

AGENDA, BOARD OF SUPERVISORS' MEETING

BOARD OF SUPERVISORS' HEARING ROOM

130 W. CONGRESS, 1ST FLOOR

NOVEMBER 15, 2005 9:00 A.M.

1. **ROLL CALL**

2. **INVOCATION**

3. **PLEDGE OF ALLEGIANCE**

4. **PRESENTATIONS**

A. Presentation to Fleet Services Director, William "Dan" Anderson, for 30 years of exemplary service to Pima County.

Approved
5/0

B. Presentation of American Public Works Association National Awards to the Board of Supervisors.

No Board
Action taken

... **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 on behalf of the Treasurer, requesting that Ulan v. Pima County Board of Supervisors, Beth Ford, Pima County Treasurer, Case No. 2CA-CV 2005-0069, Superior Court Case No. C20043212, that the parties stipulate they will be bound by the decision in the pending litigation for Tax Year 2005; Pima County and the Treasurer agree to waive any statute of limitations with respect to plaintiff's obligation to file a new lawsuit to dispose of Tax Year 2005.

Accept County
Attorney
recommendation
5/0

B. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding a proposed settlement in the case of Moreno v. Henderson and Pima County, Pima County Superior Court Case No. C20051933.

Accept County Attorney recommendation 5/0

(CLERK'S NOTE: See Zoning Enforcement Board of Appeals.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

*(CLERK'S NOTE: Staff recommends rejection of all bids and cancellation of this solicitation and requests this item be removed from the agenda.)

UNFINISHED BUSINESS

(RM 11/1/05)

* AWARD

Low Bid: Award of Contract, Requisition No. 87387, in the amount of \$1,226,117.00 to the lowest responsive bidder, Meridian Engineering Company (Corporate Headquarters: Tucson, AZ) for the Ajo Detention Basin Piping Improvements: Phase 3. Construction is to be complete within 80 working days from Notice To Proceed. Funding Source: Capital Improvement Fund. Administering Department: Regional Flood Control District.

Without objection, reject all bids, cancel all solicitations and remove item from agenda

... ZONING ENFORCEMENT BOARD OF APPEALS

UNFINISHED BUSINESS

(RM 9/6/05)

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

No Board action taken

in Case No. P05BV00033, Vernon Walker. The Board may also during the course of the hearing and upon motion, enter into executive session.

B. APPEAL OF HEARING OFFICER DECISION

P05BV00033, VERNON WALKER

In accordance with the Pima County Zoning Code, Section 18.95.030.C, Vernon Walker appeals the decision of the Hearing Officer in Case No. P05BV00033 regarding a violation of the Uniform Administrative Code, Section 301, construction without a permit and Section 305.4, failure to comply with a correction notice, on property located at 1820 W. Rudasill Road. (District 1)

Uphold Hearing Officer decision 4/0

NEW BUSINESS

C. 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 No. P05ZV00185-1 and 2, Gary L. Holtz. The Board may also during the course of the hearing and upon motion, enter into executive session.

Without objection, continued to 12/06

D. APPEAL OF HEARING OFFICER DECISION

P05ZV00185-1, 2, GARY L. HOLTZ

In accordance with the Pima County Zoning Code, Section 18.95.030.C, Gary L. Holtz appeals the decision of the Hearing Officer in Case No. P05ZV00185-1 and 2 regarding violations of Section 18.07.030.C, open storage of junk, used materials, etc., and Sections 18.14.020 and 18.14.030, junkyard not permitted in the GR-1 zone of the Pima County Zoning Code, on property located at 12100 W. Ranchettes Drive. (District 3)

Without objection, continued to 12/06

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. **BOARD OF SUPERVISORS**

Presentation by Kathy Oestreich, CEO, UPH Health Plans, regarding the Small Business Healthcare Coverage in Pima County. Discussion. (District 3)

- 7. **COUNTY ADMINISTRATOR**
 - A. Pima County Legislative Program For 2006

RESOLUTION NO. 2005 - 290 , of the Board of Supervisors of Pima County, Arizona, adopting a Pima County Legislative Program for 2006.

 - B. Roadway Development Impact Fees

Staff requests direction and discussion regarding changes to the current impact fee ordinance.

