

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 14, 2014. Upon roll call, those present and absent were as follows:

Present:

Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present:

Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. GRANT OF WATER EASEMENT

Oro Valley Water Utility, to provide a grant of water easement for installation of a replacement water main along a portion of the southern and eastern boundary of the Countryside Terrace subdivision and crosses portions of Pima County Flood Control District Tax Parcel Nos. 221-07-005A and 221-07-005C, as well as two 16-foot wide Access and Maintenanceways dedicated to Pima County, lying within Sections 24 and 25, T12S, R12E, G&SRM, Pima County, Arizona, \$880.00 revenue (District 1)

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

2. TUCSON AUDUBON SOCIETY – IN-LIEU FEE PROGRAM

Staff recommends authorization of the reimbursement of \$87,405.84 to the Tucson Audubon Society for professional services related to their assistance to the Regional Flood Control District in developing a number of In-Lieu Fee Program options throughout Pima County.

Supervisor Miller questioned the absence of a contract and asked about the in-lieu fee structure.

Chuck Huckelberry, County Administrator, stated the Tucson Audubon Society had been the only entity approved by the Army Corps of Engineers and was considered a sole source vendor. He explained the in-lieu fee structure was a subcomponent of the Clean Water Act and that the fees were customary usage fees associated with the type of biological services that had been provided. He acknowledged that the fees had been approved and agreed upon by the Flood Control District prior to any services provided by the vendor.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:07 a.m.

ATTEST:

CLERK

CHAIR

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 14, 2014. Upon roll call, those present and absent were as follows:

Present:

Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present:

Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. INVOCATION

The invocation was given by Father Ron Oakham, St. Cyril of Alexandria Roman Catholic Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINTS OF PRIVILEGE

Supervisor Elías acknowledged the passing of Pepe Barrón and spoke about his achievements in the community.

4. PAUSE 4 PAWS

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

5. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Veronica Soto and Daisy Rodriguez Patel, members of the National Latino AIDS Awareness Day Board of Directors, proclaiming the day of Wednesday, October 15, 2014 to be: "NATIONAL LATINO AIDS AWARENESS DAY"

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

6. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Ed Mercurio-Sakwa, Chief Executive Officer, Charlene Mazur and Blanca Huerta, Emerge! Center Against Domestic Abuse, proclaiming the day of Friday, October 17, 2014 to be: "WEAR PURPLE DAY"

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

7. CALL TO THE PUBLIC (for Executive Session items only)

The Chair inquired whether anyone wished to address the Board. No one appeared.

8. CONVENE TO EXECUTIVE SESSION

It was moved by Supervisor Valadez, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:19 a.m.

9. RECONVENE

The meeting reconvened at 9:30 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Pima County v. Lamberto R. and Carol A. Hernandez, Pima County Superior Court Case No. C20132298.

Chris Straub, Chief Civil Deputy County Attorney, stated in this case the County had filed an action to condemn a drainage easement as part of the Valencia Road: Wade Road to Mark Road Project and before the condemnation action was filed, the County had appraised the easement at \$12,897.00. He explained under the terms of a tentative settlement, the County would pay the defendants a total of \$16,400.00 in just compensation and interest for the easement. The County Administrator and County Attorney's Office recommended approval of the proposed settlement.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

11. Hillcrest Academy Project

RESOLUTION NO. 2014 – 104, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the

County of Pima regarding the issuance of its education facility revenue bonds (Hillcrest Academy Project), Series 2014 in an aggregate principal amount not to exceed \$12,000,000.00 and declaring an emergency.

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

12. PLC Arts Academy at Scottsdale Project – Amending Resolution No. 2013-115

RESOLUTION NO. 2014 – 105, of the Board of Supervisors of Pima County, Arizona, amending the approval of the issuance of the Industrial Development Authority of the County of Pima education facility revenue bonds (PLC Arts Academy of Scottsdale Project), Series 2014 and declaring an emergency.

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

FRANCHISE/LICENSE/PERMIT

13. Fireworks Permit

Ryan Prosowski, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, October 18, 2014 at 9:00 p.m.

