

STADIUM DISTRICT BOARD MINUTES

The Pima County Stadium District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 17, 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**

Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Pima County and Pima County Stadium District, to provide for the MLS pre-season training camp and Desert Diamond Cup exhibition matches, Board Contingency Fund, contract amount not-to-exceed \$130,000.00 (CT-ED-17-189)

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 that if the contract were renewed next year, funding be moved to a department fund instead of coming from the Board Contingency Fund. She asked for a report detailing the economic impact, such as the bed tax.

Chuck Huckelberry, County Administrator, stated if the Board wished, the funding could be changed during the budget adoption process. He also stated there was an annual economic impact report available for the previous season from Visit Tucson.

Supervisor Elías stated he would like to see a report on the usage of the monies allocated by the Board. He indicated that the full amount had not been spent in prior years.

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

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:54 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, January 17, 2017. Upon roll call, those present and absent were as follows:

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Also Present: Chuck Huckelberry, County Administrator
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1 **INVOCATION**

The invocation was given by Pastor Jim Munns, First Assembly of God.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Supervisor Elías expressed appreciation to the Tucson community for coming together to show their kindness and camaraderie during the Martin Luther King Day march.

Chair Bronson agreed with Supervisor Elías' sentiments and added there would be a Women's March on Saturday, January 21, 2017, in Ajo, Arizona and throughout the United States.

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to Betsy Stuetze, Executive Director, and Nicole Olmstead, Senior Government Relations Director, American Heart Association, proclaiming the month of February 2017 to be:
"AMERICAN HEART ASSOCIATION HEART MONTH"

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

5. CALL TO THE PUBLIC

Tom Cholley and Ron Schaefer asked for the County's assistance grading Lone Sahuaro Road, which is the only road to their neighborhood.

Christopher Cole stated money should be spent to bring in more employment at already established Davis-Monthan Air Force Base rather than companies like Worldview.

Keith Van Heyningen asked where the remaining HURF funds went when only \$5 million went to the roads.

Geri Ottoboni stated that instead of raising wastewater fees and other taxes, the County should learn how to cut costs.

The following speakers addressed the Board in opposition to Monsanto:

- William Scott
- Dru Heaton
- Anita Van Winkle
- Roxanne Jones
- Fred P. Farrius
- Keith Van Heyningen
- Geraldine Larrington
- Barb Mostoff
- Torrey Postal
- Sue Ann Christenson
- Cori McGraw
- Gail McGraw
- Melissa Diane Smith
- Ann Lofffield
- Gail Brock
- Diane Call

They offered the following comments:

- Monsanto is known for polluting the environment, which can cause illness, cancer and even death to those living in the area.
- The cost of contamination clean-up that Monsanto leaves in its wake would be forced upon Pima County residents.
- Monsanto will tarnish Pima County's reputation as a clean and safe place to live.
- The few jobs that Monsanto promised are low paying and may not even go to current residents of Pima County.
- Opposed to Monsanto having Federal free trade zone status and being offered a letter of no objection.
- Concerned about Monsanto's intention for the additional acres they own, no information has been provided beyond the 7 acres for the greenhouse.
- The greenhouse's ability for containment.
- Meetings still occurring to see if glyphosate is harmful to people.
- GMO seeds will destroy our native crops.
- Monsanto created pesticides that kill bugs by burning a hole in their abdomen. The pesticide also goes in our food and is a reason people are having more intestinal problems.
- Monsanto created biological and chemical weapons such as Agent Orange, roundup and dicamba.

- Asked to meet with the Science Advisory Committee.
- Monsanto is a multi-billion dollar corporation, not a foreign trade company and they do not deserve a tax break.
- Tax breaks should be given to local and sustainable farmers.
- Monsanto has a history of suing farms that have been contaminated with their seeds.
- Monsanto will never be transparent and truthful, even with a letter of no objection and regulations, such as in 2016 when they were fined \$80 million for accounting practices that were not being properly reported.
- Monsanto is being sued by the Port of Portland and the State of Washington to clean up polluted waterways Monsanto had caused.
- Not enough notice about the public hearings for those against Monsanto who wanted to bring in national experts to provide presentations on why Monsanto was not deserving of the tax breaks.
- No to tax breaks and no to Monsanto.
- Fear over the pollution and evil corporation ideals that Monsanto creates.

