

## **AGENDA SUMMARY**

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

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

**February 17, 2009 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 Whitten v. Palomino et. al., Pima County Superior Court Case No. C20085919.

Motion carried to proceed as discussed in Executive Session (5/0)

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

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

#### **... FLOOD CONTROL DISTRICT BOARD**

##### **Mitigation Plan Proposal**

Staff requests approval of the Mitigation Banking Proposal for the WVR Consulting development of Rancho Valencia, P1204-080, in the amount of \$35,703.92. (District 2)

Motion carried to approve (5/0)

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

**UNFINISHED BUSINESS** (RM 9/16/08, RM 10/21/08, RM 11/18/08)

**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. P08ZV00250–1 and 2, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was removed from the agenda.

**B. Appeal of Hearing Officer’s Decision**

P08ZV00250–1 and 2, James Hessler

In accordance with the Pima County Code 18.95.030.D, James Hessler appeals the decision of the Hearing Officer in Case No. P08ZV00250– 1 and 2, regarding violations of the Pima County Zoning Code Section 18.81.080.C1, failure to obtain a grading permit and Section 18.72.060.A1, removing native plants without an approved plant preservation plan, on property located at 231 N. Vail View Rd. (District 4)

Without objection, this item was removed from the agenda.

**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 except CC 1G-16 (5/0)

**TRANSPORTATION**

**6. Acceptance of Projects/Roadways for Maintenance**

A. P1297-211, Remington Acre Estates, Hunter Subdivision No. 3, Lots 1-8 and 105-112; Hunter Subdivision No. 4, Lots 1-64. Developer: Remington Properties, L.L.C. (District 3)

Motion carried to approve (5/0)

B. P1205-135, Public Offsite Improvements on San Joaquin Avenue, Station 0+00.00 to Station 3+00.00 to serve Riverside Crossing III, Lots 1-122. Developer: A.F. Sterling Homes. (District 1)

Motion carried to approve (5/0)

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

**DEVELOPMENT SERVICES**

UNFINISHED BUSINESS (RM 11/18/08)

**Plat Note Waiver/Modification**

7. Co12-77-29, GREEN VALLEY DESERT HILLS NO. 2 SUBDIVISION PLAT-PLAT NOTE MODIFICATION FOR LOT 476 AND COMMON AREA C CLUSTER DEVELOPMENT OPTION

Request of Green Valley Desert Hills No. 2, Inc., represented by Gilbert and Norlane Moss, for a plat note modification to allow approximately 540 square feet of Common Area C adjacent to Lot 476 to be incorporated into Lot 476. The lot is approximately 4,750 square feet, zoned CR-3, located on the northeast corner of Circulo De Las Lomas and Calle Alhambra, approximately 2,000 feet north of Camino Del Sol. Staff recommends **APPROVAL WITH CONDITIONS**. (District 4)

Without objection, continued to 4/21/09

NEW BUSINESS

**Rezoning Closure**

8. Co9-94-56, MARCHESANO – AJO/GILA BEND HIGHWAY REZONING

Request of Casa De Jose L.L.C., represented by Leo Katz, to close a rezoning from SH (Suburban Homestead) to CB-2 (General Business) of 1.0 acre located on the west side of Ajo/Gila Bend Highway, approximately one-half mile south of Snyder Road, Ajo. The rezoning was approved in 1995 and expired in 2008. Staff recommends **CLOSURE**. (District 3)

Motion carried to approve (5/0)

\*(**Clerk's Note**: Staff requests that the Agenda Item No. 9 be heard before Agenda Item No. 10.)

- \*9. **Comprehensive Plan Amendment Resolutions**

- A. RESOLUTION NO. 2009- 23, Co7-06-12, Arboreal Agricultural Resources, L.L.C. and Pomegranate Farms I, L.L.C. -- W. Valencia Road Major Plan Amendment. Owners: Pomegranate Farms Commercial A, L.L.C. and Pomegranate Farms I, L.L.C. (District 3)

Motion carried to approve (5/0)

- B. RESOLUTION NO. 2009-**24**, Co7-07-31, Pima County – Southwest Subregion Special Area Policy Major Plan Amendment. Owners: None. (District 3)

Motion carried to approve (5/0)

