

## **AGENDA SUMMARY**

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

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

**March 10, 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 approval of a tax appeal settlement recommendation for Petkopoulos v. Pima County, Tax Parcel No. 219-12-0150, Arizona Tax Court Case No. ST2008-000943.

Motion carried to accept Assessor and County Attorney's Office recommendation (4/0)

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

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

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

#### **Donation Agreement and Waiver of Appraisal and Compensation**

Dana Vincil, Trustee under the Dana Vincil Family Trust, to provide a Donation Agreement and Waiver of Appraisal and Compensation, to donate 12.33 acres to protect habitat for a range of plants, animals and ecosystem protection along the Molina Canyon Wash, Flood Land Acquisition Program, contract amount not to exceed \$20,500.00 closing cost (11-59-V-141780-0309)

Motion carried to approve (4/0)

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

UNFINISHED BUSINESS (RM 6/17/08)

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. P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued for three months to June 2009

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

P07ZV00758–2, 3, 4, 5 and 6, Robert and Teresa Kern

In accordance with the Pima County Zoning Code Section 18.95.030D, Robert and Teresa Kern appeal the decision of the Hearing Officer in Case No. P07ZV00758–2, 3, 4, 5 and 6, regarding violations of the following sections of the Pima County Zoning Code: 18.14.020 and 18.14.030, stored vehicles not allowed in GR-1 Zone; 18.79.100A, banner sign not allowed in GR-1 Zone; 18.01.030E.1, structure without permit-hay barn; 18.01.030E.1, structure without permit-metal shed; and 18.01.030D, non-adherence to a development plan. The property is located at 3302 E. Edwin Road. (District 1)

Without objection, this item was continued for three months to June 2009

**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 (4/0)

**TRANSPORTATION**

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

A. P1207-089, Bilby Road and Masterson Avenue. Developer: Carlos and Adriene Canez. (District 2)

Motion carried to approve (4/0)

- B. P1206-046, Mann Avenue, Station 1+00.00 to Station 8+55.69. Developer: Caylor Construction. (District 4)

Motion carried to approve (4/0)

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

**FRANCHISES/LICENSES/PERMITS**

**Extension of Premises/Patio Permits**

7. Albert S. Hall, Jr., Acacia Restaurants of Tucson, L.L.C., 4340 N. Campbell Avenue, No. 103, Tucson, Temporary Extension of Premises for March 15, 22 and 29; April 5, 12, 19 and 26; May 3 and 10, 2009.

Motion carried to approve (4/0)

8. Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for March 28; April 25; May 30 and June 27, 2009.

Motion carried to approve (4/0)

9. Matthew Angus McKinnon, Shlomo and Vito's New York Delicatessen, 2870 E. Skyline Drive, Tucson, Temporary Extension of Premises for April 25 and June 6, 2009.

Motion carried to approve (4/0)

**DEVELOPMENT SERVICES**

UNFINISHED BUSINESS (RM 11/18/08)

**Comprehensive Plan Amendments**

10. Co7-08-06, TITLE GUARANTY AGENCY OF ARIZONA TR T-1312-W. VALENCIA ROAD PLAN AMENDMENT

Request of Title Guaranty Agency of Arizona TR T-1312, represented by Gordon T. Alley, III, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Community Activity Center (CAC) for approximately 25.76 acres adjoining W. Valencia and S. Wade Roads, in Section 16, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Gungle, Membrila, Smith and Matter were absent) to recommend **DENIAL**. Staff recommends **APPROVAL SUBJECT TO REZONING POLICIES**. (District 3)

Without objection, this item was withdrawn from the agenda.

11. Co7-08-07, STATE OF ARIZONA–W. VALENCIA ROAD PLAN AMENDMENT  
Request of the State of Arizona, represented by Projects International, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood Activity Center (NAC) for approximately 20 acres located at the southeast corner of the intersection of W. Valencia Road and S. Wade Road, in Section 15, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Spendiarian voting **NAY**, Commissioners Gungle, Membrila, Smith, and Matter were absent) to recommend **DENIAL**. Staff recommends **DENIAL**. (District 3)

Motion carried to approve as amended (4/0)

12. Co7-08-10, TITLE SECURITY AGENCY OF ARIZONA TR 913–W. VALENCIA ROAD PLAN AMENDMENT  
Request of Title Security Agency of Arizona, Trust 913, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Community Activity Center (CAC) for approximately 17 acres located at the northwest corner of the intersection of W. Valencia Road and S. Wade Road, in Section 9, T15S, R12E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Spendiarian voting **NAY**, Commissioners Gungle, Membrila, Smith, and Matter were absent) to recommend **DENIAL**. Staff recommends **DENIAL**. (District 3)

Motion carried to approve as amended (4/0)

