

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

October 20, 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 10/14/09, no executive session item has been placed on the regular agenda. However, this is subject to any addendum.)

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 CC1 B-2 (5-0)

6. **COUNTY ADMINISTRATOR**

Quarterly Management Report on Collections

Staff recommends acceptance of the Quarterly Management Report on Collections for the period ending June 30, 2009, and approval of the write-off request in the amount of \$150,996.00.

Motion carried to approve (5-0)

7. **PROCUREMENT**

UNFINISHED BUSINESS (RM 9/1/09 and RM 10/06/09)

Staff requests direction to proceed to the second step Request for Proposal phase of the Design/Build/Operate Project for the Regional Optimization Plan (ROMP) 32 MGD

Water Reclamation Campus to replace the aging Roger Road Water Reclamation Facility.

Motion carried to approve (3-2)

8. REAL PROPERTY

UNFINISHED BUSINESS (RM 10/06/09)

Release of Public Ingress/Egress Easement

Leadstar, L.L.C., representing the Gates Pass Condominium Project, requests the release of an unneeded 25-foot public ingress/egress easement as reserved in Docket 8450 at Page 1623 and dedicated in Docket 8516 at Page 591 and Docket 9233 at Page 676, Section 15, T15S, R13E, G&SRM. No revenue. (District 5)

Motion carried to continue to this item to 11/17/09 (5-0)

NEW BUSINESS

9. FINANCE AND RISK MANAGEMENT

A. Certificates of Participation

RESOLUTION NO. 2009 – **267** of the Board of Supervisors of Pima County, Arizona, relating to lease-purchase financing for capital projects for the County; authorizing the execution and delivery of supplemental lease-purchase agreements and supplemental trust agreements or amendments thereto and other necessary agreements, instruments and documents in connection with amending and extending certain current obligations and financing additional capital project costs; approving the execution and delivery of Certificates of Participation; authorizing other actions and matters in connection therewith; and declaring an emergency.

Motion carried to approve (4-1)

B. Board of Supervisors Policy

Staff requests approval of Board of Supervisors Policy D 22.9, Cost Recovery for Credit Card and Debit Card Processing.

Without objection removed from the agenda.

10. TRANSPORTATION

Waivers of Development Impact Fees

A. Pursuant to Pima County Code Section 19.03.070, Louis and Cyrilla Boisvert request a waiver of the Roadway Development Impact Fee for property located

at 17301 E. Yucca Ash Farm Road, Sonoita, in the Mountain View Impact Fee Benefit Area. (District 4)

Motion carried to approve (5-0)

- B. Pursuant to Pima County Code Section 19.03.070, Mark and Virginia Blosser request a waiver of the Roadway Development Impact Fee for property located at 28420 Rain Valley Road, Elgin, in the Mountain View Impact Fee Benefit Area. (District 4)

Motion carried to approve (5-0)

11. **REGIONAL WASTEWATER RECLAMATION**

Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Le Rendezvous Restaurant, No. 2009-07. Proposed settlement amount is \$530.54.

Motion carried to approve (5-0)

***** HEARINGS *****

FRANCHISES/LICENSES/PERMITS

Liquor License

12. 09-23-8993, Randy D. Nations, Valencia Chevron, 5000 E. Valencia Road, Tucson, Series 10, Beer and Wine Store License, New License.

Motion carried to approve (5-0)

Fireworks Permit

13. Troy Finley, Tucson Country Club, 2950 N. Camino Principal, Tucson, November 8, 2009 at 9:00 p.m.

Motion carried to approve (5-0)

Extension of Premises/Patio Permit

14. Amy S. Nations, Fleming's Prime Steakhouse, 6360 N. Campbell Avenue, Tucson, Permanent Extension.

Motion carried to approve (5-0)

DEVELOPMENT SERVICES

Rezoning

15. Co9-09-04, GOEKE – NOYES STREET EASEMENT REZONING
Request of Jon and Karen Goeke, for a rezoning of approximately 5.01 acres from RH (Rural Homestead) to GR-1 (Rural Residential), on property located on the south side of the Noyes Street easement, approximately 3/4 mile east of Wilmot Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 6-0 (Commissioner Holdridge abstained; Commissioners Gungle, Cook and Membriola were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 4)

Motion carried to approve (5-0)

