AGENDA SUMMARY

Pima County Board of Supervisors’ Meeting
130 W. Congress St., Hearing Room, 1st Fl.
December 15, 2009  9:00 a.m.

1. ROLL CALL
2. INVOCATION
3. PLEDGE OF ALLEGIANCE
4. PAUSE 4 PAWS

... EXECUTIVE SESSION

Call to the Public (for Executive Session items 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 regarding Co14-09-01, Silverbell Road, Happy Valley Road and Santa Rita Road Major Streets and Scenic Routes Plan Amendments.

This item was informational only

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

RESOLUTION NO. 2009 - FC 12, authorizing the execution of restrictive covenants on district property set aside as mitigation for the U.S. Army Corps of Engineers Section 404 Permit issued for the Pantano Wash Bank Stabilization Project. (District 4)

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 (5/0)
6. **REAL PROPERTY**

**UNFINISHED BUSINESS** (RM 10/6/09, RM 10/20/09 and RM 11/17/09)

**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 2/2/10 (5/0)

**NEW BUSINESS**

7. **REGIONAL WASTEWATER RECLAMATION**

**Pretreatment Settlement Agreement**

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


Motion carried to approve (5/0)

*** HEARINGS ***

**FRANCHISES/LICENSES/PERMITS**

**Fireworks Permit**


Motion carried to approve (5/0)

**Liquor License**


Motion carried to approve (5/0)
Agent Change/Acquisition of Control/Restructure


Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Rezoning Time Extension

UNFINISHED BUSINESS (RM 11/17/09)

*(Clerk's Note: Applicant requests this item be continued to the Board of Supervisors Meeting of 1/19/10.)

*11. Co9-04-06, FIDELITY NATIONAL TITLE, TRUST NO. 30226 – CAMINO VERDE REZONING
Request of Fidelity National Title, Trust No. 30226, for a five-year time extension of a rezoning from SR (Suburban Ranch) to CR-4 (Mixed Dwelling Type) Small Lot Option for approximately 29.09 acres located on the east side of Camino Verde approximately one half mile south of Ajo Highway. The subject site was rezoned in 2004 and expires in 2009. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH ADDITIONAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

Without objection, this item was continued to 1/19/10.

Comprehensive Plan Amendment

UNFINISHED BUSINESS (RM 11/17/09)

12. Co7-09-04, GATEWAY HACIENDA, L.L.C. - E. RIVER ROAD PLAN AMENDMENT
Request of Gateway Hacienda, L.L.C., represented by Tom Meehan, et. al., to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Neighborhood Activity Center (NAC) for approximately 7.24 acres located at the southeast corner of East River Road and Hacienda del Sol Road, in Section 20, T13S, R14E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 7-3 (Commissioners Membrila, Spendiarian and Smith voted NAY) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Motion carried to approve, as amended (5/0)
NEW BUSINESS

MAJOR STREETS AND SCENIC ROUTES PLAN AMENDMENT

13. Co14-09-01, SILVERBELL ROAD, HAPPY VALLEY ROAD and SANTA RITA ROAD

MAJOR STREETS AND SCENIC ROUTES PLAN AMENDMENT

Request from Pima County to amend the Pima County Major Streets and Scenic Routes Plan to designate Scenic Routes the portion of Silverbell Road west of Trico Road in Sections 16, 17, 19, 20, 21, 22 and 27, T11S, R10E; Sections 18, 19, 20, 21, 24, 25, 26, 27 and 28, T11S, R09E; Sections 09, 10, 13, 14, 15, 16, 17, 20, 29, 31, 32 and 33, T11S, R8E; Sections 04, 05, 08, 09, 10, 13, 14 and 15, T12S, R8E; designate Scenic Routes the portion of Happy Valley Road west of the Pima/Cochise County Boundary in Sections 01, 02, 11, 14, 15, 22, 23, 25, 26 and 36, T15S, R18E; and Section 01, T16S, R18E; designate Scenic Routes the portion of Santa Rita Road south of Sahuarita Road in Sections 19, 20, 27, 28, 29, 34 and 35, T17S, R14E; Sections 01, 02 and 12, T18S, R14E; Sections 07, 17, 18, 20, 21 and 22, T18S, R15E. On motion, the Planning and Zoning Commission voted 5-3 (Commissioners Spendiarian, Smith and Membrila voted NAY; Commissioner Ritchey abstained; Commissioner Matter was absent) to recommend APPROVAL WITH A MODIFICATION. Staff recommends APPROVAL WITH A MODIFICATION. (Districts 2, 3 and 4)

If approved, pass and adopt:

ORDINANCE NO. 2009 - 117

Motion carried to continue to 2/2/10 (5/0)

REZONING

*(Clerk's Note: Applicant requests this item be continued to the Board of Supervisors Meeting of 1/19/10.)


