

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, January 16, 2018. Upon roll call, those present and absent were as follows:

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

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

1. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:31 a.m.

2. **RECONVENE**

The meeting reconvened at 10:59 a.m. All members were present.

3. **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential appeal of the Maricopa Superior Court decision in the matter of Pima County and Pima County Regional Flood Control District v. Misael Cabrera and Rosemont Copper Company, Maricopa County Superior Court Case No. LC2017-000144-001 DT.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as recommended that no further appeals would be filed.

It was moved by Supervisor Valadez, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to accept the recommendation.

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:26 p.m.

CHAIR

ATTEST:

CLERK

DRAFT

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 16, 2018. Upon roll call, those present and absent were as follows:

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

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

1. GRANT ACCEPTANCE

Arizona State Library, to provide for the Writers in Residence in Libraries Program, \$5,000.00 (GTAW 18-41)

It was moved by Chair Bronson, seconded by Supervisor Valadez 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 12:26 p.m.

CHAIR

ATTEST:

CLERK

STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium 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, January 16, 2018. Upon roll call, those present and absent were as follows:

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

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

1. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:31 a.m.

2. **RECONVENE**

The meeting reconvened at 10:59 a.m. All members were present.

3. **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential lawsuit against Pecos League of Professional Baseball Clubs, L.L.C., for payment of stadium service fees.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to file a lawsuit.

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:26 p.m.

CHAIR

ATTEST:

CLERK

DRAFT

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 16, 2018. Upon roll call, those present and absent were as follows:

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

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

1. **INVOCATION**

The invocation was given by Rabbi Yehuda Ceitlin, Chabad Tucson.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Chair Bronson and Supervisor Elías commented on the success of the January 15th Martin Luther King, Jr. Day march and the community gathering held at Reid Park in his honor.

4. **PAUSE 4 PAWS**

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

5. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding County spending, taxes and working within the budget.

Curt Larson, Friends of Tucson Mountain Park, spoke in opposition to the proposed new trails in Tucson Mountain Park.

Roger Score addressed the Board regarding Federal issues that were distracting from County issues.

Christopher Cole, Chairman, Pima County Libertarian Party, addressed the Board regarding conflicts within County Government pertaining to I-11.

Tom Jenney, Arizona Chapter of American's for Prosperity, presented Supervisor Miller with the 2017 Local Hero Award, which was awarded to local government officials defending taxpayers against excessive spending and taxes.

Keith Van Heyningen addressed the Board regarding soccer fields, the velodrome, World View and government spending.

Russell Trask spoke regarding the importance of public safety and infrastructure versus parks and bike paths.

Wendell Long, Sales Tax Advisory Committee (STAC), extended an invitation to the public to attend upcoming STAC Committee meetings.

Anakarina Rodriguez, Mi Familia Vota, thanked the Board for their Resolution on Deferred Action for Childhood Arrivals Program.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:31 a.m.

7. **RECONVENE**

The meeting reconvened at 10:59 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to waive potential conflicts of interest to allow Coppersmith Brockelman, P.L.C. to represent Pima County and to represent new or existing clients in matters involving Pima County that are not substantially related to Coppersmith Brockelman's representation of Pima County.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to approve the conflict of interest waiver.

It was moved by Supervisor Valadez, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to approve the conflict of interest waiver.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in WBCMT 2007-C31 South Alvernon Way, L.L.C. v. Pima County, Arizona Tax Court Case No. TX2017-001656.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed with the recommended proposed settlement.

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

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Third Party Complaint filed against Pima County in Bill Staples, Pima County Assessor v. HSL Tucson National Apartments, L.L.C., Arizona Tax Court Case No. TX2017-000374, including potential consent to joint representation.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction regarding joint representation of the Assessor and County and to defending the Third Party Complaint against the County.

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

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Raytheon Company v. Pima County and Bill Staples, Arizona Tax Court Case No. TX2017-000465.

Supervisor Miller recused herself due to a potential conflict of interest and left the dais.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

It was moved by Supervisor Valadez, seconded by Supervisor Christy and carried by a 4-0 vote, to proceed as discussed in Executive Session.

