

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 15, 2016. 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. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and in-lieu fee proposal of \$11,700.00 for property located at 6500 S. Old Spanish Trail, within Xeroriparian Class C Riparian Habitat. (District 4)

It was moved by Supervisor Carroll, seconded by Supervisor Elías 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 11:31 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 15, 2016. 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 LaBryant Friend, Mt. Calvary Mission 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. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías recognized Suzanne Shields, Director and Deirdre Brosnihan, Engineer, of the Regional Flood Control District for their receipt of two awards from the Southern Arizona Branch of the Public Works Association for the Paseo de las Iglesias and the High School Wash Projects; and also remarked upon the opening of the Midvale Park Loop.

Supervisor Carroll acknowledged the passing of Jackie Eagan, and the contributions she made to the community and in local politics.

PRESENTATION

5. Chuck Catino Community Leadership Award

Presentation of the Chuck Catino Community Leadership Award to Weldon James (Jim) Brewer, President of the BAJA Sporting Club, Inc. (District 4)

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

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to Jay Young, Executive Director, Southwest Fair Housing Council, proclaiming the month of April, 2016 to be: "FAIR HOUSING MONTH"

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

7. **CALL TO THE PUBLIC**

Richard Hernandez addressed the Board on employee paid paternal leave and the alleged assault by Sheriff Nanos on an employee.

Denise Currie spoke regarding Star Valley issues, transportation impact fees, and unallocated bond funds.

Raquel Barranow addressed Sycamore Vista issues and lien on property.

Christopher Cole, Libertarian Party, spoke regarding employee raises and retirement funds, World View Enterprise, I-11 and the Sheriff employees' salaries.

Gerri Ottoboni addressed the Board regarding Sgt. Kubitskey and an appointed Sheriff.

Richard Anderson spoke regarding the Southern Arizona Raceway improvements; and the partnership with the U of A Tech Park as an economic driver for the community.

Charles Quiroz addressed the Board regarding motocross, STEM programs and other learning programs at the Southern Arizona Raceway.

8. **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 9:42 a.m.

9. **RECONVENE**

The meeting reconvened at 9:56 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding proposed settlement in Pima County v. Conrad Willis, et al., Pima County Superior Court Case No. C20155601.

Thomas Weaver, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed with the proposed settlement in the condemnation case.

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

COUNTY ADMINISTRATOR

11. **Use of General Fund Repayment from the Development Services Enterprise Fund**

The Board of Supervisors on February 16, 2016, continued the following:

Staff requests direction regarding the use of Development Services Enterprise Fund repayments to the County's General Fund.

Chuck Huckelberry, County Administrator, stated the issue was use of the repayment of the General Fund loan. He said a repayment schedule had been formulated and would be dependent upon the health of the Enterprise Fund moving forward. He recommended the repayment be used for economic development activities to be equitable.

Carmine DeBonis, Development Services Director, reported that Development Services had gone through a transition that had been done in partnership with the industry representatives and community interests. He stated they had balanced the needs of the development and construction industry with interests in the conservation and neighborhood communities. He added the department was a fully electronic organization and had combined processes for a fast turnaround and made changes to increase productivity and efficiency.

Chair Bronson suggested that repayment of the General Fund during budget adoption be moderate to not increase fees until there were stronger signs of stability in the home building industry.

Supervisor Miller concurred that an increase in fees during a time of flat growth would not increase growth in permits and that any increase should wait at least another year until the economy recovered.

Chair Bronson stated that staff had enough direction to move forward and that this matter would be revisited during budget adoption.

DEVELOPMENT SERVICES

12. Final Plat Without Assurances

P07FP10043, Oracle Medical Plaza Condominiums Phase II, Units 15-32, 41, and 42, Common Elements "C", "D", "E", and Limited Common Elements. (District 1)

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

FRANCHISE/LICENSE/PERMIT

13. Hearing - Liquor License

12104418, Deborah E. Tenino, Contigo Latin Kitchen, 3770 E. Sunrise Drive, Tucson, Series 12, Restaurant, New License.

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

14. Hearing - Fireworks Permit

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, April 15, 2016 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. 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 the permit.

15. Hearing - Fireworks Permit

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, March 18, 2016 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. 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 the permit.

