

## **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, August 2, 2022. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Lesley Lukach, Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Robert Krygier, Sergeant at Arms

\*Supervisor Heinz joined the meeting in-person at 9:23 a.m. and left the meeting at 2:53 p.m.

### **1. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$68,480.00 for a haul road at the Caterpillar Proving Grounds located at 6000 W. Caterpillar Trail, located within Regulated Riparian Habitat and classified as Important Riparian Area with underlying Xeroriparian Class B, Xeroriparian Class B and Xeroriparian Class C Habitat. (District 3)

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

Supervisor Grijalva questioned whether blading had been completed at any of the Caterpillar sites.

Carmine DeBonis, Jr., Deputy County Administrator, responded that there was no indication blading had occurred, but would confirm with an updated memorandum to the Board.

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

### **2. RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$173,200.00 for a 10% road at the Caterpillar Proving Grounds located at 6000 W. Caterpillar Trail, located within Regulated Riparian Habitat and classified as Important Riparian Area with underlying Hydromesoriparian Habitat. (District 3)

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

3. **RIPARIAN HABITAT MITIGATION**

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$7,560.00 for the Catalina Springs Apartment Complex located at 4655 W. Linda Vista Boulevard, located within Regulated Riparian Habitat classified as Xeroriparian Class C Habitat. (District 1)

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

4. **CONTRACT**

Envisage Living Communities, L.L.C., to provide an Exchange Agreement, RPS File No. Acq-1026, and Special Warranty Deed, for two access easements for a development adjacent to the north bank of the Rillito River west of the Chuck Huckelberry Loop Craycroft parking lot and Trailhead, no cost (CTN-RPS-23-14)

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

5. **CONTRACT**

Borderland Construction Company, Inc., Hunter Contracting Co., KE&G Construction, Inc., Rummel Construction, Inc., and SMS Construction, L.L.C., to provide a job order master agreement for flood control and drainage improvement services, Flood Control District Levy and Various Other Funds, contract amount \$10,000,000.00 (MA-PO-23-2) Regional Flood Control District

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

6. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:55 p.m.

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CHAIR

ATTEST:

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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, August 2, 2022. Upon roll call, those present and absent were as follows:

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

Also Present: Jan Leshar, County Administrator  
Lesley Lukach, Deputy County Attorney  
Melissa Manriquez, Clerk of the Board  
Robert Krygier, Sergeant at Arms

\*Supervisor Heinz joined the meeting in-person at 9:23 a.m. and left the meeting at 2:53 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 Alma A. Iñiquez, Director, Family and Community Engagement, Tucson Unified School District.

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

The Pima Animal Care Center showcased and animal available for adoption.

### **PRESENTATION/PROCLAMATION**

#### **4. Presentation of a proclamation to Nicole Olvera, Community Outreach Coordinator, Division of Child Support Services, Arizona Department of Economic Security, proclaiming the month of August 2022 to be: "CHILD SUPPORT AWARENESS MONTH"**

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

#### **5. Presentation of a proclamation to Naomi Vega, CEO/Founder, The Enlightening Hope Project, proclaiming the day of Wednesday, August 31, 2022 to be: "INTERNATIONAL OVERDOSE AWARENESS DAY"**

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

## 6. **CALL TO THE PUBLIC**

Robert Reus spoke to the Board regarding the founding principles of the original Jeffersonian Party.

Peter Norquest addressed the Board regarding his concerns with the record keeping integrity of Runbeck Election Services, the accuracy of voter rolls, the lack of software and hardware inspections, and the possibility of voters using sharpies.

The following speakers addressed the Board in opposition of Resolution No. 2022-44, for the repeal of A.R.S. § 13-3108:

- Ken Rineer
- Steve Spain
- Diane McBride
- Shirley Requard
- Caleb Johnson
- Dru Heaton
- Terra Radliff
- Keith Van Heyningen
- Stephanie Kirk
- Anastasia Tsatsakis
- Sherrylyn Young, M.D.
- Lyle Aldridge
- Tom Woodrow

They offered the following comments:

- The right of an individual citizen to bear arms in defense of oneself or the state shall not be impaired and A.R.S. § 13-3108 protected that right.
- Any Board member who voted in favor would be in violation of their oath.
- The resolution was not a representation of District 1 or the interests of the county.
- The ultimate form of gun control was taking guns away from law-abiding citizens which resulted with only criminals having them.
- The political and wealthy class would always have gun control.
- The attempt to disarm the public was elitist and racist.
- Tucson would turn into a murder capital like Chicago.
- It was a violation of the Constitution and because the people held the power, the Board would be prosecuted.
- The American public would not allow the infringement of their second amendment rights.

