

## FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 12, 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  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Charles Lopiccolo, Sergeant at Arms

### 1. **CONTRACT**

PSOMAS, Inc., Amendment No. 2, to provide construction management services for the Pantano Wash Bank Protection and River Park: Ft. Lowell to Tanque Verde Road Project (5PWFLT), extend contract term to 4/30/19 and amend contractual language, Flood Control District Tax Levy Fund, contract amount \$58,736.52 (CT-FC-16-54)

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

### 2. **SECOND AMENDMENT TO PUBLIC UTILITY EASEMENT**

Sican, Inc., as Trustee of the Community Water Company of Green Valley ROW Trust, to extend the utility easement to 12/31/19 for completion of the Central Arizona Project water pipeline. (District 2)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:22 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, December 12, 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  
Andrew Flagg, Chief Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Charles Lopiccolo, Sergeant at Arms

### 1. **INVOCATION**

The invocation was given by Pastor Mark Rhoades, Emmanuel Baptist Church.

### 2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### 3. **PAUSE 4 PAWS**

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

### 4. **CALL TO THE PUBLIC**

Edward Cizek addressed the Board in support of the proposed Internet Neutrality Resolution.

Christopher Cole, Pima County Libertarian Party, addressed the Board regarding Internet neutrality and corporate welfare.

Wendell Long, Chair, Pima County Sales Tax Advisory Committee, urged the Board to invite constituents to upcoming Sales Tax Advisory Committee meetings.

Roger D. Score addressed the Board regarding sales taxes and their negative effect on local businesses.

Brian Bickel addressed the Board regarding the equity and distribution model of shared revenues.

Gerri Ottoboni addressed the Board regarding Oro Valley Mayor Hiremath.

The following speakers addressed the Board regarding the Regional Road Repair Program recommendation:

- Reggie Drout
- John Fitzger
- Don Weaver, Green Valley Day
- Thao Tiedt, President, Soledad Homeowners Association
- Russell Trask
- Noreen Nelson, President, Hidden Valley Homeowners Association
- Anne Cavanagh
- Jessica Schiff
- Walli S. Watson
- Mia Tittle
- Tony Gleadhill
- Dick Roberts
- Christi Heintz
- Martha Michaels
- Linda Leedberg
- Stan Caldwell
- Bob Mayfield
- Marian S. Miskell
- Christopher Arundell
- Karen Thorton
- Hyatt Simpson

They offered the following comments:

- Road maintenance and repairs should be a priority.
- A countywide sales tax should be implemented for road repair and maintenance.
- The Transportation Advisory Committee's plan did not fairly distribute tax dollars for Green Valley.
- Roads are community tools.
- A sales tax with a 10-year time limit and administered by the Regional Transportation Authority (RTA) is the only way the roads could be fixed.
- Road maintenance and citizen safety are Pima County's fiduciary responsibilities.
- Money should be spent on failing roads.
- Fair policies are a right of all citizens.
- The road repair plan presented by Supervisor Christy is fair, equitable, and a balanced plan.
- Failed roads are hazardous to the community.
- Unsafe roads devalue property.
- The quality of roads has a negative impact on safety, quality of life and property values.

- A countywide sales tax is the logical and practical way to fix the roads.
- Pressure on the state legislature should continue so funds are distributed back to local governments for road repairs.

5. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:30 a.m.

6. **RECONVENE**

The meeting reconvened at 11:12 a.m. All members were present.

**EXECUTIVE SESSION**

7. The Board of Supervisors on November 7, 2017, continued the following:

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a Petition for Waiver of Real Property Taxes by the Rialto Theatre Foundation for tax year 2017 for Parcel Nos. 117-06-168C and 117-06-177B under A.R.S. Section 42-11153(B).

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

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Paradigm DKD Group, L.L.C., et al. v. Pima County and the Pima County Assessor, et al., Pima County Superior Court Case No. C2014-1150 and Arizona Court of Appeals Case No. 1-CA-CV 17-0672.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to proceed to oppose collection efforts 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.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer and Pima County Finance's recommended response in Tucson Mather Plaza, L.L.C., v. Pima County (TX2014-000736, TX2015-000944, and TX2016-001263 consolidated and TX2017-000149).