Rezoning Time Extensions

16. Co9-04-14, FAITH COMMUNITY CHURCH, INC. – SAN JOAQUIN AVENUE REZONING
Request of Title Security Agency of Arizona, TR 1073, represented by Vincent Catalano, for a five-year time extension of a rezoning from SR (Suburban Ranch) to CR-3 (Single Residence) (2.70 acres) and SR (R) (Restricted) (1.76 acres) located on the west side of San Joaquin Avenue, approximately 660 feet south of Orange Grove Road. The subject site was rezoned in 2004. The rezoning will expire on November 16, 2009. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ORIGINAL, MODIFIED AND ADDITIONAL STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve (4-0)

17. Co9-04-16, ST. PHILLIPS FOOTHILLS L.L.C., – CAMPBELL AVENUE REZONING
Request of Campbell Foothills Investors, L.P., for a five-year time extension of a rezoning from CR-1 (Single Residence) of approximately 7.02 acres to CR-4 (Mixed-Dwelling Type) (4.13 acres) and CR-4 (Mixed-Dwelling Type) (Restricted) (2.89 acres) located on the east side of Campbell Avenue, approximately 1/4 mile north of River Road. The subject site was rezoned in 2005 and will expire in 2010. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve (4-0)

Modification (Substantial Change) of Rezoning Conditions

18. Co9-92-07, HARDY-THORNYDALE ASSOCIATES - THORNYDALE ROAD REZONING
Request of Pacific Income Properties, L.L.C., for a modification (substantial change) of Rezoning Condition No.12 of Ordinance No. 1992-112 which states, "Uses shall be

restricted to TR uses except apartments.” The applicant requests to allow CB-1 (Local Business) uses except for the following list of uses normally allowed in the CB-1 Zone; auto mechanical repair; auto parking lot; automobile lubrication and oil change operation; automobile tires, batteries and accessories installation in conjunction with a department store; billiard or poolhall; feed store; fix-it shop, small appliances; frozen food locker; garage for public storage; gasoline service station; hotel; laundromat; mechanical and electronic games arcade; pet grooming; pet shop; religious rescue mission or temporary revival; station, bus or stage; taxicab stand; theater; tire store; trailer rental; upholstery shop and supplies; water, telephone or electrical receiving or distribution station; wholesale of oil; and trailer, manufactured or mobile home for caretaker. The subject site is 4.87 acres zoned CB-1 and is located at the southeast corner of the intersection of Thornydale Road and Hardy Road. Reference case: P1200-014. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle, Cook and Membrila were absent) to recommend **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

Motion carried to approve (5-0)

Zoning Code Text Amendment

19. Co8-09-04, COMMUNICATION TOWERS CODE TEXT AMENDMENT

An ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code by amending Title 18, Chapter 18.03 (General Definitions) to amend the definitions of communication tower and communication tower equipment vault and add definitions for communication tower equipment, community character and visually sensitive area; and to amend Chapter 18.07 (General Regulations and Exceptions) to revise the purposes, applicability, development standards and procedures for communication towers and appurtenances located within public rights-of-way and on private property. On motion, the Planning and Zoning Commission voted 10-0 to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2009 – **101**

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

20. **CALL TO THE PUBLIC**

21. **ADJOURNMENT**

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

DATE POSTED: 10/14/09

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, OCTOBER 20, 2009

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2009 - 265, approving an Intergovernmental Agreement with the City of Tucson, to provide for the Dunbar Spring Neighborhood Reinvestment Project, 2004 Bond Fund, contract amount \$472,602.00 (01-70-T-142375-1009)

B. County Administrator

2. Humane Borders, Inc., to provide water distribution services in remote areas of Pima County, General Fund, contract amount \$22,500.00 (11-30-H-142387-0709)

Motion carried to approve (4-1)

C. Environmental Quality

3. Arizona Department of Environmental Quality, Amendment No. 5, to provide for the Clean Air Voluntary No-Drive Day Program and extend contract term to 6/30/10, ADEQ Grant Fund, contract amount \$134,125.00 revenue (02-51-A-136398-0805)
4. Arizona Department of Environmental Quality, Amendment No. 4, to provide for the Tucson Urban Haze Study and extend contract term to 6/30/10, ADEQ Grant Fund, contract amount \$40,000.00 revenue (02-51-A-140249-0704)

D. Facilities Management

5. Holualoa Pioneer, L.L.C., Amendment No. 2, to provide a lease agreement for the Pima County Graphic Design Print Shop and extend contract term to 10/31/12, General Fund, contract amount \$250,000.00 (04-13-O-129510-1101)

E. Health Department

6. Arizona Department of Health Services, Amendment No. 1, to provide breastfeeding peer counseling services and amend contractual language, ADHS Grant Fund, contract amount \$328,516.42 revenue (01-01-A-142170-0709)

