

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, September 15, 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
Thomas Weaver, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
Eric Johnson, Sergeant at Arms

(Clerk's Note: Chuck Huckelberry, County Administrator, left the meeting at 11:55 a.m. Jan Leshar, Deputy County Administrator, represented the office in his absence.)

1. **INVOCATION**

The invocation was given by Pastor Jeff Kallevig, Our Saviour's Lutheran Church.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **PERSONAL POINT OF PRIVILEGE**

Supervisor Elías recognized Mexican Independence Day on September 16, 2015.

4. **PAUSE 4 PAWS**

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

5. **CALL TO THE PUBLIC**

Christopher Cole, Libertarian Party, addressed the Board regarding 11% of Pima County being privately owned, cutting down on spending and the highest property taxes in Arizona.

Geri Ottoboni spoke regarding donors that were pro-bond campaigners and would benefit from the bond projects.

Richard Hernandez addressed the Board regarding regular people in the community who were advocates and stated that he would continue to fight their fight, as well as for the 99%.

The following speakers addressed the Board regarding the bond:

- Steve Christy, Southern Arizona Leadership Council
- Dennis Currie
- Kristina Munger
- Karla Van Drunen Littooy, TCC Today
- Barbara Levy
- Mike Varney, Tucson Metro Chamber
- Sheldon Gutman
- Larry Hecker, Chairman of the Pima County Bond Committee
- Helen Erickson, TCC Today
- Susan Shobe, Friends of the Sonoran Desert
- Tom McGovern
- Kevin Courtney, Pima County Interfaith Council

They offered the following comments:

- Proposition 425 Sonoran Corridor, would be the best hope for true economic development, job creation and improvement for the economy.
- Star Valley was a plan created 28 years ago which promised recreation parks and trails, but was now a crumbling trail system and no bond projects had been included for Star Valley.
- Support was given for full restoration of the TCC Eckbo Landscape, improvements to the Music Hall and Leo Rich Theater and that voters had been educated on all bond questions.
- There would be community oversight for bonds, they would create thousands of jobs, and private funds would match up to \$60 million.
- The current proposals would provide a platform of community investment, community improvements, road repair, economic development and flood control improvements which would enrich community amenities and improve quality of life.
- Tax payer funds were already being used at a very high level.
- The bond implementation program would provide citizen oversight, accountability and transparency.
- The Tucson Community Center Landscape had been listed in the National Register of Historic Places at the national level of significance and qualified for special consideration for resources less than 50 years old.
- The bond would provide funding for Job Path, affordable housing, neighborhood reinvestment, open space, Sahuarita Food Bank, libraries and parks and would make the economy more viable.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:01 a.m.

7. **RECONVENE**

The meeting reconvened at 10:27 a.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3), for legal advice regarding regular session agenda item concerning: A) ratification of the County Administrator's request to seek a treasurer's deed, and B) acceptance of the treasurer's deed delivered by the Pima County Treasurer for the property owned by Pantano Enterprises, Inc. and identified by Pima County Tax Parcel No. 110-16-2200.

No Board action was taken.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding El Cortijo, L.L.C. v. Pima County Board of Adjustment, District 4 and Pima County, Pima County Superior Court Case No. C20153647.

Thomas Weaver, Chief Civil Deputy County Attorney, stated this case was for legal advice and direction on whether to defend the action of El Cortijo, L.L.C. v. Board of Adjustment, District 4 and Pima County, and whether to take the position that the Board of Adjustment, District 4 was a nominal party and should not take an active role in litigation. He stated the County Attorney's Office recommended defense of the case and that the Board of Adjustment, District 4 take a nominal role.

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

10. 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, et al., Pima County Superior Court Case No. C20141150.

Thomas Weaver, Chief Civil Deputy County Attorney, stated this case was for legal advice and direction on the role the Board would take in the case. He 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 Carroll and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

BOARD OF SUPERVISORS

11. Justice of the Peace, Precinct 2

Appointment of the Justice of the Peace, Precinct 2.

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to appoint Patrick Moran as Justice of the Peace, Precinct 2.

HUMAN RESOURCES

12. Classification/Compensation

Public Works Administration requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code

7168/ Utility Liaison - Unclassified/ U3(\$54,100-\$123,136)/ 2/ E*

*E = Exempt (not paid overtime)

Supervisor Miller questioned who currently performed the function, how the salary range had been determined and if there was a candidate for the job.