Supervisor Miller returned to the dais after the vote.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential appeal of the Maricopa Superior Court decision in the matter of Pima County and Pima County Regional Flood Control District v. Misael Cabrera and Rosemont Copper Company, Maricopa County Superior Court Case No. LC2017-000144-001 DT.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed as recommended that no further appeals would be filed.

It was moved by Supervisor Valadez, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to accept the recommendation.

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding representation of the Board of Supervisors by outside counsel, J. Arthur Eaves, under A.R.S. §13-2314.03, including the scope of services to be provided by outside counsel and the scope of the Board's authority under A.R.S. §13-2314.03.

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

COUNTY ADMINISTRATOR

14. **Medical Insurance for County Employees - Fiscal Year 2018/19**

Staff recommends approval of the following:

1. Contracts in the following categories:
Third Party Administrative (TPA) - Aetna (MA-PO-18-189)
Pharmacy Benefits Management (PBM) - CVS/Caremark (MA-PO-18-190)
Employee Assistance Program (EAP) - Aetna (MA-PO-18-189)
2. Continued County HSA funding.
3. Continued current Healthy Lifestyle Premium Discounts structure.
4. Changes to medical, pharmacy and dental, which includes a 5.68 percent reduction in premium costs.

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

15. **Employment as Outside Counsel for the Review of County Attorney Anti-Racketeering Fund Expenditures**

Discussion/action regarding possible employment of outside counsel with Sanders and Parks, P.S. Law Firm, for review of County Attorney Anti-Racketeering Fund expenditures.

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to retain outside counsel.

INDUSTRIAL DEVELOPMENT AUTHORITY

16. **Academy Del Sol Project**

RESOLUTION NO. 2018 - 3, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$14,000,000.00 Education Facility Revenue Bonds (Academy Del Sol Project, 1955 West Valencia Road and 7102 West Valley Crest Place, Tucson, Arizona), Series 2018 and declaring an emergency.

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

COUNTY ATTORNEY

17. The Board of Supervisors on December 12, 2017 and January 2, 2018, continued the following:

Contract

Kathryn Kellner, d.b.a. Kellner Studio, Amendment No. 3, to provide presentation skills and communication strategies consultant services and extend contract term to 12/31/18, RICO Fund, contract amount \$30,000.00 (CT-PCA-15-141)

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue this item for one month, to the Board of Supervisors' Meeting of February 20, 2018.

FRANCHISE/LICENSE/PERMIT

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

10103532, Jose A. Moreno, Super Carniceria Del Valle, 2611 W. Drexel Road, Tucson, Agent Change and Acquisition of Control.

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

DEVELOPMENT SERVICES

19. The Board of Supervisors on November 21, 2017, continued the following:

Hearing - Rezoning

P17RZ00004, Michael E and Linda A Arnold Family Tr - N. La Cholla Boulevard Rezoning

Request of Michael E and Linda A Arnold Family TR, represented by The Planning Center, for a rezoning of approximately 6.5 acres from SR (Suburban Ranch) (3.58 acres) and CR-1 (Single Residence) (2.92 acres) to the CR-5 (Multiple Residence) zone, Parcel Codes 225-21-0080, 225-21-0090, and 225-21-0100, located approximately 700 feet north of the intersection of N. La Cholla Boulevard and W. Old Magee Trail on the east side of N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0

(Commissioner Gungl was absent) to recommend APPROVAL TO THE CR-4 (MIXED DWELLING) ZONE SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Standard and Special Conditions

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. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the east.
 - B. The owner shall construct McCarty Road from W. Dawn Drive south to the end of the rezoning site frontage. Construction of McCarty Road shall include curb along the frontage of the rezoning site.
 - C. The property shall be limited to 2 access points as shown on the preliminary development plan.
 - D. Pedestrian access shall be provided from the single-family homes to La Cholla Boulevard via the multi-family portion of the rezoning site.
 - E. All site improvement construction vehicles over 1-ton capacity shall be limited to the La Cholla Boulevard access. A three-way stop sign shall be installed at the intersection of McCarty Road and Dawn Drive and speed limit signs added south of the La Cholla Boulevard and McCarty Road intersection. The vegetation along La Cholla Boulevard, south of McCarty Road along the full frontage of the subject property shall be trimmed and maintained for sight visibility.
3. Regional Flood Control District condition: At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

- F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.
 6. Cultural Resources condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
 7. Adherence to the preliminary development plan as approved at public hearing.
 8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 9. The property owner shall execute the following disclaimer regarding 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)."

