

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, December 15, 2015. 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
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Eric Johnson, Sergeant at Arms

1. **DESIGN STANDARDS FOR STORMWATER DETENTION AND RETENTION MANUAL**

Staff recommends approval of the revised Design Standards for Stormwater Detention and Retention Manual and recommended condition.

It was moved by Supervisor Miller, seconded by Chair Bronson 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 12:49 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, December 15, 2015. 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
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Eric Johnson, Sergeant at Arms

1. REVISIONS TO BOARD OF SUPERVISORS POLICIES

Staff recommends approval of the revisions to the following Board of Supervisors Policies:

- Policy No. D32.2, Circulation
- Policy No. D32.10, Meeting Room Use

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

2. CONTRACT

Tucson Unified School District, Amendment No. 3, to provide a lease agreement for a branch library located at 6855 S. Mark Road, extend contract term to 6/30/20 and amend contractual language, Library District Fund, contract amount \$137,348.36 (CT-LIB-12-871)

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

3. GRANT ACCEPTANCE

Tohono O'odham Nation, to provide for the Access for All: Connecting to Library Resources through the Bookmobile Program, \$25,000.00 (GTAW 16-46)

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

4. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:49 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, December 15, 2015. 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
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Eric Johnson, Sergeant at Arms

1. **INVOCATION**

The invocation was given by Pastor Brian Steely, Sahuarita Baptist Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PRESENTATION**

Presentation of the Small Business Awards for 2015: the Urban Award to Aztera, L.L.C. and the Rural Award to Bling by Design.

The presentation was made to Bling by Design for the Rural Award, by the Small Business Commission members and staff. The Board took no action on this item.

5. **CALL TO THE PUBLIC**

The following speakers addressed the Board regarding the curtailment of the Freeport-McMoran Sierrita Mine.

- Richard Bark, Freeport-McMoran
- Colette Brown, Freeport-McMoran

They offered the following comments:

- Thank you to the Board for their assistance during the curtailment and for the One Stop Program.
- The County had lessened the impact to employees and the community and the Town of Sahuarita worked with Pima County One Stop to provide a location for services.

Davya Cohen thanked the Board for the information provided to her regarding the homeless issue which had been presented at a previous meeting and submitted petitions from neighbors.

Dennis Currie addressed the Board regarding the purchase of property owned by St. Demetrious Greek Orthodox Church.

Elizabeth Kelly spoke regarding an international appeal signed by scientists for a peer review of Electromagnetic Radiation submitted to the United Nations, World Health Organization and the United Nations Environmental Program.

Geri Ottoboni addressed the Board regarding Supervisor Carroll receiving the Hero's Taxpayer Award from the organization, American's for Prosperity.

Christopher Cole spoke regarding Constitution Day and an increase in taxes caused by the purchase of land by the County.

The following speakers addressed the Board regarding the Value of Federal Public Lands Resolution:

- Kevin Dahl, National Parks Conservation Association
- Carolyn Campbell, Coalition for Sonoran Desert Protection

They offered the following comments:

- It would be a disaster if the public lands were handed over to the State.
- Voters opposed legislation in defeat of a similar proposition and the State was strategizing to bring it back again.

Jill Malick, Tucson Metro Chamber of Commerce and Southern Arizona Leadership Council, addressed the Board regarding success in small business companies.

The following speakers addressed the Board regarding the Rillito Park Foundation, Inc., contract:

- Ebie Aldaghi, Tucson Soccer Academy
- Ted Schmidt

They offered the following comments:

- 10 years ago the future of Rillito was discussed and the Board voted it would become a soccer field.
- Promises had been made by the County that there wouldn't be any fall racing because the maximum use of the soccer fields were in October.

Larry Audsley submitted written support of the Federal Public Lands Resolution.

BOARD OF SUPERVISORS

6. Value of Federal Public Lands

RESOLUTION NO. 2015 - 91, of the Board of Supervisors, recognizing the value of Federal Public Lands in Pima County to the County's heritage, economy and quality of life; opposing any effort to transfer those lands to the State of Arizona or local governments. (District 5)

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

Supervisor Elías spoke to the good partnership with the Federal government and supported the continuance of their oversight of the public lands.

