

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

January 19, 2010 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Vernon Hawkins, La Iglesia de Cristo.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Jody Sullivan and family in recognition of Paul Brady Sullivan's 20 years of service at the Jackson Employment Center and proclaiming that the facility located at 400 E. 26th Street, South Tucson, be known as the:

"SULLIVAN JACKSON EMPLOYMENT CENTER"

Motion carried to approve (5/0)

... **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) and (4), for legal advice and direction regarding a request that Pima County waive a potential conflict of interest to allow Squire, Sanders & Dempsey, L.L.P., to represent Durodyne, Inc., and its corporate parent Eaton Corporation on the Broadway Pantano Landfill matter.

Motion carried to approve (5/0)

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... ZONING ENFORCEMENT BOARD OF APPEALS

UNFINISHED BUSINESS (RM 10/13/09)

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 Nos. P08ZV00529, 1 and 3, James Hessler. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, this item was continued to 3/9/10.

B. Appeal of Hearing Officer's Decision

P08ZV00529-1 and 3, James Hessler

In accordance with the Pima County Zoning Code Section 18.95.030C, James Hessler, appeals the decision of the Hearing Officer in Case No. P08ZV00529-1, for a violation of the Zoning Code, Sections 18.07.030C and 18.09.020Q, open storage of used materials, debris and inoperable vehicles; and Case No. P08ZV00529-3, for a violation of the Zoning Code, Sections 18.21.010 and 18.21.020, contractor's yard not a permitted or conditional use in CR-1, on property located at 340 N. Hilton Road, Vail, AZ. (District 4)

Without objection, this item was continued to 3/9/10.

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

6. CONSENT CALENDAR: For consideration and approval

A. CALL TO THE PUBLIC (for Consent Calendar items only)

B. APPROVAL OF CONSENT CALENDAR

Motion carried to approve (5/0)

7. FLEET SERVICES

Annual Vehicle Exemptions

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2010.

Motion carried to approve (5/0)

8. REGIONAL WASTEWATER RECLAMATION

Pretreatment Settlement Agreements

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

- A. Smith's Food & Drug Centers, Inc., d.b.a. Fry's Food & Drug Store, Case No. 2009-16. Proposed settlement amount is \$1,668.56.
- B. Discount Tire Co., Inc., Case No. 2009-17. Proposed settlement amount is \$1,000.00.

Motion carried to approve (5/0)

*** HEARINGS ***

FRANCHISES/LICENSES/PERMITS

Liquor Licenses

- 9. 09-35-9006, Randy Allen Guse, Walgreens No. 02372, 7114 N. Oracle Road, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (5/0)

- 10. 09-36-9007, Thomas Robert Aguilera, Tavolino, 2890 E. Skyline Drive No. 160, Tucson, Series 12, Restaurant, New License.

Motion carried to approve (5/0)

- 11. 09-37-9008, Randy Allen Guse, Walgreens No. 04266, 2150 W. Orange Grove Road, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (5/0)

- 12. 09-38-9009, Randy Allen Guse, Walgreens No. 05532, 2929 W. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.

Motion carried to approve (5/0)

*(**Clerk's Note**: Staff requests this item be continued to the Board of Supervisors Meeting of February 2, 2010.)

- *13. 09-39-9010, Douglas Baldwin Stewart, Ciones Italiano, 13190 E. Colossal Cave Road, No. 160, Tucson, Series 12, Restaurant, New License.

Without objection, this item was continued to 2/2/10.

Extension of Premises/Patio Permit

14. Lori Lynn Blew, Holiday Inn-Tucson, 4550 S. Palo Verde, Tucson, Temporary Extension of Premises for February 5-12, 2010.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Rezoning Time Extensions

UNFINISHED BUSINESS (RM 11/17/09 and RM 12/15/09)

15. 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)

Motion carried to approve as amended (5/0)

NEW BUSINESS

16. Co9-03-37, ST. MARY'S SECOND CENTURY FOUNDATION – LA CANADA DRIVE REZONING

Request of the Carondelet Foundation, Inc., represented by Stubbs & Schubart, P. C., for a five-year time extension of a rezoning from CR-5 (Multiple Residence) to TR (Transitional) for the remaining 6.88 acres of the original 13.55 acre rezoning located on the north side of Camino Casa Verde, approximately 725 feet west of La Canada Drive. The subject site was rezoned in 2004. The rezoning expired on May 4, 2009. Staff recommends **APPROVAL OF A FIVE-YEAR TIME EXTENSION WITH MODIFIED STANDARD AND SPECIAL CONDITIONS.** (District 4)

Motion carried to approve (5/0)

Rezoning

UNFINISHED BUSINESS (RM 12/15/09)

17. Co9-07-20, SAHUARITA CORNERS L.P./EQUIVEST PROPERTIES L.P. – KOLB ROAD REZONING

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 2/9/10.

