

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, May 2, 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. **AWARD**

Award: Contract No. CT-FC-17-336, Hunter Contracting Co. (Headquarters: Gilbert, AZ). This award of contract is recommended to the lowest, responsive, responsible bidder in the amount of \$1,282,137.45 for a contract term from May 2, 2017 to March 30, 2018 for the construction of the Calle Agua Nueva Drainage Channel Project (5ROGRD). Funding Source: Flood Control Tax Levy Fund. Administering Department: Regional Flood Control District.

It was moved by Supervisor Elías, seconded by Supervisor Valadez 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 12:03 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, May 2, 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. **CONTRACT**

Jenny Brite, Amendment No. 2, to provide website maintenance, extend contract term to 6/30/18 and amend contractual language, Library District Fund, contract amount \$46,800.00 (CT-LIB-15-557)

It was moved by Supervisor Elías and seconded by Chair Bronson to approve the item. No vote was taken at this time.

Supervisor Miller indicated that the contract recipient lived in Washington, D.C. and questioned why an Arizona resident had not been selected. She also inquired why this item was a direct select contract.

Jan Leshner, Chief Deputy County Administrator, indicated that she was unaware why this was a direct select, and explained the individual had performed the maintenance for several years and that this was the last extension of the contract.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:03 p.m.

CHAIR

ATTEST:

CLERK

DRAFT

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, May 2, 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 Pastor Michael Sentigar, Midvale Christian Center.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. POINTS OF PERSONAL PRIVILEGE

Supervisor Elías acknowledged the passing of Monsignor Arsenio S. Carrillo, who was the Father at St. Augustine Cathedral for many years, and Monsignor Van A. Wagner, a vicar general from Ss. Peter and Paul Catholic Church, and remembered their caring towards parishioners and residents of Pima County.

Chair Bronson congratulated the town of Ajo on being named the best small town in the Southwest by People's Choice and wished the country of Israel a happy birthday.

Supervisor Miller thanked Annette Agredano of Aztlan Boxing Gym for being 100% in compliance.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Lieutenant Elsa Navarro, proclaiming May 7 through 14, 2017 to be: "CORRECTIONAL OFFICERS WEEK"

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

6. Presentation of a proclamation to Lieutenant Elsa Navarro, proclaiming May 7 through 14, 2017 to be: "NATIONAL NURSES WEEK"

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

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:32 a.m.

8. **RECONVENE**

The meeting reconvened at 9:47 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to participate in an amicus brief in support of the State of Arizona in Humphrey, et al. v. State of Arizona, Court of Appeals Case No. 1 CA-CV 16-0570.

Thomas Weaver, Chief Civil Deputy County Attorney, stated the County Attorney's Office sought direction as to whether or not to participate in the amicus brief.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to sign on to the amicus brief.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential appeal of the administrative decision in the matter of: Rosemont Copper 401 Certification, No. 16A-P33-DEQ.

Thomas Weaver, Chief Civil Deputy County Attorney, stated the County Attorney's Office sought direction on whether or not to appeal the administrative decision.

It was moved by Supervisor Elías, seconded by Chair Bronson and carried by a 3-2 vote, Supervisors Christy and Miller voted "Nay," to apply for an appeal of the administrative decision.

11. **CALL TO THE PUBLIC**

Edward Cizek expressed his concerns on the budget and its lack of transparency.

The following speakers addressed the Board in support of Aztlan Boxing Gym:

- Netta Agredano
- Alex Peterson
- Adan Ramirez
- Cheryl Bakari
- Genevieve Schroeder

They offered the following comments:

- Appreciation for members of the Aztlan Boxing Gym.
- The gym inspired people to grow and become better individuals.
- Going to the gym helped raise self-respect and self-esteem.
- It is a terrific program.
- It is a place of healing and a safe place to go for residents of South Tucson.

Christopher Cole, First Vice-Chair, Pima County Libertarian Party, stated the Board was violating the State's gift clause and their responsibility to taxpayers by buying furniture for World View.

Geri Ottoboni spoke on the improper use of taxpayer money to provide furniture for World View and to file a lawsuit against Goldwater Institute.