Supervisor Carroll said his vote reflected that of the Arizona County Supervisors Association to not transfer these lands, especially as the State was now considering auctioning off State land.

Supervisor Valadez stated although the current system may be flawed, the State does not have the resources to be the custodian of these lands.

Supervisor Miller stated she did not believe the door should be closed to the option of the State taking over Federal lands and would not support the resolution.

Chair Bronson stated the State had not done a good job in the management of lands and she did not want to use taxpayer resources defending either side of a constitutionality challenge with the transfer of these lands.

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

COUNTY ADMINISTRATOR

7. 2016 Legislative Agenda

RESOLUTION NO. 2015 - 92, of the Board of Supervisors, adopting a Pima County Legislative Program for 2016.

(Note: See Minute Item No. 22 for discussion/action on this topic.)

INDUSTRIAL DEVELOPMENT AUTHORITY

8. Premier Charter High School

RESOLUTION NO. 2015 - 93, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$8,000,000.00 Education Facility Revenue Refunding Bonds (Premier Charter High School Project, 7544 W. Indian School Road, Phoenix, AZ), Series 2015 and declaring an emergency.

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

HUMAN RESOURCES

9. Classification/Compensation

The County Attorney's Office requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
7656/ Law Clerk - Unclassified/ U1(\$21,424-\$67,476)/ 5/ NE*

*NE = Non-Exempt (paid overtime)

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

10. Classification/Compensation

The Health Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
4128/ Medical Assistant/ M1(\$25,958-\$57,720)/ 9/ NE*

*NE = Non-Exempt (paid overtime)

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

11. Revisions to Merit System Rules and Personnel Policies

Staff requests approval of the revisions to the following Merit System Rules and Personnel Policies:

- Merit System Rule 6 - Recruitment Process
- Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail

- Merit System Rule 10 - Probation
- Merit System Rule 11 -Terminations
- Merit System Rule 12 - Disciplinary and Other Personnel Actions
- Merit System Rule 15 - Employee Performance Appraisal
- Personnel Policy 8-102 - Premium Pay
- Personnel Policy 8-103 -Civic Duty Leave and Uniformed Services Leave
- Personnel Policy 8-107 -Special Leaves of Absence with Pay
- Personnel Policy 8-108 - Leaves of Absence without Pay
- Personnel Policy 8-120 - Reallocation/Reclassification

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

12. Meet and Confer Memorandum of Understanding

Ratification of the revised Meet and Confer Memorandum of Understanding with Service Employees International Union (SEIU), Arizona Local 48, for Fiscal Years 2015 - 2017.

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

TRANSPORTATION

13. Acceptance of Project/Roadway for Maintenance

P14SI00050, New Tucson, Unit 5, Lots 56-94, 116-130, 137-146 and 257-262. Developer: New Tucson Unit 5 Homeowners Association. (District 4)

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

FRANCHISE/LICENSE/PERMIT

14. Hearing - Liquor License

03103027, Scott Alan Petersen, Green Feet Brewing, 3669 E. 44th Street, Tucson, Series 3, Microbrewery, New License.

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

15. **Hearing - Liquor License**

12104398, Kevin Arnold Kramber, Goodness Fresh Food and Juice Bar, 6370 N. Campbell Avenue, No. 160, Tucson, Series 12, Restaurant, New License.

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

16. **Hearing - Liquor License**

11103093, Thomas Robert Aguilera, Embassy Suites La Paloma, 3110 E. Skyline Drive, Tucson, Series 11, Hotel/Motel, New License.

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

17. **Hearing - Fireworks Permit**

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, December 31, 2015 at 10:00 p.m.

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

DEVELOPMENT SERVICES

18. **Hearing - Appeal of Hearing Administrator's Decision**

The Board of Supervisors on November 17, 2015, continued the following:

P21-15-008, NORTHWEST FIRE DISTRICT - N. CAMINO DE OESTE

In accordance with Section 18.97.030 of the Pima County Zoning Code, Paul Weiner, a property owner in the noticed area, appeals the Hearing Administrator's decision in Case No. P21-15-008, on property located at 3220 N. Camino De Oeste, in the SR Zone, for a conditional use permit for a communication tower. (District 3)

Chair Bronson recused herself due to ex parte communication with the appellants. She asked Vice Chair Elías to preside over the hearing.