- Guns do not kill people, people killed people and criminals committed murder, not law-abiding citizens.
- Gun free zones were an invitation for criminals to exploit the vulnerability of others.
- The focus of prevention needed to be on education, reduced access to violence in video games, movies and music, and the promotion of positive mental health.
- The mentally unstable and anyone with malicious intent could get their hands on guns because they did not care about gun laws.
- Removing the right to bear arms would not stop gun violence.
- Gun control did not work when only law-abiding citizens followed those laws.
- Second amendment rights were protected at State and local levels.
- Nationwide statistics showed 60% of gun deaths were from suicide and since gun violence included suicide, statistics were skewed.
- Mental health issues should be addressed instead of gun control.
- Legislation had every right to limit the Board's authority to adopt public health and safety regulations.

The following speakers addressed the Board in support of Resolution No. 2022-44, for the repeal of A.R.S. § 13-3108:

- Patricia Maisch
- Nancy Bowman

They offered the following comments:

- The right to bear arms included a well-regulated militia.
- The second amendment could be kept whole with regulations that helped save lives.
- It would put guardrails on the second amendment and would not infringe on anyone's rights.
- Reasonable gun legislation protected those rights, the communities and its citizens.

Shirley Requard asked why \$5 million dollars was needed for contact tracing when COVID-19 was waning.

Dru Heaton expressed her concerns with the Board's continued COVID-19 mitigations.

Keith Van Heyningen spoke to the Board regarding K-9 Messi and inquired about the re-hiring of fired employees who refused COVID-19 vaccinations.

Stephanie Kirk addressed the Board in opposition to COVID-19 mitigations.

Jane Borodkin expressed her opposition to the proposed development located at River and Craycroft and stated that the area was heavily congested and development would negatively affect the native habitat.

Ann Rose addressed the Board in opposition of COVID-19 vaccinations and indicated that the Board followed direction from corrupt federal entities.

Carol McMillan submitted a written comment to the Board in opposition of gun shows in Tucson.

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Grijalva, seconded by Supervisor Scott and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to convene to Executive Session at 9:21 a.m.

8. **RECONVENE**

The meeting reconvened at 10:25 a.m. All members were present.

**EXECUTIVE SESSION**

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Taylor v. Pima County, et al. (District 3)

It was moved by Chair Bronson, seconded by Supervisor Christy and carried by a 4-1 vote, Supervisor Grijalva voted "Nay," to proceed as discussed in Executive Session.

**BOARD OF SUPERVISORS**

10. **Appointment of Sergeant at Arms**

Appointment of Lt. Robert Krygier as the Sergeant at Arms, effective July 31, 2022.

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

11. **Release of Attorney/Client Privileged Memorandum Regarding Gun Shows**

Discussion/Action: Release to the public attorney/client privileged memorandum dated March 1, 2022, from Samuel E. Brown, Chief Civil Deputy County Attorney to Supervisors Rex Scott and Adelita Grijalva. Subject: Gun Shows at the Pima County Fairgrounds: Current and Future Contracting. (District 1)

It was moved by Chair Bronson and seconded by Supervisor Scott to waive attorney-client privilege and release the memorandums. No vote was taken at this time.

Supervisor Scott stated that it was important for the public to be aware of the counsel the Board received from the County Attorney's Office regarding items that

directly impacted the state statute that he addressed in his proposed resolution that was listed on the Addendum.

Supervisor Christy asked for clarification regarding the March 1, 2022 memorandum in question because he thought it had previously been released by the Board.

Supervisor Scott stated that the information he received from the Clerk's Office was that it had been sent to the Board, but had not been released.

Melissa Manriquez, Clerk of the Board, explained that the Board previously discussed the subject in Executive Session, but no action had been taken in Regular Session to release the memorandum. She questioned whether the March 1, 2022 attorney/client privileged memorandum was an additional memorandum issued by the County Attorney's Office.

Supervisor Scott confirmed two memorandums had been provided to his and Supervisor Grijalva's offices in March. He stated the first dealt with questions they had regarding the January 27th memorandum and the second was a follow-up memorandum, sent to him on March 24th that dealt with his questions regarding the March 1st memorandum.

