

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

March 9, 2010 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Pastor Linda Nanninga, Desert Dove Christian Church.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

... **EXECUTIVE SESSION**

Call to the Public (for Executive Session items only)

Public discussion and action may occur on the executive session item listed below during the regularly scheduled meeting.

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

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

UNFINISHED BUSINESS (RM 10/13/09 and RM 1/19/10)

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 Nos. P08ZV00529, 1 and 3, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Continued to 4/13/10 (4/0)

B. **Appeal of Hearing Officer's Decision**

P08ZV00529-1 and 3, James Hessler

In accordance with the Pima County Zoning Code Section 18.95.030C, James Hessler, appeals the decision of the Hearing Officer in Case No. P08ZV00529-1,

for a violation of the Zoning Code, Sections 18.07.030C and 18.09.020Q, open storage of used materials, debris and inoperable vehicles; and Case No. P08ZV00529-3, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, contractor's yard not a permitted or conditional use in CR-1, on property located at 340 N. Hilton Road, Vail, AZ. (District 4)

Continued to 4/13/10 (4/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

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

A. **CALL TO THE PUBLIC (for Consent Calendar items only)**

B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve the Consent Calendar except item CC2 (4/0)

6. **BOARD OF SUPERVISORS**

Appointment to District 30, Arizona House of Representatives, to fill the unexpired term of Frank R. Antenori, Republican.

Continued to 3/16/10 (4/0)

TRANSPORTATION

7. **Acceptance of Projects/Roadways for Maintenance**

A. P1201-035, Canoa Ranch Public Offsite Improvements Phase I, Canoa Ranch Drive, Station 10+00 to 22+40. Developer: Monterey Homes Construction. (District 4)

Motion carried to approve (4/0)

B. P1201-035, Canoa Ranch Public Offsite Improvements Phase II, Canoa Ranch Drive, Station 22+40 to 38+50. Developer: Meritage Homes. (District 4)

Motion carried to approve (4/0)

REGIONAL WASTEWATER RECLAMATION

8. **Pretreatment Settlement Agreements**

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, RWRD Enterprise Fund.

- A. Ventana Grill, Inc., d.b.a. Risky Business Grill, Case No. 2009-25. Proposed settlement amount is in accordance with the Industrial Wastewater Enforcement Plan.

Motion carried to approve (4/0)

- B. Pizza Hut of Arizona, Inc., d.b.a. Pizza Hut Wingstreet, Case No. 2009-19. Proposed settlement is \$800.78.

Motion carried to approve (4/0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Agent Change/Acquisition of Control/Restructure

*(**Clerk's Note**: See Sheriff's Report)

- *9. 10-04-9016, Jonathan Frederick Bradford, Southwestern International Raceway, 12000 S. Houghton Road, Tucson, Agent Change/Acquisition of Control.

Motion carried to approve subject to Clerk's Note (4/0)

Liquor Licenses

10. 10-02-9014, Milton Elsworth Craig, Charron Vineyards, 18585 S. Sonoita Hwy., Vail, Series 13, Domestic Farm Winery, New License.

Motion carried to approve (4/0)

11. 10-02-9015, Eduardo Antonio Leon, The Retreat at Santa Rita Springs, 661 W. Calle Torres Blancas, Green Valley, Series 7, Beer and Wine Bar, Location Transfer.

Motion carried to approve (4/0)

Fireworks Permit

12. Lonnie Lister, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, April 25, 2010 at 8:30 p.m.

Motion carried to approve (4/0)

Extension of Premises/Patio Permits

13. Heidi Marietta Rogers, Firelite Lounge and Cafe, 2413 W. Wetmore Road, Tucson, Temporary Extension of Premises for March 13, 2010.

Motion carried to approve (4/0)

14. Ricardo Quintela, Mad Cow Bar, 2660 W. Ruthrauff Road, Tucson, Temporary Extension of Premises for March 27, 2010.

Motion carried to approve (4/0)

DEVELOPMENT SERVICES

15. Street Name Changes

Present

Proposed

- | | | |
|----|--|----------------|
| A. | Unnamed Easement/Road
Co14-09-011
(District 4) | Rex Molly Road |
|----|--|----------------|

Motion carried to approve (4/0)

- | | | |
|----|--|-------------------|
| B. | Portion of Camino Loma Alta
Co14-09-012
(District 4) | Camino Loma Vieja |
|----|--|-------------------|

Motion carried to approve (4/0)

- | | | |
|----|--|-------------------|
| C. | Portion of Camino Loma Alta
Co14-09-010
(District 4) | San Esteban Drive |
|----|--|-------------------|

Motion carried to approve (4/0)

REGIONAL WASTEWATER RECLAMATION

16. 2009/2010 Financial Plan

- A. Discussion/action/direction regarding the recommendations of the 2009/2010 Regional Wastewater Reclamation Department Financial Plan.

