

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

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

December 18, 2012 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Associate Minister Cynthia Henry, Emmanuel Grace Apostolic Church.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

... **EXECUTIVE SESSION**

(Clerk's Note: In addition to the executive session listed below, pursuant to A.R.S. §38-431.03(A)(3) the Board of Supervisors, or the Board sitting as other boards, may vote to go into executive session for the purpose of obtaining legal advice from its counsel with respect to any item listed on this agenda or any addendum thereto.)

Call to the Public (for Executive Session item only)

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement authority in the mediation of Robson Ranch Quail Creek, L.L.C., v. Pima County, et al., Arizona Court of Appeals Case No. 2CA-CV 2012-0091-S and 2 CA-CV 2012-0156-S (Cons.).

Motion carried to accept County Attorney's recommendation (5/0)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... **FLOOD CONTROL DISTRICT BOARD**

A. **Riparian Habitat Mitigation Plan**

Staff requests approval of a Riparian Habitat Mitigation Plan for 17845 W. Licksillet Lane, located within important riparian area with underlying Xeroriparian Class C Habitat. (District 3)

Motion carried to approve (5/0)

B. Contract

Psomas, Inc., Amendment No. 1, to provide design engineering services for the Pantano Bank Protection and River Park Phase 3: Tanque Verde Rd. to Glenn St. and Phase 4: Glenn St. to Craycroft Rd. and amend contractual language, Flood Control Tax Levy Fund, contract amount \$33,548.88 (CT-FC-13000365)

Motion carried to approve (5/0)

C. Award

Requisition No. 69401, Sub-award in an amount not to exceed \$175,000.00 to Sonoran Institute, with respect to U.S. Environmental Protection Agency (EPA) Grant No. CD-00T83301 for Wetlands Protection Development – Lower Santa Cruz River. The contract term is forty-four months. Funding Source: EPA Grant Fund. Administering Department: Regional Flood Control District.

Motion carried to approve (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. 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)

6. COUNTY ADMINISTRATOR

Classification and Compensation

A. The Human Resources Department requests approval to create the following new classification:

Any associated costs incurred with approval of the classification will be borne by the department from within its current budget.

<u>Class Code</u>	<u>Class Title</u>	<u>Grade/Range</u>	<u>EEO Code</u>	<u>FLSA Code</u>
7366	Office of Emergency Management Deputy Director	U3 (\$52,523 - \$112,695)	1	E*

*Exempt, Not Paid Overtime

Motion carried to approve (5/0)

- B. The Human Resources Department requests approval to create the following four new Position Control Numbers (PCNs). No additional associated costs.

<u>Positions Requested</u>	<u>Classification Code/Title</u>	<u>Salary Grade</u>
2	2469/Human Resources Analyst - Class, Comp, Benefits	46
2	1569/Human Resources Technician III	37

Motion carried to approve (5/0)

7. **REGIONAL WASTEWATER RECLAMATION**

Pursuant to Pima County Code, Title 13.20.045(N), approval of the following wastewater connection fee credits for the period January 1, 2012 to May 14, 2012:

<u>CRA Name</u>	<u>Total Credit Amount</u>
Lennar Corporation	\$ 89,803.50
Mesquite Homes	\$ 15,525.00
Meritage	\$ 59,270.50
Maracay Homes	\$ 56,678.00
A.F. Sterling Home Builders, Ltd.	\$ 35,595.50
DR Horton Homes	\$ 65,921.00
Sombra Homes, Inc.	\$ 26,902.50
Pulte Homes	\$ 58,455.00
Pepper Viner Development Co. II, L.L.C.	\$ 18,254.50
La Frontera Partners, Inc.	\$ 3,823.50
K.B. Home of Tucson	\$ 25,637.50
Food Conspiracy Co-Op	\$ 3,705.50
Dorn Homes, Inc.	\$ 2,632.50
Habitat for Humanity	\$ 3,727.50
Miramonte Arizona, L.L.C.	\$ 33,549.00
Milestone Homes	\$ 8,105.90
Richmond American Homes, Inc.	\$ 95,611.50
Quail Creek/Robson Communities	\$ 28,080.50
Robson Communities	\$ 8,490.00
The District	\$130,567.38
Grand Total Credits	\$770,336.28

Motion carried to approve (4/1)

8. **TRANSPORTATION**

Pursuant to Pima County Code Section 19.03.070, waiver of development impact fees for the following:

- A. Britt and Cindy Klein request a waiver of the Roadway Development Impact Fee for the construction of a residential dwelling unit on their property located at 5397 E. Sandhill Drive, in the Canada Del Oro Impact Fee Benefit Area. (District 1)

Motion carried to waive 50% of fee (3/2)

