AGENDA SUMMARY

Pima County Board of Supervisors’ Meeting

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

December 4, 2007  9:00 a.m.

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. PAUSE 4 PAWS

... 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 a proposed settlement in Pima County v. Choy, Pima County Superior Court Cause No. C20061324.

Motion carried to accept County Attorney’s Office recommendation (5-0)

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

Award

Increase in Award of Contract, Requisition No. 0703773, to MMLA Psomas, Inc., (Headquarters: Los Angeles, CA) in the amount of $90,000.00 for consulting services for Pantano Wash/Kolb Road Permanent Soil Cement Bank Protection, Basis of Design Report. Funding Source: Tax Levy Fund. Administering Department: Regional Flood Control District.

Motion carried to approve (5-0)

... ZONING ENFORCEMENT BOARD OF APPEALS

A. Executive Sessions

1. 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. P07ZV00295, Dana Joel Cleary. The Board may also during the course of the hearing and upon motion, enter into executive session.
2. 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. P07ZV00234, Anthony A. Fuentes. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, continued to 12/18/07

B. Appeal of Hearing Officer’s Decisions

1. P07ZV00295 – Dana Joel Cleary

In accordance with the Pima County Code 18.95.030.D, Dana Joel Cleary appeals the decision of the Hearing Officer in Case No. P07ZV00295, regarding violations of the Pima County Zoning Code Section 18.25.010 and 18.25.020, keeping of a pig is not a permitted use in CR-3 Zone on property located at 1908 W. Root Lane. (District 3)

Motion carried to overturn Hearing Officer’s decision (5-0)

2. P07ZV00234 – Anthony A. Fuentes

In accordance with the Pima County Code 18.95.030.D, Anthony A. Fuentes, through his legal counsel, William Wissler, hereby appeals the decision of the Hearing Officer in Case No. P07ZV00234, regarding violations of the Pima County Zoning Code Section 18.01.030.E, pertaining to a cargo container not in conformance with permit requirements and not a permitted accessory use in the SR Zone on property located at 10000 E. Catalina Highway. (District 4)

Without objection, continued to 12/18/07

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. CONSENT CALENDAR: For consideration and approval

A. CALL TO THE PUBLIC

B. APPROVAL OF CONSENT CALENDAR

Motion carried to approve (5-0), except CC.1.G.21.

6. BOARD OF SUPERVISORS

Resolution in Memoriam of Chief Jim Bush of the Ajo/Gibson Volunteer Fire Department.

Motion carried to approve (5-0)
7. COUNTY ADMINISTRATOR

Revisions to Merit System Rules and Personnel Policies

Staff requests approval of the following revisions:

A. Merit System Rule 13.3.A
   As a result of a Pima County settlement before the State Attorney General’s Office, Pima County was advised to amend its discrimination policy to include, among other things, discrimination based on the results of a genetic test received by the County. Pima County currently does not perform genetic testing and the state is aware of this. Nevertheless, State law does include this protection and it must, therefore, be noted in our policy, even if we do not perform such tests.

   Motion carried to approve (5-0)

B. Personnel Policy 7-113.C.10
   Revised to correct the fact that the holiday benefit is prorated based on the number of hours paid in the same pay period for an employee who works modified duty and is also compensated by workers’ compensation benefits.

   Motion carried to approve (5-0)

C. Personnel Policy 7-117.H. and O.1 and 2
   Allowing departments to increase the salary of an employee for promotions and reappointments up to ten percent (10%) in two and one-half percent (2.5%) has caused internal pay inequities and inconsistencies in compensation. To ensure that the increase will not negatively impact others, this proposed change in policy will require departments to justify promotional and reappointment pay and receive County Administrator’s approval when offering an increase in salary greater than five percent (5%) of the employee’s current pay, except for exemptions already stated in this policy.