NEW BUSINESS

18. Co9-09-01, VAIL UPRR SOUTH, L.L.C., ET. AL. – ROCKET ROAD REZONING

Request of Vail UPRR South, L.L.C., represented by The Planning Center, for a rezoning of approximately 158.00 acres from RH (Rural Homestead) to CR-5 (Multiple Residence), on property located at the eastern terminus of Rocket Road, approximately 1,000 feet west of Colossal Cave Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 7 – 1 (Commissioner Gungle voting Nay; Commissioner Matter was 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)

19. **CALL TO THE PUBLIC**

20. **ADJOURNMENT**

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

DATE POSTED: 1/12/10

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, JANUARY 19, 2010

1. CONTRACTS AND AWARDS

A. Community Development & Neighborhood Conservation

1. RESOLUTION NO. 2010 - 19, approving an Intergovernmental Agreement with the Three Points Fire District, to provide fire safety equipment for the term 10/1/09 – 9/30/10, CDBG Fund, contract amount \$30,000.00 (01-70-T-142674-1009)

B. County Attorney

2. Gabroy, Rollman & Bosse, P.C., Amendment No. 2, to provide legal representation in the matter of the Town of Marana v. Pima County, et. al., No. C20076038, RWRD User Fees Fund, contract amount not to exceed \$100,000.00 (17-02-G-140477-1007)

C. Information Technology

3. New Cingular Wireless PCS, L.L.C., to provide a Nonexclusive Right-of-Way Use License for co-located wireless communication facilities on property at 3220 West Ina Road, contract amount \$30,000.00 revenue/5 year term (12-14-N-142671-0110)
4. New Cingular Wireless PCS, L.L.C., to provide a Nonexclusive Right-of-Way Use License for co-located wireless communication facilities on property at 2902 W. Paseo de las Aves, contract amount \$30,000.00 revenue/5 year term (12-14-N-142672-0110)

D. Pima Health System

5. Villa Maria Care Center, L.L.C., Amendment No. 8, to provide long term care and skilled nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-V-137039-1005)

E. Procurement

6. Sun-Western Contractors, Inc., Amendment No. 7, to provide a job order contract for various wastewater plant construction services and extend contract term to 1/2/11, RWRD System Development Fund, contract amount \$1,000,000.00 (26-03-S-137599-0106) Regional Wastewater Reclamation
7. Quest Civil Constructors, Inc., Amendment No. 7, to provide a job order contract for various wastewater plant construction services and extend

contract term to 1/14/11, RWRD System Development Fund, contract amount \$2,000,000.00 (26-03-Q-137603-0106) Regional Wastewater Reclamation

Awards

8. Low Bid: Award of Contracts, Requisition No. 1000926, in the total annual amount of \$960,000.00 to the following companies for specialized durable medical equipment. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: PHCS Enterprise Fund. Administering Department: Pima Health System.

<u>Contractor (HQ Location)</u>	<u>Annual Amount</u>
Stat-Med, Inc. (Phoenix, AZ)	\$621,800.00
Apria Healthcare, Inc. (Lake Forest, CA)	\$169,200.00
Dependable Medical Equipment, Inc. (Tucson, AZ)	\$ 99,000.00
KCI USA, Inc. (San Antonio, TX)	\$ 70,000.00

9. Direct Select Award of Contract, Requisition No. 1000778, in an amount not to exceed \$83,180.00 to PSOMAS, Inc. (Headquarters: Los Angeles, CA) to complete design services for the Homer Davis Elementary School Pedestrian Enhancement Project begun under Qualified Consultants List (QCL), Contract No. 25-04-M-138362-0706. As a result of an unanticipated need for additional services, the value of the QCL contract approached the \$250,000.00 limit established in Board Policy D29.1 and was allowed to expire in July, 2009. PSOMAS requires an additional \$83,180.00 to complete the design. A.R.S. §34-103 and Board Policy No. D29.1 provide authority for direct selection. Funding Source: 12.6% Urban HURF Fund. Administering Department: Transportation.
10. Direct Select Award of Contract, Requisition No. 1000777 in an amount not to exceed \$96,502.62 to SAGE Landscape, Architectural and Environmental, Inc. (Headquarters: Tucson, AZ) to complete engineering services begun under Qualified Consultants List (QCL), Contract No. 25-04-S-138402-0806 for the Laguna Elementary School Pedestrian Enhancement Project. As a result of an unanticipated need for additional services, the value of the QCL contract approached the \$250,000.00 limit established in Board Policy D29.1 and was allowed to expire in July, 2009. SAGE requires an additional \$96,502.62 to complete the design. A.R.S. §34-103 and Board Policy No. D29.1 provide authority for direct selection. Funding Source: 12.6% Urban HURF Fund. Administering Department: Transportation.