### **Specific Plan Rezoning**

10. Co23-08-02, POMEGRANATE FARMS SPECIFIC PLAN (REZONING)  
Request of Pomegranate Farms I, L.L.C. and Pomegranate Farms Commercial A, L.L.C. for a rezoning of approximately 645 acres from RH (Rural Homestead) to SP (Specific Plans, Pomegranate Farms Specific Plan) on property located south of Ajo Highway, approximately 2,000 feet east of the intersection of W. Valencia Road and Ajo Highway in Section 18, T15S, R12E. The proposed specific plan rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Gungle and Poulos voted Nay; Commissioners Cook, Matter and Smith were absent) to approve the specific plan per the staff recommendation. Staff recommends **APPROVAL of the specific plan subject to the minor revisions listed in the staff report and the associated conditions.** (District 3)

Motion carried to approve as amended (5/0)

### **Conditional Use Permit**

11. P21-08-080, HOWE – S. BELL ROAD  
Request of Scott and Elizabeth Howe, represented by Benjamin Howe, on property located at 13444 S. Bell Road, in the RH zone, requests a conditional use permit for a water pumping and storage/distribution facility. Chapter 18.97, in accordance with Title 18.13.030.B.28 of the Pima County Zoning Code, allows this use as a Type II Conditional Use in the RH zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 4)

Motion carried to approve (5/0)

### **Subdivision Plat Waiver**

12. PPW08-03, SUNRISE MEDICAL AND PROFESSIONAL OFFICE CENTER  
Request of Scotia Group Limited, Tax Parcel No. 108-12-025D, represented by Rick Engineering, for a waiver of the subdivision plat requirements pursuant to Title 18.69.080 of the Pima County Zoning Code which allows a waiver of any or all code standards for a subdivision which has received or is not subject to an order of exemption from the public report requirements administered by the Arizona Department of Real Estate. The subject property, portions of Blocks 12 and 13 La Paloma Block Plat (Bk. 37 Pg. 21) is part of the Co9-82-30 rezoning from CR-1 to TR approved July 20, 1982. A development plan, P1207-003 was approved January 12, 2007. Staff recommends **APPROVAL** with conditions. (District 1)

Motion carried to approve (5/0)

**Rezoning Ordinances**

- 13. ORDINANCE NO. 2009-9, Co9-08-11, LOPEZ – River Road Rezoning. Owner: Gerald and Brenda Lopez. (District 1)

Motion carried to approve (5/0)

- 14. ORDINANCE NO. 2009-10, Co9-08-08, Riverside Associates, et. al. – River Road No. 2 Rezoning. Owner: Riverview Ventures L.L.C., et. al. (District 1)

Without objection, continued to 4/7/09

- 15. ORDINANCE NO. 2009-11, Co9-07-02, Park Company of Arizona, Inc. – Duval Mine Road Rezoning. Owner: Park Company of Arizona, Inc. (District 4)

Motion carried to approve (5/0)

- 16. ORDINANCE NO. 2009-12, Co9-07-23, KLein – Oracle Road Rezoning. Owner: Britt and Cindy Klein. (District 1)

Motion carried to approve (5/0)

- 17. ORDINANCE NO. 2009-13, Co9-07-25, Renovo Ventures, L.L.C. – Juniper Rezoning. Owner: Renovo Ventures, L.L.C., Attn: Abhay Sanan. (District 1)

Motion carried to approve (5/0)

**Rezoning Resolution**

- 18. RESOLUTION NO. 2009-25, Co9-88-25, Wetmore No. 2-7198 – Fairview Avenue Rezoning Owners: Dobbs Motors of Arizona, Inc. (District 3)

Motion carried to approve (5/0)

**ENVIRONMENTAL QUALITY**

UNFINISHED BUSINESS (RM 12/16/08)

**Pima County Code Text Amendment**

- 19. ORDINANCE NO. 2008-117, of the Board of Supervisors of Pima County, Arizona, relating to the removal of rubbish, trash, weeds, filth debris, and dilapidated buildings

that constitute a hazard to public health and safety: amending the Pima County Code by amending Title 7, Chapter 33 to improve the clarity of the meaning of “weed” and the provisions and procedures for removal, abatement injunction and cost recovery.

Without objection, continued to 3/17/09

NEW BUSINESS

20. **REGIONAL WASTEWATER RECLAMATION DEPARTMENT**

**2008/2009 Financial Plan**

- A. Discussion/action/direction regarding the recommendations of the 2008/2009 Financial Plan.