### NEW BUSINESS

#### **Rezoning**

13. Co9-07-31, WEISBROD TRUST–IRVINGTON ROAD REZONING  
Request of Maynard and Martha Weisbrod Trust, for a rezoning of approximately 2.25 acres from SR (Suburban Ranch) to approximately 2.25 acres of SR-2 (Suburban Ranch Estate) and approximately 2.25 acres of SR (Suburban Ranch) (BZ) (Buffer Overlay Zone) to approximately 2.25 acres of SR-2 (Suburban Ranch Estate) (BZ) (Buffer Overlay Zone), on property located on the northeast corner of Irvington Road and Soledad Avenue easement, approximately 1 1/4 miles east of Kinney Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS AND DELETION OF CONDITIONS NO. 7B AND NO. 7C**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 5)

Motion carried to approve as amended (4/0)

14. Co9-08-18, HUIZAR–LOS REALES ROAD REZONING

Request of Jose Huizar represented by Norris Design, for a rezoning of approximately 4.50 acres from CR-3 (Single Residence) to CI-2 (General Industrial), on property located on the north side of East Los Reales Road, approximately 660 feet east of South Swan Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 2)

Motion carried to approve (4/0)

\*(Clerk's Note: Staff requests Agenda Item Nos. 15 and 16 be heard together.)

\*15. Co9-08-19, SIERRA BRAVO PROPERTIES, L.L.C.–LA CHOLLA BOULEVARD REZONING

Request of Sierra Bravo Properties, L.L.C., represented by Stantec Consulting, Inc., for a rezoning of two parcels totaling approximately 0.85 acres from TR (Transitional) to CB-1 (Local Business) located within Casas Commerce Center. One 0.24-acre parcel, internal to the Center, is approximately 255 feet south of Ina Road and 270 feet west of La Cholla Boulevard and the other 0.61-acre parcel is approximately 430 feet south of Ina Road and west of and immediately adjacent to 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 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve as amended (4/0)

**Modification (Substantial Change) of Rezoning Conditions**

\*16. Co9-01-45, CASAS ADOBES BAPTIST CHURCH–LA CHOLLA BOULEVARD REZONING NO. 3

Request of Sierra Bravo Properties, L.L.C., represented by Stantec Consulting, Inc., for a modification (substantial change) of the following rezoning conditions for the southern portion of Casas Commerce Center: No. 6 pertaining to no further lot splitting without the Board of Supervisors approval; No. 11 requiring adherence to the preliminary development plan as approved by the Pima County Board of Supervisors; No. 14 pertaining to the number and location of buildings; No. 21 pertaining to the height of the existing buildings; No. 25 pertaining to the play area of the Daisy Charter School; No. 32 to change the zoning district reference in the condition; No. 36 to include community meeting facility use; No. 37 to add coffee shop as a permitted use; No. 38 for the southeastern most building to change the building use and to change the zoning district reference in the condition; and No. 39 to delete the review requirement by the Design Review Committee. The subject property is approximately

6.9 acres, is zoned TR, and is located on the west side of La Cholla Boulevard, approximately 380 feet south of Ina Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve as amended (4/0)

### **Rezoning Time Extension**

17. Co9-03-32, LEE, ET. AL.–ORANGE GROVE ROAD REZONING  
Request of Lee Family Revocable Trust, represented by Carolyn Laurie of Tierra Planning Services, for a 5-year time extension for a rezoning of approximately 9.55 acres from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR ® (Suburban Ranch) (Restricted) for approximately 4.44 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The subject site was rezoned in 2003 and expires April 13, 2009. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH MODIFIED CONDITIONS**. Staff recommends **APPROVAL WITH MODIFIED CONDITIONS**. (District 1)

Motion carried to approve as amended (4/0)

### **Modification (Substantial Change) of Rezoning Conditions**

18. Co9-03-32, LEE, ET. AL.–ORANGE GROVE ROAD REZONING  
Request of Lee Family Revocable Trust, represented by Carolyn Laurie of Tierra Planning Services, for a modification (substantial change) of rezoning conditions for a rezoning of approximately 9.55 acres from SR (Suburban Ranch) to TR (Transitional) for approximately 5.11 acres and to SR ® (Suburban Ranch) (Restricted) for approximately 4.44 acres located on the southwest corner of Orange Grove Road and San Joaquin Avenue. The subject site was rezoned in 2003. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **APPROVAL WITH MODIFIED CONDITIONS**. Staff recommends **APPROVAL WITH MODIFIED CONDITIONS**. (District 1)

Motion carried to approve as amended (4/0)

### **Comprehensive Plan Amendment**

19. Co7-08-11, JIAHORNG LIN AND CHIHUA WU REVOCABLE TRUST, ET. AL.–W. RIVER ROAD PLAN AMENDMENT  
Request of Jiahornng Lin and Chihua Wu Revocable Trust, Jiahornng Lin and Chihua Wu Revocable Trust 33% and Suzanne Joe Kai 67%, Piotrowski Family Trust, and Suzanne Joe Kai 50% and Jiahornng Lin and Chihua Wu Revocable Trust 50%, represented by The WLB Group, Inc., to amend the Pima County Comprehensive Plan from Medium/High Intensity Urban (MHIU) to Community Activity Center (CAC)

for approximately 5.5 acres located on the north side of W. River Road, approximately 350 feet east of Oracle Road, in Section 13, T13S, R13E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Smith were absent) to recommend **MODIFIED APPROVAL FOR NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO REZONING POLICIES**. Staff recommends **MODIFIED APPROVAL FOR NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO REZONING POLICIES**. (District 1)

