

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, October 17, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair
*Rex Scott, Vice Chair
**Dr. Matt Heinz, Member
Sharon Bronson, Member
Steve Christy, Member

Also Present: Jan Leshar, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
John Stuckey, Sergeant at Arms

*Supervisor Scott participated remotely.

**Supervisor Heinz joined the meeting at 9:43 a.m. and left the meeting at 1:41 p.m.

1. **Contract**

Carden of Tucson, Inc., to provide a ground lease agreement for Tax Parcel No. 101-14-311A, total contract amount \$1,000.00 revenue/10 year term (\$100.00 per year) (CTN-RPS-24-48)

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

2. **Contract**

Stantec Consulting Services, Inc., Amendment No. 2, to provide for Brawley Wash Watershed Plan and amend contractual language, U.S. Department of Agriculture Grant and Flood Control Tax Levy Fund, contract amount \$230,957.91 (CT-FC-21-290)

It was moved by Chair Grijalva and seconded by Supervisor Bronson to approve Minutes Item Nos. 1, 2 and 3. No vote was taken at this time.

Supervisor Christy stated that this contract was for a consulting service that was derived for the Brawley Wash Watershed Plan to amend the contractual language and increase the contract amount. He questioned why they needed to increase funds. He explained that a letter from the consulting company that was attached to the contract was redacted, which he assumed would explain the need for an increase and stated that he did not feel comfortable voting on something with redaction to the background materials. He asked what the appropriate avenue would be to address this issue.

Jan Leshar, County Administrator, explained that some contracts contained proprietary information that needed to be redacted and that there might be a possibility that the redacted information on this contract could be shared with the Board members.

Chair Grijalva suggested the unredacted contract could be provided through legal counsel so that it could remain confidential and asked if that could be done.

Ms. Leshar questioned if the Board wished to continue the item so that an unredacted copy could be provided.

Supervisor Christy stated he would like the item continued until the Board received the unredacted content. He questioned if Chair Grijalva's suggestion was in the form of a motion.

Chair Grijalva withdrew her original motion to approve Minute Item Nos. 1, 2 and 3.

It was then moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to send the unredacted material to the Board through legal counsel so that it could remain confidential and to continue the item to the Board of Supervisors' Meeting of November 7, 2023.

3. **Surplus Property**

Staff requests approval to sell surplus property consisting of a portion of Tax Parcel No. 226-28-0230, which consists of .666 acres of vacant land, by auction to the highest bidder. (District 3)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:44 p.m.

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, October 17, 2023. Upon roll call, those present and absent were as follows:

Present: Adelita S. Grijalva, Chair
*Rex Scott, Vice Chair
**Dr. Matt Heinz, Member
Sharon Bronson, Member
Steve Christy, Member

Also Present: Jan Leshar, County Administrator
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
John Stuckey, Sergeant at Arms

*Supervisor Scott participated remotely.

**Supervisor Heinz joined the meeting at 9:43 a.m. and left the meeting at 1:41 p.m.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgement Statement was delivered by Cecilia Valdez, Communications Workers of America, Local 7026.

3. MOMENT OF SILENCE

Jan Leshar, County Administrator, requested a moment of silence for the passing of Lisa Josker, former Director of the Pima County's Facilities Management. A moment of silence was observed in her memory.

4. POINT OF PERSONAL PRIVILEGE

Supervisor Christy asked for parliamentary procedure during discussion of Minute Item No. 61.

Supervisor Scott commented that his remote participation was due to his attendance at the Annual Legislative Summit held by the University of Arizona, in Washington D.C.

5. PAUSE 4 PAWS

The Pima County Animal Care Center showcased animals available for adoption.

6. **PRESENTATION**

Recognition of the “We A.R.E. Gems” Quarterly Recipients

Pursuant to Administrative Procedure 23-5, Employee Recognition Program, the following employees have been selected for the quarterly "We A.R.E. Gems" recognition:

- Megan Murray, Sheriff's Department
- Dani Rexach, Sheriff's Department
- Danny Partida, Clerk of the Board
- Shih-Fen Doan, Assessor's Office
- El Comparan-Granberry, Health Department
- Jane Devereaux, Library
- Manny Garcia, Natural Resources, Parks & Recreation
- Carol Brichta, Department of Transportation
- Nick Jordan, Development Services
- Cassandra Greer, Communications

Jan Leshar, County Administrator, presented the awards to the recipients. No Board action was taken.

7. **PRESENTATION/PROCLAMATION**

Presentation of a proclamation to Heath Vescovi-Chiordi, Director, and Kelle Maslyn, Administrative Services Manager, Economic Development, proclaiming the day of Friday, October 6, 2023 to be: "NATIONAL MANUFACTURING DAY"

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

8. **CALL TO THE PUBLIC**

Dru Heaton addressed the Board regarding Libertarians wanting peace within communities without using force. She read a quote from General Smedley Butler about war and propaganda and read a quote from C.S. Lewis.

Mary DeCamp spoke about division between people and how they naturally wanted to feel safe. She explained that climate change was caused by the U.S. Military and resources and energy should be reallocated to uplift humanity. She also thanked nurses for caring for human beings.

Laurie Moore spoke about the Islamic men trained to fly planes that resulted in the September 11, 2001, terrorists' attacks. She expressed concerns about Arizona's open borders and funding allocated to illegal immigrants.

Shirley Requard addressed the Board regarding Operation Northwood and how tactics were used to frame the Cuban government. She stated that the U.S. Government and CIA created the issues in Israel as a reason to go to war.

Sharon Fickes expressed concerns with illegal immigrant men crossing through the southern borders and potentially being terrorists.

Carol Lindsey stated that she believed everyone should come to the U.S. legally and that the funding for illegal immigrants should be used to repair the roads.

Sharon Greene stated that open borders presented a terrorist threat and border policies needed to be changed to secure the County and the Country.

Susan Taraba expressed concerns about open borders and the threat of allowing illegal immigrants into the Country. She asked if Board members were aware of how the funding for illegal immigrants was being spent.

Robert Reus spoke about his petitions to run for District 1 Supervisor and to add his Jeffersonian Party on the 2024 ballot. He stated that he had not voted for anyone on his City ballot and had voted against the Tucson Unified School District proposition because he did not trust them with half a billion dollars.

Steve Wilcox spoke about the September 19th Resist the Hate proclamation and noticed that those that were presented with the proclamation had not stood during the Pledge of Allegiance, but were asking for the government to use their power to silence those they did not agree with. He also stated that if the Southern borders were to disappear then the Tohono O'odham Nation would be overrun.

Roger Score spoke about free speech and indicated that the events that happened in Israel would occur in America and the Democrat Party was working with China.

Tim Laux expressed concerns with the approval of the Theelios contract and with data migration services.

Dr. David Buechel expressed his contempt for antisemitism and stated that Hamas was a terrorist group that made it their plan to kill the Israeli people. He explained that no other religion except for Islam could be practiced in Gaza, Egypt, Syria and Middle Eastern countries.

Malinda Sherwin stated that Catholic Community Services (CCS) was trafficking children and women through the Southern borders. She spoke about a young girl scalded by the person that CCS had placed her with and spoke about a pregnant woman that gave birth and was drugged without her knowledge. She explained that no help was given in either of those situations.

Peter Norquest inquired about the resolutions that were for a war that did not pertain to the Board of Supervisors. He explained that the Israeli government forced their people to get vaccines to enter establishments.

The following speakers addressed the Board in support of Minute Item No. 61, Support of Standing with Israel Resolution:

- Cory Stephens
- Iris Sapovits
- Charles Mars
- Dave Smith
- Raf Polo

They offered the following comments:

- The Israel Defense Forces had every right and obligation to protect the people of Israel from the terrorists' attacks from Hamas.
- Jewish persecution went back 5,000 years and Jewish people had been murdered on the streets of Israel for 75 years.
- Peace would only happen with the elimination of Jihad forces and groups.
- Hamas was a terrorist organization that committed heinous crimes against the Israelis and Palestinians.
- Supervisor Christy's Resolution presented a righteous demand to support Israel.
- Removing prayer from schools caused unethical adults that hated America and led to them joining forces with Hamas who was antisemitic.

The following speakers addressed the Board in opposition of Minute Item No. 61, Support of Standing with Israel Resolution:

- Sarah Roberts
- Vic Meadow
- Mohyeddin Abdulaziz
- Ila Abernathy
- Nick Nova
- Betts Putnam-Hidalgo
- Micah Gefen
- Molly Block
- Isabel Garcia

They offered the following comments:

- There were Human Rights violations towards Palestinian people and the substitute Resolution for Peace in the Middle East should be supported in order to stop ethnic cleansing.
- Jewish traditions taught that all life was sacred and standing with Israel was not standing for life, but standing for a regime that had killed over 3,000 Palestinians.
- The war on Palestinians had been going on for decades causing displacements, massacres, and persistent and systemic oppression for the Palestinians.
- A quote from Bishop Desmond Tutu was read about respecting human beings and the attacks from Hamas did not make all Palestinians terrorists.
- Israeli forces had terrorized Palestinian people for over 70 years resulting in destruction of their sacred land and forcing them to flee.
- A song was sang about war on Palestinian people and 42-50% of those killed were Palestinians.
- Condemn Hamas for their crimes, but also condemn Israeli forces for their attacks against the Palestinian people.

- Supervisor Heinz's Resolution protected Israelis and Palestinians.
- 75 years of oppression on the Palestinians could not be erased, but media only showed the killings of the Israelis and not the Palestinians.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chair Grijalva, second by Supervisor Bronson and unanimously carried by a 5-0, to convene to Executive Session at 10:56 a.m.

10. **RECONVENE**

The meeting reconvened at 11:06 a.m. All members were present.

11. **EXECUTIVE SESSION**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County v. Vail School District No. 20, under Case No. C20222976, in Pima County Superior Court.

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

COUNTY ADMINISTRATOR

12. The Board of Supervisors on October 3, 2023, continued the following:

Review and Approval of Process for Appointment of Interim Vail Town Council if Voters Approve Incorporation

If voters approve incorporation of the community of Vail into a Town at the November 7, 2023 election, the Board of Supervisors will be required to appoint an interim seven-member town council at the same time the Board approves the canvass and declares the Town incorporated. Staff recommends the Board prepare for this possibility by following the process used by the Clerk of the Board to fill other elected vacancies, and as outlined in the County Administrator's Memorandum attached. This would include a solicitation of applications. The Clerk of the Board, with assistance from the Recorder's Office, would review applications to ensure applicants meet the qualifications to serve on a town council. The Clerk of the Board would transmit applications for qualified applicants to the Board of Supervisors prior to the November 21, 2023, Board meeting, which is the anticipated meeting for canvassing the election.

Jan Leshar, County Administrator, explained that this was the same information that had been previously submitted, but included adjusted dates and times. She reminded the Board that should the Vail Initiative pass, the Board would be asked to approve and canvass the election, declare the community formed and appoint a seven-member interim town council at the Board of Supervisors' Meeting of

November 21, 2023. She added that it was a statutory requirement, and a process needed to be established by which individuals could apply, request that the League of Women Voters of Greater Tucson conduct a public forum and that a list of qualified candidates be brought back to the Board for consideration.

Chair Grijalva commented that she wanted to direct the public to the second page of the attached County Administrator's memorandum dated October 13, 2023, Process and Schedule. She stated the Board would consider direction to proceed on this day according to the process and schedule, if approved. She stated that on November 7th, the voters would consider Incorporation of the proposed town boundaries of Vail. She stated that if the item passed, by November 8th or as soon as the election results were available, and the determination of the Incorporation was decided; the postings would begin on the County's website and information would be distributed in press releases and social media and the Clerk of the Board would add the applicant names to the website as they were received. She added that November 13th would be the deadline to submit applications and read the dates aloud due to the short turnaround time. She stated that on November 14th, the Clerk of the Board would send the applicant's information to the Recorder to verify proof of residency and voter registration. She further stated that on November 16th, the Clerk of the Board would then send the letters of interest and resumes of all qualified applicants to the Board members for their review. She indicated that on November 16th or 17th, the League of Women voters would conduct forum(s) with qualified applicants, and on November 21st, the Board would canvass the election and if voters approved the Incorporation, the Board would also approve a resolution declaring the community incorporated and appoint an interim seven-member town council. She added that if the voters did not approve the Vail Incorporation, then the Board would take no additional action.

