

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, October 17, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Jan Leshar, Deputy County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. EXECUTIVE SESSION

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential lawsuit against Kenneth Tibbs, owner of property located at 16770 N. San Pedro River Road, for violations of the floodplain ordinance.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the Pima County Attorney's Office requested this item be continued to the November 7, 2017, Board of Supervisors' Meeting.

It was moved by Supervisor Elías, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of November 7, 2017.

2. AWARD

Award: Master Agreement No. MA-PO-18-98, The Ashton Company, Inc. Contractors and Engineers (Headquarters: Tucson, AZ), Borderland Construction Company, Inc. (Headquarters: Tucson, AZ), Hunter Contracting Co. (Headquarters: Gilbert, AZ), K E & G Construction, Inc. (Headquarters: Sierra Vista, AZ), and Rummel Construction, Inc. (Headquarters: Scottsdale, AZ), job order master agreement for flood control and drainage improvement services. This award of master agreement is recommended to the five (5) highest qualified contractors in an annual shared amount not-to-exceed \$5,000,000.00 for an initial one (1) year agreement term from 10/17/17 to 10/16/18, which may be extended for up to four (4) additional one-year terms. Funding Source: Various Funds. Administering Department: Regional Flood Control District.

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Miller voted “Nay,” to approve the item.

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:58 a.m.

CHAIR

ATTEST:

CLERK

DRAFT

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, October 17, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Jan Leshar, Deputy County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. Award

Amendment of Award: Master Agreement No. MA-PO-16-381, Baker & Taylor, L.L.C., for book leasing. This revision exercises the annual renewal option to extend the termination date to 11/2/18 and increases the annual award amount by \$84,875.00 from \$215,125.00 to \$300,000.00 for a cumulative not-to-exceed contract amount of \$949,242.38. Funding Source: Library District Fund. Administering Department: Library District.

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

Supervisor Miller commented that she objected to extending master agreements which requested an increase in funding.

Upon the vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

2. Award

Amendment of Award: Master Agreement No. MA-PO-18-3, Insight Public Sector, Inc. to provide for a library print management system. This revision is for a one-time increase in the amount of \$95,000.00 for a cumulative not-to-exceed contract amount of \$301,000.00. Funding Source: Library District Fund. Administering Department: Information Technology.

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

3. **Award**

Award: Master Agreement Nos. MA-PO-18-131 through MA-PO-18-137 (Ameresco) and MA-PO-18-140 through MA-PO-18-150 (Solon Corporation), Solon Corporation (Headquarters: Tucson, AZ), Ameresco (Headquarters: Framingham, MA), for solar photovoltaic energy facilities. Contracts are to purchase solar-generated electricity from the contractors for a term of twenty (20) years in the total not-to-exceed amount of \$36,091,000.00 spread over eighteen (18) contracts. Expiration date of the contracts will be determined by the completion of the solar construction.

The award amounts listed below are based on estimates of the actual guaranteed minimum output that will be produced. The actual guaranteed minimum output produced is dependent on a variety of factors and will require multiple amendments based on the guaranteed minimum output due to changes from the preliminary planning through the as built stages, with the final number being the "true up" number at commissioning of the system. This award includes the authority for the Procurement Director to amend the award amount for each site based on the change in guaranteed minimum output without further action by the Board of Supervisors, provided the total expense for all sites does not exceed \$36,091,000.00. Funding Source: Various funds, including Library District, RWRD, Internal Service and General (\$5,390,000.00) Funds. Administering Department: Facilities Management.

Site/Contractor/Master Agreement No./20-Year Award Amount

Dusenberry Library/Ameresco/MA-18-131/\$331,000.00
Eckstrom-Columbus Library/Solon Corporation/MA-18-140/\$470,000.00
Flowing Wells CC/Solon Corporation/MA-18-141/\$410,000.00
Flowing Wells Library/Ameresco/MA-18-132/\$210,000.00
Kino Teen Center/Ameresco/MA-18-133/\$145,000.00
Main Jail West 1/Solon Corporation/MA-18-142/\$2,500,000.00
Main Jail West 2/Solon Corporation/MA-18-143/\$675,000.00
Martha Cooper Library/Ameresco/MA-18-134/\$340,000.00
Min. Security Annex/Solon Corporation/MA-18-144/\$955,000.00
Murphy Wilmot Library/Solon Corporation/MA-18-145/\$475,000.00
Property and Evidence Building/Ameresco/MA-18-135/\$465,000.00
Record Warehouse/Ameresco/MA-18-136/\$240,000.00
Public Service Center and Garage/Ameresco/MA-18-137/\$1,820,000.00
Public Works Garage/Solon Corporation/MA-18-146/\$1,800,000.00
Wheeler Taft Library/Solon Corporation/MA-18-147/\$655,000.00
Green Valley RWRD/Solon Corporation/MA-18-148/\$2,300,000.00
Tres Rios WRF/Solon Corporation/MA-18-149/\$7,100,000.00
Water Energy Sus Center RR/Solon Corporation/MA-18-150/\$15,200,000.00

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 3-2 vote, Supervisors Christy and Miller voted "Nay," to approve the item.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:58 a.m.

CHAIR

ATTEST:

CLERK

DRAFT

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, October 17, 2017. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Steve Christy, Member

Also Present: Jan Leshar, Deputy County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Charles Lopiccolo, Sergeant at Arms

1. **INVOCATION**

The invocation was given by Reverend Owen Chandler, Saguaro Christian Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINTS OF PERSONAL PRIVILEGE**

Supervisor Christy expressed his gratitude to the Public Works Deputy Director and Department of Transportation employees for their hard work and professionalism in conducting "Just Fix the Roads" meetings in District 4.

Chair Bronson recognized the Procurement Department for achieving national recognition by receiving the Institute for Public Procurement's Outstanding Agency Accreditation Achievement Award. This was the second national award received this year by the Procurement Department.

Supervisor Elías congratulated Tucson Meet Yourself on a successful event and recognized the Southern Arizona AIDS Foundation for their AIDS Walk.

4. **PAUSE 4 PAWS – Building Update**

Kristen Auerbach, Pima Animal Care Center Director, and Lisa Josker, Facilities Management Director, provided a construction update of the new Pima County Animal Care Center (PACC).

Ms. Auerbach provided an overview of the new facility and its amenities. She reported that 80% of the construction was complete. She highlighted the separation of functions such as an adoption area, a surrendering area, lost pets area, support and resources area, and a fostering and volunteering area. She also indicated that the facility would provide permanent housing for animals and it would allow for the containment of illnesses. She indicated that the veterinary clinic was a state of the art facility with intensive care medical housing units to isolate animals with contagious illnesses, which would help eliminate disease outbreaks. She added that she had worked with the kennel manufacturer during production of the new kennels and made some changes to the design, and reported that the kenneling production was on schedule.