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

**12. Release of Attorney/Client Privilege Memorandum Regarding Gun Shows**

Discussion/Action: Release of Attorney/Client Privileged Memorandum Regarding Gun Shows Discussion/Action: Release to the public attorney/client privileged memorandum dated March 24, 2022, from Samuel E. Brown, Chief Civil Deputy County Attorney to Supervisor Rex Scott. Subject: Gun Show Memorandum Follow-Up. (District 1)

(Clerk's Note: See Minute Item No. 11, for discussion and action on this item.)

**13. Vacation Time Accruals**

Discussion/Direction/Action: Directing the County Administrator and County staff to amend the County's BOS Policies, Administrative Procedures and/or Personnel Policies and Merit Rules, to make the following four adjustments to Vacation Leave:

- (a) Increase the number of vacation days accrued for all levels/tenures of employment by a total of five days per year (40.0 hours per year), as follows:

Years of Employment with Pima County/Current Vacation Days Accrued Per Year/Proposed Vacation Days Accrued Per Year/Total Additional Vacation Days per Year

0-2 years/ 12/ 17/ 5

3-7 years/ 15/ 20/ 5

8-14 years/ 18/ 23/ 5

15+ years/ 21/ 26/ 5

- (b) Front load 40 hours (5 days) of vacation time to day 1 of someone's full-time employment with the County (prorated accordingly for part-time employees) and have the remaining hours begin accruing also on day 1 of employment.
- (c) Ensure that a returning employee is credited for previous service to the County. A returning employee (who did not retire, and left and returns on good terms) will begin to accrue at the rate they were at when they left. (I.e. if they left after 6 years of employment with the County, when they return they accrue at the same rate as those who have 6 years with the County today. They don't start over at 0.)
- (d) Make this adjustment for returning employees retroactive to the fullest extent practicable. (District 2)

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

Chair Bronson stated that she could not support the item because the County needed to take a deeper dive into how to retain and attract employees.

Supervisor Scott asked if there was any further information to provide to the Board regarding discussions of the content with Human Resources (HR).

Jan Leshner, County Administrator, responded that staff had spent extensive time researching what it would take to continue to attract and retain outstanding employees at the County and found that the County provided less days of vacation leave compared to other employers in the area, including the community colleges, universities and other jurisdictions. She stated that when a new employee began employment with the County it took 6 months before they could use their accrued leave, so they looked at whether some of the time could be front loaded, with the ability to use the time at the start of employment. She added that another question posed was whether a returning county employee could continue to accrue their leave time at the rate they had been at when they left the County. She added that if the employee had left in good standing, it would be advantageous to the County if their vacation leave accruals started where they had been at when they left the County. She indicated that an issue that was critical in the passage of this item would be to make it retroactive for returning employees, to the fullest extent possible, and to add a cap to the numbers. She added that staff had also looked at the full compensation package available since people sought more elements like leave and flexible work time. She stated that these issues needed to be addressed by the County if they wanted to continue to recruit and retain employees.

Supervisor Grijalva stated that this was an opportunity for a bigger discussion on whether employees had sick, vacation or paid time off (PTO) in general, and to ensure an employee had a few hours to use while they completed probation. She stated that her office had provided a list of items to research in order to attract potential employees, and former employees who retired and wanted to return to the County. She added that many organizations were moving to PTO and it appeared that this item was a specific employee situation, was not sure how wide spread the issue was, or what the impact would be.



Chair Bronson stated that she agreed with Supervisor Grijalva's comments and that she had contacted several of her colleagues on the Maricopa County Board of Supervisors and they were revising their whole benefits package. She added that nationally and regionally, sick leave and vacation leave were being combined.

A substitute motion was made by Supervisor Christy to include the proposal in the Classification and Compensation Study that was currently being conducted and to provide a report on this aspect along with the rest of their findings. Chair Bronson seconded the motion. No vote was taken at this time.

Chair Bronson commented that several employees had approached her office regarding the capping of vacation hours and that during the pandemic, the County had paused capping vacation hours since employees were not traveling, but now the County would resume capping vacation hours. She asked that an amendment be made to the substitute motion to remove the cap of 240 hours of vacation and to extend what was done during the pandemic.

Supervisor Christy accepted the amendment to the substitute motion.

Ms. Leshar replied that it would take approximately one year for the review of the first phase of the Classification and Compensation Study and provided the Board with the timeline in case they wanted to address this issue prior to that.

Chair Bronson questioned whether this item went through the Merit System Commission or through the Classification and Compensation Study.