Allyn Bulzomi, Human Resources Director, stated that this was a new position. He said the specifications of the job had been investigated and compared to other positions in the County, and that the job would be posted when the classification was approved.

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

PROCUREMENT

13. Contract

The Board of Supervisors on the meeting of September 1, 2015, continued the following:

ADW Communications Services, Inc., and International Towers, Inc., to provide a job order contract for communications tower site maintenance, General Fund, \$750,000.00 (MA-PO-16-48) Information Technology

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

14. **Contract**

The Board of Supervisors on the meeting of September 1, 2015, continued the following:

SUNE DB36, L.L.C., an affiliate of SunEdison, Inc., Amendment No. 1, to assign all contracted responsibilities, obligations, and rights from Solon Development, L.L.C. (MA-PO-15-295), no cost (MA-PO-16-58) Facilities Management

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

ASSESSOR

15. **Request for Redemption of Waiver of Exemption**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that all the applications for Redemptions of the Waivers of Tax Exemptions for the year 2015 qualify for exemptions under the applicable statutes and requests the Board of Supervisors redeem the waivers.

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

TREASURER

16. **Treasurer's Deed**

Pursuant to A.R.S. §42-18261 through 42-18267, convey land to the State of Arizona upon the failure of the property owners to redeem tax liens, Tax Parcel No. 110-16-2200, and approve the following:

- A. Ratify the application made by the County Administrator for a treasurer's deed.
- B. Accept the treasurer's deed.

Supervisor Carroll stated that the Treasurer's Office had been consulted on this item, was represented at the meeting and concurred with the action on this item.

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

HEALTH

17. Bequests to Pima Animal Care Center

- A. Staff requests approval to accept the bequest of assets from the Marilyn Rasmussen Revocable Trust to the Pima County Animal Care Center.
- B. Ratification
Staff requests approval to accept the bequest in the excess of \$1.3 million from the Burson 1992 Trust to the Pima County Animal Care Center.

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

FRANCHISE/LICENSE/PERMIT

18. Hearing - Liquor License

12104383, Javier Ramos Mora, Taco Giro Mexican Grill, 2750 W. Valencia Road, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson 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 - Extension of Premises/Patio Permit

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for October 1, 10 and 24, 2015.

It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

20. Hearing - Fireworks Permit

Nora Miller, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, October 3, 2015 at 9:00 p.m.

At the request of Fireworks Productions of Arizona and without objection, this item was removed from the agenda.

COUNTY ADMINISTRATOR

21. Hearing - 2015 Bond Implementation Plan

ORDINANCE NO. 2015 - 37, of the Board of Supervisors, adopting the Bond Implementation Plan for the November 3, 2015 Bond Election Proposition 425, 426, 427, 428, 429, 430, 431.

Chuck Huckelberry, County Administrator, stated this was the modified Bond Implementation Plan required by the Pima County Code. He said it explained the projects and programs contained in the bond packages and that modifications had been made based on the input received. He added the ordinance contained a new prohibition regarding the reallocation of bond funds for projects or programs that became not feasible or were not implemented; provided increased accountability for operations and maintenance; and that all jurisdictions had concurred with the proposed language. Mr. Huckelberry recommended approval of the ordinance as presented.

Don Jorgensen addressed the Board in support of the Bond and stated it was an investment for the future that emphasized transparency and accountability moving forward. He stated he had received a mailing which contained information on how much the State was taking out of the County. He said the State was not spending with any level of transparency or accountability which forced the taxpayers to pick up the slack. He stated the modified implementation plan was a common sense approach and down the road if a project wasn't needed, the associated bonds would not be sold.

Supervisor Miller questioned components of the implementation plan, the change in use of the the average price to the median price on home value; if the assessed net value would grow at a higher rate than what the State required; and if there would be safeguards to protect the tax payers against incurring debt not identified in the plan. She also questioned whether arterial and local roads would be identified by mileage and repair type and if that information would be provided before the bond election, and whether the documentation on the project cost estimates had been made available to the public.

Mr. Huckelberry explained the average price would be used in the publicity pamphlet. He agreed that the assessed net value would grow at a higher rate than what was required by the State. He stated that the court house project was the only project in the history of Pima County that required a supplemental debt instrument. He reported that the type of road repair had been specified for those projects in unincorporated Pima County and that some jurisdictions had made estimates and reserved their right to change their repair type based on conditions at the time of bonding.