Ms. Josker stated that this was Phase 1 of the facility and opening day was scheduled for December 26, 2017. She indicated that once the entire Phase 1 move was completed, construction of Phase 2 would begin. Phase 2 would include the renovation of the existing facility, replacement of the old kennels and refurbishing the building. She added that after the completion of Phase 2, solar panels would be installed to assist in the reduction of electrical cost.

Supervisor Miller inquired about the square footage of the new facility.

Ms. Josker responded that the original facility was 40,000 square feet and the new facility was 20,000 square feet, this did not include kennel space.

Supervisor Miller asked how many dogs and cats would the kennels house.

Ms. Auerbach responded that there would be about 700 to 750 individual permanent housing units for cats and dogs, which would greatly reduce the need to co-house animals. She added they anticipated that the current number of pets coming into the facility would remain the same once the building was completed.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to the Honorable Kathleen Quigley, Juvenile Court Presiding Judge, and the Honorable Kyle Bryson, Pima County Presiding Judge, proclaiming the month of November 2017 to be: "ADOPTION AWARENESS MONTH"

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Christy made the presentation.

6. Presentation of a proclamation to Beth Morrison, CEO, Our Family Services, and Catherine Tornbom, Manager, Center for Community Dialogue, proclaiming the day of Thursday, October 19, 2017 to be: "CONFLICT RESOLUTION DAY"

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

7. Presentation of a proclamation to Christie Hunt, Member, Tucson Area Marine Moms, proclaiming the month of October 2017 to be: "SOCKS FOR SOLDIERS MONTH"

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Elías made the presentation.

8. Presentation of a proclamation to Lee Itule-Klasen, Andrea Garcia and Greg Rivera, Pima County Health Department, proclaiming the month of November 2017 to be: "BLACKOUT TOBACCO IN PIMA COUNTY MONTH"

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the item. Supervisor Elías made the presentation.

9. **CALL TO THE PUBLIC**

Stacy Scheff addressed the Board on the civil rights of prisoners in the Pima County Jail. Chair Bronson provided staff direction that this item be placed on the next Justice Coordinating Council (JCC) Meeting agenda for discussion.

Geri Ottoboni addressed the Board regarding Ray Carroll's candidacy for Justice of the Peace in Precinct 7.

Chris King addressed the Board regarding the child trafficking epidemic and the "Sold No More" event to raise money for the prevention of sexual exploitation.

Keith Van Heyningen addressed the Board regarding Ray Carroll for Justice of the Peace, World View Enterprises, Inc.'s most recent balloon launch and the history of the Elías family.

Gary Knox addressed the Board regarding taxes, attracting businesses to Pima County and socialism.

Lou Simpson addressed the Board in opposition to the appointment of Ray Carroll to the position of Justice of the Peace in Precinct 7.

Roger D. Score addressed the Board regarding the government's role and road repair taxes.

Christopher Cole expressed his opposition to civil asset forfeitures.

Barbara Crummitt addressed the Board regarding the No Kill Advocacy Center Matrix.

Edward Cizek addressed the Board regarding road repair funding allocations and tax funds distribution for the City of Tucson versus unincorporated Pima County.

Brian Bickel addressed the Board regarding road repair funding and revenue problems.

10. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:24 a.m.

11. **RECONVENE**

The meeting reconvened at 10:44 a.m. All members were present.

EXECUTIVE SESSION

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a request by Jennings, Strouss & Salmon, P.L.C., that Pima County waive conflicts of interest with respect to the following specific, existing matters for which Christopher W. Kramer and Jennings Strouss are counsel of record: City of Tucson v. Bowman, et al., C2015-3289; City of Tucson v. El Mirador Partners, et al., C2016-4056; City of Tucson v. Huffstetler, et al., C2017-0623; City of Tucson v. Pythagoras, L.L.C., et al., C2017-0627; City of Tucson v. Tanno, et al., C2015-1377; Town of Oro Valley v. Lathrem, et al., C2016-1229; Town of Oro Valley v. AZ District Council of the Assemblies of God, et al., C2016-2345; Town of Oro Valley v. Sianis, et al., C2016-4246; Town of Oro Valley v. Corona SW Associates I, L.P., et al., C2016-4057; Town of Marana v. TRP Twin Peaks, L.L.C., et al., C2016-3031; Town of Marana v. Watson, et al., C2016-1543; Town of Marana v. Silverbell Properties, et al., C2016-1566; Town of Marana v. HB MM-East, L.L.C., et al., C2016-3035.

Andrew Flagg, Chief Civil Deputy County Attorney, reported that two waivers were being requested. The first was in regards to specific matters in which Christopher W. Kramer with Jennings, Strouss & Salmon is Council of Record. The second request was for future matters where Pima County would be named as a party defendant, solely to make a record of Pima County's interests and for just compensation of those interests. The requested waivers would not extend to any matters where Jennings, Strouss & Salmon contested Pima County's right to compensation or the amount of compensation. He stated the conflict waivers were at the discretion of the Board and that the County Attorney's Office had no objection to the waivers.

It was moved by Supervisor Elías, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to waive the conflicts of interest, as requested.

BOARD OF SUPERVISORS

13. **Justice of the Peace, Precinct 7**

Appointment of the Justice of the Peace, Precinct 7.

It was moved by Supervisor Christy and seconded by Chair Bronson to appoint Ray Carroll as Justice of the Peace, Precinct 7. No vote was taken at this time.

Supervisor Elías stated that Mr. Ray Carroll had represented Green Valley for 20 years and proclaimed that Mr. Carroll would make a worthy Justice of the Peace.

Supervisor Miller thanked all the applicants who had applied and commended them on their expertise and service. She then read a statement in opposition to the appointment of Mr. Ray Carroll, which indicated he lacked the experience, qualifications or temperament for the position of Justice of the Peace.

Supervisor Elías commented that Mr. Carroll had served faithfully and lawfully as a member of the Board of Supervisors for 20 years.

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

BOARD, COMMISSION AND/OR COMMITTEE

14. The Board of Supervisors on September 19, 2017, continued the following:

Industrial Development Authority

- Appointment of Kenneth M. Silverman, to fill a vacancy created by Virginia Yrun. Term expiration: 9/5/22. (Authority recommendation)
- Appointment of Diane Quihuis, to fill a vacancy created by Cecilia Cruz. Term expiration: 9/5/18. (Authority recommendation)

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

FINANCE AND RISK MANAGEMENT

15. **Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending June 30, 2017.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

16. **Grande Innovation Academy Project**

RESOLUTION NO. 2017 - 77, of the Board of Supervisors of Pima County, Arizona, amending the approval of the issuance of the Industrial Development Authority of the County of Pima Education Facility Revenue Bonds (Grande Innovation Academy Project, 950 North Peart Road, Casa Grande, AZ), Series 2017 and declaring an emergency.

