

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 3, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Richard Elías, Acting Chair
 Ally Miller, Member
 Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
 Chris Straub, Chief Deputy County Attorney
 Robin Brigode, Clerk of the Board
 James Ogden, Sergeant at Arms

1. CONTRACT

CMG Drainage Engineering, Inc., Amendment No. 1, to provide for the Airport Wash Basin Management Study and amend contractual language, Flood Control District Tax Levy Fund, contract amount \$14,950.00 (CT-FC-14-45)

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

2. CONTRACT

Sky Island Alliance, to provide a Sub-Recipient Landowner Agreement for the Rancho Fundoshi Spring Restoration, Flood Control District Fund, contract amount not to exceed \$2,000.00 (CT-PW-14-201)

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

3. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 9:49 a.m.

CHAIRMAN

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, December 3, 2013. Upon roll call, those present and absent were as follows:

Present: Ramón Valadez, Chairman
 Sharon Bronson, Vice Chair
 Richard Elías, Acting Chair
 Ally Miller, Member
 Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
 Chris Straub, Chief Deputy County Attorney
 Robin Brigode, Clerk of the Board
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1. MOMENT OF SILENCE

Supervisor Elías requested a Moment of Silence be dedicated to the memory of Tom Chandler, Community Philanthropist.

2. PERSONAL POINT OF PRIVILEGE

Supervisor Miller announced the Pima County Tucson Women's Commission seminar on Avoiding Scams, Fraud and Identity Theft.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

5. CALL TO THE PUBLIC (for Executive Session items only)

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

6. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:07 a.m.

7. **RECONVENE**

The meeting reconvened at 9:18 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A)(3) and (4), for legal advice and direction regarding authorization to file three separate lawsuits for recovery of property damage in three separate car accidents involving county vehicles.

Chris Straub, Chief Civil Deputy County Attorney, reported the case concerned the recovery of costs for property damage to three County-owned vehicles in three separate car accidents. He stated the County Attorney sought authority from the Board to file separate lawsuits against Sylvia Gonzalez and Terri Apalategui; Elyssa Stogner; and Shahrokh Soulat and K&L Enterprises; and to proceed as directed in Executive Session.

It was moved by Supervisor Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to proceed with the lawsuits as discussed in Executive Session.

COUNTY ADMINISTRATOR

9. **Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending September 30, 2013, and approval of the write-off request in the amount of \$44,784.00.

Supervisor Miller questioned the policy regarding the membership of Library patrons whose fines had been written off.

Chuck Huckelberry, County Administrator, reported that typically Library privileges would be suspended and/or removed.

Supervisor Elías then requested the Board be provided with the Library policy regarding patrons whose delinquent balances were removed.

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

10. **Classification and Compensation**

Staff requests approval to create the following new classification:

Class Code/Class Title/Grade (Range)/ EEO Code/ FLSA Code

7205/ Chief of Veterinary Services-Unclassified/ U4(\$66,310-\$138,175)/1/ E*

*E = Exempt (not paid overtime)

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

FINANCE AND RISK MANAGEMENT

11. General Obligation Bonds

RESOLUTION NO. 2013 - 107, of the Board of Supervisors, providing for the issuance and sale of Pima County, Arizona, General Obligation Bonds, Series 2014A in one or more series; providing for the annual levy of a tax for the payment of the bonds; providing terms, covenants and conditions concerning the bonds; accepting a proposal for the purchase of the bonds; appointing an initial registrar and paying agent for the bonds; approving and ratifying all actions taken in furtherance of this resolution.

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

12. Street and Highway Revenue Bonds

RESOLUTION NO. 2013 - 108, of the Board of Supervisors, providing for the issuance and sale of not exceeding \$41,000,000.00 principal amount of Pima County, Arizona, Street and Highway Revenue Bonds, Series 2014A; providing for the payment of the 2014A Bonds; providing terms, covenants and conditions concerning the 2014A Bonds; providing for the sale thereof by means of an online bidding process; authorizing and directing the refunding of certain outstanding bonds and the execution and delivery of documents and further actions relating to the issuance of the 2014A Bonds; and appointing an initial bond registrar and paying agent for the 2014A Bonds.

