AGENDA, BOARD OF SUPERVISORS' MEETING

BOARD OF SUPERVISORS' HEARING ROOM

130 W. CONGRESS, 1ST FLOOR

MAY 17, 2005  9:00 A.M.

1. ROLL CALL

2. INVOCATION

3. PLEDGE OF ALLEGIANCE

4. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Jacalyn Askin, Chairman of the Board, Community Food Bank, proclaiming June 7, 2005 to be:

"NATIONAL HUNGER AWARENESS DAY"

... EXECUTIVE SESSIONS

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

(CLERK'S NOTE: See Zoning Enforcement Board of Appeals.)

A. Pursuant to A.R.S. '38-431.03(A)(3) and (4), for legal advice and direction regarding a settlement proposal for Leap Wireless International, Inc., and Cricket Communications, Inc., et. al.; Case No. 03-03470; Chapter 11 Bankruptcy in the United States Bankruptcy Court for the Southern District of California.

Approved 5/0

Accept County Attorney recommendation 5/0
B. Pursuant to A.R.S. '38-431.03(A)(3) and (4), for legal advice and direction regarding revised settlement recommendations on the following cases:

1. Breakers ’95, L.L.C., a Limited Liability Company  
   Tax Parcel No. 216-08-0160  
   Arizona Tax Court Case No. TX2004-000190

2. Breakers ’95, L.L.C., a Limited Liability Company  
   Tax Parcel No. 216-08-0160  
   Arizona Tax Court Case No. TX2004-000631

3. Harvey B. Evenchik Trust  
   Tax Parcel No. 134-09-013B  
   Superior Court Case No. C2003-0381

   Tax Parcel No. 117-20-015A  
   Superior Court Case No. C2004-5784

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

CONTRACTS

A. RESOLUTION NO. 2005 - FC 10, approving an Intergovernmental Agreement between Pima County and the Pima County Flood Control District, to provide for joint and cooperative funding of the River Road: Campbell Avenue to Alvernon Way and Alvernon Way: Fort Lowell Road to River Road Improvement Project, Flood Control District Tax Levy Fund, contract amount $2,030,000.00 (01-59-P-136031-0505)

B. The Heirs and Devisees of the Estate of Kim K. Andrews, to provide an acquisition agreement for a 9,010 square foot parcel with a 770 square foot mobile home, Tax Parcel No. 140-23-2870, Flood Control District Tax Levy Fund, contract amount not to exceed $51,863.00 including closing costs (22-64-A-136047-0505) Real Property

Approved 4/0

Approved 5/0
C. O. Chad Cottrell, a.k.a. Orlan Chad Cottrell and Sharon W. Cottrell, to provide an acquisition agreement for 2.02 acre parcel of
vacant land, Tax Parcel No. 222-31-026C, located in a portion of the Southeast Quarter of Section 10, T11S, R14E, in accordance with the CDO Pre-Flood Hazard Mitigation Project, Floodprone Land Acquisition Fund, contract amount not to exceed $59,958.00 including closing costs (22-64-C-136054-0505) Real Property

... ZONING ENFORCEMENT BOARD OF APPEALS

A. EXECUTIVE SESSIONS

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 the following cases:

1. P04ZV00571-1 and 2, Michael William Ninnemann

2. P04ZV00402, Edgar G. Hughes

3. P04BV00108, Buelah Viola Smith Trust

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

B. APPEALS OF HEARING OFFICER DECISIONS

1. P04ZV00571-1 AND 2, MICHAEL WILLIAM NINNEMANN

In accordance with the Pima County Zoning Code, Section 18.95.030.C, Michael William Ninnemann, defendant, appeals the decision of the Hearing Officer in Case Nos. P04ZV00571-1 and 2. Citation P04ZV00571-1 regards a violation of Pima County Zoning Code, Sections 18.03.020.J, junkyard; 18.19.010, permitted uses; and 18.19.020, conditional uses. Citation P04ZV00571-2 regards a violation of
Pima County Zoning Code, Section 18.07.030.C,
open storage; 18.19.010, permitted uses; and 18.19.020, conditional uses, on property located at 6845 N. Blue Boulevard. (District 3)