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

CLERK OF THE BOARD

13. Silverbell Irrigation and Drainage District Annual Election Cancellation

Discussion/action regarding a request, pursuant to A.R.S. §16-410(A), to cancel the annual election of the Board of Directors of the Silverbell Irrigation and Drainage District and appoint James T. Connor, Beth A. Householder and Jonathan W. Householder as Members of the Board of Directors of the Silverbell Irrigation and Drainage District, to serve a three-year term, effective January 1, 2024.

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

14. Flowing Wells Irrigation District Annual Election Cancellation

Discussion/action regarding a request, pursuant to A.R.S. §16-410(A), to cancel the annual election of the Board of Directors of the Flowing Wells Irrigation District and

appoint Mark Dickerson as a Member of the Board of Directors of the Flowing Wells Irrigation District, to serve a three-year term, effective January 1, 2024.

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

DEVELOPMENT SERVICES

15. Final Plat With Assurances

P23FP00006, Las Campanas, Block C Phase V, Lots 201-240 and Common Area "B". (District 4)

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

16. Final Plat With Assurances

P23FP00007, Saguaro Haven, Lots 1-143 and Common Area "A" and "B". (District 5)

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

ENVIRONMENTAL QUALITY

17. Air Quality Hearing Board Manual of Procedures

The Air Quality Hearing Board requests approval of the revised Air Quality Hearing Board Manual of Procedures.

It was moved by Chair Grijalva and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Chair Grijalva requested that an Executive Summary be attached to the front of the manual since there were 28 pages of legalese language within the document. She stated it would help people understand what they would be reading when they looked at it.

Supervisor Christy stated that along with Chair Grijalva's request for an Executive Summary it would constitute his reasoning for continuing the item. He stated that the background materials indicated the last Air Quality Hearing Board Manual of Procedures was written in 1979 and was in need of an update, but the Board did not have a redlined version for comparison, was unaware of the changes made and what the issues or problems were in the prior version.

A substitute motion was made by Supervisor Christy to continue the item until the Board received the Executive Summary, the redlined version of the document that

showed the proposed changes and the comparison from the 1979 version, and why the changes were important. He questioned who would work on this.

Jan Leshar, County Administrator, responded that she would work on it and ensure staff followed Supervisor Christy's direction.

Supervisor Christy stated that he did not want to rush or add any strain to anyone.

Ms. Leshar stated that there was a volunteer group working on the manual. She asked if the item could be brought back to the November 7, 2023 Board Meeting.

Chair Grijalva stated that she was willing to move forward with the item, but thought it would be nice to have an explanation of what the manual would be.

Supervisor Bronson seconded the substitute motion.

Ms. Leshar commented that if the Board had any specific questions about the item, they could be provided to her, and she would ensure the answers would be provided to the Board.

Chair Grijalva asked if Ms. Leshar had received Supervisor Christy's request before the meeting.

Ms. Leshar replied in the negative.

Chair Grijalva stated that their five volunteer members, and one being a licensed attorney, had gone through this process and presented it to stakeholders. She stated that if they had known the questions beforehand, they could have provided that information. She reiterated she would vote in support of the item and request an Executive Summary. She added that it would be helpful if Board members would let staff know what was needed prior to the meeting in order to reduce the number of continued items.

Chair Grijalva restated that the substitute motion was to continue the item and for it to be brought back with a redlined version and Executive Summary to the Board of Supervisors' Meeting of November 7, 2023. Upon the vote, the substitute motion unanimously carried 5-0.

FINANCE AND RISK MANAGEMENT

18. Monthly Financial Update

Discussion/Direction/Action regarding a monthly financial update on the County's financial performance.

Ellen Moulton, Director, Finance and Risk Management, stated that a County Administrator memorandum dated October 5, 2023, had been provided to the Board that discussed the August financial forecast, which was period two of the fiscal year.

She explained that fiscal year 2023 ended on June 30, 2023, and the department moved forward with closing that fiscal year with the anticipation of audited financials in late November or early December. She explained that the County currently had an \$8 million positive impact on its fund balance instead of the \$4 million that was previously reported to the Board in August and the County would end the year in the positive. She stated that period two of the current fiscal year identified several departments that would be overbudget by the end of the fiscal year. She explained that each of the forecasts provided to the Board showed the future perspective of where the County and its departments expected to be by June 2024, and would continue to change as facts changed. She stated that the largest issue the County faced was with the Sheriff's Department. She explained that as of period two they anticipated being \$7.8 million overbudget. She explained that the Finance Department had several meetings with the Sheriff's Department's finance group to work on a remediation plan to decrease that number. She added that the Sheriff's Department provided their period three forecast the prior day which showed positive impact due to their previous conversations. She stated that they reduced what they thought their overages would be from \$7.8 million to \$6.1 million. She added that the biggest area of concern at the Sheriff's Department was overtime, and the prior year had a \$9.7 million expense and the current year's expense for overtime, as of period three, was projected to be reduced to \$5.8 million. She stated that additionally they had several training academies that either had recently completed or started the program that would allow them to hire additional staff to work in the corrections facility which impacted the overtime. She stated that staff met with the Sheriff's Department on a monthly basis and more frequently as additional questions arose. She stated that their overtime usage would continue to be monitored and the Finance Department provided them with an additional reporting tool that would help them monitor their own overtime. She explained that in addition to overtime, they also showed increased costs for supplies which was similar to what it was the prior fiscal year at about \$1.5 million. She stated that the Sheriff's Department was the largest concern for the Finance Department. She added that there were several other departments that showed an overbudget in period two, but would work with them directly and hoped for improvement as period three closed. She clarified that period three closed as of this day, but was unable to provide updated information for the other departments as the Sheriff's Department was their biggest concern.

Supervisor Heinz stated the Sheriff's Department's numbers were astounding. He asked if issues with the department being overbudget were normal under previous administrations with Sheriff Dupnik or Sheriff Napier. He expressed concern with the amount of money being spent and it being a normal occurrence.

Jan Leshner, County Administrator, responded that some previous Sheriffs had gone over budget, while others had not and explained that in the prior two years the County had not seen overbudget issues. She clarified that there were similar issues with Sheriff Dupnik in the past. She explained that the County Administrator's Office previously provided a 10-year retrospective report on the Sheriff's budget and stated that another copy would be provided to the Board.

Supervisor Heinz questioned why the Behavioral Health Department's NaphCare contract was overbudget by \$1.7 million. He thought NaphCare had received multiple warnings for not being able to provide the level of services that they were contracted to provide which included clawbacks, but the County continued to fund them.

Ms. Leshar responded that she could provide a full analysis of the NaphCare contract and added that in further discussions with the Behavioral Health Department, they appeared to be moving in the right direction so that they were not overbudget.

Ms. Moulton replied that she could provide the information regarding the NaphCare contract by memorandum to the Board.

Supervisor Heinz stated he brought this up because the reason the County went with an outside contractor instead of being kept in-house was due to cost savings. He stated that was not being achieved if it was over by \$1.7 million and the County should have kept it in-house if this was the case. He added that Public Defense Services (PDS) was over by \$1.4 million and did not understand why. He explained that he understood that when the County could not provide an individual with public defense services then the County would have to outsource and contract with other attorneys. He stated that there were 42 vacant General Fund positions in PDS that should be filled instead of contracting with expensive outside attorneys. He added that they should incentivize or provide bonuses if necessary to fill the positions. He questioned whether the department had a plan to fill the vacancies.

Ms. Leshar responded they had worked closely with the Director of PDS to ensure those vacant positions were being filled. She concurred that the single largest cost was for the attorney contracts, which had occurred for several years. She stated that she would provide a full report of the vacancies and the status of the hiring process.

Supervisor Scott reiterated that he previously requested a memorandum regarding similar concerns about NaphCare and was told that the memorandum was currently under review by the County Attorney's Office and the Communications Department. He stated that he would appreciate being provided with the memorandum as soon as possible as it would address some of Supervisor Heinz's concerns. He asked if the inflation contingency funds that the County had set aside during budget adoption were going to be sufficient due to some of those funds already being utilized by some departments.

Ms. Moulton responded that the Finance Department was looking at the departments that identified inflation as a cause for increased costs. She explained that their plan was to wait until period four to conduct a complete analysis. She stated the Sheriff's Department had identified food costs and Facilities Management had identified utility increases. She stated that she believed the funds that were set aside should be sufficient at the current point, but recommended that the Board not act on the contingency fund until the period four reporting period was over so that

more data could be provided. She explained that there had been a downtick in inflation for goods, but not for services and they wanted to wait for the outcome of trends before dividing up the inflation contingency funds.

Supervisor Scott asked what the components of the remediation plans were that each department had to submit due to being overbudget and whether the plans would be shared with the Board at the next monthly update in November.

Ms. Moulton answered that part of the remediation plan would be to meet with departments so they can identify how cuts could be made to existing spend so that they were brought back into line. She stated they would look at personnel, vacant positions and what would be considered discretionary spend. She stated that remediation plans for any departments that were overbudget in the period three forecast would be brought to the Board during the November update.

Supervisor Scott quoted the County Administrator's memorandum dated October 5, 2023 regarding the Class and Compensation salary adjustments. He stated that the memorandum indicated the Community and Workforce Development and Natural Resources, Parks and Recreation were two departments that projected full employment, but the memorandum also indicated that many departments forecasted full employment. He questioned why a department might forecast full employment.

Ms. Moulton responded that as for her department they were very happy about the results for the Classification and Compensation study and even though they currently had 33 vacant positions, she was very hopeful that she could fill those positions due to the different salary matrix. She explained that other departments had fewer vacant positions and some were more optimistic. She explained that as they worked with departments on readjusting their estimates for their period three forecast now that the new compensations had been finalized, it would provide a clearer picture of where they would be at the end of June.

Supervisor Scott stated that more realistic projections were likely going to help Administration and the Board be more assured that the vacancy savings policy that was passed in October 2022, was better adhered to, and asked if that was an accurate statement.

Ms. Moulton responded in the affirmative and stated that they would continue to monitor vacancy savings and work with departments on what the expectations were.

Supervisor Heinz requested clarification on whether the Sheriff's Department was on track to be over \$5.8 million or \$4.5 million, as indicated in the background materials.

Ms. Leshar clarified that the Sheriff's Department anticipated being over in overtime by \$4.5 million and the overall budget was projected to be over by \$6.1 million.

Chair Grijalva stated that on page three of the memorandum it stated the Sheriff's Department was estimated to be over \$7.8 million.

Ms. Moulton clarified that number was for the period two projections and reiterated they were currently in period three and the Sheriff's Department provided a preliminary review of their period three projections to provide further information to the Board at this time.

Chair Grijalva stated that historically departments kept positions because they expected to fill them when needed, which created some savings. She asked how departments could continue to hold onto positions they needed even if they could not immediately fill them.

Ms. Moulton stated that as financial forecasts were conducted with departments they estimated when they planned to fill those vacant positions and that was taken into consideration. She explained that it took about eight weeks from the time the position became vacant to the time it could be filled and that was used in the calculus of their projected salary costs. She stated that would show that it would be vacant for several weeks and if the department had a vacant position that they planned not to hire for a longer period of time, it would be shown as vacancy savings for that period of time.

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

HUMAN RESOURCES

19. Pima County Health Care Benefits Trust

Staff requests approval of the amendment to the current Pima County Health Care Benefits Trust Document, that allows for staggered Trustee terms effective 2024, and removes term limitations.

At the request of the County Administrator and without objection, this item was continued to the Board of Supervisors' Meeting of November 7, 2023.

SUPERIOR COURT

20. Intergovernmental Agreement

Staff requests approval of an intergovernmental agreement with Superior Court on behalf of Pima County Juvenile Court Center and School Superintendent's Office, to provide education services to Juvenile Detention Center youth, term date 10/1/23 to 9/30/26.

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

CONTRACT AND AWARD

Behavioral Health

21. Banner Health, Amendment No. 1, to provide for inpatient court-ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and amend contractual language, General Fund, contract amount \$3,246,197.89 (CT-BH-22-86)

Chair Grijalva inquired why these were one-year contracts as opposed to one-year with up to three-year contract extensions.

Jan Leshner, County Administrator, responded that three of the contracts were for three years and one was a two-year contract. She explained that the Board had previously approved the contracts, but it had not included the amount that would be allocated for funding and this was to receive the authorization from the Board for the funding.

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

22. UHS of Tucson, L.L.C., d.b.a. Palo Verde Behavioral Health, Amendment No. 1, to provide for inpatient court-ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and amend contractual language, General Fund, contract amount \$1,724,980.34 (CT-BH-22-87)

(Clerk's Note: See Minute Item No. 21, for discussion related to this item.)

