

## **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, February 7, 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

\*Supervisor Heinz joined the meeting at 11:09 a.m.

### **1. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$5,720.00 for placement of a single family residence at 2155 E. Desert Garden Drive, located within Regulated Riparian Habitat classified as Important Riparian Area with Underlying Classification Xeroriparian B Habitat. (District 1)

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

### **2. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$2,535.00 for placement of a single family residence at 7858 N. Ancient Indian Drive, located within Regulated Riparian Habitat and classified as Xeroriparian C Habitat. (District 1)

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

### **3. CONTRACT**

Joseph P. Broschak and Peggy Fontenot, to provide for Acquisition Agreement - Acq-1144 and Warranty Deed for property located at 4300 E. Havasu Road, Tax Parcel No. 109-05-2050, in Section 3, T13S, R14E, G&SRM, Pima County, AZ,

Flood Control Non-Bond Projects Fund, contract amount \$730,900.00 (CT-RPS-23-310)

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

4. **CONTRACT**

James E. Perkins and Mary Jane Perkins, to provide for Acquisition Agreement - Acq-1156 and Warranty Deed for property located at 14350 N. Lago del Oro Parkway, in Section 22, T11S, R14E, G&SRM, Pima County, AZ, Tax Parcel Nos. 222-47-0020 and 222-47-0030, Flood Control Non-Bond Projects Fund, contract amount \$600,000.00 (CT-RPS-23-311)

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

Supervisor Christy inquired about the ownership and future use of the domestic well located on the property.

Carmine DeBonis, Jr., Deputy County Administrator, responded that when the County acquired properties that included well improvements, they became under the ownership of the County. He stated that there were no plans for the use of the well.

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

5. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:48 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, February 7, 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

\*Supervisor Heinz joined the meeting at 11:09 a.m.

### 1. GRANT ACCEPTANCE

Institute of Museum and Library Services, to provide for the Writers in Residence in Libraries Program, \$4,800.00 (GTAW 23-86)

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

### 2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:48 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, February 7, 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

\*Supervisor Heinz joined the meeting at 11:09 a.m.

### 1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

### 2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Faith Ramon, Community Organizer, Living United for Change in Arizona.

### 3. PAUSE 4 PAWS

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

### 4. POINT OF PERSONAL PRIVILEGE

Supervisor Christy expressed his displeasure with how the January 24th Call to the Public was handled by the Chair.

### OATH OF OFFICE

5. Oath of Office to be administered by the Honorable Jeffrey Bergin, Presiding Judge of the Superior Court, for elected officials of Pima County:

CLERK OF THE SUPERIOR COURT

Gary Harrison

JUSTICE OF THE PEACE

Victoria Steele, Precinct No. 1  
Sara Mae Williams, Precinct No. 3  
Raymond Carroll, Precinct No. 7  
Kristel Ann Foster, Precinct No. 8

CONSTABLES

Francisco Lopez, Precinct No. 2  
Eric Krznarich, Precinct No. 3  
Bill Lake, Precinct No. 8

The Honorable Jeffrey Bergin, Presiding Judge of the Superior Court, administered the Oath of Office to the elected officials present. The Board took no action.

**6. PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Russell True, Chairman, Frank Valenzuela, Vice President, Grant Krueger, Board Member, Rillito Park Foundation; and Mark Van Buren, Director of Customer Experience/Operations, Rillito Racing, proclaiming the day of Tuesday, February 7, 2023 to be: "80TH ANNIVERSARY OF RILLITO RACETRACK"

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

**7. CALL TO THE PUBLIC**

The following speakers addressed the Board in opposition of Minute Item No. 11, Review and Update of Administrative Procedure 4-1 and Board of Supervisors Policy C 2.5:

- Gisela Aaron
- Cory Stephens
- Mike Aaron
- Pendelton Spicer
- Terra Radliff
- Josh Jacobsen
- Kevin Daily
- Elizabeth McGuire
- Sue Ann Christenson
- Tracy Toland

They offered the following comments:

- The policy was unconstitutional and an illegal abridgement of human rights.
- It was an infringement on freedom of speech.
- Unelected government employees should not have the right to decide what items were added on the agenda.

- The proposed updates would add a level of bureaucracy that would hinder due process and the ability of Supervisors to add matters of public interest to meeting agendas.
- The new process would allow a bureaucratic and legal change, as well as allow those in positions that were not elected to be in charge of what was placed on the agenda.
- It would stymie public disclosure and the ability for concerned citizens to bring items of importance to the Board.
- Board members took an oath to comply with the Constitution and no policy is over that right.
- Local government should be held accountable and be accessible to the people.

Stephanie Fredrick expressed her displeasure with the Rillito Parks amplified music events and explained how she was directly affected by the noise disturbances.

Bonnie Pollis, Campus Farm Neighborhood Association, urged the Board to halt all amplified music events at Rillito Park. She stated that these events disrupted the lives of those who lived in the surrounding area and this was not an appropriate site for such events.

Ann Rose addressed the Board on the early signs of fascism, the effects COVID injections had on intestinal health, the lack of education and support from the Health Department and the need for a public hearing with the Board of Health.

Silver G. Sarles spoke about Covid vaccines and immunity.

Malinda Sherwyn addressed the Board regarding First Amendment rights, open meeting laws and the AZDCS Oversight Committee.

Anastasia Tsatsakis spoke in opposition to Minute Item Nos. 14, 21 and 23, and commented on homeless encampments.

Brook Doty urged the Board to enforce Board of Supervisors Policy D 21.2, which required reporting any employee who may be in violation of this policy.

Chris DeSimone shared his displeasure with the actions of Chair Grijalva, Supervisor Heinz and Supervisor Scott and commented on the ability to be able to criticize those who made the votes as it was a critical part of the working democracy.

Dru Heaton addressed the Board regarding the need for a Libertarian perspective, the misunderstanding of government and human nature, vaccine injury and the importance of protecting the rights of all.

Shirley Requard expressed her displeasure that there had not been an official investigation of Supervisor Heinz and the lack of respect for speakers during Call to the Public.

Stephanie Kirk expressed her opposition to COVID-19 vaccines.

Keith Van Heyningen stated that the Board was responsible for destroying hundreds of millions of lives and called for the resignations of Supervisor Heinz and Chair Grijalva.

Robert Reus spoke about the poor behavior exhibited by Supervisor Heinz and stated that slandering individuals did not accomplish change. He expressed his frustration with property taxes and urged people to vote in the April 2024 County election.

Supervisor Scott requested that staff provide a report to the Board, concerning the amplified music festivals held at Rillito Park. He asked that the report include information on the number of festivals that met the criteria and the process for approval of the events.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to convene to Executive Session at 10:36 a.m.

9. **RECONVENE**

The meeting reconvened at 11:09 a.m. All members were present.

**EXECUTIVE SESSION**

10. Pursuant to A.R.S. §38-431.03 (A) (3) and (4), for legal advice and direction regarding the Susan Ammons settlement.

It was moved by Supervisor Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

**BOARD OF SUPERVISORS**

11. The Board of Supervisors on January 24, 2023, continued the following:

**Review and Update of Administrative Procedure 4-1 and Board of Supervisors Policy C 2.5**

Discussion/Direction/Action: Direct staff to review and update Administrative Procedure 4-1, Board of Supervisors Agenda/Addendum Procedure and BOS

Policy C 2.5, Board of Supervisors Agenda/Addendum Policy, in order to provide consistency and transparency for agenda and addendum submissions. (District 5)

It was moved by Supervisor Bronson to deny the item.

Chair Grijalva questioned if the Board could informally speak on the item.

Sam Brown, Chief Civil Deputy County Attorney, explained it was dependent on the substance of the comments.

Chair Grijalva stated that she wanted to make a statement because she did not know if there would be a vote on the item.

Supervisor Christy questioned if a motion was needed to move into discussion.

Mr. Brown clarified that a motion was not needed if the statement was just for clarification.

Chair Grijalva stated that the current policy did not address the process for Board of Supervisors or County Administrator items placed on an agenda. She stated this was to provide clarification on items attached so that the community would know what would be discussed. She added that she would like to have the item continued so that feedback could be received from other Board offices.

Supervisor Bronson interjected that the discussion was out of order according to Robert's Rules of Order.

Chair Grijalva stated that Mr. Brown had addressed the issue on an informal discussion and she would allow further discussion.

Supervisor Scott referenced an email he sent to Laura Conover, County Attorney and Mr. Brown, asking for a written opinion to affirm whether there was legal necessity for the item. He explained there were questions he would like to pose that might make a written opinion unnecessary.

Supervisor Bronson objected and stated that the discussion was out of order and that there needed to be a motion and a second for discussion on this item.

