

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 7, 2017. Upon roll call, those present and absent were as follows:

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

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

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$2,741.00 for property located at 9651 North Clayton Road, located within important riparian area with underlying Class B Xeroriparian Habitat. (District 3)

It was moved by Supervisor Elías, seconded by Supervisor Miller 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 1:15 p.m.

CHAIR

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 7, 2017. Upon roll call, those present and absent were as follows:

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

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

1. **BOOKMOBILE STOP**

Pima County Public Library to establish a Bookmobile Stop at the Ora Mae Harn Park in the Town of Marana.

It was moved by Chair Bronson, 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 1:15 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, February 7, 2017. Upon roll call, those present and absent were as follows:

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

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

1. INVOCATION

The invocation was given by Reverend Edwin Donaldson, Prince Chapel African Methodist Episcopal Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías offered his best wishes to Frank Felix and his family during his time of illness.

Supervisor Christy spoke about a tragic accident in Vail, and he asked the community to share prayers and keep the families in their thoughts during this time of grieving.

4. PAUSE 4 PAWS

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

5. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:11 a.m.

6. RECONVENE

The meeting reconvened at 9:42 a.m. All members were present.

EXECUTIVE SESSION

7. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Rodgers et al. v. Huckelberry et al., Pima County Superior Court Case No. C20161761.

Thomas Weaver, Chief Civil Deputy County Attorney, reported that the Pima County Attorney's Office sought direction on whether or not to pursue an appeal of the court's ruling.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to appeal as discussed in Executive Session. No vote was taken at this time.

Supervisor Christy explained that he would like to see World View succeed but felt that there were problems with the transaction and requested that the county work with Goldwater and World View to find a resolution to this matter. He noted that he would be voting against an appeal and felt that it would be the only way to show his dissatisfaction with how the deal had initially been made.

Supervisor Elías responded there is plenty of time and opportunity to reach a settlement and added we are preserving the right to appeal which is the proper thing to do.

Supervisor Miller expressed concerns that the county did not follow the process of A.R.S. §11.256 and could not vote in favor of an appeal.

Supervisor Valadez spoke in support of an appeal and explained that he did not feel anything inappropriate was done in making the deal.

Chair Bronson stated that growing the economy also grows the health and wellbeing of all Pima County residents and said she was in favor of an appeal.

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

8. CALL TO THE PUBLIC

The following speakers addressed the Board regarding Rodgers et al. v. Huckelberry et al.:

- Bruce Dusenberry
- Ted Maxwell, President, Southern Arizona Leadership Council
- Chris Monson
- Mike Varney, President and CEO, Tucson Metro Chamber
- Alex Rodriguez, Vice President, Arizona Technology Council
- Wendell Long
- Joel Johnson, CFO, Paragon Space Development Corporation

They offered the following comments:

- The World View project is very important to the aerospace corridor and will bring more jobs to our community.
- Requested the Board continue to support World View and encouraged them to seek economic growth and development of the Aerospace and Defense Parkway.
- Commended the Board for their efforts in supporting economic development and job growth in the community.
- Asked the Board to pursue appeal regarding World View and welcome Monsanto to the community.
- Thanked the Board for their excellent vision and leadership which has led to economic growth in the region and urged the Board to vote in favor of the appeal.
- Requested the Board continue to help the economy grow.
- Encouraged the Board to appeal the court decision regarding World View lease and demonstrate Pima County's commitment to resolving similar matters.

The following addressed the Board regarding Monsanto:

- Rebecca
- Megan Kimble, Editor of Edible Baja Arizona
- Sandra Almasy
- Roxanne Jones
- Ryan Dulaney
- Christopher Cole, First Vice Chair, Pima County Libertarian Party
- Marilyn Newberry
- Craig Howerton
- Gary Geisler
- Kris Basel
- Gail McGraw
- Milani Hunt
- Cori McGraw
- Sue Ann Christenson
- Mitch Anderson
- Dru Heaton
- Melissa Diane Smith
- Anne Loftfield
- Nigel Valdez

They offered the following comments:

- Respect mother nature.
- Long-term economic development is based on local business, local jobs and local farming.
- Monsanto does not need tax breaks and can afford to pay full rates.
- The use of pesticides is damaging to our health and the earth.

