



PIMA COUNTY BOARD OF SUPERVISORS' MEETING AGENDA

October 13, 2009

BOARD MEMBERS

Richard Elías
Chairman
District 5

Ramón Valadez
Vice Chairman
District 2

Sharon Bronson
District 3

Raymond Carroll
District 4

Ann Day
District 1

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/address for the record.

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.

October 13, 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)

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

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

- ... FLOOD CONTROL DISTRICT BOARD

Contract

RESOLUTION 2009 – FC 8, of the Board of Directors of the Pima County Flood Control District, approving and authorizing the execution of a pipeline crossing agreement with the Union Pacific Railroad, Tax Levy Fund, contract amount \$316,833.00 (03-59-U-142368-1009)

- ... ZONING ENFORCEMENT BOARD OF APPEALS

A. Executive Sessions

1. 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.

2. 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 No. P08ZV00676, Michelle and Morgan Bakarich. The Board may also during the course of the hearing and upon motion, enter into executive session.

B. Appeals of Hearing Officer Decisions

1. 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)
2. P08ZV00676 – Michelle and Morgan Bakarich
In accordance with the Pima County Zoning Code Section 18.95.030C, Michelle and Morgan Bakarich appeal the decision of the Hearing Officer in Case No. P08ZV00676, regarding violation of the Zoning Code, Section 18.01.030.E.1, structure/accessory building without a permit, on property located at 2331 N. Tanque Verde Place, Tucson, AZ. (District 4)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. **CONSENT CALENDAR:** For consideration and approval

A. **CALL TO THE PUBLIC**

B. **APPROVAL OF CONSENT CALENDAR**

6. **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

RESOLUTION NO. 2009– 261 , of the Board of Supervisors authorizing Pima County to support the Tucson Unified School District's Application for a \$62,000.00 grant for the purchase of electronic marquees for the Johnson Primary School and the

Lawrence Intermediate School from the 12% Local Revenue-Sharing Contribution of the Pascua Yaqui Tribe.

7. HEALTH DEPARTMENT

RESOLUTION NO. 2009–262, of the Board of Supervisors accepting the Arizona Early Childhood Development and Health Board Award for the support of the Pima County Health Department Oral Health Program in the amount of \$224,998.00.

8. FIRE DISTRICT

Rincon Valley Fire District

Pursuant to A.R.S. §48-262.A.12, validation of the petitions presented from the Rincon Valley Fire District for the proposed JD Ranch Annexation. (District 4)

*** HEARINGS ***

DEVELOPMENT SERVICES

Rezoning

*(Clerk's Note: The applicant requests this case be continued until further notice.)

*9. Co9-07-24, ARBER, L.L.C. – TWIN LAKES DRIVE REZONING WITH CLUSTER DEVELOPMENT OPTION

Request of Arber, L.L.C. represented by Fleorchinger, Sadler, Steele, Baker., Inc., for a rezoning of approximately 10.5 acres from GR-1 (Rural Residential), approximately 7.51 acres from GR-1 (GZ) (Gateway Zone), and approximately 2.49 acres from TR (GZ) (Transitional) (Gateway Zone) to approximately 10.5 acres CR-3 (Single Residence) (cluster development option), approximately 2.86 acres CR-3 (Single Residence) (GZ) (Gateway Zone) (cluster development option) and approximately 7.14 acres CR-4 (GZ) (Mixed Dwelling Type) (Gateway Zone), on property located on the west side of Twin Lakes Drive, approximately 1/2 mile north of Golder Ranch Drive. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. (District 1)

10. Co9-08-21, HOT RODS INVESTMENTS, L.L.C. – OLD VAIL ROAD REZONING

Request of Hot Rods Investments, L.L.C., represented by Rick Engineering, for a rezoning of 19.03 acres from GR-1 (Rural Residential) (AE) (Airport Environs and Facilities) to CB-2 (General Business) (AE) (Airport Environs and Facilities), on property located on the south side of Old Vail Road, approximately 1,200 feet south of the intersection of Old Vail and Houghton Roads. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. 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 4)

