

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, November 21, 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

Pima County, Pima County Regional Flood Control District and Tucson Electric Power Company, to provide an agreement and right-of-way easement for the relocation of Sunset Road utility line, Regional Flood Control District Fund, contract amount \$641,792.00 (CT-PW-18-121)

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

2. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$5,713.33 for placement of a single family residence located at 2118 East Desert Garden Drive, located within Regulated Riparian Habitat area and classified in two different habitat types: Xeroriparian Class C Habitat and important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

It was moved by Supervisor Valadez, seconded by Supervisor Elías 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 12:56 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, November 21, 2017. Upon roll call, those present and absent were as follows:

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

The invocation was given by Rabbi Robert Eisen, Congregation Anshei Israel.

2. **PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

3. **POINT OF PERSONAL PRIVILEGE**

Supervisor Miller honored all Border Patrol Agents killed in the line of duty and commended the Brian Terry Foundation Scholarship Program.

4. **PAUSE 4 PAWS**

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

PRESENTATION

5. **Career Online High School**

Recognition of Jayme Villarreal, Yvette Moutran, Anthony Jordan and Amanda Textor for being the first graduates of Career Online High School.

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

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to Sergeant Del Rio, Staff Sergeant Relayze and Sergeant Ybarra, United States Marines, and Christina Colchado, Toys for Tots Coordinator, proclaiming the month of December 2017 to be: "TOYS FOR TOTS MONTH"

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

7. Presentation of a proclamation to Tommie Miller, proclaiming the day of Wednesday, December 6, 2017 to be: "TOMMIE MILLER DAY"

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.

8. Presentation of a proclamation to Catalina Laborin, Janette Varela, Andres Yubeta, Priscilla Jaimez, and Janene Varela, El Rio Community Health Center; Michael Goforth, Linda Amparano, Christopher Stead, and Cynthia Estrada, Pima Community Access Program; Judy Rich, President and CEO, Alex Horvath, Vice-President, and Rhonda Bodfield, Director of Communications, Tucson Medical Center; and Richard Wascher, Kim Tham, and Soraya Franco, Pima County Health Department, recognizing community partners for helping enroll many thousands of Pima County residents in the Health Insurance Marketplace Plan of the Affordable Care and Patient Protection Act of 2010. (District 5)

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.

9. **CALL TO THE PUBLIC**

Bill Beard addressed the Board in opposition of the proposed changes to the County's IT policy.

The following speakers addressed the Board regarding protesters at the 2017 Brian Terry Foundation Courage Awards and Benefit Dinner:

- Chris King
- Geri Ottoboni
- Mark Lytle, Arizona Oath Keepers

They offered the following comments:

- Due to the protests, the foundation expended money for security that was money that could have been used to provide scholarships or assistance to children and families of fallen Border Patrol Agents.
- The Board had a duty to protect everyone's freedom of speech.
- Protesting at the airport or along the route would have been effective and would have not costed the non-profit organization additional funds.

The following speakers addressed the Board in support of the proposed Carbon Fee and Dividend Program Resolution:

- Grant Verlin
- Whitney Ruiz
- Lowell Hobson
- Pamela Jay
- Tom Jernigan
- Dr. Claire Herrick, Banner UMC and Citizens' Climate Lobby
- Edward Beshore, Citizens' Climate Lobby
- Jane Conlin
- Dr. Linda Karl, Citizens' Climate Lobby
- Dr. Barbara Warren, Arizona Chapter of Physicians for Social Responsibility
- Mike Carran
- Rob Craig
- Ken Johnson, Citizens' Climate Lobby
- Dr. Ivy Schwartz
- Hyatt Simpson

They offered the following comments:

- A New England Journal of Medicine article indicated that air pollution affects children's IQs and caused lasting damage to their brain and lung development.
- Carbon fees would bring attention to alternative fuels.
- Rising costs are attributed to climate change. They included cost for combating severe wildfires and floods, increased heat, decreased agricultural productivity, unreliability of precipitation and increased electricity costs.
- Within twenty years of instituting a Carbon Fee and Dividend Program, emissions in the United States would be half of what they were in 1990.
- A Carbon Fee and Dividend Program was a simple, fair and efficient way to rectify the problems caused by the use of fossil fuels.
- Revenues received from these fees would be returned to American households.
- Several countries, cities, counties and provinces have already implemented carbon fees.
- The fees were not a tax, but money channeled through government and given back to the people.
- It was recommended that the County work on changes at the local level by encouraging citizens to reduce their carbon footprint.