   Motion carried to continue to 1/8/08 (5-0)

8. INDUSTRIAL DEVELOPMENT AUTHORITY

RESOLUTION NO. 2007-318, of the Board of Supervisors approving the proceedings of the Industrial Development Authority of the County of Pima and the Joint Single Family Mortgage Revenue Bond Program of 2008A of the Industrial Development Authority of the County of Pima and the Industrial Development Authority of the City of Tucson, Arizona; approving standards and requirements related thereto; approving a general plan related thereto; approving program documents; and authorizing and approving the issuance of its not to exceed $30,000,000.00 the Industrial Development Authorities of the County of Pima and the City of Tucson, Arizona Joint Single Family Mortgage Revenue Bonds, Series 2008A in one or more series or issues; and declaring an emergency.

   Motion carried to approve (5-0)

9. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

RESOLUTION NO. 2007-319, authorizing Pima County to enter into an Intergovernmental Agreement in the amount of $20,000.00 with the Pascua Yaqui Tribe (PYT) for the management and implementation of the distribution of PYT’s Annual 12% Local Revenue-Sharing contribution that includes empowering local
communities Lab-Without-Walls-Phase I Project that will provide training to students including assessing conditions of existing homes to be repaired, conducting home repairs of low-income households and evaluating the survey results received from homeowners.

Motion carried to approve (5-0)

*** HEARINGS ***

FRANCHISES/LICENSES/PERMITS

Extension of Premises/Patio Permits


Motion carried to approve (5-0)


Motion carried to approve (5-0)

DEVELOPMENT SERVICES

UNFINISHED BUSINESS (RM 11/20/07)

Plat Note Modification

12. P1298-163, COYOTE CREEK PLAT NOTE MODIFICATION LOTS 1-395; BK. 53, PG. 50

Request of Lawyers Title of Arizona Trust No. 18089-T et. al., represented by MMLA, PSOMAS, for a plat note modification of P1298-163, Coyote Creek, Bk. 53, Pg. 50. The applicant requests to change the location of the driveway access stipulated on the plat; the proposed driveway accesses would cross private open space, a public trail access easement and a one-foot no access easement. The applicant requests a plat note modification of P1298-163, Coyote Creek, Bk. 53, Pg. 50 specifically;

Key note No. 1 "10’ public utility, slope, drainage, maintenance, pedestrian and equestrian access easement dedicated by this plat” to allow a 12-foot wide driveway access for Lots 221, 222, 282, 283, 284, 285, 286, 287, 345, 353, 354, and 355;

Key note No. 2 “1’ no access easement dedicated by this plat” to allow a 12-foot wide driveway to access Lots 221, 222, 282, 283, 284, 285, 286, 287, 345, 353, 354, and 355;

Key note No. 3 “Private natural open space easement granted by this plat” to allow a 12-foot wide driveway access for Lots 282, 283, 284, 285, 286, and 287;

Key note No. 7 “Private natural open space granted by this plat and public trail access easement dedicated by this plat” to allow a 12-foot wide driveway access for Lots 221, and 222, and

Key note No. 9 “Private natural open space granted by this plat and public trail access easement dedicated by this plat” for Lot 345.
Coyote Creek is a 979 acre subdivision that was rezoned in 1999. This property was rezoned from RH (Rural Homestead) to CR-1 (Single Residence Zone) and is located on the north side of Old Spanish Trail, 1/2 mile east of Camino Loma Alta. Staff recommends **DENIAL**. (District 4)

Motion carried to approve, as amended (5-0)

**NEW BUSINESS**

**Rezoning Time Extension**


Request of Heartwood Homes, L.L.C., represented by Tetra Tech, Inc., for a five-year time extension for the above referenced rezoning from SR to CR-1 for 9.55 acres. The subject site was rezoned in 2002. The rezoning expired on November 19, 2007. The site is located on the southwest corner of Camino Del Fierro and Freer Drive, approximately 1/4 mile north of Overton Road. Staff recommends **APPROVAL WITH CONDITIONS** of the 5-year time extension. (District 1)