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt the Resolution.

17. American Leadership Academy Project

RESOLUTION NO. 2017 - 78, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$200,000,000.00 Education Facility Revenue Bonds (American Leadership Academy Project, 1010 and 1070 South Higley Road, and 3155 South San Tan Village Parkway, Gilbert, AZ; 19843 and 19935 East Chandler Heights Road; 23908, 23618, 23630, 23642 and 2642 South Hawes Road; and 650 and 850 West Combs Road, Queen Creek, AZ), Series 2017 and declaring an emergency.

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt the Resolution.

18. Nakoma Sky Project

RESOLUTION NO. 2017 - 79, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$190,000,000.00 Senior Living Revenue Bonds (Nakoma Sky Project, 10930 North 1st Avenue, Oro Valley, AZ), Series 2017 and declaring an emergency.

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to adopt the Resolution.

ATTRACTIONS AND TOURISM

19. Funding Request for Sponsorship of the NOVA Home Loans Arizona Bowl

Staff recommends approval of a \$40,000.00 allocation from the Board of Supervisors Contingency Fund to provide financial sponsorship of the NOVA Home Loans Arizona Bowl.

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

Supervisor Miller stated that she objected to this item and indicated that funding should not be coming from the Board of Supervisors' Contingency Fund, but should come from the Bed Tax Fund.

Upon the vote, the motion carried 4-1, Supervisor Miller voted "Nay."

DEVELOPMENT SERVICES

20. **Amendment No. 5 to the Development Agreement with TNR&S Acquisitions, Inc.**

RESOLUTION NO. 2017 - 80, of the Board of Supervisors, approving and authorizing the execution of an amended development agreement between Pima County and TNR&S Acquisition, Inc., regarding Omni Tucson National Resort and Spa.
(District 1)

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution.

21. **Final Plat With Assurances**

P17FP00008, Fagan Ranch, Lots 1-112, Blocks 1-4, Common Areas A-1 and A-5 (Landscape, Utilities, Drainage and Natural Open Space) and Common Areas B-1 and B-6 (Detention/Retention Basin and Riparian Mitigation Areas). (District 4)

It was moved by Chair Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to approve P17FP00008.

FRANCHISE/LICENSE/PERMIT

22. **Hearing - Liquor License**

12104531, Nasser Nikkhahmanesh, Persian Room, 9290 N. Thornydale Road, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

23. **Hearing - Liquor License**

12104536, Maria Guadalupe Ramos Mora, Taco Giro Mexican Grill, 2750 W. Valencia Road, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

24. **Hearing - Agent Change/Acquisition of Control/Restructure**

Acquisitions of Control - Robert Coleman Sprouse

- 10103771, Giant Store No. 615, 6150 S. Kolb Road, Tucson.
- 10103781, Giant Store No. 624, 6855 E. Sunrise Drive, Tucson.
- 10103780, Giant Store No. 625, 2075 W. Ruthrauff Road, Tucson.
- 10103737, Giant Store No. 642, 11200 S. Sierrita Mountain Road, Tucson.
- 10103742, Giant Store No. 652, 6890 N. Sandario Road, Tucson.
- 10103747, Giant Store No. 661, 6225 W. Ajo Highway, Tucson.
- 10103748, Giant Store No. 663, 15841 W. El Tiro Road, Marana.
- 10103749, Giant Store No. 672, 6777 N. Sandario Road, Tucson.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing, approve the licenses and forward the recommendations to the Arizona Department of Liquor Licenses and Control.

25. **Hearing - Fireworks Permit**

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, November 11, 2017 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit.

DEVELOPMENT SERVICES

26. **Hearing - Type II Conditional Use Permit - Restaurant**

P17CU00001 ARIZONA IRONWOOD L.L.C. - E. TANQUE VERDE ROAD

Request of TK Family, L.L.C., representing Arizona Ironwood, L.L.C., on property located at 11011 E. Tanque Verde Road, in the RVC Zone, for a conditional use permit for a restaurant, in accordance with Section 18.41.040A of the Pima County Zoning Code as a Type II conditional use permit. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions & Requirements per the Pima County Zoning Code

1. A restaurant, including a cocktail lounge or a bar, is allowed in the RVC zone subject to:
 - 1) the provisions of Section 18.43.030.F (CB-1 Local Business Zone); and 2) no drive-in restaurants are permitted.

Special Conditions

1. This conditional use permit is for the operation of a restaurant only, together with those ancillary activities that normally and routinely accompany a restaurant. No other or more intensive commercial uses are approved for the site. Any request to expand the proposed restaurant more than twenty percent (20%) beyond the gross floor area shown on the submitted application materials shall require a new Type II conditional use permit application, public notice, and public hearing process.

2. The proposed use shall substantially conform with the location and particulars as shown on the final conceptual site plan that was provided by the applicant in conjunction with this conditional use permit application.
3. No formal Development Plan process is required in conjunction with this conditional use permit application. The Chief Zoning Inspector (CZI) shall review the final site plan to determine its sufficiency for permitting purposes and/or to effectuate any modifications necessary to fully comply with all applicable codes. The CZI will also coordinate with the Department of Transportation and the Regional Flood Control District as appropriate.
4. Hours of operation are limited as follows: Sunday through Thursday, 8:00 AM to 9:00 PM; Friday and Saturday, 8:00 AM to 10:00 PM.
5. Customer access shall be limited to the existing driveway location onto Tanque Verde as shown on the submitted site plan.
6. This public driveway access and the public parking area shall be minimally surfaced with gravel or an acceptable alternative so as to control the generation of dust.
7. Use of the private access easement along the property's eastern boundary is limited to employees, deliveries, and maintenance vehicles only. No customer access is allowed.
8. The owner/applicant shall contribute \$14,000.00 to PCDOT Project No. 4TVTVL to fulfill their fair-share cost of DOT's planned street/intersection improvements and the extension of the center left-turn lane to accommodate this restaurant development.

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P17CU00001, subject to standard and special conditions.