The following speakers addressed the Board in support of the Rillito Racetrack contract:

- | | |
|--------------------|-----------------------|
| • Paul Horwitz | • Zulema V. Echerivel |
| • Kasey Johnston | • Charlie MacCabe |
| • Page Repp | • Cass Dewey |
| • Robert Villamana | • Dale Pederson |
| • Russell True | • David Kerry |
| • Frank B. DeFazio | • Mick Ravelich |
| • Fabian Gomez | • Ronald Harley |
| • Victor Salazar | • Robin McArdee |
| • Daniel Hernandez | |

They offered the following comments:

- Want to keep Rillito Park as a multi-use facility.
- If the contract was approved, the Burt Martin Foundation would donate \$1 million dollars a year for five years.
- Horseracing at Rillito is a family event and brings the community together.
- Students enrolled in the racetrack industry program at the University of Arizona use the Rillito Racetrack to help further their education and chosen career path.
- Horseracing is a part of Tucson's culture.
- It would be culturally and historically irresponsible to demolish the Rillito racetrack building.
- Rillito Racetrack is about community, not just horseracing or soccer.
- Board members were encouraged to come to Rillito Racetrack and partake in what they have to offer.
- Rillito Racetrack is a treasure of Tucson.
- Nearby businesses would be negatively impacted if Rillito Racetrack shuts down.

- Find ways to increase racing at Rillito.
- Rillito Racetrack is on the National Register of Historic Places along with San Xavier Mission and the Titan Missile Museum.
- Rillito Racetrack needs more support from the Board of Supervisors.
- Support multi-use for Rillito, especially plans for more soccer fields.
- Many famous and important people in horseracing began at Rillito Racetrack.
- Helps employ the community and snow birds come for racing.

The following speakers addressed the Board in opposition of the Rillito Racetrack contract:

- Ebie Aldaghi
- Ted Schmidt
- Charlie MacCabe

They offered the following comments:

- In 2005 an advisory committee recommended that the best interest for the community would be to move the racetrack and build 16 soccer fields. 5 have been built but more are needed.
- Rillito Racetrack needs to move with the times; there are not enough soccer fields for the amount of people in Tucson.
- If the lease was renewed, add some concessions to the soccer fields, such as fixing the lights on the soccer fields and adding lights to the parking lot to curb vandalism.
- Tucson is the only city of its size that does not have a large multi-field soccer complex.
- Traveling to far away soccer fields is a hardship for many families and Kino fields are cost prohibitive.

The following did not speak but attended in support of the Rillito Racetrack contract:

- | | |
|------------------------|-------------------|
| • Steven Stratigouleas | • Ray Basurto |
| • Tristan White | • Alexa Ravit |
| • Cynthia Megariz | • Roger MacVittie |
| • Ramon Felix | |

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:26 a.m.

7. **RECONVENE**

The meeting reconvened at 9:40 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding settlement options in *Select Development v. Pima County*, Maricopa Superior Court No. CV2016-005345.

Thomas Weaver, Chief Civil Deputy County Attorney, reported that the County Attorney's Office sought direction as to whether or not to proceed as discussed in executive session.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

FINANCE AND RISK MANAGEMENT

9. **Formation of the Rocking K South Community Facilities District**
RESOLUTION NO. 2017 - 2, of the Board of Supervisors, declaring its intent and ordering and declaring formation of the Rocking K South Community Facilities District.

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

PUBLIC WORKS ADMINISTRATION

The Board of Supervisors on December 13, 2016, continued the following:

10. **Contract**
Rillito Racing, Inc., Amendment No. 2, to provide for the non-exclusive operation of Rillito Racetrack, extend contract term to 6/30/21 and amend contractual language, contract amount \$956,000.00 revenue (CT-ED-14-537)

Chuck Huckelberry, County Administrator, explained that the Board was provided information which contained the history of Rillito, Rillito's multi-use status and potential investments. Also provided was a summary with bullet points and recommended modifications should the lease be extended.

Supervisor Elías stated Rillito Park needed to remain a multi-use facility and he supported this contract. He inquired about the lighting on the field and in the parking lot and asked why those issues had not been addressed.