Ms. Leshar responded that this item dealt with leave time and that they worked with HR and County leadership to look at what the different rules were, including the evaluation of the combination of vacation and sick to PTO. She stated that they could bring back a recommendation regarding the capping of vacation hours.

Supervisor Christy commented that there was a potential \$5.1 million impact on the county budget and emphasized that they should take the amount of time needed with the study, and to include this in next year's total budget.

Chair Bronson recommended moving forward with the substitute motion if they had a majority, and if so, requested a memorandum that specifically addressed the 240-hour cap on vacation and the combination of sick and vacation leaves.

Supervisor Christy questioned if this item needed to be continued.

Chair Bronson replied that the item could be continued to the next agenda in order to receive the memorandum from the County Administrator prior to taking action.

Supervisor Grijalva commented that she preferred HR and the County Administrator's Office work together to come up with something that was more comprehensive. She stated they were looking at pieces of the benefits, as opposed

to looking at the big picture, and not limit it to just the two items, but to ask staff to look at what the County offered and what other places of employment offered. She mentioned there was an item on the agenda requesting compensation for Sheriff's trainees, who bought their own uniforms, and questioned why that was not a front loaded kind of benefit for training who entered the academy. She stated there were things they could do differently that might make the county more attractive to people looking for a job. She preferred to hold off and get something that was more comprehensive.

Supervisor Christy commented that it was made clear that HR was incapable of providing this kind of information to the Board when they had to contract an outside firm to conduct a job classification and pay study.

Supervisor Grijalva stated that these were two different issues.

Ms. Leshar responded that the Classification and Compensation Study was a very difficult and different situation. She stated that this item was regarding benefits that were provided to employees and they had capable staff that could review the various types of benefits, and then could provide a recommendation.

Chair Bronson inquired about the County's current cap on vacation hours.

Ms. Leshar responded that the current cap for vacation hours was 240 hours, but that it had been extended during COVID.

Chair Bronson reiterated that they needed to extend the 240-hour cap, but that the combination of sick and vacation leaves could be decided now.

Supervisor Grijalva objected to the original and substitute motions.

Supervisor Heinz commented that it did not make sense to wait a year and that the University of Arizona was the County's biggest competitor and they provided 22 days of leave to non-exempt employees when they began employment with them. He added the City of Tucson and Pima Community College also surpassed the county in leave days.

Supervisor Scott stated that he had seconded Supervisor Heinz's motion because he wanted to hear more about the impact of this item on employees choosing the County as their employer and becoming an employer of choice, but also on the budget. He understood that there could be ramifications to the substitute motion if this was delayed and he preferred to see the substitute motion withdrawn and continued to a future meeting so that HR could provide more substantive information on this item.

Chair Bronson restated the urgency to remove the 240-hour cap and the ability to combine sick and vacation leave. She indicated that she wanted to see the two concerns brought back at the next Board meeting and addressed in the County Administrator's memorandum.

Supervisor Christy requested additional information be added to the memorandum regarding the impact to the budget.

Chair Bronson stated they could provide a fiscal note.

Supervisor Christy withdrew his substitute motion.

Chair Bronson stated they were back at the original motion and questioned whether Supervisor Heinz, as the maker of the original motion, was comfortable with continuance of this item.

Supervisor Heinz stated that he was comfortable with a continuance and questioned whether current State law prohibited the County from combining sick and vacation leave.

Ms. Leshar responded that there was a portion of sick leave that had to be separated, which equaled five days, but that the rest could be combined as PTO.

Chair Bronson reiterated the motion to continue the item for up to three months with a fiscal note provided, include additional information regarding the status of the Compensation Study, and a broader discussion of the whole benefits package.

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

## **COUNTY ADMINISTRATOR**

### **14. County Administrator's Update**

Jan Leshar, County Administrator, provided the following updates:

- She commended the Regional Flood Control District for their incredible work throughout the year with flood control prevention and safety. She thanked staff for providing assistance to the Red Cross with the flooding of the Finger Rock Wash and commented that they helped many people that were impacted by those floods.
- She indicated that Oro Valley Library's 20th Anniversary was on August 17th and encouraged everyone to attend the open house.
- She provided an update on the elections status; 8,544 people had already voted and 882 of those votes were provisional ballots. She commented on an issue with two printers that were immediately replaced and indicated that everything was working efficiently. She added that she would provide updated information to the Board.

