

## AGENDA SUMMARY

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

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

**September 20, 2011 9:00 a.m.**

**1. ROLL CALL**

**2. INVOCATION**

To be offered by Father Miguel Mariano, St. Joseph Catholic Church.

**3. PLEDGE OF ALLEGIANCE**

**4. PAUSE 4 PAWS**

**... 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 pre-litigation requests for guidance on the following parcels:

1. American Red Cross, Tax Parcel No. 140-41-015A

Motion carried to approve (4-1)

2. Four Peterson, L.L.C., Tax Parcel No. 117-11-0980

Motion carried to approve (4-1)

B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement of the following cases in the Arizona Tax Court:

1. AR Silver Bell, Inc. v. Pima County and ADOR, Arizona Tax Court Case No. TX2007-000596 and TX2010-000958 (Silver Bell Mine, Tax ID No. 51-901)

Motion carried to approve (5-0)

2. Bank of America v. Pima County, Arizona Tax Court Case No. TX2010-001328, Tax Parcel No. 219-10-1100

Motion carried to approve (4-1)

3. CJR at Valley Verde, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-000673, Tax Parcel No. 303-33-5580

Motion carried to approve (5-0)

4. Insight Homes, Inc. et al. v. Pima County, Arizona Tax Court Case No. TX2010-001304, Dove Mountain III – 22 Parcels; Dove Mountain IV – 18 Parcels; Caddis Haley Estates – 95 Parcels

Motion carried to approve (5-0)

5. MSA 1 L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-000695, Tax Parcel No. 221-05-150L

Motion carried to approve (5-0)

6. 3200 N. First Avenue Ltd. Partnership v. Pima County, Arizona Tax Court Case No. TX2010-000715, Tax Parcel No. 113-04-148A

Motion carried to approve (5-0)

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

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

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

#### **UNFINISHED BUSINESS (RM 8/15/11)**

##### **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 No. P11CV00002-1, Life Enrichment Poverty Intervention. The Board may also, during the course of the hearing and upon motion, enter into executive session.

Executive session was not held.

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

#### **P11CV00002-1, LIFE ENRICHMENT POVERTY INTERVENTION**

In accordance with the Pima County Zoning Code Section 18.95.030C, Life Enrichment Poverty Intervention, Raymond Lockwood, the defendant, appeals the decision of the Hearing Officer in Case Number P11CV00002-1. The citation

was for a violation of the Zoning Code Section 18.09.020Q (open storage-burnt structure and all the debris from the fire damage). (District 3)

Staff reported this case was in compliance. No Board action was taken

### **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 (5-0)

6. **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 2011 qualify for exemption under the applicable statutes and requests the Board of Supervisors redeem the waivers.

Motion carried to approve (5-0)

7. **PROCUREMENT**

#### **Appeal of Procurement Director's Decision**

Pursuant to Pima County Code Section 11.20.010(J), Johnson Scientific, appeals the decision of the Procurement Director regarding Solicitation No. 1101846 – Lab Equipment.

Motion carried to uphold the Procurement Directors Decision. (5-0)

8. **REGIONAL WASTEWATER RECLAMATION**

#### **Pretreatment Settlement Agreement**

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

China Star Super Buffet, Case No. C2011-04. Proposed settlement amount of \$1,148.72.

Motion carried to approve (5-0)

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

**FRANCHISES/LICENSES/PERMITS**

**Liquor Licenses**

9. 11-24-9084, Roger Kenneth Burton, Giant No. 6631, 5000 E. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (5-0)

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

- \*10. 11-25-9086, Scott Bradley Mencke, The Beached Ale, 5689 N. Swan Road, Tucson, Series 12, Restaurant, New License.