Supervisor Miller questioned the independent review commission for open space acquisition; whether \$2 million would be adequate for remediation of the Southern Arizona Regional Orientation Center; how enforcement of operations and

maintenance would be done to protect the taxpayers investment on projects; the scenario for the acceleration of projects; the funds allocated to the Science Park Drive and Sonoran Corrido; the creation and make-up of the Pavement Preservation Commission; the Workforce Investments Projects and cuts to federal workforce programs; and the discrepancy in the totals of the money left from the 1997 bond funds.

Mr Huckleberry responded that it was the Board appointed Conservation Acquisition Commission that made recommendations on open space; that extensive geotechnical investigation had already been performed for the Orientation Center site and that was a best estimate; enforcement would be done through operating agreements or leases; accelerated projects would need to wait until the project was programmed so as to not affect other project implementation. He further explained the difference between building new arterial roadways and subdivision roadways and maintenance schedules; that the Transportation Department would provide technical staff however the recommendations would be made by the Pavement Preservation Commission as part of the citizen driven bond program; that there were no anticipated reductions of workforce funds; and that staff would provide the information requested on the balance of the 1997 bond funds.

Supervisor Elías stated the implementation plan had been made sharper, that participation by the public in commissions had reduced political meddling and there were more protections and better partnerships. He stated that dispute the problems faced regarding implementation and the changes to implementation, and the negativity of one board member regarding the whole bond election, he thought the plan was good.

Supervisor Miller called for a Point of Order stating that Supervisor Elias had attacked her personally. She pointed out the code of decorum on the dais and her right to ask questions.

Supervisor Elias added that the process was very political and that both the questions and answers posed during the meeting had been good.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to close the public hearing and approve the Ordinance. Upon roll call, the motion carried by a 4-1 vote, Supervisor Miller voted "Nay."

HUMAN RESOURCES

22. Hearing - Pima County Code Text Amendment

ORDINANCE NO. 2015 - 38, of the Board of Supervisors, relating to Human Services; amending Chapter 2.24 of the Pima County Code.

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

DEVELOPMENT SERVICES

23. Hearing - Zoning Code Text Amendment

Co8-15-01, MEDICAL MARIJUANA DISPENSARY AND MEDICAL MARIJUANA DISPENSARY OFFSITE CULTIVATION LOCATION

Proposal to amend by ordinance the Pima County Zoning Code Title 18, Section 18.45.040 to revise the prohibited locations sections to allow medical marijuana dispensaries and medical marijuana dispensary offsite cultivation locations in the gateway and buffer overlay zones. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Bain and Mangold were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2015 - 39

Chris Poirier, Assistant Planning Director, provided the staff report and stated that this was a request to allow for an application for a medical marijuana dispensary and cultivation location within gateway and overlay zones. He added that if approved, there would be extensive public notification of the application and gateway and overlay zone review.

Supervisor Carrol questioned whether there were pending applications for this type of use.

Mr. Poirier stated they were expecting at least two applications that would be affected by buffer overlay and gateway zone.

The following speakers addressed the Board:

- Ryan Hurley, Rose Law Group
- Pam Epstein
- Sheldon Gutman

They offered the following comments:

- There had been no reported problems at any of the licensed dispensaries. Other cities and counties had modified their zoning codes to work better with DHS regulations.
- The change would not affect the additional restrictions set forth in the ordinance such as size, setbacks from dispensaries, schools, libraries, churches or substance abuse facilities.
- Adverse health effects of marijuana could lead to addiction, physicians prescribed the drug with limited evidence of a benefit, and patients with HIV infections may exacerbate HIV associated cognitive defects.

It was moved by Chair Bronson, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing. No vote was taken at this time.

Chair Bronson stated that she saw no compelling reason to move forward with the change, the request had come from the private sector and there was not sufficient information to understand the impact of this action. She stated she could not support the ordinance.

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

Supervisor Elías stated that there were regulations within the medical marijuana industry and additional processes for issuing conditional permits. He added these applications would have to be looked at on a case-by-case basis.

Upon roll call, the motion failed by a 2-3 vote, Supervisors Elías, Miller and Valadez voted "Nay."

It was thereupon moved by Supervisor Elías and seconded by Supervisor Miller to approve the Ordinance. Upon roll call, the motion carried by a 3-2 vote, Chair Bronson and Supervisor Carroll voted "Nay."