Jim Portner, Hearing Administrator, provided the staff report and summarized that the appeal dealt with the manner of camouflage of the communication tower. He stated that his decision had been weighted by the responses of those located most closely to the property.

Paul Weiner, appellant, stated the options currently provided by cellphone providers for camouflage were limited and a solution should be worked on with engineers of Verizon to provide a design in an artful, more relevant manner. He requested the project be put on hold to re-engage with Verizon for a redesign process.

The following speakers addressed the Board:

- Barbara Fleming
- Gram Goldman
- Joe Durco
- Todd Daoust, Pinnacle Consulting
- John Murray

They offered the following comments:

- An informal poll of neighboring homeowner association residents was conducted with the majority objecting to the water tower design.
- The tower design was inappropriate and did not conform to the County land use code requirements.
- Neighbors that had participated in the public hearing and meeting at the fire house felt the faux water tower would least impinge on the view from their home.
- Property values around the area would decrease.
- Additional time should be provided to find the best option.

Vice Chair Elías made a motion to continue this matter to work on a better design. The motion died for a lack of a second.

It was then moved by Supervisor Valadez, seconded by Supervisor Carroll and carried by a 3-1 vote, Vice Chair Elías voted "Nay," to close the public hearing and deny the appeal of the Hearing Administrator's Decision.

19. **Hearing - Rezoning**

P15RZ00006, SCHOCKET - E. INA ROAD REZONING NO. 2

Request of Evis Schocket, represented by Michael Marks, MJM Consulting, Inc., for a rezoning of approximately 7.37 acres from the CR-1 (Single Residence) zone to TR (Transitional) zone, on property located at the southeast corner of the intersection of North First Avenue and East Ina Road. The proposed rezoning conforms to the Pima Prospers - 2015 Pima County Comprehensive Plan (Co7-13-10), which designates the property for Medium Intensity Urban (MIU). On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Cook and Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. ~~There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~ A decorative masonry wall, at least 40 inches in height, shall be installed on the south side of parking lot, on the south side of the project.
6. Adherence to the preliminary development plan as approved at public hearing.
7. Adherence to Rezoning Policy RP-12, which includes:
 - A. Landscaping buffers are promoted between the higher-intensity development area and the existing neighborhoods.
 - B. Building height shall be limited to one story, not to exceed 24 feet.
 - C. Development will be limited to office uses.
 - D. Architectural design, materials, signage, and colors shall be such that they blend with the natural desert landscape and topography of the area.
8. Transportation condition:

The property shall be limited to 3 access points as indicated on the preliminary development plan.
9. Flood Control conditions:
 - A. First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
 - B. Floodplain and Erosion Hazard Setbacks shall be contained in permanently identified open space through easement or dedication.
 - C. Water conservation measures identified in the Preliminary Integrated Water Management Plan shall be implemented with the development. Where necessary, some 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.
 - D. A Pre-Annexation & Development Agreement for provision of service by Tucson Water is required.
10. Wastewater Reclamation conditions:
 - A. The owner / developer 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 / developer to that effect.
 - B. The owner / developer 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 / developer 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 / developer 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 / developer 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 / developer 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 / developer 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.
- 11. Environmental Planning condition:
Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the 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.
- 12. Cultural Resources conditions:
 - A. Submit the associated archaeological survey document to Pima County Cultural Resources prior to development of the parcel.
 - B. A caution must be noted concerning human burials: archaeological clearance recommendations do not exempt the development from compliance with State burial protection laws. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
- 13. The property owner shall execute and record the following disclaimer regarding Prop 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)."
- 14. 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.
- 15. Urgent care use shall be prohibited.
- 16. Lighting shall be low-profile and directed away from surrounding properties.

Chris Poirier, Assistant Planning Director, provided the staff report and said that although protests had been received a super majority requirement had not been

met. He stated staff also recommended Condition No. 5 be removed as it should not have been placed on a commercial rezoning.

Supervisor Carroll questioned the commercial market in the area and the last time the area was upzoning for office use.

Mr. Poirier stated it had been over five years for this type of request and that there were properties developed in the area that had been previously rezoned.

Michael Marks, MJM Consulting, explained the project, that it was in conformance with the area plan and the two applicable rezoning policies. He recounted meetings conducted with the neighbors which resulted in the addition of a condition for a decorative masonry wall at least 40" in height to be built along the south side of the project.