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether 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.

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a Petition for Waiver of Real Property Taxes by the Rialto Theatre Foundation for tax year 2016 for Parcel Nos. 117-06-168C and 117-06-177B under A.R.S. Section 42-11153(B).

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

### **BOARD OF SUPERVISORS**

11. **Road Repair Plan**

Discussion/action regarding whether to waive attorney-client privilege and allow public discussion regarding statutory authorization and procedural requirements for tax initiatives by the Board and the voters. (District 3)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to waive attorney-client privilege.

12. **RICO Funds**

Requesting the Pima County Attorney's Office use RICO Funds for retention of outside counsel to review RICO Fund expenditures. (District 3)

It was moved by Chair Bronson and seconded by Supervisor Miller to request that the County Attorney's Office use RICO Funds for retention of outside council. No vote was taken at the time.

Supervisor Valadez commented that the Maricopa County Board of Supervisors had made a similar request of their County Attorney and it was denied. This resulted in general funds being used to pay for outside counsel. He inquired if the County Attorney denied the Board's request to use Rico Funds, would these services be paid with General Funds.

Chair Bronson responded that she wanted to give the County Attorney an opportunity to approve this request; however, if it was denied, general funds would be used.

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

### **CLERK OF THE BOARD**

13. The Board of Supervisors on November 7, 2017, continued the following:

#### **Petition for Waiver of Real Property Taxes - Rialto Theatre Foundation**

Rialto Theatre Foundation has petitioned the Board of Supervisors for a Waiver of Real Property taxes for tax year 2017 for Parcel Nos. 117-06-168C and 117-06-177B under A.R.S. §42-11153(B).

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

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### **14. Joint Revolving Taxable Single Family Mortgage Loan Program of 2012**

RESOLUTION NO. 2017 - 91, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima and amendments to the Joint Revolving Taxable Single Family Mortgage Loan Program of 2012 of the Industrial Development Authority of the County of Pima and the Industrial Development Authority of the City of Tucson, Arizona; and Declaring an Emergency.

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

Supervisor Miller stated that she objected to this item and requested she be provided with background materials.

Supervisor Christy stated that he also objected to this item.

Supervisor Elías commented that for several years Single Family Mortgage Bonds had been used successfully to create housing opportunities for families.

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

## **GRANTS AND DATA OFFICE**

### **15. Pascua Yaqui Tribe State-Shared Revenue Program**

RESOLUTION NO. 2017 - 92, of the Board of Supervisors, to approve acceptance, if awarded, of Pascua Yaqui Tribe State-Shared Revenue Program Funds and pass-through to the Math and Science Success Academy.

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

## **TRANSPORTATION**

### **16. Regional Local Road Repair Program Recommendation**

Staff recommends approval of the Regional Local Road Repair Program.

Lucretia Free, Chair, Transportation Advisory Committee, addressed the Board regarding the Road Repair Program and indicated that this was a first step in solving the County road issues.

Supervisor Elías commented that it was critical to develop a fair approach surrounding these issues.

It was moved by Supervisor Miller and seconded by Supervisor Christy to accept the Regional Road Repair Program Plan, as recommended and amended by citizens of Districts 1 and 4.

A substitute motion was made by Supervisor Elías and seconded by Supervisor Valadez to approve the regional Road Repair Program Plan as presented by staff. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

## **FRANCHISE/LICENSE/PERMIT**

### **17. Hearing - Liquor License**

13103016, Steven Randolph Jackson, Elephant Head Vineyard, 1705 W. Hawk Way, Amado, Series 13, Farm Winery, New License.

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

### **18. Hearing - Liquor License**

10103830, Thomas Gene Luman, Dollar General Store No. 17583, 6780 N. Sandario 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 Supervisor Elías, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

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

Michelle Schuyler, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, December 31, 2017 at 10:00 p.m.