16. Hearing - Fireworks Permit

Raynu Fernando, Oasis at Wild Horse Ranch, 6801 N. Camino Verde, Tucson, March 25, 2016 at 6:30 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared.

Thomas Weaver, Chief Civil Deputy County Attorney, reported that a Consent Decree was entered into between Pima County and Oasis at Wild Horse Ranch in 2006 which contained a provision that Oasis was not to allow the setting off of fireworks. He stated that agreement was still in full force and effect and would foreclose the request for the fireworks permit.

It was then moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and deny the permit.

17. Hearing - Fireworks Permit

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, April 8, 2016 at 9:00 p.m.

The Chair inquired whether anyone wished to address the Board. No one appeared. 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 the permit.

HEALTH

18. Hearing - Code Text Amendment

ORDINANCE NO. 2016 - 15, of the Board of Supervisors, relating to animals; amending Pima County Code Chapter 6.04.100, Advisory Committee, to modify the membership and its purpose.

The following speakers addressed the Board:

- Jane Schwerin, People for Animals in the Prevention of Cruelty/Neglect, Animal Care Advisory Committee Member
- Dr. Paul Horwitz, Board of Health President
- Jack Neuman, Animal Care Advisory Committee Vice Chair
- Pat Hubbard, Humane Society of Southern Arizona, Animal Care Advisory Committee Member

They offered the following comments:

- Ordinance numbered item A.2.B., should be changed from “dogs and cats” to “animals.”
- The language referring to the review of complaint from the public should not be removed from the Ordinance.
- One member from Board of Health should be allowed to sit on the Advisory Committee.

- The committee voted to restructure because it needed to change to make more impact on PACC with the suggestion to change the ordinance and have no transition period and that members start new in July, 2016.
- The Humane Society of Southern Arizona and PACC shared common goals to provide a safe haven for animals and the advisory committee should be a partner and not an adversary.

Mr. Neuman reported the committee had voted in favor of ending the terms with a majority of the vote, and that current members felt the new structure would benefit PACC in the future.

Supervisor Elías made a motion to close the public hearing and approve the Ordinance with an amendment to item A.2.B., “dogs and cats” to “animals” and that Section A.3 being struck regarding hearing complaints, be retained in the ordinance. No vote was taken at this time.

Chair Bronson stated she could not support the change of review of complaints as it was a normal staffing function and the committee could add that to an agenda if necessary.

Supervisor Elías questioned the amount of complaints that warranted review.

Jan Leshner, Deputy County Administrator, explained that the amount of complaints varied from meeting to meeting and the process of review decreased attendance at meetings.

Supervisor Valadez stated that the part of the motion that changed from “dogs and cats” to “animals” concerned him.

Supervisor Elías withdrew his motion.

It was then moved by Supervisor Valadez and seconded by Supervisor Carroll to close the public hearing and adopt the Ordinance with the amendment to strike item C.2.

Supervisor Elías offered a friendly amendment to the motion to add a member of the Board of Health to the Animal Care Advisory Committee and that one member appointed by the County Administrator be ex-officio. Supervisors Valadez and Carroll accepted the amendment to the motion.

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

DEVELOPMENT SERVICES

19. Hearing - Rezoning Closure/Time Extension

A. Rezoning Closure

Co9-03-03, LAWYERS TITLE OF ARIZONA, INC. 7638-T - LA CHOLLA BOULEVARD REZONING

Proposal to close Co9-03-03, a 7.63-acre rezoning from SR (Suburban Ranch) to CR-5 (Multiple Residence) located on the northeast corner of La Cholla Boulevard and Old Magee Trail. The rezoning was conditionally approved in 2006 and expired on January 17, 2011. Staff recommends AGAINST CLOSURE. (District 1)

B. Rezoning Time Extension

Co9-03-03, LAWYERS TITLE OF ARIZONA, INC. 7638-T - LA CHOLLA BOULEVARD REZONING

Request of Landmark Title TR 18261, represented by The Planning Center, for two consecutive five-year time extensions, one of which is retroactive to the January 17, 2011 expiration date, for the above-referenced rezoning from SR (Suburban Ranch) to CR-5 (Multiple Residence). The subject site was rezoned in 2006. The site is approximately 7.63 acres located on the northeast corner of La Cholla Boulevard and Old Magee Trail. Staff recommends APPROVAL OF TWO CONSECUTIVE FIVE-YEAR TIME EXTENSIONS SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