15. **Request to Apply Fiscal Year 2022/2023 Employee Compensation Eligibility to Sheriff's Department Trainees in the Basic Law Enforcement Training Academy (BLETA) or Corrections Training Academy (CTA)**

Staff recommends approval of the salary adjustment for BLETA and CTA Sheriff's Department employees who were in the position as of June 30, 2022, retroactive to July 3, 2022, since the BLETA and CTA employees were not included in the Board approved salary adjustment on July 5, 2022. The estimated cost for this adjustment is \$325,000.00 from the General Fund Contingency.

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

Supervisor Grijalva stated that she had voiced concerns with uniform expenses and other front loaded expenses, and Sheriff Nanos had confirmed that Sheriff's Department trainees received \$500.00 in their first paycheck to offset those costs. She questioned whether the county could look into purchasing the items and have them available, or continue with the same process. She felt that the out-of-pocket expenses could pose a hardship for new employees. She stated that training lasted 25 weeks and questioned whether adjustments were made.

Jan Leshar, County Administrator, explained this was for an exempted category that the Board previously adopted at various ranges and that this category would apply to the prior increases.

Supervisor Grijalva questioned whether it would apply to all other trainee programs in the County, to other people that were on probationary periods, and some newly hired employees who had not received an increase.

Ms. Leshar responded that it was for other trainee programs and did not apply to other employees on probationary periods or to newly hired employees.

Supervisor Grijalva requested an explanation on what the deadline date was for being hired and who received an increase.

Ms. Leshar replied that she would provide the requested information.

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

**DEVELOPMENT SERVICES**

16. **Final Plat With Assurances**

P21FP00028, Rocking K South Neighborhood 2, Lots 1-143, Common Areas "A, B, C and D". (District 4)

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

**17. Final Plat With Assurances**

P22FP00008, Pontatoc Ranch, Lots 1-10, Common Area "A". (District 1)

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

**REAL PROPERTY**

**18. Abandonment by Vacation**

RESOLUTION NO. 2022 - 41, of the Board of Supervisors, for the vacation of a portion of River House Road, a public roadway, as Pima County Road Abandonment No. A-0062, within Section 26, T13S, R14E, G&SRM, Pima County, Arizona. (District 1)

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

**REGIONAL WASTEWATER RECLAMATION**

**19. Pretreatment Settlement Agreement**

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund:

Busy "D" Pumping, Inc., Case Nos. C2021-D-001 and C2021-D-002. The proposed completion of the Supplemental Environmental Project terms in lieu of a monetary penalty is in accordance with the Industrial Wastewater Enforcement Response Plan.

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

**SHERIFF**

**20. Request to Donate Unusable Capital Asset**

Staff recommends the donation of K9 Messi to the Yuma Police Department. K9 Messi is not viable for Pima County Sheriff's Department and has no value to the department.

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

## **FRANCHISE/LICENSE/PERMIT**

### **21. Hearing - Liquor License**

Job No. 197921, Diane Lynn Spencer, Hustle Bustle Cafe, 5975 W. Western Way Circle, No. 106, Tucson, Series 12, Restaurant, New License.

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

### **22. Hearing - Liquor License**

Job No. 198144, Amy S. Nations, Fuchsia Spa La Encantada, 2905 E. Skyline Drive, No. 129, Tucson, Series 7, Beer and Wine Bar, New License.

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

### **23. Hearing - Liquor License**

Job No. 200949, Kristine Joann Keefner, Old Tucson, 201 S. Kinney Road, Tucson, Series 6, Bar, Person Transfer.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

### **24. Hearing - Agent Change/Acquisition of Control/Restructure**

Job No. 201137, Kevin Arnold Kramber, Tucson Expo Center, 3750 E. Irvington Road, Tucson, Acquisition of Control.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Scott and unanimously carried by a 5-0 vote, to close the public hearing, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

## **DEVELOPMENT SERVICES**

### **25. Hearing - Comprehensive Plan Amendment**

#### **P22CA00001, STINSON FAMILY TRUST - S. HEADLEY ROAD PLAN AMENDMENT**

Stinson Family Trust, represented by Projects International Inc., requests a Comprehensive Plan Amendment of approximately 15.5 acres from the Low Intensity Urban 3.0 (LIU-3.0) to the Medium Low Intensity Urban (MLIU) land use designation, located on the east side of S. Headley Road, approximately 1,400 feet south of the intersection of W. Valencia Road and S. Headley Road, and addressed as 6725 and 6765 S. Headley Road (Parcel Nos. 138-24-0310 and 138-24-0320), in Section 15, T15S, R13E, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Hanna, Membrila and Truitt were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 5)

Supervisor Grijalva inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Grijalva, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P22CA00001.