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



## DEVELOPMENT SERVICES

### 20. Hearing - Conditional Use Permit

#### P17CU00010, GOLDER RANCH FIRE DISTRICT - E. GOLDER RANCH DRIVE

Request of Novation Group Consulting and Verizon Wireless, representing Golder Ranch Fire District, on property located at 3885 E. Golder Ranch Drive, in the GR-1 (Rural Residential) Zone, for a conditional use permit for a Communication Tower, in accordance with Section 18.07.030.H.2.e of the Pima County Zoning Code as a Type III conditional use permit. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cook, Gungle and Matter were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

#### Standard Conditions (per the Pima County Zoning Code)

1. Adherence to all requirements of Section 18.07.030.H and Section 18.07.040.A.4 (General Regulations and Exceptions) of the Pima County Zoning Code.

#### Special Conditions

1. The new top height of the actual tower structure shall not be more than the sixty-eight feet (68') and shall be camouflaged as a faux eucalyptus tree (i.e. a "mono-eucalyptus"). The "branches" and "leaves" of the mono-eucalyptus are permitted to extend to a height of seventy feet (70').
2. All associated cabling, etc. necessary to serve the antennae will be placed within the mono-eucalyptus base or be painted to blend in with the faux eucalyptus aesthetic.
3. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP).
4. The on-the-ground equipment area shall be enclosed with a seven foot (7') cyclone fence. The fence and access gates will be painted some form of desert tan color.

Karin Glinsky addressed the Board in opposition of a communication tower being located in the neighborhood and indicated that it posed health risks.

Jim Portner, Hearing Administrator, provided an overview indicating that this was a proposal for a Type III communications tower that would be 70 feet tall and camouflaged as a eucalyptus tree. He indicated that the health risks were brought up at the Planning and Zoning Commission hearing, but the 1996 Telecommunication Act prohibited local zoning authority from considering the perceived health risks of towers. He stated the Commission recommended approval with standard and specials conditions.

Supervisor Miller inquired whether there were any documented health cases attributed to the installation of communication towers within the County.

Dr. Francisco Garcia, Assistant County Administrator for Community and Health Services, responded that there were no known cases reported and that reporting requirements did not exist, therefore, that type of data was not being collected.

Supervisor Elías asked for further clarification from Dr. Garcia.

Dr. Garcia responded that void of any legal regulatory function, the County was not actively collecting or accessing that type of data.

It was moved by Supervisor Miller, seconded by Supervisor Christy and carried by a 4-1 vote, Supervisor Elías voted "Nay," to close the public hearing and approve P17CU00010, subject to standard and special conditions.

21. **Hearing - Rezoning**

P17RZ00005, GOLDEN RULE ENTERPRISE, L.L.C. - N. LA CAÑADA DRIVE REZONING

Request of Golden Rule Enterprise, L.L.C., represented by Cypress Civil Development, for a rezoning of approximately .79 acre from the CR-1 (Single Residence) zone to the TR (Transitional) zone, on property located on the east side of N. La Cañada Drive, approximately 160 feet north of W. Ina Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2 with a Rezoning Policy (RP-104) that allows a rezoning application for TR for professional office use only. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cook, Gungle and Matter were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

1. Adherence to the sketch plan as approved at public hearing.
2. A minimum six-foot-high wall shall be provided as part of the required north landscape bufferyard. The wall is allowed to connect to the proposed building which can substitute for a portion of the wall if the building is oriented toward the north portion of the subject property as shown on the sketch plan. At a minimum, the wall shall extend from the western to the eastern extent of the parking area.
3. Uses shall be restricted to a professional office of a maximum of 5,500 square feet or a one-family dwelling.
4. The maximum building height shall be 24 feet and one story.
5. General adherence to the office building facade elevations as presented at public hearing.
6. Transportation conditions:
  - A. The property shall be limited to one access point located along the northern property line of the rezoning site as shown on the sketch plan.
  - B. The driveway is limited to right-in, right-out access only.
7. 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. § 12-113.
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.

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 P17RZ00005, subject to standard and special conditions.

**22. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 43, Co9-85-37, Snyder - Homestead Avenue Rezoning. Owners: Steven Kuker, et al. (District 4)

The Chair inquired whether anyone wished to address the Board. 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 adopt the Ordinance.