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.~~
- ~~32.~~ Recording of the necessary development related covenants as determined appropriate by the various County agencies.
- ~~43.~~ Provision of development related assurances as required by the appropriate agencies.
- ~~54.~~ 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.~~
- ~~65.~~ There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
- ~~76.~~ Transportation conditions:
 - ~~A. The property owner(s)/developer(s) shall participate in the Improvement District for Magee Road/Carmack Wash and Drainage improvements.~~
 - ~~B. The property owner(s)/developer(s) shall dedicate to Pima County appropriate right of way for La Cholla Boulevard adjacent to the subject property to allow for 100 foot east half right of way (200 foot total).~~
 - ~~GA.~~ The property owner(s)/developer(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.
 - ~~DB.~~ The property owner(s)/developer(s) shall provide off-site improvements to La Cholla Boulevard and Old Magee Road Trail as determined necessary by the Traffic Impact Study and the Department of Transportation.

- ~~EC.~~ The owner(s)/developer(s) shall not use McCarty Road for construction or permanent access.
87. Flood Control conditions:
- A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. The property owner(s)/developer(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.
 - C. The property owner(s)/developer(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.
 - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced or critical basin.
98. Wastewater Management Reclamation conditions:
- ~~A. The owner(s)/developer(s) shall construe no 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(s)/developer(s) shall obtain written documentation from the Pima County Wastewater Management Department 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, 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 have 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 Pima County Wastewater Management Department.~~
 - ~~C. The owner(s)/developer(s) shall time the construction of 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)/developer(s) shall connect all new development within the rezoning area to Pima County's public sewer system in the manner specified by the Wastewater Management Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
 - ~~E. The owner(s)/developer(s) shall fund, design and construct all on-site sewers necessary to serve new development within the rezoning area.~~
 - ~~F. The owner(s)/developer(s) shall design and construct the off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system and accommodate the anticipated wastewater flow from any properties down-gradient from the rezoning area that can reasonably be served by those sewers, in the manner specified at the time of review of the tentative plat, development plan, sewer construction plan or request for building permit.~~
 - ~~G. The owner(s)/developer(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.~~
- 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 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.
409. Adherence to the preliminary development plan as approved at public hearing.
1110. ~~Plants to be used for landscaping and revegetation shall be drought tolerant native species which are compatible with native vegetation endemic to the project area. Under no circumstances shall the following exotic plant species be planted anywhere 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 pertandra* & *T. ramosissima*)~~
 - ~~Bermuda grass (*Cynodon dactylon*) excluding sod hybrid Bermuda~~
 - ~~Lovegrasses (*Eragrostis spp.*) excluding Plains lovegrass (*Eragrostis intermedia*)~~

Upon the effective date of the Resolution, 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.

- ~~42.~~ ~~The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by an entity qualified to perform biological surveys and who possesses a valid permit from the U.S. Fish & Wildlife Service to perform such surveys. Surveys shall be done according to the most current protocol approved by the U.S. Fish & Wildlife Service, or a letter shall be provided from the U.S. Fish & Wildlife Service stating that a survey is not required.~~
- ~~43~~11. The northern units shall be limited in height to one (1) story and a maximum of eighteen (18) feet with a minimum twenty (20) foot setback from the northern property line.
- ~~44.~~ ~~No building permits shall be issued until Magee Road is under construction.~~
- ~~45~~12. The owner(s)/developer(s) shall provide a sixteen (16) foot Equestrian Easement by Garfield Wash; the underpass height shall be fourteen (14) feet to safely accommodate equestrian users.
13. In the event the subject property is annexed, the owner(s)/developer(s) 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.
14. 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)."

Mark Holden, Principle Planner, provided the staff report and stated there had been no public comment.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and accept the recommendation against closure.

It was then moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve the two consecutive five-year time extensions for Co9-03-03, subject to original and modified standard and special conditions.

