



PIMA COUNTY BOARD OF SUPERVISORS' MEETING AGENDA

January 19, 2010

BOARD MEMBERS

Ramón Valadez
Chairman
District 2

Sharon Bronson
Vice Chair
District 3

Raymond Carroll
District 4

Ann Day
District 1

Richard Elías
District 5

HEARING ROOM COURTESY

Please turn off cell phones/pagers or place in silent mode.

MEETING LOCATION

Pima County Administration Building
130 W. Congress St., 1st Floor
Board of Supervisors' Hearing Room
Tucson, AZ 85701

AGENDA/ADDENDUM INFORMATION

- ◆ Within 24 hours of each scheduled meeting, Agendas/Addendums are available in the Clerk of the Board's Office, 130 W. Congress St., 5th Fl., Tucson, AZ 85701, Mon-Fri, 8 to 5.
- ◆ Website: **www.pima.gov**
For online meeting schedules, agendas, addendums and associated reference material.

LIVE BROADCAST

- ◆ *Cablecast Channel* Comcast 96; Cox 12
- ◆ *Webcast:* www.pima.gov

PUBLIC PARTICIPATION SPEAKERS ARE LIMITED TO 3 MINUTES

To address the Board of Supervisors, please complete a Speaker's Card available in the Hearing Room. Clearly print your name/address and indicate the relevant agenda item and/or description.

Place Speaker Card in labeled basket located on the dais. When the Chairman announces your name, step forward to the podium, speak into the microphone and state your name and affiliation (if applicable).

The Chairman reserves the right to ensure all testimony is pertinent or non-repetitive so the matter will be handled fairly and expeditiously. Any questions pertaining to the meeting can be directed to Lori Godoshian, Clerk of the Board.

The Board Hearing Room is wheelchair and handicapped accessible. Any person who is in need of special services (e.g., assistive listening device, Braille or large print agenda material, signer for hearing impaired, accessible parking, etc.) due to any disability will be accommodated. Please contact the Clerk of the Board at (520) 740-8449 or the TDD line at (520) 740-3579 for these services at least three (3) business days prior to the Board Meeting.

AGENDA

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 Pastor 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"

... **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.

(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.

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)

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****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.

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.

*** 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.
 - 10. 09-36-9007, Thomas Robert Aguilera, Tavolino, 2890 E. Skyline Drive No. 160, Tucson, Series 12, Restaurant, New License.
 - 11. 09-37-9008, Randy Allen Guse, Walgreens No. 04266, 2150 W. Orange Grove Road, Tucson, Series 10, Beer and Wine Store, New License.
 - 12. 09-38-9009, Randy Allen Guse, Walgreens No. 05532, 2929 W. Valencia Road, Tucson, Series 10, Beer and Wine Store, New License.
- *(**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.

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.

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)

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)

RezoningUNFINISHED 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)

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)

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
<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>

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