The following speakers addressed the Board:

- Cybelle Egan
- Ray Rogers
- Rebekah Smith
- Robert Fellrath

They offered the following comments:

- Neighbors were concerned about noise abatement and traffic safety.
- Traffic would be become more congested with all the office use in the area.
- Ina Road was already over capacity, the accident rate was 8 per mile on North First Avenue and 35 per mile on Ina Road.
- There were currently vacant office buildings in the area.
- Neighbors did not want possible additional development by owner.
- There should be a decrease in the percentage of medical use.
- Traffic ingress and egress should only be allowed as right in and right out.
- The development should have trees and the hours of operation kept to 8 a.m. to 6 p.m.

Noah Dray did not speak but submitted a card in opposition of the rezoning.

Supervisor Elías questioned the road capacity issues that had been raised.

Priscilla Cornelio, Transportation Director, explained that using traffic projections counts from 2012 and 2013 it was found that traffic in major arterials in the County have decreased. She added that the traffic volume generated from this development would not occur during peak hours and did not believe this development would over burden the surrounding roadways.

Supervisor Miller asked about the accident rate along Ina Road.

Ms. Cornelio explained that the Traffic Engineering Division had been working on traffic flows and added speed enforcement signs to improve safety along Ina Road. She added they didn't have the specifics on accident rate over a period of time.

Mr. Marks explained the 40" wall would help with noise abatement, the Transportation Department had reviewed this rezoning and that the code required trees in the parking lot. He stated the requested percentage of medical use and hours of operation would stay the same.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P15RZ00006, subject to standard and special conditions; to eliminate Condition No. 5; and to include the additional condition submitted by the developer that read, "A decorative masonry wall, at least 40 inches in height, shall be installed on the south side of parking lot, on the south side of the project."

20. **Hearing - Rezoning**

P15RZ00007, ESTATE OF EMILY STOWELL STRATTON - W. ANKLAM ROAD REZONING

Request of David Stowell and Gloria Stowell Hastie Stueland, for a rezoning of approximately 1.0 acres from the SR (BZ) (Suburban Ranch - Buffer Overlay) zone to the CR-1 (BZ) (Single Residence - Buffer Overlay) zone, on property located approximately three-quarters of a mile southeast of W. Speedway Boulevard and W. Anklam Road intersection and approximately 750 feet south of W. Anklam Road. The proposed rezoning conforms to the Pima County Comprehensive Plan (Co7-13-10). On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Holdridge abstention counts as a YES vote; Commissioners Cook and Neeley were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 5)

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

1. The owner shall:
 - A. Submit a sketch 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.
2. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.
3. Maximum building height restriction of 24 feet as measured in accordance with the Pima County Zoning Code.
4. Adherence to the sketch plan as approved at public hearing.
5. Hillside Development Overlay Zone Natural Area shall coincide with the Conservation Land System Natural Open Space to be dedicated prior to permitting.
6. Adherence to color requirements of exposed walls, structures and roofs, and construction of fences and walls under the Buffer Overlay Zone.

7. Flood Control condition:
Driveway drainage design shall be reviewed by the Regional Flood Control District and Pima County Department of Transportation prior to permitting.
8. Wastewater Reclamation condition:
The owner/developer must secure approval from the Pima County Department of Environmental Quality (PDEQ) to use on-site sewage disposal systems within the rezoning area at the time a building permit is submitted for review.
9. 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
10. The property owner shall execute and record the following disclaimer regarding Prop 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)."
11. 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.

Mark Holden, Principle Planner, provided the staff report and stated there had been three letters received in opposition of the rezoning.

Gloria Stueland, applicant, stated that this property had been homesteaded by her great aunt and in the 1960s the property was reduced to one acre. She explained the previous GR-1 zoning had lapsed and the property was now unusable without rezoning.

Donald Uhler addressed the Board in opposition to the rezoning. He felt it would set a dangerous precedent for other zonings in the area, septic would be required and a water supply would be needed.

David Stowell, applicant, stated that when this rezoning started it was indicated this would be a unique case and that this property was not associated with Dos Picos. He added that there was an old septic tank and an old water well on the property which would need to be investigated and that having delivered water may be an option. Mr. Stowell said they had attempted to purchase adjacent acres to develop the property under the current zoning but were not successful.