Mr. Brown concurred that if the discussion was for clarification only, a motion was not needed, but if there would be further discussion on the item, there should be a motion.

It was moved by Supervisor Scott and seconded by Chair Grijalva for discussion purposes. No vote was taken at this time.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to reject the proposed policy revisions. No vote was taken at this time.



Supervisor Christy called the question.

Chair Grijalva requested a roll call vote to call the question.

Upon roll call vote to call the question, it failed 2-3, Chair Grijalva and Supervisors Heinz and Scott voted "Nay."

Chair Grijalva stated that the Board was back to discussion of the item.

Supervisor Scott questioned if the Pima County Attorney's Office (PCAO) already reviewed agendas and addendums to ensure items complied with policy and law; if the item was not passed, would PCAO continue to review items for compliance with policy and law; and if there was an instance that the Board sought to take any action that was not properly listed on the agenda, would PCAO intervene, as needed.

Mr. Brown explained there was a requirement for legal review of particular contracts and items, but there was not a requirement for all items to undergo review. He added that for a portion of one of the revisions, the items would still be reviewed, but depending on timing and scheduling some items might not be adequately reviewed. He stated that was one of the issues that this item sought to address. He commented that if the Board sought to take any action not properly listed on the agenda, Legal Counsel would intervene.

Supervisor Scott stated with the answers given he did not believe the proposed revisions were necessary.

Chair Grijalva stated the currently the Clerk's office went through every item. She explained the process being undertaken was to meet with the Clerk of the Board, County Administrator and Legal Counsel to review the agenda before being posted. She stated there were situations with the current and previous agendas, where there was not enough documentation to comply with transparency to the public on what would be discussed. She stated in those cases, there needed to be a process by which they could go back to departments and ask that additional information be included. She expressed concern if there was not a process for the County Administrator or Board of Supervisors, and if they did not fill out the form, items would be agendized without proper documentation and might not be able to be discussed in public. She indicated that she would be happy to bring concerns to Supervisor Scott as the Vice Chair when those situations occurred. She shared an example of a public hearing item that had been submitted for placement on an agenda with incomplete documentation but since it had been advertised as a public hearing item, it would have to be placed on the agenda. She explained since staff was able to meet before the agenda was posted, the County Administrator was able to get the signatures required to have the item properly agendized. She stated had that not happened, the item would have had to be continued. She indicated that she was surprised by the reaction to the proposed revisions being a freedom of speech

issue. She reiterated that it was meant to ensure community members could look at an agenda and know what the Board would be discussing.

Supervisor Scott questioned the history that dealt with the creation of agendas and addendum, given her opposition.

Supervisor Bronson responded it had always been done in this manner and she did not see any need to change it. She stated that by not allowing a Board member to add an item to the agenda because of back-up material curtailed their freedom of speech and expressed it as a First Amendment issue. She commented that there had never been a problem with how items were placed on agendas and addendums in the past and it was a solution in search of a problem.

Chair Grijalva commented that just because things were always done in a certain way did not mean it was done the right way. She felt that since the item had been discussed, she would not be surprised if they received an Attorney General opinion of what the Board may need to change in the policies. She stated that every governing body did it differently and believed that putting an item on the agenda that had no indication of what would be discussed did not add to transparency of public meetings.

Upon roll call vote of the substitute motion, it carried 3-2, Chair Grijalva and Supervisor Heinz voted "Nay."

## **COUNTY ADMINISTRATOR**

### **12. County Administrator's Update**

Jan Leshar, County Administrator, highlighted the Pets on Parade event, and thanked Supervisor Bronson for her willingness to participate and serve as Grand Marshall.

### **13. Update on County Initiatives to address Homelessness and Public Safety**

Jan Leshar, County Administrator, stated there were a variety of issues to report on related to homelessness, the effort and work related to the County's side of the Criminal Justice system and what was being done to deal with probation, bail and release. She explained that a written report had been provided to the Board.

Steve Holmes, Deputy County Administrator, explained that it was clear that criminality in the jail was where the County had the most influence because of working with cohorts that represented Superior Court and Pre-trial Services, which had been a function of people entering and exiting the incarceration facility. He mentioned previous discussions focused on how the County would provide wrap-around services that could lead to people accessing needs associated with drug detox, mental health and other services. He stated that it continued to be a great focus in collaboration with people in the community, particularly the business

community. He stated another area that have recently come up in collaboration with the City of Tucson (COT) was the concern of housing. He explained there was a continuum of care on how housing was handled through Housing and Urban Development in the County and the COT was the edgy housing authority. He further explained the Community and Workforce Development's primary focus was to work with those on the verge of becoming homeless, not with the street homeless. He clarified the COT had been the group putting up shelters, making hotel purchases and moving people out of their clean-ups into those particular areas. He expressed moving forward a more collaborative blueprint that ironed out the roles the COT played that could address some of these issues. He stated housing and crime were the two big areas of importance in regards to these issues. He commented the issue of drug use or Fentanyl use would need more of a broader effort in this phase. He explained they were seeing a lot of drug use in the community, notwithstanding the homeless population, or to conflate it with this issue. He stated it was an issue they needed to take a better stand on working with the County Attorney and Tucson Police Department (TPD). He stated the County did not have direct oversight, but had the ability to bring people together to try and find a solution to this area. He explained there were clean-up crews that were part of the County's work, but most of the clean-ups were done in the COT. He stated there were collaborations with the COT in the unincorporated areas and there was a process to bring in the Sheriff when necessary. He explained there was functionality in the unincorporated areas and wanted to clearly state the roles between the County and COT. He stated that the memo was to strictly outline the space the County had when it came to sheltering and leave it to the Board to provide more direction as they took a more comprehensive approach to this work.

Chair Grijalva asked what were some of the ways that highlighted how Pima County was working and collaborating with the COT and other municipalities on this effort.

Mr. Holmes responded he could speak more specifically to the Criminal Justice element. He explained as crime increased, the County's work with the Sheriff expanded to bring TPD into discussions on what arrestable offenses would be and what would be diverted through the court system. He stated the specific actions where they were collaborating with the TPD with oversight from COT and the Initial Appearances Intergovernmental Agreement (IGA). He explained initial appearances were part of how people came out of the jail as they were given hearing dates and decisions were made at that point, which were handled by the COT through their magistrates. He stated the IGA that had been discussed at the last Board meeting on how initial appearances would be handled and specifically what happened afterwards and how data was tracked was the collaborative efforts engaged with COT. He stated the County's collaborative efforts were unique to the Pima County Superior Court, the Presiding Judge and the oversight of the Court Administrator, specifically when it came to pretrial. He explained Pretrial Services was a function of the Superior Court who made the determination on whether a person would be released or go to jail. He stated the collaborative effort between those areas to create a more functional system to ensure people did not come back to jail. He commented he thought that was where some of the breakdown happened with

people coming in and the changes in behaviors were not made. He stated they were proposing to change behaviors by offering services unique to address the root causes. He mentioned that in the homeless community, some of the concerns were nuisance crimes that fell into misdemeanors. He further explained the majority of people in the jail were not misdemeanor offenses and stated the question became which of those offenses would lead to people being in jail and what would result in receiving the services they needed. He expressed those questions were part of the conversation to create more continuity and consistency with how things were handled. He provided an example of an approach of a collaborative effort where concerns from businesses about people being picked up from their locations and then going to pretrial, being released and coming back to the same area. He shared that one of the conditions of release that was now being implemented in collaboration with TPD and pretrial was restriction zone restrictions, which meant to prevent a person from going back to the same area without being arrested again. He stated it was imperfect, but those were some of the ongoing conversations that needed to be tackled, a lot of those being through the criminal justice system and figuring out what were the best processes to decrease crime and decrease recidivism.

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

14. The Board of Supervisors on January 10, 2023, continued the following:

**Protection of Water Resources**

RESOLUTION NO. 2023 - 1, of the Board of Supervisors, to protect County water resources for current and future generations through identifying and implementing initiatives needed to achieve sustainable aquifer yield and to maintain water quality.

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

**BOARD, COMMISSION AND/OR COMMITTEE**

15. The Board of Supervisors on January 24, 2023, continued the following:

**Fair Horse Racing Commission**

Reappointment of Allen “Russell” True. Term expiration: 1/20/25. (District 3)

At the request of the County Administrator and without objection, this item was continued to the Board of Supervisors' Meeting of February 21, 2023.