27. Hearing – Rezoning

P16RZ00012 TUCSON LINDA-VISTA 20 LTD PARTNERSHIP, ET AL. - N. SHANNON ROAD REZONING

Request of Tucson Linda-Vista 20 Ltd Partnership, et al., represented by The WLB Group, for a rezoning of approximately 78.6 acres from SR (Suburban Ranch) to the CR-2 (CL) (Single Residence - Cluster) zone, Parcel Codes 225-02-001B, 225-02-002E, and 225-04-014G located at the southeast and southwest corners of the Linda Vista Boulevard alignment and Shannon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan Low Intensity Urban 0.3 designation. On motion, the Planning and Zoning Commission voted 5-0 (Commissioners Bain, Cook, Mangold and Matter were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Without Board objection, this item was continued to the Board of Supervisors' Meeting of November 7, 2017.

28. Hearing - Comprehensive Plan Amendment

P17CA00002 PIMA COUNTY SOUTH HOUGHTON ROAD MAJOR PLAN AMENDMENT

Request of Pima County to amend the Pima County Comprehensive Plan from Resource Sensitive (RS) and Resource Conservation (RC) to Industrial (I) for approximately 1817 acres located northwest, southwest and southeast of the intersection of S. Harrison Road and E. Dawn Road, in Sections 15, 22 and 23,

Township 16 South, Range 15 East, in the Southeast Planning Area. On motion, the Planning and Zoning Commission voted 4-1 (Commissioners Gavin, Becker and Johns voted YES; Gungle voted NAY; Membrila abstained (Abstention counts as a YES vote); Bain, Cook, Mangold and Matter were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 4)

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy and seconded by Chair Bronson to close the public hearing and approve P17CA00002. No vote was taken at this time.

Supervisor Elías explained that this parcel was originally designated to become park, and he was not comfortable with taking a park away from the adjacent neighborhood and any future growth. He also expressed concern with industrial properties causing pollution and brownfields which communities would then have to contend with.

Chair Bronson shared Supervisor Elías' concerns regarding brownfields and indicated that Districts 2, 3 and 5 have all dealt with the effects of brownfields.

Supervisor Miller expressed her concerns regarding the parcel designation changes from resource sensitive and resource conservation to industrial. She indicated that she was also concerned that these properties would be owned by Pima County for development of industrial sites and stated that decision should be left up to the private sector.

Upon roll call vote, the motion carried 3-2, Supervisors Elías and Miller voted "Nay."

29. **Hearing - Zoning Code Text Amendment**

P17TA00001 FOOD ACCESS - RAISING CHICKENS AND RATITES

Proposal to amend by Ordinance the Pima County Zoning Code Chapter 18.09 (General Residential and Rural Zoning Provisions), Section 18.09.020 (General Requirements and Exceptions), to provide regulations for keeping female chickens to supply eggs for personal food production in certain residential zones, including numbers of female chickens permitted and locating of structures used to shelter chickens; Chapter 18.11 (TH Trailer Homesite Zone), Sections 18.11.020 (Permitted Uses) and 18.11.050 (Development Standards - Accessory Buildings and Accessory Structures), Chapter 18.27 (CR-4 Mixed-Dwelling Type Zone), Sections 18.27.010 (Permitted Uses) and 18.27.040 (Development Standards - Accessory Buildings and Accessory Structures), Chapter 18.29 (CR-5 Multiple Residence Zone), Section 18.29.040 (Development Standards - Accessory Buildings And Accessory Structures), Chapter 18.33 (CMH-1 County Manufactured and Mobile Home - 1 Zone), Sections 18.33.020 (Permitted Uses) and 18.33.050 (Development Standards - Accessory Buildings and Accessory Structures); Chapter 18.35 (CMH-2 County Manufactured and Mobile Home - 2 Zone), Sections 18.35.020 (Permitted Uses) and 18.35.050 (Development Standards - Detached Accessory Buildings and Uses); and Chapter 18.37 (MU Multiple Use Zone), Sections 18.37.010 (Permitted Uses) and 18.37.050 (Development Standards - Accessory Buildings and Accessory Structures), to permit the keeping of female chickens and to provide setbacks for

accessory structures used to shelter chickens in each zone; Chapter 18.12 (IR Institutional Reserve Zone), Section 18.12.020 (Permitted Uses); Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.020 (Permitted Uses); Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.020 (Permitted Uses); Chapter 18.17 (SR Suburban Used to Shelter Chickens in Each Zone); Chapter 18.12 (IR Institutional Reserve Zone), Section 18.12.020 (Permitted Uses); Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.020 (Permitted Uses); Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.020 (Permitted Uses); Chapter 18.17 (SR Suburban Ranch Zone), Section 18.17.020 (Permitted Uses); Chapter 18.18 (SR-2 Suburban Ranch Estate Zone), Section 18.18.020 (Permitted Uses); Chapter 18.19 (SH Suburban Homestead Zone), Section 18.19.010 (Permitted Uses); Chapter 18.21 (CR-1 Single Residence Zone), Sections 18.21.010 (Permitted Uses) and 18.21.020 (Conditional Uses); and, Chapter 18.23 (CR-2 Single Residence Zone), Sections 18.23.010 (Permitted Uses) and 18.23.020 (Conditional Uses), to remove separate sections of the zoning code regarding the raising of ratites and to combine raising of ratites with requirements for raising livestock in each zone; and Chapter 18.07 (General Regulations and Exceptions), Section 18.07.030 (Land Use Regulations), to require minimum six-foot-high, stock-tight fences for the raising of ratites; and, to renumber subsequent sections accordingly. On motion, the Planning and Zoning Commission voted 5-0 (Commissioners Bain, Cook, Mangold and Matter were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2017 - 36

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías and seconded by Chair Bronson to close the public hearing and adopt the Ordinance. No vote was taken at this time.

Supervisor Miller stated that she was not opposed to raising chickens or collecting eggs but that her concern stemmed from the number of chickens allowed based on the square footage of the lots. She indicated that the Ordinance lacked attention with regards to the slaughter of chickens and inquired whether the Ordinance had mess and smell requirements related to the raising of fowl.

Mark Holden, Principal Planner, responded that the Zoning Code did not address the disposal of manure. He indicated that Section 7.33 of the Code addressed Rubbish, Trash, Weeds and Filth, Section 7.45 addressed Environmental Hazards, and Section 8.4, would also address the issue if it became necessary.

Supervisor Miller inquired if there were requirements for sheltering animals.

Mr. Holden responded that there were no requirements for housing the animals, but stated that it would be counterproductive for an owner not to protect their animals from the elements and predators. He indicated that if a structure was built there were requirements as to where the structure was located in relation to the home and adjoining properties.

Supervisor Miller expressed her concerns that neighbors could have potential issues.

Supervisor Christy agreed with Supervisor Miller's concerns and added that the Ordinance would create an ordeal in regulation enforcement.