Zoning Code Text Amendment

11. Co8-08-02, SAFE ROUTES

An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; amending the Pima County Zoning Code Title 18 by amending Section 18.03.020 (Definitions) to add a definition of Safe Routes and amending Sections 18.09.020 (General Requirements and Exceptions), Section 18.69.040 (General Performance and Design Standards), Section 18.69.090 (Residential Recreation Areas), Section 18.73.040 (Screening and Bufferyard Requirements) to remove barriers to, encourage creation of and provide guidelines for Safe Routes. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Gungle, Cook and Membrila were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2009 – **98**

12. **Rezoning Resolutions**

- A. RESOLUTION NO. 2009– **263**, Co9-00-59, SWC River/ Craycroft, L.L.C.–River Road Rezoning. Owners: Grupo Rio, L.L.C. (District 1)
- B. RESOLUTION NO. 2009– **264**, Co9-01-25, Miller – Oracle Road Rezoning. Owners: MJM Ventures Two, L.L.C. (District 1)

TRANSPORTATION13. **Traffic Ordinances**

- A. ORDINANCE NO. 2009–**99**, of the Board of Supervisors, establishing an abutting school crosswalk on Littletown Road and Lantana Vista Drive in Pima County, Arizona. Staff recommends **APPROVAL**. (District 2)
- B. ORDINANCE NO. 2009–**100**, of the Board of Supervisors, regulating parking on Littletown Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 2)

14. **CALL TO THE PUBLIC**15. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration
DATE POSTED: 10/6/09
TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, OCTOBER 13, 2009

1. CONTRACTS AND AWARDS

A. Community Services, Employment and Training

- 1. Santa Cruz County, Amendment No. 4, to provide for the WIRED Program and amend scope of work, no cost (01-69-S-140387-0707)

B. Health Department

- 2. Drexel Heights Fire District, Amendment No. 4, to provide childhood immunizations and extend contract term to 9/5/10, no cost (01-01-D-136935-0905)
- 3. Animal Welfare Alliance of Southern Arizona, Inc. (AWASA), Amendment No. 4, to provide spay/neuter clinics, Health Fund, contract amount \$115,000.00 (07-01-A-140625-1207)

C. Office of Court Appointed Counsel

Award

- 4. Award of contract, Requisition No. 0901254, in the amount of \$300,000.00 for (1) responsive and responsible applicant, Lawrence Y. Gee (Headquarters: Tucson, AZ) for court appointed attorney services on the Superior Court Felony Panel. This contract is for a three-year period and provides one renewal for an additional three-year period. Funding Source: General Fund. Administering Department: Office of Court Appointed Counsel.

D. Pima Health System

- 5. To provide nursing facility services and extend contract term to 10/31/10, PHCS Enterprise Fund:

<u>Vendor</u>	<u>Amd No.</u>	<u>Amount</u>	<u>Contract No.</u>
Kindred Nursing Centers, L.L.C., dba Villa Campana	8	0.00	18-15-K-137034-1005

Santa Rita Care Center	7	\$2,000,000.00	18-15-S-137035-1005
Ensign Sabino L.L.C. dba Sabino Canyon Rehab and Care Ctr	4	\$2,000,000.00	18-15-E-137038-1005
Villa Maria Care Center, L.L.C.	6	\$2,000,000.00	18-15-V-137039-1005
SRCV-Rose, L.L.C., Santa Rosa Care Center	10	\$3,000,000.00	18-15-S-137045-1005
Kindred Nursing Centers West, L.L.C., Valley Heath Care and Rehab Ctr	7	\$4,000,000.00	18-15-K-137062-1005
Handmaker Jewish Services for the Aging	4	\$500,000.00	18-15-H-137063-1005
Park Waverly Healthcare, L.L.C., dba Park Ave. Health and Rehab	7	\$1,500,000.00	18-15-P-137077-1005
SLO Ridgecrest, L.L.C., dba Ridgecrest Healthcare	3	\$500,000.00	18-15-S-139267-0307