Motion carried to approve (5-0)

**Comprehensive Plan Resolution**

14. RESOLUTION NO. 2007-**320**, Co7-07-03, Pima County – W. Hospital Road (Ajo) Plan Amendment. Owner: Allan Dunstan and Ramona de la Cruz Heinekamp. (District 3)

Motion carried to approve (5-0)

15. **CALL TO THE PUBLIC**

16. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 11/28/07
TIME POSTED: 5:00 P.M.
CONSENT CALENDAR, DECEMBER 4, 2007

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2007-311, approving an Intergovernmental Agreement with the Three Points Fire District, to provide for the installation of four (4) fire hydrants in the Three Points/Robles Junction area, CDBG Grant Fund, contract amount $25,000.00 (01-70-T-140416-1007)

2. RESOLUTION NO. 2007-312, approving an Intergovernmental Agreement with the Arizona Board of Regents University of Arizona, to provide for the 4-H Challenge Program, Outside Agency Fund, contract amount $14,400.00 (01-70-A-140421-0707)

3. RESOLUTION NO. 2007-313, approving an Intergovernmental Agreement with the Arizona Board of Regents University of Arizona, to provide for the Pima Cooperative Extension Program, Outside Agency Fund, contract amount $44,100.00 (01-70-A-140422-0707)

4. RESOLUTION NO. 2007-314, approving an Intergovernmental Agreement with the Green Valley Fire District, to provide for the installation of four (4) fire hydrants in the Continental area, CDBG Grant Fund, contract amount $30,000.00 (01-70-G-140434-1007)

B. Community Resources

5. RESOLUTION NO. 2007-315, approving an Intergovernmental Agreement with the Sunnyside School District, to provide for the Before and After School and Summer Recreation Programs, General Fund, contract amount $150,000.00 (01-67-S-140424-0807)

C. Community Services, Employment and Training

6. Portable Practical Education Preparation (PPEP), Amendment No. 4, to provide workforce development services and amend scope of work, WIA Grant Fund, contract amount $30,000.00 (11-69-P-138268-0706)

7. Advanced Ceramics Research Foundation (ACR), to provide Career Tracks-Assistance with the Academic Outreach and Workforce Development Programs, Advance Ceramic Research Fund, contract amount $140,323.32 revenue (11-69-A-140417-0707)

D. County Attorney

8. Arizona Criminal Justice Commission, to provide for professional and outside/consultant and contractual services related to gang prevention, education and community outreach and operating services

12-4-07 (6)
expenses, ACJC Grant Fund, contract amount $32,600.00 revenue (02-02-A-140423-0707)

E. Health

9. RESOLUTION NO. 2007-316, approving an Intergovernmental Agreement with the Arizona Department of Health Services, to provide for the Commodity Supplemental Food Program, Federal Grant Fund, contract amount $99,360.00 revenue (01-01-A-140409-1007)

10. Arizona Department of Health Services, Amendment No. 1, to provide for the Well Woman Healthcheck Program-Breast and Cervical Cancer Screening Services and amend scope of work, Federal Grant Fund, no cost (01-01-A-139726-0707)

F. Procurement

11. Hunter Contracting Company, Amendment No. 2, to provide a job order contract for park development services, extend contract term to 2/5/09 and amend contractual language, 1997 Bond Fund (68%); 2004 Bond Fund (20%); General Fund (11%); Special Revenue Fund (1%), contract amount $830,000.00 (26-05-H-139365-0207) Natural Resources, Parks and Recreation

12. Durazo Construction Corp., Amendment No. 2, to provide a job order contract for park development services, extend contract term to 2/5/09 and amend contractual language, 1997 Bond Fund (68%); 2004 Bond Fund (20%); General Fund (11%); Special Revenue Fund (1%), contract amount $830,000.00 (26-05-D-139371-0207) Natural Resources, Parks and Recreation

