

AGENDA, BOARD OF SUPERVISORS' MEETING

BOARD OF SUPERVISORS' HEARING ROOM

130 W. CONGRESS, 1ST FLOOR

JANUARY 17, 2006 9:00 A.M.

- 1. **ROLL CALL**
- 2. **INVOCATION**
- 3. **PLEDGE OF ALLEGIANCE**

... EXECUTIVE SESSION

Public discussion and action may occur on the executive session item 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 offers of judgment on three of the four billboards in the litigation matter between Pima County and Clear Channel Outdoor, Inc., in Superior Court Case No. C20033410.

Accept County Attorney's recommendation
5/0

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

A. WARRANTY DEED

Warranty Deed from East Speedway, L.L.C., to Pima County Flood Control District, for approximately one acre of Pantano Wash property and three-quarter acre for linear park purposes at Speedway and Pantano Wash. No cost. (District 4)

Approved
5/0

B. DECLARATION OF RESTRICTIONS RUNNING WITH THE LAND

Declaration of Restrictions Running With the Land, to comply with FEMA regulations, to restrict for only open space uses in the southwest quarter of the northeast quarter of Section 15, T11S, R14E. (District 1)

Approved
5/0

... ZONING ENFORCEMENT BOARD OF APPEALS

*(CLERK'S NOTE: Staff requests these items be removed from the agenda.)

UNFINISHED BUSINESS

(RM 10/4/05)

*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. P05ZV00203, James E. and Shelly Lyons. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without
objection,
removed

*B. APPEAL OF HEARING OFFICER DECISION

P05ZV00203, James E. and Shelly Lyons
In accordance with the Pima County Zoning Code, Section 18.95.030.D, James E. and Shelly Lyons appeal the decision of the Hearing Officer in Case No. P05ZV00203, regarding a violation of Sections 18.37.010 and 18.37.020, on-site storage of commercial vehicles, contractor's yard not permitted in the MU zone without a conditional use permit, on property located at 3048 W. Palmyra St. (District 3)

Without
objection,
removed

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

4. CONSENT CALENDAR: For consideration and approval

Approved
5/0

A. Call to the Public

B. Approval of Consent Calendar

PUBLIC WORKS

DEVELOPMENT SERVICES

5. FINAL PLAT WITH ASSURANCES

P1205-060, Co9-03-25, Paseo del Rio Phase II, Lots 81-215 and Common Areas A, B, C, D and E. (District 1)

Approved
5/0

WASTEWATER MANAGEMENT

6. PRETREATMENT SETTLEMENT AGREEMENTS

Staff recommends approval of the following proposed Pretreatment Settlement Agreements, Wastewater Management Enterprise Fund:

- A. Tucson Tractor, Co., an Arizona Corporation, No. 2005-18. Proposed settlement amount is \$1,000.00.
- B. Beta Delta Building Corporation, an Arizona Non-Profit Corporation, d.b.a. Kappa Alpha Theta, No. 2005-19. Proposed settlement amount is \$555.28.
- C. Drive Time Car Sales, Inc., an Arizona Corporation, d.b.a. Drivetime, No. 2005-28. Proposed settlement amount is \$500.00.
- D. Fuddruckers, Inc., a Texas Corporation, No. 2005-32. Proposed settlement amount is \$1,500.00.
- E. Empire Southwest, L.L.C., a Delaware Corporation, d.b.a. Empire Machinery Company, No. 2005-39. Proposed settlement amount is \$500.00.
- F. Chi Omega House Corporation, Zeta Beta Chapter, an Arizona Non-Profit Corporation, d.b.a. Chi Omega House, No. 2005-41. Proposed settlement amount is \$555.28.

Items A-F
Approved
5/0

* * * HEARINGS * * *

7. COUNTY ADMINISTRATOR

UNFINISHED BUSINESS

(RM 3/1/05, RM 6/7/05, RM 12/6/05)

PIMA COUNTY CODE TEXT AMENDMENT

ORDINANCE NO. 2005 - 25 , of the Board of Supervisors of Pima County, Arizona, relating to Public Peace, Morals and Welfare; amending the Pima County Code by adding Chapter 9.70, Justice Coordinating Council.

Approved as amended
5/0

NEW BUSINESS

FRANCHISES/LICENSES/PERMITS

LIQUOR LICENSE

- 8. 05-40-8822, Socorro C. Arreola, Carniceria El Torito, 15930 N. Oracle Road, Nos. 113 and 114, Catalina, Series 10, New License.

Approved
5/0

AGENT CHANGE-ACQUISITION OF CONTROL-RESTRUCTURE

- 9. 05-08-008, Richard Dean Franks, AMVETS Post 770, 3057 South Kinney Road, Tucson.

Approved
5/0

BINGO LICENSE

- 10. 05-01-8020, Jesse K. Thorpe, d.b.a. Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, Small Game.

