

## AIR QUALITY CONTROL DISTRICT BOARD MINUTES

The Pima County Air Quality 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 15, 2018. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, Chief Deputy County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### 1. **CONTRACT**

United States Environmental Protection Agency, to provide for the Delegation of Source Review under the Federal Prevention of Significant Deterioration (PSD) Program, no cost (CTN-DE-18-156)

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

### 2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:14 a.m.

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CHAIRMAN

ATTEST:

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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, May 15, 2018. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, Chief Deputy County Administrator  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### 1. **INVOCATION**

The invocation was given by Irfan Sheikh, Islamic Center of Tucson.

### 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**

Janni Simner, Justice Alliance, urged the Board to accept the recommendation of forming a Justice Commission to evaluate the County's legal system, and commended the Library District on their proposed budget and diligent use of funds.

The following speakers addressed the Board in opposition to the purchase of Golden Pin Lanes:

- Chris King
- Barney Brenner
- Penny MacArthur

They offered the following comments:

- Constituents could not afford to continue purchasing defunct and dilapidated properties for projects that would benefit few people.
- The money used to purchase the building could be used for road repairs.

- Inquired where special needs groups would go once Golden Pin Lanes closed.

The following speakers addressed the Board in support of the purchase of Golden Pin Lanes:

- Steve Diamond, Justice Alliance
- Ryan Kelly

They offered the following comments:

- A lot of deceptive misinformation had been provided by Supervisor Miller and those opposed to the purchase of the building.
- Purchasing the building would save taxpayers money and road repair would be achieved by approving the sales tax proposal.

Supervisor Miller commented that the facts and data sheets were available on her website.

Geri Ottoboni addressed the Board regarding the County Administrator, sales tax and fixing the roads.

Damien Alexander spoke regarding the benefits The Loop provided to the County and thanked the Board on the completion of The Loop.

Jan Johnson, Vice Chair, Pima County Parks and Recreation Commission, addressed the Board and indicated that the Commission had voted to change the name of The Loop to honor Mr. Chuck Huckelberry and his involvement in the creation of The Loop.

Brenda Wexler addressed the Board regarding the benefits of public education, urged support of the arts through the public school system and asked members to sign a petition for the Invest in Education Act.

Chairman Elías and Supervisor Bronson expressed interest in signing the petition.

Supervisor Miller questioned the appropriateness of signing a petition while sitting as the Board of Supervisors and inquired whether Board members were allowed to conduct political activities during a Board meeting.

Andrew Flagg, Chief Civil Deputy County Attorney, explained the form was a petition to put an initiative on a ballot and while Board members had first amendment rights, he had concerns about members signing the petition during a Board meeting.

Chairman Elías adjourned the meeting for a break at 9:33 a.m., the meeting reconvened at 9:36 a.m.

Brian Bickel expressed his support for the sales tax plan and encouraged Supervisor Miller to provide an alternative, comprehensive plan for road repair if her intent was to vote against the sales tax.

Julia Strange urged the Board to support the contract which would allow Tucson Medical Center to provide health care to the most vulnerable in the community.

5. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:41 a.m.

6. **RECONVENE**

The meeting reconvened at 10:02 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 Michael Schuoler v. Christopher Nanos, et al., Pima County Superior Court Case No. C20140079.

This item was for information only. No Board action was taken.

**BOARD OF SUPERVISORS**

8. **Amended Board of Supervisors Meeting Schedule**

Approval of the Board of Supervisors Amended Meeting Schedule for the month of June, 2018.

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

Supervisor Christy asked what the new meeting dates were for June 2018.

Julie Castañeda, Clerk of the Board, responded June 12 and 19.

Supervisor Bronson commented that the meeting for June 5, 2018 had been cancelled.

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

## **CLERK OF THE BOARD**

### **9. Petitions for Redemption of Property Tax Exemption Waiver**

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

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

Supervisor Miller indicated that the Board was provided a list that contained only the constituent's names and tax parcel numbers. She asked how the Board could make a decision if the paperwork did not mention whether the Assessor's Office had approved the waivers.