B. Pima County Code Text Amendment

ORDINANCE NO. 2010 - 11, of the Pima County Board of Supervisors, relating to Wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees and Title 13, Chapter 20, Sanitary Sewer Construction, Connections and Fees.

- C. Staff recommends the following:

1. Limit annual increases in the Regional Wastewater Reclamation Department operating expenditures to 3.4% of the previous year's actual expenditures.

2. Direct the Finance and Risk Management Department to use available unrestricted cash generated from the rate increases to pay down the principal of existing debt.
3. Direct the Finance and Risk Management Department to report by March 31 each year to the Board of Supervisors on the annual review and analysis of the rates and financial status of the Regional Wastewater Enterprise Fund with recommendations for maintaining or altering adopted rates.

Motion carried to approve items 16A-C with additional direction (4/0)

TRANSPORTATION

17. Traffic Ordinances

- A. ORDINANCE NO. 2010 - **12**, of the Board of Supervisors, establishing prima facie speed limits on Massingale Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (4/0)

- B. ORDINANCE NO. 2010 - **13**, of the Board of Supervisors, establishing prima facie speed limits on Melpomene Way in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

Motion carried to approve (4/0)

- C. ORDINANCE NO. 2010 - **14**, of the Board of Supervisors, designating Spiney Lizard Lane as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (4/0)

- D. ORDINANCE NO. 2010 - **15**, of the Board of Supervisors, establishing prima facie reasonable speed limits on Painted Hills Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 5)

Motion carried to approve (4/0)

18. CALL TO THE PUBLIC

19. ADJOURNMENT

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 3/3/10
TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, MARCH 9, 2010

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2010 - 47, approving an Intergovernmental Agreement with the Arizona Department of Housing, to provide for the Pima County Homeless Management Information System, Arizona Department of Housing Fund, contract amount \$25,000.00 revenue (01-70-A-142764-0310)
2. Non-Profit Industries, Inc., to provide for the development and administration of a web based portal access service for potential clients under the HUD ARRA Homeless Prevention Program for the term 10/1/09 to 9/30/12, HUD Fund, contract amount \$37,000.00 (02-70-N-142769-1009)

B. Community Services, Employment and Training

3. RESOLUTION NO. 2010 - 48, approving an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide for integrated employment and training services, DES Fund, no cost (01-69-A-142771-0310)

C. County Administrator

4. U.S. Fish and Wildlife Services, Amendment No. 7, to provide biological analysis for the Sonoran Desert Conservation Plan for the term 1/1/10 to 4/1/11, no cost (01-30-U-127164-1099)

D. Health Department

5. Arizona Early Childhood Development and Health Board, Amendment No. 1, to provide for childcare health consultation services, Arizona Early Childhood Development and Health Board (First Things First) Fund, \$20,000.00 revenue (02-01-A-142244-0709)

E. Pima Health System

6. Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 10, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-137036-1005)

7. Apria Healthcare, Inc., Amendment No. 2, to provide durable medical equipment and amend contractual language for the term 1/1/10 to 12/31/10, PHCS Enterprise Fund, contract amount \$350,000.00 (07-15-A-141138-0808)
8. Apria Healthcare, Inc., Amendment No. 3, to provide durable medical equipment and amend contractual language, PHCS Enterprise Fund, no cost (07-15-A-141138-0808)
9. Tucson Medical Center, to provide hospital services for the term 5/1/09 to 12/31/10, PHCS Enterprise Fund, contract amount \$15,000,000.00 (18-15-T-142766-0509)

F. Procurement

Awards

10. Cooperative Procurement: Award of Contract, Requisition No. 1000671 in the amount of \$9,579,689.00 to CRM of America, Inc., (Headquarters: Queen Creek, AZ) for loading, hauling and disposing/recycling of passenger, semi-truck and off-road tires. The initial term of this agreement is for an eight year period with the option to renew. Funding Source: Solid Waste Management. Administering Department: Department of Environmental Quality/Solid Waste Management Division.
11. Amendment of Award: American Traffic Solutions, Inc., B506226, Revision No. 3, to provide Photo Traffic Enforcement Program services, extend contract term to 1/5/11, increase rates, increase award in the amount of \$500,000.00. Funding Source: General Fund. Administering Department: Sheriff.
12. Low Bid: Award of Contract, Requisition No. 1000742, in the amount of \$416,146.00 to the lowest responsive bidder, Granite Construction Company, Inc., (Headquarters: Watsonville, CA), for pavement preservation on a segment of Flowing Wells Road. The contract term is six months with the ability to extend the term for contract completion. Construction is to be complete within 45 working days from the Notice to Proceed. Funding Source: American Recovery and Reinvestment Act of 2009 (ARRA). Administering Department: Transportation.