Motion carried to approve (5-0)

**DEVELOPMENT SERVICES**

**Rezoning Closure/Time Extension**

11. Co9-97-25, WANSLEE – LA CHOLLA BOULEVARD REZONING

- A. Proposal to close Co9-97-25, a rezoning from SR (Suburban Ranch) to TR (Transitional) of approximately 3.51 acres located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. The rezoning was conditionally approved in 1997 and expired on November 18, 2007. Staff recommends **AGAINST CLOSURE FOR 2.58 ACRES AND APPROVAL OF CLOSURE FOR 0.93 ACRES.** (District 1)

Motion carried to approve (5-0)

- B. Request of Chasm Investments, L.L.C., represented by Lenity Group, for a six year time extension for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The subject site is 3.51 acres and was rezoned in 1997. The rezoning expired on November 18, 2007. The site is located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. Staff recommends **APPROVAL OF A SIX-YEAR TIME EXTENSION FOR 2.58 ACRES WITH ORIGINAL STANDARD AND SPECIAL CONDITIONS.** (District 1)

Motion carried to approve (5-0)

\*(**Clerk's Note:** Staff requests that Regular Agenda Item Nos. 12 and 13 be heard as one case with separate motions.)

### **Modification (Substantial Change) of Rezoning Conditions**

\*12. Co9-97-25, WANSLEE – LA CHOLLA BOULEVARD REZONING

Request of Chasm Investments, L.L.C., represented by Lenity Group, for a modification (substantial change) of the following rezoning conditions:

- No. 9 which requires adherence to the preliminary development plan as approved at public hearing for professional (medical) offices. The applicant requests to modify the plan to allow an assisted living center (Alzheimer's/memory care facility).
- No. 13 which restricts use to a medical and professional office not to exceed 10,000 square feet. The applicant requests to modify the condition to allow the use of an assisted living center (Alzheimer's/memory care facility) not to exceed 33,000 square feet.

The subject site is 3.51 acres zoned TR (Transitional) and is located on the west side of La Cholla Boulevard, approximately 1/4 mile north of Oracle Jaynes Station Road and 1/2 mile south of Orange Grove Road. On motion, the Planning and Zoning Commission voted 10-0 to recommend **APPROVAL WITH MODIFIED CONDITIONS**. Staff recommends **APPROVAL WITH MODIFIED CONDITIONS**. (District 1)

Motion carried to approve (5-0)

### **Rezoning**

\*13. Co9-11-07, WEINBERG 50%, ET AL. – LA CHOLLA BOULEVARD REZONING

Request of Mark and Linda Weinberg 50% and David Huebner 50%, represented by Mark Weinberg, for a rezoning of approximately 0.93 acre from SR (Suburban Ranch) to TR (Transitional), on property located approximately 230 feet west of La Cholla Boulevard and approximately 200 feet north of Oracle Jaynes Station Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 10-0 to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve (5-0)

### **Lot Split**

14. Co9-95-28, FEHSER/CARLSON – AJO HIGHWAY REZONING

Request of John Fehser and Zeke Carlson, L.L.C., represented by John R. Heim, for a lot split. The applicant requests to split an approximately 2.68 acre parcel into two

parcels of approximately 1.53 and 1.15 acres. Rezoning Condition No. 5 requires that there be no further subdividing or splitting without the written approval of the Board of Supervisors. The subject parcel is zoned CB-1 and CB-2 and is located on the north side of Ajo Highway, immediately west of Comanche Road. Staff recommends **APPROVAL WITH CONDITIONS**. (District 3)

Motion carried to approve (5-0)

### **Zoning Code Text Amendments**

15. Co8-10-08, ADULT CARE HOME SERVICE

An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code, Title 18 by amending Chapters 18.03 (General Definitions) to add a definition for adult care home service, and 18.09 (General Residential and Rural Zoning Provisions) to increase the number of employees allowed for child care home service and to apply development standards for child care home service to adult care home service. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Cook was not present for the vote) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011- **59**,

Motion carried to approve (5-0)

16. Co8-11-04, ADAPTIVE REUSE

An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code, Title 18 by amending Section 18.03.020 (Definitions) to add a definition for adaptive reuse, and amending Chapter 18.09 (General Residential and Rural Zoning Provisions) to allow adaptive reuse as a Type I Conditional Use in residential and rural zones and to add development standards, conditions and procedures for adaptive reuse. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Cox-Golder and Neeley were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2011- **60**,

Motion carried to approve (5-0)

## TRANSPORTATION

### 17. Traffic Ordinances

- A. ORDINANCE NO. 2011-61, of the Board of Supervisors, regulating the parking of vehicles on Snyder Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- B. ORDINANCE NO. 2011-62, of the Board of Supervisors, regulating the parking of vehicles on Calle Del Pantera in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- C. ORDINANCE NO. 2011-63, of the Board of Supervisors, regulating the parking of vehicles on Eunice Street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- D. ORDINANCE NO. 2011-64, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Twin Lakes Drive in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- E. ORDINANCE NO. 2011-65, of the Board of Supervisors, regulating the parking of vehicles on Massingale Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- F. ORDINANCE NO. 2011-66, of the Board of Supervisors, regulating the parking of vehicles on Swan Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