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

23. Sonora Behavioral Health, Amendment No. 1, to provide for inpatient court-ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and amend contractual language, General Fund, contract amount \$2,053,723.46 (CT-BH-22-88)

(Clerk's Note: See Minute Item No. 21, for discussion related to this item.)

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

24. Connections Southern AZ, L.L.C., Amendment No. 1, to provide for inpatient court-ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and amend contractual language, General Fund, contract amount \$1,300,000.00 (CT-BH-22-404)

(Clerk's Note: See Minute Item No. 21, for discussion related to this item.)

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

Community and Workforce Development

25. Family Housing Resources, Inc., to provide for the Affordable Housing Gap Funding Agreement, General Fund, contract amount \$500,000.00 (CT-CR-24-147)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

County Attorney

26. Assistance Dogs of the West, to provide for the Courthouse Dogs Program, Anti-Racketeering Funds, contract amount \$19,356.00 (CT-PCA-24-31)

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

Facilities Management

27. Redyns Development, L.L.C., Amendment No. 3, to provide a lease term extension for property located at 8180 E. Broadway, extend contract term to 8/31/27 and amend contractual language, General Fund, contract amount \$924,172.00 (CT-FM-17-133)

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

Finance and Risk Management

28. Arizona Department of Administration, Amendment No. 1, to provide for House Bill 2862 - Payments to Sheriff's Deputies and Corrections Officers, amend contractual language and scope of services, no cost (CTN-FN-23-80)

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

Information Technology

29. Dakota Internet Partners, Inc., Amendment No. 2, to provide a Rooftop License Agreement for Wireless Communications Facilities located at 33 N. Stone Avenue, extend contract term to 11/5/28 and amend contractual language, contract amount \$110,267.88 revenue (CTN-IT-19-55)

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

Justice Services

30. Helping Ourselves Pursue Enrichment, Inc. (HOPE, Inc.), Amendment No. 2, to provide for transitioning peer support services, extend contract term to 9/12/24, amend contractual language and scope of services, John D. and Catherine T. MacArthur Foundation Safety and Justice Challenge Grant Fund, contract amount \$33,000.00 (CT-JS-23-5)

It was moved by Chair Grijalva, seconded by Supervisor Heinz and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

Procurement

31. **Award**

Amendment of Award: Master Agreement No. MA-PO-19-220, Amendment No. 10, Waste Management of Arizona, Inc., The Fairfax Companies, L.L.C., d.b.a. Tank's Managed by the Fairfax Companies and City of Tucson, to provide for landfill services. This amendment is for a one-time increase in the shared amount of \$130,000.00 for a cumulative not-to-exceed contract amount of \$1,020,000.00. Funding Source: General (15%), Transportation Ops and Wastewater Ops Funds. Administering Department: Regional Wastewater Reclamation.

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

32. **Award**

Amendment of Award: Master Agreement No. MA-PO-19-188, Amendment No. 5, C & S Sweeping Services, Inc., to provide for roadway sweeping services. This amendment is for a one-time increase in the amount of \$100,000.00 for a cumulative not-to-exceed contract amount of \$1,950,000.00. Funding Source: Transportation Ops Fund. Administering Department: Transportation.

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

33. **Award**

Amendment of Award: Master Agreement No. MA-PO-21-120, Amendment No. 4, Harvey Trucking, Inc., d.b.a. Harvey Trucking, Inc. and Arizona Trucking & Materials, L.L.C., to provide for aggregate materials. This amendment increases the shared annual award amount by \$200,000.00 from \$313,600.00 to \$513,600.00 for a cumulative not-to-exceed contract amount of \$1,140,800.00, and approves a 12.75% average price increase for Arizona Trucking & Materials, L.L.C. Funding Source: Transportation Ops, WW Ops, Stadium District and General (5%) Funds. Administering Department: Transportation.

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

34. Schlesinger Consulting Engineering, P.L.L.C., d.b.a. SCE Engineering, to provide for project manager services - ~~Valencia~~ **Valencia** Road (4VALMR), Transportation CIP Projects Fund, contract amount \$481,670.00/3 year term (CT-CPO-24-128) Administering Department: Project Design and Construction

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

35. Barker Contracting, Inc., Chasse Building Team, Inc., Core Construction, Inc., Durazo Construction Corporation, Kapp-Con Incorporated, Kittle Design and Construction, L.L.C., Lloyd Construction Company, Inc. and SD Crane Builders, Inc., Amendment No. 7, to provide for a job order master agreement: remodel and construction services and amend contractual language, no cost (MA-PO-20-154) Administering Department: Project Design and Construction

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

36. Durazo Construction Corporation, MW Morrissey Construction, L.L.C. and Sellers and Sons, Inc., Amendment No. 4, to provide for a job order master agreement: historic preservation services and amend contractual language, no cost (MA-PO-22-24) Administering Department: Project Design and Construction

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

Real Property

37. Greater Littleton Human Resources Group, Inc., Amendment No. 1, to provide a ground lease for property located at 6465 S. Craycroft Road, extend contract term to 10/31/33 and amend contractual language, no cost (CTN-RPS-24-49)

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

School Superintendent

38. Pima County Elections Department, Amendment No. 1, to provide local elections services to school districts and extend contract term to 6/30/24, no cost (CT-SS-23-382)

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

39. Pima County Recorder, Amendment No. 1, to provide for school district elections and extend contract term to 6/30/24, no cost (CT-SS-23-383)

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

GRANT APPLICATION/ACCEPTANCE

40. **Acceptance - County Attorney**

Office of the Arizona Attorney General, to provide for the FY2024 Victims' Rights Program Award, \$158,400.00 (GTAW 24-45)

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

41. **Acceptance - County Attorney**

Department of Health and Human Services, SAMHSA Treatment Drug Courts Substance Abuse and Mental Health Services Administration, Amendment No. 7, to provide for the Pima County Problem Solving Courts Initiative, extend grant term to 9/29/24 and amend grant language, no cost (GTAM 24-28)

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

42. **Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for the Public Health Improvement Program and amend grant language, \$113,700.00 (GTAM 24-26)

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

43. **Acceptance - Health**

National Association of County and City Health Officials, Amendment No. 1, to provide for the Wastewater Surveillance for SARS-CoV-2 Mentorship Program, extend grant term to 7/31/24 and amend grant language, no cost (GTAM 24-27)

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Christy voted "Nay," to approve the item.

44. **Acceptance - Information Technology**

State of Arizona Department of Homeland Security, to provide for FY2023 State of Arizona cyber security protection for local and tribal governments, \$138,991.00 (GTAW 24-48)

It was moved by Chair Grijalva and seconded by Supervisor Christy to approve the item. No vote was taken at this time.

Supervisor Christy asked if the County already had cyber security protection for the local and tribal governments.

Jan Leshner, County Administrator, responded that this was additional programming and software the County had received from Homeland Security.

Steve Holmes, Deputy County Administrator, responded the grant was a pass-through to the local tribal governments, specifically for the Pascua Yaqui Tribe and Tohono O'odham Nation.

Supervisor Christy asked if they had cyber security protection prior to this grant.

Mr. Holmes responded in the affirmative and this was an enhancement that was provided by Homeland Security across the State. He explained that it was an on-going grant that provided additional funds to enhance the cyber security to prevent any attacks.

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

45. **Acceptance - Office of Sustainability and Conservation**

National Park Service/Arizona State Historic Preservation Office, to provide for the sponsorship of 2023 Arizona Historic Preservation Conference - Tucson, \$20,000.00 (GTAW 24-36)

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

46. **Acceptance - Office of Sustainability and Conservation**

National Park Service/Arizona State Historic Preservation Office, to provide for the Pima County Cultural Resources Inventory of Rancho Seco in the Altar Valley, \$20,000.00/\$40,000.00 General Fund match (GTAW 24-31)

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

47. **Acceptance - Pima Animal Care Center**

Best Friends Animal Society, to provide for the Best Friends National Adoption Event July 2023, \$2,250.00 (GTAW 24-41)

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

48. **Acceptance - Sheriff**

State of Arizona - Department of Public Safety, to provide for drug enforcement and investigations, \$253,900.00/\$63,475.00 General Fund match (GTAW 24-38)

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

FRANCHISE/LICENSE/PERMIT

49. **Hearing - Liquor License**

Job No. 255794, Matthew Gerald Heinz, Tinajas Wine & Beer, 6960 E. Sunrise Drive, No. 160, Tucson, Series 10, Beer and Wine Store and Series 10S, Beer and Wine Sampling, New License.

Supervisor Christy requested to direct a question to the Development Services Department regarding liquor licenses.

Chair Grijalva commented that depending on the item in question, Supervisor Heinz would need to recuse himself for Minute Item Nos. 49 and 50.

Supervisor Christy clarified that he had a general question for all liquor licenses. He requested an explanation of the process taken by an applicant to obtain a liquor license once submitted and up to the time after the Board took action.

Chris Poirier, Deputy Director, Development Services Department (DSD), explained that applicants submitted their application through the Arizona Liquor Board, who then sent it to the local jurisdiction for a recommendation and hearing. He further explained the State sent the application to the Clerk of the Board (COB) who schedules it for public hearing on a Board of Supervisors (BOS) agenda. He stated that the COB ensured that the liquor licenses were properly posted on the premises. He stated that at the public hearing, the BOS would vote on a recommendation. He explained the COB provided the local jurisdictional recommendation to the State for their ultimate decision.

Supervisor Christy stated that the Board's action for liquor licenses could be described as ministerial and also to ensure the housekeeping paperwork and process was completed properly, which would then consume all issues taken up before the Board. He added that after the Board made a determination and

approval, the recommendation was forwarded to the State Liquor Board where individuals had the opportunity to voice their issues or concerns at that point. He asked if this information was correct.

Mr. Poirier clarified that he did not believe the process was purely ministerial because they were hearings, and the Board could consider other aspects of the license. He explained that part of the review process was that the COB sent a request to DSD for zoning compliance review. He stated that for example, on this day, one of the items was determined that the use based on the liquor license type requested was not allowed in the zone that was asked for. He added that in that circumstance, it would be flagged and could be discussed during the hearing. He stated that he believed there was also a law enforcement consideration that was provided to the Board. He stated that historically there had and could be other things discussed at hearings. He added that most of the time, they were ran through smoothly without much conversation, but occasionally there were some issues with these requests.

Supervisor Christy asked if the current liquor licenses being heard on this day had met all the criteria of the review process.

Chair Grijalva stated that there was an issue with one of the current liquor licenses.

Mr. Poirier replied that they would notate any issues and the COB would add a note to the agenda item that would indicate a possible concern. He reiterated that on this day there was one liquor license with an issue.

Supervisor Christy asked if there was an additional opportunity for anyone with concerns to address at the State level.

Mr. Poirier stated his understanding was that there could be additional opportunities, but was unable to speak to the process of the State.

Chair Grijalva reiterated that Supervisor Heinz would recuse himself from Minute Item Nos. 49 and 50.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control. No vote was taken at this time.

Supervisor Christy asked if Supervisor Heinz needed to remove himself from the dais since he recused himself.

Chair Grijalva replied that he did not need to remove himself from the dais and had not contributed to the discussion. She stated that a roll call vote would be taken so that the vote was very clear.

Upon roll call vote, the motion carried 4-0, Supervisor Heinz recused himself.

50. Hearing - Liquor License

Job No. 256058, Matthew Gerald Heinz, Tinajas Wine & Beer, 6960 E. Sunrise Drive, No. 160, Tucson, Series 7, Beer and Wine Bar, Location Transfer and Owner Transfer.

(Clerk's Note: See Minute Item No. 49, for discussion related to this item.)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva and seconded by Supervisor Scott to close the public hearing, approve the license subject to the Zoning Report and forward the recommendation to the Arizona Department of Liquor Licenses and Control. Upon roll call vote, the motion carried 4-0, Supervisor Heinz recused himself.

51. Hearing - Liquor License

Job No. 252954, Robert Arnold Padilla, Historic Canoa Ranch, 5375 S. I-19 Frontage Road, Green Valley, Series 5, Government, New License.

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

52. Hearing - Liquor License

Job No. 255476, Armando Felix Valles, Melic Carajillo, 1414 N. Enclave Place, Tucson, Series 4, Wholesaler, New License.

Chair Grijalva stated that per the Zoning Inspector's report, the current zoning regulations would not permit the issuance of the license at this location because this was a commercial use, which was not allowed in a residential zone.

