

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

January 15, 2008 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 approval to file a lawsuit on the following:

Canoa Ranch Resort

FCR Investments Blocks 8/29 L.L.C.

304-69-4350, 304-69-4360, 304-69-4370, 304-69-4380,
304-69-4400, 304-69-4500, 304-69-4520, 304-69-4530,
304-69-4540, 304-69-4550, 304-69-4560, 304-69-4570,
304-69-4580, 304-69-4590, 304-69-4610, 304-69-4620,
304-69-4640, 304-69-4680, 304-69-4690, 304-69-4700,
304-69-4720, 304-69-4730, 304-69-4740, 304-69-4750,
304-69-4780, 304-69-4790, 304-69-4810, 304-69-4820,
304-69-4840 and 304-69-4850

Rebecca Lynn Hennig: 304-69-4830

WLB Group, Inc.: 304-69-4710

Cody B. and Patricia Ritchie: 304-69-4460

Motion carried to accept recommendation (5-0)

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

- ... **FLOOD CONTROL DISTRICT BOARD**

Correction for the Record

On December 4, 2007, the Board of Supervisors approved the following award with an incorrect contract amount. Contract amount should be \$90,225.00.

Award

Increase in Award of Contract, Requisition No. 0703773, to MMLA Psomas, Inc., (Headquarters: Los Angeles, CA) in the amount of ~~\$90,000.00~~ **\$90,225.00** 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

UNFINISHED BUSINESS (RM 7/24/07 and RM 10/16/07)

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. P06ZV00383-1, 2 and 3, Daniel Erdman, formerly Picture Rocks, Ltd. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, continued to 4/15/08

B. Appeal of Hearing Officer's Decision

P06ZV00383-1, 2, and 3, Daniel Erdman (formerly Picture Rocks, Ltd.)

In accordance with the Pima County Code 18.95.030.D, Daniel Erdman appeals the decision of the Hearing Officer in Case No. P06ZV00383-1, 2 and 3, regarding the violations of the Pima County Zoning Code Section 18.07.030.C, open storage; Sections 18.14.020 and 18.14.030, junkyard not a permitted use in the GR-1 zone; and Section 18.01.030.E.1; structure, second mobile home, without a permit on property located at 7342 N. Sandario Rd. (District 3)

Without objection, continued to 4/15/08

UNFINISHED BUSINESS (RM 12/4/07 and RM 12/18/07)

C. 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. P07ZV00234, Anthony A. Fuentes. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, to be brought back by staff in six months

D. Appeal of Hearing Officer's Decision

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, to be brought back by staff in six months

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)

6. **COUNTY ADMINISTRATOR**

Quarterly Management Report on Collections

Staff recommends the Board accept the Quarterly Management Report on Collections for the period ending September 30, 2007 and approve the write-off request in the amount of \$10,125.00.

Motion carried to approve (5-0)

7. **INDUSTRIAL DEVELOPMENT AUTHORITY**

A. RESOLUTION NO. 2008-**12**, of the Board of Supervisors of Pima County approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$195,000,000.00 Lease Revenue Bonds (Clark County Detention Facility), Series 2008 and declaring an emergency.

Motion carried to approve (5-0)

B. RESOLUTION NO. 2008-**13**, of the Board of Supervisors of Pima County approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$10,000,000.00 Education Facilities Revenue Bonds (Coral Academy of Science Project), Series 2008 and declaring an emergency.

Motion carried to approve (5-0)

8. **TRANSPORTATION**

A. **2008 Gem and Mineral Show**

Arizona Department of Transportation, Tucson District 2 Engineer, Greg Gentsch presenting ADOT's efforts to manage an efficient 2008 Gem and Mineral Show in regards to the annual traffic challenges.

Informational only

B. Transportation Improvement Financing Agreement

RESOLUTION NO. 2008-14, of the Board of Supervisors approving and authorizing the execution of a Transportation Improvement Agreement between Pima County and Rocking K Development Company for roadway improvements to Valencia Road, Pima County, Arizona. (District 4)

Motion carried to approve (5-0)

*** HEARINGS ***

FRANCHISES/LICENSES/PERMITS

Fireworks Permit

9. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, January 26, 2008, at 8:00 p.m.