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

12. The Board of Supervisors on April 4 and 18, 2017, continued the following:

TMM Family Services, Inc., Amendment No. 1, to provide for the TMMFS Senior and Veterans Housing Project, extend contract term to 7/4/18 and amend contractual language, no cost (CT-CD-16-430)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller explained she had previously questioned this contract and upon investigation had found that TMM Family Services, Inc. had received \$708,000.00 for construction of low-income housing as well as a grant award by Pima County of over \$500,000.00 for an approximate total of \$1.2 million. This current amendment requested that the Board forgive the \$708,000.00 loan and she queried what the intent of the Board of Supervisors was in regards to federal grant monies. She asked if the Board would bequeath the money with no reimbursement required or have the monies recompensed for reinvestment in another low-income housing project. Her stance was to have the monies repaid on the loan and reinvested.

Jan Leshar, Chief Deputy County Administrator, explained that under the current agreement, forgiveness of the loan would extend the affordability of housing in this program 10 years. If the loan were not forgiven, a portion of the monies would be paid back to the County, who would re-lend the money to another affordable housing project. Forgiveness of the loan would allow the County to continue working with an existing provider and program that were succeeding in helping low-income families.

Supervisor Miller responded that the original contract was for a 20 year loan and forgiveness of the monies would add an extra 10 years, if the loan were repaid, the monies could be reinvested in another affordable housing project with another 20 year term.

Supervisor Elías stated that with inflation, \$708,000.00 would not provide for another 20 years of an affordable housing project. He explained the preservation of existing affordable housing was more important than adding to the number of current affordable housing. He maintained that providing 30 years of continuous housing for veterans and the elderly was a wise investment for both Pima County and the nonprofit company.

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

TRANSPORTATION

13. Acceptance of Project/Roadway for Maintenance

P15SC00042, Las Campanas, Phase IIA, Lots 58-81. Developer: Landmark Title TR 18270-T. (District 4)

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

Supervisor Miller questioned the phrase 'in close conformance' rather than the normal 'in conformance' on the Agenda Item Report and asked what the difference in wording meant.

Carmine DeBonis, Deputy County Administrator, explained it was a phraseology issue and the phrases meant the same thing.

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

14. Acceptance of Project/Roadway for Maintenance

P14SI00045, Estates at San Joaquin, Lots 1-10. Developer: Mr. Vince Catalano. (District 1)

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

BOARD OF SUPERVISORS

15. Hearing - Handheld Electronic Devices

ORDINANCE NO. 2017 - 13, of the Board of Supervisors, relating to the use of handheld electronic devices while operating a motor vehicle. (All Districts)

Chief Karl Woolridge, Operations Chief, Pima County Sheriff's Department, indicated that constituents expressing a desire for a statute that forbids texting while operating a motor vehicle, one that was a true hands-free ordinance, had contacted the Sheriff. This amendment was to amend the existing texting band passed last year. He indicated that deputies encountered everything imaginable that cause drivers to be distracted. What is particularly scary about the use of mobile data devices is the length of time a driver takes their eyes off the road. He stated that in 5 seconds, a vehicle could travel the length of a football field. The cell phones have become ubiquitous in society, 82% of people have cell phones. This proposed ordinance would be a true hands-free ordinance that would promote safety throughout Pima County. The first aspect of this ordinance is that it is applicable at all times while on the road, which includes being stopped at traffic signals or stop signs. The lack of situational awareness was taken into consideration when making this applicable at all times. The second aspect is that it is a primary offense. This means that law enforcement officers can stop individuals for this violation alone. The proposed amendment does provide for exceptions when communicating with law enforcement or medical personnel for emergency. He stated that this amendment was intended to address what is seen as a serious public safety concern. He explained that the three types of distractions mobile devices present are taking your eyes off the road, hands off the wheel and your mind off your driving task. Chief Woolridge provided the following statistical information: eight (8) people are killed each day by distracted driving, and 391,000 people were injured in distracted driving episodes in 2015. This was a 10% increase from 2014. Recent statistics showed 24 citations and 17 warnings were issued from the texting ordinance that was passed last year. It was a very difficult ordinance to enforce because it allowed for some manipulations. This ordinance, if passed, will be preceded by a 3 month educational period prior to citations being issued.

