

## 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, March 3, 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  
James Ogden, Sergeant at Arms

### 1. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:05 a.m.

### 2. RECONVENE

The meeting reconvened at 10:50 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 potential Flood Control District appeal of the Clean Water Act Section 401 Water Quality Certification issued by the Arizona Department of Environmental Quality for the Rosemont Copper Project.

It was moved by Supervisor Elías and seconded by Supervisor Carroll to appeal the decision made by the Arizona Department of Environmental Quality for the Rosemont Copper Project Section 401 Water Quality Certification. No vote was taken at this time.

Supervisor Valadez stated, as clarification for the decision, that the surface water management document had been submitted without notification to any of the commenters and now appeared in the final document without any review.

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

**4. CONTRACT**

Pima County and the Pima County Regional Flood Control District, to provide an exchange agreement and quit claim deed for additional road right-of-way for the Cañada del Oro Pathway Project located within Section 22, T12S, R13E, G&SRM, Tax Parcel Nos. 225-06-0210, 022B, 0230, 0240, and 0020, no cost (CTN-PW-15-93)

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

**5. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:32 a.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

## BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, March 3, 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  
James Ogden, Sergeant at Arms

### 1. INVOCATION

The invocation was given by Pastor Chet Weld, Casas Church Pastoral Counseling.

### 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. PERSONAL POINT OF PRIVILEGE

Supervisor Carroll offered condolences to Supervisor Elías for the loss of his mother-in-law, Yvonne Velde.

### 5. CALL TO THE PUBLIC

Dennis Currie spoke regarding the Star Valley Specific Plan, commercial development in the area and resolution of the issues between the County and the Star Valley developer.

Christopher Cole, Libertarian Party, addressed the Board regarding the need to fix the roads in Pima County.

The following speakers addressed the Board regarding Bonds:

- Geri Ottoboni
- Edmund Marquez, Southern Arizona Leadership Council

- Keith Van Heyningan
- Pat Engles, Arizona Sonoran Desert Museum
- Nancy Newman
- Richard Anderson, Tucson Museum of Art
- Barbara Levy
- Mica Bane, Reid Park Zoological Society
- Duane Bernard, Reid Park Zoological Society
- Damion Alexander, Long Realty and Arizona Bicycle Center
- Patricia Dent
- Michael Becker, Tucson Symphony Orchestra Musicians Committee
- Karla Van Drunen Littooy, TCC Today
- Jim Cook, Western National Parks Association
- Bonnie Kampam, Tucson Symphony Orchestra Board of Trustees
- Judy Bowser
- Ana Henderson
- Mark Blakeman, Tucson Symphony Orchestra
- Helen Erickson, TCC Today and Tucson Historic Preservation Foundation
- Blake Eager, Tucson Youth Baseball Association
- Rick Grinnell
- Robert Lamb

They offered the following comments:

- Seniors on fixed incomes cannot afford a bond for the arts.
- Thanks were expressed for the support in creating more jobs, being fiscally responsible and taking care of infrastructure.
- Forcing a bond initiative down the throats of the tax payer was slavery and immoral.
- The timing was not right for a bond; it was a big fish in a small pond.
- This was an economic development issue that brought in tourism and the Arizona Sonoran Desert Museum was an investment in Tucson.
- Tucson Museum of Art was in favor of the upcoming bond issue.
- The Zoo brought a great deal of tourism to the community.
- The zoos throughout the World continued to reinvest and so should our community.
- The economic impact of the projects on the bond would bring more money and business.
- Investments in the community like The Loop made a healthy population.
- The County needed to balance the budget.
- The Music Hall was dilapidated, antiquated and dysfunctional for performers and patrons.
- Oklahoma City's Civic Center Music Hall was an example of what could be done with our Music Hall.
- The parks, museums, and theaters stimulate kids and are educational resources.
- The Tucson Symphony Orchestra Board of Trustees was in support of the Bond.