## PROCUREMENT

16. The Board of Supervisors on January 24, 2023, continued the following:

### **Award**

Award: Multiple Master Agreements, to provide for a Enterprise Resource Planning (ERP) System. These master agreements are effective January 24, 2023 in the not-to-exceed award amount of \$63,000,000.00 (including sales tax), which consists of \$17,500,000.00 for implementation services, \$45,000,000.00 for five years of support services and fifteen years of software licensing, and \$500,000.00 for Contingency. Payments for implementation will occur on a milestone schedule, and payments for support and licensing will occur on an annual basis. The Board of Supervisors further authorize the Procurement Director to allocate the use of County contingency funds up to the amount of \$500,000.00 for as required software implementation to mitigate delays to the project implementation timeline, without further action by the Board of Supervisors. Funding Source: Non-Bond Projects Fund. Administering Department: Analytics & Data Governance.

### **MA Number/Contractor (Headquarters)/Award Amount/Contract Expiration Date**

MA-PO-23-125/International Business Machines Corporation, d.b.a. IBM Corporation (Armonk, NY)/\$17,500,000.00/April 1, 2025

MA-PO-23-126/Workday, Inc. (Pleasanton, CA)/\$45,000,000.00/January 23, 2038  
Contingency/\$500,000.00

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

Supervisor Christy offered a friendly amendment to change the amount that the Procurement Director was authorized to allocate from the contingency fund, from \$500,000.00 to \$100,000.00 and that anything over that amount would need to come back to the Board for approval. He stated that \$500,000.00 was excessive to give authority to the Procurement Director without Board approval.

Chair Grijalva indicated that she was comfortable with the \$500,000.00 and asked Supervisor Scott, as the maker of the motion, if he would like to accept Supervisor Christy's friendly amendment,

Supervisor Scott inquired about the potential ramifications of accepting the friendly amendment.

Steven Holmes, Deputy County Administrator, explained the \$500,000.00 was set specifically because of the large amount of purchases that were under the agreement and if the amount was amended to \$100,000.00, it would not make a difference to how it would be approached. He stated that if it was the will of the Board to come back if the \$100,000.00 contingency were to be exceeded it would not slow down the process. He indicated that staff would be comfortable with the friendly amendment of 100,000.00, as the \$500,000.00 was a reasonable amount that was set as a percentage of the total contract.

Supervisor Scott stated that he accepted the friendly amendment based on what he had heard from Mr. Holmes.

Upon the vote, the motion to approve, as amended, unanimously carried 5-0.

## **CONTRACT AND AWARD**

### **Community and Workforce Development**

17. Amendment No. 1, to provide for work experience program administrator, extend contract term to 12/31/23, amend contractual language and scope of work, USDOL, ADES WIOA Funds for the following:

**Vendor/Contract Amount/Contract No.**

Tucson Youth Development, Inc./\$406,517.02/CT-CR-22-147

SER-Jobs for Progress of Southern Arizona, Inc./\$359,059.00/CT-CR-22-148

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

Supervisor Christy pointed out that both contracts were retroactive, which appeared to be a recurring issue. He asked if there was a problem with the timeliness of producing contracts and awards for departments.

Jan Leshner, County Administrator, responded that there had been discussions with department directors to address the issue of retroactive concerns and to ensure that contracts did not continue to be retroactive.

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

### **Facilities Management**

18. American Indian Association of Tucson, Inc., d.b.a. Tucson Indian Center, Amendment No. 4, to provide for a promissory note related to the Purchase and Sale Agreement of 160 N. Stone, extend contract term to 1/1/38 and amend contractual language to approve total contract amount of \$1,484,141.00 revenue (\$29,041.00 revenue decrease) (CTN-FM-17-14)

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

Supervisor Christy expressed concern with the promissory note, as there appeared to be issues with it. He explained the American Indian Association of Tucson agreed to buy the building from the County in July 2016 and made payments for 78 months; the County financed the purchase with its own promissory note of \$1.5 million, which was due in January 2025 and that this would extend the note by 13 years. He questioned if the title was conveyed to American Indian Association of Tucson.

Jan Leshar, County Administrator, responded that since the payments had not been finished, she did not believe they would have the title. She stated that it was for a refinancing to remove a balloon payment at the end of the term.

Supervisor Christy commented that it was not a good sign when a loan was refinanced which meant they are unable to pay the rent. He explained in 78 months they had averaged \$372.00 a month and the new rates of the refinancing were as high as \$12,126.00. He questioned how they could afford \$12,000.00 worth of refinancing when they were refinancing at \$372.00 and mentioned there were nineteen notes on the property. He stated that he would like to move to continue the item in order for the Board to receive a complete evaluation of all financial aspects of the history, payments and a complete explanation of the whole transaction.

Chair Grijalva stated that there was a motion on this item.

A substitute motion was made by Supervisor Christy and seconded by Supervisor Bronson to continue the item to the Board of Supervisors' Meeting of February 21, 2023. No vote was taken at this time.

Supervisor Christy asked if staff needed additional time in order to provide the Board with the requested information for this item.

Carmine DeBonis, Jr., Deputy County Administrator, responded that staff would be able to have a report with the additional details back to the Board on February 21st.

Upon roll call vote, the substitute motion unanimously carried 5-0.

### **Grants Management and Innovation**

19. The Inn of Southern Arizona, Amendment No. 1, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 3/31/23 and amend contractual language, no cost (CT-GMI-22-428)

Chair Grijalva asked the County Administrator if she wanted to address Minute Items Nos. 19, 20 and 21, all together.

Jan Leshar, County Administrator, explained that the three contracts were related to the receipt of funds from the Department of Homeland Security, as the County worked on the legal transition of asylum seekers through the community. She stated they were part of the effort to deal with legal asylum seekers and all of the funds came from the federal government. She explained the continued rise of the number of individuals brought into the community and indicated that staff would be happy to provide answers regarding any of the individual contracts.

Supervisor Christy commented that he would be voting against these contracts, but felt it was important for the public to know that Minute Item Nos. 19 and 20 were merely for an extension of an existing contract and no additional monies were involved.

It was moved by Supervisor Bronson and seconded by Supervisor Christy to approve the item. Upon the vote, the motion carried 4-1, Supervisor Christy voted "Nay."

20. City of Tucson, Amendment No. 4, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 3/31/23 and amend contractual language, no cost (CT-GMI-21-484)

(Clerk's Note: See Minute Item No. 19, for discussion and action related to this item.)

21. Catholic Community Services of Southern Arizona, Inc., Amendment No. 3, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 3/31/23, amend contractual language and scope of services, Emergency Food and Shelter National Board Program Fund, contract amount \$1,502,211.28 (CT-GMI-21-452)

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

(Clerk's Note: See Minute Item No. 19, for additional discussion on this item.)

Supervisor Christy provided background on the Catholic Community Services of Southern Arizona contract and expressed it was like a tsunami of funding coming into the County that was being given to Catholic Community Services. He commented that it would be illuminating to find out how much Catholic Community Services had garnered to sheltering and providing emergency food for individuals encountered by the Department of Homeland Security. He stated that he would be voting against this item.

Supervisor Scott expressed gratitude for the partnership with Catholic Community Services. He stated that he wanted to make the community aware that if the funds given by the Federal government as a border County were not utilized, the incidents of street releases of legal asylum seekers was something the County would be dealing with at an enormous proportion. He stated that due to the proactive efforts of the previous board, the current Board, County Administration and the partnership with Catholic Community Services, the public health and safety of legal asylum seekers were protected, as well as the public health and safety of the entire community.

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



## Procurement

### 22. Award

Amendment of Award: Master Agreement No. MA-PO-19-219, Amendment No. 4, Trajen Flight Support, L.P., to provide for aviation grade fuel. This amendment is for a one-time increase in the amount of \$192,000.00 for a cumulative not-to-exceed contract amount of \$967,000.00. Funding Source: General Fund. Administering Department: Sheriff.

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

### 23. Dalberg Design, L.L.C., Amendment No. 1, to provide for Human Centered Design Consultant Services (Healthcare) to ensure the distribution of medical services among vulnerable populations and amend contractual language, U.S. Department of Health and Human Services and Office of Minority Health Fund, contract amount \$75,000.00 (MA-PO-22-144) Administering Department: Health

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

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, stated the purpose of the contract was to continue work with Marana Community Health Center (MHC) for an additional year, to deliver and design programs that helped low-income, Hispanic and other women to receive vaccination and vaccination related services at their site.

Supervisor Christy questioned the increase in funds.

Dr. Garcia responded that it was an extension to the existing contract and additional resources to fund that.

Supervisor Christy inquired about the meaning of programmatic personnel related delays on the project.

Dr. Garcia responded that a main focus of the Health Department related to this contract was to develop better ways of communicating with the particular population mentioned: women of childbearing age and low-income women in the rural northwest side of town. He indicated that there had been some challenges with MHC keeping the project on track and had some initial contract issues.

