

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 20, 2015. Upon roll call, those present and absent were as follows:

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

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

1. **CONTRACT**

Pinnacle Concessions, L.L.C., to provide concession services at the Kino Sports Complex, contract amount \$50,000.00 estimated revenue (CTN-KSC-15-85)

Supervisor Valadez recommended that during events, all concession stands should be open and serving the public.

Chuck Huckelberry, County Administrator, stated that the current contract did not prevent the recommendation from being implemented in the future and that it was in everyone's best interest that all concession stands be open and serving.

It was moved by Supervisor Valadez, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Elías voted "Nay," to approve the item.

2. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:05 a.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 20, 2015. Upon roll call, those present and absent were as follows:

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Chris Straub, Chief Civil Deputy County Attorney
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1. **INVOCATION**

The invocation was given by Deacon Ed Sheffer, St. Thomas the Apostle Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PAUSE 4 PAWS**

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

4. **PERSONAL POINT OF PRIVILEGE**

Chair Bronson offered her congratulations to Gilbert Valenzuela, an Alta Vista High School Honor Student, member of the Drachman Boys and Girls Club of Tucson, and Youth of the Year for the Roy Drachman Club House, for being invited by Congresswoman Martha McSally to attend the State of the Union in Washington, D.C.

5. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Joan Moore and Julie Waddell, representing the Walker Family; Joe Camarillo and Sandra Lopez, Old Tucson Studios; and Kelly Cheeseman and Valerie Samoy, Natural Resources Parks and Recreation, proclaiming the day of Thursday, January 29, 2015 to be: "TED WALKER YOUTH DAY"

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

6. **CALL TO THE PUBLIC**

Christopher Cole, Libertarian Party representative, spoke regarding the process for public speakers at the Board of Supervisors' Meetings.

Martha Michaels addressed the Board about clarifying agenda and speaker card wording regarding public speakers at Board of Supervisors' Meetings.

Dennis Curries spoke on Star Valley homeowner's perspectives concerning development and maintenance issues.

Diana Whitman, Reid Park Zoological Society, spoke on behalf of zoo growth and expressed her thanks to the Board to for consideration of the bond project for the zoo.

Linda Kopytek thanked the Board for street improvements around Star Valley and spoke on issues regarding the Star Valley Specific Plan.

7. **CONVENE TO EXECUTIVE SESSION**

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

8. **RECONVENE**

The meeting reconvened at 9:46 a.m. All members were present.

EXECUTIVE SESSION

9. The Board of Supervisors on January 6, 2015, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the following:

- A. Star Valley Specific Plan; Star Valley Master Block Plat and abandonment and Re-Plat of Star Valley Blocks 4, 7, and 8;
- B. Development issues and transportation improvements related to Star Valley and Star Valley Village plats; Valencia Road: Ajo Highway - Mark Road transportation improvements; and
- C. The following lawsuits: Broadway Realty and Trust, Inc., et al. v. Pima County, et al., Pima County Superior Court Case No. C2014 5528; Stewart Title and Trust as Trustee under Trust No. 3701, et al. v. Pima County Board of Supervisors, et al. Pima County Superior Court Case No. C2014 4304; and Joseph Cesare, et al. v. Pima County, et al. United States District Court Case No. 14-CV-02514.

Chris Straub, Chief Civil Deputy County Attorney, stated the item had been for information only. No Board action was taken.

COUNTY ADMINISTRATOR

10. Star Valley Development

The Board of Supervisors on December 9, 2014, December 16, 2014 and January 6, 2015, continued the following:

Staff recommends approval of abandonment plats to re-plat all or portions of Star Valley Blocks 4, 7 and 8, returning the land to generally the same boundary configuration which existed before recording of the subdivision plats.

Chuck Huckelberry, County Administrator, requested the item be removed pending decisions of the Superior Court.

It was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to remove this item from the agenda.

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

11. Alvord Court Rental Housing Project

RESOLUTION NO. 2015 - 3, of the Board of Supervisors, authorizing the allocation of \$100,000.00 of the United States Department of Housing and Urban Development Home Investment Partnership Program funds for Alvord Court Rental Housing, an Affordable Housing Project, in the City of Tucson, Pima County, Arizona.