Armando Valles, applicant, stated that he applied under Sonorganic, L.L.C. and was a federal importer of cigars and liquor. He explained that part of the compliance and licensing through the State was that as a wholesaler he would need to apply for a wholesaler permit. He clarified that the product would not be sold to the public, but directly to distributors. He requested an exception for his permit and wanted to provide clarification of communications with the State. He stated that he explained to the State why his residence was used as a business address and added that his business plan was wholesale only import from Mexico. He stated that his customs agents shipped directly to distributors and no inventory nor sales would occur at the place of business. He stated that he was unsure whether he needed to lease a space as it was not cost efficient, and he did not need a commercial space for his business plan. He stated that his request was for a Series 4 Wholesaler License and not a regular liquor license, which had different responsibilities and compliance requirements.

Chair Grijalva stated that she understood there would be no inventory at the listed address, but asked if the type of permit he applied for would allow inventory to be held at the listed location.

Mr. Valles responded that it depended on the State guidelines.

Chair Grijalva stated that the County had restrictions that it could not be residential. She added that Mr. Valles could commit to not holding inventory at the location, but circumstances changed with the possibility that inventory could be held there. She stated that would then fall on the County to allow wholesaler liquor licenses in a residential area.

Mr. Valles reiterated that he provided clarification to the State, but was unsure how the Board felt about it. He explained that if the Board made a recommendation to lease a mini warehouse or commercial space then that was what he would have to do even though it would be an unnecessary cost to his business plan.

Supervisor Heinz commented that with other zoning items, stipulations could be added with approval. He questioned if the Board could approve the item with a restriction that the applicant committed to not store any product at the location or whether the State requested a strictly yes or no recommendation.

Thomas Drzazgowski, Chief Zoning Inspector, Development Services Department, responded that this was a unique situation from a staff perspective as it was unknown if they had a complete understanding of the business model. He explained that the address on Enclave Place was a residential area near the intersection of Speedway Boulevard and Anklam Road, which was surrounded by residences. He stated that they were concerned to advance approval without further evaluation or discussion with the property owner, which could be done. He reiterated the concern that if the Board granted approval, it would allow the product to be stored onsite which was residential in nature and could lead to adverse impacts to neighbors.

Chris Poirier, Deputy Director, Development Services Department, stated that by adding a condition worked well when it was within the parameter of a County process where their department was part of it from the beginning to the end. He recalled a prior circumstance when they tried to add a stipulation to a liquor license, but when it returned to the State, the stipulation disappeared, and it became an issue. He stated that the County did not have the same level of control on liquor licensing as the State and agreed with Mr. Drzazgowski's concerns. He added that part of the application process asked about the premises and the requirement of placing a notice of poster size, up at the house, which would indicate to all that the applicant could warehouse, sell and distribute from the location. He stated that if the application was more nebulous and specific to whether it could be an office and warehouse elsewhere there would be no discussion on the matter. He added that the emphasis on the application was directly related to the location.

Mr. Valles clarified that the State also requested him to designate an area in the house to inventory should the need arise, which he had done, but his business model strictly went from the manufacturer to the border, to import and finally to the distributor. He stated that his house was the only house in the subdivision, and he had no neighbors. He further clarified that as with continued explanations to the State, he could get arrested for selling to the public and he was not willing to take that risk.

Chair Grijalva stated that being arrested for selling to the public was implied with a wholesaler license, but her concern was that it was in a residential area. She stated that if something happened where the distributor could not directly receive the product, the inventory would need to be detoured somewhere and the license was in a residential area. She stated her appreciation that Mr. Valles would stipulate conditions, and if the County would monitor those conditions, it would not be an issue, but once the application reached the State, stipulations were not kept with the application. She stated that due to this reason, she would vote against the item.

Mr. Valles asked what would happen after the Board made their decision.

Chair Grijalva replied that staff could provide further information, but she assumed that Mr. Valles would need to reapply for the wholesaler license at a different location, which would allow for a potential warehouse location.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5 0 vote, to close the public hearing, deny the license pursuant to the Zoning Report that states the current zoning regulations will not permit the issuance of the license at this location, because this is a commercial use, which is not allowed in a residential area, and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

53. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, October 26, 2023 at 8:00 p.m.

Bobby Retz, Applicant, Destination and Conference Services, Westin La Paloma, stated that their small business provided corporate event meeting planning services and had offices within Westin La Paloma and El Conquistador. He stated they partnered with Fireworks Productions of Arizona and he was responsible for setting up fireworks for the resorts. He addressed the concerns about the frequency of firework displays and the length of the firework shows. He explained that the past month was a rare exception for Westin La Paloma as they had never had so many fireworks in a week. He explained that the influx of fireworks was because the American Pyrotechnics Association (APA) held their 75th anniversary celebration in Tucson. He added that the event brought in thousands of dollars to Westin La Paloma, surrounding communities, restaurants, and the airports. He stated that the APA's business was to set up fireworks and they had extraordinary shows that attracted people from the community and from around the Foothills area to watch

the shows. He explained that Westin La Paloma offered fireworks to particular groups as an incentive to do business at the resort and that most firework shows were between 10 to 12 minutes in length. He stated that his role was to review the process, meet with the bomb squad, the Westin La Paloma Country Club and Fireworks Productions to file the permit. He stated that once approved, he met with Rural Metro Fire Department and their hotshot teams and then they shot off the fireworks. He stated that before the shows began, an email was sent out to local Homeowner Associations so that they were aware of the show. He explained that in his 25 years as a private company, he had never been mandated to notify neighbors. He stated that he notified them as a courtesy because he understood that children and animals got scared of fireworks and they wanted to be good neighbors. He added that normally they held 4 or 5 shows annually and reiterated that year was the exception due the APA celebration and other groups that held new launches. He stated that if a group had a conference at Westin La Paloma and wanted to conduct a new launch, the hotel would provide an incentive by having a fireworks show. He stated that he was aware that it inconvenienced some people, but there were hundreds of people that parked in various locations to watch the fireworks and his business received emails about how thrilled people were with the show. He stated that they would try to alert people in the area, and requested that the future of fireworks permits be approved for all areas in Tucson. He stated that when groups looked at Westin La Paloma to hold their event they were swayed by the fireworks show incentive offer.

Supervisor Heinz stated that when the Board previously discussed this issue they were presented with information about when these types of shows should be suspended. He stated that they were told that wind in excess of 25 mph would be suspended, but in County recommendations it was to be suspended in gusts of wind at 10 mph. He added that the officials in attendance at that time seemed to not understand and could not explain which recommendation it should have been. He stated that with the prior incident it was clear that the conditions included winds up to 10 mph, which should have cancelled the show. He added that he voted against approval of those permits due to the lack of clarity and it appeared the organizers had not followed the County's recommendation put forth in the documentation, which they signed to hold these events. He stated that he would vote against any future fireworks permits until he received an explanation of the rule with assurances that the organizations or applicants would adhere to recommendations to cancel shows if winds got above 10 mph.

Mr. Retz clarified that when they filed the permit, Rural Metro Fire Department was involved. He reiterated his role was to set up the permit, and communicate with the Sheriff's Department Bomb Squad, Westin La Paloma and homeowners. He added that there was a stipulation regarding wind speeds and there previously had been shows cancelled due to wind. He explained that he was unaware of the stipulation regarding the mile per hour for wind or when the wind was measured for a show because in Tucson it could be windy during the day but stop once the sun sets. He explained that Rural Metro Fire Department would determine when shows needed to be cancelled due to weather conditions. He stated that if he was told by Rural Metro Fire Department that fireworks could not be shot due to winds, he would

follow their rules. He stated that if there was a stipulation for mile per hour then they would follow that rule because they wanted to be safe and respectful of the surrounding neighborhoods. He reiterated that in all the years he worked for Westin La Paloma there had only been one time that Rural Metro Fire Department cancelled a fireworks show due to wind. He explained that the July 4th incident was a windy day, but it had not been his show and if it had been his show Rural Metro Fire Department could have informed him that it was too windy. He added that a couple other things happened during that incident. He stated that the launch site was slightly moved and was not associated with Westin La Paloma, but strictly with the Country Club. He stated that he would not move the launch site unless he was told it was safe and would not inconvenience anyone. He reiterated they would abide by any rules stipulated by the Board.

Supervisor Scott referred to the Board data that his staff compiled and stated that since January 2023, there had been 22 shows from either Westin La Paloma or Caterpillar, Inc. He stated that District 3 staff conveyed no concerns expressed with the Caterpillar fireworks shows, but his office had heard many concerns about the Westin La Paloma fireworks shows. He stated the Board was aware from a prior presentation from other Westin La Paloma staff that the shows had been pushed by their sales department. He stated that the shows had an impact on residential neighbors and carried fire risks to the area. He explained that it was not fair to vote against the current permits because Mr. Retz put them forth with the procedure that had been in place for some time. He stated Westin La Paloma was an outlier when compared to the other shows that the Board approved this year. He stated that the rest of the shows were associated with the 4th of July or high school graduations. He stated that the other resorts in District 1 were not having fireworks shows and he would vote for the current permits, but would not vote for Westin La Paloma shows for commercial purposes in the future due to the impact they had on the residents and the fire risks.

Mr. Retz stated that normally Westin La Paloma would have 4 to 6 shows per year. He stated that Westin La Paloma did not usually have fireworks on 4th of July, but had this year due to it falling on a Monday. He stated they had their show on July 2nd for weekend guests and the Country Club had their own show. He stated that they had 4 shows planned for the following year. He stated that the frequency was not something that happened all the time, it was for big events and impacts on the community and resort. He stated that APA had 3 shows, which made a big impact on the community. He added that if additional standards for wind were needed, they were willing to do what was necessary to make neighbors happy.

Kerry Welty, President, Fireworks Productions of Arizona, stated that he had been working for the company for 40 years and owned the business for 26 years. He stated they held shows for State events such as Phoenix Suns games and Arizona Diamondbacks games. He stated that there was a lot of work being done in Pima County with all the shows that had taken place. He stated that his concern was the number of shows that were recently held due to the APA, which was one of the biggest companies across the nation. He explained that Fireworks Production of Arizona was the host for their 75th anniversary and it was their job to impress the

biggest companies in the nation and due to this, it caused some issues with the surrounding neighbors. He stated that the APA would not be back, but moving forward he was concerned with lost revenue for his company, resorts, and other areas of the community with the cancellation of fireworks permits.

It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

54. Hearing - Fireworks Permit

Bobby Retz, Westin La Paloma, 3800 E. Sunrise Drive, Tucson, November 14, 2023 at 8:00 p.m.

(Clerk's Note: See Minute Item No. 53, for discussion related to this item.)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-1 vote, Supervisor Heinz voted "Nay," to close the public hearing and approve the permit.

DEVELOPMENT SERVICES

55. Hearing - Rezoning

P23RZ00003, STINSON FAMILY TRUST - S. HEADLEY ROAD REZONING

Stinson Family Trust, represented by Projects International, Inc., request a rezoning of approximately 15.1 acres (Parcel Codes 138-24-0310 and 138-24-0320) from the SH (Suburban Homestead) zone to the CR-5 (Multiple Residence) zone bounded by S. Headley Road and S. Valley Indian Agency Connect Road approximately 1,300 feet south of Valencia Road, addressed as 6725 and 6765 S. Headley Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Becker and Tronsdal were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner.
 - B. Prior to Tentative Plat approval, written proof of coordination with the City of Tucson Department of Transportation and Mobility is required regarding any traffic impacts to their roadway system.

- C. The property shall be limited to one access point on Valley Indian Agency Connect Road, with a secondary connection to Headley Road for emergency response vehicles only.
 - D. Gated entries shall meet the requirements of the Subdivision and Development Street Standards (SDSS) and as determined at time of Tentative Plat submittal.
 - E. Sidewalk and curbing shall be constructed to Pima County standards along the property frontage on Valley Indian Agency Connect Road.
3. Regional Flood Control District conditions:
- A. Drainage design shall not increase existing conditions water surface elevations and flow velocities at all property boundaries.
 - B. First flush retention shall be provided in Low Impact Development (LID) practices distributed throughout the site and shall provide a minimum 9" depressed area for stormwater harvesting to supplement irrigation in the landscape buffers.
 - C. Curb cuts in appropriate locations along roads shall be utilized to optimize LID practices in appropriate locations throughout the road system.
 - D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
- A. The rezoning area may be sewerred using private sewers within private streets flowing to a private sewage pumping station that discharges to existing public sewer line G-2000-046, via a private force main, only if authorized by the Pima County Regional Wastewater Reclamation Department in their written documentation that treatment and conveyance capacity for the proposed development is available.
 - B. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - C. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - D. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - E. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - F. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - G. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. 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 ARS 41-865 and ARS 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.
7. Adherence to the preliminary development plan as approved at public hearing.
8. Tucson Airport Authority conditions:
 - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
 - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation/Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.
 - D. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.