Supervisor Elías questioned the applicant's ability to obtain water and stated in the future he would not look favorably on other rezonings in the area.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve P15RZ00007, subject to standard and special conditions.

21. Hearing - Comprehensive Plan Amendment Resolution

RESOLUTION NO. 2015 - 94, Co7-15-01, Magee Como Development Association, L.L.C. - N. La Cholla Boulevard Plan Amendment. Owner: Craig Courtney, Magee Como Development Association, L.L.C. (District 1)

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

BOARD OF SUPERVISORS

22. Addition to 2016 Legislative Agenda/2016 Legislative Agenda - Amended

A. Addition to the 2016 Legislative Agenda relating to the following topic:

Traffic Safety/Brake Light Language

- I. A vehicle's CHMSL is permitted to rapidly pulse up to four times for no more than three seconds when the vehicle's brake is applied and then converts to a continuous light as a normal stop lamp or reflector until the time that the brake pedal is released; and
- II. The rapid pulsing described in this Subsection may not be repeated upon a subsequent application of the brakes for a lock-out time period of at least five seconds of continuous release of the brakes.

Discussion/Action. (District 4)

B. RESOLUTION NO. 2015 - 92, of the Board of Supervisors, adopting a Pima County Legislative Program for 2016.

It was moved by Supervisor Carroll and seconded by Supervisor Valadez to approve the addition of the language regarding traffic safety/brake lights and adopt the Resolution. No vote was taken at this time.

Supervisor Miller addressed each item of the legislative agenda and indicated she supported certain items such as funding for the presidential preference election, seeking protection from further state sweeps, economic development and election integrity efforts. She stated she could not support a gas tax or a sales tax.

Chuck Huckelberry, County Administrator, reported on HURF diversions to the Department of Public Safety and potentially to the Border Strike Force.

Supervisor Elías stated the tax inequity that has been continually experienced by Pima County was unfair.

Supervisor Valadez addressed his legislative experience and the intention for the diversion of funds for the Department of Public Safety, and the past funding of Motor Vehicle Division by HURF monies. He added that a full third of the primary property taxes collected in Pima County go directly to the State.

Steve Huffman, Tucson Association of Realtors, stated the legislature was as much a problem as they were a solution to funding issues that arise in the State. He spoke in support of the half cent sales tax to diversify the tax stream and to lower the property tax rates. He added it was not prudent to continue to rely exclusively on property taxes for a county this large.

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

COUNTY ADMINISTRATOR

23. Ratification of Memorandum of Understanding

Staff recommends ratification of the Memorandum of Understanding between the Tucson Airport Authority, Raytheon Missile Systems, Pima County and the City of Tucson regarding property for safety buffers and expansion areas.

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

Supervisor Miller questioned the language of the contract on the acquisition of the property by either the city or the county.

Chuck Huckelberry, County Administrator, stated the acquisition agreement will provide final language that the City of Tucson would buy the land from their annexation fund.

Without objection, to the motion carried unanimously, 5-0.

NATURAL RESOURCES, PARKS AND RECREATION

24. Governmental Liquor Licenses

RESOLUTION NO. 2015 - 95, of the Board of Supervisors, authorizing the Directors of the departments of Natural Resources, Parks and Recreation, and Economic Development and Tourism to apply for governmental liquor licenses in connection with Rillito Park, Canoa Ranch and Colossal Cave.

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

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

25. Sunnyside Pointe Development, L.L.C., Amendment No. 2, to provide for the Sunnyside Point Phase I Project and assign all rights to La Frontera Partners, Inc., no cost (CT-CD-14-234)

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

ECONOMIC DEVELOPMENT AND TOURISM

26. **Contract**

Rillito Park Foundation, Inc., to provide an agreement for the non-exclusive operation of Rillito Regional Park, contract amount \$250,000.00 revenue/5 year term (CT-ED-16-163)

Chair Bronson questioned approval of this contract for 25 years, the policy issue of supporting soccer at this location as the language seemed to curtail play during horse racing, and provisions that listed the County as being financially responsible for several improvements to the property. She stated the County did not have funding for the additional soccer fields so how would it finance the improvements.