Andrew Flagg, Chief Civil Deputy County Attorney, explained that the petitions were pursuant to a policy the Board of Supervisors had adopted on April 17, 2018. He indicated that the constituents applied late for the exemptions and that the Board was not making the determination whether the property was exempt. He stated once the Board approved the waiver of the timeliness requirement, the request for the redemption of property tax exemption would go back to the Assessor's Office who would make that determination.

Supervisor Christy inquired whether this was the result of a previous request from the Assessor's Office to have the approval process removed from their workload.

Supervisor Bronson responded that was correct.

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

## **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

### **10. The Board of Supervisors on May 1, 2018, continued the following:**

#### **Contract**

Tucson Youth Development, Inc., Amendment No. 1, to provide for the Pathways to Justice Careers for Youth Program and amend contractual language, USDOL Fund, contract amount \$90,223.60 decrease (CT-CS-18-150)

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

11. The Board of Supervisors on May 1, 2018, continued the following:

**Contract**

Pima Prevention Partnership, Amendment No. 1, to provide for the Pathways to Justice Careers for Youth Program, amend contractual language and scope of work, contract amount \$148,936.39 decrease (CTN-CS-17-93)

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

**COUNTY ATTORNEY**

12. The Board of Supervisors on April 17 and May 1, 2018, continued the following:

**Contract**

Raise the Bar Consulting, L.L.C., Amendment No. 7, to provide grant writing services, Anti-Racketeering Fund, contract amount \$2,000.00 (CT-PCA-14-375)

Supervisor Bronson indicated that the contract could be viewed as supplanting and stated that the County Attorney's Office could use General Funds to pay this contractor.

It was moved by Supervisor Bronson and seconded by Supervisor Miller to deny the item. No vote was taken at this time.

Supervisor Miller expressed concern over the fact that the contract had not been reviewed by outside counsel and a response had not been provided to the Board. She inquired when the contract would be reviewed.

Supervisors Bronson and Miller withdrew their motions.

Supervisor Bronson directed staff to contact Mr. Eaves for his review.

It was moved by Chairman Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of June 12, 2018.

**FINANCE AND RISK MANAGEMENT**

13. **Certificates of Participation**

RESOLUTION NO. 2018 - 28, of the Board of Supervisors, 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 Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to adopt the Resolution.

#### **DEVELOPMENT SERVICES**

14. **Rocking K Development Agreement**

RESOLUTION NO. 2018 - 29, of the Board of Supervisors, approving and authorizing an amended and restated development agreement for Rocking K.

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

#### **INDUSTRIAL DEVELOPMENT AUTHORITY**

15. **Menlo Park Apartments Project**

RESOLUTION NO. 2018 - 30, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$15,000,000.00 Multifamily Housing Revenue Notes (Menlo Park Apartments Project, 425-433 North Grande Avenue, Tucson, Arizona), Series 2018 and declaring an emergency.

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

#### **NATURAL RESOURCES, PARKS AND RECREATION**

16. **Renaming The Loop in honor of Chuck Huckelberry**

RESOLUTION NO. 2018 - 31, of the Board of Supervisors, authorizing the renaming of "The Loop" as "The Chuck Huckelberry Loop."

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

Supervisor Miller commented on the inappropriateness of naming The Loop after a current County employee whose work on developing The Loop was done as part of their employment, and had used taxpayer monies for constructing the path.

Chairman Elías noted that the Board had allocated the monies for The Loop to be constructed.

Supervisor Miller stated that Mr. Huckelberry was responsible for making recommendations as to where the monies would be spent. She reiterated that due to Mr. Huckelberry's current employment as the County Administrator it would be best to wait until after his employment with the County to name something in his honor. She indicated that it sent a bad message naming County projects after an individual who was in charge of taxpayer funds.

Supervisor Bronson commented that two difference committees had requested that The Loop be renamed in honor of Mr. Huckelberry.

Supervisor Christy also expressed his concern with naming The Loop in honor of Mr. Huckelberry because The Loop was constructed during his employment and he was being compensated. He noted that historically, individuals that went above and beyond and dedicated their own time would receive that honor.

Chairman Elías agreed that the renaming was a little unorthodox, but the request had been brought before the Board by two different committees.