24. **Hearing - Rezoning**

Co9-15-02, PRF3, L.L.C. - W. BRIAR ROSE LANE REZONING

Request of PRF3, L.L.C., represented by MJM Consulting, Inc., for a rezoning of approximately 9.79 acres from the SR (Suburban Ranch) zone to the CR-4 (Mixed-Dwelling Type) zone, on property located west of W. Briar Rose Lane, on the north side of the W. Freer Drive alignment, approximately 1,200 feet east of N. Thornydale Road and 400 feet south of W. Linda Vista Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Matter, Bain, and Cook 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. Submittal of a development plan if determined necessary by the appropriate County agencies.
2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.
3. Provision of development related assurances as required by the appropriate agencies.
4. 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.
5. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
6. Transportation conditions:
 - A. The property shall be served by one access point built at Briar Road Lane as shown on the preliminary development plan.

- B. Briar Road Lane shall be constructed to Pima County Standards and shall match the existing right-of-way in the adjoining subdivision.
7. Flood Control conditions:
- A. Native riparian vegetation shall be used to enhance drainage improvements.
 - B. First flush retention (retention of the first ½ inch of rainfall) shall be provided.
 - C. Post development floodplains and riparian habitat shall be within permanently identified open space through easement or dedication.
8. 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.
9. Environmental Planning conditions:
- A. Native vegetation (riparian and upland species) shall be used to enhance natural open space areas and other common areas as shown on the preliminary development plan.
 - B. Prior to the approval of the final plat, the property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 5.3 acres as Natural Open Space at an off-site location which fulfills the following criteria and is approved by Pima County Planning Director or their designee:
 - 1) The location of off-site mitigation property shall be within the same general geographic region of the rezoned parcel;
 - 2) Using the following criteria, the off-site mitigation property shall provide at least the same resource value as the rezoned parcel:
 - a. Conservation Lands System (CLS) designations inclusive of 2004 Conservation Bond Habitat Protection Priority designations or subsequent conservation bond programs;
 - b. Vegetation community type (s);

- c. Habitat values for applicable CLS Special Species (e.g., breeding, dispersal);
 - d. Surface water or unique landforms such as rock outcrops;
 - e. Contribution to landscape connectivity; and
- 3) Provision of evidence that the site shall remain in an undeveloped natural state.

C. Upon the effective date of the ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property. 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.

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- 10. Adherence to the preliminary development plan as approved at public hearing.
- 11. 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)."
- 13. 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.
- 14. All saguaros 14 feet in height or less and all ironwood trees meeting the transplanting criteria of the Zoning Code Chapter 18.72 Native Plant Preservation Ordinance and the Native Plant Preservation Manual shall be preserved in place or salvaged and transplanted on-site where

practicable. For saguaros and ironwood trees that cannot be transplanted on-site, at the time of grading the property owner/developer shall move and plant a maximum of 10 saguaros and move 10 ironwood trees to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site movement of saguaros and ironwood trees. Off-site movements of saguaros and ironwood trees shall not occur prior to approval of the Native Plant Preservation Plan.

15. The property owner/developer shall move a maximum of 10 palo verde trees at the time of grading to Arthur Pack Regional Park or some other location within close proximity (no greater than 1.5 miles) of the subject property as approved by Pima County. Pima County will consult with the property owner/developer and the Coalition for Sonoran Desert Protection on the determination of the location of the off-site palo verde tree movements. Off-site movements of palo verde trees shall not occur prior to approval of the Native Plant Preservation Plan.
16. Prior to grading of the site, the property owner/developer shall provide written notification to and sufficient time for Tucson Audubon Society and Tucson Cactus and Succulent Society to salvage vegetation on-site that is not identified for preservation or transplanting on the Native Plant Preservation Plan. Pima County shall be copied on the written notification(s).
17. Lots numbers 1, 3, 5, 7, 14, and 15 as depicted on the preliminary development plan shall be limited to one-story construction.

Chris Poirier, Assistant Planning Director, provided the staff report and stated they had received significant public comment, 63 in opposition and one letter in support, and that the matter did not require a super majority vote. He stated that the protests had to do with the potential of two-story homes, increased traffic and safety, lack of school capacity, and water usage.

