

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 6, 2018. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman
Ramón Valadez, Vice Chair
Sharon Bronson, 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
Eric Thompson, Sergeant at Arms

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$3,573.33 for placement of horse stables on property located at 13750 N. Bowman Road, located within regulated riparian habitat and classified as important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

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

2. CONTRACT

Karen Jost, to provide for the Floodprone Land Acquisition Program/Agreement to Donate Real Property (Acq-0807) and Special Warranty Deed, located in Section 36, T12S, R10E, G&SRM, Tax Parcel No. 208-32-018E, Flood Control Capital Project Non-Bond Fund, contract amount \$2,500.00 for closing costs (CT-PW-19-224)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:15 a.m.

CHAIRMAN

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, November 6, 2018. Upon roll call, those present and absent were as follows:

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Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
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1. INVOCATION

The invocation was offered by Reverend David Pavesic, Beautiful Savior Lutheran Church.

2. POINT OF PERSONAL PRIVILEGE

Chairman Elías recognized Veteran's Day by honoring those individuals that served their Country.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Piper Frithsen, Administrator; Lynette Jaramillo, Chief Executive Officer and Co-Founder; Agnes Poore, Chief Clinical Officer and Co-Founder; Meredith Ford, Communications Manager; and Carol Clark, Governmental Affairs Liaison, Casa de la Luz Hospice, proclaiming the month of November 2018 to be: "NATIONAL HOSPICE AND PALLIATIVE CARE MONTH"

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

6. Presentation of a proclamation to Sergeant Civlianna Del Rio, Toys for Tots Coordinator, proclaiming the month of December 2018 to be: "TOYS FOR TOTS COLLECTION MONTH"

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

7. Presentation of a proclamation to Nick Janton, Tucson Firefighters Association; Lee Itule-Klasen, Andrea Garcia and Melvin McGowan, Pima County Health Department, proclaiming the month of November 2018 to be: "BLACKOUT TOBACCO IN PIMA COUNTY MONTH"

It was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Christy not present for the vote, to approve the item. Supervisor Bronson made the presentation.

8. Presentation of a proclamation to Ken Goodman, Chairman, Pima County Small Business Commission, proclaiming the day of Saturday, November 24, 2018 to be: "SMALL BUSINESS SATURDAY IN PIMA COUNTY"

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

9. Presentation of a proclamation to David Bradley, Chief Development Officer, La Frontera Arizona, proclaiming the day of Tuesday, November 6, 2018 to be: "LA FRONTERA ARIZONA'S 50TH ANNIVERSARY DAY"

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

10. **CALL TO THE PUBLIC**

Arlene Benavidez, Executive Director, Metropolitan Education Commission, addressed the Board in support of the State Funding resolution for Public Education and the need for unity centered on students.

Wendell Long spoke to the Board regarding supporting the Just Fix Our Roads Proposition 463, the mid-term elections and thanked the Board for their service.

Keith Van Heyningen addressed the Board in support of Blackout Tobacco and his opposition to Proposition 463.

Geri Ottoboni addressed the Board regarding climate change, Proposition 463, County spending and road repair.

Christopher Cole, Member, Veteran of Foreign Wars, urged everyone to vote knowledgably, and thanked the Chairman for recognizing Veteran's Day.

Paul Parisi, 4Tucson, addressed the Board regarding 4Tucson's funding of education and criminal justice reform. He invited the Board to attend 4Tucson's Breakfast Blessing Reception for elected officials and first responders and thanked Chairman Elías for recognizing Veteran's Day.

The following speakers addressed the Board regarding Golden Pin Lanes:

- Chris Dreher
- Hansen Fotherby
- Sandra Wong

They offered the following comments:

- Consequences of purchasing the property had not been discussed.
- The center should continue to operate as a bowling center.
- Concerns regarding the potential for increased traffic and accidents in the area.
- The availability of alternative sites that could be used by the county.
- The Board and public were invited to attend the Special Olympics at Golden Pin Lanes and the Board was encouraged to extend the current lease agreement in order to continue supporting the event.
- Other options should be discussed, such as building a new facility.

The following speakers addressed the Board in support of the resolution regarding the road abandonment within Tucson Country Club Estates:

- Hank Nelson
- Kim Acorn, Chairman, Tucson Country Club Estates Streets Committee

They offered the following comments:

- The County Administration's assistance made this process possible.
- Approximately 80 percent of the neighborhood approved the abandonment.
- Appreciation was expressed to the Board for their consideration.

11. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Valadez and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:04 a.m.

12. **RECONVENE**

The meeting reconvened at 10:21 a.m. All members were present.