Lou Waters, Vice-Mayor, Oro Valley, addressed the Board thanking them for the opportunity to passionately convince them to vote for this ordinance. He indicated that he has been surrounded by individuals who have lost husbands, wives, mothers, fathers, sons and daughters to distracted drivers. He stated that Oro Valley's effort began because citizens approached the Council asking for an ordinance. The Council responded by unanimously voting to support such an ordinance. Mr. Waters detailed a story about a tragic accident and indicated that these tragic accidents are totally preventable. He explained that the Oro Valley ordinance started out with an educational period and within three months, 766 warning had been issued and brochures were distributed. He stated the goal should be to change the behavior of texting while driving, which is the most dangerous and fatal distraction right now.

The following speakers addressed the Board in support of the Ordinance:

- Brendan Lyons
- Bob Dorson
- Damion Alexander
- H. Carson
- Philip Sarelis
- Arlene Osbourn
- Karen Wilson
- Melissa Daniels
- Kathleen Dubbs
- Tom Thompson
- David Hazan

They offered the following comments:

- A YouTube video was presented which shared the story of Reggie Shaw who had killed two people while texting and driving.
- Littering has a higher penalty than distracted driving.
- Distracted driving does not cause accidents. Accidents are unavoidable, driving while texting is a choice.
- Not about enforcement or monetary gain for law enforcement but about prevention and a means to curb a public safety concern.
- If passing the Ordinance saves one life, it would worth it.
- Penalty not stringent enough; texting while driving penalty should be on par with drunk driving penalties.
- Need laws, education and enforcement to alleviate an undesirable activity.
- Officers cannot cite drivers who cause accidents for distracted driving without the Ordinance.
- Distracted driving kills.
- The Ordinance would not cause racial or socio-economic profiling: if a person could afford a phone and a car, they could afford a hands-free device or they should put the phone away until they are no longer maneuvering a vehicle.
- In the last three years there have been 30 crashes directly related to distracted driving recorded at the trauma center at Banner Hospital. Those numbers are probably much higher because individuals are not willing to admit to texting while driving.
- This Ordinance would not take anyone's rights away. It would provide citizens the right to not be killed by a distracted driver.
- Encouraged the Board to pass the Ordinance.
- There are multiple apps on cell phones to combat distracted driving.

The following speakers addressed the Board in opposition of the Ordinance:

- Mark Spear
- Roger D. Score

They offered the following comments:

- Ordinance makes a general sweep that talking on a cell phone and other phone manipulations while driving were as dangerous as texting while driving but studies are inconclusive.
- Have a safety campaign instead of an all-encompassing Ordinance.

- Completely against driving while texting, but do not need more laws for the underfunded Sheriff's Department.
- Sheriff's Department should enforce laws that already exist.

Frank Inunza suggested putting up sensors at intersections that would remotely shut off phones that are being used in vehicles.

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Christy was not present for the vote, to close the public hearing.

Supervisor Elías requested the Sheriff's Department provide adequate training to its officers on how to enforce the Ordinance to avoid unforeseen consequences from happening, especially when changes were made.

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

Supervisor Valadez explained he was against texting and driving, but his concerns regarding the Ordinance entailed the socio-economic issue of some individuals unable to afford a hands-free device and possible racial profiling. He made a substitute motion that instructed the Communication and Sheriff's Departments to create an education and public outreach campaign, to create a pilot enforcement program where the Sheriff's Department would be authorized to issue warnings as a primary offense for six months, and to revisit the issue after the six month period with appropriate information to begin the education campaign. He also added arrangements would be needed for those that could not afford a hands-free device. The motion died for lack of a second.

Supervisor Miller stated they already had data, which had come from Oro Valley Vice Mayor Lou Waters, in regards to officers handing out warnings to drivers texting while driving that showed Oro Valley police officers had stopped 766 drivers in three months. She explained the need for a law with strong consequences along with strong enforcement and that people who could not afford a hands-free device should wait until safely stopped to use their cell phone. She agreed that using a cell phone while driving would be a primary offense and stated not using a cell phone while driving was a personal responsibility.

Supervisor Christy expressed his concern regarding lack of public input and recommended there should be additional public education about the Ordinance and what the consequences were of making driving while texting a primary offense. He also explained that the lack of cohesion between the Oro Valley, City of Tucson and Pima County hands-free Ordinances were a cause for concern.