2. **P04ZV00402, EDGAR G. HUGHES**

In accordance with the Pima County Zoning Code, Section 18.95.030.C, Edgar G. Hughes appeals the decision of the Hearing Officer in Case No. P04ZV00402, regarding a violation of Pima County Zoning Code, Section 18.07.030.C, open storage, on property located at 12100 W. Mile Wide Road. (District 3)

3. **P04BV00108, BUELAH VIOLA SMITH TRUST**

In accordance with the Pima County Zoning Code, Section 18.95.030.C, Beulah Viola Smith Trust, c/o Don Davis, through its legal counsel Thompson-Krone, P.L.C., Evan L. Thompson, appeals the decision of the Hearing Officer in Case No. P04BV00108, regarding a violation of Section 301, construction without a permit; Section 305.4, failure to comply with a correction notice; and Section 308, connection to utilities, on property located at 4570 W. Valencia Road. (District 5)

**BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

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

A. Call to the Public

B. Approval of Consent Calendar
6. **DEPARTMENTAL BUDGET HEARINGS**

A. County Administration Departments

B. Community and Economic Development Departments

C. Justice and Law Enforcement Departments

D. Medical Services Departments

E. Public Works Departments

7. **COUNTY ADMINISTRATOR**

RESOLUTION NO. 2005 - **105**, consenting to annexation by the Town of Marana, Arizona, of certain Cortaro Farms Road right-of-way located adjacent to existing Town limits and between Cerius Stravenue and the centerline of Hartman Lane in Section 26, T12S, R12E, G&SRM.

**UNFINISHED BUSINESS**

8. **CONTRACTS AND AWARDS**

A. **COMMUNITY RESOURCES** (RM 5/10/05)

   1. Community Extension Program, Inc., Amendment No. 1, to provide for the after school and summer elementary school based recreation programs, General Fund, contract amount $3,000.00 (11-67-C-135075-0804)

   2. Altar Valley School District, Amendment No. 2, to provide for the after school and summer elementary school based recreation programs, General Fund, contract amount $16,491.20 (01-67-A-135178-0804)
B. **TRANSPORTATION** (RM 5/3/05)

Mount Lemmon Fire District, Amendment No. 2, to provide removal of standing and fallen burned trees and associated debris from County lands and extend contract term to 6/30/06, HURF Fund, contract amount $320,000.00 (01-04-M-134487-0404)

**NEW BUSINESS**

9. **INDUSTRIAL DEVELOPMENT AUTHORITY**

RESOLUTION NO. 2005 - 106, 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 $3,000,000.00 Education Revenue Bonds (Arizona Charter Schools Project), Series 2005 M and N and declaring an emergency.

**PUBLIC WORKS**

**NATURAL RESOURCES, PARKS AND RECREATION**

10. RESOLUTION NO. 2005 - 107, of the Pima County Board of Supervisors, approving applications for reimbursement from the Transportation Enhancement Program (TEA-21) Round 13 for extensions to the Canada Del Oro River Park and the Santa Cruz River Park.

* * * HEARINGS * * *

**FRANCHISES/LICENSES/PERMITS**

**LIQUOR LICENSES**

11. 05-13-8795, Virginia Hagen Knox, Universal Ranch Store, 15785-A W. Universal Ranch Road, Arivaca, Series 10, Beer and Wine License, New License.

12. 05-14-8796, H. J. Lewkowitz, Westin La Paloma Hotel, 3800 E. Sunrise Drive, Series 6, Bar
License, Person Transfer.


*(Clerk’s Note: Zoning Inspector’s Report requires applicant to satisfy the requirements of Section 18.43.030(G) of the Pima County Zoning Code which requires a Type I Conditional Use Permit.)*

14. 05-16-8798, Elizabeth Ann Montgomery, Montgomery’s Grill and Saloon, 13150 E. Colossal Cave Road, No. 9, Vail, Series 12, Restaurant License, New License.