Chris Poirier, Deputy Director, Development Services, provided the staff report and indicated that staff had participated in meetings between the developer and the neighborhoods.

Brian Underwood, The Planning Center, reviewed the proposed project and summarized meetings between the property owners and community members. He indicated that although the McCarty Road access issues were not fully resolved, additional meetings resulted in right-of-way enhancements that would improve traffic safety in the area. He stated that these enhancements were supported by both the developer and county staff and included the installation of a three-way stop sign, a radar speed limit indicator and regular median maintenance on La Cholla Boulevard to improve sight visibility. He added that a traffic engineer was consulted for the purpose of providing solutions to the neighborhood regarding traffic concerns and that those results were shared with neighbors.

Mike Arnold, Developer, addressed the Board regarding the importance of the existing natural wash and how it would be affected by moving the ingress/egress to La Cholla Boulevard. He reviewed the compromises that had been made in order to address the concerns of the neighbors.

Supervisor Miller inquired whether the owner had any plans to improve neighborhood roads.

Mr. Arnold responded that he planned on improvements to sections of roadways in the neighborhood and was working on having the utilities placed underground.

Davya Cohen, Highgate Homeowner's Association (HOA), conveyed the HOA's support for the project and presented the Board with signatures from the neighbors supporting the project.

Roger Spring addressed the Board in support of the project, adding that it would increase property values. He presented photos to the Board depicting visibility issues on La Cholla Boulevard and asked that landscaping be adjusted to mitigate those issues. He also stated that a radar speed indicator and street evaluations within the neighborhood would be helpful.

Gary Dickert and Donna Heidinger expressed concerns regarding vehicular traffic in the neighborhood.

Johann Demmel submitted a letter of opposition from Brenda Young.

Betsy Sandlin addressed the Board in opposition to the ingress/egress of this project onto McCarty Road and submitted a letter of opposition from Marilyn Munsinger.

William Hunter submitted a letter from Karen Farnham who was opposed to the project and asked that the Board require the development's ingress/egress to be restricted to La Cholla Boulevard.

Supervisor Miller inquired about McCarty Road's traffic capacity and other options for traffic improvements.

Ana M. Olivares, Director, Department of Transportation, responded that McCarty Road was not at capacity and that a three-way stop at Dawn Drive and McCarty Road was being considered. She added that a speed limit sign, with radar feedback, could be installed on La Cholla Boulevard near the proposed development.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P17RZ00004, subject to standard and special conditions and to include the following conditions: that the Department of Transportation install a three-way stop sign at Dawn Drive and McCarty Road, a radar feedback speed limit sign be install on La Cholla Boulevard and that regular median maintenance be conducted on La Cholla Boulevard to improve visibility.

20. **Hearing - Type III Conditional Use Permit Construction and Demolition Landfill; and Composting and Recycling**

P17CU00011, Fairfax Companies, L.L.C. - S. Wilmot Road

Request of The Planning Center, representing Fairfax Companies, L.L.C., on property located at 11505 S. Wilmot Road, in the RH (Rural Homestead) Zone, for a Conditional Use Permit for a sand and gravel operation; construction and demolition landfill; and composting and recycling, in accordance with Section 18.13.030.B.23 and 35 of the Pima County Zoning Code as a Type III Conditional Use Permit. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook and Becker were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions

The Zoning Code stipulates no standard conditions for this use, other than the requirement that a Type III conditional use permit must be obtained.