Chris Poirier, Development Services Deputy Director, responded that 95% of unincorporated Pima County allowed for chickens and there have been no code enforcement issues. He agreed that chickens on smaller lots could be problematic but private Codes, Covenants and Restrictions superseded the Ordinance. He stated the Ordinance would remove any barriers for residents who wanted to harvest their own eggs.

Supervisor Elías commented that the City of Tucson had changed their laws regarding raising chickens, and that raising chickens was a healthy move for citizens.

Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

30. **Hearing - Zoning Code Text Amendment**

P17TA00002 CR-4, CR-5, TR, CB-1, CB-2 DEVELOPMENT STANDARDS

An Ordinance of the Pima County Board of Supervisors relating to zoning; amending Chapter 18.09 (General Residential and Rural Zoning Provisions) Section 18.09.080 (Small Lot Subdivision Option) to repeal the small lot subdivision option; amending Chapter 18.27 (CR-4 Mixed-Dwelling Type Zone) Section 18.27.030 (Development Standards - General) to reduce the average area per dwelling unit for single detached dwellings, to increase the maximum lot coverage for main buildings, and to conform the minimum distance between main multiple dwelling buildings to the distance allowed by the Pima County Building Codes; amending Section 18.27.050 (Small Lot Subdivision Option) to repeal small lot subdivision option; amending Chapter 18.29 (CR-5 Multiple Residence Zone) Section 18.29.030 (Development Standards - General) to reduce the average area per dwelling unit for single detached dwellings, to increase the maximum lot coverage for main buildings, and to conform the minimum distance between main multiple dwelling buildings to the distance allowed by the Pima County Building Codes; amending Section 18.29.050 (Small Lot Subdivision Option) to repeal the small lot subdivision option; amending Chapter 18.31 (TR Transitional Zone) Section 18.31.030 (Development Standards - Residential) to repeal the minimum lot area for single family detached dwelling units, reduce the minimum site area for multiple dwellings, repeal the minimum area per dwelling unit for multiple dwellings, add an average area per dwelling unit, repeal the minimum lot width and add a minimum site width for single family detached dwelling units, reduce the minimum site width for multiple dwellings, repeal the minimum lot setback requirements, and add the minimum site setback requirements for single family detached dwelling units, reduce the minimum rear site setback for multiple dwellings, and conform the minimum distance between main multiple dwelling buildings to the distance allowed by the Pima County Building Codes; amending Chapter 18.43 (CB-1 Local Business Zone) Section 18.43.060 (Development Standards - Residential) to repeal the minimum lot area for single family detached dwelling units, reduce the minimum site area for multiple dwellings, repeal the minimum area per dwelling unit for multiple dwellings, add an average area per

dwelling unit, repeal the minimum lot width, and add a minimum site width for single family detached dwelling units, reduce the minimum site width for multiple dwellings, repeal the minimum lot setback requirements, and add the minimum site setback requirements for single family detached dwelling units, reduce the minimum rear site setback requirement for multiple dwellings, and, conform the minimum distance between main multiple dwelling buildings to the distance allowed by the Pima County Building Codes; and, amending Chapter 18.45 (CB-2 General Business Zone) Section 18.45.060 (Development Standards - Residential) to repeal the minimum lot area for single family detached dwelling units, reduce the minimum site area for multiple dwellings, repeal the minimum area per dwelling unit for multiple dwellings, add an average area per dwelling unit, repeal the minimum lot width and add minimum site width for single family detached dwelling units, reduce the minimum site area for multiple dwellings, repeal the minimum lot setback requirements and add the minimum site setback requirements for single family detached dwelling units, reduce the minimum rear site setback requirement for multiple dwellings, and conform the minimum distance between main multiple dwelling buildings to the distance allowed by the Pima County Building Codes. On motion, the Planning and Zoning Commission voted 5-0 (Commissioners Bain, Cook, Mangold and Matter were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2017 – 37

Keri Silvyn, County resident and Zoning Attorney, expressed her excitement over the amendment and stated that this amendment dealt with community growth and the desire for choices. She added that currently these zones allowed apartments and townhomes but this amendment would allow for ownership, which followed current market trends.

Supervisor Miller inquired whether any community outreach was conducted or planned.

Chris Poirier, Development Services Deputy Director, responded that there was a core group of stakeholders, which included homeowner associations, the Southern Arizona Home Builders Association and the Metropolitan Pima Alliance, which reviewed code text amendments. He indicated that there was no direct polling done but explained that the Code change was not changing the amount of homes per acre but was allowing a single family residential structure the same flexibility and lot size as those of an attached product. The code change would allow ownership of single-family homes and was not for the creation of additional apartments.

Supervisor Miller stated she would support the Ordinance because the lots already allowed the density.

It was moved by Supervisor Elías, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

31. **Hearing - Site Analysis Policy Amendment**

P17TA00003 PRELIMINARY INTEGRATED WATER MANAGEMENT PLAN SITE ANALYSIS REQUIREMENTS

Proposal to amend Pima County's "Site Analysis Requirements," specifically for "Attachment A: Preliminary Integrated Water Management Plan," revising submittal requirements and review procedures for all rezoning applications that require the submittal of a site analysis in order to be in conformance with the Pima County Comprehensive Plan Water Resources Element adopted on August 17, 2015 (Co7-13-10; Resolution 2015-062), as part of the comprehensive plan update known as Pima Prospers. On motion, the Planning and Zoning Commission voted 4-1 (Commissioner Membrila voted NAY, Commissioners Bain, Cook, Mangold and Matter were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

Chair Bronson read from a comment letter submitted by the Coalition for Sonoran Desert Protection which was requesting that a progress report and implementation update be completed within two years of adoption that evaluated the efficacy of the amendment and recommended modifications, if warranted.

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P17TA00003, with the recommendations from the Coalition for Sonoran Desert Protection for a progress report and implementation update within two years.

