

AGENDA, BOARD OF SUPERVISORS' MEETING

BOARD OF SUPERVISORS' HEARING ROOM

130 W. CONGRESS, 1ST FLOOR

JANUARY 16, 2007 9:00 A.M.

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

(CLERK'S NOTE: As of the posting date of 1/9/07, no executive session item has been placed on the regular agenda. However, this is subject to any addendum.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... FLOOD CONTROL DISTRICT BOARD

A. Riparian Habitat Mitigation Plan

Staff requests approval of the Hydro/Meso Riparian Habitat Mitigation Plan to construct a single family residence on property located at 1595 N. Freeman Road. (District 4)

Approved
5/0

B. Contracts

- 1. Falcone Bros. and Associates, Inc., Change Order No. 6, to provide for the Ajo Detention Basin Phase 3: Piping Modifications Project and amend scope of work, Capital Improvement Project Fund, contract amount \$361,800.00 (03-59-F-138393-0706)

Approved
5/0

2. Manuel A. Cuen and Santos L. Pena, to provide an Acquisition Agreement in accordance with the Floodprone Land Acquisition Program, Tax Parcel No. 208-41-0420, Flood Control Levy Fund, contract amount \$132,000.00 including closing costs (22-59-C-139086-0107)

Approved
5/0

3. Joseph D. Marco, IV, Trustee of L. Marco Investment Trust, to provide an Acquisition Agreement in accordance with the Floodprone Land Acquisition Program, Tax Parcel Nos. 114-19-010N and 114-18-007G, Flood Control Levy Fund, contract amount \$867,865.00 including closing costs (22-59-M-139088-0107)

Without Objection
continued to
2/6/07

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

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

Approved except
CC 1-D.9
5/0

A. Call to the Public

B. Approval of Consent Calendar

6. **BOARD OF SUPERVISORS**

UNFINISHED BUSINESS

(RM 10/3/06, 11/14/06 and 12/5/06)

RESOLUTION NO. 2006 - 262, in opposition to mining in the Rosemont Valley, Santa Rita Mountains. (District 4)

See Addendum
Item 2A

NEW BUSINESS

7. **COUNTY ADMINISTRATOR**

Classification and Compensation

The Pima County Attorney's Office requests approval to create four Position Control Numbers (PCNs) to be allocated as 3146/Vicim Witness

Approved
5/0

Advocate (2 positions), 3147/Criminal Investigator and 3139/Information Processing Support Specialist - CA. Grant funded, no General Fund cost associated.

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

Presentation by Joan McNamara, Chair of the Pima County-Tucson Commission on Addiction Prevention and Treatment, providing an update on Commission actions and concerns.

Informational only

9. **CONSERVATION ACQUISITION AGREEMENTS**

A. William and Gaye Lowery, to provide an Acquisition Agreement for approximately 4 acres of habitat protection priority land on property located at 2344 W. La Cresta Rd., Tax Parcel No. 225-04-004C, 2004 Bond Fund, contract amount \$373,600.00 including closing costs. On motion, the Conservation Acquisition Commission voted 5-4 (Commissioners Shattuck, Prouty, Johnson and Marshall voted NAY, Commissioner Marion abstained and Commissioner Pettis was absent) to recommend **APPROVAL**. Staff recommends **DENIAL**. (22-05-L-139063-0107) Natural Resources, Parks and Recreation

Denied
3/2

B. Linda Vista/Patrick 9.11 Acres Partnership, to provide an Acquisition Agreement for approximately 9.11 acres of habitat protection priority land on property located at the northwest corner of the intersection of W. Linda Vista Blvd. and N. Saint Patrick Rd., Tax Parcel No. 216-30-0200, 2004 Bond Fund, contract amount \$460,200.00 including closing costs. On motion, the Conservation Acquisition Commission voted 5-4 (Commissioners Johnson, Shattuck, Sheridan and Marshall voted NAY, Commissioner Arnold abstained and Commissioner Pettis was absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (22-05-L-139064-0107) Natural Resources, Parks and Recreation