EXECUTIVE SESSION

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in *Pima County v. Issa and Henrietta Hallaq, et al.*, Pima County Superior Court Case No. C20175953.

Andrew Flagg, Chief Civil Deputy County Attorney, explained was an imminent domain case to acquire right-of-way for La Cholla Boulevard improvements. He indicated that the terms of the proposed settlement were for a just compensation payment of \$248,469.00 by Pima County, the defendants agreed to waive their rights to statutory interest and each side would bear their own Attorney's fees. He stated the County Attorney's Office and the County Administrator recommended approval of the proposed settlement.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to accept the County Attorney and County Administrator's recommendation.

14. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential legal action addressing the time frame and process for filing a petition for redemption of waiver under A.R.S. §42-11153(B).

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the County Attorney's Office sought direction on whether to pursue litigation as discussed in Executive Session.

It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to pursue litigation as discussed in Executive Session.

ATTRACTIONS AND TOURISM

15. **Fair Horse Racing Meet 2019**

Staff recommends approval of up to six days of County Fair Racing at Rillito Race Track in 2019. The Pima County Fair Horse Racing Commission has requested Saturday, February 9, Sunday, February 10, Saturday, February 16 and Saturday, February 23, 2019 be approved subject to final approval by the Arizona Department of Racing.

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

REAL PROPERTY

16. **Abandonment by Sale**

RESOLUTION NO. 2018 - 72, of the Board of Supervisors, for the Abandonment by Sale of all public roads within Country Club Estates No. 1, Country Club Estates No. 2, Country Club Estates No. 3, Sunset North (The "Subdivisions") and a portion of Camino Principal as Pima County Road Abandonment No. A-0016. (District 4)

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

17. Abandonment by Vacation

RESOLUTION NO. 2018 - 73, of the Board of Supervisors, for the vacation of portions of Grantham Street and Redford Drive, a planned development roadway as Pima County Road Abandonment No. A-0031 within Section 23, T17S, R15E, G&SRM, Pima County, Arizona. (District 3 & 4)

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

18. Abandonment by Vacation

RESOLUTION NO. 2018 - 74, of the Board of Supervisors, for the vacation of Wilma Dell Road, a planned development roadway as Pima County Road Abandonment No. A-0027, and release of platted easements within Section 29, T13S, R13E, G&SRM, Pima County, Arizona. (District 3)

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

19. Surplus Property

Staff requests approval to sell surplus property consisting of a single family residence containing a main house and guest house on 3.31 acres of land located at 3401 W. Anklam Road, Tax Parcel No. 116-09-011A, by auction to the highest bidder. (District 5)

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

Supervisor Miller inquired about the appraised value being reduced \$25,000.00 to cover the cost of demolition and why taxpayers were being expected to cover that cost. She also asked why a portion of the property was being sold.

Chuck Huckelberry, County Administrator, responded that this request was for permission to sell the property and to establish a minimum value based on the property's appraisal. He indicated that the property's value was based on its location. He stated that the residence was last occupied in 2010 and for that reason the demolition cost was being subtracted from the appraised value. He stated that the remainder of the property was for conservations. He added that the property would be scheduled for public auction and was expected to sell at a much higher price.

Supervisor Miller indicated that the property should go to public auction.

Mr. Huckelberry confirmed that it would be going to public auction.

Neil Konigsberg, Real Property Manager, stated that this was a request for consent to hold a public auction and sell the property. He indicated that several individuals had expressed interest in purchasing the property and a large number of bids were expected. He added that the appraisal value of the property, \$69,000.00, took into account the condition of the residence and the land value and the best use of the property. He stated that the appraiser chose to subtract the demolition cost in order to arrive at strictly a land value appraisal. He indicated that the property would sell for more than its appraised value.

Supervisor Miller asked when the public auction would be held.

Mr. Konigsberg responded that the auction would not be held until next year. He indicated that the sale of the property would have to be noticed and published pursuant to statute. He stated that individuals would also be provided the opportunity to look at the conditions and improvements to the property.

