

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, July 11, 2023. Upon roll call, those present and absent were as follows:

Present: *Adelita S. Grijalva, Chair
Rex Scott, Vice Chair
Dr. Matt Heinz, Member
**Sharon Bronson, Member
Steve Christy, Member

Also Present: Jan Leshar, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Robert Krygier, Sergeant at Arms

*Chair Grijalva participated remotely.

**Supervisor Bronson left the meeting at 2:27 p.m.

1. CONTRACT

Department of Interior US Geological Survey, to provide a joint funding agreement for water resource investigations, Flood Control Tax Levy Fund, total contract amount \$300,000.00/5 year term (\$60,000.00 per year) (CT-FC-23-380)

It was moved by Vice Chair Scott, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve the item.

2. CONTRACT

Gerald A. O'Brien and Patricia Ann O'Brien, Trustees of the O'Brien Living Trust, dated May 1, 2017, to provide for acquisition agreement - ACQ-1147 and Warranty Deed for floodprone land and improvements, Flood Control Capitol Projects Non-Bond Fund, contract amount \$583,800.00 (CT-RPS-23-462)

It was moved by Vice Chair Scott, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:41 p.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, July 11, 2023. Upon roll call, those present and absent were as follows:

Present: *Adelita S. Grijalva, Chair
Rex Scott, Vice Chair
Dr. Matt Heinz, Member
**Sharon Bronson, Member
Steve Christy, Member

Also Present: Jan Leshar, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Robert Krygier, Sergeant at Arms

*Chair Grijalva participated remotely.

**Supervisor Bronson left the meeting at 2:27 p.m.

1. **Revisions to Board of Supervisors Policy**

Staff and the Library Advisory Board recommends approval of the proposed revisions to Board of Supervisors Policy D 32.13, Pima County Public Library - E-Commerce Policy.

(Clerk's Note: Supervisor Bronson left the meeting before a vote was taken on the motion.)

It was moved by Vice Chair Scott, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

2. **Revisions to Board of Supervisors Policy**

Staff and the Library Advisory Board recommends approval of the proposed revisions to Board of Supervisors Policy D 32.1, Pima County Public Library - Bulletin Board and Handout Policy.

Sam Brown, Chief Civil Deputy County Attorney, requested that the item be continued so that the County Attorney's Office and the Library District could be able to further discuss a reference included in the revised language before the Board considered the item.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to continue the item to the Board of Supervisors' Meeting of July 25, 2023.

3. GRANT ACCEPTANCE

U.S. Department of Commerce, to provide for the Pima County Regional Middle Mile Fiber Optic Ring, total grant amount \$30,281,277.00/5 year term (\$6,056,255.40 per year)/\$13,002,677.00 In-kind match (GTAW 23-160)

It was moved by Vice Chair Scott and seconded by Chair Grijalva to approve the item. No vote was taken at this time.

Vice Chair Scott explained that 10% of households in the County had no broadband access or internet and that one third of the County's population lived in areas that would be served by the project. He added that it reduced the proportion of have and have-nots and local jurisdictions and other partners shared with the in-kind match, which he believed helped promote regional collaboration.

Supervisor Christy voiced his concern with the funding sources for the project as the background material stated that it was for cash in-kind and the Library Operations Fund. He added that he could not recall this type of funding source when it dealt with a County activity. He stated it dealt with \$6 million per year and cash would fund it. He inquired what "in-kind" meant.

Jan Leshner, County Administrator, responded that in 2022 the Board passed a resolution that allowed them to indicate the type of funding sources. She clarified that cash was considered general fund.

Supervisor Christy commented that a general fund match was not indicated in the background material for the item.

Michelle Simon, Deputy Director, Pima County Public Library, responded that the cash was a designation for money regardless of the type of funding. She explained that with federal grants they could provide cash or in-kind to meet the match requirement. She stated that the money came from other municipalities, as well as the General Fund and Library Operations Fund. She added that the "in-kind" portion was for services that provided permitting instead of having to pay for certain permits for rights-of-way. She stated the other municipalities agreed to allow them to do it without having to pay cash. She stated that personnel and supply costs were also "in-kind" matches for the grant.

Supervisor Christy asked if the cash portion was coming out of the County's General Fund.

Ms. Simon stated both yes and no and clarified that some money came from the Library Operations Budget, as well as from the General Fund.

Supervisor Christy inquired about the amount that would come from the General Fund.

Ms. Leshar responded that she would provide that information to the Board.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:41 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, July 11, 2023. Upon roll call, those present and absent were as follows:

Present: *Adelita S. Grijalva, Chair
 Rex Scott, Vice Chair
 Dr. Matt Heinz, Member
 **Sharon Bronson, Member
 Steve Christy, Member

Also Present: Jan Leshar, County Administrator
 Sam Brown, Chief Civil Deputy County Attorney
 Melissa Manriquez, Clerk of the Board
 Robert Krygier, Sergeant at Arms

*Chair Grijalva participated remotely.

**Supervisor Bronson left the meeting at 2:27 p.m.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledge Statement was delivered by Leslie Pike, Manager of Programs and Volunteerism, Diaper Bank of Southern Arizona.

3. POINT OF PERSONAL PRIVILEGE

Supervisor Christy acknowledged the Regional Wastewater Reclamation Department for earning the National Association of Clean Water Agencies' Platinum Peak Performance Award for Wastewater Excellence at the Green Valley and Mount Lemmon treatment plants.

4. PAUSE 4 PAWS

The Pima County Animal Care Center showcased an animal available for adoption.

5. PRESENTATION

Recognizing the contributions to Pima County of the late Maria Acedo of the Assessor's Office and presenting her mother and daughter with a posthumous 25-Years of Service Award.

Suzanne Droubie, Pima County Assessor, presented a posthumous service award to Edilia Acedo, mother, and Maria Acedo, daughter, in recognition of Maria Acedo's 25 years of service to the County. No Board action was taken.

6. **CALL TO THE PUBLIC**

Anastasia Tsatsakis addressed the Board regarding her opposition to the Vail incorporation, issues regarding the Executive Board for Vail and indicated that if the Vail incorporation was approved it would increase taxes.

Sharon Fickes expressed her concerns regarding funding for illegal immigrants and her opposition to the Election Integrity Commission's 2022 Annual Report.

David Hook, President, Incorporate Vail, expressed his support for the Incorporation of Vail.

Mohyeddin Abdulaziz stated that immigration and asylum were human rights issues and that due to the increase in hate and racism, he and others had created an activist group called Stop the Hate Collective.

Cara Bissell spoke about intersectionality.

Keith Van Heyningen addressed the Board regarding First Amendment Rights, concerns with road repair and the lack of immigration policies.

Lara Iacobucci Paris expressed concerns with the overcrowding of animals at the Pima Animal Care Center and the inhumane breeding at pet stores.

Robert Reus voiced his support for the Vail incorporation and concerns with unfair sales and property taxations.

Jessica Normoyle, Director of Operations, JobPath, spoke about JobPath's highlights from the past year and that she was available to answer questions about the upcoming JobPath contract.

Gisela Aaron voiced her opposition to Minute Item Nos. 56 and 70. She also expressed opposition for 5G cell towers.

Dave Smith expressed concerns with the Board ignoring unintended consequences and not listening to the concerns of their constituents.

Janet Neustedter voiced her concerns with "smart cities", Supervisor Heinz's involvement in water resources and COVID vaccine studies.

Mike Hellon voiced his opposition for the approval of Merit System Rule revisions.

Roger Score expressed his concern with immigration policies and compared the differences regarding safety in Boston, MA and Pima County.

Patricia Hirsch addressed the Board regarding mental health awareness and the need for more mental health assistance.

Lisa Von Geldern expressed concerns about “smart cities” and global warming.

Raf Polo spoke about being a proud American and did not believe there was any hate in the U.S.

Dianne Smith voiced her opposition to the Incorporation of Vail.

Paul Rubin voiced his opposition to the Merit System Rule revisions.

Michael Thompson spoke about Civil Air Patrol and how it was educational for youth and the public.

Rose Gumaer expressed her concerns with open borders and the diseases brought across the border, and spoke about child trafficking.

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Supervisor Heinz requested clarification from staff regarding the Vail Incorporation and the school taxation that may occur upon approval. He also requested clarification on the laws regarding legally prohibiting the ability to finance pets.

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7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Christy, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to convene to Executive Session at 3:37 p.m.

8. **RECONVENE**

The meeting reconvened at 3:40 p.m. Supervisor Bronson was not present. All other members were present.

9. **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Rusing Lopez and Lizardi, P.L.L.C.’s request for a conflict of interest waiver.

This item was informational only. No Board action was taken.

BOARD OF SUPERVISORS

10. Arizona Department of Water Resources

Discussion/Direction/Action: Direct the County Administrator to send a letter on behalf of the Board of Supervisors to Arizona Department of Water Resources (ADWR) Director Tom Buschatzke requesting the agency expedite plans to conduct a model of groundwater conditions in the Tucson Active Management Area (AMA) and commence work as soon as possible. (District 2)

It was moved by Supervisor Heinz and seconded by Chair Grijalva to approve the item. No vote was taken at this time.

Supervisor Heinz stated that the Colorado River was in a crisis and in June, the Arizona Department of Water Resources (ADWR) released their findings regarding the Phoenix Active Management Area (AMA), which showed that Phoenix would experience an unmet demand of 4.86-million-acre foot of water in the next few decades. He stated that it was important to understand the situation in the Tucson basin so that the information could be provided as soon as possible.

Supervisor Christy stated that the item appeared to be a solution looking for a problem and he was led to believe that water resources were under control in the Tucson AMA and did not want the ADWR to expedite any plans to conduct a model of groundwater conditions. He stated that the County had the capacity to conduct its own model and it was unnecessary to request this from ADWR.

Vice Chair Scott inquired if contact had been made with the State Government about their intent to conduct a similar study on Pima County's AMA like the one done in Maricopa County.

Jan Leshner, County Administrator, responded that they had not received any notice or contact with ADWR.

Supervisor Heinz stated that his office has not communicated with ADWR to conduct a similar study for the County, but wanted the Board's support in requesting to move forward expeditiously with this request.

Supervisor Christy commented that the background material was City of Tucson (COT) centric, and reminded everyone that the County sued the COT for differential water rates and it appeared inappropriate and unnecessary to do any modeling of the Tucson AMA. He stated that he would vote against the item.

Vice Chair Scott replied that to Supervisor Christy's point, the Board passed a resolution opposing the higher water rates that Tucson Water imposed on residents within the unincorporated County and the Board also called on them to revise their long standing water service area policies because of the impact the policies had on groundwater. He asked for clarification if Supervisor Heinz was requesting the

Board ask ADWR to conduct something similar to what was done in Maricopa County.

Supervisor Heinz responded in the affirmative.

Vice Chair Scott stated that he could support the item because he felt it was good to have the information, but hoped that if they had any conclusion similar to the Maricopa County AMA, they share the information with the public in the same prudent and nuanced manner they shared with that report. He stated that it went as far as the Governor pointing out that it would not cause industrial or residential development in Maricopa County to grind to a halt.

Upon roll call vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

COUNTY ADMINISTRATOR

11. Update on County Initiatives to Address Homelessness and Public Safety

Steve Holmes, Deputy County Administrator, explained that in the last series of memorandum staff discussed issues framed around three critical areas. He stated that as a County, they were primarily focused on the criminal justice element specifically working towards opening the transition center and that had been their main focus because of intersectionality with the courts and work being done in the justice service space. He stated that the two other critical areas addressed were housing and the Pima County Health Department's role in general health care and Behavioral Health. He stated that the current presentation, as stated in the memorandum, spoke to shelter capacity and how the County worked in collaboration with the City of Tucson (COT) and availability. He added that in a previous memorandum there was an idea that as they moved forward, any shelter space had to have some degree of accountability associated with it. He stated that as staff looked at that, they wanted to ensure that people who received housing also received services to be able to move from one housing situation to a more permanent housing situation. He stated that they also needed to look at which data metrics would be used to measure the success rate. He indicated that the COT's Housing First Initiative was not only addressing it as a low barrier housing, but also ensuring people received the support necessary. He added that low barriers did not equate to no barriers and the program held people accountable as shown on the data that spoke to the COT-run shelters with a 50% transition rate compared to a 10% to 30% transition rate for traditional shelters.

Brandi Champion, Director, COT Housing First Program, provided an update of the program's first 19 months. She stated that COT outreach staff had originally started with two staff and had grown to about six staff in various positions. She added that the team had served approximately 1,017 individuals since October 2021 and housed 163 of those individuals. She indicated that outreach was usually used to provide an assessment to individuals, but the team had taken it upon themselves to get individuals into shelters and work with them until they were housed. She added

that they also had two coordinated entry navigators that served as a housing and services assessment access point for the community. She stated they served 651 individuals and housed 197 since October 2021. She explained that outreach was designed to assess the person's needs in an encampment or in the community of unsheltered people and assess them for housing and other services. She stated that they oversaw a community outreach and navigation coalition in collaboration with Tucson Pima Collaboration to End Homelessness and their continuum of care. She stated that meetings were held every second Tuesday of the month at the El Pueblo Community Safety Hub and other agencies participated, such as Primavera Foundation, Our Family Services, Old Pueblo Community Services (OPCS), Veteran's Administration, Community Bridges, Inc. (CBI), Goodwill and Pima County Outreach. She stated the meetings brought together navigation and outreach staff, and leadership to provide program updates, resources, community collaborations and upcoming events in the community, which were critical in tackling the unsheltered population. She stated that across the COT non-congregate shelters used were Wildcat, Oracle, NoTel and Desert Cove, and between October 2021 to May 2023, 678 individuals received shelter services, and of those, 275 went into permanent housing. She stated that at the COT-run Wildcat shelter, 54% of individuals served went into housing. She acknowledged that they could do better, but it was a far cry from the 11% typically seen with traditional shelters. She stated that services were improved by collaboration. She stated that residents of the NoTel shelter would transition to permanent housing or another shelter opportunity due to the upcoming closure of the shelter to begin development of a low-income permanent housing project called Milagro on Oracle. She added that the Amazon Motel on Miracle Mile was currently open and would absorb the residents from NoTel. She commented that the Amazon Motel was a temporary solution because it would be rehabbed in early 2024 into permanent supportive housing that would be run by an outside agency. She stated that since the start of the program they housed a total of 635 households into permanent housing in collaboration with entities, such as El Rio, OPCS, CBI, Community Medical Services, La Frontera, Cornerstone and SonderCare. She stated that individuals received medical and mental healthcare, referrals, medication-assisted treatment (MAT) services for Opioid addiction, access to mental health and detox services and warrant resolutions. She added that Judge Blue provided on site Community Court at the Wildcat shelter that would continue to grow. She added individuals received other services, like document collection, housing application assistance, referral to community safety, health and wellness for care coordination, referral to COT's Housing Emergency Action Response Team (HEART) Crowd-to-Home teams that helped people become stabilized, provided wraparound services, and case management services in their housing, navigation through apartment search processes and applications, food security services, community reintegration and life skills. She reiterated that Housing First was not only for housing, they also had to provide wraparound services that went with the person and their needs. She stated that this was a way to get an individual immediately off of the street and provide the wraparound services needed. She added that without wraparound services individuals would be placed in apartments, but then would be forgotten. She stated that individuals needed stabilization to maintain their housing. She stated that they worked with the police department, court systems, Department of Child Safety,

probation, parole, and a gamut of other folks to be successful. She stated that they held individuals accountable at the shelter level because when they got into their apartment they could be easily evicted. She stated they provided harm reduction during shelter service to teach individuals how to live in their unit as a good tenant and a good neighbor. She stated that coordination with other shelters in the community, such as OPCS, Primavera Men's Shelter, Gospel Rescue Mission and Salvation Army were necessary for emergent and successful sheltering of individuals in the community. She added they had been successful working with individuals who suffered from mental health and drug addiction because of the collaboration. She indicated they had recently engaged in a Mobile Shower Program and had served 94 individuals that helped provide meaningful engagement in the community. She stated they returned the Salvation Army's mobile shower due to the wildfires being fought, but the COT had obtained and currently possessed their own, and hoped to ramp up those services the following week. She stated they would go to places like Goodwill Metro, Saint Francis, Casa Maria, Primavera Drop-in Center, Caridad Kitchens and potentially StandUp for Kids to serve the unsheltered community and start the process to get them into shelters, housing, treatment, and align justice services, as needed.

Supervisor Heinz commented that the efforts made would move the needle and the community who encountered folks facing homelessness at a convenience store or at an intersection chose to provide them with a small donation. He stated that he had provided food or drink in the past, but thought it would be great if he could also provide a small card or pamphlet of information to help better connect folks with the programs. He felt that everyone in the community could do this to ensure they understood that resources were available to them. He questioned if something like this could be implemented.

Ms. Champion responded that they had pocket-sized help guides that opened to a legal sized piece of paper, which listed many services and resources, including the Tucson Collaborative Community Care (TC-3). She stated she would provide them to the Board.