- B. Willow Tanaka and John Woods request a waiver of the Roadway Development Impact Fee for the placement of a residential dwelling unit (travel trailer) on their property located at 23621 W. Dills Best Road, in the Altar Valley Impact Fee Benefit Area. (District 3)

Motion carried to waive 50% of fee (4/1)

*** HEARINGS ***

FRANCHISE/LICENSE/PERMIT

Fireworks Permit

9. Lonnie Lister, Skyline Country Club, 5200 E. St. Andrews Drive, Tucson, December 31, 2012 at Midnight.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

Modification (Substantial Change) of Rezoning Conditions

10. Co9-01-01, PIMA COUNTY – CANOA RANCH REZONING
FRC Holdings, L.L.C., represented by Frank Thomson and Associates, L.L.C., requests the following:

- Board of Supervisors approval for four lot splits. Rezoning Condition No. 6 restricts further subdividing or lot splitting without written Board of Supervisors approval.
- A Modification (Substantial Change) of Rezoning Condition No. 16(G) that restricts the height of development east of Interstate 19 to 30 feet and one story.
- Board of Supervisors approval for any building larger than 100,000 square feet east of Interstate 19. Rezoning Condition No. 16(l) limits the size of a building to no more than 100,000 square feet.

The applicant proposes to split approximately 22 acres from the south half of Block 36 of the Canoa Ranch Block Subdivision Plat Map (Book 54 and Page 74) to build a hospital with a helistop and related medical use buildings. The subject property is zoned CB-2© (General Business Zone, Conditional) and is located east of Interstate 19, north of the Esperanza Wash, being a portion of the approximately 1,261 acres original rezoning site located within the San Ignacio de la Canoa Land Grant on both sides of Interstate 19 generally south of the Esperanza Wash. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Matter was absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 4)

Motion carried to approve (5/0)

11. Co9-91-23, DEVOY - SHANNON ROAD REZONING
Colt J. Barrins, represented by Design Build Forum, L.L.C., requests a modification of the rezoning condition which restricts the use of the property to single family residential and periodic maintenance of miscellaneous mobile equipment to allow single family residential and a window installation company or equivalent, less intense commercial CB-2 (General Business Zone) uses. The CB-2 zoned subject site is approximately .68 acres, and is located on the east side of Shannon Road approximately one-quarter of a mile north of Ruthrauff Road. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Membrila and Spendiarian were absent) to recommend **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. Staff recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS**. (District 3)

Motion carried to approve (5/0)

Zoning Code Text Amendments

12. Co8-12-07, CONTRACTOR YARD, HOME OCCUPATION, CONDITIONAL USE PERMIT, SUBDIVISION PLAT AND DEVELOPMENT PLAN CODE AMENDMENTS
An ordinance of the Pima County Board of Supervisors relating to Zoning (Title 18); amending the Pima County Code by amending Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions) to define a contractor's yard; amending Chapter 18.09 (General Residential and Rural Provisions), Section 18.09.020 (General Requirements and Exceptions) to provide setback requirements for shade structures within corrals; and Section 18.09.030 (Home Occupations) to expand home occupations; amending Chapter 18.69 (Subdivision Standards) Section 18.69.020 (Definitions) to eliminate the plat requirement for non-residential subdivisions; amending Chapter 18.97 (Conditional Use Procedures) Section 18.97.030 (Procedures and Requirements) by revising the Development Plan requirements. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Matter was absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - 71

Without objection, continued to 1/22/13

13. Co8-12-08, COMMUNICATION TOWER TEXT AMENDMENT
An ordinance amending the Pima County Code Section 18.07.030(H) (Communication Towers) clarifying the subsection by replacing the term "commercial" with the term "business" in subsections 18.07.030(H)(1)(b) and (H)(2)(c) and modifying and expanding the exceptions from the requirement that a Type III conditional use permit be obtained for all communication towers, clarifying the application procedures and amending the development standards for communication towers in the right of way. On

motion, the Planning and Zoning Commission voted 6-1 (Commissioner Holdridge voting **NAY**, Commissioners Cook, Spendiarian and Poulos were absent) to recommend **APPROVAL**. Staff recommends **APPROVAL**. (All Districts)

If approved, pass and adopt:

ORDINANCE NO. 2012 - **72**

Motion carried to approve (5/0)

14. **Rezoning Ordinances**

A. ORDINANCE NO. 2012 - **73**, Co9-12-01, Northwest Fire District – Curtis Road Rezoning. Owner: Northwest Fire District. (District 3)

Motion carried to approve (5/0)

B. ORDINANCE NO. 2012 - **74**, Co9-12-02, Gateway Hacienda, L.L.C. – River Road Rezoning. Owner: Gateway Hacienda, L.L.C. (District 1)

Motion carried to approve (5/0)

C. ORDINANCE NO. 2012 - **75**, Co9-12-03, Woodhawk Properties, L.L.C. – La Canada Drive Rezoning. Owner: Woodhawk Properties, L.L.C. (District 4)

Motion carried to approve (5/0)

REGIONAL WASTEWATER RECLAMATION

Pima County Code Text Amendment

15. ORDINANCE NO. 2012 - **76**, of the Board of Supervisors of Pima County, Arizona, amending the Pima County Code, Title 13, Chapter 12, Preliminary Sewer Layout Requirements; Title 13, Chapter 16, Design Standards for Public Sewerage Facilities; and Title 13, Chapter 20, Sanitary Sewer Construction, Connections and Fees; changing the County Standard References for Public Sewer Design and Construction and defining applicability dates.