Motion carried to approve (5-0)

Liquor Licenses

*(**Clerk's Note**: The Zoning Inspector recommends approval subject to the applicant obtaining a Type I Conditional Use Permit.)

- *10. 07-32-8916, JunTing Lei, Chinese Combo/Kyo Sushi, 1980 W. Orange Grove Road, Tucson, Series 12, Restaurant License, New License.

Motion carried to approve (5-0)

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

- *11. 07-33-8917, Timothy Richard Lindblad, Palo Verde Bar and Grill, 5801 S. Palo Verde Road, Tucson, Series 6, Bar License, Person Transfer.

Motion carried to approve (5-0)

DEVELOPMENT SERVICES

Modification (Substantial Change) of Rezoning Conditions

12. Co9-03-30, MARTINEZ-LA CAÑADA DRIVE REZONING
Request of John W. and Dena Hesser, represented by the Planning Center, for a modification of Rezoning Condition No. 11, adherence to the preliminary development plan as approved at the public hearing. The applicants request to modify Condition No. 11 which originally proposed three commercial buildings for specialty retail (a home and garden center or a fountain retail center). The current request is to allow for a vehicle sales center. The site consists of three parcels for a total of 1.99 acres in size. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle and Cuyugan were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS** and special and standard requirements. (District 1)

Without objection, continued to 2/19/08

Rezoning Time Extension

*(**Clerk's Note:** Staff and the applicant requests a continuance to the Board of Supervisors' Meeting of February 5, 2008.)

*13. Co9-87-20, EXECUTIVE PROPERTY DEVELOPMENT ET. AL.-LA CANADA DRIVE REZONING

Request of Malvern Investors Inc., represented by the Planning Center, for a five-year time extension for the above referenced rezoning from SH to CB-1 for 3.65 acres. The subject site was rezoned in 1987. The rezoning expired on August 4, 2001. The site is located on the northwest corner of La Canada Drive and River Road. (District 1)

Without objection, continued to 2/5/08

Rezoning Closure

14. Co9-89-68, LORD-CANADA STREET REZONING

Request of Karen Ann Murphy, represented by Steven Robinson, to close Co9-89-68, a rezoning from CI-1 (AE) (Light Industrial/Warehousing) (Airport Environs and Facilities) to CI-2 (AE) (General Industrial) (Airport Environs and Facilities) on one acre located on the northeast corner of Canada Street and Arcadia Avenue, approximately 1,300 feet east of Swan Road. This rezoning was approved in 1990 and expired on August 16, 2001. Staff recommends **CLOSURE** of the one acre rezoning from CI-1 (AE) (Light Industrial/Warehousing) (Airport Environs and Facilities) to CI-2 (AE) (General Industrial) (Airport Environs and Facilities). The rezoning expired on August 16, 2001 and the owner no longer wishes to pursue the rezoning. (District 2)

Motion carried to approve (3-0)

Zoning Code Text Amendment

15. Co8-05-08, TRANSFER OF DEVELOPMENT RIGHTS (TDR)

An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; amending Sections 18.92.060(C)(2) and 18.92.060(E)(2) and adding 18.92.060(C)(8) to Chapter 18.92 (Transfer of Development Rights) to clarify form requirements for recording a restrictive covenant, to require approval of four members of the Board to revoke a restrictive covenant, and to correct a scrivener's error. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle and Cuyugan were absent) to recommend **APPROVAL PER STAFF RECOMMENDATION**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2008-**2**

Motion carried to approve (5-0)

Comprehensive Plan Amendment

16. Co7-07-13, MIRAMAX TRUST ET AL.–W. VALENCIA ROAD PLAN AMENDMENT

Request of Miramax Trust and Title Security Agency of Arizona Trust No. 707 to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Community Activity Center (CAC). The subject properties total approximately 7.19 acres, located on the northeast and northwest corners of W. Valencia Road and S. Avenida Don Arturo in Section 12, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Membrila voting **NAY** and Commissioners Gungle and Cuyugan were absent) to recommend **MODIFIED APPROVAL**. Staff recommends **MODIFIED APPROVAL ONLY** of 1.5 acres to Neighborhood Activity Center (NAC), subject to rezoning policies, retaining the remainder of the site as MIU. (District 3)