15. 05-17-8799, Robert Brian McMahon, Torres Blancas Golf Club, 3233 S. Abrego Drive, Green Valley, Series 6, Bar License, Person Transfer.

PUBLIC WORKS

DEVELOPMENT SERVICES

REZONINGS

16. Co9-04-21, MYERS – VALENCIA ROAD REZONING Request of Sharon Myers, represented by Planning Resources, for a rezoning of approximately 2.50 acres from GR-1 (Rural Residential) to CB-1 (Local Business) on property located on the north side of Valencia Road approximately 300 feet east of Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cuyugan and Spendiarian were absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends APPROVAL WITH CONDITIONS and standard and special requirements. (District 3 5)

17. Co9-04-23, PAIRMAN – OLD VAIL ROAD REZONING Request of Gordon and Sharon Pairman, represented by Laidlaw Consulting, for a rezoning of approximately 4.75 acres from SR (Suburban Ranch) to CB-2 (General Business) on property located at the southwest corner of Kolb and Valencia Roads. The proposed rezoning conforms to the Pima County

Approved 5/0

Approved as amended 5/0

Approved as amended 5/0

Approved 5/0
Comprehensive Plan, Co7-00-20. On motion, the
Planning and Zoning Commission voted 5-4
(Commissioners Gungle, Poulos, Hirsch and Cook voted NAY) to recommend **APPROVAL WITH CONDITIONS**.
Staff recommends **DENIAL**. (District 4)

### REZONING TIME EXTENSION

18. Co9-88-25, WETMORE NO. 2-7198 - FAIRVIEW AVENUE REZONING
Request of Dobbs Motors of Arizona, represented by Carl Winters, for a ten-year time extension. The rezoning is from CR-5, Multiple Residence Zone, and MU, Multiple Use Zone, to CB-2, General Business Zone, of approximately 6 acres located on the east side of Fairview Avenue and the south side of Wetmore Road. This rezoning was conditionally approved on July 19, 1988 and expired on September 1, 1997. Staff recommends **DENIAL**. (District 3)

### MODIFICATION OF REZONING CONDITIONS (SUBSTANTIAL CHANGE)

19. Co9-88-25, WETMORE NO. 2-7198 - FAIRVIEW AVENUE REZONING
Request of Dobbs Motors of Arizona, represented by Planning Resources, for a modification (substantial change) of the following rezoning conditions: No. 13D, which references an agreement between Pima County Flood Control and the previous owner; No. 15, which references adherence to a preliminary development plan; No. 16, which references an access point to the site; No. 17, which references landscaping and buffer yards; No. 22, which limits the height of the buildings to 20 feet; No. 24, which requires a minimum 20-foot wide buffer yard; No. 25, which limits building heights and setbacks from residential uses; No. 26, which requires joint access points with adjacent properties along Wetmore Road; and No. 27, which references an agreement between Pima County Flood Control and the previous owner. The proposed use is an auto dealership, the same as previously approved. The subject property is approximately 6 acres, conditionally zoned CB-2 (General Business Zone), and is located on the east side of Fairview Avenue.

**Approved 5/0**

**Approved as amended 5/0**
and the south side of Wetmore Road. On motion, the Planning and Zoning Commission voted 8–0 (Commissioner Cuyugan was absent) to recommend **APPROVAL WITH CONDITIONS.** Staff recommends **DENIAL.** (District 3)

**COMPREHENSIVE PLAN AMENDMENT**

20. Co7-05-02, JUANARENA TRUST - N. AJO GILA BEND HIGHWAY PLAN AMENDMENT
Request of Lucille Juanarena Trust, represented by Edie Cargill of Arizona Copper Hills Realty, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Multifunctional Corridor (MFC). The subject property is approximately 0.92 acres and comprises the eastern half of the parcel located at the northeast corner of N. Ajo Gila Bend Highway and First Street in the Townsite of Ajo in the Western Pima County Subregion. On motion, the Planning and Zoning Commission voted unanimously 9–0 to recommend **APPROVAL.** Staff recommends **APPROVAL.** (District 3)