Supervisor Christy made a substitute motion to continue the item to the Board of Supervisors' Meeting of June 6, 2017. Supervisor Valadez seconded the motion. Upon roll call vote, the motion failed 2-3, Chair Bronson and Supervisors Elías and Miller voted "Nay."

Supervisor Christy then made a second substitute motion to change the Ordinance from a primary offense to a secondary offense and to bring the item back before the Board in six months with information regarding public response. Supervisor Valadez seconded the motion. Upon roll call vote, the motion failed 2-3, Chair Bronson and Supervisors Elías and Miller voted “Nay.”

Chair Bronson asked Chief Karl Woolridge if the Pima County Sheriff’s Department would enforce the new Ordinance in the same manner as the Oro Valley Police where warnings would be given out for the first couple of months.

Chief Woolridge affirmed that they would.

Upon roll call vote, the motion carried 3-2, Supervisors Christy and Valadez voted “Nay.”

FRANCHISE/LICENSE/PERMIT

16. Hearing - Liquor License

06100165, Michael Clayburn Petty, Omni Tucson National Golf Resort and Spa, 2727 W. Club Drive, Tucson, Series 6, Bar, Person Transfer.

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

06100119, Andrea Dahlman Lewkowitz, La Posada Lodge & Casitas, 5900 N. Oracle Road, Tucson, Series 6, Bar, Person Transfer.

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

10103815, Gina Moninder Gill, Green Valley Super Center, 171 W. Continental Road, Green Valley, Series 10, Beer and Wine Store, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Valadez 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 - Fireworks Permit**

Deborah Kinkel-Suarez, Westward Look Resort, 245 E. Ina Road, Tucson, May 20, 2017 at 9:15 p.m.

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 the permit.

DEVELOPMENT SERVICES

20. **Hearing – Rezoning**

P17RZ00001, HAYT TR - S. LA CANADA DRIVE NO. 3 REZONING

Request of Lester and Suzanne Hayt TR represented by Green Valley Recreation, Inc., for a rezoning of approximately 2.11 acres from the CB-1(Local Business) zone to the CB-2 (General Business) zone, on property addressed as 333 W. Paseo Del Prado located at the southeast corner of S. La Canada Drive and W. Paseo Del Prado. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property as Community Activity Center. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Bain and Peabody were absent) to recommend APPROVAL SUBJECT TO STANDARD AND AMENDED **SPECIAL** CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - C. Provide development related assurances as required by the appropriate agencies.
 - D. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
3. Regional Wastewater Reclamation conditions:
 - 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 rezoning 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.
4. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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 shall record a covenant, to run with the land, memorializing the terms of this condition.
 5. Cultural Resources conditions:
 - A. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
 - B. If antiquities, archaeological sites, artifacts, burial sites are uncovered during excavation, a clearance from Pima County's archaeologists is required prior to resuming construction.
 6. Adherence to the preliminary development plan as approved at public hearing.
 7. 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.
 8. The property owner shall execute 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)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson, and unanimously carried by a 5-0 vote, to close the public hearing and approve P17RZ00001, subject to standard and special conditions, as amended.

PRESENTATION

21. Government Finance Officers Association Awards

Presentation to Keith Dommer, Finance and Risk Management Director, Robert W. Johnson, Budget Manager, and members of their staff for:

- A. Government Finance Officers Association Distinguished Budget Presentation Award for Fiscal Year 2016/17, and
- B. Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for the Fiscal Year 2015/16 Comprehensive Annual Financial Report.

Chair Bronson acknowledged Bob Johnson, Budget Manager, and Andy Welch Financial Reporting Manager, and their respective teams for their performance, which yielded the Government Finance Officers Association (GFOA) Comprehensive Annual Financial Report award.

The Board took no action on this item. Chair Bronson made the presentation.

22. Arizona's Academic Decathlon State Competition

Recognition of outstanding Canyon del Oro students as winners of Arizona's Academic Decathlon state competition for the 4th consecutive year. (District 1)

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

Supervisor Miller congratulated Patrick Carswell, Piper Gray, Brady Lybarger, Allienna Nezelek, Chloe Penna, Jessica Sheldon and CDO Mathematics teacher and Decathlon Academic Coach Chris Yetman on their performance at the Arizona Academic Decathlon.