TRANSPORTATION

32. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 81, of the Board of Supervisors, permitting the temporary closure of portions of Snyder Road, and portions of the adjacent minor streets and driveways within the extent of the event in Pima County, Arizona, for the Revel Mount Lemmon Marathon and Half on Sunday, November 12, 2017. Staff recommends APPROVAL. (District 4)

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

BOARD OF SUPERVISORS

33. Road Repair Plan

Discussion of a 3-step countywide road repair plan:

1. The repeal of the property tax for road repair;
2. Enactment of a one-half cent Pima County sales tax;
3. Pima County sales tax revenue directed to the Regional Transportation Administration for the development, administration, and execution of the countywide road repair plan. (District 4)

Supervisor Christy indicated that he had placed this item on the agenda because it was an important issue that needed to be addressed. The recent statistics provided by the Pima County Department of Transportation showed that 1,200 miles of roads in Pima County had a rating of poor or failed; that was 2/3 of all roads. He explained that all available options to address this crisis would require either voter approval, approval by the State Legislature and governor, or both and would take a great deal of time to pursue. The road plan he was proposing would be fair, efficient, transparent, and would have the greatest countywide support and greatest chance of success. The plan consisted of the following: 1) The Board immediately repeal the newly enacted property tax for road repair; 2) The Board pass a countywide half-cent sales tax; and 3) The Board authorize all revenue generated by the sales tax be directed to the Regional Transportation Authority (RTA) for administering the tax revenue for the sole purpose of fixing the roads. He stated that the countywide sales tax would raise over \$75 million dollars annually and more than \$800 million over the next ten years. He indicated that there were details that needed to be worked out such as that all countywide road repair projects be placed in an open and public bid process. The possibility that the RTA include beautification and landscaping of the medians and sidewalks. He indicated the RTA road repair plans should include a sunset clause, time limit, annual reviews and progress reports and recommended a sunset clause of 10 years. He mentioned the benefits to the RTA road repair plan would include tax relief by repealing the current property tax and that tourists and non-residents of Pima County would contribute to the sales tax revenue. He stated that the road tax would not be added to food, medication purchases, or housing. He indicated that he was open to suggestions, concerns and criticisms from Board members, and expressed his willingness to find a workable road repair plan for all Board members and residents. He asked that the Board members provide feedback regarding his plan and input on the best way to move forward with road repairs.

Chair Bronson thanked Supervisor Christy for his leadership role in bringing the discussion before the Board. She stated that the only way to fix the roads would be to find a new revenue source because the State could appropriate more of the County Highway User Revenue Fund (HURF) revenues.

Supervisor Elías stated that the Board should embark on the processes already in place and questioned the legality of repealing a property tax that had already been levied. He added that the proposed road repair tax would burden low-income citizens.

Supervisor Valadez explained that road repair discussions began during tentative and final budget adoptions and were the reason the Transportation Advisory Committee and Sales Tax Advisory Committee had been created. He indicated that the Transportation Advisory Committee's focus was the \$19.6 million dollars generated annually, which was about 2 percent of the overall monies needed. He stated that approximately \$800 million to a billion dollars was needed regionally for road repair and that the proposed \$60 to \$80 million dollars generated annually with the road repair plan would be a start to solving the problem. He added that the monies the County would be saving, once the HURF debt for the '97 bonds were paid, could also contribute to the roads. He explained that during the budget hearings it was discussed that the Sales Tax Advisory Committee find a funding source for both a payment preservation plan and a property tax reduction. He indicated that there was a road repair emergency in Pima County but not to forget the other issues that the County faced, including property tax. He stated that the County attorneys would need to assess the legal ramifications of immediately repealing the 25 cent property tax. He then suggested giving the Citizens Advisory Committee one to two months to consider this road repair proposal, to discuss property tax relief and to using some of the proposed revenue for low-income transit. He agreed with Supervisor Elías that the Board should not rush into any new proposals and should take time to listen and perfect the plan.

Supervisor Christy clarified that this item was presented for discussion purposes only and that his initial, negotiable timeline was to bring this issue back to the Board in late November or early December for voting; this would allow Board members and the public time to provide crucial input and feedback. He stated that from all his involvement with the community and members of his district, the number one concern brought to him was road repairs.

Chair Bronson asked for clarification from Supervisor Christy as to whether he believed a sales tax was the only means available to address the issue of road repairs in a timely manner. She indicated that the implementation of a sales tax would require a unanimous vote by the Board. She stated that there was also the issue regarding the State Legislature and the possibility of the state sweeping or reducing the County's HURF revenue. She also stated the need for a contemporary manner of addressing public infrastructure and cited electric vehicles, whose owners did not pay gasoline taxes.

Supervisor Miller expressed her agreement with Chair Bronson regarding sweeps by the State and taxing entities that did not pay their fair share of taxes and suggested licensing fees for bicyclists. She stated that her constituents felt that there were too many taxes and that the Board needed to show some fiscal discipline. She stated the County did not have a revenue problem, but rather a spending problem and that the Board needed to prioritize their spending. She added that Marana, Oro Valley and Sahuarita managed to maintain their roads with HURF and Vehicle License Tax (VLT) revenues. She shared her concern that if Pima County were to distribute the sales tax revenue evenly throughout the County, it would encourage cities not to use their HURF funds but rather the County's contribution for road repairs. She stated she approved gathering more input from the community, but she was concerned that

another sales tax could cause hardships for underprivileged individuals. She inquired what this road plan would mean for the Transportation Advisory and Sales Tax Advisory Committees.

Supervisor Christy expressed his gratitude to the Supervisors for their input and his pleasure at there being a real discussion on how to fix the problem. He indicated that he was concerned with waiting for the State Legislature to help with the road repair, because the County did not have good relations with the State and the time it would take for negotiations. He stated he was looking to correct the problem within the County and to use the knowledge of the RTA to help. He stressed the need for input from the community and encouraged residents to call Board members with their thoughts.

Supervisor Elías stated that Pima County employees were perfectly capable of conducting business internally and objected to handing revenue over to the RTA.

Supervisor Valadez clarified that the Arizona Revised Statute (A.R.S.) only allowed the Board to impose a half-cent sales tax which required unanimous approval by the Board. He then asked for clarification from staff about what portion of the \$84 million received from HURF could go towards the roads.

Carmine DeBonis, Deputy County Administrator, responded that approximately \$45 million was received through gas tax, \$13 million through VLT for transportation purposes and \$27 million of VLT for general government purposes.

Supervisor Miller asked that Mr. DeBonis provide a copy of the A.R.S. that designated that the \$27 million VLT Fund be disbursed to the County General Fund. She stated a part of the problem involved the State Legislature and that the State Statutes needed to be revamped. She indicated that she was working with the State Legislature to make a designation that the monies should go to road repairs instead of salaries and overhead. She commented on the need to prioritize spending and asked why the Courthouse and soccer fields received priority but the roads did not. She stated County citizens would not be happy about another tax when the Board could not prioritize the roads.

Chair Bronson inquired how the 14 other Arizona counties used their HURF revenues and asked if Pima County were to downsize the Department of Transportation, due to lack of funding, would the County need to outsource road repairs and pay for labors, material and overhead.

Mr. DeBonis responded that staff had previously inquired about the use of HURF and VLT usage from other counties and found that all Arizona counties used their funds for transportation related purposes. For Pima County, that included \$19 million for annual debt service payment, and \$22 million for road maintenance, filling potholes, grading the roads and installation and operation of transportation signs, signalization and striping. In 2017, \$5 million went towards pavement preservation work on arterial and collector roadways. He included that in February 2017 he had provided District 1 a copy of the County Administrator's Memorandum which provided a break down of

the different components of the VLT and included an explanation that the funding was for transportation as well as for general government purposes.