Michael Marks, MJM Consulting, Inc., explained they wanted to zone the property to CR-4 for a medium density residential project that would be similar to all the other properties in the area. He stated that the project conformed to the comprehensive plan, Pima Prospers Plan and the conservation land systems. He stated they had worked closely with the Coalition for Sonoran Desert Protection who were in support of the project; they had all utilities necessary to support the development; they had worked with the neighbors regarding the optional two-story units located on the east and west side of the development; and they were willing to restrict the option of two-story homes for lots 1, 3, 5, 7, 14 and 15. He added that reports had been submitted to the Transportation Department regarding cut-through traffic on Crestone Drive, and it had been found that there was sufficient capacity for the current traffic as well as traffic from the proposed development.

The following speakers addressed the Board:

- Stacia Ringer
- Amanda Williams, Huntington Ridge Homeowner's Association
- Judith Yoder
- Carolyn Campbell, Coalition for Sonoran Desert Protection
- Eugenio Iasillo, Huntington Ridge Homeowner's Association

They offered the following comments:

- New development would not create a happy community, Thornydale Road needed to be widened and new schools needed to be built.

- When it rained, Linda Vista became impassable and would be unable to hold infrastructure.
- The desert animals would have no place to go, green space should be set aside and increased traffic problems would occur.
- The Coalition for Sonoran Desert Protection agreed with the Planning and Zoning Commission's recommendations, including conditions 14 through 16.
- This project had been denied in the past due to infrastructure and access to the new development. The value of properties would suffer.

Mr. Marks readdressed the Board and stated that the water provider for the area was City of Tucson and that the Marana Unified School District had confirmed there was capacity at their elementary, middle and high schools. He stated that Thornydale Road capacity would be improved in a couple of years and the internal streets were rated positively. He added they had always planned on giving the the option of a one or two-story home and offered to restrict the mentioned lots to one-story; the value of the homes being built would be in excess of value of any of the other homes in the area; that a drainage review had been completed, the letter of map amendment had been approved by FEMA and review of the detention basins and common areas had satisfied the requirements of the Regional Flood Control District for water harvesting and first flush.

Supervisor Elías questioned drainage, how water would be moved out and how they would be more effective in doing that.

Mr. Marks explained that water would discharged into a wash after being reduced from the detention basin on the north boundary and the rest would be routed through a drainage way or through the streets towards the south detention basin which would reduce the discharge value into the existing drainage way.

It was moved by Supervisor Miller and seconded by Supervisor Elías to close the public hearing and approve Co9-15-02, subject to standard and special conditions, and with the additional condition for one-story home restrictions on lots 1, 3, 5, 7, 14 and 15. No vote was taken at this time.

Supervisor Carroll questioned the super majority requirements and was told the requirements had not been met.

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

25. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2015 - 66, Co9-03-31, Backus - Old Spanish Trail Rezoning (Time Extension). Owner: Peter G. Backus. (District 4)

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.

PRESENTATION/PROCLAMATION

26. Presentation of a proclamation to Erin Schmidt, President; and Lori Aldecoa, Board Member, Diaper Bank of Southern Arizona, proclaiming the week of September 27 through October 3, 2015 to be: "DIAPER NEED AWARENESS WEEK"

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.

BOARD OF SUPERVISORS

27. **ADP Contract/Status Report**

Discussion of ADP contract/status report of issues and concerns raised by Sergeant Kevin Kubitskey at Call to the Audience at the September 1, 2015 Board of Supervisors meeting. (District 3)

Chair Bronson stated that she was in receipt of a letter from Sheriff Nanos addressing the issues of the holiday benefit and holiday pay. She stated that the memo identified that the current policy gave preference to departments and employees who worked a traditional eight to five schedule, and that the ADP mobile app be fixed to allow line level staff to make adjustments to their own timecards.

Supervisor Miller questioned how the timecard system worked before ADP, how long the issue had occurred and the feature that was needed to allow deputies to correct their timecard.

Sergeant Kubitskey explained the prior paper system and stated the time punch issue had been ongoing since inception of the ADP system and requested they receive autonomy to correct their own timecard.

Tom Burke, Deputy County Administrator, also expanded on the prior paper process adding the Finance Department function that occurred after submission by all County departments.

Supervisor Valadez questioned whether an employee had the ability to alter their own timecard and if it was different than what was done in the past.

Mr. Burke explained that it was different than in the past because employees had not been required to report time daily but rather at the end of the pay period, summarizing the time worked.