Approved
3/2

- | | |
|---|-------------------------|
| <p>C. Quest Land Group, L.L.C., to provide an Acquisition Agreement for approximately 13,243 acres of habitat protection priority land on property located at Camino del Aurora near the intersection of Overton Rd. and La Cholla Blvd., Tax Parcel No. 225-04-002A, 2004 Bond Fund, contract amount \$1,349,500.00 including closing costs. On November 9, 2006, the Conservation Acquisition Committee voted 6-0 (Commissioners Corey, Johnson, Marshall and Pettis were absent) to recommend APPROVAL. On December 14, 2006, the Conservation Acquisition Committee voted 3-5, to reconsider the action of November 9, 2006, motion failed (Commissioners Roe, Corey, Hare, Sheridan and Wilson voted Nay, Commissioner Pettis was absent, and Commissioners Marion and Marshall abstained). Staff recommends DENIAL. (22-05-Q-139038-0107) Natural Resources, Parks and Recreation</p> | <p>Denied
3/2</p> |
| <p>D. Phil and Sheva J. Chess, to provide an Acquisition Agreement for approximately 37.29 acres of habitat protection priority land on property adjacent to the Cienega Creek Natural Preserve, Tax Parcel Nos. 305-16-002A and 305-16-002B, 2004 Bond Fund, contract amount \$136,000.00 including closing costs. On motion, the Conservation Acquisition Commission voted 11-0 to recommend APPROVAL. Staff recommends APPROVAL. (22-05-C-139087-0107) Natural Resources, Parks and Recreation</p> | <p>Approved
5/0</p> |
| <p>E. Janet Greenwood Reid, to provide an Acquisition Agreement for approximately 3.38 acres in fee and a 4 acre Conservation Easement on habitat protection priority land on property located at the northeast corner of the intersection of W. Linda Vista Blvd., and N. Quail Lane, Tax Parcel No. 216-30-019B. 1997 Bond Fund, contract amount \$329,700.00 including closing cost. On motion, the Conservation Acquisition Commission voted 8-1 (Commissioner Pettis was absent, Commissioner Shattuck voted NAY,</p> | <p>Approved
3/2</p> |

Commissioner Johnson abstained) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (22-05-R-139101-0107) Natural Resources, Parks and Recreation

10. INDUSTRIAL DEVELOPMENT AUTHORITY

RESOLUTION NO. 2007 - 13, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima, regarding the issuance of its not to exceed \$8,000,000.00 Education Revenue Refunding Bonds (Tucson Country Day School Project), Series 2007 and declaring an emergency.

Approved
5/0

PUBLIC WORKS

DEVELOPMENT SERVICES

11. FINAL PLAT WITH ASSURANCES

P1205-120, Estates at Old Spanish Trail Re-Plat, Lots 1-56 and Common Areas A and B. (District 4)

Approved
5/0

12. NATURAL RESOURCES, PARKS AND RECREATION

RESOLUTION NO. 2007 - 14, of the Board of Supervisors of Pima County, approving an application for Local, Regional and State Parks Heritage Funds in the amount of \$708,855.00 for the Dan Felix Memorial Park Improvements and matching 2004 Bond Funds in the amount of \$708,856.00.

Approved
5/0

WASTEWATER MANAGEMENT

13. REGIONAL OPTIMIZATION MASTER PLAN

Staff requests authorization to submit Regional Optimization Master Plan to the Arizona Department of Environmental Quality to fulfill our initial obligation to present a program for achieving mandated treatment processes at our wastewater treatment facilities.

Approved
5/0

*** * * HEARINGS * * ***

FRANCHISE/LICENSE/PERMIT

LIQUOR LICENSE

- 14. 06-59-8882, Michael James Hanson, Soleil, 3001 E. Skyline Drive, Tucson, Series 12, Restaurant License, New License.

Approved
5/0

PUBLIC WORKS

DEVELOPMENT SERVICES

REZONINGS

- 15. Co9-05-30, STEWART TITLE AND TRUST NO. 1580 - KINNEY ROAD REZONING
Request of Stewart Title and Trust No. 1580, represented by MMLA Psomas, for a rezoning of approximately 143 acres from GR-1 and 3.1 acres from GR-1 (Buffer Overlay Zone) to CR-4 (approximately 143 acres) and approximately 3.1 acres to CR-4 (Buffer Overlay Zone) on property located on the north side of Irvington Road and the east and west sides of Kinney Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 5-2 (Commissioners Smith and Membrila voted **NAY**, Commissioner Spendiarian abstained and Commissioner Gungle was absent) to recommend **DENIAL**. Staff recommends **DENIAL**. (District 3)

Without objection
continued to
2/6/07

*(**CLERK'S NOTE**: Regular Agenda Item Nos. 16 and 17 should be considered together.)