**23. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 44, P17RZ00003, Moxy Investments, L.L.C., et al. - N. Shannon Road Rezoning. Owners: Moxy Investments, L.L.C., et al. (District 1)

The Chair inquired whether anyone wished to address the Board. 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 adopt the Ordinance.

**24. Hearing - Rezoning Resolution**

RESOLUTION NO. 2017 - 93, Co9-05-30, Stewart Title and Trust No. 1580 - Kinney Road Rezoning. Owner: Stewart Title and Trust TR 1580, Attn: Ted Elliot. (District 3)

The Chair inquired whether anyone wished to address the Board. 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 adopt the Resolution.

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

RESOLUTION NO. 2017 - 94, P17CA00002, Pima County - South Houghton Road Major Plan Amendment. Owner: Pima County. (District 4)

The Chair inquired whether anyone wished to address the Board. 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 adopt the Resolution.

## **REAL PROPERTY**

### **26. Hearing - Establishing Fees for Installation of Small Wireless Facilities**

ORDINANCE NO. 2017 - 45, of the Board of Supervisors, amending Ordinance No. 2004-19 by adding a new Subsection P to Section 1 thereof establishing fees for the installation of Small Wireless Facilities in County Right-of-Way.

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 adopt the Ordinance.

## **TRANSPORTATION**

### **27. Hearing - Code Text Amendment**

ORDINANCE NO. 2017 - 46, of the Board of Supervisors, relating to traffic and highways; amending the Pima County Code by amending Chapter 10.50.060 (Utility Construction in Public Right-of-Way) to add vegetation mitigation; Chapter 10.50.100 (Design and Location of Facilities) to add a requirement to be a member of an Arizona One-call Notification Center; Chapter 10.50.110 (Construction Safety) to add a requirement for a Traffic Control Plan; and amending Title 10 (Traffic and Highways) to add Section 10.50.190 (Wireless Structures and Facilities).

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 adopt the Ordinance.

### **28. Hearing - Code Text Amendment**

ORDINANCE NO. 2017 - 47, of the Board of Supervisors, relating to traffic and highways; repealing Pima County Code, Chapter 10.36 (Load Limits); and amending Title 10 (Traffic and Highways) to add a new Chapter 10.36 (Oversize and Overweight Special Permits) for the purpose of adopting rules substantially identical to rules adopted by the Arizona Department of Transportation.

The Chair inquired whether anyone wished to address the Board. 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 adopt the Ordinance.

### **29. Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 95, of the Board of Supervisors, providing for the establishment of Chester Way, a County Highway situated within the southwest quarter of Section 16, T13S, R13E, G&SRM, Pima County, Arizona. 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 Miller and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Resolution.

## **REGIONAL WASTEWATER RECLAMATION**

30. The Board of Supervisors on November 7, 2017, continued the following:

### **Hearing - Code Text Amendment**

ORDINANCE NO. 2017 - 38, of the Board of Supervisors, relating to Wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer user fees.

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

Supervisor Elías stated that he was concerned with the data collection and the tax burden being shifted to small businesses.

Supervisor Miller expressed the same concerns as Supervisor Elías, and inquired about the ratings for commercial and their impact on the rates.

Jackson Jenkins, Director, Regional Wastewater Reclamation Department (RWRD), provided an overview of how the sampling and analysis were performed. He explained why commercial accounts had a higher strength of sewage than residential accounts.

Supervisor Miller requested a breakdown of the commercial categories and what they consisted of. She also requested that further analysis be performed.

Mr. Jenkins responded that the same sampling protocols were taken for each category and the multipliers contained in the report were a result of the analysis.

Supervisor Elías stated that he would like to continue the item.

Chair Bronson withdrew her motion.

Chuck Huckelberry, County Administrator, commented that a continuation would be appropriate to allow RWRD to establish equity between commercial and residential users and provide additional information to the Board.

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of February 6, 2018.