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

## **PROCUREMENT**

17. The Board of Supervisors on May 1, 2018, continued the following:

### **Contract**

Durazo Construction Corporation, to provide for the Pima County Fleet Services Houghton Road Fuel Island Project (XHRDFI), Fleet Services - Capital Projects Fund, contract amount \$1,146,263.00 (CT-FM-18-319) Facilities Management

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

Supervisor Miller expressed concern over awarding a contract to a contractor that was not fully certified to perform specific requirements of the contract and would have to hire sub-contractors for portions of the work such as underground tank storage removal. She asked why Durazo Construction had been awarded the contract and other certified contractors had not been awarded the bid.

Tom Burke, Deputy County Administrator, explained that the contracts were based on the lowest bidder and did not inquire how the work would be contracted. He stated that the contractor was required to notify the County who the subcontractors would be after they were selected. He added that the removal of the underground storage tanks were just one component of the construction and sub-contracting was common practice.

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



## **TRANSPORTATION**

### **18. Acceptance of Project/Roadway for Maintenance**

P16SC00008, Vahalla Estates, Lots 1-65 and Common Area "A". Developer: Heater Investments, Inc., 401K PSP. (District 3)

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

## **FRANCHISE/LICENSE/PERMIT**

### **19. Hearing - Fireworks Permit**

Engrid Pittenridge, Walden Grove High School, 15510 S. Sahuarita Park Road, Sahuarita, May 24, 2018 at 9:30 p.m.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was then moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit subject to the appropriate fire district's approval.

### **20. Hearing - Fireworks Permit**

Ramon Lopez, Mountain View High School, 3901 W. Linda Vista Boulevard, Tucson, May 23, 2018 at 9:30 p.m.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was then moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit subject to the appropriate fire district's approval.

### **21. Hearing - Fireworks Permit**

Russell Doty, Sabino High School, 5000 N. Bowes Road, Tucson, May 24, 2018 at 9:00 p.m.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was then moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit subject to the appropriate fire district's approval.

22. **Hearing - Fireworks Permit**

John ~~Lashau~~ **Lashley**, Tucson Speedway, 11955 S. Harrison Road, Tucson, June 30, 2018 at 9:00 p.m.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was then moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve the permit, as amended, subject to the appropriate fire district's approval.

**DEVELOPMENT SERVICES**

23. **Hearing – Rezoning**

P17RZ00007 STEWART TITLE & TRUST TR 1580 - S. KINNEY ROAD REZONING

Request of Stewart Title & Trust TR 1580, represented by The WLB Group, for a rezoning of approximately 64.8 acres from GR-1(BZ & GZ-1) (Rural Residential - Buffer Overlay and Gateway Overlay-Urban) to the TR (BZ & GZ-1) (Transitional - Buffer Overlay and Gateway Overlay-Urban) zone, a portion of parcel code 212-50-001H located on the east side of S. Kinney Road approximately 1000 feet north of the intersection of S. Kinney Road and W. Ajo Highway. The proposed rezoning conforms to the Pima County Comprehensive Plan Community Activity Center designation. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Becker and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Traffic Impact Study shall be submitted for review and approval by the Pima County Department of Transportation and the Arizona Department of Transportation. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
  - B. Written certification from Arizona Department of Transportation, stating satisfactory compliance with all their requirements shall be submitted to Development Services Department prior to approval of a Site Development Permit or Subdivision Plat.
  - C. The rezoning shall be limited to three access points. One access point will be located on Kinney Road, as shown on the preliminary development plan, and two onto Ajo Highway. Access onto Ajo Highway shall be at the locations shown on the preliminary development plan and at the signalized intersection of Camino de Oeste and Ajo Highway.
  - D. The owner shall dedicate 45 feet of right-of-way for Camino de Oeste north of Ajo Highway. The right-of-way should extend north of the intersection to the entry point of the subdivision.
3. Regional Flood Control District conditions:
  - A. Trails within washes must provide for safe pedestrian access.
  - B. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Regional Wastewater Reclamation Department conditions:

- A. The owner 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 to that effect.
  - B. The owner 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 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 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 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 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 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.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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.

