

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

December 1, 2009 9:00 a.m.

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

Presentation of a proclamation extending Pima County's appreciation to John L. Sullivan, Rangelands Program Manager from the Natural Resources, Parks and Recreation Department.

Motion carried to approve (5-0)

... EXECUTIVE SESSION

(Clerk's Note: As of the posting date of 11/25/09, no executive session item has been placed on the regular agenda. However, this is subject to any addendum.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

A. Real Property

Sale and conveyance of a right-of-way easement to Tucson Electric Power Company for the placement of electrical facilities located within Pima County Flood Control District owned land, Tax Parcel No. 104-01-3820 in Section 15, T13S, R13E, G&SRM. Revenue of \$160.00. (District 1)

Motion carried to approve (4-1)

B. Procurement-Award

Award of Contract, Requisition No. 0901778, to the Ashton Company, Inc. (Headquarters: Tucson, AZ) for a job order contract for flood control and drainage improvements. Contract is for a period of one year with the option to extend for two additional one year periods. The estimated cost for these services is approximately \$2,000,000.00 for the first term of the contract. Funding Source: Flood Control District Levy Fund. Administering Department: Regional Flood Control District.

Motion carried to approve (4-1)

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. COUNTY ADMINISTRATOR

UNFINISHED BUSINESS (RM 9/8/09, RM 10/20/09 and RM 11/3/09)

A. Proposed amendments to Personnel Policy 8-102 (A) (2) and (F) (3). Discussion/direction/action.

Motion carried to continue to 1/5/10 (5-0)

NEW BUSINESS

Proposed Revision to Board of Supervisors Policy

B. Staff requests approval of the proposed revision to Board of Supervisors' Policy No. C2.7, Weapons Prohibition in County Buildings and Vehicles.

Motion carried to continue for 120 days (5-0)

8. INDUSTRIAL DEVELOPMENT AUTHORITY

A. RESOLUTION NO. 2009 - **310**, 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 not to exceed

\$20,000,000.00 Taxable Water Revenue Bonds (Global Water Resources, L.L.C., Westside Utilities Project) Series 2009 and declaring an emergency.

Motion carried to approve (5-0)

- B. RESOLUTION NO. 2009 - **311**, 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 not to exceed \$60,000,000.00 Revenue Bonds (Tucson Medical Center) in one or more series from time to time and declaring an emergency.

Motion carried to approve (5-0)

- C. RESOLUTION NO. 2009 - **312**, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima and the Single Family Mortgage Revenue Bond Program of 2009 of the Industrial Development Authority of the County of Pima; approving standards and requirements related thereto; approving a general plan related thereto; approving program documents; and authorizing and approving the issuance of not to exceed \$50,000,000.00 the Industrial Development Authority of the County of Pima Single Family Mortgage Revenue Bonds, Series 2009 in one or more series or issues; and declaring an emergency.

Motion carried to approve (5-0)

9. **PIMA HEALTH SYSTEM**

Staff requests direction to provide written notice to Arizona Department of Health Services to terminate delegation of the licensing of the Adult Foster Care Homes effective February 1, 2010, and direction to take any and all necessary actions to implement this change in the current delegation agreement.

Motion carried to approve (5-0)

TRANSPORTATION

10. **Acceptance of Project/Roadway for Maintenance**

Co12-75-17B, San Joaquin Estates, Lots 208-212,226,229-235,250-255 and 268-287. Developer: SB Double J Investment Company. (District 3)

Motion carried to approve (5-0)

***** HEARINGS *****

FRANCHISE/LICENSE/PERMIT

Extension of Premises/Patio Permit

11. David James Williamson, Canoa Ranch Golf Club, 5800 S. Camino del Sol, Green Valley, Permanent Extension.

Motion carried to approve (5-0)

DEVELOPMENT SERVICES

Specific Plan Rezoning

12. Co23-08-03, SENDERO PASS SPECIFIC PLAN (REZONING)
Request of Tucson 738/Montecito Communities, represented by The Planning Center, for a rezoning of approximately 837 acres from RH (Rural Homestead) to SP (Specific Plans, Sendero Pass Specific Plan) on property located south of the intersection of Ajo Highway and W. Valencia Road in Sections 13 and 14, T15S, R11E. The proposed specific plan (rezoning) conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 4–2 (Commissioners Gungle and Poulos voted NAY, Commissioners Cook, Creasy-Klein, Membrila and Smith were absent) to recommend **APPROVAL of the specific plan per the staff recommendation**. Staff recommends **APPROVAL of the specific plan subject to the standard and special conditions as revised in the staff report and further revised at the Planning and Zoning Commission hearing**. (District 3)

Motion carried to approve as amended (5-0)

