

## **AGENDA SUMMARY**

### **Pima County Board of Supervisors' Meeting**

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

**December 9, 2008 9:00 a.m.**

1. **ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PAUSE 4 PAWS**
5. **PRESENTATION**

Presentation of the 2008 "Innovation in Sustainability Award of Excellence" received from the Association for Operations Management.

The Board took no action on this item.

### **... 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 approval of a tax appeal settlement recommendation for the following matters:

- A. O'Connell v. Pima County  
Parcel Nos. 108-22-033D and 108-22-033E  
Arizona Tax Court Case No. ST2008-000241
- B. Manganiello v. Pima County  
Parcel No. 109-27-1250  
Arizona Tax Court Case No. ST2008-000096
- C. Clark v. Pima County  
Parcel No. 136-31-010C  
Arizona Tax Court Case No. ST2008-000243

Motion carried to accept County Attorney's Office recommendations (5/0)

## **BOARD OF SUPERVISORS SITTING AS OTHER BOARDS**

### **... FLOOD CONTROL DISTRICT BOARD**

#### **Condemnation**

RESOLUTION NO. 2008 FC - **10**, 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 the Paseo de las Iglesias Ecosystem Restoration Project in the Santa Cruz River Park, in Section 22, T14S, R13E, G&SRM. (District 5)

Motion carried to approve (5/0)

## **BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

### **6. CONSENT CALENDAR: For consideration and approval**

#### **A. CALL TO THE PUBLIC**

#### **B. APPROVAL OF CONSENT CALENDAR**

Motion carried to approve (5/0)

### **7. ASSESSOR**

#### **Request for Redemption of Waivers of Tax Exemptions**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has received 308 applications for Redemption of the Waivers of Tax Exemptions for the year 2008. The Assessor has determined that all of the applications qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the Waivers of Tax Exemptions.

Motion carried to approve (5/0)

### **8. DIVISION OF ELECTIONS**

Pursuant to A.R.S. §19-209(B)2, order to call a Special Recall Election for the Marana Domestic Water Improvement District Board to be held on May 19, 2009.

Motion carried to approve (5/0)

9. **HEALTH DEPARTMENT**

RESOLUTION NO. 2008 - **318**, 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 \$2,600.00.

Motion carried to approve (5/0)

10. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2008 - **319**, 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 Revenue and Refinancing Bond (Presidio School 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)

**\*\*\* HEARINGS \*\*\***

**FRANCHISES/LICENSES/PERMITS**

**Liquor Licenses**

11. 08-39-8961, Spencer Barry Brock, Coyote Pause Café, 2740 S. Kinney Road, Tucson, Series 12, Restaurant License, New License.

Motion carried to approve (5/0)

12. 08-40-8962, Kelly Paul Vaughn, QuickTrip No. 1482, SWC Valencia and Camino de la Tierra, Tucson, Series 10, Beer and Wine Store License, New License.

Motion carried to approve (5/0)

13. 08-41-89-63, Thomas Adams Miller, Elkhorn Ranch, 27000 W. Elkhorn Ranch Road, Tucson, Series 7, Beer and Wine Bar License, Person Transfer.

Motion carried to approve (5/0)

**BOARD, COMMISSION AND/OR COMMITTEE**

14. **Regional Wastewater Reclamation Advisory Committee**

ORDINANCE NO. 2008 - **115**, of the Board of Supervisors of Pima County, Arizona, amending Ordinance No. 1986-130, as amended by Ordinance Nos. 1989-

157, 2003-31, 2005-60 and 2008-71, to change the membership of the Regional Wastewater Reclamation Advisory Committee to include the Directors of the City of Tucson Water Department and the Pima County Regional Wastewater Reclamation Department as non-voting members.

Motion carried to approve (5/0)

## **JUSTICE AND LAW ENFORCEMENT**

15. ORDINANCE NO. 2008 - **116**, of the Board of Supervisors of Pima County, Arizona, amending Pima County Ordinance No. 2007-40 by establishing a fee for the cost of processing photo radar citations in the Pima County Consolidated Justice Court.