Invasive Non-Native Plant Species Subject to Control

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass

<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk

6. Cultural Resources Division condition: Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
7. Adherence to the preliminary development plan as approved at public hearing.
8. 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.
9. 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)."
10. No access shall be given between the subject property and the property to the north (parcel code 212-200-130) without written approval of both parties.

Supervisor Bronson 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 approve P17RZ00007, subject to standard and special conditions.

## 24. **Hearing - Zoning Code Text Amendment**

### P17TA00007, COMMUNICATION TOWER - UTILITY POLES

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.07.030(H) (Communication Towers), to amend the regulations to align with state law, including providing an administrative waiver process for sites per state law; Chapter 18.07.030(H) (Communication Towers), to add a neighbor notice process to permit certain types of towers without a conditional use permit; Chapter 18.77.040 (Scenic Routes), to provide regulations for new utility poles along scenic routes. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain and Tronsdal were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2018 – 15

Tom Drzazgowski, Deputy Chief Zoning Inspector, reported that this request was to align the Pima County Zoning Code with recently adopted changes to state law. He noted there would be an additional process for smaller type cell towers, and that the County Code would be separated into three sections: towers 30 feet and less, towers 30 to 50 feet, and towers above 50 feet, and they would require a type three conditional use permit.

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, approve P17TA00007 and adopt the Ordinance.

## **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

### **25. Subordination Agreement**

Staff recommends approval of a Subordination Agreement for Ajo Community Health Center, d.b.a. Desert Senita Health Center.

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

## **CONTRACT AND AWARD**

### **BEHAVIORAL HEALTH**

26. Centurion Detention Health Services, L.L.C., to provide for correctional health services at Pima County's Adult and Juvenile Detention Centers and ancillary psychological services for the Sheriff's Department, General Fund, contract amount \$50,619,396.00 (CT-OMS-18-342)

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

## **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

27. Joint Technical Education District (JTED), Amendment No. 5, to provide for the Youth CareerConnect Program and extend contract term to 6/30/19, no cost (CT-CS-15-65)

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

## **PROCUREMENT**

### **28. Award**

Amendment of Award: Master Agreement No. MA-PO-14-428, Amendment No. 5, Global Tel\*Link Corporation, for inmate phone system. This amendment extends the term of the contract from August 31, 2019 to August 31, 2021, and adds an additional inmate phone system feature, Call IQ Advanced Intelligent Keyword Search and National Fusion Center services. Funding Source: No cost. Administering Department: Sheriff.

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

## **GRANT APPLICATION/ACCEPTANCE**

### **29. Acceptance - Community Services, Employment and Training**

RESOLUTION NO. 2018 - 32, of the Board of Supervisors, to approve the Continuum of Care "Scope of Work for Fiscal Year 2018 Renewal Grant Agreement" from the U.S. Department of Housing and Urban Development. This grant request will be for \$200,919.00/\$50,227.25 General Fund match. (GTAW 18-71)

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

## **BOARD, COMMISSION AND/OR COMMITTEE**

### **30. Election Integrity Commission**

Appointment of Steve Pothier, to replace Tom Ryan. Term expiration: 5/31/20. (District 3)

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

### **31. Regional Wastewater Reclamation Advisory Committee**

Appointment of Claire Zucker, to fill a vacancy created by Amber Smith. Term expiration: 3/1/20. (District 3)

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

32. **Pima County/Tucson Women's Commission**

Appointment of Carol Dart, to fill a vacancy created by Jane Stump. Term expiration: 12/31/20. (District 1)

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

33. **Canoa Ranch Conservation Committee**

Reappointment of Nan Stockholm Walden. Term expiration: 1/31/22. (District 3)

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

**FRANCHISE/LICENSE/PERMIT**

34. In accordance with A.R.S. §4-205.04(F) and A.R.S. §4-205.10(D), Board of Supervisors approval is required prior to submission of the application to the Arizona Department of Liquor Licenses and Control:

**Remote Tasting Room**

Karyl Lee Wilhelm, Wilhelm Family Vineyards - Tasting & Tapas at Ventana, 5425 N. Kolb Road, Suite No. 119, Tucson.