- Accessibility to the arts was a big factor in retaining and attracting business.
- There was no firm foundation for a bond at this time.
- The entire County should be represented and small businesses could not afford to continue to pay higher taxes.
- Tucson Symphony Orchestra was dedicated to the bond initiative and the improved facilities would lead to increased attendance and experiences.
- The Eckbo design landscape at the TCC was one of the most valuable resources we have in downtown.
- A home for youth baseball and softball was needed to create opportunity for college scholarships.
- Unemployment and underemployment in Southern Arizona was over 30 percent and we could only pay for what we could afford.
- Southern Arizona was in need of some investment which would help attract outside capital.

Diana Rhoades provided written comments in support of the bonds.

## **6. CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:05 a.m.

## **7. RECONVENE**

The meeting reconvened at 10:50 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 Stewart Title and Trust as Trustee under Trust No. 3701, et al. v. Pima County Board of Supervisors, et al., Pima County Superior Court Case No. C2014 4304; Joseph Cesare, et al. v. Pima County, et al., United States District Court Case No. 14-CV-02514; and a settlement offer in Broadway Realty and Trust, Inc., et al. v. Pima County, Pima County Superior Court Case No. C2014 5528.**

Thomas Weaver, Chief Civil Deputy County Attorney, stated this concerned three lawsuits and specific discussion of a settlement offer in the Broadway Realty case. He stated the County Attorney's Office sought direction on a response to the settlement proposal.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Miller voted "Nay," to proceed as discussed in Executive Session.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential County appeal of the Clean Water Act Section 401 Water Quality Certification issued by the Arizona Department of Environmental Quality for the Rosemont Copper Project.

It was moved by Supervisor Elías and seconded by Supervisor Carroll to appeal the decision made by the Arizona Department of Environmental Quality for the Rosemont Copper Project Section 401 Water Quality Certification. No vote was taken at this time.

Supervisor Valadez stated, as clarification for the decision, that the surface water management document had been submitted without notification to any of the commenters and now appeared in the final document without any review.

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

## **PROCUREMENT**

10. **Award**

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

Low Bid: Award of Contract, Requisition No. 15-112, for network equipment and services to the contractors in the amounts listed below. Contracts are for a one-year term and include four one-year renewal periods. The award includes the authority for the Procurement Department to execute renewals without further action by the Board of Supervisors provided that the contract amounts do not exceed the contract award amounts. Funding Source: General (70%) and Non-bond Capital Project (30%) Funds. Administering Department: Information Technology.

### Contractor (HQ Location)/Annual Amount

Insight Public Sector, Inc. (Tempe, AZ)/\$1,500,545.00

World Wide Technologies, Inc. (Maryland Heights, MO)/\$1,500,545.00

Jesse Rodriguez, Chief Information Officer, reported the expenditure for the two contracts would not exceed \$1,500,545.00 and would be allocated to the vendor based on the cost and advantage to the County. He stated any increase would come back to the Board for approval.

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

Supervisor Elías stated there had been several special procurement processes used related to IT contracts which tended to limit the amount of bidders on these projects. He offered an amendment to the motion that would limit the amount of this contract to \$1,500,545.00. Supervisors Miller and Valadez accepted the amendment to the motion. Upon the vote, the motion unanimously carried 5-0.

## **FRANCHISE/LICENSE/PERMIT**

### **11. Hearing - Liquor License**

13103011, Bryan Allen Hannah, Copperhead Honeyworks, L.C., 9056 N. Wild Eagle Avenue, Tucson, Series 13, Domestic Farm/Winery, New License.

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 to deny the liquor license because this was not a permitted use at this location pursuant to the provision of the Pima County Zoning Code, 18.31, and to forward the disapproval recommendation to the Arizona State Liquor Licenses and Control.

## **TRANSPORTATION**

### **12. Hearing - Traffic Resolution**

RESOLUTION NO. 2015 - 10, of the Board of Supervisors, permitting the temporary closure of portions of McCain Loop in the Tucson Mountain Park in Pima County, Arizona, for the Tucson Bicycle Classic on Friday, March 13, 2015. Staff recommends APPROVAL. (District 3)

Steve Bohn, Tucson Bicycle Classic, stated that this event generated \$800,000.00 for the economy with over 600 people coming from all over. He added that all of the money raised came from local sponsors and supporters, which in turn supported the Emerge! Center Against Domestic Abuse and a group of youth cyclists.