Keith Van Heyningen spoke regarding government spending and taxes.

Russell Trask recited quotes, past and present, to the Board.

Hyatt Simpson addressed the Board regarding how the Industrial Development Authority contributed to the development of Pima County by supporting charter schools outside of the County and recommended a complete review of the Authority's activities.

Steve Huffman, Tucson Association of Realtors, addressed the Board regarding property and sales taxes, and the Sales Tax Advisory Committee.

10. **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 11:23 a.m.

11. **RECONVENE**

The meeting reconvened at 11:51 a.m. All members were present.

EXECUTIVE SESSION

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible litigation related to the opioid crisis.

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

BOARD OF SUPERVISORS

13. **Carbon Fee and Dividend Program**

RESOLUTION NO. 2017 - 83, of the Board of Supervisors, supporting National Legislation to enact a Carbon Fee and Dividend Program to reduce polluting and climate-changing carbon emissions. (District 5)

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

Supervisor Miller stated that she objected to this item because fees would be returned to households that were unable to afford environmentally friendly measures and other options should be explored.

Supervisor Valadez stated that he supported the Resolution and he encouraged proponents to make realistic connections between the proposed actions and the goals.

Supervisor Christy indicated that he also would not be supporting this Resolution. He expressed concerns regarding overreaching regulations that could put companies out of business and employees out of work. He questioned how violators would be identified and the equitably distribution of revenues. He also stated that the Resolution did nothing to address the important issues facing Pima County.

Supervisor Elías acknowledged that the Resolution was only a first step and was the right first step.

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

14. Private Operation of Correctional Facilities and Detention Centers

RESOLUTION NO. 2017 - 84, of the Board of Supervisors, in opposition to the private operation of correctional facilities and detention centers and to the employment of private corporations for Pima County detention facilities and criminal-justice programs. (District 5)

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

COUNTY ADMINISTRATOR

15. Supplemental Funding for Emerge! Center Against Domestic Abuse

Staff requests a supplemental appropriation from the Board of Supervisors' Contingency Fund to Emerge! Center Against Domestic Abuse in the amount of \$17,500.00 for emergency and permanent repairs to the natural gas utility system serving their housing units.

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

Supervisor Miller asked why the natural gas company was not required to make these repairs.

Chuck Huckelberry, County Administrator, responded that Southwest Gas was responsible for repairing the line up to the meter, and replacing and relocating the meter. Beyond that point they were was not responsible for repairs.

Upon the vote, the motion carried 4-1, Supervisor Miller voted “Nay.”

ELECTIONS

16. Canvass

Pursuant to A.R.S. §16-642(A), canvass of the election results for the November 7, 2017, Consolidated Election.

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

17. Precinct Line Changes

Pursuant to A.R.S. §16-411(A), staff requests approval of the proposed precinct line changes.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

18. Berean Academy Refunding Project

RESOLUTION NO. 2017 - 85, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$15,000,000.00 Education Facility Refunding Revenue Bonds (Berean Academy Refunding Project, 1169 North Colombo Avenue, Sierra Vista, AZ), Series 2017 and declaring an emergency.

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

19. Milestones Charter School Refunding Project

RESOLUTION NO. 2017 - 86, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$15,000,000.00 Education Facility Refunding Revenue Bonds (Milestones Charter School Refunding Project, 4707 East Robert E. Lee Street, Phoenix, AZ), Series 2017 A&B and declaring an emergency.

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

20. **Telesis Preparatory Academy Refunding Project**

RESOLUTION NO. 2017 - 87, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$15,000,000.00 Education Facility Refunding Revenue Bonds (Telesis Preparatory Academy Refunding Project, 2598 Starlite Lane, Lake Havasu City, AZ), Series 2017 and declaring an emergency.

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

PROCUREMENT

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

Contract

Barker Contracting, Inc., to provide for the Pima County Historic Courthouse infrastructure (XOCH02), Capital Projects Non-Bond Fund (Interfund Transfer out of General Fund), contract amount \$850,679.00 (CT-FM-18-103) Facilities Management

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

Supervisor Miller indicated that she would be voting against this item because this was voted down by the voters in the 2015 Bond Election.