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

13. Certificates of Participation

RESOLUTION NO. 2013 - 109, of the Board of Supervisors of Pima County, Arizona, authorizing the lease and lease-purchase back of certain real property, including buildings and structures, in order to finance capital projects for the County; authorizing notice to the public of the lease or sale of the property and providing for the award thereof to the highest responsible bidder; authorizing the execution and delivery of a ground lease, amendments and supplements to a lease-purchase agreement and a trust agreement and other necessary agreements, instruments and documents; approving the execution and delivery of certificates of participation to provide the necessary financing therefor; and authorizing other actions and matters in connection therewith.

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

Supervisor Miller stated she was opposed to the additional investment at the Courthouse and felt tenants should be moved into the building that would pay their own improvement costs.

Chuck Huckelberry, County Administrator, explained the Certificates of Participation would be used for all remaining internal tenant improvements, including those needed for Justice Courts and the parking garage.

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

14. Cash Defeasance

RESOLUTION NO. 2013 - 110, of the Board of Supervisors of Pima County, Arizona, authorizing the prepayment or redemption of certain outstanding bonds with County funds; authorizing the appointment of a depository trustee; authorizing the execution of a depository trust agreement and other necessary agreements, instruments and documents in connection with the prepayment or redemption of such bonds; and authorizing other actions and matters in connection therewith.

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

15. Sewer System Revenue Obligations

RESOLUTION NO. 2013 - 111, of the Board of Supervisors, authorizing the Chairman of the Board of Supervisors, the County Administrator and the Finance Director to cause the sale and execution and delivery pursuant to a Series 2014 A obligation indenture of Sewer System Revenue Obligations, Series 2014A, in an aggregate principal amount not in excess of \$70,000,000.00, evidencing proportionate interests of the holders thereof in installment payments of the purchase price to be paid by Pima County, Arizona, pursuant to a Series 2014A purchase agreement; authorizing the completion, execution and delivery with respect thereto of all agreements necessary or appropriate as part of purchasing property to be part of the sewer system of the County and payment of related financing costs including the delegation to the Chairman of the Board of Supervisors, the County Administrator and the Finance Director of certain authority with respect thereto; authorizing the preparation and delivery of an official statement with respect to such Series 2014A obligations and ordering the sale of such Series 2014 A obligations; authorizing the execution and delivery of a continuing disclosure undertaking with respect to such series 2014 A obligations; and authorizing the Finance Director to expend all necessary funds therefor.

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

REGIONAL WASTEWATER RECLAMATION

16. Pretreatment Settlement Agreement

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

The Picture People, Case No. C2013-04. The proposed settlement amount of \$500.00 is in accordance with the Industrial Wastewater Enforcement Response Plan.

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

TRANSPORTATION

17. Acceptance of Project/Roadway for Maintenance

P1207-054, Vista del Lago, Lots 1-123 and Common Areas A and B. Developer: D.R. Horton, Inc. (District 4)

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

BOARD OF SUPERVISORS

18. Appeal of Review Officer's Decision

The Board of Supervisors on September 17, 2013, October 8, 2013, October 15, 2013 and November 12, 2013, continued the following:

Pursuant to Board of Supervisor's Policy D 22.10, the Pima County Assessor appeals the decision of the Review Officer regarding the classification of Tax Parcel Nos. 109-25-006B, 109-25-006E, 110-10-001B, 110-10-001D, 110-10-002B and 110-10-005B to Legal Class 3 for Tax Year 2013.

Tom Burke, Review Officer/Finance and Risk Management Director, reported the appellant had complied but the recording process had not yet been completed.

It was moved by Supervisor Carroll, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors' Meeting of December 10, 2013.

FRANCHISE/LICENSE/PERMIT

19. Wine Festival/Wine Fair License

St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, December 14, 2013 from 3:00 p.m. to 8:30 p.m., for the following:

- Mark Bradford Cave, d.b.a. Arizona Stronghold Vineyards
- Kent Allan Callaghan, d.b.a. Callaghan Vineyards
- Milton Elsworth Craig, d.b.a. Charron Vineyards and Winery
- Mark Walter Beres, d.b.a. Flying Leap Vineyards, Inc.
- Ray Frances Freitas, d.b.a. Freitas Vineyard
- Gavin Richard Gallifant, d.b.a. Gallifant Cellars, L.L.C.
- James Hill Graham, d.b.a. Golden Rule Vineyards
- Charlene Rae Manning, d.b.a. Kief - Joshua Vineyards
- Peggy Ann Fiandaca, d.b.a. Lawrence Dunham Vineyards, L.L.C.
- Ann Bernadette Roncone, d.b.a. Lightning Ridge Cellars
- Eric Steven Glomski, d.b.a. Page Springs Cellars
- Barbara Jean Pierce, d.b.a. Pierce Wines Arizona, L.L.C.
- Mark Anders Jorve, d.b.a. Zarpara Vineyard
- Megan Austin Haller, d.b.a. AZ Hops & Vines
- Samuel Wallace Pillsbury, d.b.a. Pillsbury Wine Company, L.L.C.