Mr. Huckelberry explained any improvements to Rillito Park required Board approval. He stated the lighting and access to the inner fields were viable but the netting to the soccer fields was cost prohibitive. If this lease is extended and a donation was received those improvements could be presented to the individual making the donation.

It was moved by Supervisor Elías to approve the contract and include the County Administrator's memorandum from January 11, 2017, with direction for any requested improvements to come back before the Board within 6 months, prior to the fiscal year end and before final budget adoption. As well as a reminder that the Park was multi-use, and that scheduling be managed fairly for both soccer use and horse racing. Chair Bronson seconded the motion. No vote was taken at this time.

Supervisor Christy offered his assistance to make Rillito Park a successful multi-use facility and asked that the Board and the monetary donor consider some of the concerns raised by those using the facility for soccer.

Supervisor Miller questioned if the soccer netting was part of the motion as she had read in the received binder that the netting was too much of a liability to put up and questioned why the contract stated 8 live race days instead of 16.

Mr. Huckelberry explained the cost of the netting was the mitigating factor, with liability being a lesser factor. He then explained there were County fair horse racing and commercial racing, there would be no more than 16 days total of any type of horse racing and any changes would require an amendment to the contract.

Supervisor Elías stated his motion included the netting.

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

FRANCHISE/LICENSE/PERMIT

11. Hearing - Liquor License

12104478, Aric Kaiser Mussman, Sazerac, 4340 N. Campbell Avenue, No. 164, Tucson, Series 12, Restaurant, New License.

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

12. Hearing - Liquor License

10103809, Kim Kenneth Kwiatkowski, Circle K Store No. 3494, 15935 N. Oracle Road, Tucson, 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 Elías 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.

13. **Hearing - Liquor License**

06100068, Amy S. Nations, Fox & Hound No. 65057, 7625 N. La Cholla Boulevard, 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 Elías 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.

14. **Hearing - Agent Change/Acquisition of Control/Restructure**

12103500, Dominick Argenziano, Argenzianos, 16251 S. Houghton Road, Vail, Agent Change and Acquisition of Control.

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, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

15. **Hearing - Site Analysis Policy Zoning Code Text Amendment / Manual**

Co8-16-02, SITE ANALYSIS POLICY

Proposal to amend Pima County's "Site Analysis Requirements" which are used to implement the Pima County Site Analysis Policy, adopted by Board of Supervisors Resolution in July, 1985, as last amended in March, 2010, in order to reorganize, update, and clarify the current document. The Site Analysis is a tool required to accompany most rezoning and all specific plan requests and all cluster project requests. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Cook, Gavin, and Gungle were absent) to recommend APPROVAL SUBJECT TO REVISIONS of the proposed TEXT AMENDMENT / MANUAL. Staff recommends APPROVAL SUBJECT TO REVISIONS of the proposed TEXT AMENDMENT / MANUAL. (All Districts)

Chris Poirier, Planning Director, explained one speaker, Shawn Cote, had left before the agenda item was heard but had acknowledged his support for the code text amendments.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co8-16-02, subject to revisions.

16. **Hearing - Rezoning Time Extension**

Co9-10-03, MOORE TR - ORACLE JAYNES STATION ROAD REZONING

Request of M3 Engineering & Technology Corporation, represented by T and T Engineering, Inc., for a five-year time extension for the above-referenced rezoning from SR (Suburban Ranch) to TR (Transitional). The subject site was rezoned in 2011. The rezoning expired on October 4, 2016. The 11.55-acre site is located on

the southeast corner of La Cholla Boulevard and Fountains Avenue. Staff recommends APPROVAL SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

Staff recommends APPROVAL of a five-year time extension to October 4, 2021 as per the applicant's request for the original 11.55-acre rezoning from SR (Suburban Ranch) to TR (Transitional), subject to the original, modified, and additional conditions as follows:

1. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of a covenant holding Pima County harmless in the event of flooding.
3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
4. Provision of development related assurances as required by the appropriate agencies.
5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.
6. Transportation condition:
The property owner/developer shall provide off-site improvements to Fountains Avenue and La Cholla Boulevard, as determined necessary by the Department of Transportation. At a minimum, sidewalk and curb shall be constructed along frontage on Fountains Avenue.
7. Flood Control condition:
 - A. This development shall meet Critical Basin detention and retention requirements because of existing downstream flooding problems.
 - B. Mitigation for any disturbance of Regulated Riparian Habitat shall be provided.
8. Wastewater Reclamation conditions:
 - A. ~~The owner/developer shall construe no action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner/developer to that effect.~~
 - B. ~~The owner/developer shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner/developer shall have the option of funding, designing, and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the Pima County Regional Wastewater Reclamation Department.~~
 - C. ~~The owner/developer shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.~~
 - D. ~~The owner/developer shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the Pima County Regional Wastewater Reclamation Department in its capacity response letter and as specified by the Development Services Department at the time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.~~
 - E. ~~The owner/developer shall fund, design, and construct all off site and on-site sewers necessary to serve the rezoning area, in the manner specified at the~~

- time of review of the tentative plat, development plan, sewer construction plan, or request for building permit.
- F. ~~The owner/developer shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.~~
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the plan area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
9. Environmental Quality conditions:
- A. The property owner shall connect to the public sewer system at the location and in the manner as specified by Wastewater Management at the time of review of the tentative plat, development plan, or request for a building permit. On-site wastewater disposal shall not be allowed.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
10. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property, and submitted to Pima County for review. A cultural resources mitigation plan for any identified

archaeological and historic sites on the subject property shall be submitted to Pima County 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.

11. Adherence to the Preliminary Development Plan (EXHIBIT B) as approved at public hearing.
12. A Final Integrated Water Management Plan (FIWMP) shall be submitted for review at the time of submittal of the tentative plat or development plan detailing conservation measures, including water harvesting and other indoor and outdoor conservation measures.
13. The owner/developer shall provide an eight-foot pedestrian path that will connect La Cholla Boulevard to the Casas Adobes Wash as shown on the preliminary development plan. The path shall be constructed to American with Disabilities Act (ADA) standards.
14. 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.
15. The property owner shall execute and record the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner 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(l)."
16. Applicant shall utilize and maximize water harvesting practices including the use of cisterns as determined feasible by the Planning Director. Water harvesting shall be addressed in the development plan and subsequent building plans.
17. Upon the effective date of the Ordinance, the owner(s)/developer(s) of the rezoned property shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and, Pima County may enforce this rezoning condition against the property owner. Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-10-03, subject to original and modified standard and special conditions.

17. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 1, P16RZ00008, Title Security Agency of AZ TR T-203 - N. Sandario Road Rezoning. Owner: Title Security Agency of AZ TR-203.
(District 3)

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

18. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2017 - 3, Co23-08-02, Pomegranate Farms Specific Plan Modification. Owners: Pomegranate Farms Tucson, L.L.C. and Pomegranate Farms Commercial Tucson, L.L.C. (District 3)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

19. **Hearing - Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2017 - 4, P16CA00001, Wong Family LP - N. Thornydale Road Plan Amendment. Owner: Wong Family LP. (District 1)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

20. **Hearing - Comprehensive Plan Amendment Resolution**

RESOLUTION NO. 2017 - 5, P16CA00002, Wong Family LP - W. Sumter Drive Plan Amendment. Owner: Wong Family LP. (District 1)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

TRANSPORTATION

21. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 6, of the Board of Supervisors, providing for the establishment of Sunset Road and Silverbell Road, County Highways situated within Sections 8, 17 and 18, T13S, R13E, G&SRM, Pima County, Arizona. Staff recommends APPROVAL. (District 1)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

22. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 7, of the Board of Supervisors, providing for the establishment of Aerospace Parkway, a County Highway situated within Section 31, T15S, R14E, G&SRM, Pima County, Arizona. Staff recommends APPROVAL. (District 2)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

23. **Hearing - Environmental Assessment and Mitigation Report**

Staff recommends approval of the Environmental Assessment and Mitigation Report for the Valencia Road: Wade Road to Ajo Highway (SR86) Project (4RTVWE). (District 3)

The Chair inquired whether anyone wished to be heard. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to close the public hearing and approve the item.