Special Conditions

1. This conditional use permit approval is for a multi-use facility containing a landfill for construction and demolition materials, a composting operation for green waste, and a recycling facility. No other non-residential or commercial/industrial uses other than the above are authorized or implied.
2. The attendant sand-and-gravel extraction operations are exempt from local zoning authority by State Statutes and are not a part of this conditional use permit approval.
3. A formal Development Plan and review process for the entire facility is hereby required in accordance with the requirements of Section 18.71 of the Zoning Code.
4. The applicant's submitted narrative, entitled "The Fairfax Companies, L.L.C. – Type III Conditional Use Permit (CUP): Project Narrative", and dated November 11, 2017 is incorporated herein by reference and is considered a material part of this conditional use permit approval. The Narrative shall effectively serve as an operations manual for the facility and Pima County shall have enforcement authority to ensure that it is operated in substantial conformance with the Narrative.
5. In the event that the applicant or facility operator seeks in the future to materially diverge from the operational parameters outlined in the Narrative, they shall submit a revised Narrative to the Development Services Department (DSD), which Narrative shall be subject to review and acceptance by DSD.
6. With respect to the recycling facility, the following activities shall occur wholly within an enclosed building: 1) the acceptance and initial dumping of all materials that are prone to windblown scatter (e.g. loose paper and cardboard products); 2) the sorting of said materials; 3) the processing and packaging/baling of the finished materials; and 4) the storage of the finished material packaging/bales. Outdoor storage of such finished materials is not permitted due to their potential for weathering and degradation over time and the resultant contribution to potential windblown scatter onto adjacent properties.

Jason Tankersley, Fairfax Companies, L.L.C., outlined the proposed project to the Board.

Supervisor Christy encouraged Fairfax Companies, L.L.C., to continue communicating with neighborhood stakeholders as the project progressed.

It was moved by Supervisor Christy, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve P17CU00011, subject to standard and special conditions.

21. Hearing - Rezoning Time Extension

Co9-02-24, Fidelity Title Agency Trust 10,930, et al. - Kolb Road Rezoning
Request of Lewis I-10/Kolb, L.L.P., represented by MJM Consulting, Inc., for a five-year time extension for the above-referenced rezoning from GR-1 (Rural Residential) to CB-2 (General Business). The subject site was conditionally rezoned in 2003. The rezoning expires on January 14, 2018. The site is approximately 1.38 acres located on the northeast corner of Kolb Road and Interstate 10 Frontage Road, south of Interstate 10. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED CONDITIONS. (District 4)

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.~~
- ~~6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~
71. Transportation conditions:
 - A. Access will not be allowed directly on Kolb Road or the I-10 On Ramp.
 - B. Provision of all improvements on Kolb Road by the property owner(s), as determined necessary by the Department of Transportation during the plan review process.
 - C. Provision of improvements by the property owner(s) to the existing cross-section of I-10 Frontage Road between Kolb Road and the east property line of Parcel A. These improvements will include vertical curbs, sidewalks and additional pavement as determined necessary by the Department of Transportation during the plan review process.
82. Flood Control conditions:
 - A. The property owner(s) shall comply with detention/retention conditions and restrictions as stated in the Floodplain Management Ordinance since the property lies within a balanced drainage basin.
 - B. The property owner(s) shall provide all necessary drainage related improvements that are needed as a result of the proposed development both on-site and off-site of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - D. At the time of development the owner(s) shall commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
93. Department of Environmental Quality conditions:
 - ~~A. Subsurface sewage disposal shall not exceed 1,200 gallons per acre per day.~~
 - B. As a condition of approval, the property owner(s) shall connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit. On-site wastewater disposal shall not be allowed.
404. Adherence to the Preliminary Development Plan (PDP) as approved at public hearing

(EXHIBIT B).

445. In the event the subject property is annexed, the property owner shall adhere to all applicable zoning 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.
426. The property owner(s) shall execute ~~and record~~ the following disclaimer regarding 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)."
13. ~~The site shall be inspected for the presence of the western burrowing owl by a qualified resource specialist. A report which contains survey results and dates shall be provided to Pima County immediately upon completion of the inspection. This report must be received prior to approval of a development plan or tentative plat. If any western burrowing owls are found to be present on the project site, a copy of the report shall be sent to the Arizona Game & Fish Department's Heritage Data Management System.~~
14. Under no circumstances shall the following non-native plant species be planted on the site:
- Fountain grass (*Pennisetum setaceum*)
 - Buffelgrass (*Pennisetum ciliare*)
 - Johnson grass (*Sorghum halapense*)
 - Giant reed (*Arundo donax*)
 - Common crabgrass (*Digitaria sanguinalis*)
 - Pampas grass (*Cortaderia selloana*)
 - Red brome (*Bromus rubens*)
 - Mediterranean grass (*Schismus spp.*)
 - Tree of Heaven (*Ailanthus altissima*)
 - African sumac (*Rhus lancea*)
 - Russian olive (*Eleagnus angustifolia*)
 - Salt cedar/Tamarisk (*Tamarix pentandra* and *T. ramosissima*)
 - Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda
 - Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)
 - African rue (*Peganum harmala*)
 - Iceplant (*Mesembryanthemum crystallinum*)
 - Arabian Grass (*Schismus arabicus*)
 - Natal Grass (*Melinis repens* (= *Rhynchelythrum repens*))
457. Environmental Planning condition:
Upon the effective date of the second time extension associated with this rezoning, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the current any future 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.~~
8. Wastewater Management conditions:
- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
- B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s)

shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.

- C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Prior to approval of a development plan or site plan, the owner shall record an Avigation Easement and Disclosure Statement approved by the Tucson Airport Authority (TAA). A copy of the executed Avigation Easement(s) shall be provided to TAA.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-02-24, subject to original and modified conditions.

TRANSPORTATION

22. Hearing - Traffic Resolution

RESOLUTION NO. 2018 - 4, of the Board of Supervisors, providing for the establishment of Jeffrey Road and Teton Road, County Highways situated within the west half of Section 16, T15S, R12E, G&SRM, Pima County, Arizona. Staff recommends APPROVAL. (District 3)

Edward Cizek expressed concern regarding the County taking on more roads when the current roads were in such bad condition.

Chair Bronson clarified that the vote was to establish the roads, not to build them.

Carmine DeBonis, Deputy County Administrator, indicated, per statute, roads built to the adopted County standards required that the County accept the roads into their maintenance system.

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

23. **Hearing - Environmental Assessment and Mitigation Report**

Staff recommends approval of the Environmental Assessment and Mitigation Report for the Kolb Road: Sabino Canyon Road to Sunrise Drive (4KSCSD) Project. (District 1)

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

BOARD OF SUPERVISORS

24. **Public Records Requests**

At the Board of Supervisors' Meeting of August 2, 2016, the Board directed County Administration to update its policies regarding public records requests as was proposed in August 2016, based on a June 2016, memo from the County Administrator for Board review and approval. Discussion of current status of same. Direction/Action. (District 3)

Chuck Huckelberry, County Administrator, reported that the procurement process to purchase E-discovery software for public records was underway.

Chair Bronson directed the County Administrator to issue a memorandum updating the Board on the status and progress of the public records compliance process.

25. **Deferred Action for Childhood Arrivals Program**

RESOLUTION NO. 2018 - 5, of the Board of Supervisors, calling for the U.S. Congress to renew the Deferred Action for Childhood Arrivals Program in a timely fashion and to enact comprehensive reform of the immigration system. (District 5)

Supervisor Elías stated that it was time for the Board to take a stand on Deferred Action for Childhood Arrivals (DACA). He added that some individuals have been waiting for a Resolution since the original Dream Act was introduced in 1991.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to adopt the Resolution. No vote was taken at this time.

Supervisor Miller commented that it was time for Congress to take action and address such issues as: comprehensive immigration reform for DACA, border security, chain migration, the lottery program, and funding for border walls and other resources.

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

TREASURER

26. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$147.27.

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

REGIONAL WASTEWATER RECLAMATION

27. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 2955 W. Calle Agua Nueva, Tucson, Arizona 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

Busy "D" Pumping. The proposed settlement in which Busy "D" Pumping will complete a Supplemental Environmental Project (SEP) in lieu of a monetary penalty is allowed by Section 2.4(C) of Pima County's Enforcement Response Plan. The proposed SEP will modify operations at the Busy "D" Pumping facility and will constitute a pollution prevention project that will address the cause of the violations. Busy "D" Pumping will complete the SEP within one year from the date of the Negotiated Settlement Agreement.

