

## **FLOOD CONTROL DISTRICT BOARD MINUTES**

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 1, 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

### **1. RATIFICATION OF EXISTING POLICIES AND PROCEDURES**

Staff recommends Pima County and the Regional Flood Control District adopt existing policies and procedures as presented.

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

### **2. CONTRACT**

St. Demetrios Greek Orthodox Church, Inc., to provide an acquisition agreement for the Floodprone Land Acquisition Project, Tax Parcel Nos. 108-26-016A, 108-26-015B and 108-26-015D, Flood Control Tax Levy Fund, contract amount \$931,000.00 including closing costs (CT-PW-16-148)

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

Supervisor Miller questioned the difference between the appraisal conducted on behalf of the church in the amount of \$650,000.00; Pima County's appraisal in the amount of \$850,000.00; and the purchase price for the property.

Chuck Huckelberry, County Administrator, stated that the County standardly conducted appraisals for acquisitions and that the County did not know the terms, conditions or reasons for the appraisal conducted by the church. He added the County appraisal amount had been rejected by the owner and the purchase price had been negotiated for \$925,000.00.

Supervisor Miller stated she had not received a copy of the detailed appraisal from the County and did not believe the County should overpay for the property. She then made a substitute motion to continue the item to the Board of Supervisors' Meeting of December 15, 2015, to get a reconciliation between the appraised values. The motion died for a lack of a second.

Supervisor Elías questioned the dates of the appraisals and stated that it was not unusual for the negotiated purchase price to be above the appraisal.

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

3. **PURCHASE/SALE OF REAL PROPERTY**

RESOLUTION NO. 2015 - FC3, of the Pima County Flood Control District Board of Directors, authorizing the purchase of certain real property from the State of Arizona for flood control purposes as part of the Pantano Wash Phase 3 Project in the amount of \$22,000.00, Tax Parcel No. 110-16-2200.

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 9:56 a.m.

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CHAIR

ATTEST:

\_\_\_\_\_  
CLERK

## BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, December 1, 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

### 1. **INVOCATION**

The invocation was given by Pastor Jenny McBride, Open Heavens Fellowship.

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

All present joined in the Pledge of Allegiance.

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

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

### **PRESENTATION/PROCLAMATION**

### 4. Presentation of a proclamation to Joe Camarillo, Arizona Sonora Western Heritage Foundation, proclaiming December 5, 2015 to be: "BOB SHELTON 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.

### 5. **CALL TO THE PUBLIC**

Christopher Cole, Libertarian Party, addressed the Board on the budget process, overspending and property taxes.

Paul Parisi, 4Tucson, invited the Board to attend the annual 4Tucson Reception and Blessing for Elected Officials and First Responders on January 22, 2016.

Judi Busche urged the Board to take action regarding homeless issues in the Pima Wash and the practice of individuals soliciting funds on street corners.

Cristie Street, Nextrio, addressed the Board regarding the challenges of attracting individuals to the County and the importance of the recruitment and retention of a qualified workforce.

Gary Knox spoke regarding high taxes and their negative impact on the County's ability to attract businesses to the area.

Gerri Ottoboni addressed the Board regarding property taxes and spending.

Richard Hernandez spoke regarding concerns and expectations for the new year.

Brian Bickel addressed the Board regarding the differences between the homeless in need of assistance and criminals who would move on if the financial incentives were removed.

Dennis Currie spoke regarding Star Valley and impact fees.

## **COUNTY ADMINISTRATOR**

### **6. Ratification of Existing Policies and Procedures**

Staff recommends Pima County and the Regional Flood Control District adopt existing policies and procedures as presented.

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

## **ASSESSOR**

### **7. Request for Redemption of Waiver of Exemption**

Pursuant to A.R.S. §42-11153(B), the Pima County Assessor has determined that the application for Redemption of the Waiver of Tax Exemption for Tax Year 2015 qualifies for exemption under the applicable statutes and requests the Board of Supervisors redeem the waiver.

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

## **FRANCHISE/LICENSE/PERMIT**

### **8. Hearing - Liquor License**

12104395, Andrea Dahlman Lewkowitz, Starbucks Coffee No. 5509, 639 W. Ina Road, Casa Adobes, Series 12, Restaurant, New License.

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

### **9. Hearing - Liquor License**

07100040, Johnny Alfred Gourley, Long Horn Grill, 28851 S. Nogales Highway, Amado, Series 7, Beer and Wine Bar, Person Transfer.

John Gourley, applicant, addressed the Board regarding the Sheriff's Report.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing, approve the license subject to the Sheriff's Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

## **COUNTY ADMINISTRATOR**

### **10. Hearing - Repeal of Bond Implementation Plan Ordinance No. 2015-37**

ORDINANCE NO. 2015 - 47, of the Board of Supervisors, repealing the Bond Implementation Plan Ordinance No. 2015-37, for the 2015 Bond Election.