 - C. Corrections Officer Compensation
 - 1. Staff recommends the approval of a compensation step plan for Corrections Officers and Correction Specialists to be implemented beginning on April 2, 2006; and

 - 2. Request the transfer of \$379,074.00 from the original appropriation to retire the Graphic Services Internal Service accumulated deficit to fund the new step plan during the current fiscal year.

8. COMMUNITY SERVICES EMPLOYMENT AND TRAINING

RESOLUTION NO. 2005 - 291 , approving and authorizing the development and implementation of the Workforce Investment Act (WIA) Two-Year Strategic Plan to operate the County One-Stop(s) to provide assistance to County residents with employment and educational training.

Approved
5/0

9. DIVISION OF ELECTIONS

A. Voting Precincts For 2006

Review and adopt changes in boundaries of selected 2004 voting precincts to establish voting precincts for the 2006 election cycle.

Without
objection,
continued to
12/06

B. Canvass

Pursuant to A.R.S. §16-642 and §15-493, of the Board of Supervisors canvass of the Vail Unified School District No. 20, Sahuarita Unified School District No. 30 and Continental Elementary School District No. 39, Special Elections held on November 8, 2005.

Approved
5/0

10. HEALTH DEPARTMENT

RESOLUTION NO. 2005 - 292 , of the Board of Supervisors of Pima County, Arizona, approving and authorizing the offer and acceptance of a grant from the Arizona Department of Health Services in the amount of \$62,560.00.

Approved
5/0

* * * HEARINGS * * *

FRANCHISES/LICENSES/PERMITS

LIQUOR LICENSES

11. 05-32-8814, George C. White, The Lodge at Ventana Canyon Golf and Racquet Club, 6200 N. Clubhouse Lane, Series 11, Hotel/Motel (with Restaurant) License, New License.

Approved
5/0

- 12. 05-33-8815, Nu Huynh, Golden Dragon Restaurant, 6433 N. Oracle Road, Series 7, Beer and Wine Bar, Person Transfer. Approved
5/0
- 13. 05-34-8816, Michael Joseph Basha, Bashas' No. 52, 15310 N. Oracle Road, Series 9, Liquor Store License, Location Transfer. Approved
5/0
- 14. 05-35-8817, Scott Robert Kilpatrick, Benihana, 6091 N. Oracle Road, Series 12, Restaurant License, New License. Approved
5/0

PUBLIC WORKS

DEVELOPMENT SERVICES

REZONING

- 15. Co9-04-07, STARBOUND TUCSON HOTEL, L.L.C. - PALO VERDE ROAD REZONING
Request of Palo Verde Property, L.L.C., represented by Planners Ink, for a rezoning of approximately 5.82 acres from CI-1 (AE-Light Industrial/Warehousing), to CB-2 (AE-Light Industrial/Warehousing), on property located on the west side of Palo Verde Road approximately 1/4 mile south of Interstate 10. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cuyugan, Matter and Poulos were absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **APPROVAL WITH CONDITIONS** and standard and special requirements. (District 2) Approved
5/0

COMPREHENSIVE PLAN AMENDMENTS

- 16. Co7-05-16, COLICA - N. VIA SOCORRO PLAN AMENDMENT
Request of Anthony and Linda Colica, represented by Michael Owen of American Pacific Engineering, L.L.C., to amend the Pima County Comprehensive Plan from Low Intensity Rural (LIR) to Medium Intensity Rural (MIR). The subject property is 40.09 acres and is located on the east side of N. Denied
5/0

Via Socorro, approximately 1/4 mile south of W. Emigh Road in Section 29, T12S, R11E, in the Tucson Mountains/Avra Valley Subregion. On motion, the Planning and Zoning Commission voted 5-0 (Commissioners Cuyugan, Matter, Membrila and Poulos were absent) to recommend **APPROVAL SUBJECT TO REZONING POLICIES WITH A REVISION TO REZONING POLICY NO. 1**. Staff recommends **APPROVAL SUBJECT TO REZONING POLICIES**. (District 3)