Supervisor Christy inquired about MHC Healthcare.

Dr. Garcia explained that Marana Community Health Center was one of five federally qualified health centers that operated in Pima County.

Supervisor Christy questioned if MHC had problems administrating the program.

Dr. Garcia responded no. He explained the scope of work that was proposed required a high level of engagement, on the part of both MHC, as well as their patients in the co-design of the products that were delivered to the community and that had taken longer than anticipated. He stated that this was a way of continuing that work to complete the scope of work and to be able to deliver the programming promised.

Supervisor Christy stated the most troubling aspect was the recipient of the grant could create their own metrics.

Dr. Garcia responded the metrics were agreed upon with the funder, Centers of Disease Control, who set up the overarching metrics. He stated that Dalberg, Marana Health Center and the Health Department were involved in tailoring the metrics to meet the specific needs of Marana.

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

24. Lloyd Construction Company, Inc., Amendment No. 5, to provide for Construction Manager at Risk Services: Northwest County Service Center (XNWHLC), extend contract term to 12/31/24 and amend contractual language, no cost (CT-FM-20-205) Administering Department: Facilities Management

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

Jan Leshar, County Administrator, explained that this project was to move toward construction of the Northwest Service Center, which originally was the bowling alley located on Miracle Mile. She stated it was a no cost amendment to extend the term date to move towards the completion of the facility.

Supervisor Christy asked about the original rationale for the purchase of the bowling alley.

Ms. Leshar responded that the first desire was to move the Health Department facility located on 1st Avenue and to consolidate other County services there, that were provided by Community and Workforce Development, which was currently leased out of Bonita and Probation Services. She explained that due to the increase in costs and construction costs, the first phase would be the completion of the Health Department and then staff would look at the other elements when the money was more available. She commented that the greatest change was without having all the services there together, the construction of a parking garage was able to be eliminated. She explained that the changes with the scope and the departments

were the units that would be able to initially be consolidated and operate in the Northwest Service Center.

Supervisor Christy asked if there was a problem with current leases for the entities that were meant to move into the facility.

Ms. Leshar responded the leases varied by department and each had different contracts. She explained with the 1st Avenue property, they had continued the lease for the past 10 years in hopes of there being a new facility. She stated there had been different contractual obligations and leases for the other facilities.

Supervisor Christy stated there was a propensity for leases that had been existent, that were designed to move into the facility and were unable to, they would now have to deal with leases that were coming due with the older facilities.

Ms. Leshar replied in the affirmative.

Supervisor Christy requested a list of all the leases and due dates of the leases.

Ms. Leshar responded that information would be provided to the Board.

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

25. Division II Construction Co., Inc., Amendment No. 9, to provide for the Ina Road Fueling Facility Refurbishment (XINAFI), extend contract term to 7/31/23 and amend contractual language, no cost (CT-FM-21-459) Administering Department: Facilities Management

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

26. Barker Contracting, Inc., Chasse Building Team, Inc., Core Construction, Inc., Durazo Construction Corporation, Kapp-Con Incorporated, Kittle Design and Construction, L.L.C., Lloyd Construction Company, Inc., and SD Crane Builders, Inc., Amendment No. 5, to provide a job order master agreement for remodel and construction services and amend contractual language, Various Funds, contract amount \$2,000,000.00 (MA-PO-20-154) Administering Department: Facilities Management

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

## **Real Property**

27. The Nature Conservancy, to provide for Acquisition Agreement - Acq-1111 and Special Warranty Deed, for 20.03 acres of conservation land for open space purposes in Section 3, T14S, R11E, G&SRM, Pima County, AZ, Tax Parcel Nos.

211-07-010J, 211-07-010K and 211-07-010L, NRPR Non-Bond Projects Fund, contract amount \$290,000.00 (CT-RPS-23-309)

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

Chair Grijalva clarified that this was part of the \$2 million to set aside for the open space property that was previously approved by the Board.

Ms. Leshar responded in the affirmative.

Supervisor Christy questioned why the County would be buying property for open space, when the Nature Conservancy already provided open space.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the Nature Conservancy was a non-profit corporation whose mission was conservation. He stated the County had acquired lands and had the perpetual ability to ensure those lands remained for conservation purposes. He provided background on the placement of the property relative to the conservation land system and explained the County acquired the properties to ensure their conservation in linkages for wildlife passing through the corridor. He stated there was an extreme mix of different forms of wildlife that used the corridor and it tied to the purposes of the Sonoran Desert Conservation Plan and the Multi-Species Habitat Conservation Plan. He explained the Section 10 permit Pima County held from the United States Fish and Wildlife Service, by acquiring the lands that went into our conservation mitigation bank to offset effects of development in the region.

Supervisor Christy stated that it provided the ability to utilize the property when the County acquired it so that it could be offset for developments elsewhere. He stated that the outline provided that showed what the County would be doing with the property was similar to what the Nature Conservancy did with open space. He commented that he found that odd, but could see the value from a development standpoint since it could be offset since the County owned the property. He inquired if the Nature Conservancy paid property tax.

Mr. DeBonis, Jr., responded that he was unsure, but since they were a non-profit they may not pay property taxes.

Supervisor Christy stated that if the County took the property off the tax rolls, there would be no property tax and asked if he could get a definite answer. He indicated that initially he planned to vote against the item, but reconsidered since it could be used to offset credit towards development and was certain that the County and Nature Conservancy were not going to build Circle Ks on the land.

Mr. DeBonis, Jr., replied they would not.

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

## **Sheriff**

28. Saguaro National Park Arizona, to provide an intergovernmental agreement for Law Enforcement dispatch services and the management of associated records, including dispatch logs and warrant records, contract amount \$17,250.00 revenue (CTN-SD-23-107)

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

## **GRANT APPLICATION/ACCEPTANCE**

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

Tucson Electric Power Company (TEP), Amendment No. 1, to provide for TEP low income weatherization program services, extend grant term to 12/31/23, amend grant language and scope of work, \$145,000.00 (GTAM 23-51)

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

30. **Acceptance - Health**

The National Environmental Health Association (NEHA) and the U.S. Food and Drug Administration, to provide for 2023 Training Optional Add-On grant to attend and present at the NEHA Annual Educational Conference and Conference for Food Protection, \$7,500.00 (GTAW 23-89)

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

31. **Acceptance - Health**

Arizona Department of Health Services, to provide for COVID-19 vaccinations, no cost/2 year term (GTAW 23-88)

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

32. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for the Well Woman Health Check Program, extend grant term to 1/28/24 and amend scope of work, \$533,050.00 (GTAM 23-53)

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

**33. Acceptance - Justice Services**

John D. and Catherine T. MacArthur Foundation, Amendment No. 1, to provide for the Safety and Justice Challenge Focused Racial Equity Cohort and amend grant language, \$63,849.00 decrease (GTAM 23-47)

Supervisor Christy stated that he objected to the grant.

Supervisor Bronson noted for the record that the grant was for a decrease.

It was moved by Chair Grijalva and seconded by Supervisor Scott to approve this item. Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

**34. Acceptance – Sheriff**

Governor's Office of Highway Safety, Amendment No. 1, to provide for the Governor's Office of Highway Safety Prop 207 One Police Package BMW Motorcycle and extend grant term to 6/30/23, no cost (GTAM 23-52)

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

**FRANCHISE/LICENSE/PERMIT**

**35. Hearing - Liquor License**

Job No. 216663, Chun Young Kim, Sushi Garden, 7475 N. La Cholla Boulevard, Suite 422, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva 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.

**36. Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, February 14, 2023 at 7:00 p.m.

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

## DEVELOPMENT SERVICES

### 37. Hearing - Comprehensive Plan Amendment

#### P22CA00003, IDEAL PARTNERS, L.L.C. - S. HEADLEY ROAD PLAN AMENDMENT

Ideal Partners, L.L.C., represented by Projects International, Inc., requests a Comprehensive Plan Amendment of approximately 4.33 acres from Low Intensity Urban 3.0 (LIU-3.0) to the Medium Low Intensity Urban (MLIU) land use designation, located on the east side of S. Headley Road, approximately 1,875 feet south of the intersection of W. Valencia Road and S. Headley Road, and addressed as 6811 and 6821 S. Headley Road (Parcel Nos. 138-24-037D and 138-24-037B), in Section 15, T15S, R13E, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Becker, Maese, and Membrilla were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 5)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P22CA00003.