F. Pima Health System

7. Devon Gables Health Care Center, Amendment No. 6, to provide long term care services including skilled nursing, amend contractual language and extend contract term to 10/31/10, PHCS Enterprise Fund, contract amount \$5,500,000.00 (18-15-D-137015-1005)
8. US Bioservices Corporation, Amendment No. 3, to provide prescription Synagis services, amend contractual language and extend contract term to 10/31/10, PHCS Enterprise Fund, no cost (18-15-U-138825-1106)
9. To provide assisted living services and amend contractual language, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Amd No</u>	<u>Contract No.</u>
Angela's Assisted Living, L.L.C.	3	07-15-A-140108-0907
Paul & Juanita Hernandez, d.b.a. Ridgecrest II	3	07-15-H-140263-0907
Brea Tucson, L.L.C., d.b.a. The Court at Tucson	3	07-15-T-140569-1007
La Paloma Home for the Aging, L.L.C.	4	07-15-L-140212-0907

10. Supported Living Systems, Inc., Amendment No. 1, to provide behavioral health services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-S-140688-0408)
11. To provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Amd No.</u>	<u>Contract No.</u>
Creative Networks, L.L.C., d.b.a. Rescare Homecare	2	07-15-C-142062-0709
Accentcare at Home, Inc.	1	07-15-A-142109-0709
Sunrise Senior Living Management, Inc.	2	07-15-S-142114-0709

12. Arizona Oral & Maxillofacial Surgeons, P.L.L.C., to provide dental and oral surgery services, PHCS Enterprise Fund, contract amount \$330,000.00/2 year term (18-15-A-142381-1109)

G. Procurement

13. Amendment No. 1, to provide a job order contract for traffic signal, roadway intersection, paving and drainage improvements, amend contractual language and extend contract term to 9/21/10, RTA (70%), County HURF (20%), and 1997 HURF Bond Funds (10%), Transportation:

<u>Vendor</u>	<u>Contract Amount</u>	<u>Contract No.</u>
The Ashton Company, Inc.	\$846,492.00	26-04-A-141353-0908
KE&G Construction, Inc.	\$1,737,035.00	26-04-K-141354-0908
Southern Arizona Paving and Construction Co.	\$623,938.00	26-04-S-141360-0908
Granite Construction Company, Inc.	\$438,166.00	26-04-G-141362-0908

Award

14. Highest Scoring Proposal: Award of Contract, Requisition No. 0901034, to Psomas (Headquarters: Los Angeles, CA) the respondent submitting the highest scoring proposal for design engineering services for the Alvernon Way at Valencia Road intersection improvements. The contract shall be for a 30-month period in an amount not to exceed \$433,104.00. The contract may be extended as required for project completion. The Board of Supervisors, at their regularly scheduled meeting on June 2, 2009, previously authorized the award of a 30-month contract not to exceed \$375,000.00. Subsequent scope and fee negotiations resulted in a final negotiated amount of \$433,104.00. Funding Source: RTA Fund. Administering Department: Transportation.

H. Sherriff

15. RESOLUTION NO. 2009 - 266, approving an Intergovernmental Agreement with the Arizona Department of Public Safety, to provide enhanced law enforcement services concerning the criminal activities of illegal immigration, human smuggling, and border related crimes, State Grant Fund, contract amount \$942,000.00 revenue (01-11-A-142382-0709)
16. Arizona Attorney General's Office/City of Tucson, Amendment No. 2, to provide support for the objectives of the Elder Abuse Task Force and extend contract term to 2/23/10, General Fund, contract amount one-third of program cost (01-11-A-138911-1206)

2. **DIVISION OF ELECTIONS**

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Edwards, Nici	237	GRN
Ewoldt, David C.	244	GRN

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Selberg, Gladys M.	061	DEM
Miller, George	089	DEM
Miller, Roslyn G.	089	DEM
Bengston, Peter Y.	260	DEM
Christ, James N.	336	DEM

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

- A. Lance R. Hurst, American Legion Post 109, 15921 S. Houghton Rd., Vail, November 7, 2009.
- B. Lance R. Hurst, American Legion Post 109, 15921 S. Houghton Rd., Vail, November 14, 2009.

4. **TREASURER'S OFFICE**

Certificates of Clearance

Pursuant to A.R.S. §42-19118, staff requests approval of the following:

Unsecured Mobile Homes:	\$ 10,664.30
Business Personal Property:	\$ 4,540.08
TOTAL Unsecured Personal Property:	<u>\$ 15,204.38</u>

REGIONAL WASTEWATER RECLAMATION

5. **Public Announcement**

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available

for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 5025 W. Ina Road, Tucson, Arizona, 85743. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Golden China Restaurant, L.L.C., No. 2009-13. Proposed settlement amount is \$391.65.