Motion carried to approve (5/0)

## **DEVELOPMENT SERVICES**

### UNFINISHED BUSINESS (RM 11/18/08)

#### **Appeal of Hearing Administrator's Decision**

16. P21-08-025, PC ROW – 6628 N. CALLE PADRE FELIPE  
In accordance with Pima County Zoning Code Section 18.97.030.F(6), Dee Chandler, Judy Hunt, Eric Weiss, Fernando Maldonado, David Delmonico, Steve Rice and Sondra Klock appeal the decision of the Hearing Administrator in Case No. P21-08-025, to allow a Type I Conditional Use Permit for an antenna co-location and equipment area in the right-of-way located at 6628 N. Calle Padre Felipe 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 SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve as amended (5/0)

### NEW BUSINESS

#### **REZONING**

17. Co9-08-17, VIA LATIGO 5651, L.L.C. – LAS LOMITAS ROAD REZONING  
Request of Via Latigo 5651, L.L.C., represented by Perry Whitthorne of Indevco Partners, Inc., for a rezoning of approximately 3.31 acres from SR (Suburban Ranch) to CR-1 (Single Residence), on property located on the western terminus of Las Lomitas Road approximately 1,300 feet north of Oracle Jaynes Station Road and approximately 1,900 feet east of La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Gungle and Membrilla

voting Nay; Commissioners Polulos, Hewitt and Smith were absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve as amended (5/0)

## **COMPREHENSIVE PLAN AMENDMENTS**

18. Co7-08-01, FLOWING WELLS NEIGHBORHOOD ASSOCIATION AND COMMUNITY COALITION – N. HIGHWAY DRIVE AREA PLAN AMENDMENT  
Request of the Flowing Wells Neighborhood Association and Community Coalition and Pima County Development Services Department, to amend the Pima County Comprehensive Plan from Resource Transition (RT), Medium/High Intensity Urban (MHIU), Neighborhood Activity Center (NAC), Multifunctional Corridor (MFC), Urban Industrial (I), and Heavy Industrial (HI) to Urban Industrial (I) and Heavy Industrial (HI) for approximately 449 acres located on the east and west sides of N. Highway Drive and the east and west sides of N. Sullinger Avenue and the east and west sides of N. Camino de la Tierra, south of the Rillito River and north of the W. Sweetwater Drive alignment and W. Gardner Lane, in Sections 8, 16, 17, 20, and 21, T13S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Poulos, Hewitt and Smith were absent) to recommend **APPROVAL SUBJECT TO SPECIAL AREA POLICIES**. Staff recommends **APPROVAL SUBJECT TO SPECIAL AREA POLICIES**. (District 3)

Motion carried to approve (5/0)

\*(**Clerk's Note**: Staff requests Item Nos. 19 and 20 be heard together.)

- \*19. Co7-08-12, MISSION PEAKS 4000, L.L.C. AND RUBY STAR RANCH, L.L.C. – S. MISSION ROAD/MISSION PEAKS 1 2008 MAJOR PLAN AMENDMENT  
Request of Mission Peaks 4000, L.L.C. and Ruby Star Ranch, L.L.C., represented by Mission Peaks 4000, L.L.C., to amend the Pima County Comprehensive Plan from Low Intensity Rural (LIR) and Resource Productive (RP) to Medium Intensity Urban (MIU), Medium/High Intensity Urban (MHIU), Community Activity Center (CAC), Neighborhood Activity Center (NAC), and Resource Transition (RT) for approximately 4,216 acres located east and west of S. Mission Road, north of the intersection with W. Twin Buttes Road, and west of S. Mission Road, south of the intersection with W. Twin Buttes Road, in Sections 24, 25, 26, 27, 34, 35, and 36, T17S, R12E; Sections 19, 20, 21 and 30, T17S, R13E, and Sections 1 and 2, T18S, R12E, in the Upper Santa Cruz Subregion. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Smith, Poulos and Hewitt were absent) to recommend **DENIAL**. Staff recommends **APPROVAL SUBJECT TO REZONING POLICIES**. (Districts 3 and 4)

Without objection, this item was withdrawn.