Tom Moulton, Economic Development and Tourism Director, stated the contract had identified projects which were general upgrades to be completed over a 10 year period as funding became available.

Supervisor Valadez clarified that the Board had previously chosen a policy direction for Rillito Regional Park which was contradictory to several provisions of the contract.

Supervisor Miller stated the contract required an annual plan be submitted and it had not been included, and that there were no dollar amounts associated to the projects. She questioned the ADA compliance projects and asked whether they needed to be completed for the facility to open. She stated it looked to be millions of taxpayer dollars to help a specific group do business. She pointed out that the fixture and asset listing, business and marketing plan, and food permitting and contracting information had also not been provided as required. Supervisor Miller then questioned whether liquor revenues would come back to the County as we would be holding the license, and discussed issues raised by the audit.

Mr. Moulton stated the contract had provisions for the County to receive a portion of the gross proceeds for liquor and the designated manager would carry liquor liability insurance.

Chair Bronson raised the question of whether this caused a gift clause issue as the operation now consisted of commercial racing, off track betting and the contract was for less than market value.

Chuck Huckelberry, County Administrator, stated the policy question needed to be decided regarding the best use of the facility.

It was moved by Supervisor Valadez and seconded by Supervisor Elías to continue the item to the Board of Supervisors' Meeting of February 2, 2016. No vote was taken at this time.

Chair Bronson offered a friendly amendment to the motion that County staff conduct stakeholder meetings to include soccer and horseracing to discuss the highest and best use of the facility. She directed the Board members be noticed on those meetings.

Supervisor Carroll offered a friendly amendment to the motion that the Fairgrounds be included as part of the stakeholder group in these meetings.

Supervisors Valadez and Elías accepted the amendment to the motion made by Chair Bronson.

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

FACILITIES MANAGEMENT

27. Green Valley Lions Club, Amendment No. 2, to provide a lease for the Green Valley Lions Club located at 601 N. La Cañada Drive, Green Valley, extend contract term to 1/1/26 and amend contractual language, contract amount \$100.00 revenue (CTN-FM-16-75)

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

28. Arizona Board of Regents, The University of Arizona, Amendment No. 1, to provide a lease agreement for property located at 44 N. Stone Avenue and 10 E. Pennington Street, extend contract term to 12/31/40 and amend contractual language, contract amount \$2,500.00 revenue (CTN-FM-12-560)

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

Supervisor Miller stated the University should be required to make their own improvements to the facility, questioned why the option was given to purchase the property, and questioned the crediting of costs. She felt the County was not receiving a return on investment.

Chuck Huckelberry, County Administrator, explained this was an extenuation of a short term lease which allowed them to determine their utilization and whether or not they desired a long-term presence in downtown. He stated the County had a conservation easement that would protect the façade investments. He said that an additional sentence needed to be incorporated into the lease which stated that the option to purchase must be done at fair market value and by unanimous vote of the Board, and if not voted unanimous by the Board that it go to public auction.

Supervisor Elías offered a friendly amendment to the motion to include the language addition to the contract as recommended by the County Administrator.

Chair Bronson and Supervisor Valadez accepted the amendment to the motion. Upon the vote, the motion carried by 4-1, Supervisor Miller voted "Nay."

PROCUREMENT

29. Amendment No. 2, to provide solar covered parking and amend contractual language, no cost (Facilities Management):

Vendor/(Contract No.)

SUNE DB36, L.L.C./(MA-PO-16-58)
SUNE DB33, L.L.C./(MA-PO-16-63)
SUNE DB34, L.L.C./(MA-PO-16-64)
SUNE DB28, L.L.C./(MA-PO-16-88)
SUNE DB35, L.L.C./(MA-PO-16-89)
SUNE DB31, L.L.C./(MA-PO-16-90)
SUNE DB31, L.L.C./(MA-PO-16-91)
SUNE DB32, L.L.C./(MA-PO-16-92)
SUNE DB37, L.L.C./(MA-PO-16-93)
SUNE DB29, L.L.C./(MA-PO-16-94)
SUNE DB30, L.L.C./(MA-PO-16-95)

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

30. **Awards of Contract**

- A. Award of Contracts: Master Agreement No. MA-PO-16-178, for OEM new printer and fax toner/ink cartridges to Rasix Computer Center, Inc., d.b.a. Academic Supplier (Headquarters: Chula Vista, CA). Annual award amount \$251,000.00. Master Agreement No. MA-PO-16-179, for remanufactured printer and fax toner/ink cartridges to B2B Supplies USA, d.b.a. Printing Supplies USA (Headquarters: Plainsboro, NJ). Annual award amount \$32,000.00. Contracts are for an initial term of one-year in the aggregate amount of \$283,000.00 and include four (4) annual renewal options. Funding Source: Various Funds. Administering Department: Information Technology.