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

**COUNTY ADMINISTRATOR**

35. **Hearing - Sales Tax Implementation Plan Ordinance**

ORDINANCE NO. 2018 - 16, of the Board of Supervisors, adopting the Pima County General Sales Tax Implementation Plan.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Valadez and seconded by Supervisor Bronson to adopt the Ordinance. No vote was taken at this time.

Supervisors Miller and Christy stated their objections to the Ordinance.

Chairman Elías commented that he disliked sales taxes, but approved the language in the ordinance addressing the impact a sales tax would have on lower income residents.

Supervisor Christy indicated that it was his hopes that the Board and community would come together to find a comprehensive solution to road repair. He stated that his proposed sales tax recommendations included the involvement of the Regional Transportation Authority (RTA) to administer the program and that a 100% of the proceeds would go towards road repair. He added that this Ordinance failed in both those respects.

Supervisor Valadez clarified that 100% of the sales tax proceeds would go towards road repair, and that the Ordinance allowed for \$3 million of the growth in the General Fund to go towards social services.

Supervisor Miller stated that the Ordinance was a general sales tax that could be used for any purpose and lacked state statutory requirements that would hold the Board accountable for using the funds for anything other than for road repair. She noted her agreement to look at a road sales tax, but the County was currently unable to enact one due to population restrictions imposed by the State. She inquired why \$3 million of the General Fund growth could go towards social services and not towards road repairs. She expressed her surprise that monies could be found in the General Fund to support social services but could not be allocated for road repairs.

Supervisor Valadez responded that the Attorney's Office could not legally formulate an Ordinance that specified that funding would only be used for road repair, but caveats were added that required two annual audits be conducted by the RTA and the Auditor General of the State of Arizona. He stated that the audits would determine whether the funding was appropriately used for road repair and if they were not, the funding would need to be restored or the sales tax would automatically expire. He indicated that the previously implemented provisions included that the RTA implement a performance audit, and if the County or other jurisdictions were not performing to standard, the RTA would have the ability to change the way the projects were managed. He then requested a roll call vote.

Chairman Elías indicated that he agreed with Supervisor Christy's statement that the Board needed to find a plan that would adequately fund road repair, but wanted it noted that road repair was not the only issue that needed to be addressed. He mentioned the importance of maintaining local management over those issues and cautioned against involving the State Legislature to mandate funding for the roads in Pima County.

Supervisor Christy noted that the original RTA plan had been produced as a State Legislative initiative in 2006, in order to alleviate major traffic congestion that plagued the County. He suggested allowing the Legislature the opportunity to expand what they had put in place in 2006.

Chairman Elías responded that the initiative had not been beneficial to the constituents in District 5 and that the current widening of Broadway Boulevard was based on 20-year old estimates. He also noted the uncertainty technology would have on transportation in the future.



Supervisor Valadez responded that the idea of the RTA had been authorized by the Arizona Legislature, but the plan had been developed locally by citizens of our community through the Regional Council of Governments, who had put together a citizens committee that conducted over 250 meetings throughout the community.

Supervisor Bronson commented that if Highway User Revenue Funds (HURF) had not been diverted from counties by the State Legislature, counties in Arizona would not be in this situation. She indicated that the gas tax had not increased in several decades, which meant the gas tax was not keeping up with inflation, and added that several vehicles on the road no longer used gasoline. She agreed that if the sales tax did not pass, the Board and staff needed to continue working on finding other solutions for road repair, while also considering social services and healthcare.

Chairman Elías asked the mover and seconder to amend their motion to include closing the public hearing.

Supervisors Bronson and Valadez agreed to amend their motions.

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

## **CONSENT CALENDAR**

### **36. Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 13 was set aside for separate discussion and vote.

Upon the request of Chairman Elías to divide the question, Consent Calendar Item No. 15 was set aside for separate discussion and vote.