- By not objecting the Board will be setting a precedent that companies similar to Monsanto are welcomed in Pima County.
- Taxes should not be raised to clean up the mess Monsanto leaves behind
- The chemicals Monsanto produces are very toxic.
- Citizens do not want Monsanto in Pima County.
- Many people will be affected by this decision
- Studies indicate that GMO Corn causes cancer, organ failure and infertility.
- This is an issue of health for the community
- Tax breaks will likely determine Monsanto's commitment to Pima County.
- Not giving a Letter of No Objection could have an impact on what Monsanto does in Pima County.
- It is in the community's best interest to vote no on tax breaks for Monsanto.
- Ensure the safety and health of constituents and vote no on tax breaks for Monsanto.
- Voting on this issue would be premature, as questions regarding the community's concerns have not been answered.
- The responsibility to make the right decision for the future of Pima County lies in the hands of the Board.
- Biological farming sustains life on earth and fulfills a never ending need while enhancing the soil, water, air and environment.
- Monsanto's main product is restricted in over two dozen countries and much of the world has deemed their product unsafe.

Gayle Hartman spoke to the Board about the Turquoise Trail and thanked the Board for their continued support.

Michele Garsha, representing the HIBWAC Committee, spoke in support of 2017 Pima County employee benefits.

Paul Parisi, 4Tucson, thanked the Board for their support of National Day of Prayer and spoke about upcoming events taking place in the community.

Shawn Kurtti requested a response from the Board regarding a complaint he filed.

BOARD OF SUPERVISORS

9. Presentation

Presentation by Richard DeBernardis, President and CEO of Perimeter Bicycling Association of America, Inc., and Founder of El Tour de Tucson, to honor County Administrator Chuck Huckelberry as the 2016 El Tour de Tucson Man of the Year. Discussion/Action. (District 3)

Richard DeBernardis, President and CEO of Perimeter Bicycling Association of America, Inc., thanked County Administrator, Chuck Huckelberry, for all that he has done for health, bicycling, and the community and presented him with the 2016 El Tour de Tucson Man of the Year Award.

Chair Bronson thanked Richard DeBernardis for all of the efforts put into El Tour de Tucson.

10. Board of Supervisors' Meeting Time

Discussion and vote on holding one Board of Supervisors meeting a month at 7:00 p.m. to allow those who are unable to attend during the morning hours, an opportunity to observe and participate in meetings. (District 1)

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

Supervisor Elías commented that he has not received complaints from any of his constituents regarding the Board meeting schedule. He added that he was not opposed to the idea but felt that meetings should start earlier than 7:00 p.m. and requested to have a cost analysis done and how it would impact other functions.

Supervisor Elías then made a substitute motion to continue the item to March 21, 2017 to allow time for constituents to provide feedback and for the cost analysis to be completed. Supervisor Valadez seconded the motion.

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

FINANCE AND RISK MANAGEMENT

11. Self-Insured Workers' Compensation Program

Staff requests approval of the Request for Exemption from Requirement to Post Statutory Deposit for submission to the Industrial Commission of Arizona.

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

HUMAN RESOURCES

12. Employee Benefits for Fiscal Year 2017/18

Staff recommends all employee benefit plans, rates, County Health Savings Account funding and premium discounts remain the same for Fiscal Year 2017/18.

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

REGIONAL WASTEWATER RECLAMATION

13. Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

Duralar Technologies, L.L.C., Case No. 2016-D-003. The proposed settlement amount of \$4,100.00 for penalties and the attendance of at least one representative at Pollution Prevention School are in accordance with the Industrial Wastewater Enforcement Response Plan.

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

FLEET SERVICES

14. Annual Vehicle Exemptions

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2017.

Supervisor Miller stated she objected to the approval of the exemption and that all Pima County vehicles, with the exception of law enforcement, should display the county seal.

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

DEVELOPMENT SERVICES

15. Final Plat with Assurances

P16FP00003, Diamond Court, Lots 1-19. (District 3)

It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve P16FP00003.

FRANCHISE/LICENSE/PERMIT

16. Hearing - Liquor License

12104479, Aftim Amin Saba, Fiamme Pizza, 4706 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 Chair Bronson, seconded by Supervisor Christy 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 - Liquor License

09100193, Jason Barclay Morris, CVS/Pharmacy No. 9211, 6488 N. Oracle Road, Tucson, Series 9, Liquor Store, Person Transfer and Location Transfer.

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

18. Hearing - Liquor License

03103032, Samuel Joseph Kroack, Harbottle Brewing Company, 3820 S. Palo Verde Road, No. 102, Tucson, Series 3, In-State 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 Christy 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.