## **BOARD OF SUPERVISORS**

### **31. Internet Neutrality**

RESOLUTION NO. 2017 - 96, of the Board of Supervisors, calling for the Federal Communications Commission to retain its strong internet neutrality rule. (Districts 3 and 5)

Supervisor Elías expressed his concerns with the repeal of internet neutrality.

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

Supervisor Miller commented that prior to 2015, the Internet was not regulated and that there were no cases filed, citations issued or prosecutions under the internet neutrality rule, therefore she objected to the Resolution.

Supervisor Elías commented that the Internet was a necessary tool and everyone should have equal access.

Chair Bronson commented that she was concerned that allowing the free market to prevail would force out a number of users who could no longer afford access to the Internet.

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

### **32. Legality of Transferring County Road Maintenance Program to RTA**

A. Discussion/vote to release to the public, Attorney-Client Privileged Memorandum from Deputy County Attorney, Regina L. Nassen, dated November 15, 2017.

It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to release the Attorney-Client Privileged Memorandum from Deputy County Attorney, Regina Nassen, to the public.

B. Board discussion of Memorandum; contingent upon the approval of above Item A. (District 4)

Supervisor Christy requested a legal analysis on whether the Regional Transportation Authority (RTA) could take a major role in administering the Just Fix the Roads Plan and if the County had the ability to delegate County sales tax to the RTA.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that there was a major concern in delegating the final decision-making to the RTA. He added that the RTA could assist the County with the implementation of decisions made by the Board and

serve in an advisory capacity but the final decision-making should remain with the Board.

Chuck Huckelberry, County Administrator, indicated that staff had been working on an implementation plan in the event that the Board enacted a half-cent sales tax. He added that the plan would be for the Board to adopt a bond implementation plan Ordinance which would identify each road within Pima County and how and when it would be repaired. He then stated that upon adoption of the Ordinance, the RTA could administer the implementation of that plan.

Supervisor Christy inquired if the plan could be amended to include road maintenance if the County provided the funding.

Supervisor Valadez explained that the Board does not have the ability to delegate the institution and collection of taxes to a third party. He added that a third party could administer a program that had been adopted by the Board.

Supervisor Elías commented that the Board needed to receive a legal opinion on this matter after a plan had been proposed.

Supervisor Christy stated that there was ample opportunity for the RTA to have a major role in the delegation of money and projects. The RTA could guarantee that the money collected through the sales tax would be spent on the roads.

Supervisor Valadez noted that staff was asked to develop an Ordinance for Board review and approval. He stated that the Ordinance should contain a clause that if funds were not used on transportation that the Ordinance, including the sales tax, would be voided.

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

## **CLERK OF THE BOARD**

### **33. Petition for Waiver of Real Property Taxes - Rialto Theatre Foundation**

Rialto Theatre Foundation has petitioned the Board of Supervisors for a Waiver of Real Property Taxes for tax year 2016 for Parcel Nos. 117-06-168C and 117-06-177B under A.R.S. §42-11153(B).

Michael McGrath, Council for the Rialto Theatre Foundation, stated that the Rialto Theatre Foundation was entitled to the waiver of Real Property Taxes.

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

Supervisor Miller requested clarification from the County Attorney regarding the filing of the petition.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the petition was not filed in a timely manner.

Upon roll call vote, the motion carried 4-1, Supervisor Christy voted "Nay."

## **HUMAN RESOURCES**

### **34. Revisions to Merit System Rule**

Staff requests approval of the revisions to Merit System Rule 12 - Disciplinary and Other Personnel Actions.

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

## **CONTRACT AND AWARD**

## **REAL PROPERTY**

### **35. U.S. Department of Homeland Security, Customs and Border Protection, Amendment No. 2, to provide entry upon and to construct, install, operate and maintain equipment on County property and amend contractual language, no cost (CTN-IT-12-371)**

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

## **GRANT APPLICATION/ACCEPTANCE**

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

Arizona Department of Economic Security, Amendment No. 8, to provide for the Senior Community Services Employment Program, USDOL Fund, \$17,672.00 **decrease**/\$7,869.00 General Fund match (GTAM 18-24)

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

## **CONSENT CALENDAR**

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

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 5 was set aside for separate discussion and vote.