Scott Robidoux, Manager of Planning
Tucson Airport Authority
7250 South Tucson Boulevard, Suite 300
Tucson, AZ 85756
9. 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.
10. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "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(l).”

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P23RZ00003, subject to standard and special conditions.

56. Hearing - Specific Plan and Comprehensive Plan Amendment

P23SP00001, BELLMEYER WAYNE M. REVOC LIVING TR, ET AL. - N. THORNYDALE ROAD SPECIFIC PLAN AND COMPREHENSIVE PLAN AMENDMENT

Wayne M. Bellmeyer Revoc Living TR, et al., represented by Lazarus and Silvyn, P.C., request a comprehensive plan amendment and specific plan rezoning for approximately 18.51 acres (Parcel Codes 224-44-0570 and 224-44-058A) from the Low Intensity Urban 0.3 (LIU - 0.3) to the Planned Development Community (PDC) land use designation and from the SR (Suburban Ranch) to the SP (Specific Plan) zone, located at the northeast corner of the T-intersection of N. Thornydale Road and W. Sumter Drive, in Section 17, T12S, R13E in the Tortolita Planning Area. On motion, the Planning and Zoning Commission voted 8-1 (Commissioner Gungle voted NAY, Commissioner Becker was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the specific plan shall apply. The specific plan does not regulate Building Codes.
3. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
4. Transportation conditions:
 - A. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the submittal of the development plan. The commercial component to the site shall be included in the TIS. Off-site improvements determined necessary as a result of the TIS shall be provided by the property owner.
 - B. The property owner shall dedicate 45 feet of right-of-way for Thornydale Road.
 - C. Corner spandrel right-of-way dedication shall be provided by the property owner(s) at the southwest corner of the project boundary adjacent to the Thornydale Road and Sumter Drive intersection prior to development plan or subdivision plat approval. A curve radius of twenty-five (25) feet is required.

- D. A multi-use path shall be constructed to Pima County standards along the west side of Thornydale Road from Thornydale Road/Linda Vista intersection to the North Ranch subdivision. A second multi-use path shall be constructed along the north side of Sumter Drive from the Thornydale Road/Sumter Drive intersection to the west end of the driveway access including any handicap access ramps required at the two intersections. The design of the multi-use paths shall be determined at the time of permitting and as approved by the Department of Transportation.
 - E. Gated entries shall meet the requirements of the Subdivision and Development Street Standards.
 - F. A northbound right-turn lane at the project's driveway entrance on Thornydale Road shall be constructed to Pima County standards.
5. Flood Control District conditions:
- A. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
 - B. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the property owner.
 - C. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the approved Preliminary Development Plan (PDP) is prohibited.
 - D. Disturbance of Regulated Riparian Habitat will be mitigated with like density to the habitat disturbed. The mitigation plantings shall be located within and surrounding the disturbance caused by construction of the basins.
 - E. This project shall comply with detention and retention requirements at the time of site permitting. During permitting if the site plan follows the drainage concept approved at the time of rezoning a Detention Waiver will be accepted by the Floodplain Administrator.
 - F. First Flush retention shall be provided in Low Impact Development practices distributed throughout the site and shall provide a maximum 9" depressed area for stormwater harvesting to supplement irrigation in the landscape buffers.
 - G. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
6. Regional Wastewater Reclamation conditions:
- A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review

of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.

- F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.

7. Environmental Planning conditions:

- A. The property owner/developer shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 45.6 acres as Natural Open Space (NOS). Should the developed area be reduced from that which is reflected in the approved Specific Plan, the property owner shall provide a minimum of four (4) acres of natural open space for every acre disturbed in order to achieve full compliance with the CLS Conservation Guidelines. No less than 6.5 acres of NOS will be provided onsite and will conform to the approximate location and configuration shown on the approved Specific Plan. The difference between the total acres of NOS and NOS provided onsite will be provided off-site. Off-site NOS must conform to the CLS Off-site Mitigation Policies found in *Pima Prospers* (Section 3.4 Environmental Element, Policy 11: "Conservation Lands System Mitigation Lands) and must comply with all of the following:

- Off-site NOS is acceptable to the Pima County Planning Official or their designee; and
- Prior to the approval of the tentative plat, off-site NOS will be permanently protected as natural open space by a separately recorded legal instrument acceptable to the Pima County Planning Official or their designee."

- B. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those listed below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.

Invasive Non-Native Plant Species Subject to Control:

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

Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

8. 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 ARS 41-865 and ARS 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.
9. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
10. Water conservation conditions:
 - A. The owner(s) shall incorporate EPA WaterSense fixtures in all dwelling units. WaterSense requirements include, but are not limited to, the following low water use items:
 - Toilets
 - Showerheads
 - Bathroom faucets
 - Irrigation systems, including irrigation controllers
 - B. The owner(s) shall not landscape or irrigate any portion of the Natural Undisturbed Open Space, as designated on the PDP. This condition does not limit the owner(s) ability to restore the previously disturbed areas of the Natural Undisturbed Open Space, as coordinated with Pima County Flood Control District.
 - C. The project shall only include Xeriscape landscaping with native and/or desert adaptive vegetation that is drought tolerant, and it will use a water efficient drip irrigation system.
 - D. The owner(s) shall grade the project's common areas to capture onsite stormwater runoff to promote passive rainwater harvesting.
 - E. The owner(s) shall design the site so that stormwater runoff from the building and covered parking is directed into interior common area landscaping areas to promote passive rainwater harvesting, as shown on the attached Enclosure A.
 - F. The project shall not include non-functional natural turf grass. Artificial turf may be substituted for natural turf.
 - G. The project shall not include any fountains and water features in common areas.
 - H. The owner(s) shall install dedicated irrigation meter(s) to monitor landscaping water use separate from residential potable use.
 - I. The owner(s) shall install a leak detector for each multi-family building to help identify and remediate water overuse and/or water leaks.
 - J. The owner(s) shall design and construct the community pools to drain into the sanitary sewer system.
11. In the event the subject property is annexed, the property owner shall adhere to all applicable 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.
12. The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act 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(l)."

Rory Juneman, Applicant Representative, Lazarus and Silvyn, P.C., provided a slideshow presentation and stated that the project was on Thornydale Road, just north of Linda Vista Boulevard, which was on the northeast corner of Sumter Drive and Thornydale Road. He explained the property was an "island" of vacant land and horse property surrounded by existing uses that included apartment complexes to the west, a commercial center on the northwest corner of Linda Vista Road and Thornydale Road, and Mountain View High School to the south of the property. He stated they were requesting a rezoning from Suburban Ranch (SR) to a Specific Plan because it was a complicated site and it would allow for site specific zoning regulations. He explained that the land surrounding the property had been rezoned, the North Ranch area was CR-4 and CR-5 and business zonings on their west and southwest sides. He stated the process had taken 15 months and went over the timelines that detailed neighborhood meetings and Planning and Zoning (P&Z) Commission meetings. He explained that they received a denial by P&Z due to concerns with Thornydale traffic and some other concerns and after the denial they reevaluated the project. He explained the original project consisted of 360 units, which had been dropped to 340 units. He stated there were 12 apartment buildings and the setbacks to the north at North Ranch were about 16 feet with 30% open space. He stated they looked at what they could change to address concerns of traffic, density and three-story units. He explained that the new site plan consisted of the elimination of additional units equaling 270 units, the removal of two buildings, and increased the number of two-story buildings next to North Ranch, which also increased the natural, undisturbed open space to 36%. He stressed that through the process they tried to address all the concerns that were impactful to the neighbors. He stated that they also increased their setbacks significantly with the north of the property to the wall was about 60 feet and the setback between their building and the nearest property line to the north was at a minimum of 155 feet and in some areas, 400 feet. He explained that on all sides of the project they were set back significantly from the residences around the area. He stated that the area directly to the south of the property was protected, natural, undisturbed open space from the Mountain Vista Ridge Subdivision, which would never be built on. He went over a summary of the changes that included their percentages. He stated that the two main community concerns were traffic and three-story buildings. He explained that traffic had been a concern from the beginning because Thornydale Road was at capacity for traffic, but the other roads surrounding the project were under capacity. He stated that the intersections around the property were functioning at a high Level of Service (LOS). He explained that Thornydale and Linda Vista were at a LOS B, Thornydale and Sumter were at a LOS A and LOS B, and Shannon and Sumter were at a LOS B. He referred to the slide and stated that the focus was for Linda Vista and Thornydale since they were the primary intersection. He stated that all the turning motions marked green were at LOS B because they were functioning at a high-level service. He explained that the reason there was a difference in the roadway segments was because Thornydale was at capacity for traffic and all other roadways were working at a high level of service. He stated that Thornydale Road counts were taken 24 hours a day and intersection road counts were evaluated at the peak morning and evening commuter hours. He explained that because of some changes the County had made in the last few years with the addition of turning lanes and signal timing, the intersection performed at a high level of service. He

stated that although Thornydale had a lot of traffic during the peak hours, traffic flowed smoothly. He added that the Pima County Department of Transportation (PCDOT) had provided a memo stating “while there may be an increase in traffic along Thornydale contributing to the over capacity, the traffic volume is not expected to significantly affect the level of service of the signalized and unsignalized intersection.” He explained they also wanted to mitigate the traffic, which PCDOT was in support of, by adding a right turn lane on Thornydale, a multi-use bike path, and dedication of 45 feet of right-of-way with the passage of the Regional Transportation Authority (RTA) Next Plan. He stated that another concern was for the three-story buildings in the project. He explained that there was a localized response and a broader response. He stated the local response was that the property was lower than North Ranch and explained from the north property line to the south property line, it dropped about 15 feet. He explained that they would appear as two-story buildings from North Ranch with the agreement to have all two-story buildings closest to North Ranch. He stated that any projects that allowed 3-story buildings, with the current approved height for SR at 34 feet, was what they requested. He stated that three-story buildings allowed them to preserve more open space and if they made all two-story buildings, it would require 4 additional buildings for the same number of units in the area of the current natural open space. He stated there was a benefit to height and density for this project that would allow the preservation of the open space. He stated they had worked with the Coalition for Sonoran Desert Protection and they had helped them with including sustainable elements to the project. He explained that the project was Comprehensive Land System (CLS) compliant, and they preserved 6.5 acres on site and 39 acres off site. He stated that they addressed concerns of lighting that would help to not disturb wildlife. He stated that they had included Electric Vehicle (EV) charging stations that were not under the regular code requirements. He stated they had also added numerous water conservation features which their client was happy to include. He reminded the Board that the County was currently in a housing crisis and he recounted a prior conversation where he stated that between 2010 and 2019 showed a decline in building. He stated that as they prepared for the P&Z meeting, which resulted in an 8-1 vote for approval of the rezoning, he researched the current data regarding rents in Pima County and in Phoenix, Arizona. He referred to the slide and stated that the rents in Phoenix had flattened or decreased and was surprised with the same statistics in Tucson that showed rents had continued to rise which was a direct result of shortage of supply versus demand. He stated the project was appropriate for the area and would also address the current housing shortage. He stated they were agreeable to the conditions presented and requested approval of the project.

Chair Grijalva asked how many units were being made, if they were for studios or multiple bedroom units and what was the average cost per month.

Mr. Juneman replied 270 units would be made, with one to two bedrooms and the rent would be at market rent. He stated that as it was seen with the increase of prices, if it leveled off, it would be similar to what it was on this day.

Chair Grijalva stated that it was not necessarily affordable housing. She asked if they were luxury apartments.

Mr. Juneman responded that they were market rate brand new units. He stated that there were three other apartment complexes in the area, one had been built in 1995 and the other in 2008. He stated this apartment would be on the higher end of rent than the others, but would give the opportunity for people to balance out.

Naomi Green, North Ranch Neighborhood Representative, Northwest Citizens Coalition, addressed the Board and stated their group was newly formed due to this project. She stated that they expected to trigger supermajority based off the signatures that were submitted the prior week, but had yet to receive an update from the Development Services Department (DSD). She indicated that she had received a phone call from District 1 office staff notifying them that requirements for a supermajority were not met, but she had not heard directly from DSD for confirmation. She explained that they had focused their efforts on a 300-foot boundary around the project based on information provided by DSD through the District 1 office.