Request of Sahuarita Corners L.P. / Equivest Properties L.P., represented by The Planning Center, for a rezoning of approximately 149.7 acres from RH (Rural Homestead) to CR-1 (Rural Residential) on property located at the northwest corner of Sahuarita Road and the Kolb Road alignment. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co20-00-20. On motion, the Planning and Zoning Commission voted 4-2 (Commissioners Spendiarian and Richey voting NAY) to recommend DENIAL. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 4)

Without objection, this item was continued to 1/19/10.
COMPREHENSIVE PLAN AMENDMENTS

*(Clerk’s Note: Applicant has withdrawn this request.)*

15. **Co7-09-02, LAWYERS TITLE OF ARIZONA TR 6549-T - E. INA ROAD PLAN AMENDMENT**

Without objection, this item was withdrawn by applicant.

16. **Co7-09-03, DAVIDSON - E. EDWIN ROAD PLAN AMENDMENT**

Request of Christiaan Davidson, represented by Tim McCann Consulting, L.L.C., to amend the Pima County Comprehensive Plan from Low Intensity Urban 3.0 (LIU 3.0) to Community Activity Center (CAC) for approximately 1.38 acres located on the south side of E. Edwin Road, approximately 1,250 feet east of N. Oracle Road, in Section 4, Township 11 South, Range 14 East, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith, Cook, Creasy-Klein, and Membrila were absent) to recommend MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends MODIFIED APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Motion carried to approve (3/2)

17. **Co7-09-06, TUCSON UNIFIED SCHOOL DISTRICT (TUSD) – N. SABINO CANYON ROAD PLAN AMENDMENT**

Request of Tucson Unified School District (TUSD), represented by The Planning Center, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU-1.2) and Resource Transition (RT) to Low Intensity Urban 3.0 (LIU-3.0) for approximately 16.7 acres located on the northwest corner of N. Sabino Canyon Road and Old Sabino Canyon Road, in Section 29, Township 13 South, Range 15 East, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Smith, Cook, Creasy-Klein and Membrila were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

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

PLAT NOTE MODIFICATION

18. **P1200-015, CANOA NORTHWEST SUBDIVISION**

Request of Landmark Title Assurance Agency of Arizona, L.L.C., as Trustee under Trust No. 18349-T and Landmark Title Assurance Agency of Arizona, L.L.C., as Trustee under Trust No. 18354-T, WLB Group, Inc. applicant for modification of General Plat Note No. 5 of the Canoa Northwest Plat (Bk 53, Pg 81) to add Tax Parcel Nos. 304-68-003K and 304-68-003L to Common Area “B” and to remove Tax Parcel No. 304-68-763E from Common Area “B.” Staff recommends APPROVAL. (District 4)

Motion carried to approve (5/0)
TRANSPORTATION

19. **Traffic Ordinances**

A. ORDINANCE NO. 2009 - 118, of the Board of Supervisors, regulating parking on the north side of Condor Drive from 735 feet to 765 feet west of Bald Eagle Avenue at the drainage/pedestrian/utility easement as “No Stopping, Standing or Parking” in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

Motion carried to approve (5/0)

B. ORDINANCE NO. 2009 - 119, of the Board of Supervisors, regulating traffic at the intersection of Lake Echo Road and Sherbrooke Street in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

Motion carried to approve (5/0)

C. ORDINANCE NO. 2009 - 120, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 30,000 pounds from using Trico Marana Road over the Santa Cruz River Bridge (Structure No. 9552) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)

D. ORDINANCE NO. 2009 - 121, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 6,000 pounds from using Silverbell Road over the Blanco Wash Bridge (Structure No. 8259) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)

E. ORDINANCE NO. 2009 - 122, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 10,000 pounds from using Mile Wide Road over the East Branch Brawley Wash Bridge (Structure No. 8474) and the West Branch Brawley Wash Bridge (Structure No. 8475) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)

F. ORDINANCE NO. 2009 - 123, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 30,000 pounds from using Trico Road over the Santa Cruz River Bridge (Structure No. 8262) in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)
G. ORDINANCE NO. 2009 - 124, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on McGee Ranch Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)

H. ORDINANCE NO. 2009 - 125, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 36,000 pounds from using Houghton Road over the Southern Pacific Railroad Bridge (Structure No. 9563) in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

Motion carried to approve (5/0)

20. Traffic Resolution

RESOLUTION NO. 2009 - 324, of the Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue, and Plaza Street in the Town of Ajo, for the Ajo Rotary Club Christmas Eve Street Parade on December 24, 2009. Staff recommends APPROVAL. (District 3)

Motion carried to approve (5/0)