**SUBDIVISION PLAT WAIVER**

21. PPW05-02, CRESTA LOMA CORPORATE CENTRE
Request of Cresta Loma Corporate Centre, represented by Mendelson and Oseran, P.L.C., to waive the requirements of a subdivision plat in accordance with Section 18.69.080 of the Pima County Zoning Code, which allows a waiver of any or all code standards for a subdivision which is not subject to or which has received an order of exemption from the public report requirements administered by the Arizona Department of Real Estate. The subject property is approximately 4.71 acres, rezoned from CR-1, Single Residence Zone, to TR, Transitional Zone, in 2002. A Certificate of Compliance was issued August 19, 2004. This development consists of an office complex to be converted to condominiums. It is located on the northwest corner of the intersection of Oracle Road and Cresta Loma Drive. Staff recommends **APPROVAL WITH CONDITIONS.** (District 1)
CONDITIONAL USE PERMITS

22. **P21-05-007, AMERICAN LEGION POST 109, INC. – S. HOUGHTON ROAD**
Request of American Legion Post No. 109, property owners and Del Bedsaul, designated contact on behalf of the owner, on property at 15921 S. Houghton Road, in GR-1 zone, requests a Conditional Use Permit for a private lodge. The purpose of this request is to provide for an expansion of the existing American Legion facilities on the property. Chapter 18.97 in accordance with Section 18.14.030.B.20 of the Pima County Zoning Code allows this use in the GR-1 district, subject to a Type II Conditional Use Permit procedure. The Hearing Administrator recommends **APPROVAL WITH CONDITIONS.** (District 4)

23. **P21-05-009, SUMMERHAVEN VILLAGE CENTER – MOUNT LEMMON**
Request of Zimmerman Enterprises, Inc., et. al., property owners and Robert T. Zimmerman and Swaim Associates, applicants, on property in Summerhaven, Arizona, which is zoned RVC, Rural Village Center, for a Conditional Use Permit for a mixed-use village center. Chapter 18.97 in accordance with Sections 18.41.010.A and 18.41.040.A of the Pima County Zoning Code allows this use in the RVC district, subject to Type II Conditional Use Permit procedure. The Hearing Administrator recommends **APPROVAL WITH CONDITIONS.** (District 4)

24. **REZONING ORDINANCE – Unadvertised Hearing**
ORDINANCE NO. 2005-48, Co9-03-39, Fidelity National Title Trust No. 60,042, et. al. – Oracle Road Rezoning. Owner: Fidelity National Title Trust No. 60,042. (District 3)
25. STREET NAME CHANGES - Unadvertised Hearings

Present                Proposed
A. Unnamed easement/road       Bonanza Gold Place
   Co14-05-009                (District 3)
B. A portion of Old Vail      Mary Ann Cleveland
   Road                     Way
   Co14-05-008                (District 4)
C. Corte Plaza de la          Placita Colonia Real
   Plata                    Co14-05-010                (District 4)

TRANSPORTATION

26. CRAYCROFT ROAD: RIVER ROAD TO SUNRISE DRIVE
IMPROVEMENT PROJECT ENVIRONMENTAL ASSESSMENT AND
MITIGATION REPORT

Staff requests approval of the Environmental
Assessment and Mitigation Report for the
Craycroft Road: River Road to Sunrise Drive
Improvement Project. (District 1)

27. CALL TO THE PUBLIC

28. ADJOURNMENT

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

DATE POSTED: 5/11/05
CONSENT CALENDAR, MAY 17, 2005

CONTRACTS AND AWARDS

1. COMMUNITY RESOURCES

   Marana Unified School District, Amendment No. 1, to provide for the after-school and summer elementary school-based recreation programs, General Fund, contract amount $28,400.00 (01-67-M-135169-0804)

2. COMMUNITY SERVICES EMPLOYMENT AND TRAINING

   A. Portable Practical Educational Preparation, Inc., Amendment No. 3, to provide workforce development services for older workers, single parents and rural participants and amend contractual language, WIA Grant Fund, contract amount $8,703.00 (07-39-P-132816-0703)