23. Arizona's Aeronautical Engineering Real World Design Challenge State Competition

Recognition of outstanding Mountain View High School students as winners of Arizona's Aeronautical Engineering Real World Design Challenge state competition. (District 1)

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

Supervisor Miller called on Jason David, Bennett Mandal, MVHS Mathematics and Engineering teacher Robert Kennerly and Tamara Crawley, Director of Public Relations for Marana Unified School District, and congratulated them on their win at the Arizona's Aeronautical Engineering Real World Design Challenge state competition.

ATTRACTIONS AND TOURISM

24. Landlord's Release

Staff recommends approval of Southern Arizona Kart Club, L.L.C. and Southern Arizona Kart Club, Inc., to provide a Landlord's Release for property located at 11800 S. Harrison Road.

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

REAL PROPERTY

25. Surplus Property

Staff requests approval to sell surplus property consisting of a single family residence containing 784 square feet on 1.12 acres of land located at 12430 W. Lords Lane, Tax Parcel No. 213-06-0430, by auction to the highest bidder. (District 3)

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

26. Condemnation

RESOLUTION NO. 2017 - 26, of the Board of Supervisors, authorizing the Pima County Attorney to condemn real property interests where necessary for La Cholla Boulevard: Overton Road to Tangerine Road in Sections 3, 4, 9, 10, 15, 16, 21 & 22 of T12S, R13E, G&SRM, Pima County, Arizona. (District 1)

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

Supervisor Miller objected to having a blanket approval for all the parcel condemnations.

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

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

27. Southern Arizona Veterans (VA) Health Care System and Department of Housing and Urban Development Veterans Affairs Supportive Housing (HUD-VASH), to provide a Memorandum of Understanding for co-location of services at Kino Veterans' Workforce Center, no cost (CTN-CS-17-190)

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

COUNTY ADMINISTRATOR

28. University of Utah/Sorensen Impact Center, to provide for the Pay for Success - Permanent Supportive Housing Demonstration Project, contract amount \$20,000.00 revenue (CTN-CD-17-198)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller stated that she could not support the item because it was not identified as being funded with federal grant funds.

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

29. The Arizona Board of Regents, University of Arizona, to provide for the Pima County Safety and Justice Challenge Qualitative Evaluation, MacArthur Grant Fund, contract amount \$44,336.00 (CT-CA-17-351)

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

FACILITIES MANAGEMENT

30. World View Enterprises, Inc., Amendment No. 1, to provide a lease-purchase agreement for 1805 E. Aerospace Parkway and amend contractual language, contract amount \$1,225,000.00 revenue(CTN-FM-16-145)

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

Supervisor Miller stated a judge had ruled the World View lease as illegal and that she objected to the item.

Supervisor Christy questioned the furniture, fixture and equipment (FF&E) inclusion and asked for more information regarding that portion of the lease agreement.

Chuck Huckelberry, County Administrator, explained the lease-purchase agreement was a 20-year lease agreement with an option for World View to purchase the property. The furniture, fixtures and equipment purchased would remain the property of Pima County until such time World View decided to purchase the property. He also explained that Pima County received a 70% discount on the cost of Herman Miller furniture and all costs regarding FF&E had been anticipated in the original agreement with World View. The information of what kind of FF&E's to purchase were considered with all lease agreements made with the County and that the lessee was able to provide input as to type and make of furniture, fixtures and equipment, as long as they remained within County parameters such as cost, quality and durability.

Supervisor Christy then asked what had happened to the 7,000 feet of building overlooked in the original contract.

Mr. Huckelberry explained the original footage of the building had been an estimate of the architect during conceptual design. The term in the original lease agreement had stated the square footage of the building was an approximate value and would change once the structure was built and that rent would be based on the actual constructed square footage.

Chair Bronson stated a difference in the square footage of a building from conceptual design to the built structure often occurred.

Supervisor Christy summarized that this amendment to the lease-purchase agreement was to memorialize the FF&E listing document and to ensure the correct price of the rent to include the 7,000 extra square feet.

