09. (Commission recommendations)

C. **Pima County/Tucson Commission on Addiction, Prevention and Treatment**

Reappointments of W. Mark Clark and Don Jorgensen. Term expirations: 11/30/09; Mauricio Lopez, Sr., Marisela Mariscal, Lupe Rodriguez, David B.

Salafsky, Roy Tullgren and Bill Burnett. Term expirations: 11/30/10.
(Commission recommendations)

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

- A. Ronald J. Gill, Knights of Columbus, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop, Tucson, December 17, 2008.
- B. Clarence D. Klinefelter, VFW Post 3578, 1764 N. 2nd Avenue, Ajo, December 6, 2008.

4. **REAL PROPERTY**

- A. Condemnation

RESOLUTION NO. 2008 - **305**, 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 La Canada: Ina Road to Calle Concordia Project in Sections 22, 23, 26, 27, 34 and 35 of T12S, R13E and Sections 2 and 3, T13S, R13E, G&SRM. (District 1)

Motion carried to continue to 1/6/09 (5/0)

- B. Sales Agreement, Warranty Deed and Affidavit of Disclosure

Sales Agreement, Warranty Deed and Affidavit of Disclosure to Casas Adobes Plaza, L.L.C., and Casas Adobes Ventures, L.L.C., for the sale of surplus property known as Park-n-Ride, Tax Parcel No. 102-04-0760 located at 7131 North Via Ponte, revenue of ~~\$356,000.00~~ **\$311,000.00**. (District 1)

- C. Quit Claim Deed

Quit Claim Deed to First American Title, Trustee under Trust No. 4546, for the conversion of a segment of an existing sewer line from public to private use, located on Ponticello Boulevard in Section 8, T12S, R13E, G&SRBM. No cost. (District 1)

5. **RATIFY AND/OR APPROVE**

Minutes: October 7, 2008

Warrants: November, 2008

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

December 2, 2008 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), for legal advice regarding the appeal of P21-08-028, Islamic Center Tucson – E. River Road.

This item was informational only.

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... STADIUM DISTRICT BOARD

Final Agreement with the Chicago White Sox

Motion carried to approve (5/0)

Staff recommends:

- A. Approve the Sports Facilities Use Agreement with the Chicago White Sox, which allows the White Sox to terminate spring training early in consideration of a cash payment and a number of Club Covenants, including a penalty clause and financial payment to the County and District should the Arizona Diamondbacks fail to complete their facility use agreement term at Tucson Electric Park. (12-57-C-141616-1108)

Motion carried to approve (5/0)

- B. Pledge that there be no modifications for a 180-day period, nor any proposed activities associated with any sports venue that would conflict with the ability of the Pima County Sports and Tourism Authority to attract an additional professional sports venue to substitute for the Chicago White Sox during major league baseball spring training.

Motion carried to approve (5/0)

- C. Direct that staff plan and develop a youth tournament, softball and baseball complex on the Kino Sportspark property, using the proceeds from the White Sox settlement to construct said facilities.

Motion carried to approve (5/0)

- D. Appoint a youth and amateur Sports Tournament Facility Advisory Committee consisting of five members of the Pima County Sports and Tourism Authority appointed by the Chair of the Authority and five members of the community with interest in development and advancement of youth amateur sports in the areas of baseball and softball.

Motion carried to approve (5/0)

- E. Allocate up to \$300,000.00 of the White Sox settlement funds to the Pima County Sports and Tourism Authority over a two-year period, with funds to be budgeted with specific expenditures identified and submitted to the Board of Supervisors for budget approval, subject to at least a \$50,000.00 match to said funds from other sources.

Motion carried to approve (5/0)

- F. Ensure that all spring training facilities at Tucson Electric Park or Kino Sports Complex are made available, to the maximum extent possible when spring training activities do not conflict, to youth and amateur sports activities related to baseball and softball.

Motion carried to approve (5/0)

- G. Direct the County Administrator to give notice to the Chicago White Sox of our desire to exercise the Club Payment Option in the Agreement.

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

- A. RESOLUTION NO. 2008 - **310**, of the Pima County Board of Supervisors, in support of Congressman Raúl M. Grijalva's nomination for United States Secretary of the Department of the Interior. (Districts 2 and 3)

Motion carried to approve (5/0)

- B. Rillito Race Track Fees Waiver.