21. CALL TO THE PUBLIC

22. ADJOURNMENT
CONSENT CALENDAR, DECEMBER 15, 2009

1. CONTRACTS AND AWARDS

A. Community Development and Neighborhood Conservation

1. RESOLUTION NO. 2009 - 319, approving an Intergovernmental Agreement with the U.S. Department of Housing and Urban Development, to provide for the administration of the Casa for Families Project, contract term 7/1/09 - 6/30/10, HUD Grant Fund, contract amount $434,713.00 revenue (01-70-U-142559-0709)

2. RESOLUTION NO. 2009 - 320, approving an Intergovernmental Agreement with the Golder Ranch Fire District, to provide for the installation of five (5) fire hydrants in the Catalina area, contract term 10/1/09 - 9/30/10, CDBG Grant Fund, contract amount $30,000.00 (01-70-G-142565-1009)

B. Health Department

3. RESOLUTION NO. 2009 - 321, approving an Intergovernmental Agreement with the Tucson Unified School District, to provide administration of childhood immunization services, no cost (01-01-T-142558-1209)

4. Arizona Family Planning Council, Amendment No. 1, to provide services under the Family Planning Title X Grant Project and amend contractual language, contract amount $6,388.00 revenue (02-01-A-141806-0109)

C. Information Technology

5. Sprint Spectrum L.P., Amendment No. 3, to provide a Non-Exclusive Right-of-Way Use License for wireless communications facilities and amend contractual language, contract term 5/26/09 - 5/25/10, General Fund, contract amount $12,000.00 revenue decrease (12-14-S-142320-0500)

D. Pima Health System

6. Devon Gables Health Care Center, Amendment No. 7, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-137015-1005)
7. **Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 9, to provide nursing facility services, extend contract term from 11/1/09 to 10/31/10 and amend contractual language, PHCS Enterprise Fund, contract amount $5,000,000.00 (18-15-K-137036-1005)**

8. **Juanita and Paul Hernandez, d.b.a. Ridgecrest I, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, contract amount $100,000.00 (07-15-H-140262-0907)**

9. **Paul and Juanita Hernandez, d.b.a. Ridgecrest II, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, contract amount $150,000.00 (07-15-H-140263-0907)**

10. **Fox Infusion, Inc., Amendment No. 2, to provide home infusion therapy services, extend contract term from 12/1/09 to 11/30/10 and amend contractual language, PHCS Enterprise Fund, contract amount $50,000.00 (18-15-F-140460-1107)**

11. **The Oasis Assisted Living Center, L.L.C., d.b.a. The Oasis at El Corral Assisted Living Center, Amendment No. 4, to provide assisted living center services, PHCS Enterprise Fund, contract amount $250,000.00 (18-15-O-140515-1007)**

12. **NSI-Nursing Services, Inc., Amendment No. 3, to provide homecare services, PHCS Enterprise Fund, contract amount $500,000.00 (18-15-N-142082-0709)**

E. **Procurement**

**Award**

13. **Cooperative Procurement: Award of contract, Requisition No. 1000445, in the amount of $420,000.00 for hardware, software and maintenance services for Spillman server upgrade awarded to IBM (Headquarters: Phoenix, AZ). The initial term is one three-year period. An annual award amount of $60,000.00 for maintenance fees is required for the two one-year renewal periods. Funding Source: JAG Grant Fund. Administering Department: Sheriff Department.**

F. **Sheriff**

14. **RESOLUTION NO. 2009 - 322, approving an Intergovernmental Agreement with the Bureau of Land Management, to provide law enforcement assistance through special patrols, contract term 10/2/08 - 9/30/09, Federal Fund, contract amount $10,000.00 revenue (01-11-B-142562-1008)**
15. RESOLUTION NO. 2009 - 323, approving an Intergovernmental Agreement with the Town of Sahuarita, to provide video-court hearing of municipal prisoners, contract term 12/1/09- 11/30/10, General Fund, contract amount $10,000.00 estimated revenue (01-11-S-142578-1209)

2. DIVISION OF ELECTIONS

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

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<td>Gabaldon, Rosanna</td>
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<th>APPOINTMENTS</th>
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<td>Katz, Rebecca E.</td>
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<td>Gunderson, Dianne M.</td>
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<td>Krino, Gregory J.</td>
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<td>Orr, Michael J.</td>
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<td>Wilford, Michael A.</td>
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3. SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273


4. REAL PROPERTY

Ratification of Utility Easements Serving Pima County Facilities

Resolution No. 1979-48 of the Pima County Board of Supervisors authorizes the Pima County Administrative Officer or designee to execute utility easements and licenses to utility companies to service Pima County properties, subject to ratification by the Pima County Board of Supervisors. (All Districts)
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<tr>
<th>Easement Type/ Grantee</th>
<th>Utility Company/ Coop.</th>
<th>County Facility Served</th>
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5. **RATIFY AND/OR APPROVE**

Minutes: October 20, 2009
November 3, 2009
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 Mountain Vista Fire District v Pima County Board of Supervisors, Case No. C2009 8949.