Chuck Huckelberry, County Administrator, explained that in the past the supervisor exercised judgment over whether or not the employee actually worked. He stated staff was aware that the ADP mobile app was not functioning correctly and were working with the vendor on a solution. He added that 4,000 corrections had occurred in the Corrections Unit because of the use of the mobile app and that those were easily fixable by the use of a desktop. He stated they would give ADP until October 6 to fix the app. He added they now understand the clarification on holiday pay and would look at the cost implications countywide and come back to the Board on October 6 on the costs departments would incur and if they could be absorbed within department budgets.

Supervisor Carroll stated that we could trust the deputies to properly correct their timecards.

Deputy Steve West, Search and Rescue Unit, addressed the Board regarding the time punch system and cited examples of the time commitment needed to correct the system by supervisors.

Deputy Chris Hogan, Homicide Unit, explained how the ADP system clocked out an employee automatically at midnight and questioned whether deputies would be considered on duty if the system clocked them out.

Supervisor Elías stated that this was a small sampling of complaints he had received about ADP from departments, that it had not been implemented well as the County had not been listening to employee groups.

Captain Harold Janes, Administrative Services Division, recapped that ADP was probably a good system for a Monday thru Friday type of operation but that it caused many hours of work to make corrections which pulled officers away from the important work assigned to them.

Captain David Theel, Patrol Division, stated it should be a data entry clerk position for a fund accounting system that made the entries, not a Supervisor in the Sheriff's Department. He requested the County give deputies the ability to make their own corrections and allow supervisory oversight.

Supervisor Miller questioned the quantity of corrections needed due to error with the ADP system.

Captain Theel stated that the system was the cause of the corrections. He cited challenges which included the need to attend court on a scheduled day off, on-call pay, and K-9 maintenance time.

Supervisor Valadez questioned whether a deputy had off the clock liability if the system clocked them out. He directed staff to convene a stakeholder group to understand what did and did not work regarding the system. He encouraged SEIU participate by submitting their issues. Supervisor Elias added that all employer

groups be included and that updates from the group would probably not be ready until the end of the year.

Thomas Weaver, Chief Civil Deputy County Attorney, explained that the clocked status in ADP would not be the determining factor on whether they would be covered as a Peace Officer.

Chair Bronson stated both the technical issue of ADP and the issue of holiday pay be brought back to the Board of Supervisors on October 6, 2015.

HUMAN RESOURCES

28. Meet and Confer Memorandum of Understanding

The Meet and Confer Committee requests an extension of the existing Memorandum of Understanding with Service Employees International Union (SEIU), Arizona Local 48 to November 30, 2015.

Art Mendoza, SEIU Arizona President, spoke to the Board regarding the need to extend the current MOU and stated that they identified three issues that would impact the Pima County workforce which were the non-discrimination policy, the strengthening of the catastrophic leave bank, and adoption of a parental leave policy for the birth or adoption of a child.

Supervisor Elías stated that improvements to the Cat Bank and parental leave were absolutely necessary and that the non-discrimination policy was important to make changes to improve equality.

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

29. YWCA Southern Arizona, Amendment No. 2, to provide for the South Tucson Community Services Program and amend scope of services, General Fund, contract amount \$66,500.00 (CT-CD-15-254)

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

30. Our Family Services, Inc., Amendment No. 2, to provide for the South Tucson Community Services Program and amend scope of services, General Fund, contract amount \$66,500.00 decrease (CT-CD-15-302)

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

OFFICE OF MEDICAL SERVICES

31. To provide court ordered evaluation services, General Fund:

- Banner Health, d.b.a. Banner University Medical Group and Banner University Medical Center-South Campus, L.L.C., \$1,500,000.00 (CT-OMS-16-48)
- Universal Health Services of Tucson, L.L.C., d.b.a. Palo Verde Behavioral Health, \$750,000.00 (CT-OMS-16-52)
- Sonora Behavioral Health, \$750,000.00 (CT-OMS-16-51)

Supervisor Miller questioned the County taking over these services, whether Cenpatico had bid and when Cenpatico would be taking over these services.

Jan Leshner, Deputy County Administrator, explained that the previous Regional Behavioral Health Authority had been Community Partnership of Southern Arizona and that the County had decided to take over services for a year in the interim to better understand Cenpatico. She stated Cenpatico provided some of the services like the call center and the Crisis Response Center and could be tracked by the lease agreement. She stated that at the time they issued the RFP, Cenpatico had not been the RBHA and that the bid was cancelled so they could move internally.