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

DEVELOPMENT SERVICES

14. Comprehensive Plan Amendment and Rezoning

Co7-14-07, Co9-14-08 – PRD INVESTMENTS, L.L.C. – N. HOUTGTON ROAD CONCURRENT COMPREHENSIVE PLAN AMENDMENT AND REZONING

Request of PRD Investments, L.L.C., represented by The WLB Group, Inc., for a concurrent plan amendment and rezoning to amend the Pima County Comprehensive Plan from Resource Transition (RT) to Low Intensity Urban 1.2 (LIU 1.2) and to rezone from SR (Suburban Ranch) to CR-1 (Single Residence) zone on approximately 0.92 acres. The property is located approximately three-fourths of a mile north of Snyder Road at the end of North Houghton Road in Section 14, T13S, R15E, in the Catalina Foothills Subregion. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Matter was absent) to recommend APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL WITH STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. Submit a title report (current within 60 days) to Development Services evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.
2. A new comprehensive plan amendment and separate rezoning is required for a change of zoning.
3. The maximum height of the single family residence is 24 feet as measured in Section 18.03.020.B7 of the Pima County Zoning Code.
4. Adherence to the sketch plan as approved at public hearing.
5. Transportation conditions:
 - A. The owner shall file an application for abandonment of public right-of-way for Houghton Road (book 4918, page 77) from the property line of the rezoning site to the easement approximately 1,200 feet south. Once abandoned, the land shall be incorporated into the site and serve as the private driveway for the rezoning site.
 - B. The owner shall record a 15-foot pedestrian access easement along the north and east property boundaries to provide pedestrian connectivity between the surrounding subdivisions.
6. 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(s) shall record a covenant, to run with the land, memorializing the terms of this condition.
7. Wastewater conditions: At the time a tentative plat, development plan or request for building permit is submitted for review, the property owner shall either:
 - A. Propose that all new development within the rezoning area will connect to the public sewer system, or
 - B. Demonstrate that connecting all or portions of the rezoning area to the public sewer system is impractical, and that the soils in all or portions of the rezoning area are suitable for the use of on-site sewage disposal systems.
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 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(I)."

Chris Poirier, Assistant Planning Director, reported the property was generally located outside of the Maeveen Marie Behan Conservation Lands System with a small portion of it within and that it would meet open space objectives. Additionally, the property was located within the buffer overlay zone and it would also meet open space objectives. He said staff had received no public comment to date and that two separate motions be made for both the plan amendment and the rezoning.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co7-14-07, with standard and special conditions.

It was then moved by Supervisor Miller, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-14-08, with standard and special conditions.

15. Rezoning Resolution

RESOLUTION NO. 2014 – 106, Co9-07-29, Vanderkolk TR. – Montebella Road Rezoning. Owner: Vanderkolk, Jack L. and Josephine L. TR. (District 1)

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

TRANSPORTATION

16. Traffic Ordinance

ORDINANCE NO. 2014 – 44, of the Board of Supervisors, establishing prima facie reasonable speed limits for motor vehicles on Marsh Station Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

BOARD OF SUPERVISORS

17. County Attorney's Decision on Discretionary Spending

Discussion and vote on whether to release the County Attorney's opinion to the public in regards to Supervisors discretionary use of office funds to make contributions to outside organizations. The County Attorney's opinion was provided to Supervisors following the discussion and vote of Addendum Item No. 4 from the September 16, 2014 Board of Supervisors' Meeting. (District 1)

It was moved by Supervisor Valadez and seconded by Supervisor Carroll to approve the release of the County Attorney's opinion to the public. Upon roll call, the motion unanimously carried by a 5-0 vote.

18. Supervisor Personal Vehicle Use Option

Board of Supervisors to discuss and vote to allow the option for County Supervisors to use their own personal vehicle, instead of a County supplied vehicle and receive mileage reimbursement per the IRS standard. Clarification of reimbursable mileage of County Supervisors.

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

Supervisor Miller asked for clarification on travel reimbursement, questioned whether the County's current policy matched the Internal Revenue Service policy and whether she could legally use her private vehicle in place of the County vehicle.

Chuck Huckelberry, County Administrator, stated the County's current policy regarding reimbursable mileage mirrored the IRS reimbursement rate.

Chris Straub, Chief Civil Deputy County Attorney, stated the policy allowed for the reimbursement of the use of private vehicles.

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

CONTRACT AND AWARD

INFORMATION TECHNOLOGY

19. Award

Amendment of Award: Contract No. MA-PO-15-58, Amendment No. 1, Hewlett-Packard Financial Services (HPFS) to provide leasing of computer services, data storage, enterprise monitoring and management software, and deployment and integration services, increase annual contract award amount by \$8,914-,427.82. Funding Source: General Fund (50%) and Various Department Funds (50%). Administering Department: Information Technology.

Supervisor Valadez stated that the lease program would be all-inclusive to all entities of Pima County, elected officials included, and directed staff to prepare a report for the Board by the end of November, that would include the status of all county entities' compliance with the policies set forth during budget adoption this year.