Supervisor Christy inquired about permanent housing and how it differentiated from shelters or other types of facilities and how someone qualified for it.

Ms. Champion responded that permanent housing could either be a voucher through the COT Section 8 Division or a permanent supportive housing program in the community. She stated that many of their non-profit partners had permanent supportive housing programs that provided subsidies for the apartment, including case management to help stabilize them and to obtain employment. She added that eventually a cost share of their rent would be done and subsequently would be stabilized to pay their own rent. She stated that the Housing First model with permanent supporting housing had been successful, including with their mentally ill clients who received Social Security and worked with a case manager throughout their stay. She stated that these individuals stayed about one to two years with a rental subsidy, and they may be self-determined to become employed part-time with the help of their mental health provider. She added that eventually they could stop

receiving Social Security and hopefully obtain and maintain full-time employment so that they can complete the subsidy program and pay their own rent in full.

Chair Grijalva thanked Ms. Champion for the presentation and commented that it was important to understand how the County and the COT were working together to address these issues.

Vice Chair Scott commented that some of the items Ms. Champion spoke about were covered in the County Administrator's memorandum dated July 7, 2023. He requested that the additional items spoken of be forwarded to Mr. Holmes so they could be provided to the Board.

This item was for discussion only. No Board action was taken.

12. Personnel Policy Update - Alignment with Merit System Rules

Staff recommends the following:

1. Amend Personnel Policy 8-108 (A) by deleting Candidacy for Elective Office as a reason for which an employee might be placed on unpaid leave; and
2. Amend Personnel Policy 8-108 (D) by deleting Section D - Candidacy for Elective Office.

It was moved by Supervisor Bronson and seconded by Supervisor Heinz to approve the item. No vote was taken at this time.

Vice Chair Scott stated that the Board had received a request from several of the Row officers to table the item until a subsequent meeting.

A substitute motion was then made by Vice Chair Scott to continue the item to the Board of Supervisors' Meeting of August 8, 2023 and to direct the County Administrator to solicit written input from all Row officers who desired to submit input. It died for lack of a second.

Upon roll call vote of the original motion, it carried 3-2, Vice Chair Scott and Supervisor Christy voted "Nay."

13. Sheriff's Department - Over Budget for FY 2022/2023

Discussion/Direction/Action: Partial approval of this item was approved on the June 20, 2023 Board of Supervisors Meeting with the remainder to be discussed at the July 11, 2023 Meeting; along with a request for Sheriff Chris Nanos or a Department Representative and the Finance and Risk Management Department to attend the meeting, to address the Sheriff's Department budget concerns.

Jan Leshner, County Administrator, explained that per Board of Supervisors Policy D 22.2, she was required to present an overage in the budget of Elected Officials or any departments to the Board. She stated that the Sheriff's Department budget overage issue was brought to the Board on June 20, 2023 and the Board initially

approved \$1.8 million needed to cover the additional personnel costs and had requested the Sheriff and others come back to discuss the remaining funds necessary to make the department even for the year. She stated the same information as before had been provided that outlined what the drivers behind the increased costs were in the last fiscal year.

Vice Chair Scott commented that the County Administrator's Office along with the Finance and Risk Management Department had been providing monthly financial forecasts, which he had referenced at the prior Board meeting. He added that the County Administrator's July 5, 2023, memorandum mentioned "mounting pressures" based on the issues with the Sheriff's Department budget, and asked if there could be discussions with Chair Grijalva and the finance team on whether or not there could be a standing agenda item so the County Administrator could make recommendations to the Board, if action were needed in regards to the monthly financial forecasts so the Board did not have to deal with the mounting pressures.

Ms. Leshar responded that was at the discretion of the Board.

Vice Chair Scott stated that he was not prepared to make a motion regarding his request, but requested a report from the finance team and the County Administrator on what it would entail so that the Board could revisit the item at a future meeting.

Chris Nanos, Pima County Sheriff, addressed the Board and stated that he provided a letter to the Board that explained the reasons for the mounting pressures for the budget overages. He stated that he met with the County Administrator often to discuss budgetary issues throughout the year and as challenges arose, they worked together to resolve those issues. He explained that inflation was part of the issue, but more of it was due to the Board's action taken that he also supported. He stated he supported his team in receiving pay raises and took on state funds to retain employees. He explained that since the Board did not fund pay increases or salary adjustments for 1,400 members of his team, it greatly affected his budget. He added that he wanted those employees to receive raises, but it equated to \$1 million. He added that he needed the Board's help with another issue that had happened the prior year that perpetuated the overage. He stated that a recommendation was made to place \$1.4 million from the Sheriff's approved budget and move it to contingencies and for other reasons. He stated that his understanding of contingencies was for this type of crisis, but the Board took other action and moved that \$1.4 million to affordable housing. He felt that it was disingenuous to tell the community the Sheriff had a certain amount in his budget, but then removed \$1.4 million. He stated that the same thing happened for the 2023/2024 budget, which the Board had approved and then removed \$2.1 million before he could start the budget year. He stated the \$2.1 million was for vacancy savings, which was the only area he had in discretionary funding to adjust the budget as the year moved forward. He added that things may come up like additional raises with the CBIZ study and he needed the flexibility to pay bills. He stated that during the prior year he submitted a supplemental package with an accurate prediction that they would be about 13% under budget with supplies and services like food costs. He indicated that Ms. Leshar's team had predicted the same numbers, but the supplemental

package had been denied. He stated that they were still looking at extreme increases in those areas and came back this year with a supplemental package requesting \$2.3 million to cover what they projected to be cost increases. He added that the Board had turned down the supplemental request, removed \$2.1 million and then denied the \$2.3 million supplemental request, which made them \$4.4 million in the hole. He stated that was not being over budget, but was a clear definition of being underfunded. He pleaded with the Board to reconsider the contingency of vacancy savings be returned to his budget to allow him the discretion to work with Ms. Leshner's team to meet obligations throughout the year. He felt that he was being put in a bind, wanted to work with the Board, communicate and be transparent. He stated they had provided monthly budget reports and that he could do better at communicating these and provide a narrative to better understand the issues. He explained that comparing the last administration to the current administration was going backwards and that Sheriff Napier had faced some challenges that no other Sheriff had faced and made decisions based on what he believed needed to be done at that time. He added that as the Sheriff he also faced challenges that no other Sheriff had faced. He stated that if Sheriff Napier could predict the work/labor shortage that existed, he would have never cut staff. He stated that they had hired 59 more Corrections Officers (COs) even though they were about 150 COs short. He added that it did not sound like a lot, but it was because when he became Sheriff, they had academies of 7. He stated they had seen corners turn and in about 10 days would have an estimated 64 to 68 COs that would be hired and planned to have a graduation class of 32 Deputies compared to classes of 8 that graduated. He added that there would be a recruitment effort in the Fall for Deputies that could harness 40 to 50 Deputies. He stated that as these numbers increased the vacancy savings would deplete. He urged the Board to allow him to work with Ms. Leshner to resolve the issue with the budget that had been recommended and approved.

Supervisor Bronson stated that she was glad to hear they had some recruits and asked if the Deputies and COs were being trained together and if they were Arizona Post Certified.

Sheriff Nanos replied in the affirmative and stated that the Deputies were Arizona Post Certified.

Supervisor Bronson commented that this was the first time she has heard that the trainings were being combined.

Sheriff Nanos explained that they would recruit individuals for COs, and they would not get many applicants, but they saw an increase in Deputies. He knew they needed help in the jails, and rather than mandating overtime, they decided to hire and train individuals as a CO while waiting 6 months for the AZ Post background to clear. He stated that if they waited, they would lose Deputies to other agencies because they could not be employed immediately. He stated that COs possessed the skills and talents that Deputies had so they wished to use the same training and environment to gain the same skillset. He stated that across the nation, they had no COs, so they started off as a Deputy for two years, then were mandated to work the

jail, and finally rotated out in the field. He stated that it was known that practice worked, but he did not want to mandate or head in that direction but saw the value in providing Deputies initial training and on-the-job training that COs received.

Supervisor Bronson asked if the Arizona Post approved of the training.

Sheriff Nanos replied in the affirmative and indicated the Arizona Post was notified and they were excited on the outcome of the training method. He clarified that the Arizona Post only applied to the commissioned Deputies and that COs were not Post Certified.

Supervisor Heinz questioned if the increase in recruits would decrease the need for overtime moving forward.

Sheriff Nanos responded yes and stated that they graphed overtime and staffing levels throughout the years that would show when staffing was high, when overtime was low and vice versa. He explained that current trends showed overtime had slightly diminished, but once they had full staffing it would allow him to direct staff on the use of overtime. He stated that the jail required the use of overtime since it was a facility that could not be closed. He added that overtime was a replacement for vacancy savings because he did not have the bodies to fill the positions.

Supervisor Heinz commented that he visited the jail and saw evidence of the overtime and felt that the previous administrations had deferred certain types of maintenance that everyone had to deal with.

Sheriff Nanos replied that he would not judge past administration's decisions and believed they did what was best at the time, but he had to deal with some of those decisions.

Supervisor Heinz asked what other governmental entities the County lost potential recruits to and what attributed to the successful recruitment efforts.

Sheriff Nanos responded that they watched and monitored their attrition rates pay period to pay period. He stated that Deputies were at 1.8% every week which equated to less than one Deputy per week. He stated that more importantly COs were down to 3.5%, but he would like it to be in the 2's. He added that historically, 20 to 30 years ago, it was never in the 2's. He stated that when he first came to Tucson it was at 6%, which was about 3 per week. He stated that the Board's action had helped with retention by providing raises, they eliminated a training position because it started at a very low level, and they relied on their recruitment team that consisted of Deputies, COs and civilian employees. He stated they went out to different events to recruit more people and that the team saw that by the time they were scheduled for their test two months after applying, only two would show up. He stated the recruitment team stayed in touch with applicants to ensure interest in the position. He commented that the Tucson Police Department and Sahuarita Police Department had reached out asking how they kept their recruits.

Supervisor Christy commented that he had been on the Board during the controversial Stone Garden grants, which were opposed because of the proposed overtime. He stated that he was perplexed because Stone Garden overtime was bad, but the overtime Sheriff Nanos spoke about was good. He stated he was in a quandary why one overtime was beneficial or took precedent over another and requested a brief synopsis of the recent raises in the Sheriff's Department.

Ellen Moulton, Director, Finance and Risk Management, explained that the Sheriff's Department was given several raises over the last few years. She stated that a 7.5% increase was given to all eligible COs effective January 1, 2023. She added that all County employees were given a raise based on varying amounts (8.5%, 5% or 3%) dependent on salaries in July 2022. She stated that a 5% general adjustment to all eligible employees was given in Fiscal Year (FY) 2022, effective October 10, 2021, and the County had increased minimum wage to \$15.00, effective July 4, 2021. She added that there was a 2% general adjustment for all eligible employees earning more than \$45,000.00 and a 4% general adjustment for employees making less than \$45,000.00 with an additional new minimum to salaries for Sheriff Deputies of \$25.50 per hour, new minimum adjustment for Deputy Trainees, and a new minimum for all eligible Sergeants in July 2020. She stated that there was a 2.5% general adjustment for all eligible employees in FY 2019 effective July 8, 2018, and that year also had some additional minimum adjustments for Sheriff's Deputies that raised their pay. She indicated County employee salary increases were outlined in the County Administrator's July 3, 2023 memorandum. She added that over the past 7 years there were salary adjustments for all employees and specifically for COs or Deputies in all years but one.

Supervisor Christy commented that he believed the Board had been very receptive to ensure that Deputies and the Sheriff's employees were compensated to recruit, maintain and retain Officers. He did not believe it was proper to state that the Board left the Sheriff's Department in a \$2.1 million hole because of vacancy savings when salaries and raises were given. He asked if the newly budgeted \$14 million compensation plan included employees in the Sheriff's Department.

Ms. Leshar responded in the affirmative.

Supervisor Christy indicated that as far as compensation was concerned, the Board had done their best to maintain adequate and competitive salaries and pay plans. He stated that he was in favor of it and wanted to support the COs and Deputies. He stated that they had been getting paid over the last four or five years and he did not think it was enough. He explained that when Mr. Nanos left his first tenure as Sheriff, he had left a substantial hole in the budget for the incoming replacement. He stated that at that time Sheriff Napier and former County Administrator Chuck Huckelberry had met and the prior Sheriff was told by Mr. Huckelberry to figure out a way. He then asked how Sheriff Napier made it work with his budget and what techniques were used that could have been incorporated to prevent going over budget. He stated that once that process was looked at with comparisons or tools from the previous administration as to how the prior Sheriff worked his way out of a

budget deficit to a positive budget. He questioned how long it would be until there was a resolution.

Ms. Leshar responded that she would gather information of the historical data requested and provide it to the Board.

Sheriff Nanos responded that there was no difference in the types of overtime and stated that it was not good to force people to work late and stay another shift. He added the difference was that Stone Garden was not a necessity, but the current overtime was. He stated that he could not staff the jail when the previous administration had decided to reduce staffing by 30%, especially with the current work shortage. He added that he recalled addressing the \$15.00 minimum wage with Mr. Huckelberry in regards to staff that worked for 20 years that made \$11.35/hour, but yet Taco Bell employees made \$15.00/hour. He stated that Mr. Huckelberry agreed and increased the minimum wage. He stated that it was the right thing to do and requested to get away from the politics and do the right thing. He stated that with CBIZ and the Board's ability to help all County staff, the Board had done a remarkable job. He added that the Board gave adjustments of 4% to 5% for cost of living and then again 6 months later in November 2022 for cost of living. He stated that 7.5% was given this year, but the Board had not funded the increase. He indicated that he had to absorb it into his budget and at the end of the year it was short. He stated that during his first year as Sheriff he was in the black. He clarified that Sheriff Napier had cut staff to make it work and going back four years with the previous administration, the budget went from \$143 million to \$159 million, \$16 million over the four years. He stated that when he started on July 1, 2021, the budget was reduced by \$17 million, to \$142 million. He stated that the current budget did not reach the level the Board had approved for Sheriff Napier. He stated that he was underfunded and not over budget.

Supervisor Christy stated that as a businessman he had issues when someone requested more money when they were over budget by \$3.3 million. He expressed concern with how the issue would be addressed and wanted finite solutions so that the same problem would not happen again. He commented that he wanted to ensure they worked together to make sure their COs and Deputies were being adequately and competitively reimbursed for their efforts. He added that at the last Board meeting Ms. Moulton stated that if the requested money was not approved it would not have an effect on employees' paychecks. He reiterated his main issue was that the overage was a substantial amount of money, red flags had appeared that no one took notice of, and that months down the line the same conversation would happen again.

Sheriff Nanos reiterated that the Board received monthly reports on the department's budget. He stated that because the Board approved pay increases without funding those increases meant they were underfunded. He stated that the Board was comparing the current administration to the previous administration, but some of the decisions made by the previous administration contributed to the current overage.

Vice Chair Scott clarified that Ms. Leshner would provide additional information to the Board regarding Supervisor Christy's questions.

Chair Grijalva expressed concern with the number of vacancies, and it seemed like they were losing experienced Deputies to other agencies. She asked if exit interviews were completed and documented the reasons they left the County. She stated that it would help address issues related to morale, benefits, or sign-on bonuses. She added that it was important to review these things because she was personally frustrated that the Sheriff's Department had the largest budget in the County, and the Board continued to approve increased contracts for food and they also had the largest number of employees that would affect the upcoming compensation package. She added that the line share portion for the Sheriff's Department and Legal were significant increases and compression that would be a part of the compensation package. She stated that the County needed to pay people well and commiserate what other people made. She stated that she was concerned with other things under the purview of Sheriff Nanos which the Board had no authority over, including morale and the things that encouraged people to leave, and that perhaps the Board needed to address benefits and compensation, since the Board only had the authority to approve employee increases or an overage in the budget.

Sheriff Nanos responded that since he became Sheriff, exit interviews had been completed. He stated that the Sheriff's Human Resources (HR) team worked with the downtown HR team on all the issues that happened with employees. He stated that he reviewed exit interviews that dealt with morale or pay and would contact employees directly. He explained that historically, the department lost Deputies and COs to other agencies, but it was not a number to be concerned with when they were unable to hire 6 to 7 Deputies at a time. He stated that in the last year it was typical to lose less than a handful of employees. He explained that they lost many COs because it was a tough job and historically, they were hired at a young age, and they later decided to become a Police Officer or Law Enforcement Officer. He stated they wanted to help them grow and succeed in their career. He added that they might have a class of 32 Deputies that graduated, but more than half of them were COs. He stated it elevated them and gave them the opportunity to get out of their previous job and move on. He stated that was a reason why CBIZ was involved to help establish a place where their teams had the opportunity to elevate, promote and grow within the organization. He explained they currently had two opportunities for promotion, either to Sergeant or Lieutenant, and it would change with the outcome of the classification and compensation study.