Motion carried to approve as amended (4/0)

## **TRANSPORTATION**

### **Traffic Ordinances**

20. ORDINANCE NO. 2009-**17**, of the Pima County Board of Supervisors regulating parking of vehicles on the east and west sides of Craycroft Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 4)

Motion carried to approve (4/0)

21. ORDINANCE NO. 2009-**18**, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Flowing Wells Road in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 3)

Motion carried to approve (4/0)

22. ORDINANCE NO. 2009-**19**, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Fort Lowell Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

Motion carried to approve (4/0)

23. ORDINANCE NO. 2009-**20**, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on Hardy Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 1)

Motion carried to approve (4/0)

24. ORDINANCE NO. 2009-**21**, of the Pima County Board of Supervisors establishing prima facie reasonable speed limits for motor vehicles on La Canada Drive in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1 and 4)

Motion carried to approve (4/0)

25. **CALL TO THE PUBLIC**

26. **ADJOURNMENT**

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

DATE POSTED: 3/4/09

TIME POSTED: 5:00P.M

# CONSENT CALENDAR, MARCH 10, 2009

## 1. CONTRACTS AND AWARDS

### A. Health Department

1. Tucson Unified School District, Amendment No. 4, to provide administration of childhood immunization services, no cost (01-01-T-135365-1204)

### B. Natural Resources, Parks and Recreation

2. Long Realty Company, Amendment No. 1, to provide exclusive right to sell listing agreement for County property located at 7100 W. El Camino del Cerro, no cost (07-05-L-141361-1008)

### C. Procurement

3. Cancellation of Requisition No. 0900466 for quality and constructability review services for plans, specifications and construction cost estimates for Transportation Capital Improvement Projects. Funding limitations preclude the award of contracts. Staff recommends that all responses be rejected and the solicitation be cancelled. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

### D. Sheriff

4. RESOLUTION NO. 2008- 35, approving an Intergovernmental Agreement with the Arizona Criminal Justice Commission, to provide support of the High Intensity Drug Trafficking Area Program, H.I.D.T.A. Grant Fund, contract amount \$96,083.00 revenue (01-11-A-141791-1006)

## 2. DIVISION OF ELECTIONS

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

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Barber, Kathleen A.	030	DEM
Sampson, Kelly N.	107	REP
Gordy, Michael D.	108	DEM
Reiman, Gary W.	112	REP
Nevarez, Deyanira	168	DEM
DeLaOssa, Judith E.	242	DEM
Spier, Mariana	254	DEM
Wilson, Michael S.	292	DEM
Larsen, Steven F.	302	DEM
Coach, Kent E.	328	DEM
Morrison, Nancy K.	354	DEM

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

- A. Lance Richard Hurst, American Legion Post 109, 15921 S. Houghton Rd., Vail, March 21, 2009.
- B. Lacey Thompson De Leon, Girls and Boys Clubs of Tucson, 2905 E. Skyline Drive, Tucson, April 26, 2009.
- C. Gary G. Richelson, Congregation Bet Shalom, 3881 E. River Road, Tucson, March 7, 2009.

4. **RATIFY AND/OR APPROVE**

Minutes: January 13, 2009

## **ADDENDUM SUMMARY**

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

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

**March 10, 2009 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 regarding *Pima County vs. Denny Nolen Corp., et. al.*, Pima County Superior Court Cause No. C20090875 including whether or not to request a criminal and/or civil action by the Arizona Department of Real Estate and/or the Arizona Attorney General's Office.

Motion carried to accept County Attorney's Office recommendation (4/0)

- 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 on the following matters:

Mossie v. Pima County

Parcel Nos. 222-05-0230, 222-12-0550, 222-18-0430, 222-18-0420, 222-18-0410 and 222-18-0400

Arizona Tax Court Case No. ST2008-000875

Motion carried to accept Assessor and County Attorney's Office recommendation (4/0)

Gleeson Family Trust v. Pima County

Parcel No. 219-06-0760

Arizona Tax Court Case No. ST2008-000887

Motion carried to accept Assessor and County Attorney's Office recommendation (4/0)

#### **BOARD OF SUPERVISORS SITTING IN REGULAR SESSION**

##### **1. PROCUREMENT**

UNFINISHED BUSINESS (RM 2/17/09 and RM3/3/09)

- A. **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 approve (4/0)

**B. Contract**

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) Regional Wastewater Reclamation Department

Motion carried to approve (4/0)

**2. BOARD, COMMISSION AND/OR COMMITTEE**

**Regional Wastewater Reclamation Advisory Committee**

Reappointment of Barbee Hanson. Term Expiration: 3/1/12. (District 1)

Motion carried to approve (4/0)

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

DATE POSTED: 3/6/09

TIME POSTED: 11:00 A.M.