17. Co7-05-20, FIDELITY NATIONAL TITLE, TRUST NO. 60050 - W. VALENCIA ROAD PLAN AMENDMENT
 Request of Fidelity National Title, Trust No. 60050, represented by The Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Multifunctional Corridor (MFC). The subject property is approximately 24.56 acres and is located on the south side of W. Valencia Road, 1/4 mile west of Camino de la Tierra in Section 17, T15S, R13E, in the Southwest Subregion. On motion, the Planning and Zoning Commission voted 5-0 (Commissioners Cuyugan, Matter, Membrila and Poulos were absent) to recommend **MODIFIED APPROVAL FOR MFC ON APPROXIMATELY 10 ACRES EAST OF THE REVISED SORREL LANE ALIGNMENT AND MHIU WEST OF THAT ALIGNMENT SUBJECT TO SPECIAL AREA POLICIES**. Staff recommends **MODIFIED APPROVAL SUBJECT TO SPECIAL AREA POLICIES**. (District 5)

Approved
5/0

18. Co7-05-22, SABOL - W. LOBO ROAD PLAN AMENDMENT
 Request of Dennis and Karen Sabol, to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 1.2 (LIU 1.2). The subject property is approximately five acres and is located on the north side of W. Lobo Road and west of Shannon Road in Section 20, T12S, R13E in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Gungle voted NAY; Commissioners Cuyugan, Matter and Poulos were absent) to recommend **APPROVAL SUBJECT TO A REZONING POLICY**. Staff recommends **APPROVAL SUBJECT TO A REZONING POLICY**. (District 1)

Approved as amended
5/0

19. Co7-05-24, DEMPSEY - N. LA CAÑADA DRIVE PLAN AMENDMENT

Request of Jack Dempsey, represented by Jack Cook, to amend the Pima County Comprehensive Plan from Low Intensity Urban 1.2 (LIU 1.2) to Medium Intensity Urban (MIU). The subject property is approximately 1.05 acres and is located on the northeast corner of W. Hardy Road and N. La Cañada Drive in Section 23, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cuyugan, Matter and Poulos were absent) to recommend **DENIAL**. Staff recommends **DENIAL**. (District 1)

Without Objection, continued to 12/06

20. Co7-05-26, TITLE SECURITY AGENCY OF ARIZONA, TRUST NO. 509 - W. BRIAR ROSE LANE PLAN AMENDMENT

Request of Title Security Agency of Arizona, Trust No. 509, represented by Craig Courtney, to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU). The subject property is approximately 10 acres and is located at the terminus of Briar Rose Lane via Crestone Drive, approximately 1,200 feet east of Thornydale Road and 400 feet south of Linda Vista Blvd. in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Membrila voted NAY; Commissioners Cuyugan, Matter and Poulos were absent) to recommend **MODIFIED APPROVAL SUBJECT TO REZONING POLICIES WITH A REVISION TO REZONING POLICY NO. 1**. Staff recommends **MODIFIED APPROVAL SUBJECT TO REZONING POLICIES**. (District 1)

Without Objection, continued to 01/17/06

21. REZONING ORDINANCES - Unadvertised Hearings

A. ORDINANCE NO. 2005 - 98, Co9-05-11, Ajo School District No. 15, et. al. - Esperanza Avenue Rezoning. Owner: Ajo School District No. 15; ISDA, Michael and Janet Scoleri and Ronald Kreger. (District 3)

Approved 5/0

B. ORDINANCE NO. 2005 - 99 , Co9-04-26, Moore-Fort Lowell Road Rezoning (Zoning Plat).
Owner: Title Security Agency of Arizona,
Trust No. 860. (District 4)

Approved
5/0

22. STREET NAME CHANGES - Unadvertised Hearings

Present

Proposed

A. Oldfather Road
Co14-05-026
(District 1)

Oldfather Drive

Approved
5/0

B. Unnamed easement/road
Co14-05-020
(District 4)

Yellow Rose Lane

Approved
5/0

TRANSPORTATION

23. TRAFFIC ORDINANCES

A. ORDINANCE NO. 2005 - 100 , an ordinance of the Board of Supervisors of Pima County, Arizona, establishing the prima facie reasonable speed limit on Camino de Oeste in Pima County, Arizona. Staff recommends **APPROVAL**. (Districts 1, 3 and 5)