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

20. Agent Change/Acquisition of Control/Restructure

13-09-0046, George Leonard Engle, Diamond Shamrock Corner Store No. 1649, 6175 S. Kolb Road, Tucson, Agent Change and Acquisition of Control.

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

FORENSIC SCIENCE CENTER

21. Fee Schedule

The Board of Supervisors on October 1, 2013, continued the following:

ORDINANCE NO. 2013 - 44, of the Board of Supervisors, relating to Forensic Science Center, establishing a fee for Anthropologist services.

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

DEVELOPMENT SERVICES

22. Type II Conditional Use Permit

P21-13-008, MULE POWER FARMS, L.L.C., - N. CONESTOGA AVE.

Request of Mule Power Farms, L.L.C., represented by Envision Corporation, on property located at 2035 N. Conestoga Ave., in the SR Zone, for a conditional use permit for a community stable, in accordance with Section 18.17.030C.4 of the Pima County Zoning Code as a Type II conditional use permit. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Standard Conditions & Requirements per the Pima County Zoning Code

1. Minimum site area: Ten acres.
2. Minimum setback from subdivision boundaries: Five hundred feet.
3. No more than one horse be kept for each ten thousand square feet of land area.
4. Minimum setbacks for community stable facilities and fencing: One hundred feet.
5. All driveways and parking areas shall be maintained with a dust-proof material which will minimize the generation of dust and shall be approved by the department of transportation and flood control district.
6. No amplifiers or loudspeakers of any kind shall be installed outside any buildings erected on the site.
7. All outdoor lighting shall be in accordance with the county outdoor lighting code (Title 15).
8. Such permit may be revoked when the nonprofit community organization ceases to function or when the community stable is not properly maintained.
9. Minimum setback from adjacent residential zones: Six hundred feet;

Special Conditions

1. This conditional use permit is for a community stable only, together with those ancillary activities that normally and routinely accompany this use, including but not limited to corrals, day-use picnic areas, tack rooms, etc. No other commercial uses are approved for the site.
2. The proposed use shall occur on the property in general conformance with its layout as shown on the conceptual site plan that was submitted by the applicant in conjunction with this conditional use permit application.
3. No formal Pima County Development Plan or review process is required. However, the owner/applicant shall submit a final Site Plan for the property which shall be reviewed and approved by the Deputy Chief Zoning Inspector, who shall work with the owner to insure that all pertinent annotations regarding dimensions, setbacks, required parking spaces, etc. are provided thereon.
4. No large special events or formal/organized equestrian competitions are allowed on the property. Small neighborhood gatherings or informal events as have occurred in the past are permitted.
5. All parking of guest vehicles and horse trailers will occur on the private property and none shall occur on adjacent public street right-of-way.

Tom Drzazgowski, Zoning Inspection Supervisor, provided the staff report and stated there had been no public protest but that 25 letters of support had been received.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve P21-13-008, subject to standard and special conditions.

23. Rezoning Ordinance

ORDINANCE NO. 2013 - 59, Co9-13-07, KQ Covenant Investments, L.L.C., - Nogales Highway Rezoning. Owner: KQ Covenant Investments, L.L.C. (District 2)

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

COUNTY ADMINISTRATOR

24. Staff requests an allocation from the Board of Supervisors' Contingency Fund for the Southern Arizona Defense Alliance in the amount of \$5,000.00.

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

CONSENT CALENDAR

25. Call to the Public (for Consent Calendar items only)

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

26. Approval of the Consent Calendar

It was moved by Supervisor Bronson and seconded by Supervisor Elías, to approve the Consent Calendar in its entirety. The motion and second were withdrawn.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to pull Consent Calendar Item No. 1 for separate discussion and vote.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Facilities Management

1. Kash Property Management, Inc., to provide a Subordination, Non-Disturbance and Attornment Agreement & Estoppel Certificate for property located at 4955 N. Shamrock Place, no cost (CTN-JU-14-84)

Supervisor Miller questioned the original lease provisions and the need for this agreement.