Supervisor Miller stated that the actual statute was not referenced in the County Administrator's Memorandum and requested a copy be provided. She commented that currently road repairs were outsourced and when RTA monies were returned to Pima County, 15 percent was taken off the top and stayed with the RTA.

Mr. DeBonis responded that contracts were awarded for the design and construction of roadways, which included internal county labor for administering the projects and those costs were covered by the project funds.

Supervisor Miller inquired whether the Pima County Department of Transportation oversaw the administration of projects in unincorporated Pima County and if the RTA also received 15 percent in administrative costs.

Mr. DeBonis responded that the RTA administered the overall program for road improvements, which was approved by voters in 2006, but that each jurisdiction was the administering agency for the planning, design and construction through contracts and applying internal labor for completion of the projects.

Supervisor Miller commented that all the jurisdictions had charged for administrative costs except the Town of Marana. Marana used 100 percent of HURF and VLT funds directly for the roads. She stated the need for discipline in prioritizing road repair and that all members needed to lobby the State Legislature to overhaul the statutes.

Chair Bronson agreed that the distribution formula used by the State to distribute HURF funds needed to be reexamined for a more equitable distribution.

No Board action was taken on this item.

COUNTY ADMINISTRATOR

34. Committee Member Replacement Appointment to the Transportation Advisory Committee

Staff recommends approval of the County Administrator's appointment of Tom McGovern to fill a vacancy created by Tony Paez to the Transportation Advisory Committee.

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

35. **Contingency Fund Appropriation for the Superintendent of Schools' County Jail Education Program**

Staff requests an appropriation in the amount of \$61,965.00 from the Board of Supervisors' Contingency Fund to the Superintendent of Schools to continue the County Jail Education Program.

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

Supervisor Miller stated that she was concerned that the State would only fund jail education for persons with a disability and that the County would have to pay the remainder of the cost for the Superintendent. She did not want to set a precedent that could create another shortfall. She added that the Board would need to look at training for individuals without disabilities.

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

36. **Pima County Attorney Application for Emergency Expenditure from the Anti-Racketeering Revolving Fund**

Staff recommends approval to use indirect expenditures from the County Attorney Anti-Racketeering Revolving Fund subject to itemization of all expenses.

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

Supervisor Miller commented that she disapproved of the defined process and therefor would not approve the item.

Chair Bronson commented that she shared Supervisor Miller's concerns, but given the nature of the emergency, she would support the item with the addition that the item would be subject to itemization of all expenses. She inquired whether there was documentation showing this request came from the Arizona State Attorney General and asked that documentation be provided that justified the request sending five staff members and five volunteers to assist in Las Vegas. She indicated that there was no metric that showed the necessity to send these ten individuals or if this was a necessary or appropriate use of funds and the return on investment. She directed staff that a discussion item be placed on the next JCC meeting agenda regarding RICO metrics and appropriate direct and indirect expenses as viewed by both law enforcement and the County Attorney.

Chair Bronson amended her motion to have the item be subject to itemization of all expenses, to have the documentation showing the request from the Arizona State Attorney General, an explanation for why five staff and five volunteers were necessary and the RICO metrics and appropriate direct and indirect expenses as viewed by both law enforcement and the County Attorney.

Supervisor Elías accepted the amendment.

Supervisor Christy agreed with both Chair Bronson and Supervisor Miller and stated there should be separation in who was going to distribute the RICO funds versus what they would be used for, that there should be an accountability of the funds and his unease that the County Attorney's Office had not insisted on independent accountability by an outside agency to supervise and provide recommendations.

Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

CONTRACT AND AWARD

COUNTY ADMINISTRATOR

37. United States Air Force (USAF), to provide a Deed of Easement between Pima County and USAF under the Federal Readiness and Environmental Protection Integration (REPI) Program, no cost (CTN-CA-18-62)

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

HEALTH

38. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for the Zika Virus Reporting and Identification Call Center Project, extend contract term to 7/31/18 and amend contractual language, ADHS Public Health Emergency Preparedness Grant Fund, contract amount \$49,900.00 (CT-HD-17-4)

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

PROCUREMENT

39. **Award**

Award: Master Agreement Nos. MA-PO-18-131 through MA-PO-18-137 (Ameresco) and MA-PO-18-140 through MA-PO-18-150 (Solon Corporation), Solon Corporation (Headquarters: Tucson, AZ), Ameresco (Headquarters: Framingham, MA), for solar photovoltaic energy facilities. Contracts are to purchase solar-generated electricity from the contractors for a term of twenty (20) years in the total not-to-exceed amount of \$36,091,000.00 spread over eighteen (18) contracts. Expiration date of the contracts will be determined by the completion of the solar construction.

The award amounts listed below are based on estimates of the actual guaranteed minimum output that will be produced. The actual guaranteed minimum output produced is dependent on a variety of factors and will require multiple amendments based on the guaranteed minimum output due to changes from the preliminary planning through the as built stages, with the final number being the "true up" number

at commissioning of the system. This award includes the authority for the Procurement Director to amend the award amount for each site based on the change in guaranteed minimum output without further action by the Board of Supervisors, provided the total expense for all sites does not exceed \$36,091,000.00. Funding Source: Various funds, including Library District, RWRD, Internal Service and General (\$5,390,000.00) Funds. Administering Department: Facilities Management.

Site/Contractor/Master Agreement No./20-Year Award Amount

Dusenberry Library/Ameresco/MA-18-131/\$331,000.00
Eckstrom-Columbus Library/Solon Corporation/MA-18-140/\$470,000.00
Flowing Wells CC/Solon Corporation/MA-18-141/\$410,000.00
Flowing Wells Library/Ameresco/MA-18-132/\$210,000.00
Kino Teen Center/Ameresco/MA-18-133/\$145,000.00
Main Jail West 1/Solon Corporation/MA-18-142/\$2,500,000.00
Main Jail West 2/Solon Corporation/MA-18-143/\$675,000.00
Martha Cooper Library/Ameresco/MA-18-134/\$340,000.00
Min. Security Annex/Solon Corporation/MA-18-144/\$955,000.00
Murphy Wilmot Library/Solon Corporation/MA-18-145/\$475,000.00
Property and Evidence Building/Ameresco/MA-18-135/\$465,000.00
Record Warehouse/Ameresco/MA-18-136/\$240,000.00
Public Service Center and Garage/Ameresco/MA-18-137/\$1,820,000.00
Public Works Garage/Solon Corporation/MA-18-146/\$1,800,000.00
Wheeler Taft Library/Solon Corporation/MA-18-147/\$655,000.00
Green Valley RWRD/Solon Corporation/MA-18-148/\$2,300,000.00
Tres Rios WRF/Solon Corporation/MA-18-149/\$7,100,000.00
Water Energy Sus Center RR/Solon Corporation/MA-18-150/\$15,200,000.00

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 3-2 vote, Supervisors Christy and Miler voted "Nay," to approve the item.