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

ASSESSOR

22. **Request for Redemption of Waivers of Exemption**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that the applications for Redemptions of the Waivers of Tax Exemptions for Tax Year 2017 qualify for exemptions under the applicable statutes and requests the Board of Supervisors redeem the waivers.

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

ATTRACTIONS AND TOURISM

23. Pima Air and Space Museum Volunteer Center

Staff recommends approval for construction of a permanent structure to house offices and administrative space for the museum's volunteers, at the full expense of the Arizona Aerospace Foundation.

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

TRANSPORTATION

24. Acceptance of Project/Roadway for Maintenance

P1205-125, Sycamore Canyon Phase IIA, B, C - Phase IIAA Infrastructure, Offsite Improvements for Sycamore Leaf Road, Station 31+41.45 to 44+50 and Canyon Edge Trail, Station 10+00 to 18+00. Developer/Owner: Sycamore Springs, L.L.C., c/o The Remington Group. (District 4)

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

FRANCHISE/LICENSE/PERMIT

25. Hearing - Liquor License

12104542, Mary Jo Claussen, The Olive Bistro, 514 E. Whitehouse Canyon Road, Suite No. 100, Green Valley, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor 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.

26. Hearing - Liquor License

12104543, Filiberto Moran Carreon, Nico's Taco Shop, 15270 W. Ajo Highway, Tucson, Series 12, Restaurant, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor 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.

27. **Hearing - Liquor License**

18103004, Vladimir Vladimirovich Novokshchenov, Town Under Black Distillery, L.L.C., 3810 E. 44th Street, No. 307, Tucson, Series 18, Craft Distillery, New License.

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

28. **Hearing - Liquor License**

04103040, Philip A. Fatato, Bella Luna Beverages, L.L.C., 3601 East 44th Street, Unit No. 106, Tucson, Series 4, Wholesale, New License.

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

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

07103001, Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor 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.

DEVELOPMENT SERVICES

30. **Hearing - Type III Conditional Use Permit Communication Tower**

P17CU00007, Weeks - W. Bopp Road

Request of Eco-Site and T-Mobile (Nancy Smith) representing Jon Weeks, on property located at 7711 W. Bopp Road, in the GR-1 Zone, for a conditional use permit for a communication tower, in accordance with Section 18.07.030H2e 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, Matter and Gungle were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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 tower structure shall not be more than the requested eighty feet (80') and shall be camouflaged as a monopalm.
2. The fronds of the monopalm are permitted to extend to a height of eighty-five feet (85').
3. All associated cabling, etc. necessary to serve the antennae will be placed within the monopalm base.
4. The tower and its associated on-the-ground equipment area shall be located on the property as shown on the submitted Development Plan (DP). The use of chain-link for the security fencing is acceptable.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P17CU00007, subject to standard and special conditions.

31. Hearing - Type II Conditional Use Permit Retail Shop

P17CU00008, Fryar Colby and Dunham-Fryar Rachel - S. Three Wells Court

Request of Colby Fryar on a site at 16115 S. Three Wells Court, in the RH Zone, for a conditional use permit for Retail Shop, in accordance with Section 18.13.030 of the Pima County Zoning Code as a Type II conditional use permit. The Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

Special Conditions

1. This conditional use permit is only for the operation of a display and sales are for personal storage sheds. No other or more intensive commercial uses are approved for the site.
2. The shed display area shall be wholly contained within the existing graded area (former horse-riding ring) and is limited to the northern sixty feet (60') of that graded area; no more than twelve (12) shed models can be displayed at any one time.
3. The graded area shall be treated with an acceptable surface to control dust, e.g. gravel, crushed fines, or other palliative. This is especially stressed for that portion, outside of the actual display area, where there will be customer private-vehicle traffic.
4. The vehicular entry drive into the display area (from Three Wells Court) shall be widened to twenty-four feet (24') and will also be surfaced to control dust in the same manner as the sales/display/vehicular area.
5. The portion of Three Wells Court from Sahuarita Road to the vehicular entry drive (See Special Condition No. 4 above) shall be graded by the owner/applicant to provide a reasonably smooth driving surface. Said grading shall occur prior to any public shed sales and shall subsequently be completed by the owner/applicant once per year thereafter.
6. Hours of operation are limited to daylight hours only; no night-time illumination of the sales area or shed units is allowed.
7. There shall be no alterations to the existing pedestrian path that runs along Sahuarita Road.