### 38. Hearing – Rezoning

#### P22RZ00009, LOPEZ FAMILY TR, ET AL. - E. COLOSSAL CAVE ROAD REZONING

Lopez Family TR, et al., represented by The Planning Center, requests a rezoning of approximately 1.59 acres (Parcel Code 305-13-054D) from the RH (Rural Homestead) to the CB-2 (General Business) zone located southwest of the Union Pacific Railroad and Colossal Cave Road, addressed as 13185 E. Colossal Cave Road. The proposed rezoning conforms to the Pima County Comprehensive Plan, which designates the property for Neighborhood Activity Center. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Becker and Maese were absent) to recommend APPROVAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

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. The location of the access point shall be determined at the time of development plan submittal and is subject to the Department of Transportation approval. The driveway shall be restricted to right-in and right-out movements unless the applicant can demonstrate that a full access driveway can be designed and constructed to Pima County standards.
  - B. The proposed development shall design the driveway, handicap access ramps, and connection to the asphalt trail in the same manner built for the adjacent properties as depicted on capital improvement plan 4TRCCS.
3. Regional Flood Control District conditions:

- A. Disturbance of Regulated Riparian Habitat will be mitigated with like density to the habitat disturbed. The mitigation plantings shall be located within and surrounding the disturbance caused by construction of the detention basin.
  - B. First Flush retention shall be provided in Low Impact Development practices distributed throughout the site, and shall provide a minimum 9" depressed area for stormwater harvesting to supplement irrigation in the landscape buffers.
  - C. The outdoor exterior display areas shall use pervious treatments described in Chapter 5 of the Design Standards for Stormwater Detention and Retention or of similar and comparable replacement.
  - D. 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. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(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 property owner.
  5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State
  6. Adherence to preliminary development plan approved at public hearing.
  7. Any change of use shall meet the on-site parking requirements of the Pima County Zoning Code.
  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: "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)."

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P22RZ00009, subject to standard and special conditions.



39. **Hearing - Time Extension/Modification (Non-Substantial Change) of Rezoning Conditions**

A. **Hearing - Rezoning Time Extension**

P16RZ00007, ANDRADA WILMOT 180, L.L.C. - S. WILMOT ROAD REZONING

Andrada Wilmot 180, L.L.C., represented by Engineering and Environmental Consultants, requests a five-year time extension for an approximately 359-acre rezoning (Parcel Codes 305-23-018D, 305-23-026A, 305-23-027B and portion of 305-23-018A) from the RH (Rural Homestead) to the CR-5 (Multiple Residence - Small Lot Option) zone, located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road. The subject site was rezoned in 2016 and the rezoning expired on November 22, 2021. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Staff recommends APPROVAL of a five-year time extension and APPROVAL of modification (non-substantial change) of rezoning conditions #4C, 4E and 10 for an approximately 359-acre rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone subject to original and modified standard and special conditions as follows:

1. ~~The owner shall:~~

- ~~A. Submit a development plan if determined necessary by the appropriate County agencies.~~
- ~~B. Record the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~C. Provide development related assurances as required by the appropriate agencies.~~
- ~~D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~

21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

32. A master block plat along with the studies and/or plans required by various departments shall be submitted prior to any individual subdivision plats.

43. Transportation conditions:

- A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east. Provision shall also be made for future access to Andrada Road, when and if constructed.
- B. The property owner shall dedicate 30 feet of right-of-way for Wilmot Road.
- ~~C. The property owner shall construct half of the future 150-foot arterial roadway cross section including drainage infrastructure along the Wilmot Road frontage. The frontage of the rezoning site shall be built as an all-weather roadway.~~
- ~~DC.~~ The property owner shall notify all future home buyers of the lack of all-weather access in the vicinity of this project.
- ~~ED.~~ The property shall be limited to 2 3 (three) access points on Wilmot Road.
- E. The location and design of access points on Wilmot Road shall be determined at the time of Tentative Plat submittal and are subject to the Department of Transportation approval.
- F. An updated Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal.

- G. The property owner(s) shall construct any offsite improvements determined necessary by the TIS at the time of permitting, including but not limited to additional travel lanes and/or auxiliary lanes.
- H. Off-site improvements shall be constructed to all-weather standards. The development and any offsite improvements shall not create any adverse drainage impacts to upstream and downstream properties.
- I. Prior to Tentative Plat approval, written proof of coordination with the City of Tucson is required regarding any traffic impacts to their roadway system.
- J. The 75 foot easement along the southern boundary of the site may be required to be abandoned as determined by the Department of Transportation at time of subdivision plat submittal.

54. Regional Flood Control District conditions:

- A. Development shall provide flow Corridors that are equivalent to the Flood Control Resource Areas as shown on the Pima Prospers Regional Hydrology Maps shall be created in order to preserve flow conveyance and provide wildlife connectivity. Flow Corridors should minimize encroachment into the Important Riparian Area and shall remain Natural Undisturbed Open Space within Common Area. Flow Corridors are subject to review and approval by the District.
- ~~B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.~~
- B. All off-site improvements shall be constructed to all-weather standards. The development and any off-site improvements shall not create any adverse drainage impact to upstream or downstream properties.
- C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A found in Attachment A Preliminary Integrated Water Management Plan Requirements in the Site Analysis Rezoning Packet such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- D. First Flush retention will be distributed throughout the site instead of being directed and located within a detention basin to supplement landscaping irrigation and to reduce stormwater runoff volumes.

65. Regional Wastewater Reclamation conditions:

- A. The owner 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 owner to that effect.
- B. The owner acknowledges and agrees that there is no existing treatment facility for this development in the Southlands Service Basin and that the Corona de Tucson WRF was not designed to provide service for these downstream parcels. Any connection to the Corona de Tucson WRF will require augmentation of the treatment capacity.
- C. The owner acknowledges and agrees that in order to be served by the Corona de Tucson WRF, a conveyance system must be constructed by the owner. Pima County shall decide whether this system will be conveyed to public ownership, or operated as a private sewer system by the owner.
- D. The owner shall prepare a study of the sewer basin at his or her sole expense for the purposes of determining the routing and sizing of all off-site and on-site private or public sewer facilities necessary to provide both conveyance and treatment capacity and service to the rezoning area, and/or for the purpose of conceptual phasing of a pump station. The owner shall fund, design and construct the necessary wastewater collection,

conveyance and treatment facility improvements necessary to serve the rezoning area, as determined by the basin study.

E. If Pima County allows the conveyance system to be public, the rezoning area may be sewerred using public sewers, if and only if the owner meets the following conditions:

- 1) The owner may fund, design and construct 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 Pima County Regional Wastewater Reclamation Department.
- 2) Upon approval of the basin study, the owner shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
- 3) A sewer master sewer service agreement must be approved by the Pima County Regional Wastewater Reclamation Department prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit.
- 4) Should the rezoning area be serviced to the Corona de Tucson Wastewater Treatment facility, the owner shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his/her own expense.

F. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner shall obtain written documentation that sanitary sewerage treatment and conveyance capacity for the proposed development will be available when needed to serve the development.

76. Environmental Planning conditions:

A. 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. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

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
<i>Oncosiphon piluliferum</i>	Stinknet
<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

87. Cultural Resources condition: Archaeological field inspections (submitted with the Site Analysis Appendix C) resulted in a finding of cultural resources on the subject property. The reports did not include a Significance Assessment of sites--However, it appears that the sites may not be eligible for listing in the NRHP. Formal review and submittal of survey report(s) to Office of Sustainability and Conservation will be required at the time of Site Construction Permit review. ~~the master block plat.~~
98. Parks and Recreation conditions:
- A. Construct the Wilmot Road Greenway G053 trail using the Pima County Greenway cross section.
  - B. With the submittal of a subdivision plat, a recreation area plan shall be submitted and meet the requirements of the Pima County Zoning Code, Section 18.69.090.
  - C. Construct internal, non-vehicular circulation that will link the residential development blocks.
409. Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing. A maximum of 800 dwelling units is allowed.
4410. The planning and development of the subject site shall occur such that transportation, wastewater, recreational, and other major infrastructure, and the protection of riparian areas and other natural resources are integrated and coordinated.
4211. Parcel code 305-23-0260A shall be developed at an average density of four residences per acre per the comprehensive plan amendment resolution 2009-240. The density calculation is based upon lot area.
4312. A mix of housing types shall be provided to insure a diverse community. Residential densities shall support multi-modal transportation opportunities including public transit even if such transit facilities are not currently in close proximity.
4413. The subject site shall be surveyed for presence of the Pima pineapple cactus and its habitat. Surveys shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish and Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services prior to master block plat approval. If Pima Pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game and Fish Department's Heritage Data Management System.
4514. The owner shall provide a 50-foot bufferyard and one row of single-story homes along the northern boundary and a 100-foot bufferyard and one row of single-story homes along the southern boundary of the subject properties and abutting the Mann Avenue frontage in adherence with the preliminary development plan.
4615. No recreation areas, parks, playgrounds, bike paths, or walking trails shall be located within the perimeter bufferyards.
4716. 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.