13. M. Anderson Construction Corporation, Amendment No. 2, to provide a job order contract for park development services, extend contract term to 2/5/09 and amend contractual language, 1997 Bond Fund (68%); 2004 Bond Fund (20%); General Fund (11%); Special Revenue Fund (1%), contract amount $830,000.00 (26-05-M-139409-0207) Natural Resources, Parks and Recreation

14. Granite Construction Company, Amendment No. 7, to provide for the Valencia Road: Mark Road to Camino De La Tierra Project and amend contractual language, 1997 HURF Bond and RTA Bond Funds, no cost (03-04-G-139103-1206) Transportation

15. Tetra Tech EC, Inc., Amendment No. 12, to provide for construction of the Ina Road Water Pollution Control Facility, Process Change and Expansion Project and extend contract term to 12/31/07, 1997 Sewer Revenue Bond Fund, no cost (03-03-D-127223-0100) Regional Wastewater Reclamation Department
16. Don Kelly Construction, Inc., d.b.a. Kell and Company, Amendment No. 1, to provide for the Santa Cruz Interceptor: Franklin Street to Prince Road-Phase 2 Project and amend contractual language, 2004 Sewer Revenue Bond Fund, contract amount $1,100,000.00 (03-03-D-139168-1206) Regional Wastewater Reclamation Department

17. Brown and Caldwell, Amendment No. 1, to provide CCTV Inspection Services of sanitary sewers less than 15 inches and amend contractual language, WWM Enterprise Fund, contract amount $50,000.00 (16-03-B-139656-0107) Regional Wastewater Reclamation Department

Awards

18. Cooperative Procurement: Award of Contract, Requisition No. 0801377, in the annual amount of $2,070,000.00 to Five Star Ford (Headquarters: Scottsdale, AZ) for Crown Victoria/Law Enforcement Vehicles. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: Other Internal Service Funds. Administering Department: Fleet Services.

19. Lowest Responsive Bid: Award of Contract, Requisition No. 0800426, in the amount of $3,657,400.00 to the lowest responsive bidder, Gantry Constructors, Inc. (Headquarters: Clarkdale, AZ) for construction of the Marana Wastewater Treatment Facility Package One – SE Pump Station, Filtration and UV System. Funding Source: 2004 Bond Fund. Administering Department: Regional Wastewater Reclamation Department.

G. Real Property


21. South Forty Plaza, Inc., and Anastasios D. and Kiki Georgelos, to provide an Acquisition Agreement, Settlement Agreement and Mutual Release Agreement for property located at 3864 S. Kinney Road, Tax Parcel Nos. 212-50-005D, 212-50-0030 and 212-50-0020, 1997 Bond Fund, contract amount $1,850,851.00 including closing costs (22-04-S-140427-1207) Transportation

Motion carried to approve (4-1)
H. Sheriff

22. RESOLUTION NO. 2007-317, approving an Intergovernmental Agreement with the State of Arizona, Department of Public Safety, to provide staffing for prevention of human smuggling and border related crimes, State Grant Fund, contract amount $1,319,800.00 revenue (01-11-A-140435-1007)

I. Regional Wastewater Reclamation Department

23. City of Tucson, Amendment No. 2, to provide for the Household Hazardous Waste Collection Program and amend contractual language, WWM Enterprise Fund, contract amount $345,000.00 (01-51-T-135701-0205)

2. SPECIAL TAXING DISTRICT

Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 13, 2007 election conducted by the Flowing Wells Irrigation District.

3. DIVISION OF ELECTIONS

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

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

   A. **Environmental Quality Advisory Council**

      Reappointment of Ben Dorris, General Business/Industry; Allan MacDonald, Public Interest; Peter Livingston, P.E., Water Resources; Eric Betterton, Ph.D., Environmental Planning/Law; and Mark Witten, Ph.D., Health Education. Term expirations: 12/31/11. (Staff recommendations)

   B. **Pima County/Tucson Women’s Commission**

      Appointment of Michele Roland-Schwartz to fill unexpired term of Diana Jimenez-Young. Term expiration: 12/31/08. (District 5)

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


6. **TREASURER**

   Annual Certification: Fill-The-Gap

   Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five (5) percent set-aside “Fill-the-Gap” Funds in the amount of $1,007,415.79 be transferred to the Local Courts Assistance Fund for supplemental aid to the Superior Court and Justice Court for processing of criminal cases.

