

## AGENDA SUMMARY

**Pima County Board of Supervisors' Meeting**  
**130 W. Congress St., Hearing Room, 1st Fl.**  
**March 17, 2009 9:00 a.m.**

1. **ROLL CALL**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **PAUSE 4 PAWS**
- ... **EXECUTIVE SESSION**

(Clerk's Note: As of the posting date of 1/7/09, no executive session item has been placed on the regular agenda. However, this is subject to any addendum.)

### BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

#### ... **LIBRARY DISTRICT BOARD**

Staff recommends amendments to the following Board of Supervisors Policies:

- A. D.32.2, Circulation of Library Materials Policy
- B. D. 32.8, Fines and Fee Schedule Policy

Motion carried to approve (5-0)

### 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.1.E.9 (5-0)

6. **COUNTY ADMINISTRATOR**

#### **Classification and Compensation**

The Pima County Consolidated Justice Court requests the creation of two new Position Control Numbers (PCNs) to be allocated as:

<b>Class Code/Class Title</b>	<b>Grade Code</b>	<b>EEO, O/T CODE</b>
5693/Litigation Support 2 Courts	L2 (\$16,893 - \$42,930)	PT*

\*Paid Overtime (Non Exempt)

Motion carried to approve (4-1)

## **DEVELOPMENT SERVICES**

### **7. Final Plat with Assurances**

P1205-146, Canoa Ranch Block 27 South, Lots 1-348 and Common Areas A and B.  
(District 4)

Motion carried to approve (5-0)

### **8. DIVISION OF ELECTIONS**

In accordance with A.R.S. §16-642 and §19-233, canvass of the March 10, 2009 Marana Domestic Water Improvement District Board Members (Luis Castaneda and Louis Preston) Special Recall Election Results.

Motion carried to approve (5-0)

### **9. SOUTHWESTERN FAIR COMMISSION, INC.**

Pursuant to the Lease Management Agreement, the Southwestern Fair Commission, Inc., requests approval of the Assignment of the Sublease and Assumption of Liabilities Agreement from Deery Sports West, Inc., to Tucson Racing Enterprises, L.L.C., for operation and management of Tucson Raceway Park for the current lease period.

Motion carried to approve (5-0)

## **\*\*\* HEARINGS \*\*\***

## **FIRE DISTRICT CREATION**

### **10. Arivaca Fire District**

A. Pursuant to A.R.S. §48-261.A.9, **10**, validation of the petitions presented for the establishment of the Arivaca Fire District.

Motion carried to approve as corrected (5-0)

B. RESOLUTION NO. 2009-**39**, of the Pima County Board of Supervisors, ordering the establishment of the Arivaca Fire District. (District 3)

Motion carried to approve (5-0)

## **DEVELOPMENT SERVICES**

### **Conditional Use Permit**

### **11. P21-09-004, VALENCIA 13, L.L.C. – W. VALENCIA RD.**

Request of Valencia 13, L.L.C., represented by Michael Marks, on property located at 3385 W. Valencia Road, in the GR-1 zone, requests a conditional use permit for a Restaurant and Retail. Chapter 18.97, in accordance with Sections 18.14.030B5 and 18.14.030B8 of the Pima County Zoning Code, allows a Restaurant and Retail as a Type II Conditional Use in the GR-1 zone. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 5)

Motion carried to approve (5-0)

## Lot Split

12. Co12-73-128, CASA RIO ESTATES (LOT 14)

Request of Christopher Hill for a lot split. The applicant requests to split Lot 14 of Casa Rio Estates into two parcels of 1.00 and 1.40 acres. Plat Note No. 14 states that lots in this subdivision will not be further subdivided or split without the approval of the Board of Supervisors. The subject lot is zoned CR-1 and is located on the west side of Camino Blanco, approximately 800 feet south of River Road. Staff recommends **APPROVAL WITH CONDITIONS**. (District 1)

Motion carried to approve (5-0)