4817. The property owner shall execute ~~and record~~ 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)."

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Scott, and unanimously carried by a 5-0 vote, to close the public hearing and approve P16RZ00007, a five-year time extension subject to modified standard and special conditions.

**B. Hearing - Modification (Non-Substantial Change) of Rezoning Conditions**

P16RZ00007, ANDRADA WILMOT 180, L.L.C. - S. WILMOT ROAD REZONING

Andrada Wilmot 180, L.L.C., represented by Engineering and Environmental Consultants, for a modification (non-substantial change) of rezoning conditions as follows:

- #4C requires construction of half of the future 150-foot arterial cross section including drainage infrastructure along the Wilmot Road frontage and the frontage of the rezoning site shall be built as an all-weather roadway. The request is to waive this condition.
- #4E limits Wilmot Road access points to two (2). The request is to modify the condition to allow three (3) access points on Wilmot Road.
- #10 requires adherence to the approved preliminary development plan with a maximum of 800 dwelling units. The request is to modify the approved preliminary development plan with a maximum of 800 dwelling units.

The approximately 359-acre rezoning site (Parcel Codes 305-23-018D, 305-23-026A, 305-23-027B and portion of 305-23-018A) is zoned CR-5 (Multiple Residence - Small Lot Option) and is located on the east side of S. Wilmot Road, approximately 754 feet south of E. Andrada Road. Staff recommends APPROVAL OF THE MODIFICATION (NON-SUBSTANTIAL CHANGE) OF REZONING CONDITIONS #4C, 4E AND 10 SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 4)

Staff recommends APPROVAL of a five-year time extension and APPROVAL of modification (non-substantial change) of rezoning conditions #4C, 4E and 10 for an approximately 359-acre rezoning from the RH (Rural Homestead) to the CR-5 (Multiple Residence-Small Lot Option) zone subject to original and modified standard and special conditions as follows:

1. ~~The owner shall:~~

- A. ~~Submit a development plan if determined necessary by the appropriate County agencies.~~
- B. ~~Record the necessary development related covenants as determined~~

- appropriate by the various County agencies.
- ~~C. Provide development related assurances as required by the appropriate agencies.~~
- ~~D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~
21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
32. A master block plat along with the studies and/or plans required by various departments shall be submitted prior to any individual subdivision plats.
43. Transportation conditions:
- A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east. Provision shall also be made for future access to Andrada Road, when and if constructed.
- B. The property owner shall dedicate 30 feet of right-of-way for Wilmot Road.
- ~~C. The property owner shall construct half of the future 150-foot arterial roadway cross section including drainage infrastructure along the Wilmot Road frontage. The frontage of the rezoning site shall be built as an all-weather roadway.~~
- ~~DC.~~ The property owner shall notify all future home buyers of the lack of all-weather access in the vicinity of this project.
- ~~ED.~~ The property shall be limited to 2 3 (three) access points on Wilmot Road.
- E. The location and design of access points on Wilmot Road shall be determined at the time of Tentative Plat submittal and are subject to the Department of Transportation approval.
- F. An updated Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal.
- G. The property owner(s) shall construct any offsite improvements determined necessary by the TIS at the time of permitting, including but not limited to additional travel lanes and/or auxiliary lanes.
- H. Off-site improvements shall be constructed to all-weather standards. The development and any offsite improvements shall not create any adverse drainage impacts to upstream and downstream properties.
- I. Prior to Tentative Plat approval, written proof of coordination with the City of Tucson is required regarding any traffic impacts to their roadway system.
- J. The 75 foot easement along the southern boundary of the site may be required to be abandoned as determined by the Department of Transportation at time of subdivision plat submittal.
54. Regional Flood Control District conditions:
- A. Development shall provide flow Corridors that are equivalent to the Flood Control Resource Areas as shown on the Pima Prospers Regional Hydrology Maps shall be created in order to preserve flow conveyance and provide wildlife connectivity. Flow Corridors should minimize encroachment into the Important Riparian Area and shall remain Natural Undisturbed Open Space within Common Area. Flow Corridors are subject to review and approval by the District.
- ~~B. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary as determined at the time development plan is submitted, provisions for permanent maintenance of these measures may also be required to be included in the project's CC&Rs and a Final Integrated Water Management shall be submitted to the District for review and approval at the time of development.~~
- B. All off-site improvements shall be constructed to all-weather standards. The development and any off-site improvements shall not create any adverse drainage impact to upstream or downstream properties.

- C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A found in Attachment A Preliminary Integrated Water Management Plan Requirements in the Site Analysis Rezoning Packet such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
- D. First Flush retention will be distributed throughout the site instead of being directed and located within a detention basin to supplement landscaping irrigation and to reduce stormwater runoff volumes.

65. Regional Wastewater Reclamation conditions:

- A. The owner 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 owner to that effect.
- B. The owner acknowledges and agrees that there is no existing treatment facility for this development in the Southlands Service Basin and that the Corona de Tucson WRF was not designed to provide service for these downstream parcels. Any connection to the Corona de Tucson WRF will require augmentation of the treatment capacity.
- C. The owner acknowledges and agrees that in order to be served by the Corona de Tucson WRF, a conveyance system must be constructed by the owner. Pima County shall decide whether this system will be conveyed to public ownership, or operated as a private sewer system by the owner.
- D. The owner shall prepare a study of the sewer basin at his or her sole expense for the purposes of determining the routing and sizing of all off-site and on-site private or public sewer facilities necessary to provide both conveyance and treatment capacity and service to the rezoning area, and/or for the purpose of conceptual phasing of a pump station. The owner shall fund, design and construct the necessary wastewater collection, conveyance and treatment facility improvements necessary to serve the rezoning area, as determined by the basin study.
- E. If Pima County allows the conveyance system to be public, the rezoning area may be sewered using public sewers, if and only if the owner meets the following conditions:
  - 1) he owner may fund, design and construct 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 Pima County Regional Wastewater Reclamation Department.
  - 2) Upon approval of the basin study, the owner shall enter into a master sewer service agreement with Pima County that specifies the improvements to be made to Pima County's public sewerage system and their timing.
  - 3) A sewer master sewer service agreement must be approved by the Pima County Regional Wastewater Reclamation Department prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit.
  - 4) Should the rezoning area be serviced to the Corona de Tucson Wastewater Treatment facility, the owner shall provide all weather, unrestricted vehicular access to all new public sewer manholes within the rezoning area. The owner shall obtain all necessary public sewer easements within the rezoning area prior to approval of a master block plat, any tentative plat, development plan, sewer construction plan, or request for building permit at his/her own expense.
- F. No more than 90 days before submitting any tentative plat, development plan, sewer improvement plan or request for building permit for review, the owner shall obtain written documentation that sanitary sewerage treatment

and conveyance capacity for the proposed development will be available when needed to serve the development.

76.

Environmental Planning conditions:

- A. 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. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

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>	Stinknet
<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

87.

Cultural Resources condition: Archaeological field inspections (submitted with the Site Analysis Appendix C) resulted in a finding of cultural resources on the subject property. The reports did not include a Significance Assessment of sites--However, it appears that the sites may not be eligible for listing in the NRHP. Formal review and submittal of survey report(s) to Office of Sustainability and Conservation will be required at the time of Site Construction Permit review. ~~the master block plat.~~

98.

Parks and Recreation conditions:

- A. Construct the Wilmot Road Greenway G053 trail using the Pima County Greenway cross section.
- B. With the submittal of a subdivision plat, a recreation area plan shall be submitted and meet the requirements of the Pima County Zoning Code, Section 18.69.090.
- C. Construct internal, non-vehicular circulation that will link the residential development blocks.

409.

Adherence to the revised preliminary development plan (Exhibit B) as approved at public hearing. A maximum of 800 dwelling units is allowed.

4410.

The planning and development of the subject site shall occur such that



transportation, wastewater, recreational, and other major infrastructure, and the protection of riparian areas and other natural resources are integrated and coordinated.