Motion carried to approve (5/0)

- B. Pima County Code Text Amendment

ORDINANCE NO. 2009- 14 of the Board of Supervisors of Pima County, Arizona; relating to Wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees.

Motion carried to approve (5/0)

21. **CALL TO THE PUBLIC**

22. **ADJOURNMENT**

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

DATE POSTED: 2/10/09

TIME POSTED: 5:00 P.M.

## CONSENT CALENDAR, FEBRUARY 17, 2009

### 1. CONTRACTS AND AWARDS

#### A. Community Resources

1. Linda J. Schloss, Amendment No. 1, to develop strategic plans, complete state reports and monitor Pima Vocational High School policies, projects and programs for State compliance, extend contract term to 6/30/09 and amend contractual language, State Grant Fund, contract amount \$20,000.00 (07-67-S-140634-0108)

#### B. Community Services, Employment and Training

2. A Road to Learning, L.L.C., Amendment No. 2, to provide afterschool basic education to youth and amend contractual language, WIA Grant Fund, contract amount \$7,454.00 decrease (07-69-A-141226-0908)
3. Tucson Youth Development, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$42,307.00; General Fund, contract amount \$4,000.00 (07-69-T-141721-0109)
4. SER Jobs for Progress of Southern Arizona, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$51,715.00; General Fund, contract amount \$5,000.00 (07-69-S-141722-0109)
5. Portable Practical Education Preparation, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$42,557.00; General Fund, contract amount \$4,300.00 (07-69-P-141723-0109)
6. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$50,594.00; General Fund, contract amount \$5,000.00 (07-69-C-141724-0109)
7. Tucson Urban League, Inc., to provide workforce development services for the One Stop Program, U.S. Department of Labor, Arizona Department of Economic Security (expenditure determined by client eligibility), contract amount \$50,826.00; General Fund, contract amount \$5,000.00 (07-69-T-141725-0109)

**C. Health Department**

8. RESOLUTION NO. 2009-21, approving an Intergovernmental Agreement with the Northwest Fire Rescue District, to provide for the Technical Rescue Team Technician Program and Hazardous Materials Technician training, State Homeland Security Grant Fund, contract amount \$67,000.00 (01-01-N-141734-0209)

**D. Office of Court Appointed Counsel**

**Award**

9. Increase in Award in the amount of \$150,000.00 to Joel Isaac Margaretten, for B502107, Amendment No. 3, to provide legal services and extend contract term to 12/30/10. Funding Source: General Fund.

**E. Pima Health System**

10. Arizona Community Physicians, P.C., Amendment No. 4, to provide primary care physician, specialty, OB/GYN, Flu Vaccine Program Administration and Sleep Studies services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-135580-0405)
11. United Community Health Center-Maria Auxiliadora, Inc., Amendment No. 6, to provide primary care physician, dental, LCSW, and LPC services, extend contract term to 2/28/10 and amend contractual language, PHCS Enterprise Fund, contract amount \$100,000.00 (18-15-U-135696-0305)
12. Evercare Collaborative Solutions, Inc., Amendment No. 1, to provide primary care physician services, extend contract term to 12/31/09 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-E-139161-0107)
13. U.S. Department of Veterans Affairs, to provide skilled nursing services at Posada del Sol, PHCS Enterprise Fund, contract amount \$1,000,000.00 revenue (18-15-U-141735-0209)

**F. Natural Resources, Parks and Recreation**

14. Hunter Contracting Company, Amendment No. 4, to provide park development services, extend contract term to 2/5/10 and amend contractual language, Various Funds (1997, 68%; 2004, 20% CIP Bond; General, 11%; and Special Revenue, 1% Funds), contract amount \$830,000.00 (26-05-H-139365-0207)
15. Durazo Construction Corp., Amendment No. 3, to provide park development services, extend contract term to 2/5/10 and amend

contractual language, Various Funds (1997, 68%; 2004, 20% CIP Bond; General, 11%; and Special Revenue, 1%, Funds), contract amount \$830,000.00 (26-05-D-139371-0207)

**G. Regional Wastewater Reclamation**

16. Sundt/Kiewit Joint Venture "CMAR," Amendment No. 1, to provide for construction manager at-risk services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect and amend contractual language, 2004 Bond Fund, no cost (03-03-S-140790-0408)

Motion carried to continue to 3/3/09 (5/0)