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

### **13. Hearing - Traffic Resolution**

RESOLUTION NO. 2015 - 11, of the Board of Supervisors, permitting the temporary closure of portions of Continental Road, Duval Mine Road, Helmet Peak Road, Mission Road and La Cañada Drive in Pima County, Arizona, for the Tucson Bicycle Classic on Saturday, March 14, 2015. Staff recommends APPROVAL. (District 4)

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

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to reconsider the decision to remove the item from the agenda.

It was thereupon moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the Resolution as it applied to the areas in unincorporated Pima County.

## BOARD OF SUPERVISORS

### 14. Nicotine/Tobacco-Free Healthy Workforce Initiative and Medical Insurance for Fiscal Year 2015/16 Vote Clarification

Discussion and clarification on February 17, 2015 Board of Supervisors meeting vote on the Pima County Nicotine/Tobacco-Free Healthy Workforce Initiative and the vote on Medical Insurance for County Employees Fiscal Year 2015/16. Clarification is needed regarding the Board's requirement for all employees who use tobacco products to take a mandatory cessation class on County time and of the Board's requirement for all current employees enrolled in the PPO health plan to attend a Human Resource enrollment session on County time. (District 1)

Supervisor Miller stated that the Board had voted to require employees that smoked to attend a smoking cessation class and that the requirement would waive the surcharge. She requested clarification based on the information provided by the County Administrator.

Chuck Huckelberry, County Administrator, explained that while it was made mandatory for an employee that smoked to complete the cessation program to receive the waiver, it would need to be on the employee's time in order to conform to the Fair Labor Standards Act.

Supervisor Miller stated she had voted with the interpretation that the employee would be on paid time. She asked the Chief Civil Deputy whether the Board's action to mandate employees to take smoking cessation classes required the County to pay for their time to take the classes.

Thomas Weaver, Chief Civil Deputy County Attorney, stated that if the classes were mandatory in the sense that they were required as a condition of employment, then the classes would occur on paid time. He added that requiring the classes as an incentive to receive lower insurance rates was different.

Supervisor Valadez stated that the intent of his motion was to make the informational sessions on the PPO and HDHP mandatory and for the employees to attend on paid time. He added the reference to paid time was not meant to include the smoking cessation programs and urged ratification of the summary contained in the County Administrator's memorandum.

Supervisor Elías stated the implications of the Boards previous actions had not been understood when the item was presented to them.

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by 3-2 vote, Chair Bronson and Supervisor Valadez voted “Nay,” to reconsider the following from the Board of Supervisors Meeting of February 17, 2015:

**A. Pima County Nicotine/Tobacco-Free Healthy Workforce Initiative**

Staff recommends selection of one of the following options for Fiscal Year 2015/16:

Option 1 - Approval of the tobacco hiring policy requiring all job applicants to certify they have been nicotine/tobacco-free for the previous 12 months in order to be considered for employment, as well as a biweekly medical insurance surcharge of 30 percent of the Employee-only premium amount for tobacco users.

Option 2 - Approval of only the tobacco hiring policy.

Option 3 - Approval of only the tobacco surcharge.

**B. Medical Insurance for County Employees - Fiscal Year 2015/16**

Staff recommends approval of the medical rates for FY 15/16, along with the continuation of the current County Health Savings Account funding strategy and Healthy Lifestyle Premium Discounts.

It was then moved by Supervisor Elías and seconded by Supervisor Miller not to implement the Nicotine/Tobacco-Free Healthy Workforce Initiative, to adopt the medical rates for Fiscal Year 2015/16 as listed below, and maintain the HSA contribution strategy as approved on February 17, 2015:

<b>PPO Biweekly Rates</b>	
Employee (Ee) Only	\$60.00
Ee + Spouse	\$138.00
Ee + Child(ren)	\$135.00
Ee + Family	\$197.00
<b>HDHP Biweekly Rates</b>	
Ee Only	\$23.67
Ee + Spouse	\$36.11
Ee + Child(ren)	\$35.18
Ee + Family	\$51.41

Supervisor Valadez stated that 80 to 90 percent of the health plan was paid by the taxpayers and the County would be doing nothing as it related to tobacco or tobacco related illness. He added that nearly two-thirds of the County workforce would be subsidizing the employees that smoke.