- 4211. Parcel code 305-23-0260A shall be developed at an average density of four residences per acre per the comprehensive plan amendment resolution 2009-240. The density calculation is based upon lot area.
- 4312. A mix of housing types shall be provided to insure a diverse community. Residential densities shall support multi-modal transportation opportunities including public transit even if such transit facilities are not currently in close proximity.
- 4413. The subject site shall be surveyed for presence of the Pima pineapple cactus and its habitat. Surveys shall be conducted by an entity qualified to perform biological surveys. Surveys shall be done according to the most recent protocol approved by the U.S. Fish and Wildlife Service. A report containing the results of these surveys and copies of any data collected shall be provided to Development Services prior to master block plat approval. If Pima Pineapple cactus are found to be present on the project site, a copy of the report shall also be sent to the Arizona Game and Fish Department's Heritage Data Management System.
- 4514. The owner shall provide a 50-foot bufferyard and one row of single-story homes along the northern boundary and a 100-foot bufferyard and one row of single-story homes along the southern boundary of the subject properties and abutting the Mann Avenue frontage in adherence with the preliminary development plan.
- 4615. No recreation areas, parks, playgrounds, bike paths, or walking trails shall be located within the perimeter bufferyards.
- 4716. 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.
- 4817. The property owner shall execute and record 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)."

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the modification (non-substantial change) of rezoning Condition Nos. 4C, 4E and 10, subject to modified standard and special conditions.

#### 40. **Hearing - Type III Conditional Use Permit**

P22CU00013, WOLVERTON REVOC LIVING TR - S. SIERRITA MOUNTAIN ROAD

Ivan R. and Margery A. Wolverton Revoc Living Tr, represented by Vertical Bridge, L.L.C., request a Type III Conditional Use Permit for a wireless communication facility (Parcel Code 301-74-1450) in accordance with Section 18.07.030.H. of the Pima County Zoning Code in the GR-1 (Rural Residential) zone, located approximately 500 feet west of the intersection of S. Sierrita Mountain Road and W. Scotland Street, addressed as 11990 S. Sierrita Mountain Road. On motion, the

Planning and Zoning Commission voted 8-0 (Commissioners Becker and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

Supervisor Bronson stated she would like to have the item continued to the April 4th Board meeting and that her office had received many calls in opposition and had the following questions for the applicant to answer before that meeting in April. She indicated that her preference was to have the answers in writing to the following:

- What kind of community outreach was done?
- Was a neighborhood meeting with area residents held?
- The County has been supportive of towers up to 50 feet to provide wireless service to residents, however, she had concern with this tower located on residential property at the height of 110 feet. Why 110 feet on a residential property?
- Has the applicant looked at non-residential buildings such as schools, fire stations, Churches or explored an option of co-locating to adjacent light poles or existing electric utility for tower placement? If they have, what were the specific locations, and why were they not successful?
- Why were shorter towers not considered to fill the gap in coverage?

It was moved by Supervisor Bronson and seconded by Supervisor Scott to continue the item to the Board of Supervisors' Meeting of April 4, 2023. No vote was taken at this time.

The following speakers addressed the Board:

James Griffin addressed the Board in opposition. He stated the questions raised had not been addressed by the applicant or the property owner and there were thousands of acres of vacant land to the east of the property with utility lines and many other areas where the tower could be placed. He stated it would affect the value of his property and felt it could be placed elsewhere.

Malinda Sherwyn shared that there were a number of items she was unable to understand on the agenda and inquired if there was a study group to attend to discuss items for better understanding for items such as rezonings.

Peter Norquest addressed the Board in opposition and commented on the health concerns related to cell towers.

Christine Tucker, Representative for Applicant, Vertical Bridge, L.L.C., stated she had taken over this case due to the death of the person originally on the case. She stated that she had met with staff yesterday and there was a recommendation to continue this item so that she could address the questions. She stated there was a community meeting at the site and it was suggested that the timing and location could have been more appropriate. She stated they would take that into

consideration and have another community meeting to work with neighbors to accomplish a mutual consensus on how to move the site forward.

Supervisor 'Bronson indicated that her motion included to close the public hearing. Upon the vote, the motion unanimously carried 5-0.

41. **Hearing - Type II Conditional Use Permit**

P22CU00018, ARIVACA DANCE HALL, L.L.C. - W. 5th STREET

Arivaca Dance Hall, L.L.C., request a Type II Conditional Use Permit for a Community Service/Community Center (Parcel Code 302-29-189A) in accordance with Section 18.17.030.C., of the Pima County Zoning Code in the GR-1 (Rural Residential) zone, located at the southeast corner of W. 5th Street and S. Ruby Road, addressed as 17271 W. 5th Street. Staff and the Hearing Administrator recommend APPROVAL. (District 3)

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chair Grijalva and unanimously carried by a 5-0 vote, to close the public hearing and approve P22CU00018.

42. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2023 - 1, P22RZ00004 Wong Living TR - W. Valencia Road Rezoning. Owner: Wong Living TR. (District 5)

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

43. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2023 - 3, Co9-05-30, Stewart Title & Trust, No. 1580 - Kinney Road Rezoning. Owner: Stewart Title & Trust TR 1580. (District 3)

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

**NATURAL RESOURCES, PARKS AND RECREATION**

44. **Hearing - Natural Resources, Parks and Recreation Fees for Services**

ORDINANCE NO. 2023 - 2, of the Board of Supervisors, amending and establishing fees for the use of various County Parks and Recreational Facilities and for services provided therein; amending Ordinance 2018-38.

Supervisor Bronson commented that her office had received a number of emails and letters in opposition. She inquired whether anyone wished to address the Board. No one appeared.

It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing and adopt the Ordinance with an amendment to Table No. 7, that dealt with Community Center Programs, to remove Tier 2 pricing and ensure that everyone that qualified for the free and reduced lunch program was eligible for Tier 3 pricing, which specifically, was \$30.00 per month per child, \$25.00 per month for each additional child in the same family for Afterschool Programs and also to remove \$60.00 per month per child, \$50.00 per month each additional child for Summer Youth Programs and ensure that anyone who qualified for the free and reduced lunch program received the \$15.00 per month per child, \$12.00 per month each additional child for Afterschool Programs and \$30.00 per month per child, \$25.00 per month each additional child, regardless of whether for free or reduced. No vote was taken at this time.

A substitute motion was made by Supervisor Bronson and seconded by Supervisor Christy to deny adoption of the Ordinance. No vote was taken at this time.

Supervisor Bronson stated Pima County should not have fees at all with Natural Resources, Park and Recreation (NRPR) for services. She mentioned the fees were meant to improve the usage of fields and thought the real problem was how various clubs were required to reserve the fields. She stated they could improve utilization, but not through fees. She stated that she could not support any fee increases. She stated that the Ordinance should go back to NRPR and the Advisory Board to find a better solution to ensure a more uniform use of the fields and scheduling.

Chair Grijalva commented that the Board had the opportunity to speak for the last year and a half about the necessity of the increases and the breakdown of costs came down to .20 cents per child per practice on some of the fields. She stated unless the Board would be willing to dedicate more funds toward maintenance, it needed to be able to provide the facilities. She expressed it was important to ensure access and agreed there may be a different way to schedule teams, but the current system did not provide equitable access. She stated she was comfortable with the fees since they were minimal.

Supervisor Bronson concurred that there was a scheduling issue and it was on the Board's end to fix it, but not at the expense of the kids who wanted to participate in any kind of sport activity. She stated it was part of the Board's mandate and charging would be unequitable.

Upon roll call vote of the substitute motion, it failed 2-3, Chair Grijalva and Supervisors Heinz and Scott voted "Nay."

Chair Grijalva stated that they were back to the original motion of approval with the revisions made by Supervisor Scott.

Supervisor Scott commented that no one wanted to raise fees for County programs or for use of amenities. He explained what was brought to the Board was based on public and Board input. He shared the changes to the field use fee was reduced by 50%, all revenue would be placed in a Special Revenue Fund to help provide improved amenities and enhanced programs, families who qualified for the Federal Free and Reduced Lunch Program would qualify for fees and Community Center Programs that were substantially less than full price. He provided background on Item 4C from the memo and highlighted the NRPR mission and how they would be collaborating with league representatives to provide administrative resources. He stated the last comprehensive fees increase was fourteen years ago and the department had been responsive and sensitive to Board and public concerns. He requested frequent updates on the uses of the Special Revenue Fund and the Master Plan for improving amenities and programs. He commented that he appreciated what was mentioned in Item 4B of the memo concerning discussion on how to address field scheduling and hoped to continue conversations with league representatives to avoid problems raised by the department and consider revisions or reforms that come from those who use the fields.

Supervisor Bronson commented that it pointed to the fact that this was a work in progress and should not be voted on today.

Supervisor Heinz commented it did not seem in 2023 there should be an issue with programming or technology that would allow them to schedule on a month-to-month basis and six-month block scheduling did not make sense. He questioned why that was the system, why they were unable to do month-to-month scheduling and if there was a way to mitigate the rate increases on a case-by-case basis for entities that were considered community service or public health based that were renting space.