Mr. Huckelberry affirmed it was and explained the contract also included the lower financing interest rate cost and lower capital cost, which gave the County a current positive \$9.7 million cash flow out of the transaction.

Supervisor Christy asked if lease payments had already been made, when the lease payments with the new amount would start, if the new amount was retroactive and the amount of the lease payments.

Mr. Huckelberry stated the new amount was retroactive to the first day of occupancy, December 23, 2016, and that the monthly lease payment for the first through fifth year of the lease was \$59,196.67, then increased to \$94,666.67 and onwards.

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

PROCUREMENT

31. Borderland Construction Company, Inc., Amendment No. 1, to provide for the Construction Manager At Risk services for Old Nogales Interceptor/Aerospace Corridor/Park Avenue Sewer Augmentation Project (3ASC15) and amend contractual language, RWRD Obligation Fund, contract amount \$1,325,211.19 (CT-WW-16-208) Regional Wastewater Reclamation

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

REAL PROPERTY

32. Sprint Spectrum Realty Company, L.L.C., to provide a tower license for wireless communications facilities at the Nanini Governmental Center located at 7300 N. Shannon Road, contract amount \$238,778.70 estimated revenue (CTN-PW-17-195)

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

GRANT APPLICATION/ACCEPTANCE

33. **Acceptance - Community Services, Employment and Training**

U.S. Department of Housing and Urban Development, to provide for the Continuum of Care Program - La Casita, \$200,199.00 (GTAW 17-72)

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

34. **Acceptance - Community Services, Employment and Training**

U.S. Department of Housing and Urban Development, to provide for the Continuum of Care Program - Project Advent, \$418,241.00 (GTAW17-73)

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

CONSENT CALENDAR

35. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 1, 2, 7, 8, 11 and 12 were set aside for separate discussion and vote.

It was then 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

Community Services, Employment and Training

1. Goodwill Industries of Southern Arizona, Inc., Amendment No. 3, to provide workforce development services and amend contractual language, USDOL-WIOA, LEAP-2 and IGA with Pima Community College recipient of the Health Profession Opportunity Grant Funds, contract amount \$16,230.00 (CT-CS-16-441)

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

Supervisor Miller stated the contract did not conform to required provisions of federal statutes for pass-through entities due to lack of information of the scope of services and the funding agreement, and that the document did not state that Pima County was a subrecipient.

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

Facilities Management

2. Pacific Income Properties, L.L.C., Amendment No. 1, to provide a lease agreement for the North Health Clinic located at 3550 N. First Avenue, extend contract term to 6/30/19 and amend contractual language, General Fund, contract amount \$256,494.12 (CT-FM-15-473)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller asked if Pima County owned alternate property that could provide the needed space for the health department.

Jan Leshar, Chief Deputy County Administrator, responded that Facilities Management had been looking for alternate locations for the Clinic for at least 7 years but faced geographic constraints. There had been a request for monies to build a facility which failed in the last bond election. Other options considered were properties already owned by Pima County, and properties to lease or

purchase. Consideration to Co-location with libraries, facilities or other county locations had also been contemplated. Short-term leasing of this property was requested until another property could be found.

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

Procurement

7. Award

Award: Contract No. CT-PW-17-337, Kittelson & Associates, Inc. (Headquarters: Portland, OR). This award of contract is recommended to the highest qualified consultant in the amount of \$764,235.00 for a contract term from May 2, 2017 to June 30, 2019 for engineering design services for the Aerospace Parkway Widening. Funding Source: HURF 12.6% Fund. Administering Department: Public Works.

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller questioned why the contract went to the highest qualified consultant instead of to the standard lowest bidder and asked what the difference was between emergency procurement and accelerated procurement.

Chuck Huckelberry, County Administrator, responded that this was a combined construction manager at risk project with the primary design consultant. By using the original contractors there would be no need to redesign any of the initial work that had already been done to the project. He also clarified that the project was an accelerated procurement to widen the road before the arrival of 2,000 additional employees Raytheon had hired, which would add an estimated 10,000 daily trips to the roadway segment.

Supervisor Christy asked if the Pima Association of Governments had awarded the 12.6% HURF fund and if so, when.