Motion carried to approve as modified (5-0)

Rezoning Ordinances

17. ORDINANCE NO. 2008-3, Co9-06-24, The Stanley Group, Ltd., et. al.–Tanque Verde Road Rezoning. Owner: The Stanley Group, Ltd., et. al. (District 4)

Motion carried to approve (5-0)

18. ORDINANCE NO. 2008-4, Co9-62-97, Tanque Verde Village Center Plan Rezoning. Owner: The Stanley Group, Ltd., et. al. (District 4)

Motion carried to approve (5-0)

TRANSPORTATION

19. **Traffic Ordinances**

A. ORDINANCE NO. 2008-5, of the Board of Supervisors, designating Avenida de Posada as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (5-0)

B. ORDINANCE NO. 2008-6, of the Board of Supervisors, establishing Yedra Road as a through street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (5-0)

20. **CALL TO THE PUBLIC**

21. **ADJOURNMENT [RECESSED]**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 1/9/08
TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, JANUARY 15, 2008

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2008-10, approving an Intergovernmental Agreement with the City of Tucson, to provide design and construction of a community park/garden in the Barrio Viejo Neighborhood, 2004 Bond Fund, contract amount \$75,000.00 (01-70-T-140547-0108)
2. RESOLUTION NO. 2008-11, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Miracle Manor II Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$203,331.00 (01-70-T-140548-0108)
3. City of Tucson, Amendment No. 1, to provide for the A Mountain Neighborhood Improvement Sidewalk Project, 2004 Bond Fund, contract amount \$143,319.00 (01-70-T-137699-0306)
4. Habitat for Humanity Tucson, Inc., Amendment No. 4, to provide infrastructure development in the public right-of-way for the Balboa/Laguna 36 Unit Subdivision and extend contract term to 3/1/09, 1997 Bond Fund, no cost (11-39-H-134242-0304)

B. Community Services, Employment and Training

5. United Way of Tucson and Southern Arizona, Amendment No. 1, to provide collaborative agreement–job training for family self-sufficiency and extend contract term to 6/30/08, no cost (02-69-U-138947-0107)

C. County Administrator

6. League of United Latin American Citizens (LULAC), to provide for the 19th Annual Youth Leadership Conference on March 17 and 18, 2008, General Fund, contract amount \$45,000.00 (28-30-L-140549-0108)

D. Health Department

7. Tucson Unified School District, Amendment No. 3, to provide nursing services for the provision and administration of childhood immunization services and extend contract term to 12/6/08, no cost (01-01-T-135365-1204)

E. Pima Health System

8. My House, L.L.C., Amendment No. 9, to provide non-skilled homecare services and reflect name change, PHCS Enterprise Fund, no cost (11-15-E-134424-0704)
9. AccentCare at Home, Inc., d.b.a. AccentCare, Amendment No. 8, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, no cost (11-15-A-134438-0704)

10. Southwest Dental Anesthesia Services, Amendment No. 3, to provide general anesthesia services and extend contract term to 1/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-135316-0205)
11. Mariposa Community Health Center, Inc., Amendment No. 6, to provide primary care physician, dental, radiology, OB/GYN, transportation, pharmacy services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-137143-1005)
12. Ajo Community Health Center, d.b.a. Desert Senita Community Health Center, Amendment No. 1, to provide dental, family planning extension, primary care physician, laboratory, radiology, licensed certified social worker services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138810-1106)
13. Marana Health Center, Inc., Amendment No. 1, to provide primary care, urgent care, specialty care, radiology, dental, OB/GYN, licensed certified social worker, licensed professional counselor, transportation, nutritional counseling services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-M-138942-0107)
14. Intermountain Centers for Human Development, Inc., Amendment No. 1, to provide Behavioral Health Residential, Outpatient Services, extend contract term to 1/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-I-139040-0207)
15. Genesis OB/GYN, P.C., Amendment No. 1, to provide OB/GYN services and reflect name change, PHCS Enterprise Fund, no cost (18-15-A-139253-1206)

