

MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

NOVEMBER 10, 2009

The Pima County Zoning Enforcement Board of Appeals met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 10, 2009. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Lori Godoshian, Clerk

1. **LITIGATION**

The Board of Supervisors' on 10/13/09, continued the following:

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. P08ZV00676, Michelle and Morgan Bakarich. The Board may also during the course of the hearing and upon motion, enter into executive session.

This item was informational only, the Board took no action.

2. **APPEAL OF HEARING OFFICER'S DECISION**

The Board of Supervisors' on 10/13/09, continued the following:

P08ZV00676 – Michelle and Morgan Bakarich In accordance with the Pima County Zoning Code Section 18.95.030C, Michelle and Morgan Bakarich appeal the decision of the Hearing Officer in Case No. P08ZV00676, regarding violation of the Zoning Code, Section 18.01.030.E.1, structure/accessory building without a permit, on property located at 2331 N. Tanque Verde Place, Tucson, AZ. (District 4)

Rick Bruster, Code Enforcement Supervisor, provided a report and recommended the defendants ask for an interpretation from the Chief Zoning Inspector as to whether the structure was a mobile unit and therefore not allowed in the CR-1 zone. Then if the structure was not allowed, the interpretation could be appealed to the Board of Adjustment. He recommended the Hearing Officer's decision be upheld, allowing reasonable time to permit or remove the structure based on the decision of the Board of Adjustment.

The defendants, Michelle and Morgan Bakarich, stated the building was a modular metal building which was to be used for storage. They explained they had not obtained permitting prior to installing the building since they were told by the Building Department a permit was not necessary because the building was not going to be there permanently. They said after the installation, they had applied for and received a permit but, in a subsequent process, the Chief Zoning Official determined the building was a mobile structure and therefore not allowed in a CR-1 zone. They indicated installation of the building was an accelerated process that once started could not be stopped and, that within 48 hours, the building was complete and repainted in accordance with their neighbors' accessory structures. They felt leaving the building unfinished would have been unsafe and would have made it an attractive nuisance. They stated if the building was allowed on their property, they would bring it into full compliance.

Supervisor Carroll asked if there were other accessory buildings on the property, if they were permitted and if horses were allowed in the CR-1 zone.

Mr. Bruster stated according to the review by the Permitting Technician, there were additional structures on the property that were not shown on the site plan. Those structures could have been small enough that they did not require permits, but they would count toward lot coverage calculations. Because these structures were not shown on the site plan, the Permitting Technician was not able to determine whether they would be exceeding their lot coverage issues with the addition of the requested structure.

Chris Poirier, Administrative Project Manager, stated horses were allowed in a CR-1 zone.

Mrs. Bakarich explained the only permanent accessory structure on their property was a small child's playhouse. The other things seen in the aerial photos were horse trailers.

On consideration, it was moved by Supervisor Carroll to deny the appeal and support the Hearing Officer's decision. The motion died for lack of a second.

It was thereupon moved by Supervisor Day, seconded by Supervisor Bronson to approve the appeal and reverse the Hearing Officer's decision. No vote was taken at this time.

Supervisor Carroll asked what the process would be for the neighbors to comment on the structure if this motion passed.

Mr. Poirier explained it would reverse the finding of responsibility, and the applicant would not have to do anything further.

A substitute motion was made by Supervisor Carroll to deny the appeal and support the Hearing Officer's decision as it could be a precedent for other districts. The motion died for lack of a second.

Upon the vote being taken, the motion carried by a 4-1 vote, Supervisor Carroll voting "Nay," to approve the appeal and reverse the Hearing Officer's decision.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:45 a.m.

MINUTES, BOARD OF SUPERVISORS' MEETING

NOVEMBER 10, 2009

The Pima County Board of Supervisors met in regular session in its regular meeting place at Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, November 10, 2009. Upon roll call, those present and absent were as follows:

All Present: Richard Elías, Chairman
 Ramón Valadez, Vice Chairman
 Sharon Bronson, Member
 Ray Carroll, Member
 Ann Day, Member
 Lori Godoshian, Clerk

1. **INVOCATION**

The invocation was given by Pastor Peter Kraft of the Eastside Assembly of God.

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

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to address the Board. No one appeared.

PULLED FOR SEPARATE ACTION

1. **CONTRACTS AND AWARDS**

E. Procurement: Award

14. Low Bid: Award of Contract, Requisition No. 1000245, in the annual amount of \$310,000.00 for pump repair and service to Phoenix Pumps, Inc. (Headquarters: Phoenix, AZ). Contract is for a one-year term and

includes four one-year renewal periods. Funding Source: Enterprise Fund. Administering Department: PCRWRD.

Without objection, this item was continued to the Board of Supervisors' Meeting of November 17, 2009.

B. APPROVAL OF CONSENT CALENDAR

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, that the Consent Calendar be approved as amended.

CONSENT CALENDAR ITEMS ARE AS FOLLOWS:

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2009 - 282, approving an Intergovernmental Agreement with Why Fire District, to provide for the purchase of fire safety equipment, CDBG Fund, contract amount \$10,000.00 (01-70-W-142461-1009)

B. County Attorney

2. RESOLUTION NO. 2009 - 283, authorizing the State of Arizona, Office of the Attorney General, to provide for six legal processing support staff and limited operating expenses for the Victims' Rights Program, State Grant Fund, contract amount \$235,300.00 revenue (02-02-A-142439-0709)

C. Health Department

3. RESOLUTION NO. 2009 - 284, approving an Intergovernmental Agreement with the State of Arizona Forestry Division, to provide mutual emergency assistance and cooperation for fire and emergency protection, no cost (01-01-A-142462-1109)
4. Arizona Board of Regents, University of Arizona, Amendment No. 3, to provide for HIV/STD testing and counseling for youth and extend contract term to 9/29/10, SAMHSA Fund, contract amount \$50,000.00 revenue (02-01-A-139181-0906)

D. Pima Health System

5. To provide nursing facility services, amend contractual language and extend contract term to 10/31/10, PHCS Enterprise Fund:

<u>Vendor</u>	<u>Amd.No.</u>	<u>Contract No.</u>	<u>Contract Amount</u>
Holy Cross Hospital, Inc.	4	18-15-H-137075-1005	\$1,900,000.00
Senior Living Options, L.L.C., d.b.a., Palm Valley Rehabilitation and Care Center	1	18-15-S-142277-0809	\$0.00

6. Arizona Department of Economic Security, Amendment No. 14, to provide home and community based services to eligible elderly and physically disabled individuals, PHCS Enterprise Fund, contract amount \$1,243,687.00 revenue (01-15-D-137491-0705)
7. Tucson Heart Hospital-Carondelet, L.L.C., d.b.a. Tucson Heart Hospital, Amendment No. 5, to provide hospital services, amend contractual language and extend contract term to 11/30/10, PHCS Enterprise Fund, contract amount \$500,000.00 (18-15-M-138814-1106)
8. Carondelet Medical Group, Inc., Amendment No. 1, to provide primary care physician services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-C-141874-0409)
9. Wisdom Access, Inc., Amendment No. 2, to provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost (07-15-W-142115-0709)
10. STAT-MED, Inc., Amendment No. 1, to provide specialized durable medical equipment and medical supplies, PHCS Enterprise Fund, contract amount \$221,000.00 (11-15-S-141993-0509)

E. Procurement

11. Engineering and Environmental Consultants, Inc., Amendment No. 9, to provide professional roadway engineering services for the Craycroft Road: River Road to Sunrise Drive Project and extend contract term to 12/31/09, no cost (16-04-E-127730-0300) Transportation.

12. HDR Engineering, Inc., Amendment No. 7, to provide project management and roadway design engineering services for La Canada Drive: Ina Road to Calle Concordia and amend contractual language, RTA Tax Revenue Fund (\$228,750.00); CDO Impact Fees (\$76,250.00), contract amount \$305,000.00 (16-04-H-139265-0207)

Awards

13. Amendment of Award: El Pueblo Roofing Company, B504949 Rev. 003, to provide conventional roofing services, extend contract term to 1/8/11 and increase contract amount by \$275,000.00. Funding Source: Community Development Block Grant Fund. Administering Department: Community Development and Neighborhood Conservation.
14. Low Bid: Award of Contract, Requisition No. 1000245. (Without objection, this item was continued to November 17, 2009.)

F. Real Property

15. City of Tucson, to provide a License Agreement for the purpose of operating, maintaining and accessing existing monitor wells and a new monitor well site on Pima County property located at 839 W. Congress Street, contract amount \$6,000.00 revenue (12-04-T-142438-1109)

G. Sheriff

16. RESOLUTION NO. 2009 - 285, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for IED and CBRNE detection, prevention and removal abilities of the Pima County Sheriff Department Bomb Squad, Federal Grant Fund, contract amount \$164,560.00 revenue (01-11-A-142429-1009)
17. RESOLUTION NO. 2009 - 286, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for CBRNE training and exercise under the Urban Area Security Initiative, Federal Grant Fund, contract amount \$25,000.00 revenue (01-11-A-142430-1009)
18. RESOLUTION NO. 2009 - 287, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for CBRNE equipment

under the Urban Area Security Initiative, Federal Grant Fund, contract amount \$25,000.00 revenue (01-11-A-142431-1009)

19. RESOLUTION NO. 2009 - 288, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for equipment under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$585,719.00 revenue (01-11-A-142432-1009)
20. RESOLUTION NO. 2009 - 289, approving an Intergovernmental Agreement with the U.S. Department of Agriculture, Forest Service, and Coronado National Forest, to provide a cooperative agreement for law enforcement services on U.S. Forest Service land, Federal Fund, contract amount \$156,500.00/5 year term, revenue (01-11-U-142436-1109)
21. RESOLUTION NO. 2009 - 290, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$95,760.00 revenue (01-11-A-142443-1009)
22. RESOLUTION NO. 2009 - 291, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for equipment under the supplemental Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$576,235.00 revenue (01-11-A-142444-1009)
23. RESOLUTION NO. 2009 - 292, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for the Pima County Wireless Integrated Network Interoperable Communications, Federal Grant Fund, contract amount \$1,720,000.00 revenue (01-11-A-142445-1009)
24. RESOLUTION NO. 2009 - 293, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for the TUASI Regional Planning Cooperative, Federal Grant Fund, contract amount \$100,000.00 revenue (01-11-A-142446-1009)

- 25. RESOLUTION NO. 2009 - 294, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$538,298.00 revenue (01-11-A-142447-1009)
- 26. RESOLUTION NO. 2009 - 295, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for microwave connectivity for the Pima County Wireless Integrated Network, Federal Grant Fund, contract amount \$385,971.00 revenue (01-11-A-142448-1009)
- 27. RESOLUTION NO. 2009 - 296, approving an Intergovernmental Agreement with the Arizona Department of Homeland Security, to provide for overtime and mileage reimbursement under the Operation Stonegarden Grant Program, Federal Grant Fund, contract amount \$134,950.00 revenue (01-11-A-142449-1009)
- 28. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Law Enforcement Terrorism Prevention Program and extend contract term to 12/31/09, Federal Grant Fund, no cost (01-11-A-141497-1008)
- 29. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Rapid Response Team Enhancement Project and to extend contract term to 12/31/09, Federal Grant Fund, no cost (01-11-A-141603-1008)

H. Transportation

- 30. RESOLUTION NO. 2009 - 297, approving an Intergovernmental Agreement with the Arizona State Department of Transportation for the Safe Routes to School Program, contract amount \$41,000.00 revenue (01-04-A-142441-1209)

2. DIVISION OF ELECTIONS

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Riegel, Lori A.	109	DEM

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Riegel, Lori A.	120	DEM
Romero, Regina	343	DEM
Hernandez, George J.	392	DEM

3. REAL PROPERTY

Sale of Surplus Property

Authorization for the sale of surplus property of Lots 3, 5, and a portion of Broadway Boulevard, Block 248 of the City of Tucson containing 28,780 square feet, recorded in Book 3 of Maps at Page 70, Tax Parcel Nos. 117-15-0060 and 117-15-0080. Minimum bid is \$905,000.00. (District 5)

4. RATIFY AND/OR APPROVE

Minutes: September 15, 2009

REGULAR AGENDA/ADDENDUM ITEMS

5. COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION

The Pima County Sheriff's Department requests approval to create twenty new Position Control Numbers (PCNs) to be allocated as follows. General Fund, \$1,154,777.00.

<u>PCN'S</u>	<u>Class Code</u>	<u>Grade</u>	<u>Title</u>	
1	3294	G3 (\$48,464.00 - \$60,632.00)	Corrections Sergeant	PT*
19	3291	G1 (\$35,381.00 - \$45,156.00)	Corrections Officer	PT*

*Paid Overtime (Non-Exempt)

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

6. DIVISION OF ELECTIONS

Pursuant to A.R.S. §16-642 and §15-493, canvass of the election results for the November 3, 2009, Election for Tucson Unified School District 1, Amphitheater Unified School District 10, Tanque Verde Unified School District 13, Catalina Foothills Unified School District 16, Vail Unified School District 20, Sahuarita Unified School District 30, and Indian Oasis-Baboquivari Unified School District 40 Elections.

Without objection, this item was continued to the Board of Supervisors' Meeting of November 17, 2009.

7. **PUBLIC WORKS ADMINISTRATION: PUBLIC ART WAIVER**

Staff requests a waiver of the provisions of Board of Supervisors Policy No. C3.3 and Administrative Procedure No. 3-16 relating to the implementation of the Pima County Public Art Program for the Southeast Regional Park Shooting Range Project. (District 4)

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Carroll to approve the request.

Chairman Elías stated although he understood the reason for the waiver, he felt the Board should support public art.

Supervisor Bronson agreed and said this would be a one-time event and was an exception to the rule.

Upon the vote being taken, the motion unanimously carried by a 5-0 vote.

8. **FRANCHISES/LICENSES/PERMITS: LIQUOR LICENSES**

- A. 09-25-8995, Ariy Baban, Ari's, 15920 N. Oracle Road No. 128, Catalina, Series 10, Beer and Wine Store, New License.
- B. 09-26-8996, Michael Kevin Reynolds, Brooklyn's Beer & Burgers, L.L.C., 3790 E. Irvington Road, Tucson, Series 12, Restaurant, New License.
- C. 09-27-8997, Etelberto G. Vega, M7M Mariscos 7 Mares, 512 E. White House Canyon Road, Suite 180, Green Valley, Series 12, Restaurant, New License.

The Chairman inquired whether anyone wished to be heard. No one appeared. It was thereupon moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings, approve the liquor license requests and forward the recommendations to the Arizona State Liquor Licenses and Control.

9. **TRANSPORTATION: TRAFFIC ORDINANCES**

- A. ORDINANCE NO. 2009 - 109, of the Board of Supervisors, regulating parking on both sides of a portion of Sunset Road from 275 feet west of Mona Lisa Road to San Joaquin Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 1)2
- B. ORDINANCE NO. 2009 - 110, of the Board of Supervisors, regulating parking of vehicles on the south side of a portion of Sunset Road from San

Joaquin Avenue to La Cholla Boulevard in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

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

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearings and approve Ordinance Nos. 2009 - 109 and 110.

10. **COUNTY ADMINISTRATOR: CLASSIFICATION AND COMPENSATION**

Staff requests the following grant funded PCN be established for the Office of Emergency Management and Homeland Security.

<u>PCN</u>	<u>Class Code</u>	<u>Grade/Range</u>	<u>Title</u>
1	3332	39 (\$35,525-\$51,305)	Emergency Management Coordinator

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

11. **CONTRACTS**

A. **Community Services, Employment and Training**

Arizona Department of Economic Security, Amendment No. 1, to provide employment and training services, and amend contractual language, ADES-ARRA Fund, contract amount \$325,291.00 revenue (01-69-A-141894-0209)

B. **Economic Development and Tourism**

Sonoran Arthropod Studies, Inc., Amendment No. 1, to provide a Lease Agreement, amend contractual language and extend contract term to 6/30/12, contract amount \$150.00 revenue (04-71-S-134994-0904)

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

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 9:45 a.m.