19. Hearing - Liquor License

12104481, Travis Harley Miller, Serial Grillers, 1970 W. River Road, 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 Christy 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.

20. Hearing - Extension of Premises/Patio Permit

14103021, Samuel L. Barnard, American Legion Post 131, 249 W. Esperanza, Green Valley, Permanent Extension of Premises.

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

DEVELOPMENT SERVICES

21. **Hearing - Zoning Code Text Amendment**

P16TA00002 WALLS FENCES, SELF-STORAGE, COMPREHENSIVE PLAN, SPECIFIC PLAN AND REZONING

An Ordinance of the Pima County Board of Supervisors relating to zoning; amending the Pima County Zoning Code Chapter 18.07 (General Regulations And Exceptions) Section 18.07.030 (Land Use Regulations) to provide safety standards for existing large commercial structures; Section 18.07.050 (Development Standards Exceptions) to amend the setback requirement for walls and fences and Section 18.07.070 (Modification of Setback Requirements And Lot Coverage Limits) to clarify the fee and adopt the Modification of Setback And Lot Coverage Limits process for properties in a specific plan; amending Chapter 18.43 (Local Business Zone), Section 18.43.030 (Permitted Uses) to repeal the maximum site area for self-storage facilities; amending Chapter 18.45 (General Business) Section 18.45.030 (Permitted Uses) to repeal the maximum site area for self-storage facilities; amending Chapter 18.89 (Comprehensive Plan) Section 18.89.041 (Other Plan Amendment Procedures) to allow a concurrent plan amendment with a specific plan; amending Chapter 18.90 (Specific Plans) Section 18.90.020 (Definitions) to add the definition for Certificate of Compliance and repeal the definitions of master and standard assurances; Section 18.90.030 (Application) to repeal the minimum site area for a specific plan, clarify submittal requirements, and allow for concurrent comprehensive plan amendment with a specific plan submittal; Section 18.90.050 (Specific Plan Requirements) to repeal the prohibition on Specific Plans modifying the regulations in all chapters in the zoning code; Section 18.90.060 (Planning And Zoning Commission Review) to repeal the review requirement by the Design Review Committee; Section 18.90.070 (Board of Supervisors Review) to revise deadline and reduce the time allowed to submit written protests; Chapter 18.91 (Rezoning Procedures) Section 18.91.040 (Initiation) to add current name to land use intensity legend; Section 18.91.080 (Board of Supervisors Review) to revise deadline and reduce the time allowed to submit written protests. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Gavin, Gungle and Membrila were absent) to recommend APPROVAL of the proposed TEXT AMENDMENT. Staff recommends APPROVAL of the proposed TEXT AMENDMENT. (All districts)

If approved, pass and adopt: ORDINANCE NO. 2017-3

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.

22. **Hearing - Comprehensive Plan Amendment**

P16CA00004 STEWART TITLE & TRUST TR 3698 - WEST VALENCIA ROAD PLAN AMENDMENT

Request of Stewart Title & Trust TR 3698, represented by Gordon Thomas Alley III, to amend the Pima County Comprehensive Plan from Medium Intensity Urban (MIU) to Community Activity Center (CAC) for approximately 7.72 acres located on the south side of West Valencia Road, approximately 700 feet west of South Wade Road in Section 16, T15S, R12E, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Cook, Gavin, and Gungl were absent) to recommend MODIFIED APPROVAL OF AMENDING THE SITE TO NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO AMENDED REZONING POLICIES. Staff recommends MODIFIED APPROVAL FOR NEIGHBORHOOD ACTIVITY CENTER (NAC) SUBJECT TO REZONING POLICIES. (District 3)

1. Request to waive Special Area Policy S-35, Retail Enhancement Contribution Areas, shall be considered pending review of proposed development at the time of rezoning.
2. The adjacent area zoned CB-1 at the southwest corner of West Valencia and South Wade Roads shall be included with the plan amendment site in any subsequent rezoning Preliminary Development Plan, subdivision plat or development plan. The entire site shall be planned and designed in such a manner so as to avoid any appearance of traditional "strip" commercial development, with consistent and uniform architectural design for all commercial/retail elements of the site, and landscaping and shade to reduce urban heat island effect.
3. Developer will work with Kitt Peak National Observatory to implement up-to-date lighting technology for Dark Sky policies in accordance with Pima County Outdoor Lighting Code, Section 301.1.6.