**H. Procurement**

17. Termination for Cause, Contract No. 16-05-C-138925-0906 with Castro Engineering Corporation for planning, design and construction administration services for the Southeast Park Shooting Range Phase II Improvement Project. Administering Department: Public Works

**I. Real Property**

18. First American Title Insurance Company, to provide title and escrow services, General Fund, contract amount \$250,000.00 (07-64-F-141737-0309)

**J. Transportation**

19. RESOLUTION NO. 2009-22, approving an Intergovernmental Agreement with the Arizona Department of Transportation, to provide for the design and reconstruction of 4.9 miles of the I-19 East Frontage Road between mileposts 34.7 and 39.6, State Grant Fund, contract amount \$6,245,000.00 revenue (01-04-A-141732-0209)

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

Thomas Wakefield, Unity in the Valley, 77 E. Paseo de Golf, Green Valley, March 29, 2009.

**3. RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of June, July, August and September, 2008.

## ADDENDUM SUMMARY

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

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

**February 17, 2009 9:00 a.m.**

#### **1. PROCLAMATIONS**

- A. Presentation of a proclamation to Richard Fimbres and Javier Herrera, proclaiming the week of March 16 through 22, 2009, to be:

“YOUTH LEADERSHIP WEEK”

Motion carried to approve (5/0)

- B. Presentation of a proclamation to Kristobal Fimbres, proclaiming the month of March 2009, to be:

“WOMEN AND GIRLS HIV/AIDS AWARENESS AND PREVENTION MONTH

AND

NATIVE AMERICAN HIV/AIDS AWARENESS AND PREVENTION MONTH”

Motion carried to approve (5/0)

#### **... EXECUTIVE SESSIONS**

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

#### UNFINISHED BUSINESS (RM 2/10/09)

- A. Pursuant to A.R.S. §38-431.03(A) (3) (4) and (7), for legal advice and direction regarding the possible purchase of real property known as Tumamoc Hill at public auction currently scheduled for February 23, 2009, Public Auction Number 53-112516.

Motion carried to proceed as discussed in Executive Session (5/0)

#### NEW BUSINESS

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a tax appeal settlement recommendation for the following matters:

Sutton v. Pima County  
Tax Parcel No. 219-44-0250  
Arizona Tax Court Case No. ST2008-000537

Motion carried to accept Assessor and County Attorney's Office recommendation (5/0)

JFS Speedway Properties, L.L.C. v. Pima County  
Tax Parcel No. 117-02-1150  
Arizona Tax Court Case No. ST2008-000406

Motion carried to accept Assessor and County Attorney's Office recommendation (5/0)

- C. Pursuant to A.R.S. §38-431.03(A)(3), for legal advice and direction regarding Pima County's legal obligations related to compliance deadlines in the ADEQ-issued NPDES permits for the County's Ina Road and Roger Road Wastewater Reclamation Facilities.

This item was informational only.

## 2. **PROCUREMENT**

### A. **Contract**

M. Anderson Construction Corporation, Amendment No. 4, to provide park development services, extend contract term to 2/5/10 and amend contractual language, Various Funds (1997 Bond, 68%; 2004 Bond, 20%; General, 11%; and Special Revenue, 1%), contract amount \$830,000.00 (26-05-M-139409-0207) Natural Resources, Parks and Recreation

Motion carried to approve (5/0)

### B. **Award**

Award of Contract to Sundt/Kiewit Joint Venture, for Construction Manager at Risk (CMAR) services for the Roger Road Wastewater Treatment Plant to Ina Road Water Pollution Control Facility Plant Interconnect Project. The Guaranteed Maximum Price (GMP) is \$25,197,276.00. Funding Source: 2004 Sewer Revenue Bond. Administering Department: Regional Wastewater Reclamation Department.

Motion carried to continue to 3/3/09 (5/0)

## 3. **FINANCE AND RISK MANAGEMENT**

- A. RESOLUTION NO. 2009- 26, of the Board of Supervisors of Pima County, Arizona, ordering the sale of not to exceed \$75,000,000.00 principal amount of Pima County, Arizona, General Obligation Bonds.

Motion carried to approve (5/0)

- B. RESOLUTION NO. 2009-27, of the Board of Supervisors of Pima County, Arizona, ordering the sale of not to exceed \$28,940,000.00 principal amount of Pima County, Arizona, Sewer Revenue Bonds.

Motion carried to approve (5/0)

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

DATE POSTED: 2/12/09

TIME POSTED: 11:00 A.M.