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>
Miller, Janet S.	088	REP
Conn, Sharon	181	REP
Wortman, June C.	206	DEM
McDonald, Steven J.	280	REP
Kaufman, David	304	REP
Ekrom, Evalyn	330	REP
Miller, Brian	382	REP
Parr, Gwen A.	384	REP
Parr, Myron R.	384	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Harsha, Nancy G.	088	REP
Olivieri, Frank R.	148	REP
Haney, Delmer D.	175	REP
Paulley, Marjorie D.	238	REP
Schutte, Karen M.	265	REP
Dockery, Charles R.	274	REP
Hernandez-Eagle, Leticia	319	DEM
Weber, Bruce R.	323	REP
Bissett, Alex	341	REP
Hanover, Nancy	346	REP
Hubbard, Joyce G.	388	REP
Hubbard, William H.	388	REP
McCurdy, Lyle B.	411	REP

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

A. **Metropolitan Education Commission**

Reappointments: Term expirations: 12/31/12
Magdalena Barajas, Social Services Agency serving
Children/Youth
Mari Helen High, Religious Community
George Favela, Public Sector – Parent
Abbie Stone, Health Care Community
Richard Elías, Board of Supervisors
(Chairman appointments)

B. **Pima County/Tucson Commission on Addiction, Prevention and Treatment**

Reappointment of Rob Druckenbrod. Term expiration: 11/30/11. (Commission recommendation)

4. **RECORDER**

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of August 2009.

5. **REAL PROPERTY**

Abandonment

RESOLUTION NO. 2010 - 20, of the Pima County Board of Supervisors, providing for the vacation of a public ingress/egress easement know as Cienega Lake Drive, Pima County Abandonment No. A-09-06, within Section 9, T16S, R16E, G&SRM. (District 4)

REGIONAL WASTEWATER RECLAMATION

6. **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(s):

- A. Ventana Grill, Inc., d.b.a. Risky Business Grill, No. 2009-25. Proposed settlement amount is in accordance with the Industrial Wastewater Enforcement Plan.
- B. Pizza Hut of Arizona, Inc., d.b.a., Pizza Hut Wingstreet, No. 2009-19. Proposed settlement amount is \$800.78.

7. **RATIFY AND/OR APPROVE**

Minutes: December 1, 2009

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

January 19, 2010 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) and (4), for legal advice and direction regarding the proposed settlement in Sunwest/Canyon Crest Assisted Living, District Court Case No. 09-CV-06056, Tax Parcel No. 133-09-109A.

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. CONTRACTS AND AWARDS

A. Institutional Health

1. RESOLUTION NO. 2010 – 21, approving an Intergovernmental Agreement with the Arizona Superior Court, to provide administration and oversight of health services to juveniles at the Pima County Juvenile Detention Center, General Fund, contract amount not to exceed \$100,000.00 revenue (01-65-A-142695-0210)

Motion carried to approve (5/0)

2. Conmed, Inc., to provide health services for juveniles at the Pima County Juvenile Detention Center from 11/20/09 to 6/30/12, General Fund, contract amount not to exceed \$2,795,000.00 (18-65-C-142696-1109)

Motion carried to approve (5/0)

B. Procurement – Awards

3. Low Bid: Award of Contract, Requisition No. 1000908, in the amount of \$7,109,589.20 to the lowest responsive bidder, Southern Arizona Paving and Construction Co. (Headquarters: Tucson, AZ) for the construction of the Tanque Verde Road: Catalina Highway to Houghton Road Project.

The contract term is thirty months with the ability to extend for project completion. Construction is to be completed within 300 working days from the Notice to Proceed. The Department of Transportation requests that the Procurement Director's Change Order authority be increased up to \$500,000.00 per change order, not to exceed a cumulative total of \$1,000,000.00 for this project. Funding Sources: 1997 HURF Bond – DOT 31 (5.9%); HURF (.2%); RTA Sales Tax (67.5%); and Urban HURF (26.4%). Administering Department: Transportation.

Motion carried to approve (5/0)

4. Award of Contract, Requisition No. 1000825 to HDR Architecture, Inc. (Headquarters: Omaha, NE) for architectural and engineering design services for the Regional Optimization Master Plan (ROMP) Central Laboratory Complex in the amount of \$1,400,000.00. Contract term is 27 months with the ability to extend for project completion. In the event a fee agreement cannot be reached with the recommended firm, request authorization to terminate negotiations and proceed to negotiations with the next highest ranked firms in the following order: SmithGroup, Inc. (Headquarters: Detroit, MI) and Deutsch Group (Headquarters: Phoenix, AZ), until the final list is exhausted. Funding source: Capital Fund – Sewer Revenue Obligation. Administering Department: Facilities Management.

Motion carried to approve (5/0)

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

Planning and Zoning Commission

Reappointment of Bob Cook. Term expiration: 6/19/13. (District 5)

Motion carried to approve (5/0)

***** HEARING *****

3. **TRANSPORTATION**

RESOLUTION NO. 2010 - 22, of the Board of Supervisors of Pima County, permitting the temporary closure of Malacate Street in the Town of Ajo, Arizona, for the Desert Senita Community Health Fair on January 30, 2010. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.
DATE POSTED: 1/14/10
TIME POSTED: 11:00 A.M.