F. Procurement

16. Hunter Contracting Company, Amendment No. 12, to provide for the Veterans Memorial Overpass Demonstration Project and extend contract term to 3/31/08, no cost (03-04-H-133980-0304) Transportation
17. Malcolm Pirnie, Inc., Amendment No. 1, to provide completion of the design of the Avra Valley Wastewater Treatment Biological Nutrient Removal Oxidation Ditch Facility and amend contractual language, Wastewater Management Enterprise Fund, contract amount \$289,037.00 (16-03-M-138574-0706) Wastewater Management

G. Real Property

18. Chilton Ranch and Cattle Co., an Arizona Limited Liability Partnership, to provide an Acquisition Agreement for 191 deeded acres, 29,904 acres of State grazing leases and 798 acres of BLM grazing lease, needed for the Sonoran Desert Conservation Plan and a Ranch Management Agreement with Diamond Bell Ranch Management

Company, L.L.C., 2004 Open Space Bond Fund, contract amount \$902,000.00 including closing costs (11-64-C-140555-0108)

H. Superintendent of Schools

19. Pima Community College District, Amendment No. 2, to provide Pima and Santa Cruz Tech Prep Consortium activities, extend contract term to 9/30/08 and amend contractual language, Federal Grant Fund, contract amount \$70,963.56 (01-38-P-138184-1005)

2. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Design Review Committee

Appointment of Gary Best, Realtor, to replace Swain Chapman. Term expiration: 1/31/11. (Staff recommendation)

B. Flood Control District Advisory Committee

Appointment of Justin Turner to replace Scott Altherr. No term expiration. (District 3)

C. Planning and Zoning Commission

Appointment of John P. Hewitt to replace Imelda V. Cuyugan. Term expiration: 6/19/12. (District 3)

FINANCE AND RISK MANAGEMENT

3. Duplicate Warrants–For Ratification

Acuna, Janet C.	\$	221.16
Ahrens, Mary Ann	\$	100.88
Avery, Siriporn	\$	11.64
Binau, Ann	\$	127.56
Business Enterprise Mapping	\$	30,269.48
Jim Click	\$	696.53
Complete Automotive Repair Svc	\$	1,102.96
DAKOTAPRO.BIZ	\$	377.90
Diers, Carla	\$	136.77
Eastman Distributing	\$	1,664.54
Echeverria, Ernesto	\$	477.66
EMC Feeds	\$	273.00
Georgetown Law CLE	\$	65.00
Hawkins and EZ Messenger	\$	372.00
Hinton, Richard M.	\$	990.00
Hood, Karen	\$	175.57
Hussar Electric	\$	917.42
Jackson, John	\$	214.00
Kerdels, Delfina	\$	460.00
Knotts Berry Farm	\$	137.00
Mariscal, Angleica	\$	145.99
Mullaly, John F.	\$	248.62
Nauman Hobbs	\$	94.63
NAPA Auto Parts	\$	290.48
Newspapers in Education	\$	733.20
Nextel Communications	\$	4,272.75
Nextel Communications	\$	68.96
Project Engineering Consultants, Ltd.	\$	2,995.38

Resnick, Mark	\$	625.00
Richmond American Homes	\$	4,324.00
Riesgo, Ben	\$	30.00
South Tucson Police Dept.	\$	282.06
Stephanie K. Bond Law Office	\$	1,250.63
Steuwe, Kathleen/Petty Cash	\$	82.69
Torres, Juana F.	\$	449.11
Tucson Medical Center	\$	30.00
Tucson Medical Center	\$	153.00
Williams, Jay	\$	310.27
Woods, Angela	\$	280.82
Zepeda-Reyes, Carlos A.	\$	230.88
Zepeda-Reyes, Enrique A.	\$	190.24

4. **RATIFY AND/OR APPROVE**

Minutes: November 20, 2007
 December 4, 2007

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

January 15, 2008 9:00 a.m.