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

TRANSPORTATION

20. Acceptance of Project/Roadway for Maintenance

P17SC00047, Pantano Road and Valencia Road Offsite Improvements to serve the Southwest Gas Corporation, Southern Arizona Reliability Project - Pantano Road: Station 0+00 to 1+00 and Valencia Road Tapers (eastbound and westbound lanes): Station 1+80.76 to 13+80 +/- . Developer: Southwest Gas Corporation. (District 4)

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

21. Acceptance of Project/Roadway for Maintenance

P17SC00010, Rancho del Lago, Block D, Phase 1, Lots: 112-182 and Common Areas "A", "B" and "C". Developer: Vail Valley Joint Venture. (District 4)

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

22. Acceptance of Project/Roadway for Maintenance

P17SC00018, Rancho del Lago, Block D, Phase 2A, Lots: 1-21 and 81-111 and Common Areas "A" and "C". Developer: KB Home Tucson, Inc. (District 4)

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

FRANCHISE/LICENSE/PERMIT

23. Hearing - Liquor License

Job No. 31482, Brandon John Kenney, Roadrunner Coffee Co., 9665 N. Thornydale Road, Suite No. 110, Tucson, Series 12, Restaurant, New License.

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

24. Hearing - Liquor License

Job No. 27462, Lisa Jane Ocker, Ren Coffeehouse, 4300 N. Campbell Avenue, No. 124, Tucson, Series 12, Restaurant, New License.

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

25. Hearing - Fireworks Permit

David Stout, Westin La Paloma Resort, 3660 E. Sunrise Drive, Tucson, November 9, 2018 at 8:00 p.m.

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

DEVELOPMENT SERVICES

26. Hearing - Zoning Code Text Amendment

P18TA00002, INFILL OVERLAY ZONE

An Ordinance of the Pima County Board of Supervisors relating to zoning establishing Chapter 18.68 (Infill Overlay Zone); amending the related Chapters 18.05 (Zones) and 18.101 (Administrators) to add the Infill Overlay Zone; establishing Section 18.68.010 (Purpose) to state the purpose of the Infill Overlay Zone; establishing Section 18.68.020 (Applicability) to add how the Infill Overlay Zone applies to property; establishing Section 18.68.030 (Designation) to specify the criteria and process for designating a new Infill Overlay Zone; and establishing Section 18.68.040 (Kleindale/Dodge Infill Overlay Zone) to identify the Kleindale/Dodge Infill Overlay Zone Map and Development Standards. On motion,

the Planning and Zoning Commission voted 8-0 (Commissioners Gungl and Hook were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2018 - 31

Dean Cotlow addressed the Board in support of the ordinance and complimented the staff for working with the neighborhood and communicating the change. He stated that this would enhance the existing residential properties by bringing more money, more value, and more jobs to the area.

It was moved by Supervisor Bronson and seconded by Chairman Elías to close the public hearing and adopt the Ordinance. No vote was taken at this time.

Supervisor Miller inquired whether maps for the various infill areas were available. She sought assurance that residents were noticed in the various areas where Infill Overlay Zone applied. She also questioned if there was a definition for the qualified Infill Overlay Zones.

Chris Poirier, Deputy Director, Development Services, explained that there were four areas that had been identified through Pima Prospects and that this area was selected first because of its existing infrastructure and location. He indicated that the other areas identified were Flowing Wells, Benson High Way and Ajo.

Supervisor Miller asked about the waived drainage requirements.

Mr. Poirier responded that the area did not have a significant mapped floodplain. He indicated that if there were further development mapping required, the Development Services Department would work with the Flood Control District so that the developer could bypass the hydrology study based on a predetermined elevation that would still be acceptable by the Flood Control District.

Supervisor Miller inquired whether these were mixed used properties, that included residential and commercial.

Mr. Poirier confirmed that it allowed for mixed uses.

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

27. Hearing - Rezoning Ordinance

ORDINANCE NO. 2018 - 32, P17RZ00011, Tucson Mountain Ranch, L.L.C. - W. Valencia Road No. 2 Rezoning. Owners: Tucson Mountain Ranch, L.L.C. (District 3)

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

TRANSPORTATION

28. Hearing - Traffic Resolution

RESOLUTION NO. 2018 - 75, of the Board of Supervisors, permitting the temporary closure of portions of various roadways in Pima County, Arizona, for the El Tour de Tucson event on Saturday, November 17, 2018. Staff recommends APPROVAL. (All Districts)

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

BOARD OF SUPERVISORS

29. State Funding for Public Education

RESOLUTION NO. 2018 - 76, of the Board of Supervisors, calling for increased state funding for public education, from pre-kindergarten through ~~high school~~ **post-secondary** levels. (District 5)