Mr. Huckelberry confirmed the funding had been awarded by the Pima Association of Governments Regional Council and explained the 12.6% was a HURF fund awarded to a region, who would then allocate the monies based on relevance. He stated the Regional Council had unanimously approved the specifically allocated funding several months prior during discussions with the Sun Corridor and after the initiative that allowed expansion of Raytheon had passed.

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

8. **Award**

Award: Contract No. CT-PW-17-328, Borderland Construction Company, Inc. (Headquarters: Tucson, AZ) for Construction Manager at Risk for Aerospace Parkway Widening (4AERO2). This award of contract is recommended to the highest qualified contractor in the amount of \$183,369.91 for a contract term from May 2, 2017 to May 1, 2018 for preconstruction services for the Aerospace Parkway Widening. County intends to negotiate with Construction Manager at Risk (CMAR) regarding scope, schedule, general conditions, construction fees, and other elements of the Guaranteed Maximum Price (GMP) for construction services and incorporate into this Contract by Amendment. Funding Source: HURF 12.6% Fund. Administering Department: Public Works.

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

Supervisor Miller stated her question had been answered with the response to Contract No. CT-PW-17-337, Kittelson & Associates, Inc.

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

GRANT APPLICATION/ACCEPTANCE

11. **Acceptance - Health**

Arizona Department of Health Services, to provide for the Epidemiology and Laboratory Capacity - Zika Program, AZ Department of Health Services and CDC Funds, \$275,000.00 (GTAW 17-63)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller stated the federal funding was not identified in the paperwork and it should stipulate that this was not a fee-for-service project. She explained that during a recent audit, the Arizona Auditor General had noted that Pima County did not have affective control procedures in place to ensure all monies passed through the subrecipients were properly identified on the schedule of expenditures for federal awards. She declared that these deficiencies in paperwork made Pima County a higher risk for being audited and she could not approve contracts that had incorrectly filled out paperwork.

Dr. Francisco Garcia, Assistant County Administrator for Health Services, explained the findings relayed by Supervisor Miller were in regards to the County as a whole and that there had been no findings made specifically for the Department of Health. He explained that the reason the "Not applicable to Grant Awards" box on the Agenda Item Report, which was a Pima County form given to the Board in conjunction to a contract or grant, was checked was because this was a grant federal award and not a contract. The form and the checking of the box were an internal control issue.

Supervisor Christy requested that the Agenda Item Report for grant awards be presented to the Board in a manner that the issues that Supervisor Miller continued to expose were in compliance.

Chair Bronson explained there was a difference between internal control and federal reporting and suggested contacting the corresponding department for clarification. She also stated that the Board should be made aware of the ways any audit findings were addressed and corrected.

Supervisor Miller stated that she was aware that Finance's Grants Department was working on resolving the issue but she would not support any items that came before the Board until the problem was corrected.

Supervisor Christy also indicated that he would not support any items until the problem was corrected, but was heartened to know departments were working together towards a solution.

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

12. **Acceptance - Health**

Arizona Department of Health Services, to provide for the HIV Prevention Program, AZ Department of Health Services and CDC Funds, \$165,500.00 (GTAW 17-66)

It was moved by Chair Bronson and seconded by Supervisor Elías to approve the item. No vote was taken at this time.

Supervisor Miller stated her objection to this item was the same as the previous grant item.

Chuck Huckelberry, County Administrator, stated he would send a memorandum regarding this issue to clear up some questions and concerns.

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

* * *

CONTRACT AND AWARD

Community Services, Employment and Training

1. Goodwill Industries of Southern Arizona, Inc., Amendment No. 3, (PULLED FOR SEPARATE ACTION)

Facilities Management

2. Pacific Income Properties, L.L.C., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
3. Kash Property Management, Inc., Amendment No. 1, to provide a lease agreement for the Pima County Juvenile Court, located at 4955 N. Shamrock Place, extend contract term to 4/30/22 and amend contractual language, General Fund, contract amount \$1,192,209.95 (CT-SC-12-2179)

Forensic Science Center

4. Cochise County, to provide medical examiner services, contract amount \$1,750,000.00 revenue/5 year term (CTN-FSC-17-182)