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

## **DEVELOPMENT SERVICES**

### **11. Hearing - Rezoning**

#### **P15RZ00002, JEWELL REVOC TR - N. HIDDEN VALLEY ROAD**

Request of Jewell Revoc TR, represented by MJM Consulting, Inc. (Michael Marks), for a rezoning of approximately 3.9 acres from the SR (Suburban Ranch) / BZ (Buffer Overlay) zone to the CR-1 (Single Residence) / BZ (Buffer Overlay) zone, on property located south of E. Ocotillo Drive, approximately 3/4 miles east of Sabino Canyon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan (Pima Prospers) which designates the property for Low Intensity Urban -1.2 (LIU-1.2) and Resource Transition (RT). On motion, the Planning and Zoning Commission

voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL WITH CONDITIONS. Staff recommends APPROVAL WITH 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. Environmental Planning conditions:  
The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System conservation guidelines by providing a minimum of 2.81 acres as perpetual Natural Open Space (NOS), as shown on the Sketch Plan, to be conserved by a separately recorded legal instrument that is approved by the Pima County Planning Director or his/her designee. Said instrument shall grant Pima County the right to enter onto the designated NOS property, as the need arises, to inspect said property to determine compliance with the 'natural open space' status. Said instrument shall be recorded prior to the adoption of the final rezoning ordinance.
7. Cultural Resources condition:  
In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws A.R.S. §41-865 and A.R.S. §41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
8. Adherence to the Sketch Plan as approved at public hearing.
9. 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)."
10. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P15RZ00002, with conditions.

12. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 48, Co9-15-03, Dado (A.K.A. Escarzaga) - W. Yedra Road Rezoning. Owner: Joel Dado (District 3)

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

**TRANSPORTATION**

13. **Hearing - Deannexation of Public Right-of-Way**

- A. Public hearing to determine whether to order the return of deannexed public right-of-way to Pima County.
- B. RESOLUTION NO. 2015 - 89, of the Board of Supervisors, ordering that public right-of-way deannexed from the City of Tucson, Arizona be returned to Pima County. (District 4)

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

**REAL PROPERTY**

14. **Purchase/Sale of Real Property**

- A. RESOLUTION NO. 2015 - 90, of the Pima County Board of Supervisors, authorizing sale of land held by State under a Treasurer's Deed to the Pima County Regional Flood Control District in the amount of \$22,000.00 revenue, Tax Parcel No. 110-16-2200.
- B. Quit Claim Deed from Pima County, as authorized agent, for its interest arising from Treasurer's Deed issued by the Pima County Treasurer recorded in Sequence No. 20152600311, to the Pima County Regional Flood Control District. (District 4)

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to adopt the Resolution and approve the Quit Claim Deed.

## CONTRACT AND AWARD

### INFORMATION TECHNOLOGY

15. New Cingular Wireless PCS, L.L.C., d.b.a. AT&T Wireless, Amendment No. 3, to provide a right-of-entry license agreement for 130 West Congress, Level A and extend contract term to 7/21/21, no cost (CT-IT-14-18)

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

### PROCUREMENT

16. **Award**

Award of Contract: Master Agreement No. MA-PO-16-102, to IBM Corporation (Headquarters: San Diego, CA) for computer hardware, peripherals and associated services in a not-to-exceed award amount of \$2,400,000.00. The contract's initial term expires 3/31/17 and includes three (3) one year renewal options in annual not-to-exceed award amounts of \$1,800,000.00. Funding Source: Internal Service Fund. Administering Department: Information Technology.

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

17. **Award**

Award of Contract: Purchase Order No. PO-FS-16-64, to RWC Group, d.b.a. RWC International (Headquarters: Phoenix, AZ) for five (5) new water trucks. Contract is a one time award in the amount of \$796,359.50. Funding Source: Internal Service Fund. Administering Department: Fleet Services.

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

18. TruePoint Solutions, L.L.C., Amendment No. 1, to provide consultation services for Land and Permit Management System and amend scope of services, Capital Improvement Project Fund, contract amount \$150,000.00 (MA-PO-15-108) Information Technology

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

19. **Award**

Award of Contract: Purchase Order No. PO-WW-16-46, to Super Products, L.L.C. (Headquarters: New Berlin, WI) for two (2) new combination ~~water~~ **sewer** trucks. Contract is a one time award in the amount of \$677,342.00. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

**GRANT APPLICATION/ACCEPTANCE**

20. **Acceptance - Health**

Tohono O’odham Nation, to provide Theresa Lee Public Health Center waiting room enhancements, \$14,989.26 (GTAW 16-38)

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

21. **Acceptance - Health**

Tohono O’odham Nation, to provide training and equipment for the School Resource Officer Unit, \$61,923.00 (GTAW 16-42)