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

\* \* \*

## **PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

### **CONTRACT AND AWARD**

#### **Procurement**

#### **13. Award**

Award: Master Agreement No. MA-PO-18-299, Comprehensive Risk Services, L.L.C. (Headquarters: Phoenix, AZ); SCBS, L.L.C. (Headquarters: Tucson, AZ); and Southwest Hazard Control, Inc. (Headquarters: Tucson,

AZ), job order master agreement for asbestos abatement, lead-based paint abatement, and mold remediation services. This award of master agreement is recommended to the three (3) highest qualified contractors in an annual shared amount not-to-exceed \$750,000.00 for an initial one (1) year agreement term from 5/15/18 to 5/14/19 which may be extended for up to four (4) additional one-year terms. Funding Source: Various Funds. Administering Department: Finance and Risk Management.

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

Supervisor Miller inquired whether this contract would be used for abating asbestos or lead paint at Golden Pin Lanes.

Jan Leshar, Chief Deputy County Administrator, responded that it would be used to abate mold, asbestos or lead-based paint at 130 and 150 W. Congress and 33 N. Stone.

Supervisor Miller asked that if Golden Pin Lanes were abated using this contract, those cost should be tracked separately.

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

\* \* \*

## **PULLED FOR SEPARATE ACTION BY CHAIRMAN ELÍAS**

### **Real Property**

15. Golden Pins, L.L.C., to provide an Acquisition Agreement to acquire real property located at 1010 W. Miracle Mile between Interstate 10 and Oracle Road, General Fund, contract amount \$2,941,600.00 (CT-PW-18-353)

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

Supervisor Miller indicated that she had contacted the appraiser for clarification on whether the \$2.2 million appraisal included environmental conditions. She stated that the appraiser responded that he had not considered asbestos abatement in the appraisal. She commented that the appraisal was invalid because the building was built in the 1950's and required asbestos testing. She then expressed concerns about the current owner being allowed to continue his business for an additional year free of charge. She stated that the purchase price was \$650,000.00 above the appraised value, closing costs were \$100,000.00, \$4 million for remodeling, and the cost for abating asbestos or lead paint was an unknown. She recommended using other County owned buildings, 97 E. Congress and the health facility on Romero Road, to provide accommodations. She noted that

the County would be paying \$57.00 per square foot, which was above the \$44.00 per square foot appraisal. She commented that in the past 40 years there had been no new developments near Miracle Mile and there was no reason to pay above appraised value for the property. She added that there was no urgent need to purchase the property and that spending County funds on this building would be an insult to taxpayers who wanted to have their roads repaired.

Chairman Elías indicated that there had been numerous changes along Miracle Mile, construction of the City of Tucson Police Substation and the renovation of the Ghost Ranch Lodge. He added that using 97 E. Congress would not be feasible for citizens who used adult probation, juvenile court and the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). He noted that over the past 10 years, \$9 million had been spent on leases for those departments and owning the building would save taxpayers money and would provide better service to citizens.

Supervisor Bronson indicated that the bowling alley was on the market and the County had been looking for a site suitable for the Health Department. She added that the County would be saving tax dollars by eliminating leases and consolidating services.

Jan Leshner, Chief Deputy County Administrator, explained that the County had been searching for a building to purchase that was in close proximity of existing services (Health Clinic, WIC services, Adult Probation), had public access and transportation, and was large enough to consolidate the services while saving costs associated with leases. She stated that during the time the bowling alley would continue to be in business, the County planned to do their due diligence to see what planning needed to be done and to arrange closure of the current leases.

Chairman Elías added that the purchase contract indemnified the County from poisonous substances like asbestos or lead paint that could potentially be in the building.

Supervisor Miller stated that purchasing the building would decrease the property tax roll by \$42,000.00 and buying the building prior to the County doing their due diligence made the County look unreliable.

Chairman Elías responded that there had been significant due diligence performed on this issue.

Supervisor Bronson responded that there was also a clause in the acquisition agreement that allowed the County the ability to withdraw.

Supervisor Christy expressed his opposition to purchasing the building because of the significant cost and potential of unexpected charges. He asked whether the services being provided used the social services agencies allocations funded by the Board. He added that he opposed the fact that this extremely expensive contract was rushed, which increased the probability of mistakes. He also noted that recently a facility in Green Valley had closed due to underutilization and asked how the Board could justify this expense with no guarantee that it would be fully and adequately used for its intended purpose.

Chairman Elías commented that adult probation and juvenile court were functions of law enforcement and public safety and not social services and noted the success of the WIC program.