REGIONAL WASTEWATER RECLAMATION

24. **Hearing - Code Text Amendment**

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

Supervisor Christy requested the item be continued to the next Board of Supervisors' Meeting and that a study session be held with a presentation from the Regional Wastewater Reclamation Department and that the department, Wastewater Advisory Committee, and any members of the community in favor of the fees justify why the increases were necessary.

Supervisor Christy made a motion that this item be continued and a study session be held at the next Board meeting to discuss this item.

Chair Bronson explained the agenda item was a hearing, which would allow discussion from those in favor of the fees, and that a study session did not usually allow for vote.

Supervisor Christy amended his motion and requested the hearing be continued to the February 7, 2017, meeting. Supervisor Miller seconded the motion. No vote was taken at this time.

Supervisor Elías stated the Regional Wastewater Reclamation Department had held two open meetings for the public and no one had shown up. He explained his concern over rising fees for his constituents and lack of raising fees for new water and sewer connections, but stated he did not want the Regional Wastewater Reclamation Department to become underfunded and that the effluent water going back into the Santa Cruz River was some of the cleanest in the nation. He stated the Wastewater Advisory Committee had changed the proposal from a 4% increase every year for 3 years to a 4% raise for 1 year, and predicted another request for a sewer fee increase would return before the Board next year.

Chuck Huckelberry, County Administrator, suggested that if this item was continued the hearing should be set at a time certain to make it more likely that any members of the community who wished to speak on the subject would know when to appear.

Supervisor Elías asked to hear the methodology on how the public was notified, what times the meetings were held, the best ways the community would be able to participate and ways to improve the process.

Supervisor Christy amended the motion to include the item be heard at a time certain of 10:30 a.m.

Supervisor Miller stated she would like to see a study session so the Board could understand wastewater better and figure out where cost cuts could be made. She stated that the Board should meet at night to make it easier for the public to attend.

Supervisor Elías stated meetings regarding wastewater fees had been held at night and the Board has been working diligently with wastewater for many years and that changes implemented by the Board were significantly positive.

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

PRESENTATION

25. Recognition of India Davis, Chief of Corrections Bureau, for 21 years of service to Pima County. (District 3)

Chair Bronson made the presentation and Supervisor Valadez presented Ms. Davis with a Philabaum in recognition of her years of service.

The Board, Sheriff Nanos and Sheriff Napier recognized India Davis for her commitment and service to the Corrections division and the people they served.

The Board took no additional action on this item.

BOARD OF SUPERVISORS

26. **Request for Reconsideration - District 1**

- A. Request to suspend Board of Supervisors' Rule No. H-3.

* * *

- B. On January 3, 2017, the Board of Supervisors took the following Action:

**Consent Calendar – Award
Procurement**

Amendment of Award: Master Agreement No. MA-PO-13-8, Advent Electric, Inc., to provide for ADC electronic security maintenance and process a one-time increase of \$542,130.00 to a cumulative not-to-exceed amount of \$1,747,130.00. Funding Source: Inmate Welfare Fund. Administering Department: Sheriff.

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

* * *

- C. If motion to reconsider is approved, proceed with reconsideration of the following:

**Consent Calendar – Award
Procurement**

Amendment of Award: Master Agreement No. MA-PO-13-8, Advent Electric, Inc., to provide for ADC electronic security maintenance and process a one-time increase of \$542,130.00 to a cumulative not-to-exceed amount of \$1,747,130.00. Funding Source: Inmate Welfare Fund. Administering Department: Sheriff.

Supervisor Miller moved to reconsider the item from the January 3, 2017, Board of Supervisors' Meeting due to inaccurate information the Board had received. Supervisor Christy seconded the motion. No vote was taken at this time.

Supervisor Valadez inquired as to whether the agreement had been executed.

Mary Jo Furphy, Procurement Director, responded that the amendment of award had not been executed.

Supervisor Elías asked what inaccurate information had been provided and where it had come from.

Supervisor Miller explained that at the January 3, 2017 meeting, she had asked if the Procurement Director had approved a contract for \$850,000.00, although her understating was that County policy only allowed the Procurement Director authority to approve a contract with an amount up to \$250,000.00. She had asked if the amendment should have been competitively bid, given the dollar amount and if the original contract had been five \$170,000.00 yearly renewals. The Board had been told it had been one \$850,000.00 amount, which was incorrect.