Upon roll call vote, the motion carried 4-1, Supervisor Valadez voted “Nay.”

## **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

### **15. Pay For Success**

RESOLUTION NO. 2015 - 12, of the Board of Supervisors, for the authorization of a non-federal cash match of \$110,000.00 to accept the "Pay for Success Competition" Award of Feasibility Study Technical Assistance from Third Sector Capital Partners, Inc.

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

## **GRANT APPLICATION/ACCEPTANCE**

### **16. Acceptance - Community Services, Employment & Training**

City of Tucson, to provide for the Homeless Management Information System, HUD Fund, \$5,000.00 (GTAW 15-62)

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

### **17. Acceptance - Community Development & Neighborhood Conservation**

Arizona Department of Housing, to provide for the Rillito Water Improvement Project, HUD Fund, \$146,000.00 (GTAW 15-63)

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

## **CONSENT CALENDAR**

### **18. Approval of the Consent Calendar**

It was moved by Supervisor Elías and seconded by Supervisor Valadez to approve the Consent Calendar in its entirety. Supervisor Elías withdrew his motion.

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

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

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## **PULLED FOR SEPARATE ACTION**

### **CONTRACT AND AWARD**

#### **Health**

1. Arizona Health Care Cost Containment System (AHCCCS), to provide a local match to secure federal funds for disproportionate share hospitals, General Fund, contract amount \$770,350.60 (CT-HD-15-350)

Supervisor Miller questioned whether this was an ongoing program that would have related annual requests, if the services provided were outsourced and whether it would reduce positions in the department.

Francisco Garcia, Health Department Director, explained this was a one-time request and that past requests had been assessed and justified independently. He stated there were a variety of items such as the Pima County Access Program (PCAP), Cardinal Health for Adult Immunizations and SACASA which were mandated by code and statute and which would be retained. The other elements regarding mental health services, crisis intervention, and support and advocacy were contracted out to SACASA. He added there would be no impact to positions in the department.

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

#### **7. Award**

Low Bid: Award of Contract, Solicitation No. 164403, in the amount of \$6,661,082.99 to the lowest responsive bidder, The Ashton Company, Inc. (Headquarters: Tucson, AZ) for the construction of the Hughes Access Road Relocation: Old Nogales Highway to Alvernon Way Project. The contract term is twenty-six months with the ability to extend the term for contract completion. Substantial completion of the work provided for in the contract shall be achieved by December 1, 2015. Funding Source: County HURF (12.6%) Fund. Administering Department: Transportation.

Supervisor Miller questioned the allocation of County HURF 12.6% and if the funds had been pulled from other projects. She asked if approval of this item would ensure the County received a Tech Park, if there were investors for the Tech Park, and if Tucson International Airport would be receiving a new runway. She stated she could not support the award due to road issues in Pima County.

Chuck Huckelberry, County Administrator, explained this was a new allocation of the HURF 12.6% that the region received each year through the Pima Association of Governments and that the second runway at TIA was in the program for the FAA to begin the Environmental Impact Statement. He stated that relocating the road facilitated development of the Tech Park but

the most important aspect of the relocation was to provide a buffer for Raytheon so they could continue their work without a waiver from the Department of Defense which would impede their capacity and employment status.

Supervisor Valadez stated that this project had been planned pursuant to economic development policies and goals and was a priority to protect one of our largest private employers.

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to approve the item. Upon roll call vote, the motion carried by 4-1, Supervisor Miller voted "Nay."