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

CONTRACT AND AWARD

COUNTY ADMINISTRATOR

28. University of Utah/Sorensen Impact Center, Amendment No. 1, to provide for the Pay for Success - Permanent Supportive Housing Demonstration Project and amend contractual language, contract amount \$45,000.00 revenue (CTN-CA-17-198)

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

COUNTY ATTORNEY

29. Slutes, Sakrison and Rogers, P.C., Amendment No. 4, to provide legal services related to Hernandez v. Pima County and amend contractual language, Risk Management Tort Fund, contract amount \$5,000.00 (CT-FN-16-337)

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

PIMA COUNTY WIRELESS INTEGRATED NETWORK

30. Golder Ranch Fire District, to provide a subscriber services agreement for Pima County Wireless Integrated Network subscriber services, contract amount not-to-exceed \$19,734.75 revenue/5 year term (CTN-WIN-18-88)

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

GRANT APPLICATION/ACCEPTANCE

31. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for the Dental Sealants Program and amend scope of work, no cost (GTAM 18-26)

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

32. **Acceptance - Sheriff**

U.S. Department of Agriculture - U.S. Forest Service, to provide for the Cooperative Law Enforcement 2018 Annual Operating and Financial Plan, Federal Grant Fund, \$56,562.56 (GTAW 18-48)

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

BOARD, COMMISSION AND/OR COMMITTEE

33. **Fair Horse Racing Commission**

Appointment of James Collins, to replace Zulema Echerivel. Term expiration: 1/20/20. (District 1)

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

34. **Board of Adjustment, District 1**

Reappointment of George D. Carroll. Term expiration: 12/9/21.

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

35. **Board of Adjustment, District 5**

Reappointments of Susan Adler, Hector Campoy and Rebecca McLean. Term expirations: 8/31/21.

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

CONSENT CALENDAR

36. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 1, 6 and 7 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Facilities Management

1. Pima County Community Land Trust, Inc., to provide a lease agreement for property located at 17 N. Linda Avenue, contract amount \$84,000.00 revenue/5 year term (CTN-FM-18-95)

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

Supervisor Miller inquired about the funding source used to rehabilitate the building.

Supervisor Elías responded that Affordable Housing Bond Funds had been used.

Supervisor Miller noted that the lease indicated that the County was responsible for paying reasonable utility bills. She inquired whether there was an amount limit and what was considered reasonable.

Chuck Huckelberry, County Administrator, responded that there were no issues reported that were beyond normal business usage.

Supervisor Miller inquired whether County functions would be transferred over to the Land Trust.

Mr. Huckelberry responded that the Land Trust worked in conjunction with the County's Housing Center to find affordable housing for community members and staffing at the Housing Center would not be impacted.

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

Procurement

6. Poster Frost Mirto, Inc., Amendment No. 2, to provide architectural and engineering design services for the Old Courthouse Tenant Improvements (XOCHRT) Project and amend contractual language, 2018 Certificates of Participation Fund, contract amount \$1,586,353.00 (CT-FM-17-126) Facilities Management

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

Supervisor Miller inquired why this contract was not competitively bid.

Chuck Huckelberry, County Administrator, responded that professional services were procured through a qualifications based process rather than competitive bidding. He indicated that this vendor had the highest qualifications in rehabilitating historic structure.

Supervisor Miller inquired whether Ralph Appelbaum, sub-contractor for Poster Frost Mirto, would be doing the construction.

Mr. Huckelberry responded that the construction would be part of the bidding process associated with the tenant improvements for each of the facilities.

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

7. Chee Salette Architecture Office, Inc., to provide design services for the January 8 Memorial in El Presidio Park (XJAN8M), Operating Transfer Special Revenue Fund, contract amount \$33,000.00 (CT-FM-18-143) Facilities Management

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

Supervisor Miller inquired about the funding source for this contract.

Chuck Huckelberry, County Administrator, responded that the Operating Transfer Special Revenue Fund was comprised of outside donations collected for the memorial.

Supervisor Miller asked why the County was overseeing the project on behalf of the January 8 Memorial Foundation.

Mr. Huckelberry responded that the memorial was on County property.

