

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, January 13, 2015. Upon roll call, those present and absent were as follows:

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

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

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and in-lieu fee of \$3,197.60 for property located at 1456 East Canyon Spring Court within important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

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

2. FOREIGN TRADE ZONE AGREEMENT FOR PROPERTY TAX ABATEMENT

Staff recommends approval of the Payment in Lieu of Taxes (PILOT) Fee Agreement with HomeGoods to locate to 3649 E. Corona Road, Pima County.

Chuck Huckelberry, County Administrator, explained that the agreement was a property tax reduction incentive to encourage a new employer to relocate to the region and summarized the capital investment which would be made, the employment forecast and other anticipated benefits to both the County and to HomeGoods. He further stated that education institutions would be held harmless from this tax incentive.

The following speakers addressed the Board:

- Robert Lenhard
- Steve Eggen, Tucson Regional Economic Opportunities (TREO)
- Joe Snell, Tucson Regional Economic Opportunities (TREO)

They offered the following comments:

- Companies considering relocation to the area did not see Pima County as business friendly.

- Support was voiced for the employment opportunities, potential growth and positive economic impact the agreement could generate.

Supervisor Miller stated the work on this incentive had been well done and that it would provide needed jobs to the community.

Supervisor Valadez stated the agreement was an example of how the County could influence a positive impact on the economy and employment base, and he looked forward to future successes in terms of economic development strategy.

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

Supervisor Miller requested copies of the economic impact analysis and tax break schedules.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:29 a.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, January 13, 2015. Upon roll call, those present and absent were as follows:

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

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
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It was moved by Supervisor Valadez and seconded by Supervisor Carroll, to approve the agreement. No vote was taken at this time.

Supervisor Miller requested copies of the economic impact analysis and tax break schedules.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:29 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, January 13, 2015. Upon roll call, those present and absent were as follows:

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

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

1. INVOCATION

The invocation was given by Pastor Jim Brauer, Desert Valley Adventist 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. CALL TO THE PUBLIC

Joann Schultz, Reid Park Zoological Society, spoke in support of the 2015 Bond Election and the zoo project.

Lou Sampson, encouraged the Board to discontinue the current practice of discretionary spending.

Geri Ottoboni addressed the Board about the County Administrator's discretionary spending proposal.

Richard Hernandez spoke on his commitment to the Sunnyside community and suggested resolutions to the Board for the new year.

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 9:32 a.m.

6. RECONVENE

The meeting reconvened at 10:03 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 a proposed settlement of Valencia Kolb Properties, L.L.C., et al. v. Pima County, United States District Court Case No. 4:13-CV-01319-DCB.

Chris Straub, Chief Civil Deputy County Attorney, stated the case concerned Valencia Kolb Properties, L.L.C., et al. v. Pima County, United States District Court Case No. 4:13-CV-01319-DCB, which alleged that the Plaintiffs were damaged by Pima County's actions related to the alignment of and planned improvements to the Valencia Kolb intersection. He explained that in November 2014, the Court dismissed eight of the nine counts in the Plaintiffs' complaint and the Plaintiffs have offered to dismiss the action in its entirety in a manner consistent with the Court's ruling. The County Attorney's Office sought authority to proceed as discussed in Executive Session and recommended the Chair be authorized to execute a settlement agreement on behalf of Pima County.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to proceed as discussed in executive session and accept the recommendation.

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the following consolidated cases: C.H.H. Tucson Partnership, L.P. v. Pima County and El Conquistador M.A.H. II, L.L.C. v. Pima County, Arizona Tax Court Consolidated Case Nos. TX2010-001421, TX2011-000379, TX2011-000380, and TX2013-000155.

Chris Straub, Chief Civil Deputy County Attorney, stated the case pertained to C.H.H. Tucson Partnership, L.P. v. Pima County and El Conquistador M.A.H. II, L.L.C. v. Pima County, Arizona Tax Court Consolidated Case Nos. TX2010-001421, TX2011-000379, TX2011-000380, and TX2013-000155 involving the El Conquistador Resort, adjoining property and a country club. The County Attorney's Office sought authority to proceed as discussed in Executive Session.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to proceed as discussed in executive session.