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

PROCUREMENT

32. D.H. Pace Company, Inc., Amendment No. 1, to provide for the Parking Garages Parking Equipment Upgrades Project, extend contract term to 4/30/16 and amend scope of services, Parking Garages Revenue Fund, contract amount \$10,737.00 (CT-FM-15-456) Facilities Management

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

33. **Metropolitan Education Commission**

Appointment of James Wiltbank, representing Religious Community, to fill the vacancy created by Sheri Dahl. Term expiration: 12/31/16. (Chair appointment)

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

CONSENT CALENDAR

34. Approval of the Consent Calendar

It was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to approve the Consent Calendar in its entirety.

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Old Pueblo Community Services, to provide for the Sparkman House Facility Improvements CDBG Emergency/Transitional/Permanent Housing Repair Program, HUD Fund, contract amount \$56,000.00 (CT-CD-16-23)
2. Our Family Services, Inc., to provide for the CASA for Families II - Supportive Housing Program, HUD Fund, contract amount \$217,731.00 (CT-CD-16-53)

County Attorney

3. The Haven, Amendment No. 2, to provide for implementation of enhancements to the Pima County Drug Court Program and establishment of a new Drug Treatment Alternative to Prison Program (DTAP) and extend contract term to 9/29/16, DTAP Special Revenue and DTAP BHTCC Funds, contract amount \$50,000.00 decrease (CT-PCA-15-139)
4. Pasadera Behavioral Health Network, Inc., Amendment No. 2, to provide for implementation of enhancements to the Pima County Drug Court Program and establishment of a new Drug Treatment Alternative to Prison Program and extend contract term to 9/29/16, DTAP BHTCC Fund, contract amount \$50,000.00 decrease (CT-PCA-15-143)
5. Community Partnership Care Coordination, Amendment No. 1, to provide for the Pima County Enhancing Drug Court Services, Coordination and Treatment Project and extend contract term to 12/31/15, no cost (CT-PCA-15-303)
6. Treatment Assessment Screening Center, Amendment No. 1, to provide for implementation of enhancements to the Pima County Drug Court Program and establishment of a Drug Treatment Alternative to Prison Program and extend contract term to 9/29/16, DTAP SAMHSA and DTAP BHTCC Funds, contract amount \$37,530.00 (CT-PCA-15-468)
7. Community Intervention Associates, to provide for the Pima County Enhancing Drug Court Services, Coordination and Treatment Project, DTAP SAMHSA and DTAP BHTCC Funds, contract amount \$60,000.00 (CT-PCA-16-42)

Office of Emergency Management and Homeland Security

8. U.S. Department of Homeland Security, U.S. Customs and Border Protection, Joint Task Force-West, Arizona, to provide guidance during the implementation of the Joint Intelligence and Operations Center, no cost (CT-OEM-16-44)

Procurement

9. SUNE DB33, L.L.C., an affiliate of SunEdison, Inc., Amendment No. 1, to assign all contracted responsibilities, obligations and rights from Solon Development, L.L.C. (MA-PO-15-298), no cost (MA-PO-16-63) Facilities Management
10. SUNE DB34, L.L.C., an affiliate of SunEdison, Inc., Amendment No. 1, to assign all contracted responsibilities, obligations and rights from Solon Development, L.L.C. (MA-PO-15-301), no cost (MA-PO-16-64) Facilities Management

Transportation

11. Nina Borgia Aberle, La Ceramica, L.L.C., to provide artist services for Cortaro Farms Road: Camino de Oeste to Thornydale Road Project, 1997 Bond Fund, contract amount \$110,000.00 (CT-TR-15-575)
12. Regional Transportation Authority, Amendment No. 2, to provide design and construction of improvements for the Sunset Road: Silverbell/I-10 to River Road Project, extend contract term to 6/30/18 and amend contractual language, contract amount \$6,700,000.00 revenue (CTN-TR-CMS141937)