Approved
5/0

B. ORDINANCE NO. 2005 - 101 , an ordinance of the Board of Supervisors of Pima County, Arizona, establishing the speed limit on Calle Don Miguel in Pima County, Arizona. Staff recommends **APPROVAL**. (District 3)

Approved
5/0

C. ORDINANCE NO. 2005 - 102 , an ordinance of the Board of Supervisors of Pima County, Arizona, establishing an abutting school crosswalk on Houghton Road at Forrest Feezor Street in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

Approved
5/0

D. ORDINANCE NO. 2005 - 103 , an ordinance of the Board of Supervisors of Pima County, Arizona, regulating traffic on Houghton Road in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

Approved
5/0

E. ORDINANCE NO. 2005 - 104 , an ordinance of the Board Of Supervisors of Pima County, Arizona, regulating traffic speeds on Mary Ann Cleveland Way in Pima County, Arizona. Staff recommends **APPROVAL**. (District 4)

Approved
5/0

24. CALL TO THE PUBLIC

25. ADJOURNMENT

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

DATE POSTED: 11/8/05

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, NOVEMBER 15, 2005

1. CONTRACTS AND AWARDSA. COMMUNITY DEVELOPMENT & NEIGHBORHOOD CONSERVATION

1. City of Tucson, Amendment No. 1, to administer the Home Investment Partnership and Subrecipient Agreement and amend contractual language, Home Grant, contract amount \$1,184,894.00 revenue (01-70-T-135239-0704)

B. PIMA HEALTH SYSTEM

2. Cornerstone Hospital of Tucson, L.L.C., d.b.a. Cornerstone Hospital of Southeast Arizona, to provide hospital services, PHCS Enterprise Fund, contract amount not to exceed \$10,000,000.00/2 year contract (18-15-C-137320-1005)

C. PROCUREMENT

3. Willdan, Inc., Amendment No. 2, to provide plan review and associated services, Development Services Enterprise Fund, contract amount \$25,000.00 (07-25-W-136132-0505)
Development Services
4. Stantec Consulting, Inc., Amendment No. 2, to provide plan review and associated services, Development Services Enterprise Fund, contract amount \$25,000.00 (07-25-S-136173-0505)
Development Services
5. Durazo Construction Corporation, Amendment No. 3, to provide a job order contract for remodeling and construction services and amend contractual language, General Fund, no cost (26-13-D-134127-0404) Facilities Management

6. The Durrant Group, Inc., Amendment No. 3, to provide design, construction administration and commissioning services for the Kino Public Health Center and amend contractual language, Bond Fund, contract amount \$16,900.00 (16-13-D-134354-0604) Facilities Management
7. Stearns, Conrad and Schmidt Consulting Engineers, Inc., d.b.a. SCS Engineers, Amendment No. 2, to provide engineering and design services for the Sahuarita Landfill Expansion Project, extend contract term to 12/31/06 and amend contractual language, Bond Fund, contract amount \$187,591.50 (07-61-S-134115-0404) Solid Waste Management Division of Environmental Services

AWARDS

8. Cooperative Procurement: Award of Contract, Requisition No. 88170, in the amount of \$401,100.00 to Five Star Ford (Headquarters: Scottsdale, AZ) for 14 fully equipped Ford Crown Victoria Patrol Vehicles. Funding Source: Other Internal Service Fund. Administering Department: Sheriff.
9. Award of Contract for Requisition No. 87183 to Hunter Contracting Company, (Headquarters: Gilbert, AZ) for construction manager at-risk services for the expansion of the Marana Wastewater Treatment Facility to a 1.5 million gallon per day (MGD) treatment capacity. The estimated cost for these services including pre-construction design phase services and construction phase services is approximately \$11,200,000.00, including the construction of an interim capacity upgrade structure to meet expected flow projections while the 1.5 MGD facility

is being completed. This amount also includes a 15% cost of materials increase which may not accurately reflect market conditions once the construction phase begins. The initial contract for pre-construction services will not exceed \$224,000.00. Funding Source: Wastewater Management Enterprise Fund. Administering Department: Wastewater Management.