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

Co9-78-32, MATYI - SWAN ROAD REZONING

Request of River and Swan Homes, L.L.C., represented by SBBL Architecture and Planning, L.L.C., for a modification (substantial change) of the following rezoning conditions:

- No. 1A which requires that no more than three parcels be created. The applicant requests to waive the condition and proposes four parcels.
- No. 1B which requires that each parcel be a minimum of 43,560 square feet, exclusive of easements, rights-of-way, etc. The applicant requests to waive this requirement and proposes parcels in excess of 43,560 square feet, inclusive of easements. The subject site is 4.55 acres zoned CR-1 and is located on the west side of Swan Road approximately one-fourth mile north of River Road. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Holdridge, Cook and Bain were absent) to recommend APPROVAL SUBJECT TO MODIFIED CONDITIONS. Staff recommends APPROVAL SUBJECT TO MODIFIED CONDITIONS. (District 1)

Chris Poirier, Planning Official, provided the staff report, stated this process was subject to super majority, and that they received additional letters in opposition and requested more time to review the letters. Mr. Poirier explained that the Code allowed anyone to submit up until the end of the public hearing.

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of April 19, 2016.

21. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 16, Co9-09-11, Kolan Family Trust - River Hills Drive No. 2 Rezoning (Zoning Plan). Owner: Landmark Title TR 18367T. (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 adopt the Ordinance.

22. Hearing - Rezoning Ordinance

ORDINANCE NO. 2016 - 17, P15RZ00007, Estate of Emily Stowell Stratton - W. Ankla Road Rezoning. Owner: Estate of Emily Stowell Stratton. (District 5)

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 adopt the Ordinance.

23. Hearing - Rezoning Resolution

RESOLUTION NO. 2016 - 18, Co9-03-32, Lee, et al. - Orange Grove Road Rezoning. Owner: Lee Tony and Bella Family TR 3/4 and Lee Gregory and Julia Family TR 1/4. (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 adopt the Resolution.

24. Hearing - Rezoning Resolution

RESOLUTION NO. 2016 - 19, Co9-05-24, Catalano, et al. - Mona Lisa Road Rezoning. Owner: Catalano Family Revocable Trust. (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 adopt the Resolution.

25. Hearing - Code Text Amendment

ORDINANCE NO. 2016 - 18, of the Board of Supervisors, relating to transportation and zoning; adopting a new Subdivision and Development Street Standards Manual; and amending Pima County Code Chapter 10.44 (Construction in County Rights-of-Way), Section 10.44.020, to add a new Subsection D relating to applicability of the SDSS to permits, amending 18.69 (Subdivision Standards), Section 18.69.060(E), (F), related to interpretations and modifications of the SDSS by the County Engineer and chief Building Official, and Chapter 18.71 (Development Plan Standards), Section 18.71.030 (Development Plan Standards), to clarify applicability of the SDSS; and to conform the chapters to the SDSS.

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

TRANSPORTATION

26. Hearing - Traffic Resolution

RESOLUTION NO. 2016 - 20, of the Board of Supervisors, permitting the temporary closure of portions of La Cañada Drive from Calle Concordia to Rancho Feliz Drive and portions of Calle Concordia from La Cañada Drive to Calle Loma Linda in Pima County, Arizona, for the Oro Valley Sprint Triathlon/Duathlon on Saturday, March 26, 2016. Staff recommends APPROVAL. (District 1)

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 adopt the Resolution.

27. Hearing - Traffic Resolution

RESOLUTION NO. 2016 - 21, of the Board of Supervisors, permitting the temporary closure of portions of La Cañada Drive from Calle Concordia to Rancho Feliz Drive and portions of Calle Concordia from La Cañada Drive to Calle Loma Linda in Pima County, Arizona, for the Oro Valley Sprint Triathlon/Duathlon on Saturday, July 2, 2016. Staff recommends APPROVAL. (District 1)

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 adopt the Resolution.

COUNTY ADMINISTRATOR

28. Parental Leave

The Board of Supervisors on February 16, 2016, continued the following:

To continue the discussion/direction on paid parental leave.

Supervisor Elías stated the proposal brought forth by Service Employee International Union (SEIU) titled Paid Parental Leave Proposal No. 3 was good and that the County needed to develop language regarding backfilling open positions with an appeal process to the County Administrator; He recommended a change to the percentage of the employee's regular salary from 75% to 66% which would match the amount received from Short Term Disability.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to approve the SEIU Proposal No. 3 with the amendment of 66% of the employee's salary. No vote was taken at this time.

Supervisor Miller stated that no other counties, cities or towns provided this benefit and she was concerned that funding this proposal would undermine the County's ability to fund Sheriff's step increases. She proposed an insurance product that would fund parental leave similar to short term disability which has been done in California, New Jersey and Rhode Island.