## SUBDIVISION PLAT WAIVER/LOT SPLIT

13. PPW08-04, CANOA RANCH BLOCK 8 (PORTION)

Request of Bourn Property Advisors No. 5, L.L.C. and FCR Investments Blocks 8/29, L.L.C., represented by The WLB Group, for a subdivision plat waiver/lot split of a portion of Canoa Ranch Block 8, Tax Parcel Nos. 304-69-018D and 304-69-018H, pursuant to Section 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 and pursuant to Condition No. 6 of Ordinance 2005-49 pertaining to Case No. Co9-01-01 Pima County – Canoa Ranch Rezoning and Plat Note No. 4 of the Canoa Ranch subdivision (Bk. 54, Pg. 74), both of which state that there shall (will) be no further lot splitting or subdividing without the written approval of the Board of Supervisors. The applicant proposes to create eight additional parcels in Block 8, which include the private streets Turquoise Canyon Drive and Turquoise Mountain Drive. The subject property is 24.47 acres zoned CB-2 and is located on the south side of Canoa Ranch Drive, approximately 450 feet east of the intersection of Canoa Ranch Drive and Camino del Sol. Staff recommends **APPROVAL WITH CONDITIONS**. (District 4)

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

## Rezoning Ordinance

14. ORDINANCE NO. 2009-~~21~~**22**, Co9-05-23, KLK Consulting Group, Inc., Defined Benefit Plan – River Road Rezoning, and correcting a scrivener’s error in Condition No. 17. Owner: KLK Consulting Group, Inc., Benefit Plan. (District 1)

Motion carried to approve (5-0)

## Street Name Change

15. **Present**

Calle Sin Envidia Co14-09-003 (District 1)

**Proposed**

Ancient Mesa Place

Motion carried to approve (5-0)

## **ENVIRONMENTAL QUALITY**

### UNFINISHED BUSINESS (RM 12/16/08 and RM 2/17/09)

#### **Pima County Code Text Amendment**

16. 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.

Motion carried to approve (5-0)

### NEW BUSINESS

#### **HEALTH DEPARTMENT**

17. ORDINANCE NO. 2009-23, of the Board of Supervisors of Pima County, Arizona, adopting revised fees for family planning services provided by the Pima County Health Department Family Planning Program.

Motion carried to approve (5-0)

#### **Pima County Code Text Amendments**

18. ORDINANCE NO. 2009-24, of the Board of Supervisors of Pima County, Arizona, relating to health and safety: amending Chapter 8.12 of the Pima County Code adopting revised fees for immunization services and tuberculosis services provided by the Pima County Health Department.

Motion carried to approve (4-1)

19. ORDINANCE NO. 2009-25, of the Board of Supervisors of Pima County, Arizona, relating to health and safety: amending Chapter 8.14 of the Pima County Code adopting revised fees for sexually transmitted disease and HIV/AIDS services provided by the Pima County Health Department.

Motion carried to approve (5-0)

20. ORDINANCE NO. 2009-26, of the Board of Supervisors of Pima County, Arizona, relating to the fees assessed for actions of the Pima County Health Department's Consumer Health and Food Safety Program; amending the Pima County Code, Chapter 8.04, Sections 8.04.125 and 8.04.130.

Motion carried to continue to 4/14/09; Hearing not closed. (5-0)

21. ORDINANCE NO. 2009-27, of the Board of Supervisors of Pima County, Arizona, relating to animals; amending the Pima County Code by amending Chapter 6.04 and Chapter 6.05 to clarify the requirement for a dog owner to license a dog in Pima County and increase licensing, pound and canine-wild animal hybrid permit fees and add authority to inspect kennels of kennel permit holders and require owners to microchip dogs licensed under a kennel permit.

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

#### **JUSTICE AND LAW ENFORCEMENT**

22. ORDINANCE NO. 2009-28, of the Board of Supervisors of Pima County, Arizona, amending Pima County Ordinance Number 2008-116, to allow for the inclusion of the Pima County Justice Courts in Ajo and Green Valley and to reflect that this fee will be charged on photo enforcement citations adjudicated rather than filed with the Justice Courts in Pima County.

Motion carried to approve (3-2)

23. **CALL TO THE PUBLIC**

24. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.  
DATE POSTED: 3/11/09  
TIME POSTED: 5:00 P.M.