Motion carried to approve (5/0)

TRANSPORTATION

16. Traffic Resolution

RESOLUTION NO. 2012 - 114, of the Board of Supervisors, permitting the temporary closure of Esperanza Avenue, Lomita Avenue and Plaza Street in Ajo, Arizona, for the annual Christmas Parade on Monday, December 24, 2012. Staff recommends **APPROVAL**. (District 3)

Motion carried to approve (5/0)

17. Abandonment of County Highway

RESOLUTION NO. 2012 - 115, of the Board of Supervisors of Pima County, abandoning a County Highway within the incorporated limits of the City of Tucson for the Tanque Verde Road Improvement Project from Catalina Highway to Houghton Road. (District 4)

Motion carried to approve (5/0)

18. CALL TO THE PUBLIC

19. ADJOURNMENT

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

DATE POSTED: 12/12/12

TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, DECEMBER 18, 2012

1. CONTRACTS AND AWARDS

A. Community Services Employment and Training

1. U.S. Department of Labor/Employment and Training Administration, Amendment No. 2, to provide employment and training services and extend contract term to 6/30/13, no cost (CTN-CS-13000166)

B. Health Department

2. Rincon Valley Fire District, to provide childhood immunization services, no cost (CTN-HD-13000115)

C. Procurement

3. Desert Archaeology, Inc., Amendment No. 1, to provide for the Paseo de las Iglesias, Santa Cruz River: Ajo to Silverlake Archaeological Data Recovery Project and amend contractual language, 1997 and 2004 Bond Funds, contract amount \$548,140.00 (CT-SUS-13000035) Public Works Administration.
4. Greeley and Hansen, L.L.C., Amendment No. 14, to provide program management services for Regional Optimization Master Plan CIP Implementation, extend contract term to 12/31/16 and amend contractual language, RWRD Obligation Fund, contract amount \$4,000,000.00 (CT-WW-12001214) Regional Wastewater Reclamation.
5. KE&G Construction, Inc., Amendment No. 1, to provide for a Job Order Master Agreement for regional wastewater conveyance and related facilities maintenance, repair, rehabilitation and construction services and extend contract term to 2/28/13, RWRD Obligation Fund, contract amount \$1,000,000.00 (MA-PO-13000002) Regional Wastewater Reclamation.

Awards

6. Amendment of Award: Amendment No. 5, to provide fuel (gasoline, diesel and bio-diesel) and extend contract term to January 31, 2013. No additional funding is required for the extended term. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Contractor

Contract No.

Western Refining Wholesale (formerly
Phoenix Fuel Company)

B503392

Union Distributing Company of Tucson B503388
Pro Petroleum Incorporated B503387

7. Award, Solicitation No. 60517 for the establishment of a shared Job Order Master Agreement in the amount of \$15,000,000.00 (initial term of one year, renewable for up to four additional one year periods) with the three top ranking firms for wastewater conveyance system and related facilities maintenance, repair, rehabilitation and construction services. The recommended firms are: Achen-Gardner Construction, Inc. (Headquarters: Chandler, AZ), B&F Contracting, Inc. (Headquarters: Phoenix, AZ), and KE&G Construction, Inc. (Headquarters: Sierra Vista, AZ). Funding Source: RWRD Obligation Fund. Administering Department: Regional Wastewater Reclamation Department.

D. Regional Wastewater Reclamation

8. Town of Oro Valley, to provide water consumption data, RWRD Enterprise Fund, contract amount \$430,000.00/2 year term (CT-WW-13000456)

FINANCE AND RISK MANAGEMENT

2. Duplicate Warrants – For Ratification

Michele Bonady	\$ 155.00
Robert Galvan Salaz	\$ 87.00
Chris J. Kimminau	\$4,191.20
Donald A. Nixon	\$ 140.00
Julie Figueroa	\$ 140.00
Lorraine Simon	\$ 155.00
Lucille A. Schuetze	\$ 140.00
Mary L. David	\$ 155.00

3. RATIFY AND/OR APPROVE

Minutes: November 20, 2012

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

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

December 18, 2012 9:00 a.m.

... EXECUTIVE SESSIONS

- A. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Anna Hegedus v. Pima County Sheriff's Department, et al., Pima County Superior Court Case No. C20118240.