Chair Bronson questioned the cost related to reinstating the Sheriff step-increases for next fiscal year and sought a more comprehensive approach for the entire workforce.

Chuck Huckelberry, County Administrator, explained that if step increases were reinstated the estimated amount would be \$17 million which would be a 25 cent increase in the tax rate. Mr. Huckelberry added that this proposal has been managed down in dollars but have not yet become expense neutral. He stated that the monetary value to employees of benefits have to be considered in totality in regard to salary increases.

Supervisor Valadez stated that there was a direct health benefit for parental leave and that future discussions could include this in a benefits package.

Chair Bronson stated the policy would become effective July 1, 2016, and she would support this matter with the caveat that it come back to the Board as part of the budget adoption.

Supervisor Miller stated that this decision should wait until there was a comprehensive package to be reviewed.

Upon roll call vote, the motion carried 3-2, Supervisors Carroll and Miller voted "Nay," to approve the following, effective July 1, 2016:

Paid Parental Leave

- Paid Parental Leave is a partially paid leave associated with the birth of an employee's own child or the placement of a child with the employee or his or her domestic partner in connection with adoption.
- Eligible employees: Current County employees who have been employed by the County for at least 12 months prior to the commencement of the requested leave. Paid Parental Leave will be available only once during any consecutive 12-month period.
- Six weeks of leave shall be paid at ~~75%~~ 66% of the employee's regular salary for the care of a newly-born or adopted child within the first 12 weeks after the birth or adoption of a child. Employees may apply their earned sick, vacation or compensatory time during the partially paid leave period to receive up to 100% of the employee's regular salary. Employees may request additional leave (beyond the six weeks of Parental Leave) by applying their earned sick, vacation, or compensatory time in accordance with Family and Medical Leave Policy guidelines.
- The employee must provide at least 30 days' notice to Human Resources of the request for leave and complete the necessary leave forms with the Human Resource Department.
- When both parents are County employees who meet eligibility guidelines, each is entitled to six weeks of Paid Parental Leave.
- Paid Parental Leave shall run concurrent with FMLA unpaid leave and pursuant to administrative procedures.
- With the introduction of a County-wide Paid Parental Leave policy, we would also propose removing parental leave from the Catastrophic Leave Bank.
- Mr. Huckelberry provided an option to "prohibit the position vacated for parental leave from being filled as a temporary vacancy with a temporary employee or other staff detailed into the position...In addition, departments should not be able to authorize overtime cost for another employee to perform the work of the employee on parental leave." We propose adopting this option into the Paid Parental Leave policy, but defer to County Administration/County Human Resources to craft the language.

SHERIFF

29. 2017 Grant Proposal

RESOLUTION NO. 2016 - 22, of the Board of Supervisors, approving and authorizing submission of a grant proposal to the Governor's Office of Highway Safety for DUI Enforcement in the amount of \$272,347.00.

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

REAL PROPERTY

30. Quit Claim Deed

Quit Claim Deed to Linda Vista 20 Limited Partnership, all rights, title and interest for a triangular-shaped parcel of land at the intersection of Shannon Road and Linda Vista Road, located within Section 21, T12S, R13E, G&SRM, Tax Parcel No. 225-04-014G, Pima County, Arizona. (District 1)

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

31. Condemnation

RESOLUTION NO. 2016 - 23, of the Board of Supervisors, authorizing the Pima County Attorney to condemn real property interests where necessary for the Cortaro Farms: Camino De Oeste to Thornydale Project in Section 25, T12S, R12E and Section 30, T12S, R13E, G&SRM. (District 1)

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

32. Condemnation

RESOLUTION NO. 2016 - 24, of the Board of Supervisors, authorizing the Pima County Attorney to condemn real property interests where necessary for the North Rillito Interceptor in Section 25, T13S, R14E and Section 32, T13S, R15E, G&SRM. (District 1)

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

CONTRACT AND AWARD

ECONOMIC DEVELOPMENT AND TOURISM

33. Southern Arizona Raceway, L.L.C., Amendment No. 2, to provide the Southeast Regional Park Raceway lease and amend contractual language, no cost (CTN-ED-14-150)

Supervisor Miller questioned the 9-month extension and the progress made by the racetrack.