G. Public Works

13. RESOLUTION NO. 2010 - 49, approving an Intergovernmental Agreement with the Arizona Board of Regents, University of Arizona, for the conveyance of property for the development of the Julian Wash Linear

Park Project, 2004 Bond Fund, contract amount \$38,800.00 (01-76-A-142772-0310)

H. Sheriff

14. Arizona Department of Homeland Security, Amendment No. 1, to provide for the Pima County Wireless Integrated Network Project for the term 4/1/10 to 8/31/10, Federal Fund, no cost (01-11-A-141066-1007)
15. Arizona Department of Homeland Security, Amendment No. 2, to provide for the Pima County Wireless Integrated Network Project for the term 9/1/10 to 6/30/11, Federal Fund, no cost (01-11-A-141066-1007)
16. Town of Marana, Amendment No. 1, to provide for the incarceration of municipal prisoners and amend contractual language for the term 7/1/09 to 6/30/10, General Fund, no cost (01-11-M-142092-0709)

2. DIVISION OF ELECTIONS

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Upchurch, Jan M.	425	REP **
French, Kasi	157	REP
Haney, Delmer D.	175	REP
Bennet-Alder, Evalyn	291	DEM
Atha, David	394	REP
Atha, Helene	394	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Bales, Jeffrey D.	009	REP
Bennet-Alder, Evalyn	030	DEM
Masseth, Derek A.	127	REP
Peate, Wayne F.	179	REP
Gibbons, Nancy	264	REP
Woodrow, Thomas A.	298	REP
Erceg, Joseph M.	330	REP

**This item was withdrawn from the agenda.

3. **BOARD, COMMISSION AND/OR COMMITTEE**

Metropolitan Education Commission

- A. Appointments: Javier Herrera, Minority Group (AZ Hispanic Community Forum) to replace Richard Fimbres; and Dr. Daisy Rodriguez Pitel, Minority Group (Pan Asian American Community) to replace Maria Hooker. Term expirations: 2/16/13. (Commission recommendations)
- B. Reappointment: William E. Ardern, Metropolitan Chamber of Commerce. Term expiration: 2/16/13. (Commission recommendation)

FINANCE AND RISK MANAGEMENT

4. **Duplicate Warrant – For Ratification**

Physician Sales and Service \$76.78

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

Lacey Thompson De Leon, Boys and Girls Clubs of Tucson, 2905 E. Skyline Drive, Tucson, April 18, 2010.

6. **RATIFY AND/OR APPROVE**

Minutes: January 12, 2010

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

March 9, 2010 9:00 a.m.

... EXECUTIVE SESSION

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.

Pursuant to A.R.S. § 38-431.03(A) (3) and (4), for legal advice and direction regarding approval of tax appeal settlement recommendations for the following:

- A. Weaver v. Pima County
Tax Parcel No. 205-75-3770
Arizona Tax Court Case No. ST2009-000666

Motion carried to accept the recommendation (4/0)

- B. Lehman v. Pima County
Tax Parcel No. 114-35-1020
Arizona Tax Court Case No. ST2009-000535

Motion carried to accept the recommendation (4/0)

- C. Jess v. Pima County
Tax Parcel No. 122-12-327A
Arizona Tax Court Case No. ST2009-000781

Motion carried to accept the recommendation (4/0)

- D. Thomas v. Pima County
Tax Parcel No. 140-37-6050
Arizona Tax Court Case No. ST2009-001803

Motion carried to accept the recommendation (4/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. CONTRACTS

A. Community Services, Employment and Training

Arizona Department of Economic Security, Amendment No. 16, to provide assistance/eviction prevention services, Arizona Department of Economic Security Grant Fund, \$354,140.00 revenue (01-69-A-136291-0705)

Motion carried to approve (4/0)

B. Finance and Risk Management

Greenberg Traurig L.L.P., to provide special counsel services for sewer system obligations for the term 3/1/10 to 2/28/11, Regional Wastewater Reclamation Department Enterprise Fund, contract amount not to exceed \$300,000.00 (07-09-G-142811-0310)

Motion carried to approve (4/0)

2. FINANCE AND RISK MANAGEMENT

RESOLUTION NO. 2010 - **50**, authorizing the Chairman of the Board of Supervisors, the County Administrator and the Finance Director to cause the sale and execution and delivery pursuant to a Series 2010 Obligation Indenture of Sewer System Revenue Obligations, Series 2010, in an aggregate principal amount not in excess of \$165,000,000.00, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by Pima County, Arizona, pursuant to a Series 2010 Purchase Agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate as part of purchasing property to be part of the sewer system of the County and payment of related financing costs including the delegation to the Chairman of the Board of Supervisors, the County Administrator and the Finance Director of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such Series 2010 Obligations and ordering the sale of such Series 2010 Obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such Series 2010 Obligations and authorizing the Finance Director to expend all necessary funds therefore.

Motion carried to approve (4/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 3/5/10
TIME POSTED: 11:00 A.M.