8. No formal Development Plan process is required in conjunction with this conditional use permit application. A final site plan, in accordance with the above, shall be submitted to the Chief Zoning Inspector (CZI), who shall review it to determine its sufficiency for permitting purposes and/or to effectuate any modifications necessary to fully comply with all applicable codes. The CZI will coordinate with the Departments of Transportation and the Regional Flood Control District at his discretion.
9. This approval and the attendant use and restrictions as described above are granted only to the present owner/applicant. Any sale or transfer of the property to another party shall terminate this conditional use permit approval.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P17CU00008, subject to standard and special conditions.

32. **Hearing – Rezoning**

P17RZ00004, Michael E and Linda A Arnold Family Tr - N. La Cholla Boulevard Rezoning

Request of Michael E and Linda A Arnold Family TR, represented by The Planning Center, for a rezoning of approximately 6.5 acres from SR (Suburban Ranch) (3.58 acres) and CR-1 (Single Residence) (2.92 acres) to the CR-5 (Multiple Residence) zone, Parcel Codes 225-21-0080, 225-21-0090, and 225-21-0100, located approximately 700 feet north of the intersection of N. La Cholla Boulevard and W. Old Magee Trail on the east side of N. La Cholla Boulevard. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Gungle was absent) to recommend APPROVAL TO THE CR-4 (MIXED DWELLING) ZONE SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Brian Underwood, The Planning Center, outlined the proposed project to the Board.

Gary Dickert voiced concern regarding increased neighborhood traffic and asked that the developer consider shifting the proposed entrance from McCarty Road to La Cholla Boulevard.

Brenda Young objected to this rezoning because of the proposed density, projected increase in traffic and possible effects on property values.

Betsy Sandlin was opposed to using McCarty Road for construction traffic and requested CR-3 zoning.

Johann Demmel addressed the Board regarding the conditions of the roads. He indicated that they were unsafe and did not meet the requirements of the Comprehensive Plan. He suggested that roadway improvements be required as part of the rezoning.

Donna Heidinger, liaison officer for La Cañada Magee Association, reported that neighbors' concerns included density, traffic, ambiance, vegetation removal and the designated equestrian crossing.

Chair Bronson requested staff provide a report which addressed the following issues: McCarty/La Cholla equestrian crossing, traffic patterns, vegetation, stop light request at the entrance to KB Homes and the possibility of approving a CR-3 zoning.

Chris Poirier, Chief Planning Official, explained that a CR-3 product would not be compatible with the underlying Comprehensive Plan designation of Medium Intensity Urban.

Supervisor Miller inquired about open space requirements for the property and using La Cholla Boulevard for ingress/egress access.

Mr. Poirier responded that there was open space associated with infrastructure, roads, dedications, and landscaping, but the property was outside the Conservation Land System where open space was required. He stated that staff recommended using the La Cholla Boulevard for ingress/egress during heavy construction, but once the actual home construction began, using McCarty Road.

Supervisor Miller inquired whether the Department of Transportation (DOT) had any plans to address the traffic concerns.

Mr. Poirier stated that DOT had investigated and proposed several rezoning conditions, including building out and constructing McCarty Road out to Dawn Drive, but there were no plans to install any traffic signals.

Brian Underwood acknowledged construction access concerns and indicated that providing access from La Cholla Boulevard was a viable option. He explained that moving the final ingress/egress to La Cholla Boulevard would affect marketability.

Supervisor Miller directed staff to revisit safety issues regarding the equestrian crossing and signaling.

It was moved by Supervisor Miller, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, to continue this item to the January 16, 2018 meeting, in order to allow neighbors and the developer to work together to create an acceptable solution to the ingress/egress issue.

33. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2017 - 39, P17RZ00002, Michael Jean Fox Living Trust - N. Lason Lane Rezoning. Owner: Michael Jean Fox Living TR. (District 1)

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.

34. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2017 - 88, Co9-07-24, Arber L.L.C. - Twin Lakes Drive Rezoning. Owner: Vistoso Catalina, L.P. (District 1)

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 Resolution.