- B. Award of Contract: Master Agreement No. MA-PO-16-181, multi-functional devices and maintenance to Toshiba Business Solutions, d.b.a. Toshiba America Business Solutions, Inc. (Headquarters: Tempe, AZ). Contract term is for the period 12/15/15 to 6/1/18 in the not-to-exceed amount of \$3,027,868.81. Funding Source: Various Funds. Administering Department: Information Technology.
- C. Amendment of Contract: Master Agreement No. MA-PO-14-46, Cox Arizona Telecom, L.L.C., d.b.a. Cox Communications, for telecommunications carrier services and retroactively increase the award and contract amount by \$197,100.00. Funding Source: Internal Service Fund. Administering Department: Information Technology.

Supervisor Elías stated the next couple of years would see a lot of investment in information technology and that there seemed to be a problem procuring and/or paying for services. He requested a delay in approval of these items.

Supervisor Miller supported the request for delay and asked for an accounting of the payments made on the Cox Arizona Telecom contract and the reason for the increase to the contract.

Chair Bronson asked that any questions regarding these matters be forwarded to Mr. Huckelberry and that if there were no objections, these items would be continued to the first meeting in January.

Jesse Rodriguez, Information Technology Director, introduced Kristin Jiroudek, IT staff, who explained there would be a potential problem with a delay to the contract for the toner cartridges that could affect several users.

Supervisor Elías stated he would be prepared to take action on the contract for toner cartridges but said this was indicative of the problem.

The motion for continuance of the three awards was withdrawn.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the award of contracts for MA-PO-16-178.

It was then moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continued awards MA-PO-16-181 and MA-PO-14-46 to the Board of Supervisors Meeting of January 5, 2016.

31. **Award**

Award of Contract: Master Agreement No. MA-PO-16-77, Polydyne, Inc. (Headquarters: Riceboro, GA), for Polymer. Contract is for an initial term of one year in the annual amount of \$390,260.00 and includes four (4) one-year renewals. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

REAL PROPERTY

32. RESOLUTION NO. 2015 - 96, of the Pima County Board of Supervisors, accepting a donation of a 27 acre parcel of undeveloped real property from PRF3, L.L.C., Tax Parcel No. 218-10-005V, and designating the donation parcel as part of the County Parks System (Special Warranty Deed and assignment of grazing Lease), General Fund, contract amount not to exceed \$2,500.00 (CT-PW-16-164)

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

GRANT APPLICATION/ACCEPTANCE

33. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 2, to provide for sexually transmitted disease services at the Juvenile Detention Center, no cost (GTAM 16-44)

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

34. **Acceptance - Community Services, Employment and Training**

Arizona Department of Economic Security, Amendment No. 3, to provide for the Employment and Training Program (WIOA), no cost (GTAM 16-45)

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

35. **Acceptance - Transportation**

Arizona Governor's Office of Highway Safety, to provide for STEP speed enforcement equipment, U.S. Department of Transportation Fund, \$20,000.00 (GTAW 16-43)

Supervisor Miller questioned whether the administrative, maintenance and operation costs were budgeted for the equipment received from this grant.

Chuck Huckelberry, County Administrator, explained that typically the Sheriff's Department budgeted for personnel and maintenance in their department budget.

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

BOARD, COMMISSION AND/OR COMMITTEE

36. Pima County Fair Commission

- Reappointment of Judy Patrick. Term expiration: ~~12/31/20~~ **12/31/19**. (Commission recommendation)
- Appointment of Mark Cowley, to fill a vacancy created by Rocco William Bene. Term expiration: ~~12/31/20~~ **12/31/19**. (Commission recommendation)

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, Supervisor Carroll not present for the vote, to approve the item as amended.