\*20. Co7-08-13, ARIZONA STATE LAND DEPARTMENT – W. HELMET PEAK ROAD/ MISSION PEAKS 2 2008 MAJOR PLAN AMENDMENT

Request of the Arizona State Land Department, represented by Mission Peaks 4000 L.L.C., to amend the Pima County Comprehensive Plan from Resource Productive (RP) to Medium Intensity Urban (MIU), Medium/High Intensity Urban (MHIU), and Neighborhood Activity Center (NAC) for approximately 632 acres located on the south side of W. Helmet Peak Road one mile west of S. La Canada Drive, in Section 16, T17S, R13E, in the Upper Santa Cruz Subregion. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Smith, Poulos and Hewitt were absent) to recommend **DENIAL**. Staff recommends **APPROVAL SUBJECT TO REZONING POLICIES**. (District 4)

Without objection, this item was withdrawn.

**PLAT NOTE MODIFICATION**

21. P1201-158, SABINO HIGHLANDS - PLAT NOTE MODIFICATION FOR LOT 5

Request of Robert D. Corrigan, represented by Design Solutions, for a plat note modification to allow an exchange of natural open space on Lot 5. The property is 43,147 square feet, zoned CR-1 (Single Residence) and is located on the west side of Sabino Highlands Place, approximately three-quarters of a mile north of Snyder Road. Staff recommends **APPROVAL WITH CONDITIONS**. (District 4)

Motion carried to approve (5/0)

22. **Rezoning Resolutions**

A. RESOLUTION NO. 2008 - **320**, Co9-01-36, Heartwood Homes L.L.C. – Camino Del Fierro No. 3 Rezoning. Owners: Heartwood Homes, L.L.C. (District 1)

Motion carried to approve (5/0)

B. RESOLUTION NO. 2008 - **321**, Co9-02-24, Fidelity National Title Agency Trust 10,930, et. al. – Kolb Road Rezoning. Owners: Lewis I-10/Kolb, L.L.P. (District 4)

Motion carried to approve (5/0)

23. **Street Name Change**

Present

Proposed

5th Avenue, Ruby–Arivaca Road  
and Fragueta Road  
(District 3)

Ruby Road

Motion carried to approve (5/0)

**TRANSPORTATION**

24. **Environmental Assessment and Mitigation Report**

Staff recommends approval of the Environmental Assessment and Mitigation Report for La Cholla Boulevard: Ruthrauff Road to River Road. (Districts 1 and 3)

Motion carried to approve Alternative D (5/0)

25. **CALL TO THE PUBLIC**

26. **ADJOURNMENT**

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

DATE POSTED: 12/03/08

TIME POSTED: 5:00 P.M.

## CONSENT CALENDAR, DECEMBER 9, 2008

### 1. CONTRACTS AND AWARDS

#### A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2008 - 311, approving an Intergovernmental Agreement with the Golder Ranch Fire District, to provide for the installation of five hydrants in the Catalina Area, CDBG Grant Fund, contract amount \$25,000.00 (01-70-G-141606-1008)
2. RESOLUTION NO. 2008 - 312, approving an Intergovernmental Agreement with the City of South Tucson, to provide management and implementation of the Community Development Block Grant Program, CDBG Grant Fund, contract amount \$395,000.00 (01-70-S-141607-1008)

#### B. Community Services, Employment and Training

3. Santa Cruz County, Amendment No. 3, to provide collaborative administration of the WIRED Program and amend scope of work, no cost (01-69-S-140387-0707)
4. Child and Family Resources, Inc., Amendment No. 1, to provide for the Challenger Summer Enrichment Camp and amend scope of work, no cost (11-69-C-140840-0508)
5. SER Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services for the One Stop Program and amend contractual language, no cost (07-69-S-140979-0708)