GRANT APPLICATION/ACCEPTANCE

13. **Acceptance - Sheriff**
Office of the Arizona Attorney General, to provide for the SD-FY2016 Victims' Rights Program, \$56,895.00 (GTAW 16-8)
14. **Acceptance - Office of Emergency Management**
Arizona Department of Emergency and Military Affairs, to provide for the Emergency Management Performance Grant, U.S. Department of Homeland Security, FEMA Fund, \$421,951.46/\$421,951.46 General Fund Match (GTAW 16-7)
15. **Acceptance - Community Services, Employment and Training**
HUD, Amendment No. 1, to provide for the Continuum of Care - Project Advent Program FY14 and amend contractual language, no cost (GTAM 16-18)

16. **Acceptance - Community Services, Employment and Training**
HUD, Amendment No. 1, to provide for the Continuum of Care - CASA Program and amend contractual language, no cost (GTAM 16-19)

BOARD, COMMISSION AND/OR COMMITTEE

17. **Cooperative Extension Board**
Reappointments of Kelly Cook and Rick Frey. Term expirations: 6/30/17. (Committee recommendations)
18. **Public Safety Personnel Retirement Board**
Reappointment of Leo Duffner. Term expiration: 12/31/19. (Committee recommendation)
19. **Tucson-Pima County Bicycle Advisory Committee**
Reappointments of Collin Forbes, David Bachman-Williams and Eric Post. Term expirations: 9/30/17. (Committee recommendations)
20. **Workforce Investment Board**
- Appointment of Fred Yamashita, representing Workforce; Labor Organization Member or Joint Labor Management Apprenticeship Program, to fill a vacancy created by Bev Paul. Term expiration: 9/30/18. (Staff recommendation)
 - Appointment of Regina Suitt, representing Education and Training; Title II Adult Education and Literacy, to fill a vacancy created by Nicholas Clement. Term expiration: 9/30/18. (Staff recommendation)
 - Appointment of Mary K. Boegemann, representing GECD; Title I Vocational Rehabilitation, to fill a vacancy created by Sharon Mikrut. Term expiration: 9/30/18. (Staff recommendation)
 - Appointment of Mark Vitale, representing Business, to replace Gregg Johnson. Term expiration: 9/30/18. (Staff recommendation)
21. **Corrections Officer Retirement Board**
Reappointment of Leo Duffner. Term expiration: 12/31/19. (Committee recommendation)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/
PATIO PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2015-64**

22. **Special Event**
Tamara A. McKinney, Mobile Meals of Tucson, St. Philip's Plaza, East Courtyard, 4280 N. Campbell Avenue, Tucson, October 25, 2015.
23. **Special Event**
Seth G. Jones, American Legion Post No. 109, 15921 S. Houghton Road, Corona, September 12 and 19, 2015.

24. **Special Event**
Brenda J. Goldsmith, El Rio Health Center Foundation, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, October 9, 2015.
25. **Special Event**
Jose M. Alday, Our Lady of Fatima Parish, Our Lady of Fatima Catholic Parish, 1950 W. Irvington Place, Tucson, October 17 and 18, 2015.
26. **Special Event**
Mary C. Reed, TEDx Tucson, St. Philip's Plaza, 4280 N. Campbell Avenue, Tucson, September 23, 2015.
27. **Special Event**
Edward P. Sheffer, St. Thomas the Apostle-SCF, St. Thomas the Apostle, 5150 N. Valley View Road, Tucson, October 24, 2015.
28. **Temporary Extension**
03103000, James C. Counts, Nimbus Brewing Company, 3850 E. 44th Street, No. 138, Tucson, Temporary Extension of Premises for October 24, 2015.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY

Andrew G. Bevington-246-DEM; Mark P. Lamm-181-REP

APPOINTMENT-PRECINCT-PARTY

Andrew G. Bevington-094-DEM; Robert P. Owens-125-DEM; Carol A. Dart-194-REP

FINANCE AND RISK MANAGEMENT

30. **Duplicate Warrants - For Ratification**
Angela C. Poliquin \$675.00; Northern Arizona University \$125.00; Cheryl Zauner \$153.96; Rod Robertson Enterprises, Inc. \$817.50; Toshiba Business Solutions USA \$3,267.00; Casey McGinley \$171.36; Guadalupe G. Alcantara \$200.00; Martin James Mesler \$102.75; Water Tec of Tucson, Inc. \$401.66; Veronica A. Hidalgo \$85.38; Janmaxx, L.L.C. \$5,814.00.

RECORDER

31. **Ratification**
Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of July, 2015.

RATIFY AND/OR APPROVE

32. Minutes: August 11 and 17, 2015

35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:19 p.m.

CHAIR

ATTEST:

CLERK