Chair Grijalva asked what the radius and the cutoff was for a supermajority as it pertained to signatures.

Chris Poirier, Deputy Director, Development Services Department, stated there may have been confusion with the supermajority memorandum that was provided to the Board. He explained that supermajority only applied to protests within 300 feet, which was set in State Statute and Pima County Code. He stated that the memorandum also included information of an additional requirement that indicated how many people within 1,000 feet had protested the project. He clarified that any protesters that were within 301 to 1,000 feet were not part of the calculation, did not affect the three-fourths supermajority requirement, and was for information only.

Chair Grijalva asked for clarity whether Mr. Poirier had referred to the DSD memorandum attached to the material.

Mr. Poirier answered in the affirmative and clarified that Pima County Code required DSD to close the window to receive any filed protests two full working days prior to the Board meeting, which would have been on Friday before 9:00 a.m. He stated that at that point, an extensive review was completed to ensure protests were counted and a memorandum was produced. He added that the memorandum was then provided to the Clerk of the Board who in turn published the material online.

Chair Grijalva asked if any additional petitions or signatures were received after the 9:00 a.m. cutoff.

Mr. Poirier stated there could have been more that came through, but he could not confirm whether they were duplicates or if they were within 300 feet. He stated that those that came in after the cutoff did not appear to put the numbers over. He explained that the two-part equation for supermajority was within 300 feet, by

number and by area. He stated that the large property owners near the site had more of a say than the smaller property owners. He added that they met the requirement by number, but not by the area.

Ms. Green stated that due to not receiving clarification they would request a postponement of the hearing so they could gather more information and petitions of residents in the area, which could trigger a supermajority. She stated that there were 320 petitions and 13 letters of opposition submitted. She provided a slideshow presentation to the Board and explained that the North Ranch Subdivision was on Thornydale Road and three miles north, Marana had approved a 50-acre development with 368 units. She stated that two miles south of North Ranch was Cortaro Farms currently under construction that would add to the traffic on Thornydale Road. She referred to the slideshow, which included photos of the site from the ground. She added that the planned site at the north toward North Ranch from Sumter was surrounded by residential and commercial structures that were not higher than 24 feet, but could see the tops of the homes. She stated that homes at Mountain Vista Ranch across Sumter had one- and two-story home developments. She added that the site to the southwest towards Mountain View High School showed the rooftop and plaza, and the flags from La Mirage Apartments across Thornydale. She stated that the North Ranch homes were one- and two-story homes from the site boundary. She stated that the photos showed the proposed entry site to the project on Thornydale across from La Mirage Apartments and those apartments were two-story structures. She also showed a photo which depicted cars exiting La Mirage Apartments at peak times, which caused a buildup of traffic onto Thornydale Road which was across from the proposed entrance. She stated that they had concerns about traffic and they reviewed the documentation for the project that included a table of traffic that was used to base their calculations. She explained that they used Category 220 that was sourced from the Institute of Traffic Engineering which was for multi-family housing low rise. She stated that the institute informed her that Category 221 was for levels 3 to 5 and should be used for calculations. She stated she was unsure how that factor would change the outcome but may change the traffic calculations. She referred to the slides which indicated the calculations for Category 220 and 221, and seven road data inventory items that included data from 2021. She stated that during this time, the pandemic closed schools and residents were advised to shelter at home and social distance. She added that students returned to school in the Fall of 2022, in a hybrid format. She provided calculations for Thornydale's current capacity and stated that it was 18% over capacity. She added that the number would increase with the completion of this project to 30% over capacity. She stated that the data could not show the Board the emotion of the drivers and what was happening on the streets. She referred to the slide that showed photos of traffic within one block of Mountain View High School at Thornydale and Linda Vista. She added that the plaza across from Sumter was commercial, which included a McDonald's, coffee shop and taco restaurant and it drew the kids from the high school throughout the day. She stated that they crossed the street at Linda Vista, and even though there was a sign that stated "turning traffic must yield to pedestrians", there was a vehicle that had cut off children. She stated that as she crossed Thornydale she was cut off by a vehicle turning and had to hold her hand out to ensure the car would stop. She stated that

children ran across the street throughout the day, typically in the mornings and afternoons. She referred to the slide which showed traffic build up around the high school on Linda Vista and morning traffic on Thornydale along the high school where students or staff parked their cars and parents dropped off or picked up their children. She explained that traffic to the west on Linda Vista was heavy and after she witnessed how students and the drivers interacted it was very concerning. She showed additional photos of traffic on Linda Vista and Thornydale in the afternoon and stated that the problems for the subdivisions and the surrounding communities were that there were only two exits, one onto Thornydale Road and one onto Shannon Road and traffic on Sumter was only able to exit through Shannon or Thornydale. She stated that even though Sumter was under capacity, the street was in deplorable condition and Shannon Road had deep scoring and gouging. She stated that the roads had not been updated and the only thing upgraded was a Stop sign. She added that the site was designated a priority under the Pima Conservation Land System (CLS) and was a part of the Maeveen Behan CLS. She explained the proposed site had many saguaros and many of them were 15 feet or taller. She explained the survivability of saguaros between 16 to 22 feet had a 55% chance of survival and those between 13 to 16 feet had about a 56% chance of survival. She stated that the application indicated that the U.S. Fish and Wildlife Service expressed concern in its report for the loss of habitat for the Cactus Ferruginous Pygmy Owl, which were considered threatened and the Long-Nose Bat, which were pollinators, but the land had not been surveyed to identify if those species were around the area. She added there were other wildlife presences such as bobcats and coyotes. She stated that they deployed a radar echo meter at the site and were able to detect a Canyon Bat, Hoary Bat, Western Yellow Bat and a Mexican Bat even though most bats were migrating south during this time of year. She stated that there had been no inventory of species in the area and the coalition and neighborhood wanted to preserve the area. She stated that from the pictures she had shared it was clear that the project was not compatible with Pima Prospers, the specific scale, the character and identity of the area. She stated that they felt that over 300 voices in the area were not being heard. She explained that the applicant made their home in Florida but those that signed the petition made their lives in the area, paid taxes and voted. She requested the Board vote against the item or postpone it for further review.

Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection, explained that the parcels were in the CLS with Special Species Management Overlay which triggered 80% mitigation and also included riparian areas. She stated that the western most parcel was a high priority private habitat protection parcel identified in the bond programs for complete acquisition and protection. She stated that as a result, the project caused them pause because there would be loss of priority parcels. She added that they worked with the property owners twice and were amenable to be in compliance with CLS onsite and offsite and the coalition was in support of the project. She added that Mr. Juneman had highlighted the sustainability measures, but the coalition was also interested in sustainability measures. She stated that they worked together on water conservation, water harvesting, saguaro and native preservation or salvage and replanting, a Con-Arch bridge, lighting design, EV charging stations and solar energy. She stated that the

coalition supported the standard and special conditions including the additional conditions already included in the plan.

Mike Keller addressed the Board in opposition due to traffic density on Thornydale Road and that it would take 5 years to widen the road in order to handle more traffic.

Wayne Bellmeyer spoke in support of the rezoning and stated that his home and horses were on the property. He stated that due to all the development around the area he could no longer ride or train horses and wished to sell his property to move to a more suitable place in Tucson where he would be able to do that again.

Lori Marchello expressed support for the rezoning and indicated that she was a Mountain View High School teacher. She stated that she lived in the area with her horses and when North Ranch was built, they could no longer ride their horses. She stated that the apartments nearby were no trouble, the new apartments were suited for the area, and the traffic was not bad.

Chair Grijalva inquired about the number of students who attended Mountain View High School.

Ms. Marchello responded that currently there were 1,700 students at Mountain View High School.

John Shackelford spoke in support of the project and stated that apartment rents had continued to increase due to demand and felt that with approval there could be more affordable housing for the community.

Lorraine Wolfsohn addressed the Board in opposition to the rezoning. She stated that no one had communicated the requirements needed to trigger supermajority and she believed the item should be postponed so they could try to meet the requirement that they were unaware was needed. She stated there would be too many entrances, the bike path did not lead anywhere, there was no walkability around the area, and high rent apartments were not going to help the housing crisis and expressed concern of traffic.

Judy Livings spoke to the Board in opposition and expressed concern with water conservation. She stated that water well levels had decreased and by adding units to the area it would continue to decrease the water supply in the area.

It was moved by Chair Grijalva to close the public hearing.

Chair Grijalva questioned whether the 39 acres of offsite mitigation was comparable to the property.

Mr. Juneman responded that when land was set aside for dedication, County staff reviewed it to ensure it was equivalent to the land being developed. He stated that

the process had already been completed and the parcels being preserved were identified.

Chair Grijalva inquired about the location of those parcels.

Mr. Juneman responded that they were part of Kochi Canyon and Twin Peaks area which the County required. He added that the process for supermajority was made very clear in the County Code and County staff were always willing to help them and the public. He stated that the entire eastern side of the property was owned by one neighbor, and he had provided a support letter. He stated that the concerns regarding traffic were addressed by PCDOT. He explained that the other developments being built around the project would add a 2% annual increase in traffic, which was incorporated into the development. He stated that they used a low-rise apartment calculation because it was appropriate and PCDOT had supported it. He stated that these apartments would help the housing prices and would create a trickledown effect with the development of the other projects that would help the housing shortage.

Supervisor Heinz commented that the project was initially denied by P&Z, but had received a recommendation for approval after changes and compromises were made.

Mr. Juneman responded in the affirmative.

Supervisor Scott stated that DSD provided a memorandum to the Board on Friday regarding supermajority. He questioned how neighbors were made aware of the criteria required to trigger supermajority.

Mr. Poirier responded that the requirement by area and number were set by State Statute which then trickled down to Pima County Code. He stated that notices sent to neighbors included information regarding the time and place of the rezoning, that a rezoning was occurring, the changes being requested, and also that if enough neighbors filed protests by area and by number and they triggered 20%, then there would be a three-quarter majority. He added that the notice also included a statement that if there were any questions, it provided information on how to contact planning staff directly by phone or email. He stated that they always went out of their way to inform people of the rules.

Supervisor Scott requested that a copy of the notice that was sent out to neighbors be provided to the Board.

Chair Grijalva commented that this project was in District 1 and questioned if Supervisor Scott wished to make a motion as she believed the public hearing had been closed.

Supervisor Bronson replied that closing the public hearing required a motion and clarified that the public hearing had not been closed.

Chair Grijalva stated that she would not vote in favor of the project, but wanted to ensure that anyone who wished to move forward with the project could do so and close the public hearing.

Supervisor Scott stated that he understood when Chair Grijalva stated the public hearing was closed was that it meant that was for the last piece of testimony.

It was moved by Supervisor Scott and seconded by Supervisor Bronson to close the public hearing and approve P23SP00001, subject to standard and special conditions. No vote was taken at this time.

Supervisor Scott commented that he voted in favor of the project because of the changes made from the July 2022 original plan and because it had a final recommendation of approval by P&Z by a 8-1 vote. He stated there were legitimate concerns about the number of units and density, but both units and density had been reduced by 25% and open space had been increased by 20%. He stated there were concerns about Thornydale Road traffic and advised neighbors to review the County Administrator's October 12, 2023 memorandum that included an attachment from the Director of PCDOT, specifically with the conclusion that detailed the requirements of the developer in terms of improvements to Thornydale. He stated there were concerns about flooding and Riparian Habitat protection and he encouraged neighbors to read that same memorandum, which included information from the Director of the Regional Flood Control District. He stated there were concerns about environmental protection and encouraged everyone to read Ms. Campbell's support letter and specifically the nine citations of specific plan commitments and support for the County's recommended standards and special conditions. He agreed that the project was appropriate for the area and helped to meet the need to increase the amount of marketplace housing and hoped his colleagues could support the rezoning and specific plan.

Chair Grijalva requested the date of the County Administrator's memorandum that Supervisor Scott had referenced.

Supervisor Scott responded that the Board received Mr. Leshner's memorandum October 12, 2023, which included memorandums from the directors of PCDOT and Regional Flood Control District.

Chair Grijalva stated that anyone could review the memorandum attached to the online agenda, Item No 55, labeled DSD_P23SP00001_CAMemo_10-12-23. She added that the nay vote from P&Z was by her commissioner. She stated that the property was in the CLS, which was environmentally sensitive land and very valuable. She stated that they had seen pictures of the land and the County wanted to buy the land and protect it, but part of the policy was there had to be a willing seller for the property to be purchased and that was not the case with the property. She stated that highlighted how valuable the property was and was the reason why she would vote against this item.