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

COUNTY ATTORNEY

12. Deferred Prosecution Fund and Fees

ORDINANCE NO. 2015 - 2, of the Board of Supervisors, relating to deferred prosecution; establishing a Deferred Prosecution Fund pursuant to A.R.S. §11-363; establishing deferred prosecution fees pursuant to A.R.S. §11-251.08; authorizing the Pima County Attorney to deposit deferred prosecution fees into the Deferred Prosecution Fund and to control and use moneys in the Deferred Prosecution Fund in the administration of the Pima County Attorney's Deferred Prosecution Program.

At the request of staff and without objection, this item was continued to the Board of Supervisors Meeting of February 3, 2015.

DEVELOPMENT SERVICES

13. Rezoning

Co9-14-13, TOMBO51, L.L.C. - N. ORACLE ROAD REZONING

Request of TOMBO51, L.L.C., represented by Jeffery A. Stanley, P.E., for a rezoning of approximately 0.61 acres from the GR-1 (GZ-1) (Rural Residential - Urban Gateway Overlay) zone to the CB-1 (GZ-1) (Local Business - Urban Gateway Overlay) zone, on property located in Catalina on the west side of N. Oracle Road, approximately 230 feet south of E. Pinal Street. The proposed rezoning conforms to the Pima County Comprehensive Plan, which designates the property for Multifunctional Corridor. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Matter, Membriila, Cook, and Bain were absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. The owner shall:
 - A. Submit a development plan if determined necessary by the appropriate County agencies.
 - B. Record a covenant holding Pima County harmless in the event of flooding.
 - C. Record the necessary development related covenants as determined appropriate by the various County agencies.
 - D. Provide development related assurances as required by the appropriate agencies.
 - E. Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors
3. Transportation conditions:
 - A. Written certification from the Arizona Department of Transportation, stating satisfactory compliance with all its requirements shall be submitted to Development Services prior to the approval of a development plan for this site.
 - B. The owner(s) shall provide offsite improvements if determined necessary by the Arizona Department of Transportation.
 - C. Shared access with the property to the south shall be provided as shown on the sketch plan.
4. Flood Control condition:

First flush retention (retention of the first ½ inch of rainfall) shall be provided for all newly disturbed and impervious surfaces. This requirement shall be made a condition of the Site Construction Permit.
5. Wastewater Reclamation conditions:
 - A. The owner/developer 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/developer to that effect.
 - B. The owner/developer 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/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 PCRWRD.
 - 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 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/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, preliminary sewer layout, 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.
- 6. Adherence to the sketch plan as approved at public hearing.
 - 7. 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.
 - 8. The property owner shall execute and record the following disclaimer regarding Prop 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)."
 - 9. 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.

Chris Poirier, Assistant Planning Director, reported that staff had received no public comment to date and that both the Planning and Zoning Commission and staff recommended approval with rezoning conditions. He stated that the property is located outside the Maeveen Marie Behan Conservation Lands System.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-14-13, with standard and special conditions.

14. **Rezoning Closure**

Co9-99-15, GATZIONIS BROTHERS FAMILY PARTNERSHIP/CAB PRODUCE COMPANY - ORANGE GROVE ROAD NO. 2 REZONING

Request by Tucson Electric Power Company to close Co9-99-15, a rezoning of approximately 10.15 acres from SR (Suburban Ranch) to TR (Transitional) located on the southwest corner of Orange Grove Road and La Canada Drive. The rezoning was conditionally approved in 1999 and expired on November 9, 2014. Staff recommends CLOSURE. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve the recommendation for closure on Co9-99-15.

15. **Development Agreement**

RESOLUTION 2015 - 4, of the Board of Supervisors, approving and authorizing the execution of a Development Agreement with Farmers Investment Company regarding the Continental Farms Specific Plan, Co23-13-01. (District 4)

Chris Poirier, Assistant Planning Director, reported that the Coalition for Sonoran Desert Protection had asked to be included with the multiple other jurisdictions regarding discussions on flood improvement and that the developer had no objection.