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

**CONSENT CALENDAR**

22. **Approval of the Consent Calendar**

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

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**CONTRACT AND AWARD**

**Community Services, Employment and Training**

1. LeadLocal, L.L.C., Amendment No. 1, to provide for the Youth Career Connect Program, extend contract term to 12/31/16 and amend scope of work, USDOL Fund, contract amount \$10,000.00 (CT-CS-15-245)
2. Tucson Youth Development, Inc., to provide a Program Support Specialist for workforce development services at the One Stop Program, USDOL and ADES Funds, contract amount \$44,000.00 (CT-CS-16-128)

3. Tucson Urban League Incorporated, to provide a Program Support Specialist for workforce development services at the One Stop Program, USDOL and ADES Funds, contract amount \$42,261.00 (CT-CS-16-131)
4. Goodwill Industries of Southern Arizona, Inc., to provide Youth Case Management One Stop Staff, USDOL, ADES and General (\$24,773.43) Funds, contract amount \$69,026.00 (CT-CS-16-132)

#### **Office of Medical Services**

5. Santa Cruz County and Santa Cruz County Superior Court, to provide restoration to competency services, contract amount \$30,000.00 revenue per detainee, increasing to \$39,000.00 per detainee in 2017 (CTN-OMS-16-57)

#### **Procurement**

6. Westland Resources, Inc., to provide for the Old Nogales Interceptor/Aerospace Corridor/Park Avenue Sewer Augmentation Design Project, RWRD Obligation Fund, contract amount not to exceed \$3,127,251.00 (CT-WW-16-117) Regional Wastewater Reclamation

#### **GRANT APPLICATION/ACCEPTANCE**

7. **Acceptance - Health**  
Arizona Early Childhood Development and Health Board (First Things First), Amendment No. 1, to provide for the First Things First - Child Care Health Consultation Program, \$13,140.00 (GTAM 16-28)
8. **Acceptance - Health**  
Public Health Institute, to provide for the Public Health Institute Grant to study Heat Related Illness, \$30,000.00 (GTAW 16-36)
9. **Acceptance - Health**  
Arizona Association of Community Health Centers, d.b.a. Arizona Alliance of Community Health Centers, to provide for the Navigator Grant, U.S. Department of Health and Human Services Fund, \$25,000.00 (GTAW 16-37)

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

10. **Public Safety Personnel Retirement Board**  
Appointment of Nicky Copelin, to fill a vacancy created by Patrick McGhee. Term expiration: 12/31/19. (Commission recommendation)
11. **Cooperative Extension Board**  
Appointment of Cheryl Bakari, to replace Pat Irons. Term expiration: 11/30/17. (Commission recommendation)

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

**12. Special Event**

Ruth Ann Dormanen, Catalina Crusaders, Players Pub, 16024 N. Oracle Road, Tucson, December 5, 2015.

**13. Temporary Extension**

07100326, David A. Zugerman, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, Temporary Extension of Premises for December 18 and 19, 2015.

**14. Temporary Extension**

12104129, Grant Darien Krueger, Union Public House, 4340 N. Campbell Avenue, Tucson, Temporary Extension of Premises for December 5, 2015.

**ELECTIONS**

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

APPOINTMENT-PRECINCT-PARTY

Preston M. Rhoads-031-REP; Kelly J. Lawton-131-REP

**FINANCE AND RISK MANAGEMENT**

**16. Duplicate Warrants - For Ratification**

Desert Hyundai, Inc. \$5.63; Maguette M. Ndiaye \$187.00; Adam Leslie Oettinger \$308.50; Airgas, Inc. \$1,971.84; Teksystems \$9,660.00; Levi D. Bagus \$156.00; John L. Faris \$75.00; Keith Lerone Dozier \$46.68; Barney Rael \$650.00; Metro Water District \$126.54; Cosmo Anderson \$87.00; BSN Sports, Inc. \$590.30.

## REGIONAL WASTEWATER RECLAMATION

### 17. Public Announcements

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case(s) will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 2955 W. Calle Agua Nueva, Tucson, Arizona 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreements:

- A. El Molinito, Inc., Case No. C2015-D-004. The proposed settlement of a \$1,000.00 penalty and \$477.29 for Pima County's remediation costs, as well as the acquisition of an Industrial Wastewater Discharge Permit and the attendance of Pollution Prevention School is in accordance with the Industrial Wastewater Enforcement Response Plan.
- B. Happy Rooster, L.L.C., Case No. C2015-R-005. The proposed settlement of a \$500.00 penalty for failing to provide a quarterly self-monitoring report is in accordance with the Industrial Wastewater Enforcement Response Plan.

### RATIFY AND/OR APPROVE

18. Warrants: October, 2015

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### 23. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 9:56 a.m.

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CHAIR

ATTEST:

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CLERK