Chair Bronson requested a staff report.

Thomas Drzazgowski gave the staff report.

The following speakers did not speak and were in support of P16CA00004:

- John Hasier
- Diana Hasier

Gordon Thomas Alley III, applicant, commented that the communities southwest of Tucson have grown rapidly, setting up opportunities for future growth.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P16CA00004, subject to the amended rezoning policies.

23. Hearing - Rezoning Time Extension

Co9-11-04, HENNESSY TR - MISSION ROAD REZONING

Request of Hennessy B Trust, represented by Psomas, for a five-year time extension for the above-referenced rezoning from SH (BZ) (Suburban Homestead - Buffer Overlay Zone) to CB-1 (BZ) (Local Business - Buffer Overlay Zone). The subject site was rezoned in 2012. The rezoning expires on January 17, 2017. The site is approximately 6.27 acres located on the west side of S. Mission Road, approximately 2,000 feet south of W. Ajo Way. Staff recommends APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
7. Transportation conditions:
 - A. The property owner/developer shall construct connection between interior walkways and sidewalk along Mission Road.
 - B. The property owner(s) shall provide offsite improvements to Mission Road as required by Departments of Transportation.
8. Flood Control conditions:
 - A. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations and to analyze detention/retention requirements. Channel and drainage design including connectivity to the culvert underneath Mission Road shall be addressed and a meeting prior to submittal is recommended.
9. Wastewater Reclamation conditions:
 - A. ~~The owner/developer 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/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation 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 Regional Wastewater Reclamation Department.~~
 - 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 Pima County Regional Wastewater Reclamation 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/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, 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.~~
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and / or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
10. Environmental Quality condition:
As a condition of approval, the property owner must connect to the public sewer system at the project location. On-site wastewater disposal shall not be allowed.

11. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B), including the buffers shown on the plan and the reduced parking calculated and provided in accordance with Section 18.75.050 of the Zoning Code.
12. Environmental Planning condition:
Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property 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.
13. 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.
14. The property owner 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 to 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)."
15. The project shall incorporate 100% rooftop water harvesting.

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 approve Co9-11-04, subject to original and modified standard and special conditions.

24. **Hearing - Lot Split**

Co9-81-118, CARLESS - VALENCIA ROAD REZONING (LOT SPLIT)

Request of GMSK Properties, L.L.C., represented by Bright Design Associates, P.L.C., for a lot split. The applicant requests to split approximately 1.41 acres from an approximate 6.64-acre parcel. Rezoning Condition No. 10 requires that there will be no further subdividing or lot splitting without the written approval of the Board of Supervisors. The subject site is zoned CB-1 (Local Business) and is located at the northwest corner of the intersection of W. Valencia Road and S. Camino de Oeste. Staff recommends APPROVAL SUBJECT TO CONDITIONS. (District 5)

1. Access shall be designed to provide cross access between the proposed 1.41-acre lot and the adjacent property to the west. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties as practicable.
2. Approval for any grading shall be required, including outside of the proposed 1.41-acre lot split area.
3. General adherence to the preliminary development plan as approved at public hearing.

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 approve Co9-81-118, subject to conditions.

TRANSPORTATION

25. Hearing - Desert Winds Elementary School Crosswalk Repeal Ordinance

ORDINANCE NO. 2017 - 4, of the Board of Supervisors, repealing an ordinance for an abutting school crosswalk on Rudasill Road west of Desert Trail Road in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

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.

REGIONAL WASTEWATER RECLAMATION

The Board of Supervisor on January 17, 2017, continued the following:

26. Hearing - Code Text Amendment

ORDINANCE NO. 2017 - 2, of the Board of Supervisors, relating to wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees.

Chair Bronson requested a staff report.

Jackson Jenkins, Regional Wastewater Reclamation Director, made a presentation to the Board on the Sewer Outreach Subsidy and Capital Improvement Programs.

Supervisor Miller questioned the amount of the current annual subsidy.

Mr. Jenkins responded that the total projected subsidy amount for 2016/2017 was currently \$1.3 million. He further indicated the program has undergone several improvements.

Supervisor Elías inquired about how the department planned to analyze the improvements made to subsidy process.

Mr. Jenkins responded that key performance indicators and statistics will be tracked, but not all the metrics are in place to determine the quality.