Supervisor Elías questioned the value of the equipment that would be replaced and/or given away.

Jesse Rodriguez, Information Technology Director, commented that there were approximately 2,600 computers and as the equipment became obsolete it would be replaced. He stated that some of the computers would be placed within the County but the servers were very old and had little to no value.

Supervisor Bronson asked if the computers that were declared obsolete would continue to be recycled.

Mr. Rodriguez confirmed that the obsolete equipment would be donated to Project Rise, the hard drives would be wiped and Project Rise would reimage the computers and distribute to educational institutions and charities.

Chuck Huckelberry, County Administrator, commented that data storage was the fastest growing expense and this process would keep the County on the step of modernizing its computer systems.

Supervisor Bronson commented that once the new system was in place, the County would be upgrading on a regular basis and as a result would reduce internal costs.

Mr. Rodriguez explained the replacement cycle and explained once the County was done with the first iteration of the lease cycle, there would be a savings of a minimum of about 10 million dollars a year as opposed to having acquired the equipment outright.

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

GRANT APPLICATION/ACCEPTANCE

20. Acceptance - Health

Arizona Department of Health Services, Amendment No. 1, to provide a WIC/EFPC/FMNP funding reduction due to decrease in assigned caseload, U.S. Department of Agriculture, \$137,218.00 decrease (GTAM 15-22)

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

21. Acceptance – Office of Medical Services

U.S. Department of Justice – Office of Justice Programs, to provide for the Inside Out Recovery Partnership FY14 Second Chance Reentry Program, \$599,998.00 (GTAW 15-33)

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

22. Acceptance – Health

Arizona Family Health Partnership, to provide insurance enrollment for Title X family planning clients, U.S. Department of Health and Human Services, \$165,000.00 (GTAW 15-39)

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

BOARD, COMMISSION AND/OR COMMITTEE

23. Merit System Commission and Law Enforcement Merit System Council

Appointment of Joelyn Marlowe to replace Jerry T. Estruth. Term expiration: 12/31/18. (District 3)

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

CONSENT CALENDAR

24. Call to the Public (for Consent Calendar items only)

The Chair inquired whether anyone wished to address the Board. No one appeared.

25. Approval of the Consent Calendar

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

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CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Habitat for Humanity Tucson, Amendment No. 1, to provide for the Preserve-A-Home Program and extend contract term to 9/30/15, no cost (CT-CD-14-262)

Procurement

2. B&F Contracting, Inc., Amendment No. 1, to provide for construction manager at risk services for the North Rillito Interceptor Rehabilitation Project and amend contractual language, RWRD Obligation Fund, contract amount \$485,960.88 (CT-WW-14-189) Regional Wastewater Reclamation

BOARD, COMMISSION AND/OR COMMITTEE

3. Air Quality Hearing Board

Reappointments of Ann Marie Wolf and William S. Nevin. Term expirations: 10/31/17. (Staff recommendations)

**SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION
NO. 2002-273**

4. Harry A. Monsen, Roland G. Moody Post No. 3578, 1764 N. 2nd Avenue, Ajo, October 18, 2014.

ELECTIONS

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

RESIGNATIONS-PRECINCT-PARTY

Mark Stegeman-073-DEM; Timothy Ingham-130-DEM

REAL PROPERTY

6. **Grant of Water Easement**

Oro Valley Water Utility, to provide a grant of water easement for installation of a replacement water main along a portion of the southern and eastern boundary of the Countryside Terrace subdivision and crosses portions of Pima County Flood Control District Tax Parcel Nos. 221-07-005A and 221-07-005C, as well as two 16-foot wide Access and Maintenanceways dedicated to Pima County, lying within Sections 24 and 25, T12S, R12E, G&SRM, Pima County, Arizona. \$880.00 revenue (District 1)

RATIFY AND/OR APPROVE

7. Minutes: September 9, 2014

26. **CALL TO THE PUBLIC**

Mary Murphy addressed the Board regarding her Green Valley neighborhood, vandalism and how her family members started her homeowner's association.

Victoria Davis spoke in support of the release of the County Attorney's opinion to the public regarding discretionary spending and requested Call to the Public be placed at the beginning of the meeting.

Geri Ottoboni talked about the high percentage of pit bulls at the Pima Animal Care Center.

Richard Hernandez expressed his concern regarding the practice of Board members spending taxpayers' money without the public being made aware.

Robert Harris spoke regarding the expenditures of Supervisor Miller's office and her radio talk show.

Kristin Almquist thanked the Board for their support of Proposition 415.

27. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:07 a.m.

CHAIR

ATTEST:

CLERK