Supervisor Bronson added that community services and employment training was an economic development tool.

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

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## **CONSENT CALENDAR**

### **CONTRACT AND AWARD**

#### **Community Services, Employment and Training**

1. DK Advocates, Inc., Amendment No. 2, to provide for workforce development services in the ARIZONA@WORK - workshops, extend contract term to 6/30/19 and amend contractual language, USDOL, ADES, HUD, HPOG, Pima Community College and General (\$5,800.13) Funds, contract amount \$14,790.36 (CT-CS-16-308)
2. Goodwill Industries of Southern Arizona, Inc., Amendment No. 4, to provide for workforce development services in the ARIZONA@WORK - workshops, extend contract term to 6/30/19 and amend contractual language, USDOL, ADES, HUD, HPOG, Pima Community College and General (\$24,623.74) Funds, contract amount \$63,992.84 (CT-CS-16-309)
3. Portable Practical Educational Preparation, Inc., Amendment No. 2, to provide for workforce development services in the ARIZONA@WORK - workshops, extend contract term to 6/30/19 and amend contractual language, USDOL, ADES, HUD, HPOG, Pima Community College and General (\$13,624.00) Funds, contract amount \$35,436.00 (CT-CS-16-311)

4. Catholic Community Services of Southern Arizona, Inc., d.b.a. Pio Decimo Center, Amendment No. 1, to provide workforce development services for youth, extend contract term to 6/30/19 and amend contractual language, General Fund, contract amount \$58,695.90 (CT-CS-17-381)
5. Nancy Chow, Amendment No. 2, to provide academic tutoring services for Pima Vocational High School students, extend contract term to 6/30/19 and amend contractual language, State Equalization Fund, contract amount \$35,000.00 (CT-CS-16-408)
6. Joseph M. Casey, Amendment No. 3, to provide for academic tutoring services for Pima Vocational High School students, extend contract term to 6/30/19 and amend contractual language, State Equalization Fund, contract amount \$32,500.00 (CT-CS-16-412)

#### **Facilities Management**

7. De La Warr Investment Corporation, Amendment No. 5, to provide a lease for property located at 33 N. Stone Avenue, Suite 850, extend contract term to 5/31/20 and amend contractual language, contract amount \$55,220.00 revenue (CTN-FM-CMS139839)

#### **Health**

8. Arizona Health Care Cost Containment System (AHCCCS), to provide for disproportionate share hospital payment (DSH) funding to benefit Tucson Medical Center (TMC), General Fund, contract amount \$17,246.62 (CT-HD-18-345)

#### **Natural Resources, Parks and Recreation**

9. Arizona Superior Court in Pima County, Juvenile Court Center, Amendment No. 3, to provide for juvenile work crew services, extend contract term to 6/30/20 and amend contractual language, General Fund, contract amount \$50,000.00 (CT-PR-14-10)

#### **Procurement**

10. Borderland Construction Company, Inc., Amendment No. 5, to provide for Construction Manager at Risk Services for Aerospace Parkway Widening (4AERO2), extend contract term to 1/31/19 and amend contractual language, HURF 12.6% Fund, contract amount \$2,691,727.68 (CT-PW-17-328) Public Works

11. **Award**  
Award: Purchase Order No. PO-PO-18-92, RDO Construction Equipment Co., d.b.a. RDO Equipment Co. (Headquarters: Fargo, ND), for two bucket wheel loaders. This contract is for a one-time award in the not-to-exceed amount of \$361,270.50 (including sales tax). Funding Source: Internal Services Fund. Administering Department: Fleet Services.
12. **Award**  
Amendment of Award: Master Agreement No. MA-PO-18-177, AVTECH Systems, Inc., d.b.a. AV Systems Technology Group, for audio/visual equipment and installation. This revision increases the annual award amount by \$380,000.00 from \$200,000.00 to \$580,000.00 for a cumulative not-to-exceed contract amount of \$580,000.00. Funding Source: Internal Services Fund, Emergency Management Performance Grant and General (\$190,000.00) Fund. Administering Department: Information Technology.
13. **Award**  
Award: Master Agreement No. MA-PO-18-299, Comprehensive Risk Services, L.L.C. (Headquarters: Phoenix, AZ); SCBS, L.L.C. (Headquarters: Tucson, AZ); and Southwest Hazard Control, Inc. (Headquarters: Tucson, AZ), (PULLED FOR SEPARATE ACTION)
14. **Award**  
Award: Purchase Order No. PO-PO-18-80, Empire Southwest, L.L.C., d.b.a. Empire Machinery (Headquarters: Mesa, AZ), for a new 2018 Caterpillar 140M3 AWD Motor Grader. This contract is for a one-time award in the not-to-exceed amount of \$306,941.10 (including sales tax). Fleet Services is requesting permission to take advantage of the trade in option of a 1993 GR10 Caterpillar 140G Motor Grade with a trade in value of \$40,000.00. Funding Source: Fleet Services Ops Fund. Administering Department: Fleet Services.