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

Supervisor Christy commented that everyone was in favor of transforming the educational system to meet the needs of the communities. He questioned the real effect this resolution would have on the state education system and whether it would end up like other Board resolutions that have had zero or limited effect on various issues. He expressed concern regarding the language contained in the resolution and provided explanations. He highlighted the following bullet points: No. 1: "Avoiding any further diversion of revenue from Arizona public schools." He indicated that this would be problematic if vouchers were to be discontinued; No. 4: "Returning overall funding support for kindergarten through high school levels that existed prior to 2008." He stated that the funding for the student population then versus the student population today, were not the same today, and the same amount of funding should not apply; No. 9: "Passing legislation in 2019 to provide for greater accountability and oversight for charter schools." He indicated that the glaring issue was leaving out the oversight and accountability for public schools. He stated that charter schools should not be the isolated problem and the resolution did not address the issue for public schools; No. 10: "Restoring funding for Pima and Maricopa Community College systems to at least the levels that existed before the funding was eliminated." He stated that Pima Community College, through the leadership of Chancellor Lee Lambert, had made remarkable changes with reduced funding that was extremely beneficial in creating jobs and job training. He indicated that another example was Vail School District, under the leadership of Superintendent Calvin Baker. He stated that the Vail School District, which was

rated in the top tier of public education systems in the state, had dealt with funding cutbacks and continued to maintain excellent standards and results. He added that both entities learned to be creative and innovative with less money and that adversity sparked new solutions. He stated that he could not support this resolution.

Chairman Elías commented that the Metropolitan Education Commission had brought this item to the District 5 Office and requested that it be presented to the Board. He indicated that schools operating with less money were not performing effectively and there was accountability for public schools. He stated that having less money for education was not acceptable and Arizona was ranked 49th out of 50, which was an embarrassment. He added that the community college had less offerings for students to educate themselves. He stated that education needed to be discussed in order to make the population smarter, and draining funds for public education needed to stop because the schools, teachers and students suffered tremendously.

Supervisor Miller commented that she was divided on the issue because she was concerned about public education and was pro-voucher. She stated that many children did not have access to charter schools and there needed to be more accountability for charter schools. She indicated that if the voucher language was omitted she could support the resolution. She added that funding for education needed to be examined thoroughly by the State Legislature and more advocacy for public schools was needed. She stated that because of the school voucher language she would not support this resolution.

Chairman Elías called the question.

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

CONTRACT AND AWARD

PIMA ANIMAL CARE CENTER

30. The Duffield Family Foundation, d.b.a. Maddie's Fund, to provide for a Donor Recognition Agreement, no cost/20 year term (CTN-PAC-19-57)

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

31. PetSmart Charities, Inc., to provide for a Donor Recognition Agreement, no cost/20 year term (CTN-PAC-19-59)

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

GRANT APPLICATION/ACCEPTANCE

32. Acceptance - Health

Arizona Department of Health Services, Amendment No. 5, to provide for the Public Health Emergency Preparedness Program, \$433,963.00 (GTAM 19-16)

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

33. Acceptance - Sheriff

Customs and Border Protection, U.S. Border Patrol, to provide a Memorandum of Understanding for the reimbursement of joint operations expenses from the Treasury Forfeiture Fund, \$300,000.00 (GTAW 19-32)

It was moved by Supervisor Christy and seconded by Supervisor Miller to approve the item.

Supervisor Bronson made a substitute motion to approve the grant and that the Board communicate to the congressional delegation that the grant was not a prudent fiscal policy for local and federal governments and that the congressional delegation be requested to convert the grant into full-time positions instead of paying for overtime. Chairman Elías seconded the motion.

Chairman Elías commented that the Memorandum of Understanding (MOU) was for the reimbursement of monies that had already been spent by the County. He also added that the Board needed to review the grants because the grants did not reimburse the full cost of expenses incurred by the County and that paying overtime costs for staff time should be discontinued and the grant should support full time positions.

Supervisor Miller asked whether this would apply to future grants.

Supervisor Bronson responded that it would apply to future grants.

Supervisor Valadez inquired whether this was for overtime pay.

David Theel, Captain, Pima County Sheriff's Department, responded that it was for overtime pay for multi-jurisdiction operations with the Border Patrol and other agencies. He added that it was for dismantling and disrupting criminal activities related to narcotics trafficking.

Supervisor Valadez asked if these reimbursements were for completed operations.

Captain Theel responded that not all operations were completed and that the grant allocation would not be exceeded.

Chairman Elías shared his frustration with the lack of information provided by the Sheriff's Department on the activities being conducted. He indicated that the Board could be trusted to receive the reports and activity logs.

Supervisor Christy inquired whether this information would be presented to the Community Law Enforcement and Partnership Commission (CLEPC).

Chairman Elías stated that this was a MOU for reimbursement of joint operations and was not necessarily a grant. He indicated that the motion made by Supervisor Bronson was important because it would allow the CLEPC to understand the broad use of these types of funds and the types of services. He added the mission of the CLEPC could evolve over time to be more inclusive and eventually become a law enforcement review panel.