Supervisor Elías requested that anecdotal information be included in the evaluation of the new process and that staff report back to the Board.

Supervisor Christy inquired as to what the proposed increase included.

Mr. Jenkins responded that the current request is for a single 4% user increase.

Supervisor Christy inquired about the study being conducted which recommends a 4% increase each year for the next 3 years.

Mr. Jenkins responded there is a misunderstanding regarding the recommendations of the study. It is the Finance Department along with input from the department and recommendations from the advisory committee that determine the financial needs for the department.

Supervisor Christy indicated that since the study is on-going the Board shouldn't consider any rate increases until after the study is complete and inquired as to when the study would be completed.

Mr. Jenkins responded the study should be completed by the end of the fiscal year at which time a summary of findings and recommendations will be presented to the Board for consideration. He further clarified what the study entailed. The study would be evaluating the appropriate connection fees for 2016/17, connection fees were last evaluated in 2012, and will determine if an increase is appropriate. It will examine billing methods for both individual customers and for commercial customers.

Supervisor Miller asked that a draft of the study be provided to her office upon its initial completion.

Mr. Jenkins continued with his presentation. He briefed the Board on the R.O.M.P program.

Supervisor Elías noted that the money spent to improve the quality of the effluent put into the Santa Cruz River has been money well spent.

Supervisor Bronson indicated that the system is over 100 years old and is in need of upgrades to protect the public health. It is also being driven by regulatory compliance and these are not cost we have control over.

Mr. Jenkins continued with his presentation discussing infrastructure, rehabilitation and manufacturing costs.

Supervisor Miller inquired about what contributed to the increase in solar cost.

Mr. Jenkins responded that solar costs are not rising. Solar costs may have looked as though they increased because, in the finance report, solar had previously been included with electricity and had been pulled to be listed on its own in the latest report.

Supervisor Christy questioned how many solar fields were currently being used for the department.

Mr. Jenkins responded that the department is currently using two solar fields. One at Agua Nueva Water Campus sight as well as another behind Tres Rios. He added that they recently finalized an agreement to add a third field located in Corona de Tucson.

Supervisor Miller inquired about the 10 million dollar decrease in sewer revenue for the previous year and if the revenues had stabilized.

Mr. Jenkins explained that a large portion of revenues are tied into the volume of usage resulting in a decrease.

Keith Dommer, Finance and Risk Management Director, made a presentation to the Board about the main drivers for the rate increase.

Supervisor Christy questioned the philosophy of how bonding was established.

Mr. Dommer responded that Pima County issues debt for 15-year periods which keeps interest costs down.

Amber Smith, Chair, Regional Wastewater Reclamation Advisory Committee, addressed the Board that the committee voted in favor of the 4% increase and also requested a rate study be completed to identify better ways to assess the bills.

John Lynch, Chair, Financial Subcommittee of the R.A.C., addressed the Board regarding rate increases and noted that they are needed for revenues to keep up with expenditures.

Mark Taylor, Vice Chair, Regional Wastewater Reclamation Advisory Committee, addressed the Board that fiscally the county is in need of a rate increase.

Supervisor Elías stated that improvements to the debt coverage ratio and the conveyance system were needed. He added that a 4% increase in connection fees was also necessary.

Supervisor Elías made a motion to continue this item until the 4% increase in connection fees could be added to the ordinance. Supervisor Valadez seconded the motion. No vote was taken at this time.

Supervisor Christy offered a friendly amendment to the motion that the hearing be continued until the completion of the department's report debating future rate increases.

Supervisor Elías noted that he would only accept the friendly amendment if staff could confirm the report would be completed by the end of the current fiscal year.

Mr. Jenkins indicated that the initial study should be available by April, however the final report, after staff's review, would be finished closer to the end of the fiscal year.

Chuck Huckelberry, County Administrator, responded that the Board would be provided a draft of the report as soon as it is received.

Supervisors Elías and Valadez accepted the friendly amendment to the motion.