35. **Hearing - Rezoning Resolution**

RESOLUTION NO. 2017 - 89, Co9-11-08, Andrada Investors L.L.C. - Andrada Road (Alignment) Rezoning. Owner: Andrada Investors, L.L.C., Attn: Robert Tucker (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 adopt the Resolution.

ENVIRONMENTAL QUALITY

36. **Hearing - Solid Waste Fee Schedule**

ORDINANCE NO. 2017 - 40, of the Board of Supervisors, relating to solid waste; repealing the existing fee schedule for Pima County's solid waste facilities and adopting a new fee schedule for Pima County's solid waste facilities effective July 1, 2018.

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

37. **Hearing - Traffic Resolution**

RESOLUTION NO. 2017 - 90, of the Board of Supervisors, permitting the temporary closure of portions of Hawser Street, Golder Ranch Drive, Coronado Forest Drive and Twin Lakes Drive including portions of the adjacent minor streets and driveways within the extent of the event in Pima County, Arizona, for the Tucson Marathon on Saturday, December 9, 2017. Staff recommends APPROVAL. (District 1)

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 Resolution.

38. **Hearing - Traffic Ordinance**

ORDINANCE NO. 2017 - 41, of the Board of Supervisors, relating to traffic and highways; establishing reasonable and prudent speed limits for motor vehicles on Vahalla Road in 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 Valadez and unanimously carried by a 5-0 vote, to close the public hearing and adopt the Ordinance.

39. **Hearing - Subdivision and Development Street Standards Revision**

ORDINANCE NO. 2017 - 42, of the Board of Supervisors, relating to Transportation and Zoning; adopting a revision to the 2016 Subdivision and Development Street Standards Section 4.17 Pavement Design to include additional pavement performance standards. (All Districts)

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.

BOARD OF SUPERVISORS

40. **RICO Funds**

Direction to outside legal counsel (to include but not limited) to review and make recommendations to the Board of Supervisors (BOS) regarding the 10/30/2017 memorandum from County Attorney Barbara LaWall to Chief Deputy County Administrator Jan Leshar addressing information relating to emergency expenditure of anti-racketeering funds and regarding Board Policy C 6.3 addressing the reporting, processing and use of RICO funds and to brief the BOS on its responsibility under A.R.S. §13-2314.03(E).

Outside counsel may, at the direction of the BOS, expand the scope of review to include related issues that, due to a conflict of interest, the County Attorney cannot and should not comment or advise the Board. Discussion/Action. (District 3)

Chair Bronson inquired whether outside counsel had been retained.

Chuck Huckelberry, County Administrator, responded that a proposal was being prepared and would be distributed to the Board upon completion.

It was moved by Chair Bronson and seconded by Supervisor Christy that upon retention of outside counsel, counsel be asked to review County Attorney memorandum dated October 30, 2017, County Administrator's memorandums dated November 13, 2017 and November 20, 2017. No vote was taken at this time.

Mr. Huckelberry indicated that he would provide the attorney with all the memorandums, request a fee estimate for their review and present it to the Board for authorization.

Chair Bronson directed the County Administrator to add an item to the Board's lobbying agenda requesting outside counsel's analysis of RICO reporting, processing and expenditures and also include a list of acceptable uses of RICO funds.

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

41. **Road Repair Plan**

Discussion of a 3-step countywide road repair plan:

1. The repeal of the property tax for road repair;
2. Enactment of a one-half cent Pima County sales tax;
3. Pima County sales tax revenue directed to the Regional Transportation Administration for the development, administration, and execution of the countywide road repair plan. (District 4)

Chair Bronson commented that the County should not rely on State funding for road repairs and that a proposal needed to be created that all five Supervisors could accept.

Supervisor Christy inquired about the \$19.5 million dollars raised from property taxes and how much of that revenue would be required to pay for County overhead costs and administrative fees.

Chuck Huckelberry, County Administrator, responded that the staff required were already employed by the Department of Transportation, and there would be little to no additional administrative, planning or operational costs incurred.

Supervisor Christy inquired whether this would also be applicable if the road repair plan based on a sales tax were implemented.

Mr. Huckelberry confirmed that if a sales tax were implemented, there would also be little to no additional administrative, planning or operational costs incurred.