Supervisor Christy sought clarification on whether this would allow the Sheriff's Department to request repayment for expenses incurred while participating in joint missions with Border Patrol.

Chairman Elías commented that was his assumption, but was not entirely certain because no data had been provided by the Sheriff's Department.

Captain Theel indicated that the Sheriff's Department, after completion of the criminal investigation, could provide the Board with synopsis of the investigation. He added that open investigation would be closely held.

Chairman Elías indicated that his office had requested the information, but their request was denied.

Supervisor Bronson asked that the Board be provided information after completion of the investigation. She asked that detailed information be provided regarding the type of investigation, the number of joint operations envisioned by the task forces and the number of personnel assigned to the grant.

Supervisor Christy asked if this was for reimbursement of expenses incurred by the Sheriff's Department.

Chairman Elías responded that it was for joint operations with the U.S. Border Patrol and was being reimbursed by the United States Treasury Forfeiture Fund.

Supervisor Christy asked whether the Sheriff's Department had previously submitted a request for reimbursement for the same purpose and whether it had been approved by the Board.

Supervisor Bronson affirmed that the Sheriff's Department had submitted previous requests. She asked that the County Administrator explain the establishment of the Grants Office and how their approach changed.

Chuck Huckelberry, County Administrator, explained the grant process was transferred and internalized for auditing purposes. He stated that previously grants were independently operated through the department, but were now being co-managed by the Grants Management and Innovations Department. He indicated that the department was in its infancy and that it would require additional time to get it fully operational. He stated that this item was for services that had already been provided and for services that would be provided. He stated that it would be more appropriate for the Board to receive information of operations that have been concluded, but the information would require translation of law enforcement language for clarification. He indicated that it was his recommendation that the grant be approved along with the Board's motion to communication with the congressional delegation regarding the grant being appropriated for hiring full-time employees as opposed to paying for overtime. He added that the Board needed transparency with regards to the grant's expenditures after the conclusion of an investigation.

Supervisor Christy questioned the caveats of the substitute motion and whether the Board would return the grant if the charges were not justifiable.

Chairman Elías stated the Board had no intentions of proceeding in that manner.

Supervisor Christy inquired about the motion's interest.

Supervisor Bronson stated the motion was to ensure accountability, acceptance of the grant, receive information on the effectiveness of the program and to be fiscally responsible. She also indicated that the motion included that discussions take place with the congressional delegation asking that the allocations be converted to supporting full-time positions and sought full reimbursement of all costs incurred. She stated this was to ensure fiscal accountability and fiscal policy, and the grant should not burden the County taxpayers by having to add additional monies into the budget that would affect the property tax rate.

Supervisor Christy asked if the Board would be accepting the grant.

Supervisor Bronson responded that it was for the current year.

Supervisor Christy asked if the Board would receive a detailed report about what the grant was used for.

Chairman Elías stated that the Board had accepted the grant. He added that the issue was regarding the MOU and the addition of financial accountability.

Supervisor Christy asked whether these issues would be reviewed by the CLEPC.

Chairman Elías stated that in the future it would be reviewed by the CLEPC.

Supervisor Bronson asked whether Supervisor Christy wanted to amend the motion to include review by the CLEPC. She indicated she accepted the amendment.

Supervisor Christy moved to include that amendment.

Chairman Elías seconded the amended motion.

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

CONSENT CALENDAR

34. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 7, 9 and 14 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Procurement

7. Award

Amendment of Award: Master Agreement No. MA-PO-15-223, Arizona Glove and Safety, for industrial safety and personal safety supplies. This revision increases the annual award amount by \$150,000.00 from \$300,000.00 to \$450,000.00 for a cumulative not-to-exceed contract amount of \$1,311,497.00. This increase is necessary due to higher usage than anticipated. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

Supervisor Miller asked why this was done under a master agreement if it was being awarded to one individual.

Mary Jo Furphy, Director, Procurement Department, responded that the title master agreements was used for as-required contracts and the majority of master agreements were awarded to one contractor.

Supervisor Miller asked why the vendor was awarded the contract if they had been non-responsive in 2015.

Ms. Furphy stated that she did not have the 2015 Notice of Award information available and could not respond.

Supervisor Miller indicated that the information was included in the background material and could provide a copy to Ms. Furphy for her review.

Ms. Furphy responded that in 2015, Arizona Glove and Safety had submitted two packages. She indicated that the company received the Notice of Recommendation for Award for the first bid package and was awarded the bid by the Procurement Department. She added that the second package submitted by Arizona Glove and Safety was deemed non-responsive because it did not include all bid items.