37. Library Advisory Board

Appointment of Edward D. Buster, to fill a vacancy created by Shirley Geile. Term expiration: 6/30/19. (District 4)

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

CONSENT CALENDAR

38. Approval of the Consent Calendar

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

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CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Arivaca Coordinating Council Human Resource Group, Inc., Amendment No. 1, to provide roof replacement for property located at 17252 W. 5th Street, Arivaca, AZ and amend scope of work, CDBG Fund, contract amount \$39,000.00 (CT-CD-16-97)
2. Drexel Heights Fire District, to provide for two fire hydrants, CDBG Fund, contract amount \$18,855.00 (CT-CD-16-154)

Facilities Management

3. C-Cubed Unlimited, Inc., d.b.a. Quik Print, Amendment No. 9, to provide a lease for property located at 33 N. Stone Avenue, Suite 145, to include temporary space in Suite 1610 and amend contractual language, contract amount \$4,525.44 revenue (CTN-FM-CMS141917)

Health

4. University of Arizona, to provide for the Social Media Monitoring Project, Ebola Grant Fund, contract amount \$49,900.00 (CT-HD-16-142)

Procurement

5. KE & G Construction, Inc., Amendment No. 10, to provide for the Valencia Road: Alvernon Way to Wilmot Road Project and amend contractual language, RTA (94%), City of Tucson (4%), 1997 HURF Bond (1%) and RWRD (1%) Funds, contract amount \$37,652.03 (CT-TR-14-48) Transportation

GRANT APPLICATION/ACCEPTANCE

6. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 1, to provide for the Healthy People Healthy Communities Program, U.S. Department of Health and Human Services/Title V-Maternal Child Health Block Grant and Arizona Lottery Funds, \$102,783.00 (GTAM 16-40)
7. **Acceptance - Health**
Arizona Department of Health Services, to provide for Arizona's Prescription Drug Overdose Prevention Program, U.S. Department of Health and Human Services/Centers for Disease Control Fund, \$51,067.00 (GTAW 16-39)
8. **Acceptance - Sheriff**
Arizona Department of Public Safety, to provide for border crimes and human smuggling enforcement, \$350,000.00 (GTAW 16-41)

BOARD, COMMISSION AND/OR COMMITTEE

9. **Flood Control District Advisory Committee**
Ratification of Town of Oro Valley appointment: Fernando Laos, alternate representative, to replace Phil Trenary. No Term Expiration. (Jurisdictional recommendation)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2015-64**

10. **Special Event**
Mary Jane Cera, Kino Learning Center, d.b.a. Kino School, 6625 N. First Avenue, Tucson, December 5, 2015.
11. **Special Event**
Nicoll Daly, Community Food Bank of Southern Arizona (Green Valley Food Bank), The Shoppes at La Posada - Posada Java, 665 S. Park Centre Avenue, Green Valley, December 4, 2015.

ELECTIONS

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

APPOINTMENT-PRECINCT-PARTY

Suzanne Y. Oviedo-093-DEM; Brandon C. Patrick-103-DEM; Matthew D. Schwoebel-108-DEM; George M. Hubbard-166-DEM

FINANCE AND RISK MANAGEMENT

13. **Duplicate Warrants - For Ratification**
Francisco A. Grijalva \$78.72; Wist Office Products Co. \$855.97; Wist Office Products Co. \$23.01; Metro Water District \$361.25; Donald J. Bertsch \$765.00; Treatment Assessment Screen Center \$513.40; Tele-Interpreters, L.L.C. \$71.50; Christopher C. Browning \$130.00; Empire Southwest, L.L.C. \$1,607.43; Morris, Hall, Kinghorn, P.L.L.C. \$280.00; City of Tucson \$632.11.

SPECIAL TAXING DISTRICT

14. **Irrigation District Canvass**
Pursuant to A.R.S. §16-642(B), presentation of the certified copy of the official canvass for the November 10, 2015 Election conducted by the following:
 - Cortaro-Marana Irrigation District
 - Flowing Wells Irrigation District

RATIFY AND/OR APPROVE

15. Minutes: November 10 and 17, 2015

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39. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:49 p.m.

CHAIR

ATTEST:

CLERK

DRAFT