- *16. Co9-06-27, PBH II, L.L.C. - VALENCIA ROAD REZONING
Request of PBH II, L.L.C., represented by Michael Owen of American Pacific Engineering, L.L.C., for a rezoning of approximately .9 acres from GR-1 (Rural Residential) to CB-2 (General Business), on property located on the southeast corner of Valencia Road and Camino de la Tierra. The

Without objection
continued to
2/6/07

proposed rezoning conforms to the Pima County Comprehensive Plan Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0, (Commissioner Gungle was absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **DENIAL**. (District 5)

MODIFICATION OF REZONING CONDITIONS
(SUBSTANTIAL CHANGE)

- *17. Co9-00-30, ARAVAIPA PROPERTIES, L.L.C. - VALENCIA ROAD REZONING
Request of PBH II L.L.C., represented by Michael Owen of American Pacific Engineering, L.L.C., for a modification (substantial change) of rezoning condition nos. 11 and 12 for the above referenced rezoning from GR-1 (Rural Residential) to CB-1 (Local Business) for 3.0 acres and to CB-2 (General Business) for 12.0 acres. The subject site was granted a five-year time extension on March 21, 2006. The site is located on the south side of Valencia Road, approximately 1/4 mile west of Cardinal Avenue. The proposed request conforms to the Pima County Comprehensive Plan, Co7-00-20. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Gungle was absent) to recommend **APPROVAL WITH CONDITIONS**. Staff recommends **DENIAL**. (District 5)
- Without objection continued to 2/6/07
18. Co9-83-121, PIONEER NATIONAL NO. 11504 - CAMINO DE LA TIERRA REZONING
Request of Steve Laszlo, David Thomas and Aida Thomas, for a modification (substantial change) of rezoning condition no. 14 which reads, "Use restricted to day care center only." The applicant proposes to modify the use to condominiums. The subject property is approximately 1.4 acres, was rezoned from CR-4 (Mixed Dwelling Type) to TR (Transitional), and is located on the west side of Camino de la Tierra approximately 1/2 mile south of Valencia Road. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Gungle
- Approved as amended 5/0

was absent) to recommend **APPROVAL WITH CONDITIONS**.
Staff recommends **APPROVAL WITH CONDITIONS**.
(District 5)

ZONING CODE TEXT AMENDMENT

*(**CLERK'S NOTE**: Regular Agenda Item Nos. 19 and 20 should be considered together.)

*19. Co8-05-08, TRANSFER OF DEVELOPMENT RIGHTS (TDR)
An ordinance of the Board of Supervisors of Pima County, Arizona; relating to zoning; enacted pursuant to A.R.S §11-821.03, adding Chapter 18.92 - Transfer of Development Rights, to add procedures permitting the Transfer of Development Rights from designated sending areas to designated receiving areas, and to add maps showing the designated sending and receiving areas. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Membrila voted **NAY**; Commissioner Hirsch abstained, and Commissioner Gungle was absent) to recommend **APPROVAL WITH REVISIONS**. Staff recommends **APPROVAL WITH REVISIONS**. (All Districts)

Approved as amended
5/0

If approved, pass and adopt:

ORDINANCE NO. 2007 - 7 .

COMPREHENSIVE PLAN AMENDMENT

*20. Co7-06-04, PIMA COUNTY - TRANSFER OF DEVELOPMENT RIGHTS REGIONAL COMPREHENSIVE PLAN POLICY PLAN AMENDMENT
Request of Pima County, to amend the Pima County Comprehensive Plan Regional, Rezoning, and Special Area Policies to add a regional policy addressing the Transfer of Development Rights (TDR) and to add development standards to the Land Use Intensity Legend for developments utilizing transferred development rights. Transfer of Development Rights is a process by which development rights from one or more sending properties are affixed to one or more receiving properties. On motion, the Planning and Zoning

Approved
5/0

Commission voted 6-2 (Commissioners Hirsch and Membrilla voted **NAY**; Commissioner Gungle was absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

21. CALL TO THE PUBLIC

22. ADJOURNMENT

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

DATE POSTED: 01/9/07

TIME POSTED: 5:00 P.M.