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

TRANSPORTATION

27. Waiver of Development Impact Fee

Pursuant to Pima County Code Section 19.03.070, David and Diane Ruozi request a waiver of the Roadway Development Impact Fee for the placement of a recreational vehicle on their property located at 17525 W. Quemado Lane, in the Silverbell-Tortolita Benefit Area. Staff recommends APPROVAL. (District 3)

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

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

28. The Salvation Army, Amendment No. 1, to provide for the Continuum of Care Program - Project Advent and amend contractual language, HUD Fund, contract amount \$4,584.00 (CT-CS-16-304)

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

29. The Salvation Army, Amendment No. 1, to provide for the HUD Continuum of Care Program - CASA and amend contractual language, HUD Fund, contract amount \$7,344.00 (CT-CS-16-264)

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

PROCUREMENT

30. PSOMAS, Inc., Amendment No. 1, to provide for the Cortaro Farms: Camino de Oeste to Thornydale Road Project, extend contract term to 6/30/19 and amend contractual language, Urban HURF 12.6% Fund, contract amount \$149,587.94 (CT-TR-15-297) Transportation

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

31. Conmed Healthcare Management, Inc., Amendment No. 5, to provide for correctional healthcare services, amend contractual language and scope of work, no cost (MA-PO-13-580) Health

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

REGIONAL WASTEWATER RECLAMATION

32. Bear Creek Estates Homeowner's Association, to provide for the Bear Creek Pump Station Acquisition, contract amount \$213,457.00/9 year term revenue (CTN-WW-17-110)

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

33. **Merit System Commission and Law Enforcement Merit System Council**

Reappointment of David Freund. Term expiration: 12/31/20. (District 3)

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

34. **Community Action Agency Board**

Reappointment of Imelda Pines. Term expiration: 12/31/20. (District 3)

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

35. **State Board of Equalization**

Reappointments of Beverly Weissenborn and Rosalie Roszak. Term expirations: 12/31/20. (District 3)

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

36. **Fair Horse Racing Commission**

Reappointment of John Ochoa. Term expiration: 1/21/19. (District 4)

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

CONSENT CALENDAR

37. Approval of the Consent Calendar

Supervisor Miller requested to divide the question on Consent Calendar Item No. 4 for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Procurement

4. Barker Morrissey Contracting, Inc., Amendment No. 7, to provide Construction Manager At Risk Services for Project Curvature, extend contract term to 2/28/18 and amend contractual language, no cost (CT-FM-16-241) Facilities Management

It was moved by Supervisor Miller and seconded by Supervisor Christy to deny approval of contract CT-FM-16-241.

Upon roll call, the motion failed by a 2-3 vote, Chair Bronson and Supervisors Elías and Valadez voted "Nay."

It was then moved by Supervisor Valadez and seconded by Supervisor Elías to approve contract CT-FM-16-241.

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. Tucson Youth Development, Inc., to provide for Pathways to Justice Careers for Youth, U.S. Department of Labor Employment and Training Administration Fund, contract amount \$105,978.00 (CT-CS-17-214)

2. Tucson Preparatory School, Inc., Amendment No. 1, to provide for the US HUD Continuum of Care Program - La Casita and amend contractual language, US HUD Continuum of Care Program Fund, contract amount \$3,456.00 (CT-CS-16-306)

Facilities Management

3. United Community Health Center - Maria Auxiliadora, Inc., to provide a lease agreement for property located at 28720 S. Nogales Highway, Amado, AZ, contract amount \$100.00/10 year term revenue (CTN-FM-17-129)

Procurement

4. Barker Morrissey Contracting, Inc., Amendment No. 7, (PULLED FOR SEPARATE ACTION)

GRANT APPLICATION/ACCEPTANCE

5. **Acceptance - Natural Resources, Parks and Recreation**
Freeport-McMoRan Foundation, to provide for the Adamson-Catino Trail Linking Canoa Preserve Park to Green Valley Project, \$39,000.00/\$39,715.00 General Fund Match (GTAW 17-56)
6. **Acceptance - County Attorney**
Arizona Governor's Office for Children, Youth and Families, Amendment No. 3, to provide for the STOP Violence Against Women Program, U.S. Department of Justice Fund, \$202,019.00/\$107,370.00 General Fund Match (GTAM 17-28)
7. **Acceptance - County Attorney**
City of Tucson, to provide for the Edward Byrne Memorial Justice Assistance Grant Program, U.S. Department of Justice Fund, \$177,203.00 (GTAWR 17-3)

BOARD, COMMISSION AND/OR COMMITTEE

8. **Environmental Quality Advisory Council**
Appointment of Tom Ellis, representing Public/Environmental Interest, to fill a vacancy created by Sandi Richey. Term expiration: 2/6/20. (Staff recommendation)
9. **Board of Adjustment, District 2**
Appointment of Cathy Kennedy, to fill a vacancy created by Santiago Jimmy Acedo. Term expiration: 6/30/21.