- G. ORDINANCE NO. 2011-67, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Valencia Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 2, 3, 4 and 5)

Motion carried to approve (5-0)

18. **Traffic Resolution**

RESOLUTION 2011- **150**, of the Pima County Board of Supervisors, permitting the temporary closure of street segments on Ajo Well No. 1 Road, Fundicion Street, La Mina Avenue, Lomita Avenue and Plaza Street in Ajo, Arizona, for a parade on September 21, 2011. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (5-0)

19. **CALL TO THE PUBLIC**

20. **ADJOURNMENT**

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

DATE POSTED: 9/14/11

TIME POSTED: 5:00 p.m.

## CONSENT CALENDAR, SEPTEMBER 20, 2011

### 1. CONTRACTS

#### A. Community Development and Neighborhood Conservation

1. Southern Arizona AIDS Foundation, Amendment No. 1, to provide for the Positive Directions Housing Program and amend contractual language, Federal HOPWA Grant Fund, contract amount \$22,332.00 (CT-CD-12000990)
2. New Beginnings for Women and Children, to provide for the CASA for Families II Supportive Housing Program for the term 7/1/11 to 6/30/12, SHP Grant Fund, contract amount not to exceed \$142,364.00 (CT-CD-12001222)

#### B. Procurement

3. Stat-Med, Inc., Amendment No. 2, to provide specialized durable medical equipment and amend contractual language, no cost (CT-PH-CMS142733) Pima Health System
4. KCI, USA, Inc., Amendment No. 2, to provide specialized durable medical equipment and amend contractual language, no cost (CT-PH-CMS142782) Pima Health System
5. Quest Civil Constructors, Inc., Amendment No. 1, to provide a job order contract for wastewater plant construction and rehabilitation repair services and amend contractual language, RWRD Obligation Fund, contract amount \$1,500,000.00 (MA-PO-DNC0000001) Regional Wastewater Reclamation
6. The Ashton Company, Inc., Amendment No. 1, to provide a job order contract for wastewater plant construction and rehabilitation repair services and amend contractual language, RWRD Obligation Fund, contract amount \$1,500,000.00 (MA-PO-DNC0000001) Regional Wastewater Reclamation

#### C. Real Property

7. Tucson Small School Project, Amendment No. 1, to provide a lease agreement for property located at 2405 S. Cottonwood Lane, extend contract term to 10/9/26 and amend contractual language, no cost (CTN-PW-12000118) Public Works

**D. Transportation**

- 8. Union Pacific Railroad, to provide for the reconstruction and widening of the existing Valencia Road Overpass Grade Separated Road Crossing at Railroad Mile Post 992.14 – Lordsburg Subdivision, RTA Fund, contract amount \$325,000.00 (CT-TR-12001309)

**2. ELECTIONS DEPARTMENT**

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Laura D. Donnelly	299	REP
William L. Farmer	393	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Esther D. Sharif	107	DEM
Claire S. Coon	141	DEM
Anne M. Crews	372	DEM
James M. Oien	126	REP
Patrick D. Riley	126	REP
Steve R. Gallego	161	REP
Cassandra L. Tourville	198	REP
Dustin J. York	284	REP
Rebecca S. Loporto	312	REP
James E. Jackson	313	REP
Denice A. Jackson	313	REP
Darwin K. Thornton	384	REP
Kathy M. Bodkin	411	REP
Janet Kreiling	415	REP

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

**Pima County/Tucson Commission on Addiction, Prevention and Treatment**

- A. Appointments of Margaret Palmer, Pastor Larry Munguia, Stephania O'Neill, Mary Jo Silcox, and Patti Caldwell. Term expirations: 9/30/13. (Commission Recommendations)
- B. Reappointments of Carl Bedford and Margaret Higgins. Term expirations: 9/30/13. (Commission Recommendations)

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

Mary J. Redden, Tucson Roller Derby, 5120 S. Julian Drive, Tucson, September 17, October 15, November 19 and December 17, 2011.