Appeal of Hearing Administrator's Decision

13. P21-09-022, PC ROW-WEST SPEEDWAY BOULEVARD
In accordance with Pima County Zoning Code Section 18.97, Fiore Iannacone appeals the decision of the Hearing Administrator in Case No. P21-09-022, to allow a Type I Conditional Use Permit for a communication tower/utility pole replacement and associated on-the-ground equipment area, in the Pima County right-of-way at 4453 W. Speedway Boulevard in the CR-2 zone. Chapter 18.97, in accordance with Sections 18.07.030H2.d.5 of the Pima County Zoning Code, allows a communication tower/utility pole replacement and associated on-the-ground equipment area, meeting certain conditions as a Type I Conditional Use in the CR-2 zone. The Hearing Administrator **APPROVED THE REQUEST SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 5)

Motion carried to approve the appeal (5-0)

Conditional Use Permits

14. P21-09-030, NORTHWEST FIRE DISTRICT – WEST ORANGE GROVE ROAD
Request of FM Group, (Jaime Weiss, applicant), on behalf of Northwest Fire District (property owners), on property at 1520 W. Orange Grove Road, in a CR-1 zone, for a Conditional Use Permit for a communication tower and associated on-the-ground equipment area. Chapter 18.97, in accordance with Section 18.07.030H.2.d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the CR-1 zone. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith, Cook, Creasy-Klein and Membrila were absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**.
(District 1)

Motion carried to approve (4-1)

15. P21-09-021, COTTONWOOD DE TUCSON INC. – WEST SWEETWATER DRIVE
Request of Cingular Wireless P.C.S., L.L.C., (Chad Blunt, applicant), on behalf of Cottonwood De Tucson, Inc. (property owners), on property at 4110 W. Sweetwater Drive, in a SR zone, for a Conditional Use Permit for a communication tower and associated on-the-ground equipment area. Chapter 18.97, in accordance with Section 18.07.030H.2.d of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SR zone. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voted NAY; Commissioners Smith, Cook, Creasy-Klein and Membrila were absent) to recommend **DENIAL**. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 3)

Motion carried to approve the denial (5-0)

Rezoning Resolution

16. RESOLUTION NO. 2009 - **313**, Co9-01-39, Hardin, et. al. – Oracle Road Rezoning. Owners: Oracle Road Auto Plaza, L.L.C. (District 1)

Without objection, this item was continued to 1/5/10

TRANSPORTATION

Right-of-Way Permit Fee Schedule

17. ORDINANCE NO. 2009 - **111**, of the Board of Supervisors, relating to public rights-of-way; amending Ordinance No. 1998-76 by establishing a new fee schedule for the issuance of Right-of-Way Permits; and repealing all previously adopted Right-of-Way Permit Fee Schedules. (All Districts)

Motion carried to approve (5-0)

18. **Traffic Ordinances**

- A. ORDINANCE NO. 2009 - **112**, of the Board of Supervisors, regulating parking of vehicles on the east and west side of Campbell Avenue from the City of Tucson limit, approximately 180-feet north of River Road to the south leg of Table Mountain Drive, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- B. ORDINANCE NO. 2009 - **113**, of the Board of Supervisors, regulating parking on the east and west side of Campbell Avenue from the south leg of Table Mountain Drive to the north leg of Table Mountain Drive, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- C. ORDINANCE NO. 2009 - **114**, of the Board of Supervisors, regulating parking on the east and west side of Campbell Avenue from the north leg of Table Mountain Drive to Ina Road, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- D. ORDINANCE NO. 2009 - **115**, of the Board of Supervisors, regulating parking on the north and south side of Manzanita Avenue from Placita Cielito Lindo to Campbell Avenue in front of Manzanita Elementary School, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- E. ORDINANCE NO. 2009 - **116**, of the Board of Supervisors, regulating traffic at the intersection of Bowman Road and Pinto Lane, in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

19. **CALL TO THE PUBLIC**

20. **ADJOURNMENT**

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

DATE POSTED: 11/25/09

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, DECEMBER 1, 2009

1. CONTRACTS AND AWARDS

A. Clerk of the Board

1. RESOLUTION NO. 2009 - **305**, approving an Intergovernmental Agreement with the Tanque Verde Valley Fire District, to provide digital imaging and micrographic services, revenue-per fee schedule (01-37-T-142514-1209)

B. Community Development and Neighborhood Conservation

2. RESOLUTION NO. 2009 - **306**, approving an Intergovernmental Agreement with the Arizona Board of Regents, to provide for the Social Justice Education Project for the term 10/1/09 to 9/30/10, CDBG Grant Fund, contract amount \$10,000.00 (01-70-A-142529-1009)