It was moved by Supervisor Christy and seconded by Vice Chair Scott to continue the item to Board of Supervisors' Meeting of August 21, 2023. No vote was taken at this time.

Supervisor Christy commented by continuing the item, it would allow Sheriff Nanos time to assess discussion and gather more information. He added that the Board received Sheriff Nanos' letter the day prior, and it was not adequate time to digest. He stated this would allow Ms. Leshner time to also gather information discussed

earlier. He questioned if employees would not receive a paycheck if the item was continued.

Ms. Moulton responded that no one would go without a paycheck, however, they had started to stack up vendors that provided services to the County that needed to be paid. She stated payments had not been made late, but they tried to pay within 30 days or within the terms of the contract.

Supervisor Christy stated that he understood the situation and wanted to be fair to the Department, the Sheriff, the Deputies and Cos, to allow ample time to digest further information gathered.

Ms. Leshar explained that the prior fiscal year needed to be closed out and recommended the Board approve the funding to do so. She added that a variety of concerns and issues were raised as they moved into the new fiscal year and how to manage the dollars. She stated that monthly reports were provided to the Board and a request was made to bring updates to a future agenda. She explained that a difference with elected officials was there may be other adjustments. She added that people needed to get paid and the fiscal year needed to be closed. She stated an additional concern for all County departments was what needed to be done to remain within their budget in the new fiscal year.

Vice Chair Scott asked for clarification on whether Ms. Leshar was requesting the Board follow up with the recommendation made in the County Administrator's memorandum dated July 5, 2023.

Ms. Leshar answered in the affirmative.

Supervisor Christy commented that if a decision needed to be made today, he would vote against it.

Supervisor Bronson stated that the issue needed to be fixed and could not be repeated in the next fiscal year. She stated there was a need to ensure County Law Enforcement Officers were being properly salaried and paid. She questioned as they looked at vendors, how they got to the overages. She stated she was at a loss on how it got to this point when the previous administration left money in the general fund.

Ms. Leshar stated that she could provide the Board with a memorandum that indicated which department was over or under budget for each month and provide more granularity. She reminded the Board that at their last meeting they approved \$1.8 of the \$3.3 million and recommended the Board approve the remaining balance to close out the previous fiscal year. She stated she would work monthly with the Board to ensure they stayed within the budget for every department, including the Sheriff's Department.

Supervisor Bronson stated that they were living in interesting times; they had dealt with COVID and some of the cost of supplies increased because of the supply chain

shortage. She stated that she understood that, but some of the issues were fixable, but she had not seen the fixes.

Vice Chair Scott asked for clarification on whether Ms. Leshar's recommendation in her memorandum was in regards to closing out the prior fiscal year. He then read from the memorandum as follows: "I recommend the Board of Supervisors approve an allocation of budget authority from General Fund Contingency to the Sheriff's Department General Fund of up to \$1.2 million dollars for these projected non-personnel cost overages."

Ms. Leshar responded in the affirmative.

A substitute motion was made by Vice Chair Scott and seconded by Chair Grijalva to approve the remaining \$1.2 million and to revisit the budget issue at the Board of Supervisors' Meeting of August 21, 2023, in regards to the overall concerns expressed by Board members with overages and a way to better immediately deal with monthly financial forecasts. No vote was taken at this time.

Supervisor Christy asked what the downside would be, other than with the vendors, if it was not funded until it could be discussed at the second meeting in August.

Ms. Leshar responded that they needed the last of the payments to be made and to close out the fiscal year. She believed that all the concerns raised by the Sheriff's Department, the way the budget was allocated, and the concerns of the Board should be appropriately and continually addressed in the new fiscal year.

Supervisor Bronson asked for point of clarification whether the \$1.8 million approved at the last meeting was for salaries and if the remaining balance was only for the vendors.

Ms. Leshar clarified the remaining balance was for supplies and vendors.

Supervisor Bronson asked for the substitute motion to be restated.

Vice Chair Scott stated that the substitute motion was to request the Board approve the recommendation listed in the County Administrator's Memorandum dated July 5, 2023, and approve an allocation of budget authority from General Fund Contingency to the Sheriff's Department General Fund of up to \$1.2 million for the projected non-personnel cost overages and that the overall concerns be revisited at the August 21st meeting regarding how to immediately address all budget issues in the monthly financial forecasts.

Supervisor Bronson stated that she would vote against the substitute motion and explained her vote, stating that employees' salaries would be paid, but she felt the supplies and vendors issue could wait and there was no urgency to close out the fiscal year.

Supervisor Christy stated that he wished the motion would not pass because he would like the Sheriff to have a more in-depth opportunity to explain the situation and felt it would not be a life-or-death issue if funding was withheld for a month or two. He stated that he would vote against the substitute motion.

Upon roll call vote of the substitute motion, it carried 3-2, Supervisors Bronson and Christy voted "Nay."

DEVELOPMENT SERVICES

14. Final Plat With Assurances

P21FP00026, Canaan Court, Lots 1-12, Common Areas "A and B." (District 1)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

15. Final Plat With Assurances

P22FP00019, Rocking K South Neighborhood 2, Phase 2, Lots 144-275, Common Areas "A, B and C." (District 4)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

16. Final Plat Without Assurances

P23FP00008, Ranch Jesus, Lots 1-2. (District 5)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

GRANTS MANAGEMENT AND INNOVATION

17. Ak-Chin Indian Community State Shared Revenue Program Funds

RESOLUTION NO. 2023 - 28, of the Board of Supervisors, to approve acceptance of Ak-Chin Indian Community Shared Revenue Program Funds and Pass through to entities in Pima County designated as grantees by the Ak-Chin Indian Community.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to adopt the Resolution.

18. Gila River Indian Community State Shared Revenue Program Funds

RESOLUTION NO. 2023 - 29, of the Board of Supervisors, to approve acceptance of Gila River Indian Community State-Shared Revenue Program Funds and Pass through to Tucson Unified School District - Pueblo High School.

Chair Grijalva commented that as an alumni of Pueblo High School, she was happy to see that some of the resources were going to be given to them for cafeteria renovations.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to adopt the Resolution.

19. Gila River Indian Community State Shared Revenue Program Funds

RESOLUTION NO. 2023 - 30, of the Board of Supervisors, to approve acceptance of Gila River Indian Community State-Shared Revenue Program Funds and Pass through to the Avra Valley Fire District and Three Points Fire District.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to adopt the Resolution.

HUMAN RESOURCES

20. Revisions to Merit System Rules

Staff requests approval of the revisions to Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment, Detail, and Assigned Appointments.

It was moved by Supervisor Bronson and seconded by Vice Chair Scott to continue Minute Item Nos. 20 and 21 to the Board of Supervisors' Meeting of August 8, 2023. No vote was taken at this time.

Supervisor Bronson indicated that she was not comfortable supporting these items at this time and during Call to the Public there were several speakers that had made some points regarding the revisions to the Merit System Rules and she wanted clarification from staff regarding why the revisions were being made since there had been some opposition.

Chair Grijalva asked if Human Resources (HR) staff could meet with employee groups to discuss the changes. She stated that she had heard from several people involved in some of the County's employee groups, especially with the Sheriff's Department and they had concerns regarding what the changes would entail for them and what they meant in regards to their ability to be able to protest any dismissals or disciplines that they did not think were warranted, especially since the County did not have an employee relations office. She stated that this was the one system that employees had as a backup and she wanted HR to provide a briefing to the employee groups so that they would understand what the changes meant.

Supervisor Bronson concurred with Chair Grijalva's comments and added that all the unions, as well as department heads be included in the discussion.

Upon the vote, the motion unanimously carried 5-0 vote.

21. Revisions to Merit System Rules

Staff requests approval of the revisions to Merit System Rule 14 - Merit System Commission Appeals.

(Clerk's Note: See Minute Item No. 20, for discussion and action on this item.)

REGIONAL WASTEWATER RECLAMATION

22. Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

Carlson - Fehser Corporation. The proposed settlement to enter into a Supplemental Environmental Project is in accordance with the Industrial Wastewater Enforcement Response Plan.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

CONTRACT AND AWARD

Attractions and Tourism

23. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Amendment No. 2, to provide for Pima County CSLFRF Funds to restore tourism, extend contract term to 12/31/23 and amend contractual language, no cost (CT-ED-22-232)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

24. Tucson City of Gastronomy, Amendment No. 2, to provide for Coronavirus local relief aid to tourism, extend contract term to 12/31/23 and amend contractual language, no cost (CT-ED-22-233)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Behavioral Health

25. Arizona Health Care Cost Containment System, Amendment No. 1, to provide an intergovernmental agreement for support of the Access to Professional Services Initiative, extend contract term to 9/30/23 and amend contractual language, General

Fund, contract amount \$1,501,640.00 decrease due to the August 2023 and 2024 payments will be funded by the City of Tucson (CT-BH-23-63)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Community and Workforce Development

26. Goodwill Industries of Southern Arizona, Inc., Amendment No. 2, to provide for Work Experience Program Administrator, amend contractual language and scope of work, no cost (CT-CR-22-141)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

27. International Sonoran Desert Alliance, Amendment No. 1, to provide for Ajo Plaza Life Safety improvements, extend contract term to 3/31/24 and amend contractual language, no cost (CT-CR-22-258)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Development Services

28. Arizona Board of Regents on behalf of the University of Arizona, to provide an intergovernmental agreement for comprehensive land use planning and related project services, DSD Enterprise Fund, total contract amount \$250,000.00/5 year term (\$50,000.00 per year) (CT-DSD-23-450)

It was moved by Vice Chair Scott and seconded by Chair Grijalva to approve the item. No vote was taken at this time.

Supervisor Christy expressed opposition to this item. He stated that the funding source was used for DSD charges on a self-funding basis, and this contract was academia centric with no input, activity, or involvement of the private sector. He indicated that if the contract was for a land use comprehensive plan then it should involve the private sector.

Jan Leshner, County Administrator, responded that under this IGA the County would work with the University of Arizona to collect data and to assist with the program. She stated that this was one small element related to a very lengthy process that would continue as they went through amending the comprehensive plan.

Carmine DeBonis, Jr., Deputy County Administrator, stated that it was one piece of an overall effort and that the Board had approved the Comprehensive Public Participation Plan, which included extensive outreach to the public and businesses in the private sector.

Supervisor Christy asked if this was the issue that involved the Stiletto consultants.

Mr. DeBonis, Jr. responded no, that was the Economic Development Plan. He stated this was Pima Prospers, the County's Comprehensive Long Range Planning document.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

Economic Development

29. Job Path, Inc., to provide for workforce development services and job training assistance, General Fund, contract amount \$750,000.00 (CT-ECD-23-459)

It was moved by Vice Chair Scott and seconded by Supervisor Heinz to approve the item. No vote was taken at this time.

Vice Chair Scott stated that the track record for Job Path's success over 25 years had been monumental and that he supported the item. He stated that he was proud that the County was a supporter of Job Path. He stated that as a former educator he had a question regarding Job Path's outreach to high schools. He read from the background material in regards to their annual report and stated that he could understand why funding for wraparound services could be a significant problem for them because they provided these services to their clients. He stated that was a reason why they had such a good track record because students would not have to worry about those things while they made their way through school. He again read from the background material and asked if there was an update to the report since it had been published.

Jessica Normoyle, Director of Operation, Job Path, responded that they were working extensively with industry partners, predominately with the health care and aviation industries to pursue that source of funding. She stated they worked with the Office of Economic Opportunity at the state level to pursue other funding sources, a variety of partners in Tucson and at the federal level. She stated that federal funding was a significant component and they sought the Department of Labor, and the Department of Education, which they felt would fit the best. She explained that it included a lot of work with other employers and ensured that would be the focus for the fiscal year. She commented that more employers needed to be identified, specifically in the workforce development area, for things like soft skills training to help refine that area both for content and for funding.

Christine Hill, Director of Development, Job Path, stated that their continued search for grant collaborators and collaborations on grant proposals were essential. She stated they were looking to partner with Pima Community College (PCC) and other community colleges because PCC could provide the training side of it and Job Path could provide the wraparound services side of it. She believed that they worked better together and wanted to encourage the local educators to partner with them on grant opportunities.

Vice Chair Scott stated that it appeared that the contributions over the years from the City of Tucson (COT) had decreased and he encouraged them to continue to reach out to the COT to increase their support since many COT residents were Job Path enrollees. He also encouraged them to reach out to other local jurisdictions that could benefit from Job Path.

Ms. Normoyle stated that they partnered with the COT and were working on another proposal for City American Rescue Plan Act funding and that they had internally discussed that it needed to be a higher priority on both sides.

Vice Chair Scott suggested the other local jurisdictions and towns like the City of South Tucson, the Pascua Yaqui Tribe and the Tohono O'odham Nation, which would also be beneficial. He indicated that he interacted with all these groups through the PAG Regional Council and if they sought all the jurisdictions on the Regional Council, they would have a stake in Job Path. He read from the background material in regards to outreach in high schools and recruitment teams and suggested they had a more robust and widespread outreach to all K-12 districts.

Ms. Normoyle indicated they recently started in the outreach area and wished to expand their teams. She stated they currently had a small recruitment team which limited them, but they would expand their team and increase outreach across the County. She stated that the more they spent time in high schools, the more it was abundantly transparent that students and parents did not know what the next steps were after high school. She stated they looked at high schools and other educational K-12 partners as an area where they could meet with community members and work with either parents or older siblings. She added that high schools were their testing grounds to create a model and a process. She stated she believed this year that they were ready to expand beyond high schools.

Vice Chair Scott stated he assumed that since they held recruitment events at two of the three high schools in the Marana District, that they had reached out to their Director of Guidance and Counseling. He commented that he and most likely Chair Grijalva would agree that these guidance and counseling directors were going to be extraordinary touch points for that more robust effort.

Ms. Normoyle answered in the affirmative and added that the directors knew their population so well and made them invaluable.

Vice Chair Scott requested that staff provide additional regular updates on the two issues that dealt with fundraising enrollment.

Upon the vote, the motion carried 4-0, Supervisor Bronson was not present for the vote.

Health

30. Partners in Health, Amendment No. 1, to provide for prevention of COVID-19 infection among high-risk populations, extend contract term to 12/31/23 and amend contractual language, no cost (CT-HD-22-57)

It was moved by Vice Chair Scott and seconded by Chair Grijalva to approve the item. No vote was taken at this time.

Supervisor Christy expressed opposition to this item. He stated that COVID-19 was over and any unspent money should be sent back to the government.

Chair Grijalva indicated that COVID-19 was not over, since she had COVID and was the reason why she had to participate remotely.

Jan Leshner, County Administrator, stated that that was a no cost amendment and that the initial funding came from funds that were related to COVID-19, but the purpose of the contract was delineated to address communicable diseases. She added that it was a variety of health disparities that occurred for a variety of diseases, that included but was not limited to COVID-19, and it also expanded some of the requirements related to data collection and infrastructure.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

Justice Services

31. Old Pueblo Community Services, Amendment No. 1, to provide for Pima County Housing First Program, extend contract term to 6/30/24 and amend contractual language, General Fund, contract amount \$520,000.00 (CT-JS-23-258)

It was moved by Vice Chair Scott and seconded by Supervisor Heinz to approve the item. No vote was taken at this time.

Steve Holmes, Deputy County Administrator, stated that the initiative was started years ago with a \$3 million investment and staff requested approval of the additional \$520,000.00. He stated that many of the services provided had been supported by grants and through the work of Old Pueblo Community Services and Medicaid reimbursement. He stated that although it was called housing first, it was more of a justice involved program and was not for the unsheltered population, but was referral-based for individuals in the justice system. He indicated that 25% of individuals were from probation and others came from referrals that were received from the courts or public defenders. He added that it was a reserved space for individuals that came out of incarceration and their families.

Vice Chair Scott stated that although he knew it involved unsheltered justice-involved individuals, if there were any successes or lessons that they could derive from the program that would help the efforts with the larger unsheltered population, he knew that staff would share that information with the Board.

Supervisor Christy asked why the funds were from the general fund and not from grants.

Mr. Holmes responded that it started with a \$3 million investment from the general fund and over time had been supported through grants. He stated that they were down to a \$1.5 million investment with \$520,000.00 coming from the general fund and the rest coming from grants. He indicated that staff would continue to look at grant opportunities.

Supervisor Christy asked if all of the money that came from the general fund had been spent.

Mr. Holmes responded that it was a yearly investment that needed to be replenished in order to run the shelter.

Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

Pima County Wireless Integrated Network

32. Southern Arizona Veterans Administration Healthcare Systems, to provide an intergovernmental agreement for continuation of PCWIN membership and subscriber services, total contract amount \$66,588.00 revenue/4 year term (\$16,647.00 per year) (CTN-WIN-23-168)

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Procurement

33. **Award**

Award: Master Agreement No. MA-PO-23-212, Hennesy Mechanical Sales, L.L.C. (Headquarters: Phoenix, AZ), to provide for Fairbanks Morse and Moyno pumps and parts. This master agreement is for an initial term of one (1) year in the annual award amount of \$380,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

34. **Award**

Amendment of Award: Master Agreement No. MA-PO-21-118, Amendment No. 4, Synagro of California, L.L.C., to provide for biosolids land application management service. This amendment increases the annual award amount by \$797,000.00 from \$2,192,190.00 to \$2,989,190.00 for a cumulative not-to-exceed contract amount of \$7,373,570.00 and approves a 6.7% rate increase. Funding Source: WW Ops Fund. Administering Department: Regional Wastewater Reclamation.

It was moved by Vice Chair Scott, seconded by Supervisor Christy and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

35. **Award**

Award: Purchase Order No. PO-PO-23-22, Pueblo Mechanical & Controls, L.L.C. (Headquarters: Tucson, AZ), to provide for public works building HVAC replacement. This contract is for a one-time award in the discrete amount of \$3,038,525.00 including sales tax. Funding Source: Facilities Renewal Fund and Certificates of Participation. Administering Department: Facilities Management.

It was moved by Vice Chair Scott and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy indicated that the Public Works building was owned by US Bank National Association and the County had a lease agreement. He stated that this item was for a one time award to replace the HVAC system and asked why the County was paying for the replacement of the HVAC system if they were not the owners of the building.

Jan Leshar, County Administrator, responded that the County had been in the Public Works building for decades.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the County did own the building. He believed the way it was reflected was because it was part of the County's asset pool for Certificates of Participation, but that would have to be verified with their Finance Department. He stated that the County owned a portion of the building and the City of Tucson purchased their portion that they occupy a few years back. He added that the HVAC system needed an upgrade due to age of the mechanical equipment.

Supervisor Christy stated that he needed a more in-depth analysis because under the parcel number it stated that the property owner was the US Bank National Association and included that it had a lease agreement to Pima County. He asked why did the County not own their own public works building and if they did not own it then why was the County not making US Bank National Association pay for the HVAC system.

Ms. Leshar stated that she would provide additional information to the Board.

Upon the vote, the motion carried by 4-0, Supervisor Bronson was not present for the vote.

36. Native Environmental, L.L.C. and Southwest Hazard Control, Inc., to provide for a job order master agreement: asbestos abatement and remediation of mold, lead and hazmat, Various Funds, contract amount \$750,000.00 (MA-PO-23-205) Administering Department: Facilities Management

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

37. HDR Engineering, Inc., Amendment No. 1, to provide for design engineering services for West Silverbell Road, Blanco Wash Bridge (4SRBWB) and amend contractual language, Federal Off-System Bridge (7.7%) and Silverbell-Tortolita Impact Fees (92.3%) Funds, contract amount \$86,500.78 (CT-TR-22-43) Administering Department: Transportation

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

38. 22nd Century Technologies, Inc. and A&M Personnel Services, LTD, Amendment No. 3, to provide for temporary employment services and amend contractual language, General Fund, contract amount \$400,000.00 (MA-PO-22-76) Administering Department: Human Resources

It was moved by Vice Chair Scott and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy commented that it was an amended contract out of the general fund and that this was the first time it had come before the Board. He stated since September 2022, the history of the procurement showed it had been under the threshold of the Procurement Director's ability to increase the amount over the term of the contract, which the original amount was \$35,000.00 and then it increased to \$215,000.00 and finally the recent amendment was increasing it to \$400,000.00, with a total revised amount of \$650,000.00. He read from the background material under the procurement method which stated, "this increase was needed to increase available funds primarily for the continued use by the Office of Emergency Management (OEM) to support the Southwest Border Operations and some funds for the continued use by the various departments as needed" and then the metric state "expedient placement of professionals in vacant positions and quality of work provided as determined by circumstantially appropriate appraisals". He asked for an explanation of that and that this was essentially for temporary employment to assist with the asylum-seeking process that the County was in. He stated they were told that the County was providing the help with its employees, but the funds had been going to outside temporary employees to help with the operation of the Southwest Border Coalition.

Jan Leshar, County Administrator, responded that she believed what had been indicated historically was that the County had not been using County resources and had used money that had been reimbursed from the grants. She stated that the reason this amendment was from the general fund was because it was used for a variety of services. She explained that any department at any time could request, through their director and through a delineated process in Board policies, request temporary employees. She added that it had also been used to assist with the Border and the Southwest Border if there had been a need for emergency services.

Supervisor Christy stated that the background materials indicated that this increase was needed to increase available funds primarily for the continued use of OEM to support Southwest Border Operations. He stated that he did not believe that it had been fully explained to the Board and it had been conveyed that they were not going to use general fund money for asylum seekers.

Ms. Leshar responded that she could provide additional information regarding the delineation of the funds to the Board. She stated that it had been indicated to the Board that it had been used for a variety of County departments, as well as OEM.

Supervisor Christy asked that the information include a breakdown of the funds from the general fund versus what they were contracted for and what capacity the employees were utilized for.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

39. Aeon Nexus Corporation, Amendment No. 1, to provide for PDS Case Management System, amend contractual language and scope of project, no cost (MA-PO-23-47) Administering Department: Public Defender Services

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

40. Sundt Construction, Inc., Amendment No. 4, to provide for design-build services for Sheriff's Department Aircraft Hangar Project (HANGAR) and extend contract term to 10/31/23, no cost (CT-FM-22-104) Administering Department: Facilities Management

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

41. TEKsystems, Inc. and U.S. Tech Solutions, Inc., to provide for IT staffing services, Various Funds, total contract amount \$300,000.00/3 year term (\$100,000.00 per year) (MA-PO-23-143) Administering Department: Information Technology

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Real Property

42. Arizona State Land Department, to provide for State of Land Department State of Arizona Right of Way R/W No. 14-123339-00, no cost/30 year term (CT-RPS-23-414)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

43. Arizona State Land Department, to provide for State of Land Department State of Arizona Right of Way R/W No. 14-123322-00, no cost/30 year term (CT-RPS-23-415)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

44. Rillito Park Foundation, Amendment No. 1, to provide an operating agreement for the Historic Jelks House, extend contract term to 6/30/24 and amend contractual language, contract amount \$24,000.00 revenue (CTN-RPS-23-185)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

Sheriff

45. City of South Tucson, to provide for the incarceration of municipal prisoners, contract amount \$50,000.00 estimated revenue (CTN-SD-23-188)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

46. City of Tucson, to provide for the incarceration of municipal prisoners, contract amount \$4,775,000.00 revenue (CTN-SD-23-189)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

47. Town of Marana, to provide for the incarceration of municipal prisoners, contract amount \$258,000.00 revenue (CTN-SD-23-190)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

48. Town of Oro Valley, to provide for the incarceration of municipal prisoners, contract amount \$131,000.00 revenue (CTN-SD-23-191)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

49. Town of Sahuarita, to provide for the incarceration of municipal prisoners, contract amount \$183,000.00 revenue (CTN-SD-23-192)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

GRANT APPLICATION/ACCEPTANCE

50. **Acceptance - Community and Workforce Development**

U.S. Department of Treasury, Amendment No. 3, to provide for Emergency Rental Assistance 2 and amend grant language, \$984,575.36 (GTAM 23-64)

It was moved by Vice Chair Scott and seconded by Supervisor Heinz to approve the time. No vote was taken at this time.

Supervisor Christy stated that the grant was for rental assistance as a result of the COVID-19 pandemic, and on May 11, 2023, it was announced that the pandemic had ended. He added that if there was any unspent money it should be returned, and the County should work toward getting individuals to pay their own rent rather than relying on grants. He stated that he opposed this item.

Vice Chair Scott commented that he knew some emergency rental assistance funds had gone directly to the County and others were intended for the State's Department of Economic Security. He stated that then the County received the funds since it had been expeditious and efficient in issuing the funds to tenants and landlords. He questioned if that was an example of the source of the funding.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, answered in the affirmative. He explained that approximately \$8.5 million of Federal Emergency Rental Assistance Program funding had been redirected to the County from either the State or Yavapai County because of the efficiency and ability to get the dollars into the hands of families and landlords.

Vice Chair Scott stated that the funds were for individuals who may have been impacted by loss of employment or other conditions during the pandemic. He questioned that if in some instances, the need persisted.

Dr. Garcia explained that the guidance from the Feds was relatively broad so it spoke to the economic and long lasting impacts of the pandemic. He explained that it was not always individuals that were immediately impacted by it, but who were suffering from the longer-term economic impacts such as employment, change of work status and other displacements.

Vice Chair Scott commented that in some instances the money went to tenants. He asked in how many instances had the money went to landlords and if the tenants had to apply.

Dr. Garcia responded that in 100% of the cases, the dollars went directly to the property owner or manager and confirmed the tenants had to apply.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

51. Acceptance - Community and Workforce Development

City of Tucson, to provide for the County Summer Youth Program, \$300,000.00 (GTAW 23-151)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

52. Acceptance - Environmental Quality

United States Environmental Protection Agency, to provide for the PM 2.5 air monitoring network, \$97,014.00 (GTAW 23-168)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

53. Acceptance - Health

Arizona Family Health Partnership, d.b.a. Affirm Sexual and Reproductive Health for All, to provide for family planning and reproductive health services, \$532,250.00/\$53,125.00 In-kind match (GTAW 23-161)

It was moved by Vice Chair Scott and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy stated that in the background information it spoke about Affirm, which was Arizona's Title X agency and through Title X funding individuals had access to voluntary sexual and reproductive health services that included emergency contraception. He asked about the meaning of emergency contraception.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that emergency contraception was contraception that was deployed between 24 to 76 hours after intercourse in order to prevent a pregnancy.

Supervisor Christy asked if that would not be defined as abortion.

Dr. Garcia responded medically that was not an abortion because there was no implantation.

Supervisor Christy asked if there was any other way than medically to describe it and would it be an abortion in any other way.

Dr. Garcia responded that it was not abortion in any way.

Supervisor Christy stated the materials indicated that Title X projects may not require the consent of parent or guardians for the provision of services to minors nor could any Title X project staff notify a parent or guardian before or after a minor had requested or received Title X family planning services. He stated that it was eliminating the parents out of the process and he would be voting against this item.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

54. **Acceptance - Health**

Arizona Early Childhood Development and Health Board (First Things First), to provide for child care health consultation services, \$956,300.00 (GTAW 23-162)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

55. **Acceptance - Health**

Arizona Early Childhood Development and Health Board (First Things First), to provide for child care health consultation services - DES ARPA, \$285,000.00 (GTAW 23-163)

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

56. **Acceptance - Health**

Arizona Department of Health Services, to provide for immigrant emergency care and testing, total grant amount \$1,000,080.00/5 year term (\$200,016.00 per year) (GTAW 23-150)

It was moved by Vice Chair Scott and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy expressed his objection to this item. He stated that the item was to provide for immigrant emergency care, asylum seeking and testing , which totaled \$1 million over 5 years and the County needed to stop being reliant on the Federal Government for asylum seeking migration issues.

Vice Chair Scott clarified that the funds were from the Arizona Department of Health Services.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

FRANCHISE/LICENSE/PERMIT

57. Hearing - Liquor License

Job No. 245610, Kevin Arnold Kramber, Bisbee Breakfast Club, 4633 W. Ajo Highway, No. 163, Tucson, Series 12, Restaurant, New License.

Vice Chair Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

58. Hearing - Fireworks Permit

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, July 19, 2023 at 9:00 p.m.

Vice Chair Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and approve the permit.

59. Hearing - Agent Change/Acquisition of Control/Restructure

Job No. 248691, Lauren Kay Merrett, Firebird Wood Fired Grill, 2985 E. Skyline Drive, Tucson, Acquisition of Control.

Vice Chair Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

60. The Board of Supervisors on June 20, 2023, continued the following.

Hearing - Specific Plan Rezoning

P22SP00003 UIP QUAIL CANYON I, L.L.C., ET AL. - N. ORACLE ROAD SPECIFIC PLAN

UIP Quail Canyon, L.L.C., et al., represented by Lazarus and Silvyn, P.C., request a specific plan rezoning for approximately 53 acres (Parcel Codes 102-21-062A, 102-21-070A, 105-01-136G, 105-01-136H and 105-01-136J) from the CR-1 (Single Residence) to the SP (Specific Plan) zone, located on the south side of W. Rudasill Road, approximately 525 feet east of the T-intersection of N. Oracle Road and W. Rudasill Road and on the east side of Oracle Road at the T-intersection of N. Oracle Road and W. Kanmar Place. The rezoning conforms to the Pima County Comprehensive Plan which designates the property as Community Activity Center, Higher Intensity Urban and Low Intensity Rural 1.2. On motion, the Planning and Zoning Commission voted 7-2 (Commissioners Hanna and Matter voted NAY, Commissioner Becker was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS LIMITING THE SITE TO 210 APARTMENTS AND 100 SINGLE-FAMILY RESIDENCES WITH A \$300,000 VOLUNTARY CONTRIBUTION FOR IMPROVEMENTS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the Specific Plan, the owner(s) shall submit to the Planning Director the Specific Plan document, including the following conditions and any necessary revisions of the Specific Plan document reflecting the final actions of the Board of Supervisors, and the Specific Plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this Specific Plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the Specific Plan shall apply.
3. This Specific Plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this Specific Plan. The Specific Plan's development regulations shall be interpreted to implement the Specific Plan or relevant Pima County regulations.
4. Transportation conditions:
 - A. A revised Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the submittal of the development plan or subdivision plat. Off-site improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
 - B. Eastbound movements at the Rudasill Road and First Avenue intersection are in a failing level of service and have a greater than 10% increase in delay with the project. Mitigation shall be proposed and provided during the development process and is subject to review and approval by the Department of Transportation.
 - C. Eastbound movements at the Oracle Road and Kanmar Place intersection have a greater than 10% increase in delay with the project. Mitigation shall be proposed and provided during the development process and is subject to review and approval by the Department of Transportation.

- D. Eastbound movements at the Oracle Road and Roller Coaster Road intersection are in a failing level of service and have a greater than 10% increase in delay with the project. Mitigation shall be proposed and provided during the development process and is subject to review and approval by the Department of Transportation.
 - E. The westbound left-turn lane located at the Rudasill Road and Oracle Road intersection shall be to be extended to accommodate the increase in traffic from the project site as determined by the revised traffic impact study and shall be constructed to Pima County Standards.
 - F. Prior to development plan or subdivision plat approval, written proof of coordination with the Arizona Department of Transportation (ADOT) is required.
 - G. The location and design of the access point on Oracle Road is subject to approval by the Arizona Department of Transportation (ADOT).
 - H. Sidewalk shall be constructed to Pima County standards along the south side of Rudasill Road from the proposed driveway to the Oracle Road intersection. The location shall be determined at the time of permitting and as approved by the Department of Transportation.
 - I. On-site access easements shall be abandoned at time of permit review process if they are no longer utilized.
 - J. The bridge crossing over the Pima Wash for access to the south parcel from Oracle Road shall provide pedestrian and bicycle Facilities within the cross section.
5. Flood Control District conditions:
- A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association for the residential subdivision and by the property owner for the multi-family apartment complex.
 - B. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to recording of a Final Plat or start of grading on either of the two parcels.
 - C. The proposed bank protection shown on the Preliminary Development Plan shall be constructed for each lot within the residential subdivision and for the multi-family apartment complex at the same time through one permit for each project.
 - D. First flush retention shall be provided in Low Impact Development practices distributed throughout the site. Curb cuts in appropriate locations along roads shall be utilized to optimize LID Practices in appropriate locations throughout the road system.
 - E. Except as shown on the PDP, the Regulated Riparian Habitat located within the Flood Control Resource Area shall be protected during construction and will remain undisturbed.
 - F. The required riparian habitat mitigation shall be installed within mitigation boundary show in the Specific Plan and will be, at the minimum, the vegetative required density for each classification disturbed.
 - G. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
6. Wastewater conditions:
- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) stating that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system is permanently committed for any new development within the rezoning area.
- 7. Environmental Planning condition: Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
 - 8. Cultural Resources condition: Further cultural resources documentation of the historic golf course is needed and shall be conducted by a permitted archaeological historian or historical architect. Provide a field study of any existing historic buildings on the subject property and HPIFs if appropriate and include archival and/or context study of the historic Cliff Valley Golf Course.
 - 9. Natural Resources, Parks and Recreation condition: No trail easement, nor trail installation shall be required for the Pima Wash singletrack trail. Natural Resources, Parks and Recreation will not assume responsibility for open space maintenance.
 - 10. Adherence to the Specific Plan document as approved at the Board of Supervisor's public hearing.
 - 11. Adherence to the water conservation features as outlined within the Specific Plan, Section II.C.9 is required.
 - 12. In the event the subject property is annexed, the property owner shall adhere to all applicable conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 - 13. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 - 14. Within the Project's North Parcel, the unit mix of the Multi-Family development shall include at least ten percent (10%) studio units and thirty percent (30%) one-bedrooms, ensuring 40% of the units are one-bedroom or less.
 - 15. Construction Management Plan: The Project shall implement a construction management plan for both the North Parcel and South Parcel to mitigate the impacts of construction on the surrounding properties, which shall include:
 - A. Contractor Liaison: The Project will identify a Project Liaison that is part of the construction/contracting team to provide a point of contact for neighbors for questions/concerns about construction activities.