Supervisor Miller inquired whether it was typical for contractors to submit multiple bids.

Ms. Furphy responded that it was not typical, but it was allowed. She stated that Arizona Glove and Safety proposed different brand names and different pricing.

Supervisor Miller commented that it was an unfair advantage, and asked whether other companies received the same advantage of submitting two proposals.

Ms. Furphy stated that they were all allowed to submit a sealed package.

Supervisor Miller asked whether they could submit multiple bid packages.

Ms. Furphy confirmed that they were allowed to submit multiple packages.

Supervisor Miller asked whether they were notified of that.

Ms. Furphy responded that there was no custom notification within the solicitation, but if anyone inquired or it was discussed at pre-bid, it was allowed.

Supervisor Miller commented that she was concerned that this company had initially received the bid and that she would have recommended it be rebid because the company had an unfair advantage by submitting two bids. She stated she could not support the item.

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

9. **Award**

Amendment of Award: Multiple Master Agreements, Insight Public Sector, Inc. and World Wide Technology, Inc., for network equipment and services. This revision is for a one time increase in the amount of \$2,240,000.00, split between MA-PO-15-224 in the amount of \$1,120,000.00 for a cumulative

contract amount of \$3,849,217.50, and MA-PO-15-226 in the amount of \$1,120,000.00 for a cumulative contract amount of \$3,962,217.50 for a combined total of \$7,811,435.00. This increase is required for the replacement of aging hardware on a life cycle replacement schedule. Funding Source: General (70%) and Non Bond Capital (30%) Funds. Administering Department: Information Technology.

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

Supervisor Miller questioned the significant increase, and asked whether it had to do with leasing versus buying.

Tom Burke, Deputy County Administrator, responded that previously the equipment had been leased and now it was being purchased. He added that there could also be yearly increases.

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

Real Property

14. Ronald M. Lanning and Joyce L. Lanning, to provide for a Sales Agreement and Special Warranty Deed for the sale of surplus property located at Section 18, T13S, R11E, G&SRM, Tax Parcel No. 213-27-0040, contract amount \$42,480.00 revenue (CTN-PW-19-52)

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

Supervisor Miller stated that on June 6, 2018, the Board approved the sale of the property for 90 percent of the appraised value of \$64,000.00. She asked why the price was reduced and why it was not presented to the Board for approval.

Neil Konigsberg, Real Property Manager, responded that the property was being sold at 90 percent of the appraised value. He stated that the original appraisal was completed in January 2017, and at that time there was little interest in the property because it did not have a residence. He indicated that the property was permitted and a carport was built which was then converted into a garage, but the property could not be used for residential use because it required obtaining variances. He added that they went back to the appraiser for an updated appraisal and the property was reappraised on August 2, 2018, for \$47,200.00. He stated that they have had difficulty selling the property.

Supervisor Miller asked why the cost was being reduced in order to cover the cost of relocating the electrical meter.

Mr. Konigsberg responded that the price was reduced because the electrical meter needed to be relocated.

Supervisor Miller inquired why taxpayers were bearing that cost for the purchaser.

Mr. Konigsberg replied that it affected the value of the property. He indicated that the County could perform the work and lower the price or sell it at a lower the price and let the purchaser perform the work.

Supervisor Miller asked what the appraised value was on August 2, 2018.

Mr. Konigsberg responded the appraised value was \$47,200.00.

Supervisor Miller commented that relocating an electrical meter should not impact the appraised value. She stated that the rationale was all over the map and depended on whether the County was the buyer or the seller.

Mr. Konigsberg indicated that the work needed to be performed and the appraiser had been notified, so that was factored into the appraised value.

Supervisor Miller commented that the County Assessor appraised the property at \$114,247.00, which seemed far off. She stated that the appraisals were then adjusted because the property couldn't be sold and now it was being reduced further because the electrical panel needed to be relocated.

Mr. Konigsberg stated that he was unaware of the appraised value and added that the County appraiser performed a mass value approach. He indicated that the Assessor did not go out and value an individual property the way an appraiser did. He commented that the Assessor did not take into account factors specific to a particular property and that had a dramatic effect upon the value of the property. He added that the Assessor would have treated it as a residence and would have come up with a different value.

Chuck Huckelberry, County Administrator, reminded the Board that this property was forfeited to Pima County and would go to the highest bidder. He indicated that the property was in the flood zone and the Assessor did not account for that zone designation, which prohibited residential use. He added that Trico required that the meter be relocated to allow for power to the facility. He added that if it was the Board's desire not to pay for the electrical meter relocation, the buyer would be notified, and the buyer could then walk away, and the property would go back out for bid or auction.