CONSENT CALENDAR, JANUARY 16, 2007**1. CONTRACTS AND AWARDS****A. COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

1. RESOLUTION NO. 2007 - 12 , approving an Intergovernmental Agreement with the Three Points Fire District, to provide for the purchase and installation of five fire hydrants in the Three Points Area, CDBG Fund, contract amount not to exceed \$30,000.00 (01-70-T-139089-1006)

B. COUNTY ATTORNEY

2. Oversight Council of Driving, to provide for support staff overtime costs associated with the processing of DUI misdemeanor and felony cases, State Grant Fund, contract amount \$10,080.00 revenue (02-02-O-139100-0107)

C. PIMA HEALTH SYSTEM

3. AccentCare At Home, Inc., d.b.a. AccentCare, Amendment No. 4, to provide homecare services and amend contractual language, PHCS Enterprise Fund, contract amount \$500,000.00 (11-15-A-134438-0704)
4. Kindred Nursing Centers West, L.L.C., d.b.a. Villa Campana Health Care Center, Amendment No. 4, to provide nursing facility services and amend contractual language, PHCS Enterprise Fund, no cost (18-15-K-137034-1005)
5. Kindred Nursing Centers West, L.L.C., d.b.a. Desert Life Rehabilitation and Care Center, Amendment No. 4, to provide nursing facility services and amend

contractual language, PHCS Enterprise Fund, no cost (18-15-K-137036-1005)

D. **PROCUREMENT**

6. Siemens Communication, Inc., Amendment No. 2, to provide for the Siemens telephone system, products and maintenance support services, extend contract term to 4/16/08 and amend contractual language, Various Department Funds, contract amount \$200,000.00 (11-14-S-137967-0406) Information Technology
7. Statistical Research, Inc., Amendment No. 2, to provide Pima County Justice Court/Tucson City Court Complex archaeological data recovery and amend contractual language, 2004 Bond Fund, contract amount \$2,728,621.72 (07-73-S-138479-0806) Public Works, Cultural Resources and Historic Preservation
8. Greeley and Hansen, Amendment No. 1, to provide for the Pima County Metropolitan Wastewater Treatment System Capacity Management, Nutrient Removal, Solids Handling/Treatment and CIP Development Study and amend contractual language, Wastewater Management Enterprise Fund, no cost (16-03-G-137854-0206) Wastewater Management

Award

9. Award of Direct-Select Contract, Requisition No. 0702018, in an amount not to exceed \$460,000.00 to RS Engineering, Inc. (Headquarters: Tucson, AZ) to complete engineering services for the Tanque Verde Road: Catalina Highway to Houghton Road Project. Because RS Engineering previously prepared design for 75% for this project, the County would lose a significant portion of the

Removed without objection

investment made in that design and incur unnecessary delays if a new firm were contracted to complete the project. Therefore, it was determined under the provisions of Board Policy D29.1(B) and (D) and A.R.S. §34-103, that it would be of significant benefit to Pima County to direct-select RS Engineering to complete the work. Funding Source: 1997 HURF Bond and RTA Tax Revenue Funds. Administering Department: Transportation.

E. **SHERIFF**

10. Yuma County Sheriff's Office, Amendment No. 4, to provide for participation in the H.I.D.T.A. XIII Program and extend contract term to 6/30/07, no cost (01-11-Y-132422-1002)
11. Maricopa County Sheriff's Office, Amendment No. 1, to provide overtime costs incurred during clandestine methamphetamine lab cases and extend contract term to 6/30/07, no cost (01-11-M-136045-0305)
12. Nogales Police Department, Amendment No. 1, to provide for participation in the H.I.D.T.A. XV Program and extend contract term to 6/30/07, no cost (01-11-N-136313-1004)

F. **WASTEWATER MANAGEMENT**

13. S.R.S.A., L.L.C., Amendment No. 2, to provide a sewer facilities development agreement for construction of sewage treatment facility improvements at the Corona de Tucson Wastewater Treatment Facility and amend scope of work, Wastewater System Development Fund, contract amount \$3,000,000.00 (14-03-S-134690-0704)

WASTEWATER MANAGEMENT**2. 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 will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Pima County Wastewater 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 Agreements:

Emad Alwer, d.b.a. Mediterranean Garden, No. 2006-27. Proposed settlement amount is \$1,321.81.

3. RATIFY AND/OR APPROVE

Minutes: November 21, 2006
December 5, 2006