Reid Spaulding, Facilities Management Director, explained the agreement was being done at the request of the new financing agenda for the property and would not impact the provisions of the original lease.

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

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

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CONTRACT AND AWARD

Facilities Management

1. Kash Property Management, Inc., (PULLED FOR SEPARATE ACTION)

Information Technology

2. Crown Castle NG West, Inc., Amendment No. 2, to provide a Non-Exclusive Right-of-Way Use License for Fiber Transport Facilities and amend contractual language, no cost (CTN-IT-13-194)

Procurement

3. Award

Low Bid: Award of Contracts, Requisition No. 14-17, Desert Mountain Corporation (Headquarters: Kirtland, NM) and EarthCare Consultants, L.L.C., (Headquarters: Tucson, AZ) for de-icing, dust control and stabilization materials for a total five-year award amount of \$2,907,175.00 (annual amount of \$581,435.00). Contracts are for five year terms and include

annual review periods. The Award includes the authority for the Procurement Department to reallocate the award amounts among the contracts considering actual usage and anticipated requirements without further action by the Board of Supervisors provided that the sum of the revised contract amounts do not exceed the sum of the contract award amounts. Funding Source: General Fund. Administering Department: Transportation.

4. WSM Architects, Inc., Amendment No. 6, to provide for the Pima County Fleet Services Facility and amend contractual language, Internal Service Fund, contract amount \$14,559.00
5. Brown and Caldwell, Amendment No. 2, to provide for the North Rillito Interceptor Relief Sewer design and amend contractual language, RWRD Obligation Fund, contract amount \$52,599.00 (CT-WW-13-193) Regional Wastewater Reclamation

Sheriff

6. Sheriff's Auxiliary Volunteers of Pima County, Inc., to provide property loss protection, Self Insurance Trust Fund, contract amount not to exceed \$100,000.00 (CT-SD-13-811)
7. Sheriff's Auxiliary Volunteers of Green Valley District Area, Inc., to provide property loss protection, Self Insurance Trust Fund, contract amount not to exceed \$100,000.00 (CT-SD-13-827)

GRANT APPLICATION/ACCEPTANCE

8. **Acceptance-Community Development and Neighborhood Conservation**
U.S. Department of Housing and Urban Development, to provide for CASA for Families II - Transitional Housing under the Continuum of Care Program, \$664,496.00.
9. **Acceptance - Health Department**
Arizona Department of Health Services, to provide for the Maternal, Infant and Early Childhood Home Visiting Program, U.S. Department of Health and Human Services, \$834,251.00.

BOARD, COMMISSION AND/OR COMMITTEE

10. **Metropolitan Education Commission**
Appointment of David Nicholson, representing Metropolitan Education Commission Youth Advisory Council/Tucson Teen Congress, to replace Georgina Valencia. Term expiration: 11/12/16. (Commission recommendation)

11. **Wireless Integrated Network Committee**
Appointment of Doug Emans, representing Northwest Fire District, 2nd Alternate, to replace Albert Pesqueira. No term expiration. (Committee recommendation)
12. **County Attorney Investigators Local Retirement Board**
Reappointment of Leo Duffner. Term expiration: 12/2/17. (Board recommendation)

SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273

13. Ruth Ann Dormanen, Catalina Crusaders, Player's Pub, 16024 N. Oracle Road, Tucson, December 7, 2013.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY

Michael Kleving-213-REP

APPOINTMENTS-PRECINCT-PARTY

Jenny L. Carrillo-043-DEM

Monica J. Hills-178-REP

Loren A. Jensen Carter-210-REP

Shuron T. Harvey-256-REP

Brian L. Nettles-285-REP

Matthew H. Smith-117-GRN

REAL PROPERTY

15. **Grant of Easement**
Tucson Electric Power, to provide a Grant of Easement for the installation of underground electric facilities, Tax Parcel No. 141-10-0100, located in Section 20, T15S, R15E, G&SRB&M, Pima County, Arizona. \$190.00 revenue. (District 4)

RATIFY AND/OR APPROVE

16. Warrants: November, 2013

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27. **CALL TO THE PUBLIC**

Mary Murphy addressed the Board regarding inadequate flood control measures in the Green Valley area.

Keith Van Heyningen spoke regarding the new courthouse expenditures and in opposition to higher taxes.

28. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:49 a.m.

CHAIRMAN

ATTEST:

CLERK