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

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CONTRACT AND AWARD

Facilities Management

1. Pima County Community Land Trust, Inc., (PULLED FOR SEPARATE ACTION)

Grants and Data Office

2. Arizona Board of Regents on behalf of the Arizona State Museum, to provide a Grant-In-Aid Indian Gaming Revenue Funding Agreement with the Ft. McDowell Yavapai Nation, Ft. McDowell Yavapai Revenue Sharing Grant Fund, contract amount \$15,000.00 (CT-CED-18-189)

Procurement

3. **Award**
Award: Purchase Order No. PO-PO-18-51, Matthews Specialty Vehicles, Inc. (Headquarters: Ballston Spa, NY), to provide for mobile medical clinic vehicles. This contract is for a one-time award in the not-to-exceed amount of \$352,556.16 (including sales tax). Funding Source: Health Special Revenue Fund. Administering Department: Health.
4. **Award**
Amendment of Award: Master Agreement Nos. MA-PO-13-394 and MA-PO-14-86, Western Refining Wholesale, Inc. and Senergy Petroleum, L.L.C., to provide for the Gasoline and Diesel Fuel Co-Op Project. This revision is to extend the termination date to 4/30/18. Funding Source: Fleet Operating Expenses Fund. Administering Department: Fleet Services.

5. **Award**
Award: Master Agreement No. MA-PO-18-184, Consultant Engineering, Inc. (Headquarters: Phoenix, AZ), and HDR Construction Control Corporation (Omaha, NE), to provide construction surveillance and inspection services for Transportation Capital Improvement Projects. This award of master agreement is recommended to the two (2) highest qualified consultants in an annual shared amount not to exceed \$500,000.00 for an initial one (1) year agreement term from 1/16/18 to 1/15/19 which may be extended for up to four (4) additional one-year terms. Funding Source: Various Funds. Administering Department: Transportation.
6. Poster Frost Mirto, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)
7. Chee Salette Architecture Office, Inc., (PULLED FOR SEPARATE ACTION)
8. Sellers and Sons, Inc., to provide for the Mike Jacob Sportspark Renovation Project, ADOT Land Purchase (45 ~~47~~%), General Obligation Bond (25.9%) and General Contingency (27.1%) Funds, contract amount \$1,654,684.01 (CT-PW-18-190)

Real Property

9. Zayo Group, L.L.C., Amendment No. 5, to provide a Nonexclusive Right-of-Way use license for a communications system and amend contractual language, contract amount \$3,000.00 revenue (CTN-IT-13-8)

GRANT APPLICATION/ACCEPTANCE

10. **Acceptance - Grants and Data Office**
HUD Office of Lead Hazard Control and Healthy Homes (OLHCHH), to provide for the 2017 OLHCHH Lead-Based Paint Hazard Control Grant Program, HUD/OLHCHH Fund, \$1,650,000.00/\$120,307.84 Community Development Block Grant Fund match/\$32,485.44 General Fund match (GTAW/R 17-96/18-1)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Workforce Investment Board**
Appointment of Fabian Sandez, representing Workforce; CBO, to fill a vacancy created by Deborah Embry. Term expiration: 9/30/21. (Staff recommendation)
12. **Board of Adjustment, District 2**
Reappointment of Oscar A. Blazquez. Term expiration: 6/30/21.
13. **Community Action Agency Board**
Reappointment of Willie Blake. Term expiration: 12/31/20. (District 2)

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

14. Special Event

- Jonas Wes Hunter, Southern Arizona Arts and Cultural Alliance, The Lodge at Ventana Canyon, 6200 N. Club House Lane, Tucson, January 28, 2018.
- Roger Dale Rainbolt, St. Philip's in the Hills Church - Friends of Music, St. Philip's - Murphey Gallery, 4440 N. Campbell Avenue, Tucson, February 10, 2018.
- John Jewell, Tucson Conquistadores, Inc., Omni Tucson National Resort, 2727 W. Club Drive, Tucson, February 23 thru 28, and March 1 thru 4, 2018.

15. Temporary Extension

03103012, Myron Christopher Squires, 1055 Brew Works, L.L.C., 3810 E. 44th Street, Suite 315, Tucson, Temporary Extension of Premises for February 3, 2018.

RATIFY AND/OR APPROVE

16. Minutes: December 12, 2017

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BOARD OF SUPERVISORS

37. Organization of the Board

Discussion/action regarding selection of the Chair, Vice Chair and Acting Chair.

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to select Richard Elías as Chairman, Ramon Valadez as Vice Chairman and Sharon Bronson as Acting Chairman of the Board of Supervisors.

38. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:26 p.m.

CHAIR

ATTEST:

CLERK

DRAFT