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

B. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice regarding the waiver of the attorney client privilege with respect to legal advice from the County Attorney to the County Administrator regarding the Merit System Commission and the Law Enforcement Merit System Council.

Motion carried to approve waiver (5/0)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

FLOOD CONTROL DISTRICT BOARD

Contract


Motion carried to approve (5/0)
BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

Request to initiate an emergency plan amendment to the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Heavy Industrial (HI), and direct staff to proceed with advertising an amendment for immediate review for the next available Board of Supervisors’ agenda. The subject property is zoned SP and is located within Section 12 of the Swan Southlands Specific Plan, on the west side of Wilmot Road, one mile south of E. Old Vail Connection Road and approximately four miles south of Interstate 10. (District 2)

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

2. DEVELOPMENT SERVICES

A. Approval of Written Decisions

1. Written decision of P21-09-021, Cottonwood De Tucson – W. Sweetwater Drive, denied by the Board of Supervisors on 12/1/09.

Motion carried to approve (5/0)

2. Written decision of P21-09-022, PC ROW – W. Speedway Boulevard, denied by the Board of Supervisors on 12/1/09.

Motion carried to approve (5/0)

B. Final Plat with Assurances

P1209-049, The Estates at Canoa Ranch. Lots 1-26 and Common Areas A and B. (District 4)

Motion carried to approve (5/0)

C. Final Plat without Assurances

P1208-014, Montanas De Paz II, Lots 1 and 2. (District 1)

Motion carried to approve (5/0)

D. Canoa Ranch Development Agreement

Fairfield Canoa Ranch, L.L.C., Amendment No. 2, to provide a five year time limit on the Tentative Plat approval of Canoa Ranch South Blocks 1-5, upon payment of applicable extension fees of $68,756.00 revenue. (District 4)

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

ADD I 12-15-09 (2)
3. **CONTRACTS**

A. **Community Services, Employment and Training**

1. Arizona Department of Economic Security, Amendment No. 15, to provide homeless assistance/eviction prevention services and amend contractual language, Arizona Department of Economic Security Grant Fund, contract amount $248,252.00 revenue-decrease (01-69-A-136291-0705)

Motion carried to approve (5/0)

2. Life Directions USA – Tucson, to provide emergency assistance for low income households experiencing a temporary financial crisis, contract term 7/1/09–6/30/10, American Recovery and Reinvestment Act Grant Fund, contract amount $18,326.00 (07-69-L-142596-0709)

Motion carried to approve (5/0)

B. **Forensic Science Center**

3. Arizona Criminal Justice Commission, to provide for DNA testing computer equipment and scanners, ACJC Grant Fund, contract amount $250,000.00 revenue (02-48-A-142593-1009)

Motion carried to approve (5/0)

4. Arizona Criminal Justice Commission, to provide for computer equipment and scanners to reduce DNA sample turn around time, ACJC Grant Fund, contract amount $19,047.00 revenue (02-48-A-142594-1009)

Motion carried to approve (5/0)

C. **Institutional Health**

5. RESOLUTION NO. 2009 - 325, approving an Intergovernmental Agreement with Yavapai County to provide the Restoration to Competency services, General Fund, contract amount $250,000.00 revenue-depending on utilization (01-65-Y-142605-1209)

Motion carried to approve (5/0)

D. **Procurement**

6. MWH Constructors, Inc., Amendment No. 4, to provide construction manager at-risk services needed for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project, extend contract term from 12/15/09 to 12/31/14 and amend contractual language, 2004

ADD I 12-15-09 (3)
Sewer Revenue Bond Fund, contract amount $998,496.62 (03-03-M-140959-0408) Regional Wastewater Reclamation

Motion carried to approve (5/0)

7. CH2M Hill, Inc., Amendment No. 5, to provide design engineering services needed for the Ina Road Water Pollution Control Facility Capacity and Effluent Quality Upgrade Project, extend contract term from 9/1/09 to 2/4/10 and amend contractual language, 2004 Bond Fund and future bond issues, contract amount $599,499.00 (16-03-C-140877-0208) Regional Wastewater Reclamation

Motion carried to approve (5/0)

4. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Outside Agency Review Committee

Appointment of Nubia Bertsch to replace Carlos Salaz. No term expiration. (District 2)

Motion carried to approve (5/0)

B. Parks and Recreation Commission

Appointment of Lisa Uhler to fill the unexpired term of Teresa Pulido. Term expiration: 6/30/13. (District 2)

Motion carried to approve (5/0)