### **26. Hearing - Comprehensive Plan Amendment**

#### **P22CA00002, BELL WARREN JESSICA LIVING TR - W. INA ROAD PLAN AMENDMENT**

Warren/Jessica Bell Living Trust, represented by DEIH Architecture, requests a Comprehensive Plan Amendment of approximately 0.83 acres from the Low Intensity Urban 1.2 (LIU-1.2) to the Medium Intensity Urban (MIU) land use designation, located on the north side of W. Ina Road, approximately 200 feet east of the intersection of W. Ina Road and N. San Anna Drive, and addressed as 1722 W. Ina Road (Parcel No. 225-47-0070), in Section 34, T12S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Hanna, Membrila and Truitt were absent) to recommend APPROVAL. Staff recommends APPROVAL. (District 1)

Supervisor Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Chair Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P22CA00002.

### **27. Hearing - Specific Plan Rezoning and Comprehensive Plan Amendment**

#### **P20SP00002, RIVER HOUSE TRUST, ET AL. - N. CRAYCROFT ROAD SPECIFIC PLAN AND COMPREHENSIVE PLAN AMENDMENT**

River House Trust, et al., represented by Lazarus & Silvyn, P.C., request a Comprehensive Plan Amendment and Specific Plan Rezoning for approximately 34 acres (Parcel Nos. 109-26-003H, 109-26-005H, 109-26-005R and portions of Parcel

Nos. 109-26-003D and 109-26-004D) from the Low Intensity Urban 1.2 (LIU-1.2) to the Planned Development Community (PDC) land use designation and from the SR (Suburban Ranch) and the CR-1 (Single Residence) zones to the SP (Specific Plan) zone located approximately 1,200 feet southwest of the E. River Road and N. Craycroft Road intersection in Section 26, T13S, R14E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 5-3 (Commissioners Becker, Hook and Maese voted NAY; Commissioners Truitt and Cook were absent) to recommend DENIAL. 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. Prior to development permit approval for the senior living facilities, any required access easement(s) within Regional Flood Control District property for the senior living facilities shall be obtained by the owner with the District and/or Real Property Service.
  - B. Prior to development permit approval for the senior living facilities, proof of coordination with the City of Tucson Transportation Department shall be provided to Pima County Development Services.
  - C. Cross-access between Phase 1 development (Senior Living Facilities) and Phase 2 development (Block 1 and 21 residential lots) shall be prohibited with the exception of providing emergency access only through a gated entrance. Any shared access easement between the developments shall be provided by the owner.
  - D. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, drives, physical barriers, drainageways and drainage easements.
  - E. River House Road between Camino Blanco and Camino Blanco Place shall be paved to Pima County Standards and it is subject to Department of Transportation approval. Off-site improvements shall include intersection improvements for Block 1 access onto the Camino Blanco/River House Road intersection.
  - F. An updated Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the submittal of each phase. Off-site improvements determined necessary as a result of the traffic impact study shall be provided by the property owner.
5. Flood Control District conditions:
  - A. A 408 Permit and a Facilities Impact Permit is required for any modifications to the Rillito River Bank protection, the Loop or mitigated 404 vegetation on District property. Adequate detention/retention facilities shall be constructed on site to ensure that the Loop is not impacted by greater flood peaks, flood volumes, or flood frequency than current conditions.
  - B. The development shall meet the flood mitigation standards for a critical facility, including elevation.



- C. Riparian mitigation shall be placed within drainage features and as a 50' buffer to the Loop.
  - D. First flush retention shall be provided in LID practices distributed throughout the site.
  - E. 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.
  - F. If the improvements are proposed within the effective FEMA Special Flood Hazard Area, both a CLOMR and LOMR are required. The CLOMR shall be approved by FEMA prior to District approval of the site construction permit.
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: ~~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.~~
- A. The property owner/applicant shall achieve compliance with the Maeveen Marie Behan Conservation Lands System (CLS) Conservation Guidelines by providing a total of 11.3 acres of Natural Open Space (NOS). No less than 7.5 acres of NOS will be provided onsite and will conform to the approximate location and configuration as shown in Exhibits II.C.1 and II.C.2 of the approved Specific Plan. Should the developed area be reduced from that which is reflected in the Specific Plan, the property owner shall provide a minimum of four (4) acres of natural open space for every acre developed to achieve full compliance with the CLS Conservation Guidelines. The difference between the 11.3 acres of total NOS and the NOS provided onsite will be provided offsite. Off-site NOS must conform to the CLS Offsite Mitigation Policies found in *Pima Prospers*, Pima County's 2015 Comprehensive Land Use Plan (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

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

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. 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.
11. 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).”