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## **CONTRACT AND AWARD**

### **Health**

1. Arizona Health Care Cost Containment System, (PULLED FOR SEPARATE ACTION)

### **Information Technology**

2. Alltel Communications Southwest Holdings, Inc., d.b.a. Verizon Wireless, Amendment No. 12, to provide a non-exclusive right-of-way use license and amend contractual language, no cost (CTN-IT-CMS140044)
3. Corona De Tucson Fire Department, Amendment No. 1, to provide subscriber services and repair of portable and mobile radio equipment, extend contract term to 3/14/16 and amend contractual language, contract amount \$2,371.08 revenue (CTN-IT-14-142)
4. Arizona Board of Regents on behalf of the University of Arizona Police Department, Amendment No. 1, to provide subscriber services and repair of portable and mobile radio equipment, extend contract term to 3/14/16 and amend contractual language, contract amount \$6,089.58 revenue (CTN-IT-15-43)

### **Procurement**

5. **Award**

Cooperative Procurement: Award of Contract, Requisition No. 15-109, Cardinal Health 110, L.L.C. and Cardinal Health 441, Inc. (Headquarters: Dublin, OH) for pharmaceuticals in the annual amount of \$500,000.00. Contract is for a one-year term and includes four one-year renewal periods. Funding Source: Health Department-Operations (63%), Grant (35%), Health

Department-PACC (1%) and General (1%) Funds. Administering Department: Health.

**6. Award**

Most Qualified: Award of Contract, Requisition No. 15-88, Employers Dental Services, Inc., d.b.a. EDS (Headquarters: Tucson, AZ) for group prepaid dental insurance benefits to the most qualified respondent in the total three year initial contract term amount of \$1,745,357.04. Contract is for an initial term of three (3) years and includes two (2) one-year renewal periods. Funding Source: Self-Insurance Trust Fund (25%) and Employee Premium Contributions (75%). Administering Department: Human Resources.

**7. Award**

Low Bid: Award of Contract, Solicitation No. 164403, (PULLED FOR SEPARATE ACTION)

**Real Property**

8. Pima County and the Pima County Regional Flood Control District, to provide an exchange agreement and quit claim deed for additional road right-of-way for the Cañada del Oro Pathway Project located within Section 22, T12S, R13E, G&SRM, Tax Parcel Nos. 225-06-0210, 022B, 0230, 0240, and 0020, no cost (CTN-PW-15-93)

**GRANT APPLICATION/ACCEPTANCE**

**9. Acceptance - Community Development & Neighborhood Conservation**

Tucson Electric Power Company, Amendment No. 2, to provide for the TEP Weatherization Program, \$100,112.00 (GTAW 15-59)

**10. Acceptance - Community Services, Employment & Training**

Office of the Arizona Attorney General, Amendment No. 1, to provide job training services for foreclosure-impacted individuals and extend contract term to 2/11/16, no cost (GTAM 15-45)

**ELECTIONS**

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

**RESIGNATION-PRECINCT-PARTY**

John S. Matteson-174-DEM; Nicholas R. Mahon-246-DEM

**APPOINTMENT-PRECINCT-PARTY**

Nicholas R. Mahon-042-DEM; Michael D. Sheridan-042-DEM; Deena Z. Sortland-057-DEM; Fred Yamashita-099-DEM; Vincent M. Pawlowski-143-DEM; Nancy G. Newman-012-REP; Kevin Herring-013-REP; Christopher J.

Brown-111-REP; Debra L. Allen-145-REP; Gregory D. Hofacre-183-REP;  
Frances B. Kenna-194-REP; Shellie K. Simler-194-REP

## **FINANCE AND RISK MANAGEMENT**

12. Duplicate Warrants - For Ratification  
Karen Murphy \$148.19; James M. Elliott \$435.00; Daniel S. Davies \$13.35;  
Karen Harrington \$315.00; Valley Animal Hospital \$809.68; Helen Ford  
\$140.00; Steiner Education Group \$3,000.00; Tania V. Fugett \$57.36; Neff  
Holdings, L.L.C. \$2,505.35; Jessica Sanchez \$26.00; Maria Teresa Moreno  
\$301.10

## **TRANSPORTATION**

13. Permission to Advertise  
Irving Avenue and Tennessee Place  
Road Establishment No. 3020  
March 17, 2015 (District 2)

## **RATIFY AND/OR APPROVE**

14. Minutes: February 3, 2015  
Warrants: February, 2015

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## **19. ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:32 a.m.

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CHAIR

ATTEST:

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CLERK