Upon the roll call vote, the motion carried 4-1, Chair Grijalva voted "Nay."

57. **Hearing - Rezoning Time Extension**

P16RZ00010, 6500 WESTOVER AV, L.L.C. - S. WESTOVER AVENUE REZONING Valencia Westover, L.L.C., represented by The Planning Center, requests a five-year time extension for an approximate 0.91-acre rezoning (portion of Parcel Code 138-25-591A) from the GR-1 (Rural Residential) to the CB-1 (Local Business) zone, located on the southwest corner of W. Valencia Road and S. Westover Avenue. The subject site was rezoned in 2016 and expired November 22, 2021. Staff recommends APPROVAL OF THE FIVE-YEAR TIME EXTENSION SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 5)

1. ~~The owner shall:
 - A. ~~Submit a development plan if determined necessary by the appropriate County agencies.~~
 - B. ~~Record the necessary development related covenants as determined appropriate by the various County agencies.~~
 - C. ~~Provide development related assurances as required by the appropriate agencies.~~
 - D. ~~Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~~~
21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
32. Transportation conditions:
 - A. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - B. The property shall be limited to the existing access point on Westover Avenue and one off-site shared access drive with the property to the west on Valencia Road. The location of the shared access drive on Valencia Road shall be determined at time of permit submittal.
 - C. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the development plan submittal. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner(s).
 - D. Coordination with the Department of Transportation is required to determine TIS assumptions and shall incorporate in the analysis any nearby and recently approved rezoning projects and developments.
 - E. Sidewalk and curbing requirements along the property frontage on Valencia Road and Westover Avenue shall be determined at time of permit submittal.
 - F. An ADA-accessible asphalt path or concrete sidewalk shall be provided, at least five-foot-wide, from the Valencia Road and Westover Avenue intersection to the bus stop located west of the project site adjacent to the Walmart. The location of the path or sidewalk shall be determined at the time of permitting.
 - G. The one-foot no access easement along the Valencia Road frontage may require abandonment or reconfiguration with Department of Transportation and Real Property Services.
3. Regional Flood Control conditions:
 - A. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
 - B. The first one inch of Rainfall (first flush retention) shall be provided in Low Impact Development practices distributed throughout the site.
 - C. Impacts to Valencia Wash and the south offsite drainage infrastructure is prohibited.
4. Regional Wastewater Reclamation conditions:

- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
 - B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner. ~~Prior to issuance of the certificate of compliance, the owner shall record a covenant, to run with the land, memorializing the terms of this condition.~~
 6. Cultural Resources condition: ~~OSC review of submitted application has determined that the proposed development project has a potential to negatively affect significant cultural and/or historic resources. Cultural resources survey is required to assess archaeological site AZ AA:16:59(ASM) before clearance can be issued for the proposed development project. The applicant and/or project proponent should contact OSC at 520-724-6940, or email: Cultural.Resources.DSD@pima.gov, for assistance in complying with pertinent County, State, and/or Federal cultural resources requirements.~~
In the event that ancestral remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are encountered during construction, all ground disturbing activities must cease within 50 ft of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the encounter or disturbance of the remains at (520) 626-0320 so that appropriate arrangements can be made for the repatriation and reburial by cultural groups who claim cultural or religious affinity to them. The ancestral 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.
 7. Adherence to the preliminary development plan (Exhibit B) as approved at public hearing.

8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. The property owner shall execute and record the following disclaimer regarding the Private Property Rights Protection Act ~~Proposition 207~~ rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Grijalva, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to close the public hearing and approve P16RZ00010, Five-Year Time Extension subject to modified standard and special conditions.

58. Hearing - Rezoning Ordinance

ORDINANCE NO. 2023 - 16, P21RZ00018, Foucher - N. Cerro De Falcon Rezoning (Catalina Foothills Zoning Plan). Owner: Foucher, Yvonne. (District 1)

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

59. Hearing - Rezoning Resolution

RESOLUTION NO. 2023 - 55, Co9-07-26, Lawyers Title of AZ Tr 7992-T - Magee Road No. 2 Rezoning. Owner: Suki Investment Group, L.L.C. (District 1)

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

60. Hearing - Rezoning Resolution

RESOLUTION NO. 2023 - 56, P17RZ00007, Stewart Title & Trust Tr 1580 - S. Kinney Road Rezoning. Owner: Stewart Title & Trust Tr 1580. (District 5)

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

BOARD OF SUPERVISORS

61. Support of Standing with Israel

RESOLUTION NO. 2023 - 57, of the Board of Supervisors, in support of standing with Israel as it defends itself against the barbaric war launched by Hamas and other terrorists. (District 4)

Supervisor Christy requested a point of parliamentary procedure. He stated that he submitted the Resolution by the addendum deadline and in accordance with procedure. He stated that a substitute motion suddenly appeared after the deadline, but did not understand how that could be permitted in this manner. He added that the maker of the substitute motion indicated it being so, which meant it was an action item that must be posted. He stated that it was not posted and was submitted after the deadline. He stated that it was massaged and cloaked in the heading as not being a substitute motion, however it was labeled as additional information to accommodate it being added to the agenda as an addendum item. He protested it not being proper procedure. He added that it became known that District 5 supported the item, but the background material did not indicate such direction. He questioned how the Clerk of the Board's Office received direction to include District 5 to the substitute motion.

Melissa Manriquez, Clerk of the Board, explained that when the item was submitted by District 2, the information that it included District 5 was indicated in the email received from Supervisor Heinz's Chief of Staff, David Higuera.

Supervisor Christy commented that the Clerk had taken direction from District 2 staff and proceeded to add District 5. He questioned whether District 5 was aware this had happened and why a memorandum was not added that stated both districts would be included on the substitute motion.

Ms. Manriquez clarified that the information to include District 5 was added to the naming of the attached material, and the material submitted by District 2 consisted of the memorandum and a substitute Resolution.

Supervisor Christy asked if District 5 had been included by the direction of a staff member from District 2.

Chair Grijalva explained that she had been out of town and communications were done via text messages. She stated that both District 2 and 5 staff worked together on the item and the item had been submitted after her staff member had left the office.

Supervisor Christy asked for clarification whether it was a staff member that submitted it.

Chair Grijalva responded in the affirmative and stated her assumption was that District 2 staff was directed to submit the item and that she directed her staff to move forward with the item.

Supervisor Christy stated that he was not aware of any procedural activity like this in the past.

Ms. Manriquez stated that in the email her office received from District 2's Chief of Staff, it indicated that it was being submitted on behalf of Supervisor Heinz and Chair Grijalva together.

Supervisor Christy asked whether the Chief of Staff from District 2 had the authority to submit additions after not being posted properly and past the deadline.

Chair Grijalva asked for legal clarification. She stated that she had attached information on a prior meeting for an item that dealt with the same subject matter, but she had been asked for the item be brought back. She felt that this item could be done in this manner.

Supervisor Christy requested the substitute motion be removed from the addendum because it was not properly posted, it was posted as a substitute motion, then renamed as additional information and direction was given by a District 2 staff member to include District 5.

Sam Brown, Chief Civil Deputy County Attorney, clarified that the County Attorney's Office did not rename or massage any of the items. He stated that the additional information was named as a substitute Resolution, which could have been made by any one of the Board members at the dais. He explained that it was in the spirit of Open Meeting Law to provide transparency and was within the rules that a proposed resolution when feasible should be made available to the public not less than 48 hours before the Board convened. He stated that it was an irregular situation, it was a proposed Resolution and it was more important to provide transparency to the public, which had been voiced by speakers during Call to the Public rather than reading a proposed motion from the dais, which the public would have had no knowledge or notice of the item.

Supervisor Bronson stated that the substitute Resolution did not meet the requirements because it was not submitted before the deadline.

Supervisor Chirsty stated that it was a violation of the spirit of Open Meeting Law because there was no public documentation prior to the item being presented. He stated his Resolution was presented with public documentation as required. He stated that the way it was submitted was in violation of the procedures and was the reason why he requested it be removed from the agenda.

Supervisor Heinz stated that he would be glad to remove his substitute Resolution from the attachment and would simply make a substitute motion and read the entire Resolution as he thought it should be presented as a substitute motion. He

explained that it was placed as additional information for convenience so that the Board and public would be aware of what he would read. He added that it would also avoid the need for the Clerk to take feverish notes, instead of having to read a page and a half of text into the record. He commented that Supervisor Christy could make his motion and read his Resolution into the record and then he would proceed to make his substitute motion and read his own Resolution as a substitute into the record.

Supervisor Christy questioned if the way this item was submitted would be an accepted procedure moving forward for items like Resolutions and other elements.

Chair Grijalva commented that Board members could always suggest different language, read items, could ask for amendments to a Resolution and read it out loud. She stated that the idea behind adding the substitute Resolution to the item was for transparency so that it was not only read from the dais. She expressed her appreciation for Supervisor Christy's opinion and that every governing body dealt with this differently. She provided an example of how items could include updated information and be added to the agenda after it had already been posted. She stated that this item was in the same spirit, and she was willing to follow the same set of guidance as agreed to by the Board. She stated that if the Board wanted to have the same set of expectations that if something did not meet the cutoff it would not be posted, but it could be anticipated that a Board member could read something from the dais as opposed to anyone being able to read it over the weekend. She asked if what she had described was legal.

Mr. Brown responded in the affirmative.

Supervisor Christy thanked Chair Grijalva for the explanation, but his concern was that this seemed to be a concerted effort to accommodate Supervisor Heinz's ability to publicize it outside normal procedure. He feared that there could have been collusion, or an element involved to work together to get it added against policies and procedures and protocol in place.

Chair Grijalva stated that Supervisor Christy had an issue in the past when she submitted additional information for alternate language after the fact. She added that she submitted that item as an individual and it had nothing to do with collusion. She stated that if Board members wanted to come to an understanding that if they had an idea of alternate language that would be suggested from the dais without having the opportunity to review if beforehand was acceptable to her.

Supervisor Christy commented that the Board headed down a slippery slope and it was a problematic issue. He stated that the Board would consider his Resolution, but he had anticipated that the outcome of his protest would go in this direction. He added that his prediction would be that a substitute motion would be made by Supervisor Heinz after he made a motion to accept his own Resolution. He questioned if the Board should go through that entire procedure or get to the point and let it play out. He asked Chair Grijalva what she thought about it.

Chair Grijalva replied they needed a motion for discussion.

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

Supervisor Heinz requested the Resolution be read aloud for the record.

Supervisor Christy read the Resolution:

*PIMA COUNTY RESOLUTION IN SUPPORT OF STANDING WITH ISRAEL
AS IT DEFENDS ITSELF AGAINST THE BARBARIC WAR LAUNCHED BY
HAMAS AND OTHER TERRORISTS*

The Board of Supervisors of Pima County, Arizona finds:

Whereas on October 7, 2023, Hamas terrorists launched a massive, unprovoked war on Israel by air, land, and sea, including firing thousands of rockets;

Whereas this heinous assault took place just after the 50th anniversary of the start of the multi-front 1973 Yom Kippur War against Israel;

Whereas Hamas terrorists crossed the land border and began slaughtering Israelis and abducting hostages in towns in southern Israel, including children and the elderly thereby ignoring all understandings of morality and humanity;

Whereas since October 7, 2023, Hamas launched over 4,500 rockets into southern and central Israel;

Whereas since October 7, 2023, Hamas terrorists have killed over 1,300 Israelis and injured more than 2,600 others;

Whereas at least 27 United States citizens in Israel are among those killed by Hamas since October 7, 2023;

Whereas since October 7, 2023, Hamas is directly responsible for the deaths of hundreds of Palestinians;

Whereas the expansion of this war to other fronts by Hezbollah, Iran, or others would create an even more devastating regional catastrophe;

Whereas Hamas is a United States-designated Foreign Terrorist Organization;

Whereas Iran has long provided support to Hamas and other terrorist groups and proxies, and prior United States Government unclassified assessments indicated that, "Iran has historically provided up to \$100 million annually in

combined support to Palestinian terrorist groups, including Hamas, Palestinian Islamic Jihad (PIJ), and the Popular Front for the Liberation of Palestine-General Command”;

Whereas Hamas used rudimentary, civilian equipment, such as bulldozers, paragliders, and rubber boats in its assault on Israel, demonstrating the importance of fully enforcing tight controls on what materials go into the Gaza Strip, including through thorough vetting of assistance; and

Whereas Israel is a major non-NATO ally and Major Strategic Partner of the United States:

Now, therefore, upon motion duly made, seconded, and carried, be it resolved as follows that the Pima County Board of Supervisors:

- 1. Stands with Israel and the Jewish people as they defend themselves against the barbaric war launched by Hamas and other terrorists;*
- 2. Reaffirms Israel’s right to self-defense and stands with their retaliatory efforts;*
- 3. Condemns Hamas’ brutal war against Israel and the heinous tactics used against innocents;*
- 4. Calls on all countries to unequivocally condemn Hamas’ brutal war against Israel and to stand with Israel;*
- 5. Calls on Hamas to immediately cease these violent attacks and safely release all living hostages and return the bodies of deceased hostages;*
- 6. Mourns together with Pima County’s Jewish community the over 1,300 Israelis and 27 Americans killed and over 2,600 others wounded in Hamas’ unprovoked attack on Israel;*
- 7. Condemns Iran’s support for terrorists groups and proxies, including Hamas and Palestinian Islamic Jihad, and their wanton desire to eradicate the Jewish people;*
- 8. Urges full enforcement of United States sanctions against Iran to prevent Iran’s funding of terrorists groups, including Hamas and Palestinian Islamic Jihad.*

Passed, adopted, and approved this day 2023.