C. Community Services, Employment and Training

3. To provide emergency assistance to eligible low-income households for the term 7/1/09 to 6/30/10, Community Services Block Grant Fund:

<u>Vendor</u>	<u>Contract Amount</u>	<u>Contract No.</u>
Community Food Bank, Inc.	\$34,400.00	07-69-C-142505-0709
San Igancio Yaqui Council, Inc.	\$52,391.00	07-69-S-142506-0709
El Rio Santa Cruz Neighborhood Health Center, Inc.	\$50,000.00	07-69-E-142507-0709
Arizona Housing and Prevention Services, Inc.	\$49,620.00	07-69-A-142508-0709
Catholic Community Services, Inc., d.b.a St. Elizabeth's Clinic	\$50,000.00	07-69-C-142509-0709

4. Interfaith Community Services, 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, contract amount \$45,000.00 (07-69-I-142510-0709)

5. Wingspan, to provide emergency assistance to youth for the term 7/1/09 to 6/30/10, Community Services Block Grant Fund, contract amount \$49,116.00 (07-69-W-142511-0709)

D. Facilities Management

6. Keegan, Lindscott and Kenon, P.C., Amendment No. 4, to provide a Lease Agreement at 33 N. Stone, Suite 1100, amend contractual language and extend contract term to 1/31/13, contract amount \$619,634.96 revenue (04-13-K-139849-0194)
7. Menlo Park Neighborhood Association, to provide a Use Agreement for the grounds and guest house at 17 N. Linda Avenue, for rainwater harvesting and gardening projects, General Fund, contract amount \$240.00 (11-13-M-142501-1209)

E. Health Department

8. Three Points Fire District, Amendment No. 1, to provide secure storage for a Bio-Terrorism Preparedness Program trailer and extend contract term from 11/14/09 to 11/13/12, no cost (01-01-T-138733-1106)

F. Natural Resources, Parks and Recreation

9. Tucson Girls' Chorus Association, Inc., Amendment No. 1, to provide a Lease Agreement for the Berger House located at 4020 E. River Road, and extend contract term from 7/1/09 to 6/30/11, contract amount \$4,800.00 revenue (04-05-T-134993-0804)

G. Pima Health System

10. To provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Amend. No.</u>	<u>Contract No.</u>
Kindred Nursing Centers West, L.L.C., d.b.a. Villa Campana Health Care Center	9	18-15-K- 137034-1005

Santa Rita Care Center, L.L.C., d.b.a. Santa Rita Nursing and Rehabilitation Center	8	18-15-S- 137035-1005
Ensign Sabino, L.L.C., d.b.a. Sabino Canyon Rehabilitation and Care Center	5	18-15-E- 137038-1005
Villa Maria Care Center, L.L.C.	7	18-15-V- 137039-1005
SRVC – Rosa, L.L.C., d.b.a. Santa Rosa Care Center	11	18-15-S- 137045-1005
Handmaker Jewish Services for the Aging	5	18-15-H- 137063-1005

11. Glendale Healthcare Associates, L.L.C., d.b.a. Desert Sky Health and Rehabilitation Center, Amendment No. 1, to provide nursing facility services, amend contractual language and extend contract term from 11/1/09 to 10/31/10, PHCS Enterprise Fund, no cost (18-15-G-142334-0809)
12. Haven Behavioral Services of Tucson, L.L.C., d.b.a. Sonora Behavior Health Hospital, Amendment No. 7, to provide psychiatric hospital services, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, no cost (18-15-S-137218-0106)
13. Arizona Children’s Health Care Corporation, d.b.a. Los Niños Home Medical Services, Amendment No. 3, to provide a ventilator lease and supplies, amend contractual language and extend contract term from 11/15/09 to 11/14/10, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-A-139095-1106)
14. Genesis OB/GYN, P.C., Amendment No. 4, to provide obstetrical and gynecological services, amend contractual language and extend contract term to 11/30/10, PHCS Enterprise Fund, contract amount \$200,000.00 (18-15-A-139253-1206)
15. Dependable Medical Equipment, Inc., Amendment No. 4, to provide durable medical equipment and medical supplies, amend contractual language and extend contract term to 12/31/10, PHCS Enterprise Fund, no cost (07-15-D-140581-0108)
16. United Seating and Mobility, L.L.C., Amendment No. 1, to provide customized durable medical equipment, amend contractual language

and extend contract term to 12/31/10, PHCS Enterprise Fund, contract amount \$150,000.00 (07-15-U-141139-0708)

H. **Procurement**

17. HDR Engineering, Inc., Amendment No. 3, to provide roadway design engineering services for the La Cholla Boulevard: River Road to Ruthrauff Road Project and amend scope of work, Urban HURF Fund 48%; RTA Fund 52%, contract amount \$215,715.00 (16-04-H-139619-0607) Transportation.