Motion carried to proceed as discussed in Executive Session and accept Risk Management and County Attorney's recommendation (5/0)

- B. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding legal issues related to the Marana Wastewater Reclamation Facility, including, but not limited to:

1. The recent Arizona Supreme Court decision to not hear Marana's appeal.
2. Status of litigation challenging related legislation.
3. Potential of a citizen's lawsuit.
4. Potential Settlement Terms.

Motion carried to make two options available to the Town of Marana (5/0)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

1. BOARD OF SUPERVISORS

A. Justice of the Peace, Precinct 7

1. Acceptance of the resignation of the Honorable Gail Wight, Justice of the Peace, Precinct 7, effective January 1, 2013.

Motion carried to approve (5/0)

2. Discussion/direction/action regarding a selection process to fill the vacancy of Justice of the Peace, Precinct 7.

Motion carried to proceed with selection process (5/0)

B. Danes in the Desert 2013

Allocation of \$5,000.00 from the Contingency Fund to the Danish Club of Tucson for support of Danes in the Desert 2013 to honor Danish culture in Southern Arizona. (District 5)

Motion carried to approve (5/0)

2. COUNTY ADMINISTRATOR

A. RESOLUTION NO. 2012 - **116**, in support of the Tucson International Airport as a Phase I, Critical Rail Station Location in the Arizona Department of Transportation Passenger Rail Corridor.

Motion carried to approve (5/0)

B. Pima County/Tucson Metro Chamber Joint Business Objectives

Staff recommends acceptance and endorsement of the Joint Business Objectives.

Motion carried to approve (5/0)

3. FINANCE AND RISK MANAGEMENT

A. RESOLUTION NO. 2012 - **117**, of the Board of Supervisors of Pima County, Arizona, amending Resolution No. 2012-84, to increase the maximum principal amount of Certificates of Participation authorized by Resolution No. 2012-84.

Motion carried to approve (5/0)

B. Board of Supervisors Policy

Staff recommends adoption of Board of Supervisors Policy, No. D22.10, Change in Classification of Owner's Primary Residence.

Motion carried to approve (5/0)

4. CONTRACTS

A. Community Services, Employment and Training

Arizona Department of Economic Security, to provide employment and training services, ADES-WIA Grant Fund, contract amount \$41,993.00 revenue/5 year term (CTN-CS-13000172)

Motion carried to approve (5/0)

B. Facilities Management

City of Tucson, to provide parking services in the El Presidio and Public Works Building garages, contract amount \$240,000.00 revenue (CTN-FM-13000167)

Motion carried to approve (5/0)

C. Institutional Health

Conmed, Inc., Amendment No. 7, to provide correctional health services, extend contract term to 6/30/13 and amend contractual language, no cost (CT-IH-12000397)

Motion carried to approve (5/0)

D. Regional Wastewater Reclamation

Pascua Yaqui Indian Tribe, Amendment No. 1, to provide interim sewer services and extend contract term to 1/31/13, no cost (CTN-WW-13000169)

Motion carried to approve (5/0)

5. BOARDS, COMMISSIONS AND/OR COMMITTEES

A. Board of Adjustment, District No. 4

Reappointment of Jack Mann. Term expiration: 12/31/16. (District 4)

Motion carried to approve (5/0)

B. Bond Advisory Committee

Appointment of Michael Lund to replace Thomas Six. Term expiration: 12/31/18. (District 4)

Motion carried to approve (5/0)

C. Community Action Agency Board

Reappointment of Dianna Gonzales. Term expiration: 12/31/16. (District 4)

Motion carried to approve (5/0)

D. Fair Horse Racing Commission

Reappointment of Forrest Metz. Term expiration: 12/31/14. (District 4)

Motion carried to approve (5/0)

E. Historical Commission

Appointment of Mikki Niemi to replace Gerald Juliani; and reappointment of Albin Littell. Term expirations: 12/31/16. (District 4)

Motion carried to approve (5/0)

F. Housing Commission

Reappointment of Ray Clarke. Term expiration: 12/31/16. (District 4)

Motion carried to approve (5/0)

G. Neighborhood Reinvestment Oversight Committee

Reappointment of Corey Knox. Term expiration: 12/31/16. (District 4)

Motion carried to approve (5/0)

H. Public Safety Retirement Board

Appointment of Lt. Gary Anderson, elected representative, to replace Sgt. Brad Foust. Term expiration: 12/31/16. (Committee recommendation)

Motion carried to approve (5/0)

I. State Board of Equalization

Appointment of Shaun McClusky to replace Michael Ebert; and reappointment of Greg Geile. Term expirations: 12/31/16. (District 4)

Motion carried to approve (5/0)

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

DATE POSTED: 12/14/12

TIME POSTED: 11:00 a.m.