A substitute motion was made by Supervisor Heinz to adopt a substitute Resolution. He read the substitute Resolution into the record:

PIMA COUNTY RESOLUTION IN SUPPORT OF PEACE IN THE MIDDLE EAST

Whereas on October 7, 2023, Hamas terrorists launched a massive and brutal attack on Israel by air, land, and sea, including firing thousands of rockets on civilian targets and committing atrocities against innocent civilians of all ages, including children, effectively declaring war on Israel; and

Whereas Hamas' brutal attacks led to at least 1,200 Israeli deaths as well as the deaths of dozens of Americans and others, the injuries of thousands of other innocent civilians, terrorized the entire State of Israel and shocked the conscience of us all; and

Whereas Hamas abducted an estimated 150 hostages during the attacks, including Israelis, Americans and others; and

Whereas the State of Israel immediately declared war on Hamas, has bombed the Gaza Strip with missile attacks every day since, sealed the borders of Gaza, and sealed off the people of Gaza from vital supplies of food, water, fuel, and electricity, all of which has led, as of last Thursday, to the deaths of at least 1,537 Palestinians including at least 500 children, and to the internal displacement of more than 300,000 Palestinians; and

Whereas the United Nations has recognized the immediate humanitarian disaster that exists in Gaza, as Palestinians are trapped and running out of the basic supplies needed to survive, while the borders to both Israel and Egypt remain completely closed off; and

Whereas the State of Israel has the right to defend itself by eliminating terrorist threats, but at the same time, has the moral obligation to preserve civilian populations in any and every way possible,

Now therefore, be it resolved as follows that the Pima County Board of Supervisors:

- 1. Condemns Hamas' brutal attack against Israeli civilians on October 7, 2023, in no uncertain terms;*
- 2. Affirms Israel's right to exist and their right to defend themselves against extremism and terror threats such as those posed by Hamas and others;*
- 3. Affirms the right of the Palestinian people to also exist, and to live free from the terror of air strikes and blockades that prevent needed food, water, medicine, electricity, and fuel from reaching them;*
- 4. Affirms the desire of the majority of the people of Israel and the majority of the people of the Palestinian Territories to live in peace and to pass down a better world to their children;*
- 5. Affirms the rights of all human beings to live in peace, regardless of religion, race, ethnicity, or geography;*
- 6. Strongly urges the State of Israel to employ every possible precaution to prevent harming civilians as it endeavors to hold Hamas accountable for the atrocities committed by Hamas militants;*
- 7. Calls on Hamas to accept the right of Israel to exist, to immediately cease all attacks on Israeli civilians, and to immediately and safely release all hostages it has taken; and*
- 8. Urges the Israeli government and Palestinian leadership to sit down and negotiate a lasting peace, which will involve compromise on both sides,*

as this is the only way to ensure the long-term safety and stability of the region and therefore the future of all the region's people.

Passed and adopted this 17th day of October 2023.

Chair Grijalva seconded the substitute motion. She stated that Supervisor Heinz's Resolution spoke more towards her stance on the issue. She stated it was a quickly evolving situation and the Hamas attacks began on October 7, which was less than two weeks ago. She stated that the language of these resolutions changed quickly and some of the items may already been out of date. She stated that it was learned just yesterday that President Biden would visit Israel the following day likely with intentions to support Israel, urge for de-escalation and rescue hostages. She stated that she unequivocally condemned the horrific terrorist attacks by Hamas against Israel and shared deep concern for Israeli hostages and the ongoing firing of missiles against Israeli population centers. She also had a deep concern for the safety of the Palestinian civilians facing Israel bombardment on the Gaza Strip, the cutting off from their supplies of water, food, fuel and electricity and the likely devastation of imminent ground invasion especially given that reports estimated that 50% of the civilians were children. She stated that civilian residents of northern Gaza simply could not be expected to flee their homes within the short time frame given by the Israeli government. She stated that in perspective, that would be like asking the 1 million people of Pima County to flee to Pinal County in a day or two. She stated that this conflict had hit home for many in the community and her heart went out to people like Jared and Johanna Moore from Mountain View Baptist Church in Tucson who were stuck in Israel and luckily made it home, but other Pima County residents remained stuck in Gaza and Israel amidst the horrifying situation. She stated that she had the chance to visit Israel in 2011 and learned more about the situation and felt horrified by the recent events in the region. She urged everyone in the community to check in on each another and show kindness in these times especially to those Jewish and Muslim friends and neighbors. She stated that ultimately those hurt most by war were the innocent civilians and she supported a call for a cease fire to prevent further loss of innocent lives.

Upon roll call vote, the substitute motion failed 2-3, Supervisors Bronson, Christy and Scott voted "Nay."

Chair Grijalva stated that the Board was back to the original motion to approve the Resolution submitted by Supervisor Christy. She requested a friendly amendment to add some of the language from the whereas recitals that was read into the record by Supervisor Heinz.

Supervisor Christy respectfully declined the friendly amendment, as the maker of the original motion.

Supervisor Bronson respectfully declined the friendly amendment, as the seconder to the original motion.

Chair Grijalva stated that was unfortunate because she believed the biggest issue that she would have asked for was humanitarian aid.

Supervisor Scott stated that since the savage attacks on Israel by Hamas, President Biden had been clear about the policy of the government that the United States stood with Israel and against terrorism. He stated that the actions of Hamas had also set back the movement towards a two-state solution, which had long been American policy and setback the resolution of an accord between Israel and Saudi Arabia that had been negotiated. He stated that President Biden spoke on the need for Israel to do everything they could to avoid civilian deaths and to follow the rules of war in any of its actions in the Gaza Strip. He stated that it was his belief that was taken into account in Supervisor Heinz' Resolution, but as he reviewed both Resolutions presented, he felt the Resolution offered by Supervisor Christy backed up the statements made by President Biden stating support for Israel and opposition to terrorism. He stated this was the reason he supported Supervisor Christy's Resolution.

Upon the vote of the original motion, it carried 4-0, Supervisor Heinz was not present for the vote.

Chair Grijalva reiterated it was unfortunate the Board could not come up with additional language that spoke to humanitarian aid.

Supervisor Christy asked for clarification of the outcome of the final vote and if Chair Grijalva had voted in favor of the Resolution.

Chair Grijalva replied in the affirmative and clarified the item passed 4-0. She added that she agreed with most of Supervisor Christy's Resolution, but there were significant parts that she did not agree with and part of the problem was that there could have been more cooperation by members to incorporate what was the right thing to do.

BOARD, COMMISSION AND/OR COMMITTEE

62. Pima Animal Care Center Advisory Committee

Appointment of Lara Iacobucci Paris, to replace Steve Farley. Term expiration: 6/30/24. (District 1)

It was moved by Supervisor Scott, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the item.

63. Natural Resources, Parks and Recreation Advisory Commission

Reappointment of Anita Kellman. Term expiration: 9/30/29. (District 4)

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

CONSENT CALENDAR

64. Approval of the Consent Calendar

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

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BOARD, COMMISSION AND/OR COMMITTEE

1. **Air Quality Hearing Board**
Reappointments of Marian LaLonde and Ann Marie Wolf. Term expirations: 10/31/26. (Staff recommendations)
2. **Workforce Investment Board**
Reappointments of the following members: Term expirations: 9/30/26. (Staff recommendations)
 - Lea Márquez Peterson; representing Business.
 - Carol Stewart, representing Business.
 - Kathy Prather, representing Workforce; CBO.
 - Mary K. Fleck, representing GECD; Title I Vocational Rehabilitation.

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/ PATIO PERMIT/WINE FAIR/WINE FESTIVAL/JOINT PREMISES PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2019-68

3. **Special Event**
 - Rebecca J. Roberts, Rotary Club of Green Valley Arizona, Canoa Park Historic Ranch, 5375 S. I-19 Frontage Road, Green Valley, October 14, 2023.
 - Mario Jesus Rodriquez, Proyecto Mexicano Ecuatoriano Al Servicio De Los Abandonados, Our Lady of Fatima Parish Hall, 1950 W. Irvington Place, Tucson, October 14, 2023.
 - John Albert Williams, III, True Giving Fund, L.L.C., True Food Kitchen, 2905 E. Skyline Drive, Suite 298, Tucson, November 1, 2, 3, 4, 6, 7, 8, 9, 10 and 11, 2023.
 - Michael J. Kwinn, Corpus Christi Catholic Parish - Tucson, 300 N. Tanque Verde Loop Road, Tucson, November 4 and 18, 2023.
 - James Arthur Mahaffey, St. Rita in the Desert, St. Rita in the Desert Catholic Church, 13260 E. Colossal Cave Road, Vail, October 20 and 21, 2023.
4. **Wine Festival**
Chris Johnson, d.b.a. Sunset Ride Vineyards, 8701 S. Kolb Road, Tucson, October 28 and 29, 2023 from 10:00 a.m. to 3:00 p.m.

ELECTIONS

5. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY:

Leslie Stellman-030-DEM, Myrna Marell-056-DEM, Marlene Verdery-056-DEM, Karen Lane-194-DEM, Marlyne Freedman-238-DEM

APPOINTMENT-PRECINCT-PARTY:

Mary Ferris-074-DEM, Robert Scott Ferris-074-DEM, Kenneth Kenegos-089-DEM, Rebecca Beaton-141-DEM, Barbara Lemmon-141-DEM, Leslie Stellman-173-DEM, Karen Lane-184-DEM, Catherine Ripley-184-DEM, Laura Callejon-193-DEM, Nancy Gutierrez-210-DEM, Sharon Goncharsky-241-DEM

FINANCE AND RISK MANAGEMENT

6. Duplicate Warrants - For Ratification

John H. McDougall OD AZ PC \$1,139.00; Bluebonnet Ventures, L.L.C., d.b.a. Keller Williams Southern Arizona \$6,580.00; Marana Public School District \$11,880.00; Humphrey & Petersen, P.C. \$604.50; Humphrey & Petersen, P.C. \$2,360.50; Dorelle Dushime \$157.50; Helm, Livesay & Worthington Ltd. \$115.40; Guadalupe Susan Aros \$24.92; McKesson Medical-Surgical Government Solutions, L.L.C. \$3,138.07; TransPerfect Global, Inc. \$92.80; Hach Company \$4,817.41; Antonio Amado Almeida \$135.00; Monique Garcia \$39.13; 1800 North Stone, L.L.C. \$3,905.00; Comcast Holdings Corporation \$271.66; Annette Oquita \$200.00; Greta Handgis \$1,500.00; Kellie M. Sanford \$10,862.75; Blischak Law, P.L.L.C. \$6,100.00; Covered Wagon Mobile Home Park \$4,342.75; John David Ferguson \$664.33; Jonna Hoffman \$12,904.00; Taylor W. Fox, P.C. \$4,714.55; Pima County Justice Court \$33,762.69; Rudy G. Robles \$66.99; Carolyn Dexter \$1,341.36.

TREASURER

7. Duplicate Warrants - For Ratification

Lewis Menke \$8.87

8. Request to Waive Interest

Pursuant to A.R.S. §42-18053, staff requests approval of the Submission of Request to Waive Interest Due to Mortgage Satisfaction in the amount of \$242.54.

9. **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 \$26,909.29.

RATIFY AND/OR APPROVE

10. Minutes: August 8, 2023

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65. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 1:44 p.m.

CHAIR

ATTEST:

CLERK