## **FINANCE AND RISK MANAGEMENT**

### **5. Duplicate Warrants – For Ratification**

Harley Kurlander	\$	11,890.00
David Theel	\$	273.00
Hunter Contracting Co.	\$	8,242.00
DVA Renal Healthcare, Inc.	\$	4,895.67
Lago Del Oro Valley Water Company	\$	45.82
Inter-Metro Industries Corporation	\$	39,275.42
Staples Advantage	\$	5,583.19
Arizona Juvenile Detention Administrator's Assoc.	\$	50.00
Jim Doyle	\$	188.50
Anne Smith	\$	350.00
Southern Arizona Neuropsychology	\$	352.32
Three Points Fire District	\$	33,096.00

### **6. REAL PROPERTY**

#### **Modification of Easements**

Acceptance of the modification of certain easements dedicated to Pima County by Eastpointe Commercial Center, located within Section 11, T14S, R15E, G&SRM. No revenue. (District 4)

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

Minutes: August 2, 2011

## ADDENDUM SUMMARY

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

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

**September 20, 2011 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 Oracle Linda Vista Investors L.L.C. v. Pima County, Arizona Tax Court Case No. TX2011-000091, Tax Parcel Nos. 224-31-010C and D.

Motion carried to approve (5-0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Marana 670 Holdings L.L.C. v. Pima County, Arizona Tax Court Case No. TX2010-001120, Tax Parcel Nos. 216-40-003 through 662 and 215-13-005K for a total of 571 parcels.

Motion carried to approve (5-0)

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

##### **1. COUNTY ADMINISTRATOR**

###### **A. Ballot Scanning Pilot Study**

Staff requests direction to prepare correspondence to the Secretary of State as a preliminary expression of Pima County's interest in participating in the Ballot Scanning Pilot Study. The Board reserves the right to review the final RFP and implementation process prior to approving Pima County's participation in the study.

Motion carried to approve (4-0)

**B. Borderlands Theater**

Staff recommends approval of an allocation from the Board Contingency Fund in the amount of \$10,000.00 for Borderlands Theater programs.

Motion carried to approve (5-0)

**2. DEVELOPMENT SERVICES**

**Final Plats with Assurances**

A. P1211-001, Las Campanas Block C, Phase 1, Lots 1-22 and Common Area "A" (Drainage Channel/Open Space), Common Area "B" (Landscape Area) and Common Area "C" (Common Driveway). (District 4)

Motion carried to approve (5-0)

B. P1206-149, Canoa Preserve, Lots 1-80, Tract F, Tract G, Common Area "A" Natural Open Space (NOS)/Floodplain, Common Area "B" Functional Open Space (FOS), "C" (Monument), Common Area, Common Area "E" (Roadway Disturbance) and Common Area "F" (Riparian Mitigation). (District 4)

Motion carried to approve (5-0)

**3. ECONOMIC DEVELOPMENT AND TOURISM**

**Arizona-Sonora Desert Museum**

Pursuant to the Lease Agreement, the Arizona-Sonora Desert Museum requests approval of the modifications and alterations to the Aquatic Exhibits Room for the Gulf of California Gallery Project.

Motion carried to approve (5-0)

**4. CONTRACT**

**Community Development and Neighborhood Conservation**

Primavera Foundation, Inc., to provide for the CASA for Families II Supportive Housing Program for the term 7/1/11 to 6/30/12, SHP Grant Fund, contract amount not to exceed \$90,192.00 (CT-CD-12001264)

Motion carried to approve (5-0)

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

A. **Canoa Ranch Community Trust/Oversight Committee**

Appointment of Dinah Bear, Alternate to Nan Walden. No term expiration.  
(District 4)

Motion carried to approve (5-0)

B. **Parks and Recreation Commission**

Reappointment of Anita Kellman. Term expiration: 6/30/17. (District 4)

Motion carried to approve (5-0)

**\*\*\* HEARING \*\*\***

**FRANCHISE/LICENSE/PERMIT**

**Fireworks Permit**

6. Joel Bacalia, Catalina Foothills High School, 4300 E. Sunrise Drive, Tucson, September 30, 2011 at approximately 7:00 p.m.

Motion carried to approve (5-0)

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

DATE POSTED: 9/16/11

TIME POSTED: 11:00 a.m.