Chair Bronson asked to have the request for reconsideration voted on before further discussion.

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

Ms. Furphy explained the original contract had been awarded in 2012 as a 5-year contract with a total amount of \$850,000.00, not five \$170,000.00 annual renewals. In 2012-2013, the Procurement Department procedure awarded contracts with 5-year periods upfront, instead of with annual renewals. The procedure was no longer in effect, except in mitigating circumstances. This contract was an estimate, based on maintenance fees and labor rates, which

held the same rate for the five years. A competitive process did occur, which showed if a competitive bid had been placed, Pima County would have ended up paying more. For the work requested in the amendment, if a different contractor were brought in, there would be a conflict in warranties and disputes as to what each contractor would be responsible for because they would be working on the same equipment.

Supervisor Miller asked why the previous Procurement Director had approved this contract in 2012 when the contract amount was more than \$250,000.00.

Ms. Furphy explained the Procurement Director had authority to approve a contract that fell within \$250,000.00 per year, for five years and a not-to-exceed amount of \$1,250,000.00.

India Davis, Chief of Corrections Bureau, explained the camera system at the jail interconnected with the control room and they were needed for the safety of the inmates and those working at the jail. The existing contract was strictly for maintenance with no significant upgrades. The cameras currently ran on an analog system but since digital and analog were now competitively priced, parts needed for the analog system were no longer available. If the amendment were competitively bid, that would nullify the warranty agreement for the maintenance of the entire system. The amendment was to keep the program running until the current contract expired on November 7. At that time, the Procurement Department would competitively bid for a new maintenance contractor.

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

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

27. ARIZONA@WORK Memorandum of Understanding

Staff recommends approval of the Workforce Investment Board Workforce Innovation and Opportunity Act ARIZONA@WORK Pima County One-Stop Memorandum of Understanding.

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

DEVELOPMENT SERVICES

28. Final Plat with Assurances

P16FP00007, New Tucson Unit No. 5, Lots 27-31, Common Area A and a portion of the public alley being a re-subdivision of a portion of New Tucson, Unit No. 5, Lots 1-312, recorded in BK 17 at PG 51 of M&P. (District 4)

Jay Janicek stated he supported the final plat except for an issue he had with an item on the assurance agreement which stated there would be no spending cost to the public. He stated an HOA was a public entity, not a developer, and that the item

stated the HOA would be responsible. He brought up that homeowners in the neighborhood were being charged for multiple promissory note agreements and a contract agreement between the Master Association and the HOA, which were never disclosed when a home was being purchased, nor were all the promissory notes being released when copies were requested. He asked that the matter be looked into.

Chair Bronson explained many of the issues brought up were due to State laws regarding HOA's and directed Mr. Janicek to speak with Carmine DeBonis, Deputy County Administrator, to go over HOA regulations.

Supervisor Christy requested an overview memorandum regarding the HOA regulations in regard to the subdivision and stated he would like to add it to the next agenda as a discussion item.

Chair Bronson stated Mr. DeBonis would supply the memorandum, which would become public information, and if Supervisor Christy still had questions, an agenda item could be created.

Thomas Weaver, Chief Civil Deputy County Attorney, stated Supervisor Christy could contact his office at any time if he had any questions.

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

REAL PROPERTY

29. Grant of Easement

Southwest Gas Corporation, to provide a grant of easement for reinforcement of an existing distribution system serving Oracle Heights Estates at property located at 6720 N. La Cholla Boulevard, located in Section 4, T13S, R13E, G&SRM, Pima County, Arizona, \$2,010.00 revenue. (District 1)

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

CONTRACT AND AWARD

ATTRACTIONS AND TOURISM

30. Metropolitan Tucson Convention and Visitors Bureau, d.b.a. Visit Tucson, Pima County and Pima County Stadium District, to provide for the MLS pre-season training camp and Desert Diamond Cup exhibition matches, Board Contingency Fund, contract amount not-to-exceed \$130,000.00 (CT-ED-17-189)

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 that if the contract were renewed next year, funding be moved to a department fund instead of coming from the Board Contingency Fund. She asked for a report detailing the economic impact, such as the bed tax.