Award

18. Low Bid: Award of Contract, Requisition No. 0902150, in the amount of \$2,559,280.00 to the lowest responsive bidder, A.R. Mays Construction, Inc. (Headquarters: Scottsdale, AZ) for the base bid including allowance, and all alternates for the renovation and expansion of the Murphy Wilmot Branch Library. The contract is for a fourteen month period and may be extended for project completion. Funding Source: 2004 Bond Fund. Administering Department: Facilities Management.

I. **Public Works Administration**

19. Tucson Pima Arts Council, to provide for the administration of the Pima County Public Arts Program, General, Capital Improvement, RTA and HURF Funds, contract amount \$129,600.00 (07-76-T-142513-1209)

J. **Regional Wastewater Reclamation**

20. RESOLUTION NO. 2009 - **307**, approving an Intergovernmental Agreement with the Pascua Yaqui Indian Tribe, to provide transfer of ownership and responsibility of certain sewer facilities within the Pascua Yaqui Indian Reservation, no cost (01-03-P-142517-1209)

K. **Sheriff**

21. RESOLUTION NO. 2009 - **308**, approving an Intergovernmental Agreement with the U.S. Department of Justice, to provide Community Oriented Policing Services (C.O.P.S.) technology, Federal Fund, contract amount \$200,000.00 revenue (01-11-J-142527-0309)
22. RESOLUTION NO. 2009 - **309**, approving an Intergovernmental Agreement with the Office of National Drug Control Policy, to provide

for the High Intensity Drug Trafficking Area Program (H.I.D.T.A.), Federal Grant Fund, contract amount \$2,003,262.00 revenue (01-11-O-142532-0109)

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

- A. Tina Lynn West, Ajo Council for the Fine Arts, 201 W. Esperanza, Ajo, November 28, 2009.
- B. John P. Kaster, VFW Post No. 10254, 10211 S. Sasabe Road, Tucson, November 28, 2009.
- C. Ruth Ann Dormanen, Catalina Crusaders, 16024 N. Oracle Road, Tucson, December 5, 2009.

REGIONAL WASTERWATER RECLAMATION

3. 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 cases 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 Agreements:

- A. Discount Tire Co., Inc., No. 2009-17. Proposed settlement amount is \$1,000.00.
- B. Little Caesar Enterprises Inc., No. 2009-14. Proposed settlement amount is \$391.65.
- C. Smith's Food and Drug Center, Inc., d.b.a. Fry's Food and Drug Stores, No. C2009-16. Proposed settlement amount is \$1,668.56.

4. SPECIAL TAXING DISTRICTS

- A. Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 10, 2009 Election conducted by the Flowing Wells Irrigation District.

B. Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 10, 2009 Election conducted by the Cortaro-Marana Irrigation District.

5. **RATIFY AND/OR APPROVE**

Minutes: October 6, 2009

Warrants: November, 2009

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

December 1, 2009 9:00 a.m.

... EXECUTIVE SESSIONS

Call to the Public (for Executive Session Items only)

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 the authorization to extend the agreement to toll the statute of limitations with respect to the claims of San Joaquin Investments, L.L.C., against Pima County that were originally approved by the Board of Supervisors on December 9, 2008.

Motion carried to accept recommendation (5-0)

- B. 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 Bunch V. Pima County, Tax Parcel No. 219-27-004K, Arizona Tax Court Case No. ST2009-000293.

Motion carried to accept recommendation (5-0)

- C. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Honea Heights sewer rehabilitation settlement.

Motion carried to accept settlement (5-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

RESOLUTION NO. 2009 - **314**, of the Board of Supervisors, recognizing the passing of Father Leo McCarthy, whose contributions to Salpointe Catholic High School and the lives of its students, as a past principal and in other capacities were significant, meaningful and appreciated. (District 5)

Motion carried to approve (5-0)

2. **COUNTY ADMINISTRATOR**

A. **Purchase of the Coronado Hotel**

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

Motion carried to continue to 12/8/09 (5-0)

B. **Naming of the Forensic Anthropology Laboratory**

Staff requests approval to name the Pima County Forensic Science Center Anthropology Laboratory as the "Walter H. Birkby Forensic Anthropology Laboratory."

Motion carried to approve (5-0)

3. **CONTRACT**

Institutional Health

Arizona Health Care Cost Containment System, Amendment No. 5, to provide for the payment of claims for inpatient hospital services to inmates and extend contract term from 10/1/09 to 9/30/10, General Fund, contract amount \$250,000.00 (01-65-A-136012-1004)

Motion carried to approve (5-0)

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

DATE POSTED: 11/27/09

TIME POSTED: 11:00 A.M.