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



\* \* \*

**PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

**CONTRACT AND AWARD**

**County Attorney**

5. Kathryn Kellner, d.b.a. Kellner Studio, Amendment No. 3, to provide presentation skills and communication strategies consultant services and extend contract term to 12/31/18, RICO Fund, contract amount \$30,000.00 (CT-PCA-15-141)

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

Supervisor Miller indicated that this was a reoccurring expense using RICO Funds and she requested an opinion from the County Attorney.

A substitute motion was made by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of January 2, 2018.

\* \* \*

**CONSENT CALENDAR**

**CONTRACT AND AWARD**

**Community Development and Neighborhood Conservation**

1. Pima County Community Land Trust, Amendment No. 2, to provide for the Affordable Housing Program and amend contractual language, General Fund, contract amount \$12,000.00 (CT-CD-17-47)
2. Catholic Community Services of Southern Arizona, Inc., to provide nutrition services, General Fund, contract amount \$12,000.00 (CT-CD-18-151)

**Community Services, Employment and Training**

3. SER-Jobs for Progress of Southern Arizona, Inc., Amendment No. 2, to provide for the Workforce Assistance for the Homeless Program, amend contractual language and scope of work, HUD, ADES, Arizona Housing Program, City of Tucson and General (\$47,261.00) Funds, contract amount \$58,646.00 (CT-CS-16-358)

4. Portable Practical Educational Preparation, Inc., Amendment No. 3, to provide workforce development services, amend contractual language and scope of work, Trade, Adjustment Assistance Community College and Career Training Grant Funds, contract amount \$18,463.00 decrease (CT-CS-16-419)

### **County Attorney**

5. Kathryn Kellner, d.b.a. Kellner Studio, Amendment No. 3, (PULLED FOR SEPARATE ACTION)

### **Procurement**

6. **Award**  
Amendment of Award: Master Agreement No. MA-PO-17-143, Copper State Communications, Inc., for ShoreTel VoIP phone system maintenance, support and equipment. This revision is for a one-time increase in the amount of \$517,000.00 (including sales tax) for a cumulative not-to-exceed contract amount of \$740,000.00 to replace the Pima County Sheriff's Department Avaya Phone System with the Countywide ShoreTel System. The annual award amount remains at \$223,000.00. Funding Source: Budget Reserve Fund. Administering Department: Information Technology.
7. **Award**  
Award: Master Agreement No. MA-PO-18-166, for verbatim transcription and translation services. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$500,000.00 to be shared amongst contractors and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.

#### **Group A- Transcription Services**

##### Contractor Name (listed alphabetically)

Allyn, Barbara; Brigode, Robin; Cornelius, Dana; Ellerd, Rhonda; Ellis, Desirae; Gallego, Ana; Graf, Judith; Hamberger, Charlene; Herbin, Carol; Holland, Roberta; Huszarik, Karen; Kennedy, Julie; LeWallen, Therese; Lin, Kim; Mendez, Norma; Moon, Katherine; Sanford, Rosemary; Woodruff, Linda; Zauner, Cheryl

#### **Group B- Translation/Transcription Services**

##### Contractor Name (listed alphabetically)

Ellis, Desirae; Gallego, Ana; Lin, Kim; Mendez, Norma

### **Recorder**

8. City of South Tucson, to provide election services, contract amount \$5,800.00 estimated revenue (CTN-RE-18-85)
9. Office of the Secretary of State, to provide for voter registration services and support, General Fund, contract amount \$47,331.20 (CT-RE-18-160)

## **Transportation**

10. Regional Transportation Authority, Amendment No. 5, to provide public transit and special needs transportation services, extend contract term to 6/30/18 and amend contractual language, Transportation Operating Fund, contract amount \$6,196,442.00 (CT-TR-12-1517)

## **GRANT APPLICATION/ACCEPTANCE**

11. **Acceptance - Health**  
Arizona Department of Health Services, Amendment No. 1, to provide for the HIV Prevention Program, ADHS, U.S. Department of Health and Human Services and CDC (Federal) Funds, \$331,000.00 (GTAM 18-22)
12. **Acceptance - Community Services**  
Arizona Department of Economic Security, Amendment No. 7, to provide for the AZDES Community Action Agency Emergency Services, U.S. Department of Health and Human Services Fund, \$542,166.00 (GTAM 18-23)

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

13. **Sales Tax Advisory Committee**  
Appointment of Mark S. Miller, Small Business Commission, to replace Karen Schutte. No term expiration. (Organizational recommendation)
14. **Corrections Officer Retirement Board**  
Election of Mary Scott, to replace Stephen Faulstich. Term expiration: 12/31/21.
15. **Pima County/Tucson Women's Commission**
  - Appointment of Christa Steiner, to fill a vacancy created by Meghan Elsbeth Hamer. Term expiration: 1/16/20. (Commission recommendation)
  - Appointments of Olivia Lundin and Katherine Cooper, to fill vacancies created by Maxine Goodman and Michala Watson Krug. Term expirations: 5/19/18. (Commission recommendations)
  - Appointments of Allison Dumka and Alma Hernandez, to fill vacancies created by Staci Shea and Beverly Heasley. Term expirations: 10/14/18. (Commission recommendations)
16. **Arizona Municipal Property Corporation**
  - Appointments of Kenneth M. Silverman and Diane Quihuis, to replace Virginia Yrun and Cecilia Cruz. Term expirations: 11/19/18. (Corporation recommendations)
  - Reappointments of Frank Y. Valenzuela, Stanley Lehman and John H. Payne. Term expirations: 11/19/18. (Corporation recommendations)

17. **Building Code Committee/Board of Appeals**  
Appointment of Brad Yant, to fill a vacancy created by John Shorbe. Term expiration: 1/1/20. (Staff recommendation)

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

18. **Temporary Extension**
- 06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for December 2, 7, 9, 16, 23 and 30, 2017.
  - 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for December 16, 2017.

**ELECTIONS**

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

RESIGNATIONS-PRECINCT-PARTY

Victoria Steele-055-DEM; Lisa E. Wolfe-055-DEM; Natalie S. Armstrong-088-DEM; Joy Nelson-091-DEM; Deanna J. Myerson-099-DEM; Mary Sprinkle-112-DEM; Jacalyn M. Welch-125-DEM; Timothy J. Welch-125-DEM; Anthony S. Robson-141-DEM; Caron M. Cappy-163-DEM; Allison D. Childress-238-DEM

APPOINTMENTS-PRECINCT-PARTY

Delisa M. Ramon-003-DEM; James "Tony" A. Fuller-009-DEM; Patricia A. Ault-010-DEM; Jan C. Bontrager-029-DEM; Janet L. Shoopman-032-DEM; Michael O'Connell-044-DEM; Akanni O. Oyegbola-047-DEM; Ana-Isabella "Izzy" B. Madril-057-DEM; Dennis M. Riley-091-DEM; Shari L. Burnham-102-DEM; David C. Johnson-105-DEM; Margaret L. Johnson-105-DEM; Richard D. Tucker-108-DEM; Claire H. Skinner-143-DEM; Robert C. Bailey-202-DEM; Ronald J. Carlson-238-DEM

**FINANCE AND RISK MANAGEMENT**

20. **Duplicate Warrants - For Ratification**  
Tierra Luna & Sol Enterprises, L.L.C. \$897.25; Emily E. Rebro \$277.68; Jesus O. Duran \$20.00; Tucson Electric Power Co. \$94.30; Barbara T. Catrillo \$3,249.00; Douglas Kirkland \$150.00; Samantha Olivia Sanchez \$2,025.00; Musselman Honda Center \$6,000.00; Gerrie Lynn Crawford \$96.08.

**RECORDER**

- 21. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of October, 2017.

**RATIFY AND/OR APPROVE**

- 22. Minutes: November 7, 2017  
Warrants: November, 2017

\* \* \*

38. **ADJOURNMENT**

As there was no further business to come before the Board the meeting was adjourned at 12:22 p.m.

\_\_\_\_\_  
CHAIR

ATTEST:

\_\_\_\_\_  
CLERK