Chuck Huckelberry, County Administrator, explained the 9-month extension was to reach a faster conclusion.

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

FACILITIES MANAGEMENT

34. City of Tucson, to provide a public water line to serve the World View Enterprises site, contract amount \$329,000.00 revenue (CTN-FM-16-121)

Supervisor Miller stated that she could not support this item because she did not support World View Enterprises.

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

HEALTH

35. LexisNexis VitalCheck Network, Inc., Amendment No. 3, to provide for the Vital Records Processing Program, extend contract term to 1/31/18 and amend contractual language, no cost (CTN-HD-13-241)

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

PROCUREMENT

36. **Award**

Amendment of Award: Master Agreement No. MA-PO-15-156, KONE, Inc., for elevator maintenance & repair services, increase amount by \$350,000.00 to a cumulative amount of \$900,000.00 to cover the cost of modernization project at 97 E. Congress. Funding Source: General Fund. Administering Department: Facilities Management.

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

37. TEKsystems, Inc., Amendment No. 3, to provide staffing services, extend contract term to 4/8/17 and amend contractual language, no cost (MA-PO-13-433) Information Technology

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

38. CGI Technologies and Solutions, Inc., Amendment No. 3, to provide software and upgrade services for the ERP System Project, amend contractual language and scope of services, Risk Management Internal Service and Health Department Special Revenue Funds, contract amount \$250,000.00 (MA-PO-B507308-BC) Information Technology

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

REAL PROPERTY

39. State of Arizona, Arizona State Land Department, Amendment No. 1, to provide a commercial lease for the Mildred Peak PCWIN tower site, extend contract term to 10/14/25 and amend contractual language, OEM Fund, contract amount \$24,000.00/10 year term (CT-IT-13-616)

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

40. Verizon Wireless (VAW), L.L.C., Amendment No. 2, to provide a site-specific supplemental agreement for wireless communication facilities located at South Camino Alegre and West Los Reales, contract amount \$58,019.12 revenue (CTN-IT-15-107)

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

SCHOOL SUPERINTENDENT

41. Arizona Supreme Court, to provide for the Pima Accommodation District, contract amount \$110,242.33 revenue (CTN-SS-16-120)

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

BOARD, COMMISSION AND/OR COMMITTEE

42. **Board of Health**

Reappointments of Paul Horwitz and Gail Smith. Term expirations: 6/30/19. (District 3)

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

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

Appointment of Hector Campoy, to replace Roger C. Wolf. Term expiration: 8/31/17.

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

CONSENT CALENDAR

44. 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.

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Catholic Community Services of Southern Arizona, Inc., Amendment No. 1, to provide for the Casa Alitas and Merilac Lodge Facility Improvements, CDBG/Transitional/Permanent Housing Repair Program and amend scope of work, HUD/CDBG Fund, contract amount \$15,000.00 (CT-CD-16-193)
2. Community Food Bank of Southern Arizona, Inc., to provide for the transfer of Ajo Walk-In Cooler and Food Distribution Activities CDBG Facility Improvements Project, no cost (CTN-CD-16-67)

Community Services, Employment and Training

3. Portable Practical Education Preparation, Inc., Amendment No. 2, to provide behavioral health counseling services, extend contract term to 3/31/17 and amend contractual language, no cost (CT-CS-14-360)

County Attorney

4. Errol L. Montgomery & Associates, Inc., Amendment No. 3, to provide professional consultation services and extend contract term to 3/24/17, no cost (CT-FN-14-402)

Health

5. Arizona Department of Health Services, Amendment No. 2, to provide for the Arizona Medical Marijuana Initiative - Proposition 203 Program and amend contractual language, contract amount \$75,000.00 revenue (CTN-HD-14-164)
6. Cochise County and Cochise County Superior Court, to provide for the Restoration to Competency Program, contract amount \$30,000.00 per detainee revenue through 12/31/16 and \$39,000.00 per detainee revenue effective 1/1/17 (CTN-OMS-16-118)

Natural Resources, Parks and Recreation

7. Tucson Audubon Society, Amendment No. 1, to provide for a nature shop at Roy P. Drachman - Agua Caliente Park, extend contract term to 4/30/17 and amend contractual language, no cost (CTN-PR-15-136)