6. Intermountain Centers for Human Development, Inc., Amendment No. 4, to provide behavioral health residential and outpatient services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-I-139040-0207)
7. Easter Seals Blake Foundation, Amendment No. 4, to provide habilitative residential services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-B-139072-0207)
8. Dialysis Clinic, Inc., Amendment No. 3, to provide dialysis and laboratory services, and amend contractual language, PHCS Enterprise Fund, no cost (18-15-D-140018-1007)
9. Melissa G. Grijalva Vazquez, d.b.a. Betania Care Home, Amendment No. 4, to provide assisted living home services, PHCS Enterprise Fund, no cost (07-15-R-140105-0907)
10. Catalina Village Assisted Living, L.P., Amendment No. 5, to provide assisted living center services, PHCS Enterprise Fund, no cost (18-15-C-140510-1007)

11. Amendment No. 3, to provide assisted living home services and amend contractual language, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Contract No.</u>
Casa De Dios, Inc.	07-15-C-140094-0907
Four Star Enterprises, Inc., d.b.a. Crossroads Adult Care Home II	07-15-F-140096-0907
Four Star Enterprises, Inc., d.b.a. Crossroads Adult Care Home	07-15-F-140097-0907
Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home II	07-15-E-140099-0907
Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home	07-15-E-140100-0907
Ubalдина R. Trejo, d.b.a. Care Haven	07-15-T-140102-0907
Leonor Arroyo, d.b.a. Autumn House	07-15-A-140107-0907
Sher-Lan, L.L.C., d.b.a. Elder Care & More	07-15-S-140112-0907
A Blissful Care Home, L.L.C., d.b.a. A Blissful Care Home	07-15-A-140119-0907
Emmanuel Care Home, Inc., d.b.a. Emmanuel Care Home III	07-15-E-140120-0907
House of Psalms, L.L.C	07-15-H-140138-0907
Spring Days Adult Care Home, L.L.C., d.b.a. Springs Days Adult Care Home	07-15-S-140145-0907
Cherie Hackman, d.b.a. Saguaro Horizons Adult Care	07-15-H-140150-0907
Sierra Adult Care, L.L.C.	07-15-S-140154-0907
Tommy T. Pallanes, d.b.a. The Pallanes Assisted Living Home	07-15-P-140156-0907
Whispering Hills Care Homes, L.L.C	07-15-W-140210-0907
Espinosa Care L.L.C., d.b.a. Heatherwood	07-15-E-140213-0907
Juanita & Paul Hernandez, d.b.a. Ridgecrest I	07-15-H-140262-0907
Devon Gables Health Care Center, Inc	18-15-D-140511-1007

Hundred Palms Tucson, L.L.C., d.b.a. Hundred Palms Tucson	18-15-H-140512-1007
Marshall Home For Men, Inc., d.b.a. Marshall Home for Men	18-15-M-140513-1007
Handmaker Jewish Services for the Aging, d.b.a. The Rubin Community for Senior Living Elder Care Reside	18-15-H-140514-1007
The Oasis Assisted Living Center, L.L.C., d.b.a. The Oasis at El Corral Assisted Living Center	18-15-O-140515-1007
Villa Maria Care Center, L.L.C.,	18-15-V-140516-1007

12. Arizona Health Care Cost Containment System, Amendment No. 7, to provide acute care medical services, revenue based on services (02-15-A-141668-1008)
13. To provide homecare services and amend contractual language, PHCS Enterprise Fund, no cost:

<u>Vendor</u>	<u>Amd No.</u>	<u>Contract No.</u>
Dependable Home Health, Inc.	2	07-15-D-142063-0709
United Cerebral Palsy of Southern Arizona, Inc	2	07-15-U-142061-0709
NSI - Nursing Service, Inc.	1	07-15-N-142065-0709
Arcadia Health Services, Inc., d.b.a. Arcadia Health Care	2	07-15-A-142069-0709
My House, L.L.C.	2	07-15-M-142070-0709
Lutheran Social Services of the Southwest	2	07-15-L-142111-0709
Jelodon Corp., d.b.a. Health Care Nursing	2	07-15-J-142112-0709
NurseCore Management Services, L.L.C., d.b.a. Nursecore	2	07-15-N-142113-0709
Caregiver Connection of Arizona, L.L.C., d.b.a. Aristocare Home Health Services	2	07-15-C-142116-0709