Supervisor Miller commented that people all over the County lived in floodplains and the Assessor did not devalue properties or lower property taxes for that reason. She added there was a disparity, and it should be sold for 90 percent of fair market value. She added that reducing it further was not appropriate and she would not support this item.

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

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CONTRACT AND AWARD

Community Services, Employment and Training

1. Tucson Youth Development, Inc., to provide for youth-workforce development services, General Fund, contract amount \$159,628.18 (CT-CS-19-221)

County Attorney

2. Assistance Dogs of the West, to provide for the Courthouse Dogs Program, Anti-Racketeering Fund, contract amount \$27,800.00 (CT-PCA-19-245)

Facilities Management

3. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for a lease at 3950 S. Country Club Road, Suite No. 330, extend contract term to 1/14/24 and amend contractual language, contract amount \$1,597,038.20 revenue (CTN-FM-14-25)

Information Technology

4. Dakota Internet Partners, Inc., d.b.a. DAKOTACOM.NET, to provide for a Tower and Rooftop License Agreement at 33 N. Stone Avenue, for Wireless Communications Facilities, contract amount \$95,118.36 revenue/5 year term (CTN-IT-19-55)
5. Arizona Supreme Court, Administrative Office of the Courts, to provide for a Rooftop License Agreement at 150 W. Congress Street, for Wireless Communications Facilities, no cost/5 year term (CTN-IT-19-49)

Office of Emergency Management and Homeland Security

6. Southern Arizona Rescue Association, to provide for provision of equipment supplies and training for search and rescue operations, General Fund, contract amount \$79,682.00 (CT-OEM-19-227)

Procurement

7. **Award**
Amendment of Award: Master Agreement No. MA-PO-15-223, Arizona Glove and Safety, (PULLED FOR SEPARATE ACTION)

8. **Award**
Award: Master Agreement No. MA-PO-19-62, Arizona Style Construction, L.L.C. (Headquarters: Tucson, AZ) and Alaskan Quality Services, Inc. (Headquarters: Tempe, AZ) for HVAC equipment and services for residential homes. This Master Agreement is for an initial term of one (1) year in the shared annual award amount of \$330,000.00 (including sales tax) and includes four (4) one-year renewal options. Primary award is to Arizona Style Construction, L.L.C. and secondary award is to Alaskan Quality Services, Inc. Funding Source: ADOH Weatherization Assistance Program (est. \$200,000.00), Pima County Community Action Agency (est. \$100,000.00) and CDBG (est. \$30,000.00) Funds. Administering Department: Community Development and Neighborhood Conservation.
9. **Award**
Amendment of Award: Multiple Master Agreements, Insight Public Sector, Inc. and World Wide Technology, Inc., (PULLED FOR SEPARATE ACTION)
10. **Award**
Amendment of Award: Master Agreement No. MA-PO-19-67, ZyLAB North America, L.L.C. (Headquarters: McLean, VA), for eDiscovery software. This amendment of award cancels the original award from the highest scoring proposal, Exterro, Inc. under MA-PO-18-304, and awards to the second highest scoring proposal, ZyLAB North America, L.L.C., under MA-PO-19-67 for the reasons stated in the attached memorandum. The initial term of this award is for one (1) year with four (4) one year renewal options in the not-to-exceed award amount of \$1,037,533.09, which consists of an initial expenditure amount of \$491,180.00 (including sales tax), and subsequent annual expenses in the not-to-exceed amount of \$146,000.00 for years 2 through 5. Funding Source: ITD Internal Service Fund. Administering Department: Information Technology.
11. Borderland Construction Company, Inc., to provide Construction Manager at Risk Services for Connection of the Fairgrounds WRF to the Conveyance System (3FGS17) Project, RWRD Obligations Fund, contract amount \$121,481.86/3 year term (CT-PW-19-217) Public Works
12. Environmental Systems Research Institute, Inc. ("ESRI"), Amendment No. 2, to provide for the ESRI Geographic Information Systems Software ELA Project, amend contractual language and scope of products/services, General Fund, contract amount \$249,000.00 (MA-PO-17-125) Information Technology

Real Property

13. New Cingular Wireless, PCS, L.L.C., Amendment No. 5, to provide for a Restated and Amended Nonexclusive Right-of-Way Use License for wireless communications facilities, extend contract term to 9/23/20 and amend contractual language, contract amount \$17,550.73 revenue (CTN-IT-15-3)
14. Ronald M. Lanning and Joyce L. Lanning, (PULLED FOR SEPARATE ACTION)