   A-1. SER Jobs for Progress of Southern Arizona, Inc., Amendment No. 2, to provide summer and school year youth opportunity services and extend contract term to 6/30/06, WIA Grant Fund, contract amount $388,370.00; General Fund, contract amount $20,500.00 (07-39-S-134118-0504)

   A-2. Tucson Urban League, Inc., Amendment No. 1, to provide summer and school year youth opportunity services and extend contract term to 6/30/06, WIA Grant Fund, contract amount $399,480.00; General Fund, contract amount $21,000.00 (07-39-T-134119-0504)

   A-3. Tucson Youth Development, Inc., Amendment No. 2, to provide summer and school year youth opportunity services, extend contract term to 6/30/06 and amend scope of work, WIA Grant Fund, contract amount $508,105.00; General Fund, contract amount $26,700.00
A-4. Catholic Community Services of Southern Arizona, Inc., d.b.a. Community Outreach for the Deaf, Amendment No. 1, to provide summer work experience and academic instruction for deaf and hearing impaired youth, extend contract term to 6/30/06 and amend scope of work, WIA Grant Fund, contract amount $27,550.00; General Fund, contract amount $1,450.00 (07-39-C-134133-0504)

A-5. SER Jobs for Progress of Southern Arizona, Inc., Amendment No. 1, to provide academic instruction to youth attending the County's Las Artes program, extend contract term to 6/30/06 and amend scope of work, WIA Grant Fund, contract amount $446,500.00; General Fund, contract amount $23,500.00 (07-69-S-134795-0704)

A-6. Tucson Youth Development, Inc., Amendment No. 2, to provide school year work experience for youth attending high school and amend scope of work, WIA Grant Fund, contract amount $14,222.00; General Fund, contract amount $750.00 (07-69-T-135271-0904)

3. COUNTY ATTORNEY

A. Arizona Criminal Justice Commission, Amendment No. 1, to provide for gang prosecution, State Grant Fund, contract amount $6,756.00 revenue (02-02-A-135046-0704)

A-1. John Beck, Ph.D., A.B.P.P., to provide expert testimony in the case of Osmolski v. Pima County, CV04-0236-TUC-JMR, Risk Management/ Tort Fund, contract amount not to exceed $100,000.00 $25,000.00 (29-02-B-136050-0305)

4. FORENSIC SCIENCE CENTER
RESOLUTION NO. 2005 - 100, approving an Intergovernmental Agreement with Pinal County, to provide medical examiner services, contract amount $370,000.00 revenue (01-48-P-136056-0505)

5. HEALTH DEPARTMENT

A. RESOLUTION NO. 2005 - 101, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to establish a WIC Clinic in the Flowing Wells area of Tucson, contract amount $400,000.00 revenue (01-01-A-136036-0405)

A-1. RESOLUTION NO. 2005 - 102, approving an Intergovernmental Agreement with the Northwest Fire District, to provide administration of childhood immunizations, no cost (01-01-N-136059-0505)

6. PIMA HEALTH SYSTEM

Caregiver Connection of Arizona, L.L.C., d.b.a. AristoCare Home Health Services, Amendment No. 1, to provide homecare services, reflect vendor name change and amend contractual language, PHCS Enterprise Fund, no cost (11-15-C-134885-0904)

7. PROCUREMENT

A. Southern Arizona Paving and Construction Company, Amendment No. 1, to provide chip seal and fog seal maintenance services and extend contract term to 6/30/05, Transportation Operating Fund, no cost (03-04-S-135016-0804) Transportation

A-1. Granite Construction Co., Amendment No. 1, to provide for the Tanque Verde Road - Tanque Verde Loop to Rebecca Avenue Improvement Project and extend contract term to 12/31/05, Bond Fund, no cost (03-04-G-135420-1104) Transportation

A-2. Kennedy/Jenks Consultants, Amendment No. 2, to provide for the Randolph Park Wastewater Reclamation Facility Restoration Oversight
Project, extend contract term to 9/30/05 and amend contractual language, Wastewater Management System Development Fund, contract amount $250,000.00 decrease (07-03-K-134387-0604) Wastewater Management