Approved
5/0

PUBLIC WORKS - DEVELOPMENT SERVICES

UNFINISHED BUSINESS

(RM 11/15/05)

COMPREHENSIVE PLAN AMENDMENT

- 11. Co7-05-26, TITLE SECURITY AGENCY OF ARIZONA, TRUST NO. 509 - W. BRIAR ROSE LANE PLAN AMENDMENT
Request of Title Security Agency of Arizona, Trust No. 509, represented by Craig Courtney, to amend the Pima County Comprehensive Plan from Low

Without objection, continued to 03/07

Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU). The subject property is approximately 10 acres and is located at the terminus of Briar Rose Lane via Crestone Drive, approximately 1,200 feet east of Thornydale Road and 400 feet south of Linda Vista Blvd. in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Membrila voted NAY; Commissioners Cuyugan, Matter and Poulos were absent) to recommend **MODIFIED APPROVAL SUBJECT TO REZONING POLICIES WITH A REVISION TO REZONING POLICY NO. 1**. Staff recommends **MODIFIED APPROVAL SUBJECT TO REZONING POLICIES**. (District 1)

NEW BUSINESS

REFERRED REZONING

12. Co9-03-03, LAWYERS TITLE OF ARIZONA, INC. 7638-T - LA CHOLLA BOULEVARD REZONING
 Request of Lawyers Title of Arizona, Inc., 7638-T, represented by The Planning Center, for a rezoning of approximately 8.22 acres from SR (Suburban Ranch) to CR-5 (Multiple Residence) located on the northeast corner of Magee Road and La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Cuyugan was absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **DENIAL**. (District 1)

Approved as amended
5/0

MODIFICATION (SUBSTANTIAL CHANGE) OF REZONING CONDITIONS

13. Co9-02-27, TEMUNOVIC - WETMORE ROAD REZONING
 Request of Broadway Motors Inc., represented by Planning Resources, for a modification (substantial change) of the following Rezoning Conditions: No. 10 which reads: "Adherence to the preliminary development plan as approved at public hearing is required. Uses are restricted to the sale, rental or display of automobiles;" and, No. 11 which pertains to the reduction of a twenty five (25) foot bufferyard to a ten (10) foot bufferyard and retention/detention basin requirements. The subject property is approximately 2.23 acres, was rezoned

Approved
5/0

from SH (Suburban Homestead) to CB-2 (General Business) and is located on the south side of Wetmore Road between North Fairview Avenue and North Oracle Road. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Cook and Hirsch voted NAY; Commissioner Cuyugan was absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **DENIAL**. (District 3)

14. REZONING ORDINANCE - Unadvertised Hearing

ORDINANCE NO. 2006 - 6, Co9-05-07, Martinez - Valencia Road Rezoning. Owner: LMP Real Estate Holdings, L.L.C. (District 5)

Approved
4/0

15. COMPREHENSIVE PLAN AMENDMENT RESOLUTION - Unadvertised Hearing

RESOLUTION NO. 2006 - 11, Co7-05-02, Juanarena Trust - N. Ajo Gila Bend Highway Plan Amendment. Owner: Lucille Yribarren Juanarena. (District 3)

Approved
4/0

16. CALL TO THE PUBLIC

17. ADJOURNMENT

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

DATE POSTED: 1/10/06

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, JANUARY 17, 2006

1. CONTRACTS AND AWARDSA. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

1. Family Housing Resources, Inc., Amendment No. 1, to provide ADDI homeownership assistance, extend contract term to 6/30/06 and amend contractual language, HUD Home Program Grant Fund, contract amount \$56,000.00 (11-70-F-135492-0105)

B. DIVISION OF ELECTIONS

2. RESOLUTION NO. 2006 - 9, approving an Intergovernmental Agreement with the Town of Marana, to provide election services, General Fund, contract amount \$5,000.00 revenue (01-23-M-137493-0106)

C. PIMA HEALTH SYSTEM

3. Obstetrix Medical Group of Phoenix, P.C., Amendment No. 4, to provide pediatric cardiology services, extend contract term to 12/31/06 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-A-130202-0102)
4. Northwest Hospital, L.L.C., d.b.a. Northwest Medical Center, Amendment No. 3, to provide hospital services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-N-135763-0205)
5. Oro Valley Hospital, L.L.C., d.b.a. Northwest Medical Center Oro Valley, Amendment No. 2, to provide hospital services amend contractual language, PHCS Enterprise Fund, no cost (18-15-O-135818-0105)

D. **SHERIFF**

- 6. RESOLUTION NO. 2006 - **10**, approving an Intergovernmental Agreement with the Governor's Office of Highway Safety, to provide equipment to conduct County-wide youth alcohol enforcement and education programs, Federal Grant Fund, contract amount \$64,237.85 revenue (01-11-G-137528-0106)

2. **DIVISION OF ELECTIONS**

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

<u>RESIGNATION</u>	<u>PRECINCT</u>	<u>PARTY</u>
Martin, Marjory	009	REP
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Aufdenberg, Jason P.	079	GRN
Schembri, Janie C.	219	GRN
Martin, Marjory	246	REP

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

- A. Lynn Anne Robbins, StrengthBuilding Partners, La Encantada, 2905 East Skyline Drive, Tucson, February 4, 2006.
- B. Michelle Lynn Garmon, St. Thomas The Apostle Catholic Preschool, St. Thomas The Apostle Catholic Church, 5150 North Valley View Road, Tucson, February 11, 2006.

FINANCE AND INFORMATION SERVICES

4. DUPLICATE WARRANTS - FOR RATIFICATION

Kathleen Vasquez	\$235.21
Robert Mark Russell	\$500.00
Chet A. Lynch	\$894.29

5. RATIFY AND/OR APPROVE

Minutes: December 6, 2005