- B. Pre-Construction Notice and Meeting: Approximately 30 days prior to the beginning of the Project's grading, the Project Liaison will notify the immediate neighbors of the start of construction activity and offer to meet with any neighbors regarding such construction activity.
- C. Night Concrete Pours: Depending on the Project schedule, night or early morning concrete pours may be necessary. The Project will try to avoid this, but Tucson's high temperatures in the summer make these concrete pours necessary for employee safety and material integrity. If these night pours are necessary, the Project agrees to do the following:
 - 1.) The Project Liaison will provide advanced notice of these pours to the immediate neighbors.
 - 2.) If allowed by OSHA regulations, the contractor will disable warning devices (e.g., back-up beepers on concrete trucks) and use an alternate safety method.
- D. Closure Notifications: The Project team does not anticipate there will be any interruption in utility service or access in the area. If these do occur, the Project Liaison will provide advanced notification to the immediate neighbors of any interruptions in utility services and/or road closures. If unexpected interruptions in service occur, the Project Liaison will provide notices as soon as reasonably possible.
- 16. Oracle Road Easement: The applicant agrees to work with the owners of La Posada to maximize the vehicle access for Project residents within the easement to Oracle Road.
- 17. Improvement District: The applicant agrees that while it owns the Property, it will commit to vote for the approval of the formation of an Improvement District to fund improvements to Rudasill Road., if one is proposed by nearby property owners.
- 18. To encourage additional open space preservation adjacent to the Pima Wash, for every 4,000 sq. ft. of natural open space preserved adjacent to the Pima Wash and within the South Parcel development area, the Project is allowed above what was approved on the Preliminary Development Plan one additional dwelling unit, not to exceed 120 dwelling units. This incentive does not waive any development standard as defined in the Specific Plan, including height and setbacks. The Project can accomplish this additional open space through revising the site layout and encouraging attached single family dwelling units. This provision applies to the South Parcel only.

Rory Juneman, Representative for Applicant, Lazarus and Silvyn, P.C., explained that the project would directly impact the issue regarding lack of housing in the region. He stated the region was short tens of thousands of housing units. He provided a PowerPoint presentation to the Board and went over the reasons for the shortage. He stated that the County's population grew 9.8% between 2010 and 2020, with the lowest percentage of housing growth during this time. He added this was directly related to the great recession that included no homebuilding. He stated that as a result, there was an issue of supply and demand that increased housing prices, rent and home values. He added that it was an ongoing issue up to this year and without building additional housing units the trend would continue. He stated that it was imperative to approve this project since it would help alleviate the lack of housing issue. He added that County staff provided their full support of the project and the Planning and Zoning Commission (P&Z) had voted 7-2 to approve the recommendation. He stated that the project was designed to comply with the Pima Prospers Plan and policies that were in place. He pointed out that Pima Prospers stated that with 60% of open space they could have four residents per acre, but this project had two residents per acre. He added that traffic was always a concern for a rezoning, but the property was unique because it was adjacent to Oracle Road and Rudasill Road, which were under capacity and both roads would be able to handle the traffic expected with this project. He added that they would complete traffic

improvements like line extensions that would ensure the project would not negatively impact the area. He stated that another concern was drainage, but the property was in a canyon that was 40 to 50 feet below properties to the east, north and west. He indicated that rain would directly come down on the property and would not have an impact on the surrounding properties. He stated that they would need to handle the rain and stormwater that would come down the wash and had extensively worked with the Regional Flood Control District (RFCD). He added that during the point of development, they would need to work on plans and provide them to RFCD to ensure they would not negatively impact the properties to the south. He stated that since it was in a canyon, there would be no impact to the Viewsheds to the south or the north. He added that setbacks were similar because the closest building where they would build to an existing home was about 128 feet away, the majority would be 200 feet away to the south, and 480 feet away or more to the north. He stated that the site was ideally situated to not build close to existing buildings, which was not the norm. He stated that they found 13 examples of apartments that were right next to single family homes in the City of Tucson (COT), Pima County and Oro Valley, and this project was uniquely laid out to reduce impacts of their future neighbors. He stated that another advantage of the property was that this was a golf course built in the mid-60's that did not include environmental regulations and it was built right through the wash. He stated that their project would stay completely out of the wash and the only thing to be added was bridge piers so a bridge could be built from the south to Oracle Road. He added that they would revegetate 6.5 acres of the area previously disturbed by the golf course. He stated that this was one of the reasons why RFCD supported the project. He stated that they worked with the Coalition for Sonoran Desert Protection (Coalition) and expanded discussion to water conservation. He stated they included water conservation measures that could be a model for all future projects. He stated that the COT recently adopted the Environmental Protection Agency certified WaterSense Fixtures as a building code requirement. He stated that they felt that things like this would be adopted in other projects and perhaps the County would change in their zoning and building codes. He stated that they worked with the Coalition on protecting the Pima Wash, which was 250 to 300 feet that went through the project. He stated that it was a significant wildlife corridor, so they worked on elements of the zoning to help protect it. He added they worked on various other items like environmental design, electric vehicle charging and covered parking. He stated they were excited because these were elements that other projects could build off in the future. He added that one P&Z comment was that this was an exemplary project when it came to sustainability. He reiterated that staff supported the project and P&Z had voted in favor of it, and mostly commercial neighbors to the north, west and south were also in support. He added they were in support because of the trespassing and unsafe activity occurring in the area and the development could deter that activity and make more productive use of the property. He stated they also had support from the Southwest Housing Council, Tucson Metropolitan Chamber and Tucson for Everyone. He stated that the project would build on an existing disturbed golf course and not in the native desert. He stated it would place homes for people in an area that had roads that could handle the traffic, had infrastructure and utilities and be surrounded by existing businesses that would benefit from new residents. He stated they would place apartments by hotels and

place new homes by existing homes. He explained that their request was to build more homes to place people in an area already occupied with people. He added that this was the right project for the infill site, which would help in adding housing to the region that was desperately needed. He stated that they were agreeable to the P&Z recommendations, including the additional conditions provided by the applicant.

Supervisor Heinz commented that the region was short thousands of affordable housing units and the project seemed to be well designed. He stated that there might be room for another building or two with 30 apartments. He asked if adding more apartments was considered.

Mr. Juneman responded that 210 apartments with the site layout was what the site could handle, and they were constrained by the areas of the comprehensive plan and where they could add more housing.

Chair Grijalva stated that the Coalition provided a letter dated June 10, 2023, which included additional conditions for the development. She asked if the proposal included the additional recommendations by the Coalition.

Mr. Juneman clarified that the letter was dated incorrectly and was provided on July 10, 2023. He affirmed that those conditions would be added, including the additional conditions provided by the applicant. He stated that one of the applicant's conditions mimicked the Coalition's conditions. He added they also included a Construction Management Plan, and they received a request at the P&Z meeting to establish certain requirements for 10% studios and 30% one-bedroom units, that they were agreeable to. He stated that those conditions were intended to be included in the P&Z recommendations, but they were not, so he wanted to ensure they were brought forward.

Chair Grijalva commented that the apartment development was placed in LIU-1.2 without a Comprehensive Plan Amendment that was reported to the P&Z staff early in the development process and asked if it would be considered an amendment to the comprehensive plan.

Mr. Juneman referred to the PowerPoint presentation and stated they would not modify the comprehensive plan, which had never been requested. He stated the proposal was to develop based on the comprehensive plan and they worked with staff to ensure it was accurate. He added the apartment buildings were being built within the Commercial Activity Center (CAC) area as indicated in the slide, which in Pima Prospers was a high intensity area like commercial businesses and high density residential. He stated that was the reason why they did not have to complete a Comprehensive Plan Amendment.

Carmine DeBonis, Jr., Deputy County Administrator, stated that the apartments were located in the CAC area and there was some support elements like parking and the pool structure in the LIU area which was permissible under the comprehensive plan designation.

Chair Grijalva commented that the project involved development in a wash and the County had regularly purchased properties in flood control areas. She stated that she had a continued concern that the project was being developed in a wash and the long term consequences of what it will affect. She added that Supervisor Scott and the District 5 office had extensive discussions with community members about their concerns.

Eric Shepp, Director, Regional Flood Control District, explained that the properties being purchased on Finger Rock and other areas were properties that were developed in the 1960's before the County had flood plain management regulations, and were in high hazard areas once the maps were developed. He stated that this development would meet or exceed floodplain management requirements and they worked with the developer to ensure the flood risk would be mitigated at the time of development.

Mr. Juneman commented that they had been working with RFCD since last year and requested reviews and had gone back and forth on things. He stated that one of the things RFCD requested was to use flood data from the Post Bighorn Fire because after the fire burned vegetation, it changed the way water came down from Pima Canyon. He stated that this data was at a higher standard, and it was incorporated into the project. He added it meant that a portion of the project would be built out of the floodplain beyond the 100-year level that would be safer than what was required. He stated that the County had an excellent RFCD and held development to high standards and their concern was to not have future flood problems. He stated that it was a good vote of confidence if RCFD was in support of the project.

The following speakers addressed the Board in opposition to the Specific Plan Rezoning:

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| • Barbara Seelig | • Barry Paige |
| • Bill Broyles | • Richard Nichols |
| • Joan Scott | • Frank Staub |
| • Marge Pellegrino | • Carl Dolk |
| • Rich Haug | • Dr. David Buechel |
| • Lisa Rascon | • Fred Fiastro, Board Member,
Catalina Foothills Association |
| • Herman Rascon | • Tom Pew |
| • Lee Marvin | • Carole DeAngeli |
| • Ed Bartkowski | • Barbara Schuessler |
| • Dee Mahoney, President, Casa
Blanca Villas Homeowner's
Association | • Dean Marvin |
| • Laura Bartkowski | • Bryant Nodine |
| • Leslie Paige | |

They offered the following comments:

- Concern that a P&Z commissioner stated that if neighbors felt that roads were unsafe, then perhaps they should pay to get them fixed, but neighbors were taxpayers, and P&Z should not approve a project that added more cars on an already dangerous road.
- Rudasill Road was like a mini roller coaster, which had fifteen 30 mph signs and one 20 mph sign and automobile wrecks were common, when it rained you can hear water rushing through it and it had pushed a car off the road and had broken up the road.
- With the proposed density of buildings, people, cars, gravel and shingles it would be doubtful to find any living quail in Quail Canyon, and if approved, the developer should be required to route all traffic directly on to Oracle Road.
- Honor and protect the existing floodplain, Pima Wash and the canyon from Catalinas to Rillito, require water harvesting for zero water debt and allow only CR-1 homes east of Pima Wash.
- The development would be done in Pima Canyon, which flowed from the Catalina Mountains to the Rillito River, the developer called it Quail Canyon, the riparian area was a critical corridor for wildlife, concern of preventing water from curving and cooling to allow time for water to sink into the ground, creating large areas where water cannot percolate including roads, roofs, patios, parking lots and walkways, concentrated people coming and going with pets and cars, noise and light, concern of 100 to 200 year floods.
- Concern for the climate, the value and potential of Pima Wash to be a youth driven riparian restoration project, a wildland accessible by public transportation to youth that could give youth experience in working and nurturing nature's resilience.
- There was a need for leaders that employed creativity, innovation, imagination, and foresight to navigate the path to the future and changing the rules for the project did not address the future.
- Concern that Rudasill Road was built in 1930 and the design was not safely supported by the developer's proposed density.
- It was not a road capacity issue, but a traffic safety risk issue, that had a 50% to 100% higher crash rate per mile driven than the County's 3 comparable collector roads.
- Morning traffic would be too low and 90% would turn on Oracle Road, which would increase congestion.
- Within the last five years, there were 26 accidents and 1 death that had occurred on Rudasill Road.
- Traffic would significantly increase congestion at Rudasill and Oracle, and there was no consideration for pedestrian or cyclists' safety. Traffic on Rudasill entering on 1st Avenue should require a traffic signal, but no actions were recommended.
- Concern when traveling on Williams Drive, driving on the street required full attention due to blind spots and walking along Rudasill was dangerous as there were no sidewalks or shoulders. Road safety was not the developers responsibility and the County did not have the funds to improve the safety for

pedestrians and cyclists and it did not qualify for grants unless more accidents and deaths occurred.

- Request for the developer's proposal to be changed to a plan appropriate for the area, decrease the density and improve safety and infrastructure on Rudasill Road.
- Concern for emergency response systems and how they would be unable to serve the proposed developments, there was one access road that connected to a high traffic highway while another connected to an access road that was underdeveloped, one community of 100 homes would only have one access road that would connect to Oracle Road, the access road would have a bridge and wash that had wildfires in the past and an accident could block the bridge, the 200 apartment unit only had one access road and the developer stated they could negotiate an additional access road, but it had not been addressed by County staff.
- The developers indicated that the houses would be within current median price levels, but did not include Homeowners Association (HOA) fees required to maintain the bridge or current infrastructure, the proposed rental rates were unrealistic and without rent controls rents could increase and funds were required for the south parcel development, most County residents were priced out of existing apartments to meet their needs, the Foothills Mall re-development would provide direct competition to the proposed development fraught with unexpected engineering construction costs, public safety and traffic safety infrastructure issues and flood mitigation risks.
- There were environmental concerns and weather events that had escalated over the last 3 decades and had become unpredictable, rainfall would dramatically increase at higher elevations in the west, especially over mountain peaks at 9,000 feet or higher, Santa Catalina Mountain range at Mt. Lemmon is just over that amount and was a physical candidate for a potential extreme rainfall event that could flood everything in its path, mega events were not being updated enough with County floodplain management ordinances to notify people buying homes
- The Casa Blanca Villas HOA represented 24 townhomes in the area, the north entrance was dangerous and the back entry went on to an unnamed County road, it then created traffic to cutoff to the unnamed road through their complex that was privately owned and the project would make it worse, they were told accommodations would be made in the future, but no assurances were made and uphill entries onto Oracle Road were dangerous.
- Over 1,000 signatures were obtained to protest the rezoning and many residents wanted to preserve the natural areas and Pima Wash.
- Neighbors are elderly, retired, or young, working, raising families, living on fixed incomes, some just getting by and some were comfortable, they paid taxes and contributed to the local economy, the proposed development would impact multiple neighborhoods, and multiple constituents provided personal letters with their concerns, developers had no meaningful compromises or accommodations regarding the proposed density.
- In 2012, the County Engineer decided to replace a 75-year old wooden culvert under the County road in the area with a 6-foot diameter that was

thought to be adequate, but a 100-year flood occurred and rapidly washed out the feeble attempt to defy mother nature, it was then decided to design a 3-culvert system with 6-foot diameters each to withstand another 100-year flood, but they could not afford to build it for a 500-year flood, history would repeat itself and building in a floodplain was a foolish idea and was responsible if something like this happened again.

- Fear that if approved, what other zoning requests would be granted and would send a clear signal to developers that it was open season in Pima County, no matter where they wanted to develop or what the density proposals were and there was concern for the animals.
- Claims made by supporters of the project were misleading, the land was barely developed, old growth trees were present, upstream was the same with no development except some native bushes and fallen branches, infill was a good conservation strategy, but not all infill was good conservation, building in a riparian woodland was not the same as building in a desert, the main part of the Viewshed would be seen in front of residents, and concern with climate change.
- Concern regarding reduction of line of sight on Rudasill Road, east of Genematas Drive there was a dangerous “S” curve, which had led to fatalities, additional signage had been suggested, but had been ineffective in the past, disagreement with staff’s comment that additional vehicles on the road would not make it more dangerous and the road had adequate capacity with additional units.
- The information provided was unconvincing in regards to the high-density projections.
- The Catalina Foothills Association (CFA) acted on behalf of residents in the CFA Estates and had evolved in taking interest in communities beyond boundaries, the proposal created a potential long-term threat to their residents because it served as a test case for the way that infill projects evolved in the future.
- Seventeen years ago there was a prior Campbell Wash project which had been opposed, but was recommended for approval by County staff at the time, it was eventually ruled that there should be no building in washes, it was an inappropriate place for development with a 5,000 foot fall into the wash, the developers failed to mention they would fill in 10 acres with fill, but the cutting edge spear of hydrology today was to have recharge.
- Opposers of the project were portrayed as anti-infill and anti-development, which was untrue, developers had indicated 40% less of water use than the golf course, the figures used were for regulation size golf courses that were fully irrigated, and it was disingenuous for them to use this information.
- Support of the original zoning of CR-1 for about 53 houses since there were 53 acres, the wildlife corridor would be compromised because this project was out of balance with over development and there was a need to preserve nature.
- The Federal Emergency Management Agency indicated in writing that their current flood maps are out of date and any future developments should consider 300- or 500-year numbers, the developer’s design for water control

captured the first half inch of rainfall and anything after that would be directed onto 2 private properties upstream and there was erosion at the base of the steep hillside which caused them to collapse with rainfall.