Supervisor Christy provided an update on the progress of his road repair plan. He indicated that he had made several presentations to organizations in Pima County. He stressed that fixing our roads should be a priority and his goal was to prompt his fellow Supervisors to find ways to fix the roads. He understood that there were concerns that a sales tax would create undue financial hardship on low-income residents especially those that could not afford vehicles, but pay taxes to fix the roads. He stated that his plan would not tax food, medication, or housing. He also indicated that studies have shown that residents that are financially challenged and own vehicles can pay up to \$700.00 annually to maintain and repair their vehicle due to poorly maintained roads. He concluded by saying that a sales tax would be the fairest because everyone would participate equally in fixing the roads.

Supervisor Valadez directed the County Administrator to develop a basic plan and parameters to fix the roads within ten years, while at the same time reducing property taxes, with a target that gets below the 1% threshold and that increased the level of services of public transit for low income individuals. He also requested that it identify roads needing repairs, how it would be accomplished, and estimated times for completion.

Supervisor Elías commented that the proposed plan would shift the tax burden from the more affluent to the less affluent. He questioned the effectiveness of the Regional Transportation Authority (RTA). He also noted that a sales tax would be unpredictable and returns would fluctuate based on the economics of the community. He added that the Board should consider allocating a portion of the sales tax towards other needs in the community such as health and human services.

Supervisor Miller commented that the RTA's audits did not depict stellar performances and that visitors did contribute by paying a gas tax and the RTA county-wide tax. She expressed concerns over discussions that the sales tax revenue be used for more than road repairs. She noted that an alternative option would be for a sales tax proposition to be put on the ballot and decided by the voters.

Supervisor Valadez inquired about the RTA's audit results.

Mr. Huckelberry responded that the Auditor General indicated that the RTA program was fine and exceptional.

Supervisor Valadez inquired whether the Board had any legal authority of placing a half-cent sales tax on the ballot.

Mr. Huckelberry responded that the Board did not have the authority to place a question on the ballot. The Board would have to get state enabling legislation to place the question on the ballot for voters.

Supervisor Valadaz inquired whether it could be done by initiative.

Chair Bronson responded it could not be done by initiative.

Supervisor Miller indicated that she would provide the RTA's audits to all the Board members and inquired whether a half-cent sales tax initiative could be done by the citizens.

Supervisor Valadez clarified that the question had been asked and the Board had no legal authority to place the sales tax on the ballot.

Chair Bronson indicated that there had been some statutory changes in legislation that could be explored.

Supervisor Valadez asked for legal counsel's opinion.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that he would research the procedural requirements and get back to the Board.

Chair Bronson directed the County Attorney to review statutory authorization and procedural requirements for tax initiatives by the Board and by the voters for discussion at the December 12, 2017 Board of Supervisors' Meeting.

COUNTY ADMINISTRATOR

42. Veterans and First Responders Living Memorial in Oro Valley

Staff recommends the Board of Supervisors transfer \$25,000.00 from the FY 2017/18 Proposed Tentative Budget Stabilization Fund Adjustments to Southern Arizona Veterans and First Responders Living Memorial, L.L.C. for the Veterans and First Responders Living Memorial.

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

COUNTY ATTORNEY

43. Discussion/action regarding possible litigation related to the opioid crisis.

(Clerk's Note: The discussion on this matter was held in conjunction with Minute Item No. 12.)

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

CONTRACT AND AWARD

FINANCE AND RISK MANAGEMENT

44. Slutes, Sakrison and Rogers, P.C., Amendment No. 3, to provide legal services related to Hernandez v. Pima County and amend contractual language, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-16-337)

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

PROCUREMENT

45. Award

Amendment of Award: Master Agreement No. MA-PO-17-97, Mobile Maintenance and Towing, L.L.C., for vehicle towing and auction services. This revision increases the annual expense amount by \$154,000.00 from \$464,000.00 to \$618,000.00 for a cumulative not-to-exceed expense amount of \$618,000.00. Funding Source: General Fund. Administering Department: Sheriff.