Chuck Huckelberry, County Administrator, stated if the Board wished, the funding could be changed during the budget adoption process. He also stated there was an annual economic impact report available for the previous season from Visit Tucson.

Supervisor Elías stated he would like to see a report on the usage of the monies allocated by the Board. He indicated that the full amount had not been spent in prior years.

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

31. FSL Padre Kino Village, LP, to provide for The Marist on Cathedral Square Senior Rental Housing Project, 2004 Bond Fund, contract amount \$604,989.00 (CT-CD-17-190)

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

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

32. Portable Practical Educational Preparation, Inc., Amendment No. 1, to provide workforce development services for youth and amend contractual language, USDOL Fund, contract amount \$21,366.00 (CT-CS-17-10)

Supervisor Christy asked for background information on Portable Practical Educational Preparation, Inc.

Supervisor Elías explained the 50-year old company provided for development services and economic development projects in rural Pima County.

Jan Leshner, Deputy County Administrator, explained the amendment was for a workforce contract with Project PEPP, and was funded by subsidies through the federal government which passed through the Community Services, Employment and Training Department.

Supervisor Miller stated a mistake was found in Section 2.2-.3 of the contract, where the detail did not match up to the amount of the contract. She asked that it be corrected before the contract was executed.

Ms. Leshner stated they would correct the oversight.

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

33. CODAC Behavioral Health Services of Pima County, Inc., Amendment No. 1, to provide for the Continuum of Care Program - Project Advent and amend contractual language, HUD Fund, contract amount \$4,584.00 (CT-CS-16-303)

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

PROCUREMENT

34. Sundt Construction, Inc., Amendment No. 1, to provide construction manager at risk services for the new Pima Animal Care Center, extend contract term to 12/28/18 and amend contractual language, 2014 Bond Fund, contract amount \$16,294,393.00 (CT-FM-16-29) Facilities Management

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

35. **Award**

Amendment of Award: Master Agreement No. MA-PO-12-429, Graffiti Protective Coatings, for graffiti abatement services, extend contract term for six additional months for a total of five years and six months, no cost. Administering Department: Transportation.

Supervisor Christy asked for background information on Graffiti Protective Coatings and the reason for the extension of the contract term.

Priscilla Cornelio, Transportation Director, explained this extension was to make sure graffiti removal continued over the next six months and give staff time to bid out a new contract for graffiti removal.

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

GRANT APPLICATION/ACCEPTANCE

36. **Acceptance - Health**

AZ Board of Regents, University of Arizona, Amendment No. 2, to provide for the AzNN SNAP-Ed Local Implementation Services Program, \$17,871.90 decrease (GTAM 17-37)

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

37. **Acceptance - Health**

Arizona Board of Regents, University of Arizona, to provide for the Bridges to Wellness Program, U.S. Department of Health and Human Services/SAMHSA Fund, \$16,060.00 (GTAW 17-57)

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

38. **Acceptance - Health**

National Association of County and City Health Officials, to provide for the Identifying Optimal Uses of the Rapid Syphilis Test Project, U.S. Department of Health and Human Services/CDC Fund, \$55,747.00 (GTAW 17-58)

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

BOARD, COMMISSION AND/OR COMMITTEE

39. **Tucson-Pima County Historical Commission**

- Reappointment of Peter Steere. Term expiration: 12/31/20. (District 3)
- Appointment of Betty Villegas, to fill a vacancy created by Sandee Brooke. Term expiration: 12/31/20. (District 5)
- Appointment of Jill Lavon Jenkins, to fill a vacancy created by Randall Madsen. Term expiration: 12/31/20. (District 1)
- Reappointment of Mikki Niemi. Term expiration: 12/31/20. (District 4)

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

40. **Metropolitan Education Commission**

- Reappointments: George Favela, Public Sector (Non-School) Parent, James Wiltbank, Religious Community, Paul Lovelis, Social Service Agencies Serving Children/Youth, Richard Elías, Public Sector (Non-School) Board of Supervisors Member and William Ardern, Healthcare Community. Term expirations: 12/31/20. (Chair recommendations)
- Ratification of Reappointment: Dennis Barger, Building Principal (AZ School Administrators). Term expiration: 2/17/18. (Commission recommendation)

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

41. **Small Business Commission**

Staff recommends approval of the revised Small Business Commission By-laws to reflect changes to Resolution No. 2015-45.