- The riparian area was important, it had 480 acres of open space which was at risk because it was privately owned, the three-story apartments were close to the wash with the bank protection and access road, parking and lights and was not being preserved, the comprehensive plan had development for properties in low density designations.

The following speakers addressed the Board in support of the Specific Plan Rezoning:

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| • Russell Long | • Stephanie Spencer, Business Advocacy Specialist, Tucson Metro Chamber |
| • Jason Stewart, Owner, Catalina Foothills Lodge | • Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection |
| • Jim McMahon | • Shannon Murphy |
| • John Mijac | • Ivan Russell |
| • Sam Carter | • Michael McGrath |
| • Ted Curtis | • Ben Elias, Tucson for Everyone |
| • John Paul Vyborny | • Greg Mohl |
| • Ken Scoville | |
| • Miranda Lopez | |
| • Katlin McGrath | |
| • Amanda Gattenby | |

They offered the following comments:

- Four generations of families have loved the desert and disliked the bulldozing of hills and cacti destroyed, but the infill project on a former golf course was a better way to implement the project, there would be minimal destruction to vegetation and utilities were already available, neighbors' views would not be blocked, and moderately priced housing was needed in the Catalina Foothills.
- There were people waiting in line to find housing and some people rented for 2 years to find a home, development was needed in the area because it had been a mess with hauling garbage.
- This was the kind of thoughtful infill development that the County should applaud and approve, it would be a great compliment to the neighborhood, new neighbors for local business, much needed tax revenue and less strain on overall infrastructure, the benefits of the proposed density could not be overlooked and this meant lower prices for residents, greater energy and water efficiency and minimized urban sprawl to the surrounding desert, vacant land needed to be utilized and would fit seamlessly into the current layout of the neighborhood, the developer allocated 33 acres of open space throughout the project.
- The proposal had many aspects of sustainable living that would benefit the community that would make it more multi-cultural and served more people, there was a need for more homes and if homes were not built sustainably in areas to be reclaimed, they would be built outside of the community.

- Tucson needed housing, but also needed to be cognizant of water use, the project would include homes and apartments with increased density and smaller yards which was more energy and water efficient, the golf course averaged 90,000 gallons of water per day, but at full build out the project would use half the water of the golf course.
- The developer put care into the project to try to adapt to the needs of the community, several offices had been built two miles from the project that had middle income employees, which had a hard time recruiting employees because housing was not available in the vicinity, concern with crime in the area due to homelessness and security attributed it to the golf course.
- Arizona Department of Transportation (ADOT) recently refurbished Oracle Road, Highway 77, with a new bike lane, sidewalk, and bus turnout adjacent to the apartment complex and it was a perfect infill project that was reduced from 300 homes to 210.
- Pima County Cultural Resources recommended that the Clubhouse, the restaurant, first tee box and the 18th hole green and other putting greens be preserved as adapted reuse and new residents would benefit from its use and a uniquely added amenity, this was the first private development and golf course to do this in the floodplain which was a historical significance.
- The project would not be in the wash, but near the wash and it would help address the regional housing shortage and need for infill.
- The meeting was not representative of the population that would live within the development, participation was impossible to attend for the majority of the workforce due to timing and only advantaged certain people, the local review process favored the more affluent residents to allow blocking of developments in their own neighborhoods, housing was needed that prioritized sustainability and built within existing communities.
- Quail Canyon was not a low-income housing tax credit Capital A, affordable subsidized project, it would serve a desperate need in the community and fit into the housing continuum, the developer agreed to studio and 1-bedrooms, small unit types made an opportunity for subtle variation in income and housing attainability and people could work closer to their job.
- The Tucson Metro Chamber supported the rezoning as it aligned with several of the Chamber's key priorities including land use, workforce development and economic development, the project was adjacent to Oracle Road which would allow residents to live a reasonable distance from work, school, shopping, and recreation and create greater density closer to employment centers without creating the need for new roads.
- The Coalition's attention had been on the portions of the property that laid within the Maeven Marie Beehan Conservation Lands System (CLS) in this case was the Pima Wash, they worked toward development compatible with the CLS guidelines and worked to minimize edge effects, i.e., lights, noise, smells that impacted the wildlife corridor, the proposed building enveloped complied with the CLS guidelines and the owners agreed to new language that would provide incentives to provide more open space adjacent to the Pima Wash to mitigate the edge effects, in addition to the special conditions regarding revegetation standards and sustainability measures, conditions for

additional requirements that dealt with outdoor lighting, signage to prevent human access to Pima Wash, the additional special conditions outlined by the developer, in addition to the conditions of the staff report and the changes to the specific plan, if approved, the Coalition could support recommendation of the project.

- The region's housing inventory had plummeted over the years and made the housing market competitive which caused prices to soar, the Quail Canyon team engaged with multiple stakeholders and gave careful consideration to issues like environmental impact, neighboring, residents and overall community needs, the benefits outweighed the concerns raised.
- There was nowhere that you could build without offending someone and the project made sense.
- Many investors and builders reviewed the Quail Canyon for residential development and they were discouraged by the topographical and engineering problems that the property presented, the current developer spent two years working with stakeholders to put the property to use, it would preserve open space, address required setbacks, traffic concerns, flood control and access ingress and egress, it required a sufficient number of units to pencil the project, attract investment dollars and qualify for bank financing that resulted in living units being constructed, there was a prejudice of multi-family development in the northwest corridor of the Catalina Foothills and it was not appropriate for neighbors to redline apartments in the Foothills when the community was in dire need of the housing stock.
- Tucson for Everyone supported the project because it would help address the housing shortage and infill development near existing jobs, schools and infrastructure, the Tucson citizens' housing needs were not being met, rents were at historic highs while vacancies were at historic lows, homelessness was a persistent issue with encampments at the proposed project, they advocated for similar transportation improvements and traffic issues in the transportation system should exist alongside housing supply problems.
- The project was ideally positioned as an infill development with minimal impacts providing much needed in an area severely lacking and with known shortages, this kind of project would help people find a place to live, close to work and do business, the sound engineering data backed up the design and defeated speculative emotional objections.

Supervisor Christy asked where State Route 77 was in terms of the southern end when it became Pima County jurisdiction.

Mr. Juneman responded that State 77 was a highway for its entirety. He explained that they had done a traffic study for the project with ADOT and the Pima County Department of Transportation (PDOT). He stated ADOT reviewed the study for Oracle Road and PDOT reviewed it for Radasill Road including the roads that came off of Oracle Road.

Supervisor Christy asked if ADOT had recently improved Oracle Road.

Mr. Juneman responded that ADOT reviewed the traffic study twice, which had been accepted. He explained that the traffic study indicated that 10% of traffic would use Rudasill Road, but they thought the majority would use Oracle Road, but the numbers were vetted by ADOT and PDOT.

Chair Grijalva stated that the request was for rezoning of the currently designated CR-1. She questioned if there was a need for a formal interpretation of the decision to allow high density in a Low Intensity Urban (LIU) area or was that decision at the discretion of the Board.

Mr. DeBonis, Jr. responded that an interpretation was not needed because the apartments were located in the CAC designation of the comprehensive plan. He explained that the only areas that extended into the LIU area were for parking and the swimming pool, which were allowable within the LIU designation.

Chair Grijalva requested to view Mr. Nodine's poster boards that showed the development and asked for a description of them.

Mr. Nodine described the photo and stated that the red highlighted areas were the apartments located in the CAC and the green highlighted areas were LIU that was 1.2 units per acre. He stated that all the buildings were placed within the CAC, but the support for those buildings was placed within the LIU. He explained that it was like placing a shopping center in a commercial area and then placing the parking into residential zoning, which would never be allowed. He again referred to the photo and pointed out the parking lot, swimming pool, pool house, ramadas, and access roads in the LIU. He requested a justification for the use and stated there should be a formal interpretation and legal review of the interpretation. He provided additional photos that showed the development, which included the hotel, the 3-story apartments, open space area, and bank protection that were within 50 feet of the bank protection. He stated the photos were renderings that were provided at the P&Z meeting. He added that the intensity of the development of the hotel was the same as the apartments, there was no transition of intensity from commercial to the riparian area and felt that there should be. He referenced another photo that included a Geographical Information System (GIS) aerial map that showed washes in the north central area and open space that was a part of Pima Wash. He stated that Pima Wash was the largest wash between La Cañada del Oro and Sabino Creek. He added there was about 480 acres of open space all of which, except for the public rights-of-way that were private ownership, were put at risk. He stated that the risk for the proposed development would take up to 30 acres of open space.

Mr. Juneman responded that he wanted to address concerns regarding the wash. He stated that they would preserve 50% of natural open space and the wash would not be built in. He stated that Mr. Nodine was correct when he stated that the Pima Wash was a major wildlife corridor, and they were preserving 250 to 300 feet wide throughout the property so that wildlife could travel through. He referred to the development rendering photo and stated that their work with the Coalition included discussions on how they would protect the wildlife corridor. He stated that there were elements in the specific plan, a regulatory document that if adopted, would be

the law for the property to have elements that protected the wildlife corridor. He stated that one of the negotiations was that a 3-foot tall screen wall be installed along the access point from the wash to the development to ensure that car lights would not bother the animals and they also negotiated a vertical/sloped Gabion Bank Protection that would keep the animals in the wash. He stated that another negotiation was to use motion sensor lighting, to not have parking areas face the wash, restrict access for residents to the wash and added educational elements to the Covenants, Conditions and Restrictions for residents that detailed the importance of preserving and respecting the wash. He stated that because of the negotiations, the Coalition provided support of the development.

Chair Grijalva asked how many acres of the parcel were not being developed and how much of that area could be developed.

Mr. Juneman responded that the entire site was 53 acres and half of that would be preserved for natural open space. He stated that another 10% was functional open space for common areas and explained that 60% of the site was open space, but 50% was natural open space that would not be developed. He stated that based on the rezoning none of the natural open space could be developed and would protect it. He stated that as plats and development documents were prepared, they would be defined as natural open space. He added that the wash could never be developed.

Chair Grijalva commented that there were some areas that could not be developed, and she appreciated that some acres would be undeveloped. She clarified that her question was, out of the 26 acres that were being preserved, how many acres could be developed if they were not protected.

Mr. Juneman responded that out of the areas that they could not build on, like the wash and slopes, they should not count towards their open space. He stated that open space was not calculated in that manner, and they received credit for preserved open space whether it was in a wash or on a hillside. He added that all jurisdictions calculated open space in the same manner.

Chair Grijalva commented that she thought there were about 4 to 5 acres that could be developed on the open space and the set aside was not property that could be developed overall.

Mr. Juneman replied in the affirmative and explained that the County and other jurisdictions calculated open space in the same manner and County staff provided the information on what areas were applied per the Pima Prospects and worked with staff to confirm that the CAC area was where they could put their buildings and parking outside of that. He pointed out that Mr. Nodine mentioned he was a planning director for Oro Valley and Tucson Unified School District and was aware that he could have requested a determination in advance before the hearing.

Vice Chair Scott commented that the proposed development was in District 1 and requested to be indulged and shared the following statement:

"The fundamental question each of us needs to answer with regard to a proposal like the one before us is this, is the development appropriate for the site where it will be located? In this instance, I have concluded that it is. Given the amount of interest this proposal has engendered in our community it is important to share the reasons for my decision. This plan represents appropriate infill development. It will also increase our housing stock. Although it is not affordable housing it is marketplace housing. Our Regional Affordable Housing Commission will soon be conducting an inventory of existing affordable, workforce and marketplace housing that will demonstrate the dire need the County has for all housing. The proximity to Oracle Road, a major north south corridor is another reason for my decision and another argument for why this project is appropriate infill development. Residents of the new homes and apartments will have access to mass transit if needed, they will be close to retail stores, grocery stores, restaurants, employment, and a variety of services. The developer and their representatives have worked with the Coalition for Sonoran Desert Protection and you heard Ms. Campbell say the Coalition supports the project, to ensure protection of the environment and wildlife. They have made a significant number of commitments, including Gabion Bank Protection, revegetation of 6.5 acres of riparian habitat disturbed by the previous golf course, increased passive rainwater harvesting, installation of low-level path lights, requiring water sense fixtures, xeriscaping with solely desert materials, prohibiting both water features and non-functional turf and installing a masonry wall on the east side to protect the wildlife corridor, and those are just some of the concessions and commitments. There will also be roadway improvements paid for by the developer that come out of a required traffic study. They include all the following: turn lane extension on southbound Oracle Road, a turn lane extension on westbound Rudasill Road, a turn lane extension to handle Oracle Road U-turns, a right turn lane from the project onto Oracle, intersection improvements at Kanmar and Oracle, and Roller Coaster and Oracle, intersection improvements at First and Rudasill. Given the site for this project there are significant concerns about the protection of riparian habitat within Pima Wash and the risks of flooding. I hope that anyone who shares these concerns takes the time to read the June 15 memorandum from Eric Shepp, the Director of the Regional Flood Control District, attached to this agenda item. Mr. Shepp's points include the following, these are all quotes from the memorandum: 'much of the development is proposed outside of the floodplain, in fact, only approximately 9.5 acres of the proposed 26 acres of the development encroaches into the floodplain. In the area where the proposed development encroaches the average depth of flow during the 100-year flood is between a half foot to one foot deep, while the average overall depth of flow in the main wash channel is 3 to 5 feet deep. In addition, the proposed development leaves the entire federally designated floodway intact,' continuing from the report, 'encroachments sent to the federally designated special flood hazard area outside of the floodway are allowed if certain standards are met. The proposed development will meet and exceed those standards,' continuing from the memorandum, 'to protect the site itself from flooding the Flood Control District has required the

development exceed the typical elevation requirement. The Flood Control District has required Quail Canyon elevate their development sites using the post Bighorn Fire Flood Hazard information. The proposed development does not disturb any intact riparian habitat except for the bridge from the development to Oracle Road. The remaining development footprint proposes to disturb approximately 4 acres of mapped regulated habitat that was formerly the golf course, although, and continuing, although, not typically required for the disturbance of already highly disturbed habitat, the Flood Control District has required that the development mitigate the riparian disturbance as if it was intact riparian habitat. That means that even though there are relatively a few trees on the golf course, the developer will be required to plant 112 trees and 135 shrubs per acre of disturbance of Xeroriparian Class A, and 68 trees and 105 shrubs per acre of disturbance of Xeroriparian Class C,' continuing from the memorandum, 'the overall open space area consisting of the natural intact riparian area and uplands as well as the restored mitigation area have the potential to provide equal or better ecosystem services than the golf course and offer considerably greater width for wildlife movement than portions of the Pima Wash downstream of this site,' and finally from the report, 'from the Flood Control District's perspective, the development as proposed meets and exceeds federal, state and local flood mitigation standards for this type of development and can be constructed such that it is at minimal risk of flood damage and that it does not cause an adverse impact to others.' There were several factors to weigh before reaching the decision to support this project, but Mr. Shepp's memo answered all the questions I had about flooding and protection of riparian habitat as soon as I read it. When the Board received Mr. Shepp's memo last month, we also received a memo from Kathryn Skinner, the Director of our Department of Transportation. It sought to address concerns about the impact on Rudasill Road from this development. Although the road is below capacity and is able to handle the increased traffic this development will produce. The long-time neighbors had attested to safety problems on the roadway that have persisted for decades. Let me assure those neighbors and let me assure staff and anyone interested in the safety of Rudasill Road, that I will relentlessly advocate for the short, medium and long-term improvements outlined in Ms. Skinner's memo, regardless of the outcome of today's vote. As my colleagues know, the Planning and Zoning Commission considered this project at two separate meetings before voting to recommend approval of this proposal by a 7-2 vote, with one member being absent. Between the first and second meeting, the commissioners directed the developer to meet with the neighbors to try to resolve issues related to density of the project, traffic on Rudasill, flooding and riparian habitat protection. When they voted to recommend approval, these were some of the comments made by the commissioners, 'this project fits the needs of all the County requirements including Pima Prospers. This is an infill project; this project is taking the recommendations of the Coalition. I think it's a win,' another commissioner, 'I understand the infill concept. This whole project meets all of those goals in terms of infill and additional housing,' a third commissioner, 'it ticks every box that we are looking for, density really is the

way we are going to sustainably build our way out of this housing crisis,’ and from another commissioner, ‘this is a really good compromise of a project to fit into that space but not dominate the space. Large vacant spaces really have become magnets for a lot of other issues. I think this is a nice way to also eliminate some of those issues that the neighborhood is going to face if nothing goes into this space.’ This project has received a lot of public input both for and against it. My staff and I have had multiple meetings with the neighbors as has the developer and their representatives that dialogue will continue if the Board votes to approve this project. There are conditions that will proactively address concerns that will come up during site preparation and construction. I am grateful to the opponents of this project from the neighborhood for all of their thoughtful and sincere input. You demonstrated during a fraught and bitter time in our political history how public discourse can be respectful, intelligent and dignified. My commitment is to continue to engage with you moving forward with regard to all of your concerns and ideas, not just with this project but also with Rudasill Road. Thank you. Also to our staff in Development Services, the Regional Flood Control District and Transportation for their dedicated service and outreach to our constituents. I also want to thank Mr. DeBonis who oversees all three of those departments and who joined Mr. Shepp and Ms. Skinner at a meeting that we had with neighbors at the Oro Valley Library. With that I want to thank my colleagues for letting me have the floor for so long. I felt it was necessary to say all I did because of how much interest and input this project has prompted in the community especially in District 1. It is a good project with many potential benefits and it is in the right place. I hope that all my colleagues will join me in approving it.”