... EXECUTIVE SESSIONS

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 to seek approval of a tax appeal settlement recommendation on the following matter:

Montano v. Pima County

Parcel No. 130-08-2390

Arizona Tax Court Case No. ST2007-000068

Motion carried to accept recommendation (5-0)

- B. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding the Democratic Party's pending motion for new trial and its application for attorney's fees in Democratic Party of Pima County v. Pima County Board of Supervisors, Pima County Superior Court Case No. C20072073, and any other matters concerning said litigation.

Motion carried to approve direction to County Administrator/Staff (3-2)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... STADIUM DISTRICT

Contract

Southern Arizona Sports Foundation, Amendment No. 4, to provide volunteer and paid staff to support spring training operations and special events, extend contract term to 12/31/08 and amend contractual language, Stadium District Fund, contract amount \$275,000.00 (11-57-S-135624-0105)

Motion carried to approve (5-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

*(**Clerk's Note**): This item will be continued to Friday, January 18, 2008, at 9:30 a.m.)

***1. BOARD OF SUPERVISORS**

Appointment of District 26 Arizona State Representative Seat. Discussion/Action.
(District 1)

Motion carried to approve appointment of Nancy Young Wright (4-1)

2. **DEPARTMENT OF ENVIRONMENTAL QUALITY**

Stage II Vapor Recovery Advisory Committee

Direction to staff on potential stakeholders and experts for the Stage II Vapor Recovery Advisory Committee established December 18, 2007.

Motion carried to continue indefinitely (4-0)

3. **FINANCE AND RISK MANAGEMENT**

RESOLUTION NO. 2008-**15**, of the Board of Supervisors of Pima County, Arizona, authorizing the sale and lease-purchase back from the purchaser of certain real property, including buildings and structures; authorizing notice to the public of the sale of the property; authorizing other actions and matters in connection therewith; and declaring an emergency.

Motion carried to approve (5-0)

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

A. **Pima County Bond Advisory Committee**

Ratification of appointment for the Tohono O'odham Nation Representative: Pete Delgado to fill unexpired term of Dr. Greg Saxe. Term expiration: 4/30/10. (Tohono O'odham Nation recommendation)

Motion carried to approve (5-0)

B. **Pima County Employee Merit System Commission and Pima County Law Enforcement Council**

Reappointment of Richard Huff, Republican. Term Expiration: 12/31/11. (District 4)

Motion carried to approve (5-0)

C. **Small Business Commission**

Appointments of Gerald Long to replace Britton Dornquast; and Pat Taviss to replace Carol Klinefelter. Term expirations: 4/30/12. (District 3)

Motion carried to approve (5-0)

5. **CONTRACTS**

A. **Community Development and Neighborhood Conservation**

1. RESOLUTION NO. 2008-**16**, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Midtown Neighborhood Reinvestment Sidewalk Project on the east and west

sides of Columbus from Grant to Speedway, 2004 Bond Fund, contract amount \$455,500.00 (01-70-T-140556-0108)

2. RESOLUTION NO. 2008-17, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Old Pascua Neighborhood Sidewalk Project on the east side of North Calle Central from Calle Matus to Calle Ventura, 1997 Bond Fund, contract amount \$38,000.00 (01-70-T-140557-0108)
3. RESOLUTION NO. 2008-18, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Palo Verde Neighborhood Lighting Project on Palo Verde Boulevard from Grant Road to Speedway Boulevard, 2004 Bond Fund, contract amount \$318,650.00 (01-70-T-140558-0108)

Motion carried to approve (5-0)

B. Regional Wastewater Reclamation

4. Sun-Western Contractors for Industry, Inc., Amendment No. 4, to provide a job order contract for the Wastewater Plant Construction Services, extend contract term to 1/31/09 and amend contractual language, Wastewater Management Enterprise Fund, contract amount \$2,500,000.00 (26-03-S-137599-0106)

Motion carried to approve (5-0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 1/11/08
TIME POSTED: 11:45 A.M