6. **RATIFY AND/OR APPROVE**

Minutes: September 1, 2009

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

October 20, 2009 9:00 a.m.

... EXECUTIVE SESSION

Call to the Public (for Executive Session item only)

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), for legal advice and direction regarding the Telecommunications Act and Regular Agenda Item No. 19, the proposed adoption of Ordinance No. 2009-101 amending Zoning Code provisions related to communication towers.

This item was informational only.

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... LIBRARY DISTRICT BOARD

Contract

The University of Arizona School of Information, Research and Library Science, Amendment No. 1, to provide graduate assistance and amend contractual language, no cost (01-66-A-140905-0608)

Motion carried to approve (5-0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. COUNTY ADMINISTRATOR

Unfinished Business (RM 9/8/09)

Proposed amendments to Personnel Policy 8-102 (A) (2) and (F) (3).
Discussion/direction/action.

Without objection continued to 11-3-09.

New Business

2. **Finance and Risk Management**

Operating Transfer

Pursuant to Board of Supervisors Policy D22.8, staff requests approval of the operating transfer in the amount of \$296,963.00 of CJEF/RICO Funds to the Capital Projects Fund needed for the Sheriff Detention Facility jail roofing and HVAC replacement.

Motion carried to approve (5-0)

3. **CONTRACTS AND AWARDS**

A. **Community Development and Neighborhood Conservation**

1. Sunnyside Pointe Development, L.L.C., to provide for the design and construction of the Sunnyside Pointe Phase I Project and Performance Deed of Trust, 2004 Bond Fund, contract amount \$1,464,218.00 (03-70-S-142397-0909)

Motion carried to approve (5-0)

B. **Information Technology**

2. Tower Development Corporation, to provide an Easement Agreement for wireless communication facilities on property located at 7770 N. Shannon Road, General Fund, contract amount \$120,000.00 revenue (11-14-T-142407-1009)

Motion carried to approve (5-0)

C. **Procurement**

Unfinished Business (RM 10/13/2009)

3. Low Bid: Award of Contract, Requisition No.902420, in the amount of \$13,199,885.00 to the lowest responsive bidder, KE&G Construction, Inc., (Headquarters: Tucson, AZ) for the construction of the La Cañada Drive: Ina Road to Calle Concordia Project. The contract term is forty-two months with the ability to extend for project completion. Construction is to be complete within 440 working days from Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased to up to \$500,000.00 per change order, not to exceed a cumulative total of \$1.5 million. Funding Source:

1997 HURF Bond Fund (2%); HURF Fund 12.6% (20%); RTA Fund (70%); CDO Impact Fee Fund (8%). Administering Department: Transportation.

Motion carried to approve (5-0)

New Business

4. Low Bid: Award of Contract, Requisition No. 1000024, in the amount of \$235,267.34 to the lowest bidder, A&S Paving, Inc., (Headquarters: Tucson, AZ) for the construction of the Hohokam Middle School Bicycle and Pedestrian Improvement Project. The contract term is nine months with the ability to extend the term for contract completion. Construction is to be complete within 60 working days from Notice to Proceed. Funding Source: American Recovery and Reinvestment Act Fund. Administering Department: Transportation.

Motion carried to approve (5-0)

D. **Transportation**

5. RESOLUTION NO. 2009 – **268**, of the Board of Supervisors, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide rural public transportation service improvements, RTA Fund, contract amount \$61,000.00 revenue (01-04-R-142404-1009)

Motion carried to approve (5-0)

6. RESOLUTION NO. 2009 – **269**, of the Board of Supervisors, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide expanded fixed rural public transportation services between Ajo and Tucson, RTA Fund, contract amount \$4,111.00 revenue (01-04-R-142405-0709)

Motion carried to approve (5-0)

7. RESOLUTION NO. 2009 – **270**, of the Board of Supervisors, approving an Intergovernmental Agreement with the Regional Transportation Authority, to provide for the Special Needs Program and expand the existing paratransit service area boundaries, RTA Fund, contract amount \$1,095,458.00 revenue (01-04-R-142406-0709)

Motion carried to approve (5-0)

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

Conservation Acquisition Commission

Appointment of Corey Smith to fill the unexpired term of Wanda Shattuck. Term expiration: 4/30/12. (District 1)

Motion carried to approve (5-0)

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

DATE POSTED: 10/16/09

TIME POSTED: 1:00 P.M.