## **CONSENT CALENDAR, MARCH 17, 2009**

### **1. CONTRACTS AND AWARDS**

#### **A. Community Development and Neighborhood Conservation**

1. City of Tucson, Amendment No. 1, to provide design and construction of a Community Park/Garden in the Barrio Viejo Neighborhood, 2004 Bond Fund, contract amount \$43,516.00 (01-70-T-140547-0108)

#### **B. Health**

2. Arizona Family Planning Council, to provide services under the Family Planning Title X Grant and Project, Arizona Family Planning Council Grant Fund, contract amount \$823,836.00 revenue (02-01-A-141806-0109)

#### **C. Pima Health System**

3. NurseCore Management Services, L.L.C., d.b.a. NurseCore, Amendment No. 11, to provide non-skilled homecare services and amend contractual language, PHCS Enterprise Fund, no cost (11-15-C-134404-0704)
4. Southwestern Eye Center, Ltd., Amendment No. 4, to provide ophthalmology, optometry and surgicenter services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-137384-0406)
5. Urgent Care Associates, P.C., Amendment No. 3, to provide primary care physician and urgent care services, extend contract term to 3/31/10 and amend contractual language, PHCS Enterprise Fund, no cost (18-15-U-137458-0406)
6. Ajo Community Health Center, d.b.a. Desert Senita Community Health Center, Amendment No. 3, to provide dental, family planning extension, primary care physician, laboratory, radiology, behavioral health, licensed professional counselor and licensed clinical social worker services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-A-138810-1106)

#### **D. Procurement**

7. Low Bid, Award of Contracts: Requisition No. 0901500, in the annual amount of \$328,000.00 for Automotive Original Equipment Manufacturer Replacement Parts to be provided to primary and secondary vendors as listed below. Contract will be for a one-year period and include four one-year renewal periods. The award includes the authority for the Procurement Director or designee to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts does not exceed the sum of the contract award amounts; to execute and administer the award utilizing Synergen Blanket Contracts, or Purchase Order(s); to execute future remaining renewals and add funding if necessary provided that the amount of each

(annual) contract term does not exceed the annual amount of this award and the renewal does not change the existing scope of the contract; to revise the contract to clarify contract scope and incidentals previously approved by the Board of Supervisors; to revise contractor name changes. Funding Source: Other Internal Service Funds. Administering Department: Fleet Services.

<b>Contractor/HQ</b>	<b>Award Status</b>	<b>Awarded Group</b>	<b>Annual Amount</b>
Jim Click Ford Tucson, AZ	Primary	A – Ford	\$87,500.00
Holmes Tuttle Ford Tucson, AZ	Primary	A – Ford	\$87,000.00
(dual primary award based on bid responses)			
Jim Click Dodge Tucson, AZ	Primary	B – Chrysler/Dodge/ Jeep	\$60,000.00
Tucson Dodge Tucson, AZ	Secondary	B – Chrysler/Dodge/ Jeep	\$30,000.00
Desert Toyota Phoenix, AZ	Primary	C – Toyota	\$38,000.00
Precision Toyota Tucson, AZ	Secondary	C – Toyota	\$25,000.00

8. SFQ: Award of two (2) Job Order Contracts, Requisition No. 0901244, in the amount of \$750,000.00 each to the two top-ranked firms: Southern Arizona Paving (Headquarters: Tucson, AZ) and Granite Construction Company (Headquarters: Watsonville, CA), for paving services at various locations throughout Pima County. The contracts will be for a term of one year with the option to extend for up to four additional one year periods. Funding Sources: CIP Bond Fund, \$1,050,000.00; and General Fund, \$450,000.00. Administering Department: Natural Resources, Parks and Recreation.

**E. Real Property**

9. Oasis at Wild Horse Ranch, L.L.C., to provide a License Agreement for the right-of-way encroachment to allow the installation and maintenance of a sign within the right-of-way of North Camino Verde, contract amount \$3,875.00 revenue (12-04-O-141800-0309) Transportation  
  
Without objection, removed
10. Las Campanas Community Association, to provide a License Agreement for the right-of-way encroachment for an existing encroachment of street fixtures, furniture and lighting within the right-of-way of Desert Bell Drive, Calle de Oro, Calle de Artistica and Esperanza Boulevard, contract amount \$7,500.00 revenue (12-04-L-141801-0309) Transportation

**F. Regional Wastewater Reclamation**

11. RESOLUTION NO. 2009-**36**, approving an Intergovernmental Agreement with the Pima Community College District, to provide occupational education services, RWRD Enterprise Fund, contract amount \$50,000.00; Pima Community College Fund, contract amount \$50,000.00 revenue (01-03-P-141804-0309)

**G. Sheriff**

- 12. RESOLUTION NO. 2009-37, approving an Intergovernmental Agreement with the City of Tucson, to provide architectural design review services associated with renovations of Thomas Price Service Center for the Pima County Wireless Integrated Network Project. Bond Fund, contract amount not to exceed \$50,000.00 (01-11-T-141803-0309)

**H. Transportation**

- 13. Regional Transportation Authority, Amendment No. 2, to provide for the installation of traffic signal battery back-up systems at 25 existing signalized intersections and extend contract term to 9/30/09, no cost (01-04-R-140465-1207)

**I. Community Services Economic Development and Tourism**

**Ratification of Emergency Contract**

- 14. Patio Pools and Spas of Tucson, to provide for the design and construction of the Pima Motorsports Park Rock Crawling Track Project, Recreational Trails Program Grant Fund, contract amount \$279,900.00; Private contribution contract amount \$31,100.00 (03-71-P-141805-0209)

**2. DIVISION OF ELECTIONS**

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

<b>APPOINTMENTS</b>	<b>PRECINCT</b>	<b>PARTY</b>
Casserly, John T.	021	REP
Tucker, Sue	148	DEM
McCormick, Sharon A.	182	DEM
Zielbauer, James D.	189	REP
Harrod, James W.	262	REP
Brink, Patricia L.	384	REP
Parr, Gwen	384	REP
Parr, Mike	384	REP
Surowiec, Dick	384	REP
Johnson, Linda C.	402	REP

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

**A. Board of Adjustment, District No. 3**

~~Ratification of Town of Oro Valley Appointment:~~ **Appointment of Robert Bethel** to fill the unexpired term of Keith Johnson. Term expiration: 10/05/10. (District 3)

Without objection, correction to text

**B. Tucson-Pima County Bicycle Advisory Committee**

Ratification of Town of Oro Valley appointment: Robert Turnbull to replace Donna Aversa. Term expiration: 12/31/11. (Jurisdictional recommendation)

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

Appointment of Debbie Rich to replace Barbara Epperson. Term expiration: 12/31/12. (District 4)

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

- A. Deborah Jassem, Tohono Chul Park, Inc., 7366 N. Paseo del Norte, Tucson, April 5, 2009.
- B. James Andrew Mack, Community Performing Arts Center Foundation, 1250 W. Continental Road, Green Valley, March 13, 2009.
- C. James Andrew Mack, Community Performing Arts Center Foundation, 1250 W. Continental Road, Green Valley, April 4, 2009.
- D. Alan E. Foster, V.F.W. Post 5990, 15850 W. El Tiro Road, Marana, April 18, 2009.
- E. William D. Woodruff, Corpus Christi Church Activities Group, 300 N. Tanque Verde Loop Road, Tucson, March 27, 2009.

**FINANCE AND RISK MANAGEMENT**

5. **Duplicate Warrant – For Ratification**

AM PAC \$99.69

**REAL PROPERTY**

6. **Abandonment and Quit Claim Deed**

- A. RESOLUTION NO. 2009 -**38**, of the Pima County Board of Supervisors providing for the vacation of a portion of Camino de la Tierra Road right-of-way, Pima County Road Abandonment No. A-09-01, within Section 32, T12S, R13E, G&SRM. (District 1)
- B. Quit Claim Deed to Ina Business Center, L.L.C., for a portion of Camino de la Tierra Road right-of-way, within Section 32, T12S, R13E, G&SRM. No revenue. (District 1)

7. **RATIFY AND/OR APPROVE**

Minutes: February 3, 2009

## ADDENDUM SUMMARY

**Pima County Board of Supervisors' Meeting  
130 W. Congress St., Hearing Room, 1st Fl.  
March 17, 2009 9:00 a.m.**

**1. PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Estella Ruiz, an alumnus of Project MORE, proclaiming the month of April 2009, to be:

“SEXUAL ASSAULT AWARENESS MONTH”

and the day of April 14, 2009, to be:

“TAKE BACK THE NIGHT TUCSON 2009”

Motion carried to approve (5-0)

**... EXECUTIVE SESSIONS**

**Call to the Public (for Executive Session items only)**

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 a request that Pima County waive a potential conflict of interest to allow Mesch, Clark and Rothschild to represent Electrical Design and Associates in the matter of Andrews v. Electrical Design and Associates, Pima County Superior Court Cause No. C20080309.