Chair Grijalva thanked everyone for the opportunity that the County offices had made to meet and discuss the project. She stated that Vice Chair Scott had numerous public opportunities and meetings to discuss this issue. She stated that she had concerns about the project since it first appeared on the P&Z agenda. She stated that Quail Canyon was the wrong place for a high-density housing project and she believed that the speakers had addressed major concerns regarding emergency access, riparian habitat, natural habitat, the impact to the canyon and the wildlife corridor. She continued to have concerns about the project and how community input would happen. She appreciated that Vice Chair Scott and staff would monitor and ensure that neighbors surrounding the project had the opportunity to continue with dialogue because once approved it would continue to move forward. She indicated that she would vote against the project.

Supervisor Bronson stated that she agreed with Vice Chair Scott’s comments. She understood the neighbors’ concerns, but believed they had been addressed and that moving forward they would continue communications with staff and the developer to work with the neighbors.

It was moved by Vice Chair Scott and seconded by Supervisor Bronson to close the public hearing and approve the Planning and Zoning Commission’s recommendation from April 26, 2023 for P22SP00003, subject to standard and

special conditions, including that the site be limited to 210 apartments and 100 single-family residences with a \$300,000.00 voluntary contribution for Rudasill Road improvements and adopt the additional conditions proposed by the applicant as stated in their July 10, 2023 letter, as follows:

1. Unit mix for apartments which is essentially 40% of studio or one-bedroom units
2. Construction Management Plan
3. Commitment to maximize the use of the easement connecting to Oracle Road
4. Commitment to vote for an Improvement District
5. Agree to incorporate the condition proposed by the Coalition for Sonoran Desert Protection that encourages the preservation of additional open space.

Upon roll call vote, the motion carried 4-1, Chair Grijalva voted "Nay."

Vice Chair Scott stated that the item had required a super majority vote by the Board and he affirmed the item passed.

61. **Hearing - Rezoning Time Extension**

Co9-07-26, LAWYERS TITLE OF AZ TR 7992-T - MAGEE ROAD NO. 2 REZONING

Suki Investment Group, L.L.C., represented by Kale Investment Company, L.L.C., request a five-year time extension for an approximately 1.95-acre rezoning from TR (Transitional) to CB-2 (General Business) zone. The subject site was rezoned in 2008, received two consecutive five-year time extensions and will expire on October 7, 2023, and is located on the northwest corner of W. Magee Road and N. La Cholla Boulevard, addressed as 7787 N. La Cholla Boulevard. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff recommends APPROVAL of a five-year time extension to October 7, 2028 for the original 1095-acre rezoning from the TR (Transitional) to CB-2 (General Business) zone subject to the modified standard and special conditions as follows:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. Adherence to a development agreement for assessment and payment of all non-residential impact fees.
 - B. Traffic Impact Study will be required if there is a substantial change that results in an increase in the buildable square footage over the current approved Preliminary Development Plan or there is not a sufficient reduction in the approved buildable area to accommodate a more intense parking use so as not to exceed the allowable building area under the current rezoning, based on a combined Development Plan for the subject property and the remnant parcel. Any Traffic Impact Study, whether it contains any portion of the Magee Center properties, including one from the adjacent development utilizing the Magee Center access point on Magee Road, that determines off-site improvements are necessary, will not be the responsibility of the Owner(s)/Developer(s) of any Magee Center properties.
 - C. Access and maintenance agreements shall be required between the rezoning and adjacent properties.
3. Flood Control conditions:

- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The site is required to provide first flush retention of the first 0.5 inch of rainfall. In addition, the site is required to provide on-site detention to reduce the developed 10-year peak discharge to the undeveloped 10-year peak discharge at each outlet. However, should the adjacent Lot 6 be rezoned, the development of these two properties will be required to mitigate the 100-year peak discharge.
 - C. At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Wastewater Reclamation conditions:
- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. ~~The property owner(s)/developer(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.~~ On-site wastewater disposal shall not be allowed.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner(s) shall execute the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207 rights~~: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private

Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

8. Upon the effective date of the Ordinance, the owner(s)/~~developer(s)~~ shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the ~~any future~~ property owner.
9. The owner(s)/developer(s) shall adhere to the Preliminary Development site Plan as approved at public hearing (EXHIBIT B). The property shall be allowed CB-2 zoning uses for restaurants with associated bars. All other uses shall be restricted to CB-1 zoning uses. Automotive-related uses, drive-through restaurants and stand-alone bars without restaurant facilities are prohibited.
10. The maximum height of the west building shall be limited to 24 feet above the average grade within the site. The maximum height of the east building shall be limited to 34 feet above the average grade within the site including architectural features. This project will be subject to noise, odor and light trespass plans in accordance with Sections 18.39.030C.4, 5, 6 and 7.

Condition #5 to be revised due to it being relatively the same as condition #4D. Additionally, minor adjustments are being made to rezoning conditions #7, #8 and #9 which were previously adopted in Resolution 2020-61.

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and approve Co9-07-26, Five-Year Time Extension subject to modified standard and special conditions.

62. **Hearing - Rezoning Time Extension**

P17RZ00007, STEWART TITLE & TRUST TR 1580 - S. KINNEY ROAD REZONING

Stewart Title & Trust TR 1580, represented by Paradigm Land Design L.L.C., requests a five-year time extension for an approximately 64.8-acre rezoning (portion of Parcel Code 212-50-001H) from GR-1 (BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Transitional - Buffer Overlay and Gateway Overlay-Urban) zone. The subject site was rezoned in 2018 and expired May 15, 2023, located on the east side of S. Kinney Road approximately 1,000 feet north of the intersection of S. Kinney Road and W. Ajo Highway. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

Staff recommends APPROVAL of a five-year time extension to May 15, 2028 for the original 64.8-acre rezoning from the GR-1 (BZ & GZ-1) (Rural Residential – Buffer Overlay and Gateway Overlay Urban) to the TR (BZ & GZ-1) (Transitional – Buffer Overlay and Gateway Overlay-Urban) zone subject to modified standard and special conditions as follows:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.

- B. Prior to Tentative Plat approval, written proof of coordination with the Arizona Department of Transportation (ADOT) is required regarding any traffic impacts to their roadway system. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all their requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
 - C. The rezoning shall be limited to three access points. One access point will be located on Kinney Road, as shown on the preliminary development plan (Exhibit B), and two onto Ajo Highway. Access onto Ajo Highway shall be at the locations shown on the preliminary development plan and at the signalized intersection of Camino de Oeste and Ajo Highway. The proposed access road at the signalized intersection of Camino De Oeste and Ajo highway shall be aligned with Camino De Oeste to the south and as determined by the Department of Transportation.
 - D. The owner(s)/developers(s) shall dedicate the necessary 45 feet of right-of-way for the access roads to serve this development as determined by the Traffic Impact Study at time of Tentative Plat review process. Camino de Oeste north of Ajo Highway. The right-of-way should extend north of the intersection to the entry point of the subdivision.
 - E. Prior to Subdivision Tentative Plat approval, written proof of coordination with Sun Tran is required regarding a new bus stop, relocation, or improvement of an existing bus stop is necessary.
 - F. Sidewalk or multiuse path shall be constructed to Pima County standards along the east side of Kinney Road from the proposed driveway onto this road to the nearest bus stop to the north. The location shall be determined at the time of permitting and as approved by the Department of Transportation.
3. Regional Flood Control District conditions:
- A. Trails within washes must provide for safe pedestrian access.
 - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
 - C. At the time of platting and/or permitting a Master Drainage Report demonstrating solutions for encroachment into the local floodplain and supporting drainage infrastructure shall be reviewed and approved by the District.
 - D. First flush retention shall be provided in Low Impact Development practices disturbed throughout the site.
4. Regional Wastewater Reclamation Department conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the

- tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- Invasive Non-Native Plant Species Subject to Control
- | | |
|--------------------------------------|---|
| <i>Ailanthus altissima</i> | Tree of Heaven |
| <i>Alhagi pseudalhagi</i> | Camelthorn |
| <i>Arundo donax</i> | Giant reed |
| <i>Brassica tournefortii</i> | Sahara mustard |
| <i>Bromus rubens</i> | Red brome |
| <i>Bromus tectorum</i> | Cheatgrass |
| <i>Centaurea melitensis</i> | Malta starthistle |
| <i>Centaurea solstitialis</i> | Yellow starthistle |
| <i>Cortaderia</i> spp. | Pampas grass |
| <i>Cynodon dactylon</i> | Bermuda grass (excluding sod hybrid) |
| <i>Digitaria</i> spp. | Crabgrass |
| <i>Elaeagnus angustifolia</i> | Russian olive |
| <i>Eragrostis</i> spp. | Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass) |
| <i>Melinis repens</i> | Natal grass |
| <i>Mesembryanthemum</i> spp. | Iceplant |
| <u><i>Oncosiphon piluliferum</i></u> | <u>Stinknet</u> |
| <i>Peganum harmala</i> | African rue |
| <i>Pennisetum ciliare</i> | Buffelgrass |
| <i>Pennisetum setaceum</i> | Fountain grass |
| <i>Rhus lancea</i> | African sumac |
| <i>Salsola</i> spp. | Russian thistle |
| <i>Schinus</i> spp. | Pepper tree |
| <i>Schismus arabicus</i> | Arabian grass |
| <i>Schismus barbatus</i> | Mediterranean grass |
| <i>Sorghum halepense</i> | Johnson grass |
| <i>Tamarix</i> spp. | Tamarisk |
6. Cultural Resources Division condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which

- require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207~~ rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
 10. No access shall be given between the subject property and the property to the north (parcel code 212-200-0130) without written approval of both parties.

Former Transportation conditions #2A-D are renumbered to conditions #2A-F due to modification and additions to the conditions as follows: Original conditions #2B-D are recommended for modification and transportation proposes the addition of conditions #2E-F due to current transportation and Subdivision and Development Street Standard requirements. Additionally, minor adjustments are being made to rezoning conditions #5 and #9 which were previously adopted in Rezoning Ordinance 2018-35.

Chair Grijalva commented that she supported the item, but when the item came back to the Board during the development process, they needed to address the traffic situation.

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and approve P17RZ00007, Five-Year Time Extension subject to modified standard and special conditions.

63. **Hearing - Type III Conditional Use Permit**

P23CU00003, SUMMIT BHC TUCSON, L.L.C. - W. SWEETWATER DRIVE
Summit BHC Tucson, L.L.C., represented by Lazarus & Silvyn, PC, requests a Type III Conditional Use Permit for a residential substance abuse diagnostic and treatment facility in accordance with Section 18.17 of the Pima County Zoning Code on property identified as Parcel Codes 103-02-010B, 013B, 014A & 0160 in the SR (Suburban Ranch) zone. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Truitt recused herself and Commissioner Becker was absent) to recommend APPROVAL SUBJECT TO SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO SPECIAL CONDITIONS. (District 3)

Special Conditions:

1. This conditional use permit approval is for the expansion of the Cottonwood de Tucson facility as outlined in the applicant's submitted narrative and accompanying materials. This approval includes both Phase I and II of the planned expansion.
2. This approval is subject to the revised Preliminary Development Plan (PDP) dated April 17, 2023 and showing the following: a) a reduction of the Phase 2 total building floor area from 18,000 SF to 14,000 SF; and b) the Phase 2 building area being apportioned amongst three (3) buildings instead of the original two (2). Minor shifting of the Phase 2 buildings is allowed during final design to accommodate civil engineering constraints.

3. Any further expansion of the facility above and beyond that in Items #1 and #2 above will require a new conditional use permit application. The specific Type of CUP process required shall be determined by the Planning Official based upon the particulars of the proposal.
4. All new buildings are limited to a maximum building height of eighteen feet (18') and those along Sweetwater Drive will adhere to the minimum setback of 100' from the south property line.
5. All new buildings and structures will feature a color palette and architectural character that is largely consistent with the predominant design motif of the existing campus. More specifically, the new buildings per this expansion will be designed and constructed to mimic the architectural style of the more recent buildings constructed on the property.
6. In keeping with Item #5 above, prefabricated metal buildings are not permitted in lieu of site-built structures.
7. Construction Mitigation protocols, as described in Section B.3 of the applicant's project narrative, shall be implemented as presented therein and are considered a condition of this CUP. The owner / developer or their representative shall provide reasonable status updates to the Development Services Department to evidence implementation of the mitigation measures.
8. The owner shall mitigate the intermittent noise on the west-facing basketball court, with the primary method of screening being natural vegetation. The owner shall explore other methods of non-vegetative screening to help mitigate noise while the vegetation matures.
9. The owner shall incorporate the following water conservation strategies for Phase 1 & 2: a) passive water harvesting in the landscape areas to maximize water retention for onsite landscaping; b) install grey-water systems in the new residential buildings, with grey-water being directed to on-site landscaped areas; and c) install EPA Water Sense fixtures in the new residential buildings.
10. Owner shall revegetate all residual graded/cleared areas that were disturbed during the construction process.
11. A Traffic Memorandum shall be submitted for review and approval by the Department of Transportation with the submittal of the development plan. Offsite improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and approve P23CU00003, subject to special conditions.

64. Hearing - Rezoning Ordinance

ORDINANCE NO. 2023 - 12, P22RZ00008, Baughman - N. La Oesta Avenue Rezoning. Owner: Samantha Baughman. (District 1)

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and adopt the Ordinance.

65. Hearing - Rezoning Resolution

RESOLUTION NO. 2023 - 31, Co9-11-04, Hennessy TR - Mission Road Rezoning. Owner: Hennessy B Tr. (District 5)

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and adopt the Resolution.

66. **Hearing - Concurrent Plan Amendment and Rezoning Resolution and Ordinance**

P22CR00001, EXA Architects, Inc., - E. River Road Plan Amendment and Rezoning. Owner: EXA Architects, Inc. (District 1)

If approved, pass and adopt RESOLUTION NO. 2023 - 32 and ORDINANCE NO. 2023 - 13

Supervisor Heinz inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to close the public hearing and adopt the Ordinance and Resolution.

ENVIRONMENTAL QUALITY

67. The Board of Supervisors on June 6 and 20, 2023, continued the following.

Hearing - Solid Waste Fee Schedule

ORDINANCE NO. 2023 - 11, of the Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County's solid waste facilities and adopting a new fee schedule for Pima County's solid waste facilities, effective August 1, 2023.

At the request of the County Administrator and without objection, this item was removed from the agenda.

COUNTY ADMINISTRATOR

68. **Petition for Calling of an Election to Incorporate the Town of Vail**

Staff recommends the Board take the following actions regarding the Petition for the Calling of an Election to Incorporate the Community of Vail as the Town of Vail:

- A. Authorize circulation of the petition for signatures pursuant to A.R.S. §9-101 (C)(3) and (D), and
- B. Approve the creation of unincorporated County islands pursuant to A.R.S. §9-101 (G).

Jan Leshner, County Administrator, explained that this was a recommendation to authorize circulation of the petitions for signatures and approve the creation of unincorporated County islands. She stated that on page two of the documents there was a piece that if taken out of context could be misinterpreted that included a line

that stated, “unless the Board of Supervisors approved the exclusion of such territory streets or roads,” that was only as it related to the development of the unincorporated county islands. She stated the County islands requested dealt with vacant trust land. She further explained that what was indicated regularly was that the Board’s authority in the area was limited. She stated the Board could authorize circulation of the petitions, but they were not in a position to decide what the specific annexation would entail or to add or remove individual properties. She stated the Board’s authority only pertained to the unincorporated County islands.

Nicole Fyffe, Senior Advisor, County Administrator’s Office, referred to slide two of the PowerPoint presentation and stated that the map of the incorporation boundaries was difficult to identify where the three unincorporated islands were that would be created because of the incorporation. She explained that this was a very statutorily driven process and the Board and staff had received the information necessary to proceed. She added that the statute required the Board to approve circulation of the petition and creation of the unincorporated islands.