Regional Wastewater Reclamation

15. Sonoran Institute, Amendment No. 2, to provide for the Living River Project Activities-Santa Cruz River Project, extend contract term to 10/31/19, amend contractual language and scope of services, RWRD Operating Fund, contract amount \$33,000.00 (CT-WW-17-143)

GRANT APPLICATION/ACCEPTANCE

16. **Acceptance - County Attorney**
Arizona Criminal Justice Commission, Amendment No. 1, to provide for the Drug, Gang and Violent Crime Control Grant Agreement, no cost (GTAM 19-15)

BOARD, COMMISSION AND/OR COMMITTEE

17. **Pima County/Tucson Women's Commission**
Ratification of reappointments: Allison Dumka, Alma Hernandez, MaryAnn Phininzy and Brandi Smith. Term expirations: 10/14/22. (Commission recommendations)
18. **Tucson-Pima County Bicycle Advisory Committee**
 - Appointment of Sarah Jansen, to fill a vacancy created by Raphael Duarte. Term expiration: 11/5/20. (Commission recommendation)
 - Reappointment of Kenny E. Shelor. Term expiration: 2/28/20. (Commission recommendation)
 - Reappointment of Elaine Mariolle. Term expiration: 10/31/20. (Commission recommendation)
19. **Small Business Commission**
Appointment of Jennifer Zimmerman, to fill a vacancy created by Marion Hook. No term expiration. (District 3)
20. **Metropolitan Education Commission**
Appointment of Steve Holmes, representing School Superintendents, to replace Alan Storm, Ph.D. Term expiration: 8/13/19. (Commission recommendation)

21. **Election Integrity Commission**
Reappointment of Bill Beard. Term expiration: 11/17/20. (District 1)
22. **Community Law Enforcement Partnership Commission**
Appointment of Joe Cameron. Term expiration: 12/31/20. (District 1)
23. **Arizona Municipal Property Corporation**
Reappointments of Stanley Lehman, John H. Payne, Diane Quihuis, Kenneth M. Silverman and Frank Y. Valenzuela. Term expirations: 11/19/19. (Corporation recommendations)

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

24. **Special Event**
- Alec Jeffrey Fowler, The Brooksee Foundation, Intersection of Melpomene Way/Prospect Lane, Tucson, November 3, 2018.
 - Eric Alegria, Why Ajo Lukeville Health District, Curley School Auditorium, 201 W. Esperanza Avenue, Ajo, October 19 and 20, 2018.
 - Clayton Robert Joyce, Pima Canyon Estates HOA, Pima Canyon Estates Community, Intersection of Desert Garden Drive/Pima Canyon Drive, Tucson, November 11, 2018.
 - Terry Henley, Why Ajo Lukeville Health District, Ajo Rec Hall, No. 10 Plaza Street, Ajo, December 24, 2018.
 - Stacy Lynn Pincus, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, October 27, 2018.
 - Michael Thomas Hellon, Pima County Parklands Foundation, Canoa Ranch, 5375 S. I-19 Frontage Road, Green Valley, October 20, 2018.
 - Nicola Anne Muscat, Youth on their Own, Fleming's Prime Steakhouse and Wine Bar, 6360 N. Campbell Avenue, Tucson, November 4, 2018.
 - Jill Marie Conway, Boys and Girls Clubs of Tucson, North Italia Restaurant, 2995 E. Skyline Drive, Tucson, November 18, 2018.
25. **Temporary Extension**
06100216, Gregory L. Wexler, Putney's Pit Stop, L.L.C., 6090 N. Oracle Road, Tucson, November 3 and 4, 2018.

ELECTIONS

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

RESIGNATION-PRECINCT-PARTY
Bill Beard-032-REP

APPOINTMENT-PRECINCT-PARTY

Paul D. Jackson-005-REP; Delmas E. Dawley-176-REP; Marlene C. Leeper-187-REP; Doral "Joni" J. Sullwood-205-REP

FINANCE AND RISK MANAGEMENT

27. **Duplicate Warrants - For Ratification**

Verbatim Reporting \$795.00; Guild Mortgage Company \$539.78; Jessica Beltran \$105.00; Hye Tech Network & Security Solutions, L.L.C. \$8,620.00; Villas at Roger Road \$639.00.

TREASURER

28. **Certificate of Removal and Abatement - Certificate of Clearance**

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$60,940.62.

RATIFY AND/OR APPROVE

29. Minutes: October 2, 2018
Warrants: October, 2018

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35. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:15 a.m.

CHAIRMAN

ATTEST:

CLERK