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

REGIONAL WASTEWATER RECLAMATION

46. Town of Marana, Amendment No. 2, to provide for sewer billing and collection services, extend contract term to 11/30/18, and amend contractual language, RWRD Enterprise Fund, contract amount \$55,000.00 (CT-WW-15-195)

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

BOARD, COMMISSION AND/OR COMMITTEE

47. Pima County Fair Commission

- Reappointment of Marvin Selke. Term expiration: 12/31/21. (County Administrator recommendation)
- Appointment of Ronald E. Allen, to replace Donald E. Clark. Term expiration: 12/31/21. (County Administrator recommendation)

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

CONSENT CALENDAR

48. Approval of the Consent Calendar

Without Board objection, Consent Calendar Item No. 2 was set aside for separate discussion and vote.

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 5, 7, 8 and 9 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

County Attorney

2. Greenberg Traurig, L.L.P., Amendment No. 2, to provide special counsel services and extend contract term to 11/30/18, no cost (CT-FN-16-135)

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

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PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Procurement

5. Borderland Construction Company, Inc., Amendment No. 2, to provide for the Construction Manager At Risk services for Old Nogales Interceptor/Aerospace Corridor/Park Avenue Sewer Augmentation Project (3ASC15) and amend contractual language, RWRD Obligation Fund, contract amount \$13,902,005.26 (CT-WW-16-208) Regional Wastewater Reclamation

It was moved by Chair Bronson, seconded by Supervisor Elías and carried by a 4-1 vote, Supervisor Miller voted “Nay,” to approve the item.

7. **Award**
Amendment of Award: Master Agreement No. MA-PO-13-513, Amendment No. 3, Tucson Recycling & Waste Services, L.L.C., for outsourcing of landfill and transfer station operations. This amendment exercises the five-year renewal option to extend the termination date to 5/31/28, replaces Exhibit A: Scope of Services, Appendix A-1 Leased Landfill and Transfer Station Assets and Exhibit B: Payment Schedule in its entirety, and increases the award amount by \$5,144,920.00 from \$9,999,937.00 to \$15,144,857.00 for a cumulative not-to-exceed contract amount of \$15,144,857.00. Funding Source: General Fund. Administering Department: Environmental Quality.

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

Supervisor Miller questioned why it was necessary to renegotiate this contract when it was not scheduled to expire until 2023 and why there was a 30% cost increase.

Ursula Nelson, Department of Environmental Quality Director, responded that there were significant changes to landfill operations since the initial contract which included closure of the Tangerine landfill and transition of the Sahuarita landfill to a transfer station, and the vendor began assisting with required environmental monitoring and maintenance at the sites. She stated the increased cost was to cover the additional on-going maintenance added to the contract.

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

8. **Award**

Amendment of Award: Master Agreement No. MA-PO-17-208, Amendment No. 1, job order master agreement for paving services. This amendment increases the annual agreement amount by \$1,500,000.00. The increase in capacity will enable the County to complete several anticipated paving projects between now and 4/3/18. Funding Source: Various Funds. Administering Department: Public Works.

Contractors

The Ashton Company, Inc., Contractors and Engineers
Borderland Construction Company, Inc.
Granite Construction Company
Sunland Asphalt & Construction, Inc.
Tucson Asphalt Contractors, Inc.

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

Supervisor Miller indicated that she would be voting against this item because the award included work to the Kino Sports Complex, which was voted down in the 2015 Bond Election.

Chuck Huckelberry, County Administrator, explained that although this award was for repaving existing parking lots, it included only those lots north of Interstate 10, not those to the south.

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

9. Action Direct, L.L.C., d.b.a. Redpoint Contracting, Amendment No. 4, to provide for the Sabino Creek Pump Station Project No. 3SCP06, extend contract term to 12/31/17 and amend contractual language, no cost (CT-WW-16-326) Regional Wastewater Reclamation

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

Supervisor Miller questioned the additional time extensions added to this contract.

Jackson Jenkins, Regional Wastewater Reclamation Department Director, responded that the extensions allowed for contractor rework and performance issues. He confirmed that this was done at no additional cost to the County.