COUNTY ADMINISTRATOR

9. The Board of Supervisors on December 9 and 16, 2014, continued the following:

Board of Supervisors Policy

Staff requests approval of the Board of Supervisors Policy regarding Budget Development Transparency and Transfer to Community Nonprofit Organizations for Public Services, as follows:

- A. Approval of Board of Supervisors Policy E36.1, Outside Agency Funding, to replace the current policy entitled Review of Requests and Monitoring of Contracts for Discretionary Funds Allocated to Outside Agencies for Economic Development, Health and Social Services;
- B. Selection or rejection of the Small Public Purpose Grants Option(s):
 - 1. Outside Agency Subaccount
 - 2. Board Member Allocations and the approval of the Board of Supervisors Policy E36.2, Small Public Purpose Grants
 - 3. Discontinuation
- C. Approval of the amendment to the Board of Supervisors Policy D29.4, Pima County Contracts Policy

Supervisor Valadez stated that in regards to this issue, he did not believe anything inappropriate had happened and disagreed with the opinion of the Goldwater Institute, but he acknowledged that greater transparency was needed. He explained he could not support any of the options outlined by the County Administrator in their entirety. The proposed options were not considered.

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to: 1) prohibit the current policy of using monies from Board budgets for discretionary expenditures; 2) effective immediately, all Contingency Fund requests for social service agencies go to the Outside Agency Review Committee for the purpose of determining whether or not they fit within the County's priorities and concurrently that they be reviewed by the County Attorney's Office to ensure they meet legal parameters; and 3) to direct the County Administrator during the 2015/16 budget, to develop a process for the approval of small grants to social service agencies in an open and transparent manner. No vote was taken at this time.

Supervisor Carroll credited the Goldwater Institute for their efforts to promote more transparency in government.

Supervisor Miller expressed her opinion that these expenditures violated the Arizona gift clause and noted that this opinion was shared by the Goldwater Institute and her personal attorney. She stated no other counties made these types of expenditures and doing this gave the appearance of impropriety. Supervisor Miller explained the two tests that must be met for grants of this nature. She added that the Contingency Fund was needed for unseen emergencies and should not be used for charitable donations.

Chair Bronson stated that in the past there had been no mechanism to process small dollar grants for small non-profit entities that did good things in the community and that this would create that process.

Supervisor Carroll explained that the Outside Agency Review Committee included one member appointed by each Supervisor and that their meetings were conducted in a public setting. He supported discontinuation of the current practice and based on his communication, felt the Goldwater Institute would be satisfied and withdraw related concerns.

Supervisor Elías expressed his support for the motion and transparency but disputed the idea that past donations had been made for political gain.

Chuck Huckelberry, County Administrator, clarified that the interim policy of placing certain expenditures made from the Supervisors' office budgets on the Agenda would be discontinued by this Board action.

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

FRANCHISE/LICENSE/PERMIT

10. Liquor License

09100254, Clare Hollie Abel, Wal-Mart Supercenter No. 2922, 7635 N. La Cholla Boulevard, Tucson, Series 9S, Liquor Store Sampling License.

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

11. Extension of Premises/Patio Permit

03103012, Myron Christopher Squires, 1055 Brew Works, 3810 E. 44th Street, No. 315, Tucson, Temporary Extension of Premises for February 7, 2015.

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

12. Liquor License

06100142, Andrea Dahlman Lewkowitz, Loews Ventana Canyon Resort, 7000 N. Resort Drive, Tucson, Series 6, Bar, Person Transfer.

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

COUNTY ADMINISTRATOR

13. Foreign Trade Zone Agreement for Property Tax Abatement

Staff recommends approval of the Payment in Lieu of Taxes (PILOT) Fee Agreement with HomeGoods to locate to 3649 E. Corona Road, Pima County.