Miracles, Inc., of Arizona and Toys for Tots, non-profit organizations, request Board of Supervisors' approval of a waiver of fees totaling \$550.00 for use of the Rillito Race Track on Sunday, December 7, for an all-day event (10:00 a.m. to 6:00 p.m.) in conjunction with the U.S. Marine Corps to collect holiday toys for needy children. (District 5)

Motion carried to approve (5/0)

2. COUNTY ADMINISTRATOR

- A. Staff requests the adoption of the revision to Board of Supervisors Policy No. C 3.17, Protection of Cultural Resources.

Motion carried to approve (5/0)

B. Final Agreement with the Chicago White Sox

Motion carried to approve (5/0)

Staff recommends:

1. Approve the Sports Facilities Use Agreement with the Chicago White Sox, which allows the White Sox to terminate spring training early in consideration of a cash payment and a number of Club Covenants, including a penalty clause and financial payment to the County and District should the Arizona Diamondbacks fail to complete their facility use agreement term at Tucson Electric Park. (12-57-C-141616-1108)

Motion carried to approve (5/0)

2. Pledge that there be no modifications for a 180-day period, nor any proposed activities associated with any sports venue that would conflict with the ability of the Pima County Sports and Tourism Authority to attract an additional professional sports venue to substitute for the Chicago White Sox during major league baseball spring training.

Motion carried to approve (5/0)

3. Direct that staff plan and develop a youth tournament, softball and baseball complex on the Kino Sportspark property, using the proceeds from the White Sox settlement to construct said facilities.

Motion carried to approve (5/0)

4. Appoint a youth and amateur Sports Tournament Facility Advisory Committee consisting of five members of the Pima County Sports and Tourism Authority appointed by the Chair of the Authority and five members of the community with interest in development and advancement of youth amateur sports in the areas of baseball and softball.

Motion carried to approve (5/0)

5. Allocate up to \$300,000.00 of the White Sox settlement funds to the Pima County Sports and Tourism Authority over a two-year period, with funds to be budgeted with specific expenditures identified and submitted to the Board of Supervisors for budget approval, subject to at least a \$50,000.00 match to said funds from other sources.

Motion carried to approve (5/0)

6. Ensure that all spring training facilities at Tucson Electric Park or Kino Sports Complex are made available, to the maximum extent possible when spring training activities do not conflict, to youth and amateur sports activities related to baseball and softball.

Motion carried to approve (5/0)

7. Direct the County Administrator to give notice to the Chicago White Sox of our desire to exercise the Club Payment Option in the Agreement.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

3. Substitute Assurance Agreements

- A. P1200-184, Star Valley, Blocks 1, 3, 9, 19, 21 and 25. (District 3)

Motion carried to approve (5/0)

- B. P1200-184, Star Valley, Blocks 5 and 6. (District 3)

Motion carried to approve (5/0)

- C. P1200-184, Star Valley, Blocks 11, 12 16 and 17. (District 3)

Motion carried to approve (5/0)

BOARDS COMMISSIONS AND/OR COMMITTEES

4. Pima County/Tucson Women's Commission

Ratification of Appointment

Malia Uhatafe to replace Samantha Paz. Term expiration: 11/19/10. (Commission recommendation)

Motion carried to approve (5/0)

5. Contracts

Real Property

Amendment No. 1, to provide title and escrow services, extend contract term to 12/1/09 and amend contractual language, General Fund, contract amount \$50,000.00 each, for the following:

<u>Vender</u>	<u>Contract Number</u>
Lawyers Title Agency of Arizona, L.L.C.	07-64-L-140413-1207
Fidelity National Title Agency, Inc.	07-64-F-140411-1207
Stewart Title and Trust of Tucson	07-64-S-140414-1207

Motion carried to approve (5/0)

***** HEARING *****

FRANCHISE/LICENSE/PERMIT

6. Wine Festival License/Wine Fair License

Robert K. Johnson, d.b.a. Colibri Vineyard and Winery, St. Phillips Plaza, L.L.C., 4280 N. Campbell Avenue, Tucson, Sunday, December 7, 14 and 21, 2008, from 10:00 am to 1:00 p.m.

Motion carried to approve (5/0)

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

DATE POSTED: 11/28/08

TIME POSTED: 11:30 A.M.