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. Arizona Department of Economic Security, Division of Employment and Rehabilitation Services, to provide a data sharing agreement, WIOA Fund, contract amount \$2,235.00 (CT-CS-18-117)

County Attorney

2. Greenberg Traurig, L.L.P., Amendment No. 2, (PULLED FOR SEPARATE ACTION)

Information Technology

3. Federal Bureau of Investigation, Amendment No. 2, to provide a tower license agreement to install, maintain, operate and remove communication equipment at the communications site located at 600 S. Tumamoc Hill Road and extend contract term to 11/30/22, no cost (CTN-IT-12-369)
4. AMR HoldCo, Inc., to provide a tower license for wireless communications facilities at the Legal Services building at 32 N. Stone Avenue, contract amount \$78,707.09 revenue/5 year term (CTN-IT-18-77)

Procurement

5. Borderland Construction Company, Inc., Amendment No. 2, (PULLED FOR SEPARATE ACTION)
6. AECOM Technical Services, Inc., Amendment No. 1, to provide for the Bopp Road, Sarasota Boulevard at Kinney Road Improvements Project (4KINBO) and amend contractual language, HURF Fund, contract amount \$84,087.00 (CT-TR-17-270) Transportation

7. **Award**
Amendment of Award: Master Agreement No. MA-PO-13-513, Amendment No. 3, (PULLED FOR SEPARATE ACTION)
8. **Award**
Amendment of Award: Master Agreement No. MA-PO-17-208, Amendment No. 1, (PULLED FOR SEPARATE ACTION)
9. Action Direct, L.L.C., d.b.a. Redpoint Contracting, Amendment No. 4, (PULLED FOR SEPARATE ACTION)

Real Property

10. Pima County, Pima County Regional Flood Control District and Tucson Electric Power Company, to provide an agreement and right-of-way easement for the relocation of Sunset Road utility line, Regional Flood Control District Fund, contract amount \$641,792.00 (CT-PW-18-121)

Transportation

11. Riley Mosaics, L.L.C., to provide artist services for Kolb Road, Sabino Canyon Road to Sunrise Drive Project (4KSCSD), HURF Fund, contract amount \$92,000.00 (CT-TR-18-125)

GRANT APPLICATION/ACCEPTANCE

12. **Acceptance - Community Development and Neighborhood Conservation**
Arizona Department of Housing, Amendment Nos. 1 and 2, to provide for the Weatherization Assistance Program, U.S. Health and Human Services, Low Income Home Energy Assistance Program Fund, \$41,153.00 (GTAM 18-20)
13. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 5, to provide for the Healthy People Healthy Communities Program, Center of Disease Control Preventative Health and Health Services Block Grant Fund, \$87,153.00 (GTAM 18-21)
14. **Acceptance - Health**
Arizona Alliance for Community Health Centers, to provide for the Affordable Care Act Navigator Grant, U.S. Department of Health and Human Services Centers for Medicare and Medicaid Fund, \$6,183.00 (GTAW 18-35)
15. **Acceptance - Health**
Arizona Companion Animal Spay/Neuter Committee, to provide Community Cat Sterilization Surgeries, \$5,000.00 (GTAW 18-36)

BOARD, COMMISSION AND/OR COMMITTEE

16. Metropolitan Education Commission

Appointment of Kendra Davey, At-Large Commission Appointee, to fill a vacancy created by Beth Matthias-Loghry. Term expiration: 2/19/19. (Commission recommendation)

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

17. Special Event

- Debra Lynn Goshco Wagner, Boys & Girls Clubs of Tucson, Wildflower Restaurant/Verve Salon, 7037 and 7025 N. Oracle Road, Tucson, November 19, 2017.
- Ruth Ann Dormanen, Catalina Crusaders, 16024 N. Oracle Road, Tucson, December 2, 2017.

ELECTIONS

18. Precinct Committeemen

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

RESIGNATIONS-PRECINCT-PARTY

Timothy Adam Ragan-018-DEM; Rebecca S. Loporto-081-REP

APPOINTMENTS-PRECINCT-PARTY

Timothy Adam Ragan-044-DEM; Ann Louise Guido-067-DEM; Carol S. Weinstein-088-DEM; Barbara G. Berne-145-DEM; Barbara S. Hutchinson-170-DEM; Tom P. Romeo-044-REP; Daniel E. Duffey-100-REP; Joe N. Pierson-126-REP; Bobby J. Wilson-147-REP; Joshua A. Drawdy-154-REP; Maria L. Young-156-REP; Christopher L. Brosky-220-REP; Norma O. Corella-229-REP

RATIFY AND/OR APPROVE

19. Minutes: October 17, 2017

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49. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:56 p.m.

CHAIR

ATTEST:

CLERK

DRAFT