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

Supervisor Miller requested copies of the economic impact analysis and tax break schedules.

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

FINANCE AND RISK MANAGEMENT

14. Request for Exemption

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 Valadez and unanimously carried by a 5-0 vote, to approve the item.

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

15. Cochise Private Industry Council, Amendment No. 2, to provide for the H1-B Technical Skills Training Program, extend contract term to 11/30/15 and amend contractual language, no cost (CT-CS-13-404)

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

COUNTY ATTORNEY

16. Southern Arizona Legal Aid, Inc., to provide for the Community-Defined Solutions to Violence Against Women Program, Federal Grant Funds, contract amount \$64,791.00 (CT-PCA-15-265)

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

17. Emerge! Center Against Domestic Abuse, to provide for the Community-Defined Solutions to Violence Against Women Program, Federal Grant Funds, contract amount \$50,382.00 (CT-PCA-15-279)

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

18. The Primavera Foundation, Inc., to provide for the Pima County Drug Court Project, ~~Special Revenue~~ and Federal Grant Funds, contract amount \$150,000.00 (CT-PCA-15-142)

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

19. Community Partnership Care Coordination, to provide for the Pima County Drug Court Project, Special Revenue and Federal Grant Funds, contract amount \$100,000.00 (CT-PCA-15-303)

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

FACILITIES MANAGEMENT

20. Accelerate Diagnostics, Inc., Amendment No. 5, to provide a lease at 3950 S. Country Club Road, 4th Floor and amend contractual language, no cost (CTN-FM-13-55)

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

PROCUREMENT

21. CGI Technologies and Solutions, Inc., Amendment No. 2, to provide for software and upgrade services for ERP System Project, extend contract term to 2/23/16 **12/15/16** and amend contractual language, 2010 Certificates of Participation (37%) and General Fund (63%), contract amount \$4,089,930.00 (MA-PO-B507308-BC)

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

CONSENT CALENDAR

22. **Approval of the Consent Calendar**

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. LeadLocal, L.L.C., to provide for the Youth Career Connect Program, US DOL, ADES WIA Grant (33%) and General (67%) Funds, contract amount \$15,000.00 (CT-CS-15-245)

Procurement

2. Award

A.R.S. §34-606 Award of Contract: No. CT-TR-15-297 in an amount not to exceed \$609,635.06 to PSOMAS, Inc. (Headquarters: Los Angeles, CA) to complete design services for the Cortaro Farms: Camino de Oeste to Thornydale Road Project. PSOMAS was previously awarded contracts 16-04-M-127876-0300 for DOT-18 Cortaro Farms Road: I-10 to Thornydale Roadway Engineering Services for Bond Projects, and 16-04-M-140432-1007 for Project Management and Roadway Design Engineering Services for Cortaro Farms Road: Camino De Oeste to Thornydale Road. At the mutual agreement of the parties, each of these contracts were allowed to expire because of lack of funds to complete the project. Funds are now available to complete the project. Due to its past experience and knowledge specific to this area, gained over the course of the prior work, it was determined under the provisions of A.R.S. §34-606 that competition would be impracticable.

Funding Source: Urban HURF 12.6% Fund. Administering Department: Transportation.

BOARD, COMMISSION AND/OR COMMITTEE

3. Election Integrity Commission

Appointment of Brian Bickel, to fill a vacancy created by Barbara Tellman. Term expiration: 5/7/15. (Democratic Party Recommendation)

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

4. William Dean Woodruff, Knights of Columbus Council No. 12696, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, January 17, 2015.

ELECTIONS

5. Pursuant to A.R.S. §16-821B, approval of Precinct Committeeman appointment:

APPOINTMENT-PRECINCT-PARTY

Daniel Camacho-159-LBT

RATIFY AND/OR APPROVE

6. Minutes: November 18, 2014 and December 2, 2014

* * *

23. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:29 a.m.

CHAIR

ATTEST:

CLERK

DRAFT