Keri L. Silvyn, Law Offices of Lazarus & Silvyn, P.C., applicant representative, addressed the Board and stated that her office worked with the stakeholders and neighbors on modifications for the project since the Planning and Zoning (P&Z) Commission hearing. She provided some informational background and made a presentation on the project. She stated that they worked with the Coalition for Sonoran Desert Protection (Coalition) to add additional natural open space equaling three times the amount of native vegetation in areas that complimented the wildlife corridors and had worked with the Regional Flood Control District (RFCD) to add a quad amenity open to the public that would be dedicated to RFCD and would be operated pursuant to a lease in an easement trade that the Board would vote on dependent on the passage of this project. She stated they were in support of a courtesy review during their Building Design and Signage phase with the Cultural Resources and Historic Preservation Division of the Office of Sustainability and Conservation. She indicated that they had also worked with the Coalition on the development of the 7 new homes as there was a significant area designated as bio-core and riparian area, so the development was pulled out of that area. She added that they missed a concept in regards to the wildlife corridor, which was fencing on the edges of the natural open space. She indicated that they conducted five neighborhood meetings which included property owners within the notification area, one with the Fairfield Neighborhood up to the north and two neighborhood meetings with property owners north of Parcel B. She stated they complied with the Outdoor Lighting Code; they would adjust the language regarding wildlife fencing, and update the traffic impact analysis within the lower densities. She stated that the wildlife language would include the following, “Wildlife fencing to be installed on the outer edges of the natural open space adjacent to the channel, gates may be installed to permit maintenance of the natural open space in the channel.” She indicated their agreement with Modified Condition No. 7, listed in the staff report, for the offsite mitigation of the Conservation Land System and to the remainder offsite, which was between 3.7 and 4 acres offsite.

Supervisor Grijalva questioned if the applicant was willing to have a consultation with the Old Fort Lowell Neighborhood Association or the Fort Lowell Historic Advisory Board.

Ms. Silvyn concurred and stated the consultation would be in that area with the Office of Sustainability and Conservation, since there were historic guidelines that applied to a third of a mile south of the project and many of the guidelines did not apply because it was predominantly single-family residential and there were some architectural elements that they would work with the County office during architectural review. She added that the Old Fort Lowell Neighborhood Association and the Fort Lowell Historic District Advisory Board were City governed and City Code, which did not apply to this project.

Supervisor Grijalva stated that her office had received a request for that area since they were the closest neighborhood association or district that would be impacted by the project.

Supervisor Scott asked if the Fort Lowell group was contacted for input, when they worked with the County. He requested a staff report and asked that the transportation issues be addressed in the report.

Chris Poirier, Deputy Director, Development Services, stated that in regards to the historical concerns they were fully aware of the Fort Lowell Historic District requirements and although they were not hearing this before that district, they had concerns about delegation of authority throughout the process. He stated this was kept in-house under administrative County review, which they would complete a review and capture many of the outcomes from the Fort Lowell Historic District. He stated that the Pima County Department of Transportation (PCDOT) looked heavily at traffic concerns and the current access to a handful of homes and the parking area for the Loop was not ideal, especially when traveling south on Craycroft Road or leaving the site specifically going north on Craycroft Road. He added that with this project, there were significant rezoning conditions that would require certain things to happen and there would be a more enhanced traffic impact study and out of that study, they expected a right in, right out from the site. He stated that staff looked at overall congestion before PCDOT recommended approval, and it showed that Craycroft Road was under capacity and parts of River Road might be over capacity. He stated that with a project like this directly on the Loop, it could be part of a real multi-modal option for residents and employees of the facility to leave the traditional vehicular street network and use the Loop, which was considered in the overall recommendation. He commented that when the project was completed, the new requirements should offset any additional traffic impacts on that intersection. He commented on the procedural process and stated that because of the reduction of the overall intensity of the project, it was to stay on the path to be heard by the Board per the Pima County Code. He stated that they had received 88 letters or signatures related to a petition of protest and 8 letters in support. He indicated that four owners within the 300-foot limit were the ones that triggered the super majority and another 19 protested further out, but within 1,000 feet. He added that a portion of the site was within the Maeveen Marie Beehan Conservation Lands System, but with the revised conditions, it would be achieved. He reiterated that staff recommended approval despite traffic concerns, the overall benefit of the project hit on many themes within the Pima Prospers Plan, and that it was an infill project.