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

42. **Election Integrity Commission**

Appointment of Ken Moyes, to fill a vacancy created by Beth Borozan. Term expiration: 1/16/19. (District 4)

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

FRANCHISES/LICENSES/PERMITS

43. **Hearing - Fireworks Permit**

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, February 4, 2017 at 9:00 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.

44. **Hearing - Fireworks Permit**

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, March 18, 2017 at 8:45 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.

CONSENT CALENDAR

45. **Approval of the Consent Calendar**

PULLED FOR SEPARATE ACTION

BOARD, COMMISSION AND/OR COMMITTEE

6. **Metropolitan Education Commission**

Appointment of Dustin Williams, Ex-Officio, representing Pima County School Superintendent, to replace Linda Arzoumanian. Term expiration: Concurrent with Term of Office.

Without objection, this item was removed from the agenda.

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. Goodwill Industries of Southern Arizona, Inc., Amendment No. 1, to provide workforce development services for youth and amend contractual language, USDOL Fund, contract amount \$34,921.00 (CT-CS-16-441)

County Attorney

2. Treatment Assessment Screening Center, Amendment No. 3, to provide for implementation of enhancements to the Pima County Drug Court Program and establishment of a Drug Treatment Alternative to Prison Program (DTAP), DTAP SAMHSA and DTAP BHTCC Funds, contract amount \$81,000.00 (CT-PCA-15-468)

Transportation

3. Centurylink, to provide reimbursement for removal of Centurylink facilities along Cortaro Farms Road: Camino de Oeste to Thornydale Road, contract amount \$444,916.00 revenue (CTN-TR-17-124)

GRANT APPLICATION/ACCEPTANCE

4. **Acceptance – Community Development and Neighborhood Conservation**
Arizona Department of Housing, Amendment No. 2, to provide for the Weatherization Program, US Department of Energy Fund, \$38,249.00 (GTAM 17-36)
5. **Acceptance - Community Services, Employment and Training**
Arizona Department of Economic Security, Amendment No. 6, to provide for the Employment & Training Program (WIOA), USDOL Fund, \$687,614.00 (GTAM 17-33)

BOARD, COMMISSION AND/OR COMMITTEE

6. **Metropolitan Education Commission**
(PULLED FOR SEPARATE ACTION)
7. **Regional Wastewater Reclamation Advisory Committee**
Appointment of Barney Popkin, to fill a vacancy created by Robert Iannarino. Term expiration: 3/1/20. (District 1)

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

8. Special Event

Michelle L. Phillips, Greater Green Valley Community Foundation, Green Valley Recreation West Center, 1111 GVR Drive, Green Valley, March 11, 2017.

ELECTIONS

9. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Randi Pantera-080-GRN; Emma M. Hurley-098-GRN; Cynthia C. Tuell-143-GRN

APPOINTMENTS-PRECINCT-PARTY

Alexander G. Kack-045-DEM; Bryan E. Stahl-079-REP; Kimberly A. Varley-DeMarco-083-REP; Ronald C. Wilcox-075-GRN; Eduardo H. Quintana-153-GRN

FINANCE AND RISK MANAGEMENT

10. Duplicate Warrants - For Ratification

Manuela Ochoa \$4,810.19; Judith Graf \$683.32; C & L Upholstery \$25,717.00; Nick Elias \$18.69; PSOMAS \$5,925.01; American Reprographics \$338.91; Anissa Taylor \$18.67; Southwest Truck Driver Training \$3,000.00; Spencer Graves \$117.00; Headmaster \$118.00; Paula Babis \$76.05; Friedman Recycling \$6,183.43; Faviola Guzman \$28.80; Spencer Graves \$117.00; Pima County Sheriff \$12.75.

TREASURER

11. 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 \$17,672.91.

RATIFY AND/OR APPROVE

12. Minutes: December 13, 2016

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46. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:54 p.m.

CHAIR

ATTEST:

CLERK

DRAFT