Ratifications

B. M. Anderson Construction Corp., Change Order No. 3, to provide construction services for the Picture Rocks District Park and amend scope of work, General Obligation Bond Fund, contract amount $24,915.09 (03-05-M-135401-1104) Natural Resources, Parks and Recreation

B-1. Haydon Building Corporation, Change Order No. 14, to provide for the Ruthrauff Road: Wetmore Road to La Cholla Boulevard to Fairview Avenue Project and amend scope of work, HURF and FHWA Funds, contract amount $2,500.00 (03-04-H-133280-0903) Transportation

B-2. Miura Contracting, Inc., Change Order No. 2, to provide for the River Road and Pontatoc Intersection Improvements and amend scope of work, Bond Fund, contract amount $38,068.75 (03-04-M-135279-1004) Transportation

Awards

C. Low Bid: Award of Contract, Requisition No. 84798, in the amount of $165,000.00 to the lowest responsive bidder, KONE, Inc. (Headquarters: Moline, IL) for Vertical Transportation Maintenance Services. Contract is for a one-year period with the option to extend for four additional one-year periods. Funding Source: General Fund. Administering Department: Facilities Management.

C-1. Low Bid: Award of Contract, Requisition No. 85248, in the amount of $140,000.00 to the lowest responsive bidder, University Physicians, Inc., (Headquarters: Tucson, AZ)

Without objection, continued to 06/07
for Laboratory Services to the Health Department. Contract is for a one-year period with the authorization to extend for four additional one-year periods. Funding Source: Public Health. Administering Department: Health Department.

C-2. Cooperative Procurement: Award of Contract, Requisition No. 85175 to Qwest Communications (Headquarters: Denver, CO) for the Sheriff’s Department Inmate Telephone System. The contract will generate estimated annual revenue in an amount of $600,000.00. Contract is for a one-year period with the authorization to extend for four additional one-year periods. Funding source: Special Revenue Fund. Administering Department: Sheriff.

8. **PUBLIC WORKS**

RESOLUTION NO. 2005 - 103, approving an Intergovernmental Agreement between Pima County and the Pima County Flood Control District, to provide for joint and cooperative funding of the River Road: Campbell Avenue to Alvernon Way and Alvernon Way: Fort Lowell Road to River Road Improvement Project, Flood Control District Tax Levy Fund, contract amount $2,030,000.00 (01-59-P-136031-0505)

9. **REAL PROPERTY**

A. Deane D. and Susan M. Thompson, to provide an acquisition agreement for a .974 acre parcel of land improved with a 1,049 square foot manufactured home (fee purchase), located at 16751 N. Forecastle Avenue, Tax Parcel No. 222-10-0430, needed for the Edwin Road Project, General Fund, contract amount not to exceed $108,012.00 including closing costs (22-64-T-136052-0505)
B. Dean A. and Jeri Odell, to provide an acquisition agreement for 1.21 acres and a 1,657 square foot single family residence, located at 2110 W. Curtis Road, Tax Parcel No. 101-13-016C, needed for the Curtis Park - La Cholla Park Project, Bond Fund, contract amount not to exceed $375,561.49 including closing costs (22-64-0-136053-0505)

10. **SHERIFF**

RESOLUTION NO. 2005 - _104_, approving an Intergovernmental Agreement with the Maricopa County Sheriff's Office, to provide overtime costs incurred during clandestine methamphetamine lab investigations, contract amount $50,000.00 revenue (01-11-M-136045-0305)

11. **DIVISION OF ELECTIONS**

Pursuant to A.R.S. '16-821B, approval of Precinct Committeemen Appointments:

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<th>APPOINTMENTS</th>
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12. **RATIFY AND/OR APPROVE**

Minutes: April 5, 2005
13. **CORRECTION FOR THE RECORD**

Correction of the assignment of Resolution Numbers from the Board of Supervisors Meeting of May 10, 2005 as follows:

RESOLUTION NO. 2005 - 91  96
RESOLUTION NO. 2005 - 92  97
RESOLUTION NO. 2005 - 93  98
RESOLUTION NO. 2005 - 94  99