10. **Bond Advisory Committee**
Appointments of Joyce Garland, representing City of Tucson and Joyce Powers, representing Town of Oro Valley, to fill vacancies created by Lynne Birkinbine and Donald Chatfield. Term expirations: 2/6/23. (Jurisdictional recommendations)
11. **Fair Horse Racing Commission**
Appointment of Timothy Kelly, to fill a vacancy created by Bill Matthews. Term expiration: 1/21/19. (District 3)
12. **Corrections Officer Retirement Board**
Reappointment of Georgia Brousseau as the Chair of the Merit System Commission and Law Enforcement Council. Term expiration: Coterminous with Chairmanship.
13. **County Attorney Investigators Local Retirement Board**
Reappointment of Georgia Brousseau as the Chair of the Merit System Commission and Law Enforcement Council. Term expiration: Coterminous with Chairmanship.
14. **Public Safety Retirement Board**
Reappointment of Georgia Brousseau as the Chair of the Merit System Commission and Law Enforcement Council. Term expiration: Coterminous with Chairmanship.

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

15. **Special Event**
 - William Dean Woodruff, Knights of Columbus No. 12696, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, January 28, 2017.
 - William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, February 25, 2017.
 - Matthew James Nelson, Arizona Trail Association, La Posta Quemada Ranch/Colossal Cave Mountain Park, 16721 E. Old Spanish Trail, Vail, February 5, 2017.
 - Jobe Evans Dickinson, Tucson Police Officers Charitable Foundation, Inc., 3780 E. 44th Street, Tucson, January 28, 2017.
 - Samantha J. Coffman, Arizona Parks and Recreation Association, Catalina State Park, 11570 N. Oracle Road, Tucson, March 11, 2017.
 - Shawn Carter, Tucson Conquistadores, Inc., Omni Tucson National Resort, 2727 W. Club Drive, Tucson, March 10-19, 2017.

16. **Temporary Extension**

- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for February 4 and 18, 2017.
- 12104301, Grant Darien Krueger, Reforma Cocina Y Cantina, 4310 N. Campbell Avenue, Suite 103, Tucson, Temporary Extension of Premises for February 1, 8, 15, 22, March 1, 8, 15, 22, 29, April 5, 12, 19, 26, and May 5, 2017.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for February 4, 2017.
- 12104140, Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, Temporary Extension of Premises for February 28, 2017.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for February 11, 2017.

ELECTIONS

17. **Precinct Committeemen**

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

RESIGNATIONS-PRECINCT-PARTY

Heath T. Butrum-057-DEM

APPOINTMENTS-PRECINCT-PARTY

Stephanie S. O'Leary-009-DEM; Ashley R. Gregory-013-DEM; Carmen Dolny-016-DEM; Diane J. DeMilt-029-DEM; David P. Miller-034-DEM; Nicholas T. Spare-042-DEM; Brian E. Nichols-044-DEM; Tamar Rala Kreiswirth-056-DEM; Thomas P. Tronsdal-057-DEM; Noreen B. Conroy-067-DEM; Lurline E. Cook-080-DEM; Heath T. Butrum-091-DEM; Marriah Star-094-DEM; David C. Wright-122-DEM; Lisa Beth Isabelle-126-DEM; Merle F. Schlesinger-145-DEM; Dana M. Kormash-153-DEM; Nicholas R. Mahon-167-DEM; Vanessa A. Richter-192-DEM; Brian W. Johnson-215-DEM; Lora L. Nastase-227-DEM; Betty J. Villegas-234-DEM; Sergio A. Arellano-084-REP; John D. Backer Jr.-084-REP; Al Carlone-239-REP

FINANCE AND RISK MANAGEMENT

18. **Duplicate Warrants - For Ratification**

Cox Communications \$44,840.00; American Indian Assoc. \$1,028.32; Curtis & Cunnigham \$10,018.00; Marjorie Crowdes \$216.00; Gary Bollinger \$154.80; Sally Beauty Supply \$459.18; Sally Beauty Supply \$891.84; Katie Monson \$29.80; Diggum Excavating \$129.82; Denise Warren \$171.90.

RATIFY AND/OR APPROVE

- 19. Minutes: January 3, 2017
- Warrants: January, 2017

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38. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:15 p.m.

CHAIR

ATTEST:

CLERK