Soreo In Home Support Services, L.L.C.	2	07-15-S-142117-0709
Arizona Consumer Direct Personnel Care, L.L.C.	2	07-15-A-142119-0709
Caregiver Connection of Arizona, L.L.C., d.b.a. Aristocare Home Health Services	1	07-15-C-142120-0709
Bayada Nurses, Inc.,	2	07-15-B-142128-0709
Bayada Nurses, Inc.,	1	07-15-B-142129-0709
Gentiva Health Services (USA), Inc. and Gentiva Certified Healthcare Corp., d.b.a. Gentiva Health Service	1	07-15-G-142147-0709

E. Procurement

14. B.C. Construction, Inc., Amendment No. 3, to provide job order contract for remodeling and construction services, General Fund, contract amount \$500,000.00 (26-13-B-139686-0507) Facilities Management
15. Brown and Caldwell, Amendment No. 4, to provide for the Roger Road WWTP to Ina Road WPCF Plant Interconnect Gravity Sewer Design Project and amend scope of work, RWRD Enterprise Fund, contract amount \$349,284.75 (16-03-B-140342-0607) RWRD

Awards

16. 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.

17. Highest Scoring Proposals: Award of Contracts, Requisition No. 1000094, to Consultant Engineering, Inc. (Headquarters: Phoenix, AZ); Parsons Brinckerhoff (Headquarters: New York, NY); PSOMAS (Headquarters: Los Angeles, CA); and URS Corporation (Headquarters: San Francisco, CA) for construction surveillance services for transportation capital improvement projects. The term of each contract will be for a period of one year with the ability to renew for two additional one-year terms. The total cost shall not exceed \$1,500,000.00 in the first year of each contract. Funding Source: Transportation Special Revenue Fund. Administering Department: Transportation.

F. **Recorder**

18. RESOLUTION NO. 2009 – **258**, of the Board of Supervisors, authorizing an Intergovernmental Agreement with the Town of Oro Valley, to provide election services, revenue based on services (01-31-O-142365-0210)
19. RESOLUTION NO. 2009 – **259**, of the Board of Supervisors, authorizing an IGA with the City of Tucson, to provide election services, revenue based on services (01-31-T-142366-1009)

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

A. **Pima County Wireless Integrated Network Committee**

Appointment of Jeff Guthrie, 1st alternate of the Pima County Office of Emergency Management and Homeland Security, to fill the vacancy created by Kim James. No term expiration. (Jurisdictional recommendation)

B. Small Business Commission

RESOLUTION NO. 2009 – 260, of the Board of Supervisors, relating to Pima County Boards, Commissions or Committees; expanding the reporting authority of the Pima County Small Business Commission.

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

- A. Laurie S. Buckelew, VFW Post 10254, 17000 W. Ajo Way, Tucson, October 9, 10 and 11, 2009.
- B. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 16, 17 and 18, 2009.
- C. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 23, 24 and 25, 2009.
- D. Laurie S. Buckelew, Three Points Fire Local 3504 Union, 17000 W. Ajo Way, Tucson, October 29, 30 and 31, 2009.
- E. Jill R. Rodriguez, El Rio Health Center Foundation, 3800 E. Sunrise, Tucson, October 29, 2009.
- F. Karen L. Harkson, Equine Voices Rescue and Sanctuary, 5601 N. Hacienda Del Sol, Tucson, November 1, 2009.

4. TREASURER'S OFFICE**Certificate of Removal and Abatement**

Pursuant to A.R.S. §42-18353, staff requests approval of the Certificates of Removal and Abatement for the following:

Real Property Abatement Nos. 400168-400172	\$ 5,388.14
Personal Property Abatement Nos. 500352-500429	\$ 93,747.97
TOTAL	<u>\$ 99,136.11</u>

5. **REAL PROPERTY**

Consent to Assignment of Pima County Public Utility License Agreement

Assignment of the public utility from the Why Utility Company, Inc., to the Why Domestic Water Improvement District.

6. **RATIFY AND/OR APPROVE**

Minutes: August 17, 2009