#### C. County Administrator

6. RECON Consultants, Inc., Amendment No. 3, to provide biological consulting services for the Sonoran Desert Conservation Plan and extend contract term to 1/15/10, no cost (07-30-R-135528-0105)

#### D. Pima Health System

7. Direct Center for Independence, Inc., Amendment No. 7, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (11-15-D-135739-0305)
8. Northwest Hospital, L.L.C., d.b.a. Northwest Medical Center, Amendment No. 11, to provide hospital services and amend contractual language, no cost (18-15-N-135763-0205)

**E. Procurement**

9. CBIZ Gordon, Zucarelli and Handley Benefits and Insurance Services, Inc., Amendment No. 4, to provide consulting for employee benefits and extend contract term to 12/15/09, no cost (07-43-C-135513-1204) Human Resources

**Awards**

10. Low Bid: Award of Contract for group A, B and C, Requisition No. 0900059, in the total annual amount of \$910,000.00 to E.F. Johnson Company (Headquarters: Irving, TX) to provide radio equipment and services. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: Internal Service Fund. Administering Department: Information Technology.
11. Low Bid: Award of Contract, Requisition No. 0900668, in the amount of \$268,862.00 to the lowest responsive bidder, Granite Construction Company (Headquarters: Watsonville, CA) for the acquisition and installation of a pre-engineered, prefabricated, self-weathering welded steel truss bridge to span the Julian Wash at Thomas Jay Park. The contract is for a twelve-month period and may be extended for project completion. Funding Sources: 81% Kinder Morgan Mitigation Fund and 19% 1997 Bond Fund. Administering Department: Natural Resources, Parks and Recreation.
12. Amendment No. 1, of Award for B504940 to American Cadastre, L.L.C., to provide film and microfiche conversion to digital media and confidential information redaction and extend contract term to 6/30/09. Funding Source: Special Revenue Fund. Administering Department: Pima County Recorder.

**F. Real Property**

13. First American Title Insurance Company, as Trustee Under Trust Nos. 8621, 8622, 8623, 8624, and 8625, and Arizona Open Land Trust, Inc., to provide the following for the acquisition of the Sopori Ranch: Assignment of Buyer's Interest in Purchase Agreement; Grant of Access and Utility Easements; Right of First Refusal; Termination of Right of First Refusal; and a Ranch Management Agreement with Salero Dos, L.L.C., 2004 Open Space Bond Fund, contract amount not to exceed \$18,618,000.00 including closing costs (22-64-F-141611-1208)

**G. Sheriff**

14. RESOLUTION NO. 2008 - **313**, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for

the DUI Abatement Grant Program, ACJC Grant Fund, contract amount \$60,000.00 revenue (01-11-A-141579-1208)

15. RESOLUTION NO. 2008 - **314**, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide for the Arizona Alliance Planning Committee, H.I.D.T.A. Grant Fund, contract amount \$113,600.00 revenue (01-11-A-141580-1007)
16. RESOLUTION NO. 2008 - **315**, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide for overtime, employee related expenses and capital equipment to conduct DUI Task Force Enforcement Programs, Federal Grant Fund, contract amount \$128,937.80 revenue (01-11-G-141581-1008)
17. RESOLUTION NO. 2008 - **316**, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for the Urban Area Security Initiative, Federal Grant Fund, contract amount \$50,000.00 revenue (01-11-A-141603-1008)

## 2. **RATIFICATION OF CONTRACT**

### **Regional Wastewater Reclamation**

Spirit Underground, L.L.C., to provide the construction of the Arcadia Sewer Project, WWM Enterprise Fund, contract amount \$406,720.10 (03-03-S-141588-1108)

## 3. **SPECIAL TAXING DISTRICT**

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 11, 2008 Election conducted by the Flowing Wells Irrigation District.