7. **REAL PROPERTY**

   A. **Revocation of Restrictions and Covenants Running with the Land**

      Revocation of Restrictions and Covenants Running with the Land from JVBM Properties, L.L.C. and VH Property, L.L.C., located at the southeast corner of Valencia Road and Headley Road, Section 15, T15S, R13E, G&SRM. (District 5)

   B. **Right of Way Easement**

      Right-of-Way Easement to Tucson Electric Power Company to provide electrical and communication services to City of Tucson’s Water Department Roger Road Reclaim Reservoir, located in Section 21, T13S, R13E. Revenue of $265.00. (District 3)

   C. **Public Utility License Agreement**

      Public Utility License Agreements granted to the following companies to provide a public water distribution system using all Pima County public rights-of-way now existing or hereafter established and lying within the unincorporated areas of Pima County:

      1. Arizona Water Company
      2. Empirita Water Company, L.L.C.
D. Ratification of Utility Easements Serving Pima County Facilities

Resolution No. 1979-48 of the Pima County Board of Supervisors authorizes the Pima County Administrative Officer or designee to execute utility easements and licenses to utility companies to service Pima County properties, subject to ratification by the Pima County Board of Supervisors.

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<th>Easement Type/ EASE NO.</th>
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<td>Bear Canyon Vista</td>
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8. RATIFY AND/OR APPROVE

Warrants: November, 2007
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 a proposed settlement in Pollack v. Pima County, Pima County Superior Court Cause No. C20044477.

Motion carried to accept County Attorney’s Office recommendation (5-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. COUNTY ADMINISTRATOR

Green Valley Proposed CAP Water Pipeline

RESOLUTION NO. 2007-321, of the Pima County Board of Supervisors, regarding the proposed Central Arizona Project (CAP) pipeline for Community Water Company of Green Valley.

Motion carried to approve (5-0)

2. CONTRACTS

A. Community Services

1. RESOLUTION NO. 2007-322, approving and authorizing execution of an Intergovernmental Agreement with the Arizona Department of Economic Security, to provide health education and employment opportunities for youth and adults, DES Grant Fund, contract amount $103,528.00 revenue (01-69-A-140468-0807)

2. Portable Practical Education Preparation, Inc, Amendment No. 1, to provide basic education services for youth and amend contractual language, WIA Grant Fund, contract amount $6,000.00 (07-69-P-140169-0907)

Motion carried to approve (5-0)

B. Institutional Health

3. Arizona Health Care Cost Containment System (AHCCCS), Amendment No. 2, to provide inpatient hospital services to eligible
inmates and amend contractual language, no cost (01-65-A-136012-1004)

4. Arizona Health Care Cost Containment System (AHCCCS), Amendment No. 3, to provide inpatient hospital services to eligible inmates and extend contract term to 9/30/08, no cost (01-65-A-136012-1004)

Motion carried to approve (5-0)

3. BOARDS COMMISSIONS AND/OR COMMITTEES
   A. Board of Adjustment, District 1
      Reappointment of Larry Kraus. Term expiration: 11/18/11. (District 1)
   B. Public Art Committee of the Tucson Pima Arts Council
      Appointment of Dorthee Harmon. No term expiration. (District 2)

Motion carried to approve (5-0)

4. DEVELOPMENT SERVICES
   Final Plat with Assurances
   P1206-007, Co9-98-11, Mars Landing, Lots 1-14, Common Areas A and B. (District 1)

Motion carried to approve (5-0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 11/30/07
TIME POSTED: 11:00 A.M.