Natural Resources, Parks and Recreation

5. City of Tucson, Department of Transportation, Amendment No. 3, to provide for the furnishing of tall pots for landscape use and extend contract term to 6/30/19, contract amount \$10,000.00 revenue (CTN-PR-14-5)
6. Aztlan Youth Program, Inc., Amendment No. 2, to provide for the Centro Del Sur Community Center and Boxing Gym, extend contract term to 5/4/18 and amend contractual language, no cost (CT-PR-15-448)

Procurement

7. **Award**
Award: Contract No. CT-PW-17-337, Kittelson & Associates, Inc. (PULLED FOR SEPARATE ACTION)
8. **Award**
Award: Contract No. CT-PW-17-328, Borderland Construction Company, Inc. (PULLED FOR SEPARATE ACTION)
9. **Award**
Amendment of Award: Master Agreement Nos. MA-PO-16-26 and MA-PO-16-27, Merle's Automotive Supply, Inc. & Genuine Parts Company, d.b.a. NAPA, for automotive, truck and heavy equipment aftermarket parts. This revision increases the annual award amount by \$80,000.00 from \$232,000.00 to a not-to-exceed annual award amount of \$312,000.00. This award includes the authority for the Procurement Department to reallocate the award amount between the two (2) contracts provided that the sum of the revised contract amounts does not exceed the Board of Supervisors approved award amount.
Funding Source: Internal Service Fund. Administering Department: Fleet Services.

Transportation

10. Pima Association of Governments, to provide for the Tanque Verde Road at Tanque Verde Loop Road intersection improvements Memorandum of Understanding, contract amount \$1,593,000.00 revenue (CTN-TR-17-191)

GRANT APPLICATION/ACCEPTANCE

11. **Acceptance - Health**
Arizona Department of Health Services, (PULLED FOR SEPARATE ACTION)
12. **Acceptance - Health**
Arizona Department of Health Services, (PULLED FOR SEPARATE ACTION)

BOARD, COMMISSION AND/OR COMMITTEE

13. **Correction for the Record – Fair Commission**
The following is being corrected for conformance to membership provisions: Appointment of Garrett Ham, to replace Jeffrey Cesare. Term expiration: ~~12/31/20~~ **12/31/21**. (Commission recommendation)

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

14. **Special Event**
 - Morgen Lee Hartford, Alzheimer's Association Desert Southwest Chapter, St. Philip's Plaza, East Courtyard, 4280 N. Campbell Avenue, Tucson, April 23, 2017.
 - Margaret K. Yonkovich, Santa Catalina Roman Catholic Parish - Tucson, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, May 6, 2017.
15. **Temporary Extension**
 - 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for May 4, 13 and 27, 2017.
 - 06100228, Scott A. Busse, Territorial, 3727 S. Palo Verde, Tucson, Temporary Extension of Premises for April 30, 2017.
 - 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for May 10, 2017.

ELECTIONS

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

RESIGNATIONS-PRECINCT-PARTY

Donald G. Jorgensen-056-DEM

APPOINTMENTS-PRECINCT-PARTY

Rosemary Bolza-042-DEM; Ed S. Hendel-041-DEM; Ronald A. Kendziorski-060-DEM; Linda C. Horowitz-088-DEM; Diana G. Herz-091-DEM; Mark E. F. Ekstrum-130-DEM; Arlynne E. Ostlund-141-DEM; Laurie P. Jarrett-145-DEM; Gina M. Santos-157-DEM; Donald S. Klein-162-DEM; Pieter G. Turley-164-DEM; Beate C. Czapkowski-172-DEM; Kimberly K. Tucker-239-DEM; Timothy I. Falter-077-REP

FINANCE AND RISK MANAGEMENT

17. **Duplicate Warrants - For Ratification**

Glenoaks Pathology Medical Group, Inc. \$2,400.00; Stantec Consulting Services, Inc. \$37,373.02; Make Way for Books \$957.24; Printing Supplies USA \$1,163.17

TREASURER

18. **Certificate of Removal and Abatement - Certificate of Clearance**

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$29,548.06.

RATIFY AND/OR APPROVE

19. Minutes: March 21 and April 4, 2017
Warrants: April, 2017

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36. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:03 p.m.

CHAIR

ATTEST:

CLERK