Supervisor Christy stated he wanted to provide full context of what Ms. Leshar referred to on the second page of her July 11, 2023 memorandum and read aloud the following, “unless the Board of Supervisors approves the exclusion of such territory, streets and roads.” He added that in the next paragraph it stated, “To be clear, this process is strictly dictated in statute and the Board does not have the discretion to change the proposed boundaries submitted by the petitioners to meet these requests.” He asked if what he read was what she clarified.

Ms. Leshar answered in the affirmative and reiterated that the only ability the Board had was to identify the unincorporated County islands and authorize the circulations of the petitions.

It was moved by Supervisor Christy and seconded by Vice Chair Scott to authorize circulation of the petition for signatures pursuant to A.R.S. §9-101 (C)(3) and (D), and approve the creation of unincorporated County islands pursuant to A.R.S. §9-101 (G). Upon roll call vote, the motion carried 4-0, Supervisor Bronson was not present for the vote.

COUNTY ATTORNEY

69. Conflict of Interest Waiver

Discussion/Direction/Action regarding Rusing Lopez & Lizardi, P.L.L.C.’s request for a conflict of interest waiver.

It was moved by Vice Chair Scott, seconded by Supervisor Heinz and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to waive the conflict of interest.

ELECTIONS

70. Election Integrity Commission Annual Report 2022

The Election Integrity Commission recommends acceptance of the 2022 Annual Report.

It was moved by Vice Chair Scott and seconded by Supervisor Heinz to approve the item. No vote was taken at this time.

Brian Bickel, Chairman, Election Integrity Commission (EIC), explained that Pima County had three elections in 2022, which were the Primary Election, the General Election, and the Recount Election for the State Superintendent of Public Instruction and the Attorney General. He stated that in addition, the two biggest issues in 2022 was the change in the Director of Elections due to the retirement of Brad Nelson and the hiring of Constance Hargrove. He thanked the County Administrator for allowing him to be on the search committee and stated that it was very informative and disappointing because of the lack of applicants received, which was reflective of the lack of applicants for Elections Directors across the country due to election concerns. He stated that the other issue was the transition from precinct vote locations to precinct vote centers. He stated that they had one opportunity to implement it prior to the 2024 Presidential Preference Election and the Presidential General Election. He believed it went well and stated that Maricopa County conducted their sixth vote center election and they still had many issues, but not as much as the County. He stated that they identified issues which they were diligently working to correct. He stated there were several pieces of legislation that were passed and signed into law by Governor Ducey before he left office in 2022. He explained that one of the more significant ones from an election's perspective was the one that significantly reduced provisional ballots issued on Election Day that allowed people to bring in their own unvoted mail in ballots to either vote in the vote center, or those that came in without a ballot, because they lost it and attested to the fact and provided identification that they have not voted on that ballot. He stated they would be allowed to vote on a regular ballot, but if it was found that they mailed in their ballot, they would be turned over to the County Attorney for further action. He stated the law was not in effect for the Primary Election but was in effect for the General Election. He stated they noticed a significant reduction of provisional ballots in the General Election compared to the Primary Election. He stated that it would be challenging in the next several election cycles going forward because the week prior they completed software and firmware updates on their voting tabulation equipment and the entire Elections Department would go through in-service training on the new election software. He felt they were significant updates since they dealt with security. He added that issues arose within the tabulation room in the Elections building. He stated that the room was livestreamed 24/7 and there was a concern that nothing moved in the room and it was unknown if a picture was placed in front of the camera. He stated that as a result, they placed a digital clock in the camera's view so that viewers could watch the digital clock changing time. He explained that their partners in Maricopa County were participating in a pilot program that looked at certification requirements for peripheral elections equipment, which were not

currently certified. He stated those were primarily for e-poll books and ballot on-demand printers. He stated they would be closely following that since it would eventually impact Pima County. He explained they would look at opportunities later in the year, for the first time in 15 years the EIC recommended changes to the Voluntary Voting Systems Guidelines (VVSG) 1.0 and they would be changing it to VVSG 2.0 on November 16, 2023. He explained that meant that anyone that applied for certification of a voting system after that date, applied under the new standards and would do nothing to the systems that had been certified under the old system.

Vice Chair Scott stated that Mr. Bickel's colleagues had voted unanimously to recommend acceptance of the report.

Mr. Bickel responded in the affirmative and said it was a tri-partisan effort.

Supervisor Christy stated that he read the cover letter that was provided to the Board and it was a "highly glossed over rendition" of the events of the election season. He explained that it did not go over any of the issues that really mattered, for instance, the shutdown of the Bear Canyon Library Voting Center and he read from the cover letter and stated the closing down of a voting center, particularly the Bear Canyon Library had caused a great deal of consternation and inconvenience, forcing voters to go elsewhere to vote. He voiced his disagreement with it being called a small issue. He stated that they had ran out of materials that precipitated the shutdown. He stated that shutting down such a large vote center that had the most participants than others, was not a small issue. He added that the report did not address that issue and only outlined positive matters. He stated that another issue that had not been brought up was that they were challenged when they could not adequately address the need for poll watchers at the tribal nations or provide information on how they could improve participation. He stated that he could not support acceptance of the report because of the matters that were excluded.

Mr. Bickel replied that they identified the primary cause for the closure and remedied the issue. He stated it was due to the weight of the printers and the way they were placed on the table which caused many of them to malfunction. He added they ran out of ballots because they could not print ballots on-demand with the lack of a printer due to a logistical issue. He explained that since they went from precinct centers to vote centers that meant any voters could vote at any of the 129 locations. He stated that for the General Election, they had over 2,000 different ballot iterations based on Candidate for every office and every time a person changed it also changed the ballot. He explained that one of the reasons they did not see the kind of cost savings they hoped for by going to a vote center was because they printed out as many ballots as they normally would have and divided them up among 129 vote centers. He stated they had at least one of almost every iteration of the 2,000 ballots available at every vote center. He added that the printer problem at Bear Canyon was due to them running out of preprinted ballots and it was a matter of getting more from other vote centers in a timely fashion.

Vice Chair Scott stated that he appreciated the concerns brought up by Supervisor Christy, but he believed that the issues were addressed for the Board in the after-action reports provided by Ms. Hargrove.

Supervisor Christy reiterated that in an incident like the shutting down of a vote center did not inspire confidence in a new system that was instituted and added to the public's distrust. He added it was not addressed in the cover letter and felt that it was not a transparent way to address the entire system.

Chair Grijalva thanked Mr. Bickel for the presentation and stated that in the grand scheme of implementing an entirely new system, she felt the Elections Department and the Recorder's Office had done an amazing job. She stated that she used to be a poll worker and there were always issues with not having someone from another party or being understaffed. She stated that these things happened in a normal cycle and that it was inaccurate to make it seem like there was something nefarious or people were trying to be underhanded and hide things. She stated that she looked forward to the centers that would make voting more accessible for the entire community.

Mr. Bickel stated that the issue with poll watchers on the nation was voluntary and they were a function of the political parties. He stated it was up to the political parties if they wanted to have poll watchers at those vote centers to be recruited to be there. He explained that the Democratic Party had less poll watchers than the Republican Party. He stated that they had tried to get poll watchers on the nation and that Recorder Cázares-Kelly tried to get more people that lived on the tribal nation to be poll watchers. He stated that it was not something glossed over, but it was the responsibility of the political parties.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Bronson was not present for the vote.

BOARD, COMMISSION AND/OR COMMITTEE

71. Board of Adjustment, District 2

Appointment of Dillon Walker, to fill a vacancy created by Cathy Kennedy. Term expiration: 6/30/27.

It was moved by Supervisor Heinz, seconded by Vice Chair Scott and carried by a 4-0 vote, Supervisor Bronson was not present for the vote, to approve the item.

CONSENT CALENDAR

72. Approval of the Consent Calendar

Upon the request of Chair Grijalva to divide the question, Consent Calendar Item No. 10, was set aside for separate discussion and vote.

It was moved by Vice Chair Scott and seconded by Supervisor Bronson to approve the remainder of the Consent Calendar. No vote was taken at this time.

Supervisor Christy indicated that he had questions regarding Consent Calendar Item No. 11.

Supervisor Heinz indicated that he had questions regarding Consent Calendar Item No. 12.

(Clerk's Note: After discussion of Consent Calendar Item Nos. 11 and 12, the Board voted on the motion to approve the remainder of the Consent Calendar.)

Upon the vote for approval of the remainder of the Consent Calendar, the motion unanimously carried 5-0.

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PULLED FOR SEPARATE DISCUSSION BY SUPERVISOR CHRISTY

FINANCE AND RISK MANAGEMENT

11. Duplicate Warrants - For Ratification

DUNBAR BARBER ACADEMY \$8,000.00; JOT Redroof Properties, L.L.C. \$343,616.00; WN Tucson Apartments, L.L.L.P. \$5,994.94; 424 DE Tucson, L.L.C. \$8,827.58; Pamela Tinley \$12,072.56; ANALYTICAL TECHNOLOGY, INC. \$936.00; DENISE M WARREN \$341.00; Arizona Supreme Court \$31.50; Fireside Counseling, L.L.C. \$600.00; Daniela S. Aguirre \$88.50; Banner-University Medical Center South Campus, L.L.C. \$28,961.00; Alborada Apartments, L.P. \$1,808.00; KMS ENTERPRISES, L.L.C. \$2,875.00; KMS ENTERPRISES, L.L.C. \$8,760.00; Nutrien AG Solutions, Inc. \$2,025.00; Compass Affordable Housing, Inc. \$3,082.84; Compass Affordable Housing, Inc. \$3,378.09; Gavin Baker, PsyD., P.L.L.C. \$23,075.00; DH PACE COMPANY, INC. \$1,491.38; Virgin Pulse, Inc. \$14,741.81; B2B Supplies USA, L.L.C. \$89.15; Joel Hewson \$5,330.00; RP WR8825, L.L.C. \$4,067.00; Jasmine Enterprises, L.L.C. \$1,577.80; Nahrin Jabro \$132.48; Shi Lin \$11,800.00.

Supervisor Christy asked why there was a warrant being issued to JOT Redroof Properties.

Jan Leshner, County Administrator, responded that the warrant was for funds that were owed to the organization under the contractual agreement with the County. She explained that many of the other organizations that were listed they did not receive the check and the County was obligated to provide a new check, if approved by the Board.

Supervisor Christy asked if the checks were representative of the Redroof Inn or the Comfort Suites.

Ms. Leshar responded that Redroof Properties was the entity that owned various hotels.

Supervisor Christy inquired if the check was for more than one month.

Ms. Leshar responded that she believed it was for one month since it was usually one check for one month. She added that more information could be provided to the Board, if needed.

Supervisor Christy asked that the check that was misplaced for Redroof JOT Properties was representative of one month of the rental lease agreement the County had with all of their properties.

Ms. Leshar responded that she believed it was for the monthly payment, but offered to get more information and provide that to the Board. She stated that there were a variety of organizations that were provided with duplicate warrants.

Supervisor Christy asked for Ms. Leshar to provide clarity on the warrants once she received more information.

(Clerk's Note: See Minute Item No. 72, for action on this item.)

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PULLED FOR SEPARATE DISCUSSION BY SUPERVISOR HEINZ

JUSTICE COURT

12. Judge Pro Tempore Appointments

Appointments of Judges Pro Tempore of the Superior Court for the period of July 1, 2023 through June 30, 2024: Sarah R. Simmons, Ronald L. Newman and Thaddeus Semon.

Supervisor Heinz stated that the Board had approved names for Judge Pro Tempore appointments at the June 20, 2023 Board meeting and there were three more names being added with this item. He asked about the process in deciding who should be a Judge Pro Tempore and if there were any concerns about who they had approved at the prior meeting.

Erica Cornejo, Judge, Justice Courts, responded that they recently created a committee of five judges and staff members that reviewed names, resumes and letters of interests, then interviewed candidates and made recommendations to the full bench. Once the full bench decided what names to recommend for nomination the list was given to presiding Judge Bergin to then decide which names would be moving forward to the Board of

Supervisors for approval. She indicated that she was unaware that three more names were given for the current meeting.

Vice Chair Scott clarified that the names that had provided at the previous Board meeting were for Superior Court and not for Justice Courts.

Judge Cornejo stated that in response to Supervisor Heinz's question regarding any concerns about the names put forth by Judge Bergin, Maria Felix was recommended by Judge Bergin, but was not recommended or put on the list by the full bench and there was an asterisk put by her name to indicate she was only allowed to hear certain cases.

(Clerk's Note: See Minute Item No. 72, for action on this item.)

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PULLED FOR SEPARATE ACTION BY CHAIR GRIJALVA

ELECTIONS

10. Precinct Committeemen

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments:

RESIGNATION-PRECINCT-PARTY

Barton Magellan-040-REP, Carolyn Hendrych-049-REP, Gary Hoffsmith-122-REP, Mark Finchem-145-REP, Kristi Halvorson-145-REP, Steve Keppler-145-REP, Greg Latta-174-REP, Leo Smith-180-REP, Ryan Distel-185-REP, Roy Harris-204-REP, Benjamin Brookhart-257-REP

APPOINTMENT-PRECINCT-PARTY

Christina Early-091-DEM, Steven Early-091-DEM, Richard Ivey-012-REP, Brianna Hamilton-032-REP, Stephanie Kirk-039-REP, Valerie Duncan-040-REP, Louis Pieper-040-REP, Deborah Seyller-056-REP, Philip Sallee-069-REP, Daniel Fuentes-075-REP, Michael Proctor-079-REP, Daniel Duke-080-REP, David Harney-095-REP, Rita Perez-099-REP, Leo Miller-109-REP, Teresa Lanier-115-REP, Jeffrey Brost-122-REP, Joel Strabala-126-REP, Michael Addington-145-REP, Marcia Tolin-145-REP, Carol Workman-145-REP, Robert Workman-145-REP, Craig Rendahl-168-REP, Karla Rendahl-168-REP, Glenda Voyles-183-REP, Jeffrey Reynolds-187-REP, Gloria Reynolds-187-REP, Nicholas Carpenter-202-REP, Richard Sanders Jr-231-REP, Kirsten Rice-239-REP, Debra Ludden-275-REP

It was moved by Supervisor Bronson and seconded by Vice Chair Scott to approve the item. No vote was taken at this time.

Chair Grijalva stated that there were a few people on the list that she felt did not represent the community very well and she did not want to endorse that with an appointment.

Upon the vote, the motion carried 4-1, Chair Grijalva voted “Nay.”

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Board of Health**
Reappointment of Charles Geoffrion. Term expiration: 6/30/27. (District 1)
2. **Library Advisory Board**
Reappointment of Craig Kleine. Term expiration: 6/30/27. (District 3)
3. **Cooperative Extension Board**
 - Reappointment of Michaela K. McGibbon. Term expiration: 6/30/24.(Committee recommendation)
 - Reappointments of Celia Burkel, Rick Frey and Alana Mozar. Term expirations: 6/30/25. (Committee recommendations)
4. **Tucson - Pima County Bicycle Advisory Committee**
Appointment of David Linn, to fill a vacancy created by Howard P. Maubach, Jr. Term expiration: 7/10/25. (Commission recommendation)
5. **Corrections Officer Retirement Board**
Appointment of Nicholas McCullough. No term expiration. (Chair recommendation)
6. **County Attorney Investigators Local Retirement Board**
Appointment of Nicholas McCullough. No term expiration. (Chair recommendation)
7. **Public Safety Personnel Retirement Board**
Appointment of Nicholas McCullough. No term expiration. (Chair recommendation)

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/ PATIO PERMIT/WINE FAIR/WINE FESTIVAL/JOINT PREMISES PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2019-68

8. **Special Event**
 - Concha Maria Montes, WALD, Inc., Ajo Plaza, 15 W. Plaza Street, Ajo, July 4, 2023.
 - Jose Alday, Our Lady of Fatima Catholic Parish, 1950 W. Irvington Place, Tucson, September 21, 22 and 23, 2023.

9. **Temporary Extension**

- 012100012055, Kevin Arnold Kramber, Barnfire Mesquite Grill, 8310 N. Thornydale Road, No. 180, Tucson, June 24, 2023.
- 06100064, Zacharias Rodriquez, Los Pocho's Sports Grill, 5801 S. Palo Verde Road, Tucson, June 24, 2023.

ELECTIONS

10. **Precinct Committeemen**

Pursuant to A.R.S. §16-821B, approval of Precinct Committeemen resignations and appointments (PULLED FOR SEPARATE ACTION)

FINANCE AND RISK MANAGEMENT

11. **Duplicate Warrants - For Ratification**
(PULLED FOR SEPARATE DISCUSSION)

JUSTICE COURT

12. **Judge Pro Tempore Appointments**
(PULLED FOR SEPARATE DISCUSSION)

RATIFY AND/OR APPROVE

13. Minutes: May 2, 2023
Warrants: June 2023

* * *

73. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 3:41 p.m.

CHAIR

ATTEST:

CLERK