Procurement

8. The Ashton Company, Inc., Borderland Construction Company, Inc. and KE&G Construction, Inc., to provide a job order master agreement for wastewater reclamation facilities construction services, RWRD Obligation and RWRD General Operation and Maintenance Funds, contract amount \$5,000,000.00 (MA-PO-16-248) Regional Wastewater Reclamation
9. WestLand Resources, Inc., Amendment No. 2, to provide for the Continental Ranch Regional Pump Station Upgrade Design Project, amend contractual language and scope of work, RWRD Obligation Fund, contract amount \$105,000.00 (CT-WW-13-830) Regional Wastewater Reclamation

Public Works Administration

10. City of South Tucson, to provide for the El Paso Southwestern Greenway, City of South Tucson Segment Improvement Project, no cost (CTN-TR-16-117)
11. Tucson/Pima Arts Council, Amendment No. 2, to provide management of the Pima County Public Art Program, extend contract term to 6/30/17 and amend contractual language, Various Funds, contract amount \$104,280.00 (CT-PW-12-1511)

GRANT APPLICATION/ACCEPTANCE

12. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 2, to provide for the Commodity Supplemental Food Program/Senior Farmer's Market Nutrition Program, USDA Fund, \$2,724.00 (GTAM 16-53)

BOARD, COMMISSION AND/OR COMMITTEE

13. **Metropolitan Energy Commission**
Appointments of Robert Neifert and Paul Durham, to fill the vacancies created by Norma Gutierrez and Henry J. Krzysik, Jr. Term expirations: 11/30/16. (Commission recommendations)

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

14. **Special Event**
Rosa Cohen, Congregation Bet Shalom, 3881 E. River Road, Tucson, March 20, 2016.
15. **Special Event**
Cheryle L. Gomez, St. Elizabeth Ann Seton School, 8650 N. Shannon Road, Tucson, April 23, 2016.
16. **Special Event**
Craig S. Ivanyi, Arizona-Sonora Desert Museum, 2021 N. Kinney Road, Tucson, April 24, 2016.
17. **Special Event**
Daniel Adam Moxley, Diaper Bank of Southern Arizona, Westin La Paloma Resort, 3800 E. Sunrise Drive, Tucson, May 13, 2016.
18. **Special Event**
Marcel Dabdoub, Casa Hogar Madre Conchita Foundation, Plaza Colonial, 2870 E. Skyline Drive, Tucson, April 23, 2016.
19. **Special Event**
Marvin Richard Hass, Rotary Club of Green Valley, AZ, GVR West Center, 1111 S. Via Arcoiris, Green Valley, April 9, 2016.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY

Anne M. Crews-193-DEM

APPOINTMENT-PRECINCT-PARTY

Lily J. Blitzer-013-DEM; Rosann Muller-013-DEM; Kathleen M. Kennedy-021-DEM; Karen R. Dinius-023-DEM; Nathan J. Nelson-023-DEM; Pauline E. Malcolm-040-DEM; Victoria L. Steele-055-DEM; Jacarlité J. Garcia-062-DEM; John D. Kautz-063-DEM; Maryon L. Rocha-064-DEM; Sheila R. Yamanaka-068-DEM; Sierra R. Yamanaka-068-DEM; Marcia L. Albert-082-DEM; Danielle S. Fitzmeyer-147-DEM; Lee R. Foulkes-157-DEM; M. Katherine Davin-168-DEM; Barbara J. Lafferty-168-DEM; Carol D. Christ-193-DEM; Darsi J. Aldrich-210-DEM; Leslie Fromm-243-DEM; J. Demara-116-REP; Kenneth F. Moyes-224-REP; David J. Bergeron-056-LBT

21. **Polling Places**

Pursuant to A.R.S. §16-411, designation of polling places for the May 17, 2016 Special Statewide Election.

REGIONAL WASTEWATER RECLAMATION

22. **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:

RA Sushi Tucson Corporation, Case No. C2015-D-009. The proposed settlement in which RA Sushi will retain its discharge permit and monitor discharge on a quarterly basis; pay the \$2,400.00 penalty for exceeding the oil and grease limitations and for failing to notify Industrial Waste Control of the exceedance; and the attendance of Pollution Prevention School is in accordance with the Industrial Wastewater Enforcement Response Plan.

RATIFY AND/OR APPROVE

23. Minutes: February 16, 2016

* * *

45. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:31 a.m.

CHAIR

ATTEST:

CLERK