SHERIFF

40. Drug Enforcement Administration, to provide a DEA Co-Operative Agreement, no cost (CTN-SD-18-65)

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

GRANT APPLICATION/ACCEPTANCE

41. **Acceptance - Health**

Arizona Board of Regents, University of Arizona, Amendment No. 3, to provide for the University of Arizona Nutrition Network/Supplemental Nutrition Assistance Education Program, U.S. Department of Agriculture, \$31,867.93 (GTAM 18-13)

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

42. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety DUI/Impaired Driving Overtime Program, National Highway Traffic Safety Administration, \$80,000.00 (GTAW 18-26)

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

43. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety STEP Enforcement Overtime and Materials and Supplies Program, National Highway Traffic Safety Administration, \$40,000.00 (GTAW 18-27)

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

44. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety Occupant Protection Overtime Program, National Highway Traffic Safety Administration, \$20,000.00 (GTAW 18-28)

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

45. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety STEP Motorcycle Package Program, National Highway Traffic Safety Administration, \$27,000.00 (GTAW 18-29)

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

BOARD, COMMISSION AND/OR COMMITTEE

46. **Trial Court Appointments - Nominating Committee District 3**

- Appointment of Tom Tronsdal, Democrat, to replace Jennifer Cabrera. No term expiration.
- Appointment of Bill Hall, Republican, to replace Russell Graham. No term expiration.

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

47. **Bond Advisory Committee**

Reappointment of Ted Prezelski. Term expiration: 1/31/24. (District 5)

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

48. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 6 was set aside for separate discussion and vote.

It was then moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Procurement

6. Borderland Construction Company, Inc., Amendment No. 1, to provide for Construction Manager At Risk services for Aerospace Parkway Widening (4AERO2), extend contract term to 6/30/18 and amend contractual language, HURF 12.6% Fund, contract amount \$1,418,833.86 (CT-PW-17-328)

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

* * *

CONTRACT AND AWARD

Community Services, Employment and Training

1. Goodwill Industries of Southern Arizona, Inc., Amendment No. 5, to provide workforce development services and amend contractual language, USDOL-WIOA and HPOG Funds, contract amount \$53,463.00 (CT-CS-16-441)

Elections

2. City of Tucson, to provide election services, contract amount \$93,000.00 revenue (CTN-EL-18-60)

Environmental Quality

3. Arizona Department of Environmental Quality, to provide for the Voluntary Vehicle Repair Program (VVRP), no cost (CTN-DE-17-193)

Facilities Management

4. Bank of America, National Association, Amendment No. 9, to provide a branch lease agreement for property located at 33 N. Stone Avenue, Suite 100, extend contract term to 9/30/22 and amend contractual language, contract amount \$102,000.00 revenue (CTN-FM-CMS140702)

Natural Resources, Parks and Recreation

5. Heirloom Farmers Markets, Inc., Amendment No. 1, to provide for the Rillito Park Farmers' Market and extend contract term to 10/17/19, contract amount \$40,000.00 revenue (CTN-ED-15-39)

Procurement

6. Borderland Construction Company, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
7. Burns Wald-Hopkins Shambach Architects, Inc., to provide architectural and engineering design services: Southeast Library (XSELIB), FM-Capital Projects Non-Bond Fund, contract amount \$317,517.00/2 year term (CT-FM-18-90)

GRANT APPLICATION/ACCEPTANCE

8. **Acceptance - Sheriff**
State of Arizona - Department of Public Safety, to provide for the AZDPS Border Strike Force Bureau, State of Arizona - Department of Public Safety and General (\$66,666.67) Funds (GTAW 18-24)
9. **Acceptance - Health**
Arizona Family Health Partnership, Amendment No. 1, to provide for the AFHP Family Planning Program, \$360,600.00 (GTAM 18-11)

BOARD, COMMISSION AND/OR COMMITTEE

10. **Metropolitan Education Commission**
Appointment of Aiselyn Anaya, representing MEC Youth Advisory Council/Tucson Teen Congress, to replace Patrick Derrig. Term expiration: 11/12/19. (Commission recommendation)
11. **Election Integrity Commission**
Reappointment of Jeffrey Rogers. Term expiration: 1/6/19. (District 2)

12. **Neighborhood Reinvestment Oversight Committee**
Appointment of Jennifer Eckstrom, to fill a vacancy created by Felipe Lundin.
Term expiration: 12/31/20. (District 2)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED PURSUANT TO
RESOLUTION NO. 2016-62**

13. **Special Event**
- Saumya Arora, India Society of Southern Arizona, Tucson Chinese Cultural Center, 1288 W. River Road, Tucson, October 21, 2017.
 - Gina Mercedes Bartes, American Liver Foundation, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, October 25, 2017.
14. **Temporary Extension**
06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for October 21, 2017.

ELECTIONS

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

RESIGNATIONS-PRECINCT-PARTY

David W. Eppihimer-106-REP; Anthony D. Sizer-229-REP

APPOINTMENTS-PRECINCT-PARTY

Cynthia J. Foster-019-REP; Deborah Bright Donnelly-033-REP; Paul S. Donnelly-033-REP; Linda D. Grissom-033-REP; Tom C. Grissom-033-REP; David W. Eppihimer-214-REP; Bobbie J. King-218-REP; Mark L. Jennings-226-REP; Anthony D. Sizer-232-REP

FINANCE AND RISK MANAGEMENT

16. **Duplicate Warrants - For Ratification**
Brandy Nikole Finley \$243.96; Michael Gerard Hensley \$75.00; Qwest Corporation \$48.68; Chicanos Por La Causa, Inc. \$2,641.70; Chicanos Por La Causa, Inc. \$699.49; Banner University Medical Group \$2,344.27; Rose Vieira \$16.73; Rose Vieira \$25.10; Catalina Investments, L.L.C. \$749.00; Teen Outreach Pregnancy Services \$1,770.00; Carrington College \$3,000.00; Per Cook Leroy \$600.00; Kathleen C. Dugan \$650.00; Direct Center for Independence \$2,364.05; Christine Swenson-Smith \$40.00; Debra D'Amore \$188.68.

RATIFY AND/OR APPROVE

17. Minutes: September 5, 2017

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49. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:58 a.m.

CHAIR

ATTEST:

CLERK