D. **REAL PROPERTY**

10. Kevin J. and Ella Serr, to provide an acquisition agreement for approximately 10 acres south of Gates Pass Road and west of Camino de Oeste within the Tucson Mountain Park-Camino de Oeste Project Area, 2004 Open Space Bond Fund, Community Open Space Category, contract amount not to exceed \$97,500.00 including closing costs (22-64-S-137318-1105)

E. **SHERIFF**

11. RESOLUTION NO. 2005 - **288**, approving an Intergovernmental Agreement with the City of Tucson, to provide for the incarceration of municipal prisoners, General Fund, \$5,000,000.00 revenue (01-11-T-137313-0705)

F. **WASTEWATER MANAGEMENT**

12. Trojan Technologies, Inc., to provide for inspection of equipment and report on operation efficiency, no cost (11-03-T-137321-1105)

2. **BOARD OF SUPREVISORS**

Approval of the Board of Supervisors Meeting Schedule for the period of January 2006 through May 2006.

3. **DIVISION OF ELECTIONS**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen Resignations/Appointment:

| <u>RESIGNATIONS</u> | <u>PRECINCT</u> | <u>PARTY</u> |
|---------------------|-----------------|--------------|
| Singleton, Judith | 045 | DEM |
| Carrillo, Roger D. | 046 | DEM |
| Bonine, Kevin E. | 108 | DEM |
| Colbert, Michael R. | 190 | DEM |
| Ossipov, Michael H. | 264 | DEM |
| <u>APPOINTMENT</u> | <u>PRECINCT</u> | <u>PARTY</u> |
| Williams, Joel E. | 334 | DEM |

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

A. Air Quality Hearing Board

Reappointment of Barry A. Friedman, M.D. Term expiration: 9/30/08. (Staff recommendation)

B. Environmental Quality Advisory Council

Reappointments of Roger L. Caldwell, Ph.D., Environment/Conservation; and Warren D. Thompson, P.E., Engineering. Term expirations: 11/30/08. (Staff recommendations)

5. **TREASURER**

ANNUAL CERTIFICATION: FILL-THE-GAP

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five (5) percent set aside "Fill-the-Gap" funds in the amount of \$965,511.97 be transferred to the Local Courts Assistance Fund for supplemental aid to the Superior Court and Justice Court for processing of criminal cases.

PUBLIC WORKS

6. REAL PROPERTY

A. Abandonment and Quit Claim Deed

1. RESOLUTION NO. 2005 - 289, of the Pima County Board of Supervisors, providing for the vacation of a public alley, Pima County Abandonment No. A-05-03, within Section 29, T12S, R13E, G&SRM. (District 1)
2. Quit Claim Deed to J. Wesley Little, Jr. and Doris Jean Little, Trustees of the Little Revocable Trust dated April 4, 1989, for the vacation of a public alley, \$8,000.00 revenue. (District 1)
3. Quit Claim Deed to NCH Corporation for the vacation of a public alley, \$8,000.00 revenue. (District 1)

B. Exchange of Public Roadway

Quit Claim Deed to Natalie G. Lebrecht, Trustee of the Natalie Guyton Lebrecht Trust, dated October 21, 1996, as to an undivided one-fourth interest, Natalie C. Lebrecht, Trustee of the Natalie C. Lebrecht Trust, dated July 24, 1992, as to an undivided one-fourth interest, Royanna L. Moore, Trustee of the Royanna L. Moore Trust, dated August 31, 1990, as to an undivided one-fourth interest and Dianna N. Lebrecht, Trustee of the Dianna N. Lebrecht Trust, dated December 1, 1998, as to an undivided one-fourth interest, for a portion of Gila Avenue, platted in the Summer Haven Subdivision in exchange for a portion of private property needed for the maintenance of Bisbee Avenue, Tax Parcel No. 205-14-0630. No revenue. (District 4)

C. Underground Utility Easement

Underground utility easement to Tucson Electric Power Company, to provide electric service by crossing Linda Vista Park, in Section 16, T12S, R13E. \$6,950.00 revenue. (District 1)

7. RATIFY AND/OR APPROVE

Minutes: September 20, 2005
October 4, 2005