Motion carried to waive conflict of interest (5-0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement approval in Pima County v. Guttuso, Pima County Superior Court Cause No. C20066602

Motion carried to accept recommendation (5-0)

- C. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the settlement agreement between the United States of America Department of Justice and Pima County in relation to Kino Community Hospital Pharmacy.

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

- D. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding approval of a Tax Appeal Settlement with AEH Investors IV, L.L.C. v. Pima County Tax Parcel Nos. 225-51-3540 through 225-51-3820, Arizona Tax Court Case No. TX2008-000726.

Motion carried to accept recommendation (5-0)

- E. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed Combined Property Acquisition, Claim Settlement and Mutual Release Agreement between **Pima County**, the Pima County Flood Control District, Birkdale Properties, L.L.C., Prestwick Properties, L.L.C., Kings Barn Properties, L.L.C., and the Ashton Company, Inc.

Motion carried to accept recommendation (5-0)

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

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

#### **... EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed Combined Property Acquisition, Claim Settlement and Mutual Release Agreement between Pima County, the **Pima County Flood Control District**, Birkdale Properties, L.L.C., Prestwick Properties, L.L.C., Kings Barn Properties, L.L.C., and the Ashton Company, Inc.

Motion carried to accept recommendation (5-0)

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

#### **2. DEVELOPMENT SERVICES**

##### **Text Amendment for Initiation**

Staff requests authorization to initiate a revision to the Pima County Zoning Code to provide a process to allow a property owner to apply for a plan amendment and rezoning concurrently for a small subset of cases that potentially will have minimal impacts.

Motion carried to approve (5-0)

#### **3. CONTRACTS**

##### **A. Facilities Management**

Green Valley Performing Arts Center Foundation, Inc., to provide a lease agreement to provide management, operation and maintenance to Phase II of the Green Valley Performing Arts Center, no cost (11-13-G-141820-0309)

Motion carried to approve (5-0)

**B. Procurement**

**Award**

Award of Contract, Requisition No. 0901666, in an amount not to exceed \$1,255,896.00 to RS Engineering, Inc., (Headquarters: Tucson, AZ) to complete engineering services for the Tanque Verde Road: Catalina Highway to Houghton Road Project. Contract term will be for a 24 month time period, of which six months is for completion of final design, the remainder for required post-design services during construction. Funding Source: RTA Fund. Administering Department: Public Works.

Motion carried to approve (5-0)

**C. Transportation**

HDR Engineering, Inc., Amendment No. 2, to provide roadway design engineering services for the La Cholla Boulevard: River Road to Ruthrauff Road Project and amend contractual language, HURF Fund, contract amount \$557,721.00 (16-04-H-139619-0607)

Motion carried to approve (5-0)

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

**A. City/County Water and Wastewater Study Oversight Committee**

Ratification of City of Tucson appointments: Sean Sullivan, City of Tucson Water Advisory Committee, to replace Dan Sullivan. No term expiration; and Thomas Saylor-Brown, City of Tucson Planning Commission, to replace Sean Sullivan. No term expiration. (City of Tucson recommendations)

Motion carried to approve (5-0)

**B. Neighborhood Reinvestment Oversight Committee**

Reappointment of Corey Knox. Term expiration: 12/31/12. (District 4)

Motion carried to approve (5-0)

**C. Regional Wastewater Reclamation Advisory Committee**

1. Reappointment of Rob Kulakofsky. Term Expiration: 3/1/13. (District 5)

Motion carried to approve (5-0)

2. Ratification of appointment: Jim Barry, Citizens' Water Advisory Committee, to fill the unexpired term of John Carhuff. Term expiration: 3/1/10. (Organizational recommendation)

Motion carried to approve (5-0)

5. **PROCLAMATION**

Proclaiming the day of April 4, 2009, to be:

“BETWEEN THE TRACKS DAY”

Motion carried to approve (5-0)

**\*\*\* HEARING \*\*\***

**FRANCHISE/LICENSE/PERMIT**

**Extension of Premises/Patio Permit**

6. Patricia Ann Martin, Holiday Inn - Tucson, 4550 S. Palo Verde Road, Tucson, Temporary Extension of Premises for April 11, 2009.

Motion carried to approve (5-0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.  
DATE POSTED: 3/13/09  
TIME POSTED: 12:30 p.m.