### **Real Property**

15. Golden Pins, L.L.C., (PULLED FOR SEPARATE ACTION)

### **GRANT APPLICATION/ACCEPTANCE**

16. **Acceptance - County Attorney**  
Tucson Center for Women and Children, Inc., d.b.a. Emerge! Center Against Domestic Abuse, to provide for the Risk Assessment, Management and Prevention Program (RAMP), \$90,000.00 (GTAW 18-70)
17. **Acceptance - Community Development and Neighborhood Conservation**  
Tucson Electric Power Company, Amendment No. 1, to provide for the TEP Low Income Weatherization Program, \$45,000.00 (GTAM 18-39)

18. **Acceptance - Health**

The Arizona Department of Health Services, Amendment No. 2, to provide for the Health Start Program, extend grant term to 6/30/19 and amend grant language, no cost (GTAMR 18-2)

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

19. **Special Event**

- Syvana Bre Elías, Desert Christian Schools, Fee Ranch, 5800 E. Santa Fee, Tucson, May 18, 2018.
- Daniel Adam Moxley, Diaper Bank of Southern Arizona, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, May 11, 2018.

20. **Temporary Extension**

06100068, Amy S. Nations, Fox and Hound No. 65057, 7625 N. La Cholla Boulevard, Tucson, Temporary Extension of Premises for June 23, 2018.

**ELECTIONS**

21. **Precinct Committeemen**

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

APPOINTMENTS-PRECINCT-PARTY

Mary Chris Ellis-042-DEM; Ana M. Perez-Arrieta-096-DEM

**FINANCE AND RISK MANAGEMENT**

22. **Duplicate Warrants - For Ratification**

Janet Peete \$150.00; Linda H. Streeter \$121.93; Michael V. Vickroy, PhD \$1,300.00; The State of Arizona \$67.00; State of Arizona Board of Nursing \$100.00; Sharecare Health Data Services, L.L.C. \$683.33; Wick Communications Co. \$55.13; Cheryl Glass Keith \$50.70; Daniel Julio Ortiz \$20.00; Mission Park Apts \$509.00.

**JUSTICE COURT**

23. **Judge Pro Tempore Appointments**

Appointments of Judges Pro Tempore of the Pima County Consolidated Justice Courts for the period of July 1, 2018 through June 30, 2019: Thomas Benavidez; Eric Cahan; John Davis; Carmen Dolny; Theodore M. Forgach; Rafael F. Gallego; Paul Julien; Fred Klein; Patricia Leon-Enriquez; Patrick Moran; Ronald J. Newman; Linda Penn; David Wayne Rees; Lisa Royal; Brick P. Storts III; Anne Ward; Walter Weber; Cecilia Monroe

24. **Small Claims Hearing Officer Appointments**

Appointments of Small Claims Hearing Officers of the Pima County Consolidated Justice Court for the period of July 1, 2018 through June 30, 2019: Vera Bell Adaskin; Carolyn Aiko Classen; Michael Figueroa; Michael Hellon; David Kryder; Lesley Potts; James Anthony Rendon; Bryan Schwartz; William B. Shope, Jr.

**TREASURER**

25. **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 \$1,665.86.

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37. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:14 a.m.

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CHAIRMAN

ATTEST:

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CLERK