## 4. **BOARD, COMMISSION AND/OR COMMITTEE**

### **Animal Care Advisory Committee**

Appointment of Lieutenant Ed Schlitz, City of Tucson Police Department, to fill the unexpired term of Sergeant Joe Puglia. Term expiration: 3/31/11. (Organizational recommendation)

## 5. **SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

Ruth Ann Dormanen, Catalina Crusaders Christmas Toy Drive, Player's Pub, 16024 N. Oracle Road, Tucson, December 13, 2008.

6. **FINANCE AND RISK MANAGEMENT**

**Duplicate Warrants – For Ratification**

Allen, Brenne Elisabeth	\$364.06
Allen, Brenne Elisabeth	\$96.74

7. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of April, 2008.

8. **REAL PROPERTY**

Abandonment and Right of Way Dedication

RESOLUTION NO. 2008 - **317**, of the Pima County Board of Supervisors, providing for the vacation of a portion of Hardy Drive located between Richey Boulevard and Dodge Boulevard, Pima County Road Abandonment No. A-07-10 and Right-of-Way Dedication, within Section 28, T13S, R14E, G&SRM. (District 2)

9. **RATIFY AND/OR APPROVE**

Minutes: October 14, 2008  
November 18, 2008, Zoning Enforcement Board of Appeals

## ADDENDUM SUMMARY

### **Pima County Board of Supervisors' Meeting**

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

**December 9, 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) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Snell & Wilmer to represent SOLON America Corporation with respect to the review and negotiation of a power purchase agreement with Pima County.

Motion carried to accept County Attorney's Office recommendation (5/0)

- B. Pursuant to A.R.S. § 38-431.03(A) (3) and (4), for legal advice and direction regarding authorization to enter into an agreement to toll the statute of limitations with respect to the claims of San Joaquin Investments, L.L.C., against Pima County.

Motion carried to accept County Attorney's Office recommendation (5/0)

### **BOARD OF SUPERVISORS SITTING AS OTHER BOARDS**

#### **... FLOOD CONTROL DISTRICT BOARD**

##### **I-10 Avra Valley Mining and Development, L.L.C., Development Agreement**

RESOLUTION NO. 2008 FC - 11, of the Board of Directors of the Pima County Flood Control District relating to the closing of certain conveyances pursuant to the Development Agreement between Pima County, the **Pima County Flood Control District** and I-10 Avra Valley Mining and Development, L.L.C.

Motion carried to approve (5/0)

**BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

1. **COUNTY ADMINISTRATOR**

**I-10 Avra Valley Mining and Development, L.L.C., Development Agreement**

RESOLUTION NO. 2008 - **322**, of the Pima County Board of Supervisors relating to the closing of certain conveyances pursuant to the Development Agreement between **Pima County**, the Pima County Flood Control District and I-10 Avra Valley Mining and Development, L.L.C.

Motion carried to approve (5/0)

2. **COMMUNITY SERVICES EMPLOYMENT AND TRAINING**

**Contract**

Tucson Youth Development, Inc., Amendment No. 1, to provide workforce development services and amend scope of work, no cost (07-69-T-140977-0708)

Motion carried to approve (5/0)

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

A. **Corrections Officer Retirement Board**

Reappointment of Keith Bagwell. Term expiration: 12/31/12. (District 5)

Motion carried to approve (5/0)

B. **County Attorney Investigators Local Retirement Board**

Reappointment of Keith Bagwell. Term expiration: 12/31/12. (District 5)

Motion carried to approve (5/0)

C. **Housing Commission**

Reappointments of Ken Anderson and Frank Thomson. Term expirations: 12/31/12. (District 2)

Motion carried to approve (5/0)

D. **Pima County/Tucson Women's Commission**

Appointment of Pam Moseley to replace Kaitlin Meadows. Term expiration: 12/31/12. (District 3)

Motion carried to approve (5/0)

**E. Public Safety Retirement Board**

Reappointment of Keith Bagwell. Term expiration: 12/31/12. (District 5)

Motion carried to approve (5/0)

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

DATE POSTED: 12/5/08

TIME POSTED: 11:00 A.M.