Victor Pereira, Director, Natural Resources, Parks and Recreation, explained they were currently in a comprehensive administrative look at the way they were conducting business. He stated the County was in line with 90% of the State of Arizona, which did registration seasonally. He commented that because they scheduled on a six-month interval, it did not prevent clubs from cancelling the fields if they were not utilizing them. He shared that he had met with the top two users of the clubs and asked them to sharpen their pencils due to there being a supply and demand problem. He stated the department would be looking into how they conducted business to ensure they were in best practices with the State of Arizona and Parks and Recreation Department.

Carmine DeBonis, Jr., Deputy County Administrator, stated that the concern with the current scheduling system had been brought to them by a few Board offices and they would be looking into it further in order to bring back options.

Supervisor Bronson commented another issue with the Ordinance was that it only addressed urban areas and would hurt the rural areas. She reiterated that she could not support it.

Upon roll call vote, the motion to approve, as amended carried 3-2, Supervisors Bronson and Christy voted "Nay."

## **CONTRACT AND AWARD**

### **Facilities Management**

45. EMS Leasing Company, L.L.C., Amendment No. 1, to provide a lease agreement for property located at 1150 W. Drexel Road and amend contractual language, FEMA EFSP Humanitarian Relief Fund, contract amount \$79,340.00 (CT-FM-23-153)

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

Supervisor Christy inquired about the use of the facility.

Jan Leshner, County Administrator, explained it would be a large facility used for housing legal asylum seekers funded with federal dollars.

Supervisor Christy stated that this item had been previously approved by the Board and questioned if it was brought back to the Board since there was no security deposit.

Ms. Leshner responded that when it was previously presented to the Board, the form had been incorrectly filled out and the box at the top included the original amount, while the contract and documentation also included the maintenance agreement and security deposit, which totaled \$79,000.00. She stated it was in error not placed in the total contract amendment and this was to clarify that error.

Supervisor Christy commented that he found it odd that an entity such as this leasing company would expect a security deposit from the County. He asked who would be paying for tenant improvements.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the County would use federal dollars to pay for modifications to the building.

Supervisor Christy asked if it was over and above the lease price.

Mr. DeBonis, Jr., replied in the affirmative.

Supervisor Christy inquired about the amount of the tenant improvements that would be paid by the County.

Mr. DeBonis, Jr., responded that staff was currently working with Catholic Community Services on the design of the layout of the building. He commented that details and specifics on modifications and estimated costs would be brought back to the Board.

Supervisor Christy inquired if that would require Board approval.

Mr. DeBonis, Jr., responded that he did not believe it would require Board approval since the funds were from the federal grant allocation received by the County.

Ms. Leshner responded that the details and specifics would be brought back to the Board for their information. She indicated that she would check to see if TI's were included in the additional amendments that were approved, and if they were not, staff would bring the item back for Board approval.

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

#### **BOARD, COMMISSION AND/OR COMMITTEE**

46. **Fair Horse Racing Commission**

Appointment of Raxon Cho, to replace Ronnie Reyna. Term expiration: 1/20/25. (District 2)

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

47. **Flood Control District Advisory Committee**

Appointment of Dr. Neha Gupta, to fill a vacancy created by Valerie Lane. No term expiration. (District 2)

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

48. **Flood Control District Board of Hearing Review**

Appointment of Dr. Neha Gupta, to fill a vacancy created by Valerie Lane. No term expiration. (District 2)

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

49. **Small Business Commission**

Appointment of Carmen Jones, to fill a vacancy created by Vera Minot. No term expiration. (District 2)

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

**CONSENT CALENDAR**

50. **Approval of the Consent Calendar**

It was moved by Chair Grijalva, seconded by Supervisor Scott and unanimously carried by a 5-0, to approve the Consent Calendar in its entirety.

\* \* \*

**BOARD, COMMISSION AND/OR COMMITTEE**

1. **Pima County Regional Affordable Housing Commission**  
Ratification of City of South Tucson appointment: Imelda Robles. Term expiration: 2/6/27. (Jurisdictional recommendation)
2. **Pima County Fair Commission**  
Reappointments of Alan Levin and Jim Murphy. Term expirations: 12/31/26. (Commission recommendations)

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

3. **Special Event**
  - Hal C. Byrd, Jr., Friends of Western Art, Inc., Smokey Springs Ranch, 1451 N. Smokey Springs Road, Tucson, April 22, 2023.
  - Samantha Christiani, Arizona Parks and Recreation Foundation, Catalina State Park, 11570 N. Oracle Road, Tucson, February 25, 2023.
  - Andrew Heideman, Rotary Club of Green Valley, Green Valley Recreation West Center, 1111 S. GVR Drive, Green Valley, February 8, 2023.
  - William Dean Woodruff, Corpus Christi Roman Catholic Parish-Tucson, 300 N. Tanque Verde Loop Road, Tucson, February 10, 2023.
  - Tina Marie Ienna-Balistreri, Valley View Preschool Family Faculty Organization, La Encantada - Courtyard Outdoor, 2905 E. Skyline Drive, Tucson, March 4, 2023.
4. **Temporary Extension**  
14100031, Guadalupe Alvarez, American Citizens Social Club, 811 N. 2nd Avenue, Ajo, February 17 and 18, 2023.



## ELECTIONS

### 5. **Precinct Committeemen**

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

#### APPOINTMENT-PRECINCT-PARTY

Roberta Jensen-010-DEM, Christopher Deyoung-016-DEM, Carlos Maldonado-022-DEM, Leslie Stellman-030-DEM, Stephanie Miller-034-DEM, John Finkelstein-045-DEM, Sonja Flores-047-DEM, Patsy Stewart-056-DEM, Mary Martinez-058-DEM, Jeanne Carr-074-DEM, Robert Teuton-080-DEM, Jacob Marsh-080-DEM, Matthew Lubisich-080-DEM, Carol Casey-084-DEM, Angela Dzikoski-141-DEM, Robert Latimore-193-DEM, Cheryl McGovern-193-DEM, Teresa Roskey-199-DEM, Bryan Lane-205-DEM, Ellen Cox-205-DEM, Karen Logan-205-DEM, Marla Daugherty-207-DEM, Gail Kocourek-218-DEM, Andrew Sheesley-219-DEM, Stephen Conway-220-DEM, Carolyn Pommier-225-DEM, Vivian Harte-233-DEM, Summer Miller-234-DEM, Candace Greenburg-257-DEM, Francine Rosen-257-DEM, Craig Johnson-005-REP, Valerie Pollack-010-REP, Brian Bovert-013-REP, Charles Cheatham-024-REP, Frank Campagna-030-REP, Cherie Riehle-030-REP, David Crivello-040-REP, Shelley Crivello-040-REP, Nancy Morrow-067-REP, Ellis Roushan-079-REP, Arthur Nicole-089-REP, Steven Roth-094-REP, Mary Alsterberg-115-REP, Anthony Alix-141-REP, Thomas Carlson-142-REP, JoAnne Sharples-146-REP, Cindy Frank-177-REP, Michael Rice-177-REP, Jamie Rimer-187-REP, John Rimer-187-REP, Christopher Liby-195-REP, Patrick Blair-195-REP, Ross Kaplowitch-197-REP, William Reaves-200-REP, Thomas Mongan-200-REP, Ian Murray-202-REP, John Bates-209-REP, Michael Sapouits-209-REP, Katherine Dumont-211-REP, Jerry VanHorn-224-REP, Michael King-224-REP, David Bertoldo-227-REP

## FINANCE AND RISK MANAGEMENT

### 6. **Duplicate Warrants - For Ratification**

Todd T. Mattas \$80.36; Todd T. Mattas \$80.36; Instrumentation & Controls, L.L.C. \$7,815.46; Kenneth Theodore Zambos \$180.67; Clerk Retail, Inc. \$1,500.00; Attune Wellness, L.L.C. \$1,265.00; Saleem Mian \$7,640.00; DT Automotive Center, Inc. \$1,352.95; DT Automotive Center, Inc. \$145.79; F & J Home Services, Inc. \$1,100.00; Raquel Quinn \$176.70; Arizona Truck Center, L.L.C. \$65.88; Bilby Partners, L.P. \$3,027.00.

## TREASURER

### 7. **Duplicate Warrants - For Ratification**

Title Security Agency \$396.80; Pioneer Title Agency \$4,871.38; Title Security \$239.64; Watterson Kay \$979.90

**RATIFY AND/OR APPROVE**

- 8. Minutes: December 6, 2022  
Warrants: January, 2023

\* \* \*

51. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:48 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK