

# MINUTES, ZONING ENFORCEMENT BOARD OF APPEALS

DECEMBER 8, 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, December 8, 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 6/17/08, 3/10/09 and 6/16/09, 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. P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern. The Board may also during the course of the hearing and upon motion, enter into executive session.

The item was removed from the agenda. The appellant was now in compliance.

## 2. APPEAL OF HEARING OFFICER'S DECISION

The Board of Supervisors on 6/17/08, 3/10/09 and 6/16/09, continued the following:

P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern

In accordance with the Pima County Zoning Code Section 18.95.030D, Robert and Teresa Kern appeal the decision of the Hearing Officer in Case No. P07ZV00758–2, 3, 4, 5 and 6, regarding violations of the following sections of the Pima County Zoning Code: 18.14.020 and 18.14.030, stored vehicles not allowed in GR-1 Zone; 18.79.100A, banner sign not allowed in GR-1 Zone; 18.01.030E.1, structure without permit-hay barn; 18.01.030E.1, structure without permit-metal shed; and 18.01.030D, non-adherence to a development plan. The property is located at 3302 E. Edwin Road. (District 1)

Chris Poirier, Assistant Planning Director, stated the property was now in full compliance and recommended this case be dismissed.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to dismiss the case and forgive the fines.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:00 a.m.

## MINUTES, BOARD OF SUPERVISORS' MEETING

DECEMBER 8, 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, December 8, 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 Craig Coulter of the Oro Valley Church of the Nazarene.

### 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.

### ...   **EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 9:05 a.m.

### 4.    **RECONVENE**

The meeting reconvened at 9:40 a.m. All members were present.

### 5.    **CALL TO THE PUBLIC (for Executive Session item only)**

The Chairman inquired whether anyone wished to be heard on any item listed under Executive Session. No one appeared.

**6. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of the tax appeal settlement recommendation for Koperski v. Pima County, Tax Parcel No. 219-24-2230, Arizona Tax Court Case No. ST2009-000158.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a case that involved a valuation appeal for tax year 2010. The proposed settlement reflected the valuation of similar properties within the subdivision and would result in a decrease in the full cash value of the property from \$257,309.00 to \$225,000.00. The Assessor and Pima County Attorney's Office recommended approval of the settlement.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation.

**7. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Broadway South Landfill.

Chris Straub, Chief Civil Deputy County Attorney, stated this was a discussion of the advancement of a potential defense strategy related to the Arizona Department of Environmental Quality investigation of the Broadway South Landfill. The County Attorney's Office recommended approval of the defense strategy as discussed in executive session.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to accept the recommendation as discussed in executive session.

**8. LITIGATION**

Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice, direction and consultation with designated representatives to consider its position and instruct its representatives regarding negotiations for the purchase of the Coronado Hotel.

Chris Straub, Chief Civil Deputy County Attorney, stated this item regarded the up-coming sale of the Coronado Hotel. The County Administrator, Real Property Services and the County Attorney's Office requested authority to proceed and to make an offer of purchase, on behalf of the Board, as discussed in executive session.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the recommendation and direct staff to proceed as discussed in executive session.

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

A. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard on any item listed for action on the Consent Calendar. No one appeared.

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, to approve the Consent Calendar as presented.

**CONSENT CALENDAR ITEMS ARE AS FOLLOWS:**

1. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2009- 315, approving an Intergovernmental Agreement with the City of South Tucson, to provide management and implementation of the Community Development Block Grant Program - Administration, Community Clean-Up, Community Policing/ Crime Prevention, Emergency Home Repair, Fire Safety Equipment, Youth Program and Family Assistance, CDBG Grant Fund, contract amount \$395,000.00 (01-70-S-142544-1009)

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

2. To provide emergency assistance to eligible low-income households for the term 7/1/09 to 6/30/10, American Recovery and Reinvestment Act Grant Fund:

<u>Vendor</u>	<u>Contract Amount</u>	<u>Contract No.</u>
American Red Cross of Southern AZ Chapter	\$45,000.00	07-69-A-142550-0709
International Sonoran Desert Alliance	\$45,000.00	07-69-I-142551-0709
Jewish Family & Children's Services of Southern AZ	\$18,000.00	07-69-J-142552-0709

C. **Finance**

3. Government Finance Officers Association of the United States and Canada, Amendment No. 1, to provide enterprise

resource planning system needs assessment, system selection, vendor evaluation services, and extend contract term from 10/6/09 to 10/6/10, no cost (07-09-G-141351-1008)

**D. Health Department**

4. Arizona Department of Health Services, Amendment No. 5, to provide early pregnancy prenatal care, education, referral services and amend contractual language, State Fund, no cost (02-01-A-137315-1005)
5. VitalCheck Network, Inc., Amendment No. 2, to provide remote ordering for certified record copies and extend contract term to 1/31/11, no cost (11-01-V-140183-1007)
6. Arizona Department of Health Services, Amendment No. 2, to provide for the Teen Pregnancy Prevention Program, amend contractual language and extend contract term to 12/31/10, Federal Fund, contract amount \$125,000.00 revenue (01-01-A-140608-0108)
7. Arizona Department of Health Services, Amendment No. 3, to provide sexually transmitted disease prevention services and extend contract term to 12/31/10, Federal Fund, no cost (01-01-A-140955-0108)

**E. Pima Health System**

8. Park Waverly Healthcare, L.L.C., d.b.a. Park Avenue Health and Rehabilitation, Amendment No. 8, to provide long term care, skilled nursing services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-P-137077-1005)
9. Oscar Rojas, M.D., Amendment No. 3, to provide primary care physician pediatric services, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, no cost (18-15-R-137205-0106)
10. SLO Ridgecrest, L.L.C., d.b.a. Ridgecrest Healthcare, Amendment No. 4, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-139267-0307)
11. Children's Dental Clinic of Tucson, L.L.C., Amendment No. 1, to provide dental services, amend contractual language

and extend contract term to 12/31/10, PHCS Enterprise Fund, no cost (18-15-C-140441-0108)

12. LifeCare Solutions, Inc., Amendment No. 2, to provide durable medical equipment and medical supply services, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, contract amount \$250,000.00 (07-15-L-140580-0108)
13. Founders Healthcare, L.L.C., d.b.a. Preferred Homecare, Amendment No. 1, to provide durable medical equipment and medical supply services, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-F-140592-0108)
14. Arizona Board of Regents, University of Arizona, Arizona Health Sciences Center, Amendment No. 1, to provide coordination and clinical educational experiences for students, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, no cost (11-15-A-141687-0109)

**F. Procurement**

15. Cannon Parkin, Inc., d.b.a. Cannon Design, Amendment No. 7, to provide architectural and engineering services for the new Psychiatric Hospital and Urgent Care Center and amend contractual language, 2004 (25%) and 2006 (75%) Bond Funds, contract amount \$65,100.00 (15-13-C-138445-0806) Facilities Management
16. HDR Engineering, Inc., Amendment No. 7, to provide project management and roadway design engineering services for the La Canada: River Road to Ina Road Project, amend scope of work and extend contract term to 12/31/10, RTA Fund (90%) and CDO Impact Fee Fund (10%), contract amount \$2,469,763.00 (16-04-H-139002-1106) Transportation

**G. Sheriff**

17. RESOLUTION NO. 2009-316, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide overtime and employee related expenses for the Speed and School Zone Enforcement Program, Federal Grant Fund, contract amount \$46,200.00 revenue (01-11-G-142556-1009)

## **REGIONAL WASTEWATER RECLAMATION**

### **2. Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Longhorn Cattle Company, L.L.C., d.b.a. Longhorn Steakburger, No. 2009-21. Proposed settlement amount is \$476.13.

### **3. RATIFY AND/OR APPROVE**

Minutes: October 13, 2009

## **REGULAR AGENDA/ADDENDUM ITEMS**

### **10. ASSESSOR: REQUEST FOR REDEMPTION OF WAIVER OF EXEMPTION**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all the applications for Redemption of the Waivers of Tax Exemptions for the year 2009 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the Waivers of Tax Exemptions.

On consideration, it was moved by Supervisor Bronson, seconded by Supervisor Day and unanimously carried by a 5-0 vote, to redeem the Waivers of Tax Exemptions.

### **11. TRANSPORTATION**

- A. RESOLUTION NO. 2009 - 317, of the Board of Supervisors of Pima County, cancelling the receipt of Federal (Section 5311) American Recovery and Reinvestment Capitol Appreciation Funds for the acquisition of public transit vehicles.
- B. RESOLUTION NO. 2009 - 318, of the Board of Supervisors of Pima County, approving the transfer of rural transit buses to the Pima County Regional Transportation Authority.

On consideration, it was moved by Chairman Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to adopt Resolution Nos. 2009-317 – and 318.

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

- A. 09-28-8999, Dae Sun So, Kampai Sushi, 6486 N. Oracle Road, Tucson, Series 12, Restaurant, New License.
- B. 09-29-9000, Teresa Irene Salinas, Tiny's, 4900 W. Ajo Way, Tucson, Series 12, Restaurant, New License.
- C. 09-30-9001, H. J. Lewkowitz, Chipotle Mexican Grill No. 1415, 635 W. Ina Road, Tucson, Series 12, Restaurant, New License.
- D. 09-32-9003, Fatima Elena Iturralde De Campos, Inca's Peruvian Cuisine, 6878 E. Sunrise Drive, Suite 130, Tucson, Series 12, Restaurant, New License

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

13. **COUNTY ADMINISTRATOR: CORONADO HOTEL**

Update on the purchase of the Coronado Hotel for use as affordable housing for low-income elderly and disabled individuals in the downtown area. Discussion/direction/action.

Chuck Huckelberry, County Administrator, provided an update on the purchase of the Coronado Hotel. He felt all of the issues surrounding the hotel's purchase would be worked out in a reasonable period of time and the offer for the hotel would be made based on the Board's direction in executive session.

Chairman Elías stated this was an interesting opportunity to preserve the hotel for affordable housing and, with proper management, the many difficult issues that surrounded the hotel could be worked out. He noted the property was located directly on the new streetcar line and it would give residents the opportunity to enjoy that public transit system. He felt it would help provide a healthier lifestyle for the elderly and the disabled residents of the hotel.

Supervisor Day thanked Mr. Huckelberry for addressing all of her previous questions. She indicated she would be interested in seeing the contract with a non-profit agency for the renovations and operation of the hotel and how the conditions at the hotel would be improved. She said she was comfortable going

forward with the purchase because if certain conditions could not be met, the item would come back before the Board before any Bond funds were expended.

The Board took no action on this item, since it was heard in executive session.

14. **CALL TO THE PUBLIC**

The Chairman inquired whether anyone wished to be heard.

Gary Bahr addressed the Board regarding communication problems and lack of response from Animal Control and the Sheriff's Department regarding barking dogs.

Joe Sweeney addressed the Board on the issue of immigrations.

15. **ADJOURNMENT**

As there was no further Business to come before the Board, the meeting was adjourned at 10:00 a.m.