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

TRANSPORTATION

16. **Traffic Ordinance**

ORDINANCE NO. 2015 - 3, of the Board of Supervisors, prohibiting all motor vehicles with a gross vehicle weight rating greater than 20,000 pounds from using Elephant Head Road over the Santa Cruz River Bridge (Structure No. 8912) in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

Chuck Huckleberry, County Administrator, commented that the Department of Transportation would be conducting public meetings, particularly with emergency service operators in the Elephant Head area, regarding deterioration of the bridge and possibly the exclusion of emergency vehicles from this Ordinance.

At the request of staff and without objection, this item was removed from the agenda.

17. **Traffic Ordinance**

ORDINANCE NO. 2015 - 4, of the Board of Supervisors, regulating parking on Esperanza Boulevard in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

BOARD OF SUPERVISORS

18. Clarification of Public Participation in Board of Supervisors Meetings

Discussion, vote and direction to appropriate personnel regarding the process, authority and allowance of individuals who wish to speak to Agenda Items, including clarification of the process for the public to fill out speaker cards, as stated on the Agenda cover sheet. This item is on the agenda as a result of two speakers not being allowed to speak to Agenda Item No. 8 on Discretionary Spending at the January 13th, 2015 meeting. (District 1)

Supervisor Miller requested that the speaker cards be updated to reflect that Call to the Public was now at the beginning of the agenda and worded so the public knew they could only speak on public hearing items and that it was at the discretion of the Chair to allow speakers on non-public hearing items. She proposed the agenda contain the word "Hearing" on every public hearing item and asked that the Board's Rules and Regulations, Section K, 'Participation by Employees in Public', Item 6, be amended to reflect that the Board was not allowed to respond to comments made during the Call to the Public. She stated there should be consistency on when the public would be allowed to speak on non-public hearing items.

Supervisor Valadez recommended that in addition to the amendment to the speaker cards, a sign be placed in the Hearing Room with the clarifying information and suggested that speaker cards which have been submitted for an item that is not a public hearing be automatically moved to Call to the Public by the Clerk.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to change the speaker cards to specifically state that the public would be allowed to speak at Call to the Public on any topic; that it was at the discretion of the Chair whether to allow public speakers on non-public hearing items; that the Clerk of the Board identify "Hearing" on each public hearing item on the agenda; that speaker cards submitted for a non-public hearing item be automatically moved to Call to the Public by the Clerk, and that the Board's Rules and Regulations be amended to reflect these rules and to reflect that the Board was not allowed to respond to comments made during the Call to the Public.

REAL PROPERTY

19. Bureau of Land Management - Helmet Peak

Staff requests approval of the following:

- A. Recreation or Public Purposes Lease Agreement from the Bureau of Land Management for 1.8 acres of land on Mission Road north of Helmet Peak Road, contract amount \$250.00/10 year term (District 3)
- B. Management Agreement with Helmet Peak Volunteer Fire Department for 1.8 acres of land on Mission Road north of Helmet Peak Road, contract amount \$250.00 revenue/10 year term (District 3)

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

CONTRACT AND AWARD

Information Technology

20. City of Tucson, to provide for transfer of equipment and property in furtherance of the PCWIN Network, no cost (CT-IT-15-171)

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

21. Motorola Solutions, Inc., to provide professional services for the mandatory 800 MHz Rebanding Project, no cost (CT-IT-15-6)

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

PROCUREMENT

22. **Award**

Award of Contract, Requisition No. 15-130, Arizona Communications Experts, Inc. (Tucson, AZ) for the Distributed Antenna System for the new County Public Service Center in the amount of \$333,789.28. The Contractor is a certified Small Business Enterprise. Contract is retroactive to 10/06/2014 for a one-year term and includes four one-year renewal periods. Funding Source: 2004 Bond Fund. Administering Department: Information Technology.

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

REAL PROPERTY

23. **Farmers Investment Co.**

- A. To provide an Agreement to Donate for Tax Parcel No. 304-18-098A and a Non-Exclusive, Non-Motorized Recreational Trail Easement (Adamson-Catino Trail), no cost (CTN-PW-15-89)
- B. To provide an Agreement to Donate for Tax Parcel No. 304-18-097B and a Non-Exclusive, Non-Motorized Recreational Trail Easement (Juan Bautista de Anza National Historic Trail), no cost (CTN-PW-15-87)

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

BOARD, COMMISSION AND/OR COMMITTEE

24. Merit System Commission and Law Enforcement Merit System Council

Appointment of Robert Fee, to fill the vacancy created by Richard H. Huff. Term expiration: 12/31/18. (District 4)

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

TRANSPORTATION

25. Traffic Resolution

RESOLUTION NO. 2015 – 5, of the Board of Supervisors, permitting the temporary closure of portions of Malacate Street in Ajo, Arizona, for the Desert Senita Community Health Center Fair on Saturday, January 31, 2015. Staff recommends APPROVAL. (District 3)

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

CONSENT CALENDAR

26. Approval of the Consent Calendar

PULLED FOR SEPARATE ACTION

RECORDER

8. Ratification

Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of September, October and November, 2014.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of February 3, 2015.

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It was moved by Supervisor Carroll, seconded by Supervisor Valadez 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

Procurement

1. Award

Amendment of Award: Contract No. MA-12-694, Version No. 37, HACH Company, to provide HACH supplies and maintenance services, revise the scope of services to add chemicals, increase the original (current) three (3) year contract in the amount of \$100,000.00 and grant authority for the Procurement Director to execute the two (2) annual remaining renewals in the amount of \$375,000.00 per year. Funding Source: Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

2. Award

Low Bid: Award of Contract, Requisition No. 163307, in the amount of \$297,200.00 to the lowest responsive bidder, Building Excellence, L.L.C. (Headquarters: Tucson, AZ) for the total bid for tenant improvements of the Theresa Lee Clinic. The contract is for five months and may be extended for project completion. Funding Source: 2004 Bond Fund. Administering Department: Facilities Management.

GRANT APPLICATION/ACCEPTANCE

3. Acceptance - Health

Arizona Department of Health Services, Amendment No. 1, to provide for the Population Health Policy Initiative, U.S. Department of Health and Human Services, Health Resources and Services Administration Fund, \$176,350.00 (GTAW 15-54)

4. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for Operation Stonegarden - Overtime and Mileage, U.S. Department of Homeland Security Fund, \$1,197,828.00 (GTAW 15-55)

5. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for Operation Stonegarden - Equipment, U.S. Department of Homeland Security Fund, \$229,391.00 (GTAW 15-56)

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

6. Andrew S. Heideman, Rotary Club of Green Valley, East Center, 7 S. Abrego Drive, Green Valley, February 8, 2015.

FINANCE AND RISK MANAGEMENT

7. **Duplicate Warrants - For Ratification**

Arizona Department of Revenue \$420.00; Lorrie Ann Burchert \$70.71; Christopher C. Browning \$139.47; Steven Lon Bilsten \$83.60; Sandra Lynn Harris \$78.28; Jamie Nicole Rappaport \$41.80; Jenni Roberts Noriega \$143.00; Southwest Tire Supply, Inc. \$6,124.09; Treatment Assessment Screen Center \$677.00; Rebecca Laura Morrow \$26.70; Kropp Holdings, Inc. \$6,228.43; Kropp Holdings, Inc. \$2,182.62; Samuel J. Hennig \$25.00; Samuel J. Hennig \$82.41; Suzanne M. Laursen \$6,990.00

RECORDER

8. **Ratification**
(PULLED FOR SEPARATE ACTION)

TRANSPORTATION

9. **Permission to Advertise**

Sonoran Corridor, Road Establishment No. 3019
February 10, 2015 (Districts 2, 3 and 4)

RATIFY AND/OR APPROVE

10. Minutes: December 9 and 16, 2014

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27. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:05 a.m.

CHAIR

ATTEST:

CLERK