Supervisor Grijalva requested clarification on the procedural process of the P&Z Commission and questioned whether that prevented it from going back, or if it was standard practice.

Mr. Poirier explained that the Pima County Code stated that the Board should remand back to P&Z for a new or more intense project, and added that the applicant could have gone back to the commission by resetting the request, but they decided

to move forward, and staff supported that decision. He added that the Pima County Code prescribed this as a correct act.

Supervisor Grijalva commented that it made it more difficult for the Board to decide on a decision if the P&Z commission voted to deny for specific reasons, and then those reasons had been remedied, but an updated report was not provided from the commission.

The following speakers addressed the Board in support of the project:

- Tad Jewell
- James Hardman
- Robert Thomlinson

They offered the following comments:

- The newer developments improved the corner of River Road and Craycroft Road, as well as the Chuck Huckelberry Loop.
- The applicant had worked with neighbors to resolve concerns with building heights and age restrictions, was less intense use than multi-family type as long as it continued to be something they could work with on future changes.

The following speakers addressed the Board in opposition of the project:

- Valerie Policastro
- Chris Morgan
- Jeff Capara

They offered the following comments:

- Concerns for increased traffic, increased activity to the Loop that the area could not handle, and the amenity being built with public funds only for corporate gains.
- There would be loss of open space, loss of view corridors and loss of wildlife habitat.
- There were concerns with access issues, especially during an emergency, since there was only one-way access in and out.

Carolyn Campbell, Executive Director, Coalition for Sonoran Desert Protection, addressed the Board and stated that initially the Coalition opposed the project, but after working with planning staff, conservation staff and property owners, they supported Parcel B. She stated that improvements were made to Parcel A that helped with wildlife connectivity, but it was still constrained going North and South. She added there was a significant opportunity on the Loop area for revegetation and enhancement, and that they were in support of the fencing language in the proposal.

Supervisor Scott questioned how people were notified at both the P&Z Commission level and also at the Board level.

Mr. Poirier stated notification was done at both levels. He explained there was notice 15 days prior to the P&Z Commission meeting and two to three physical posters were placed in conspicuous areas surrounding the site depending on the size of the property. He stated that in this case, they wanted one to be visible from the Loop and one closer to the parking lot, and if for some reason, Mother Nature blew them away, it did not invalidate the fact that they were put up. He added that in addition to the posters, they also direct mailed the notice to every property owner on record within 1,000 feet of the property and the public notice was advertised in the Daily Territorial Newspaper, which met their regulatory and zone required notice requirements. He added that the information was also included on their website. He stated the same process was completed for the public hearing item at the Board level.

Supervisor Scott requested clarification regarding the access points to and from both parcels.

Mr. Poirier stated that there was a rezoning condition that stated access between the adult living apartments and the subdivision would be emergency only and was a condition that was used historically and had been enforceable. He stated that the applicant would put up some type of physical impairment to separate the two, typically in the form of bollards and/or chains where then keys were accessible or given to the Emergency Medical Services. He stated that the rezoning conditions would run with the land in perpetuity unless brought back before a public hearing process to change a condition.

Supervisor Scott requested that Mr. Chris Morgan have an opportunity to rebut staff's comments.

Mr. Morgan commented that this was a personal issue for him and that with more time and more open discussion, there would be increased opposition to it. He added that he would like to see evidence that all the notifications were posted because he had proof otherwise.

Supervisor Scott requested that staff follow-up with Mr. Morgan on his concerns.

It was moved by Supervisor Scott and seconded by Supervisor Christy to close the public hearing and approve P20SP00002, with the modified conditions as outlined by the applicant. No vote was taken at this time.

Supervisor Scott commented that he had tremendous respect for the process that had been followed that dealt with land use decisions. He added that if this was voted as recommended for denial by the P&Z Commission, it needed to be significantly overhauled before being considered by the Board, and in this instance, he felt like it had been. He added that because of the efforts made by the applicant to address the issues raised at the P&Z Commission, the project was a quality project in all of its attributes.

Upon roll call vote, the motion carried 4-1, Supervisor Heinz voted "Nay."

28. **Hearing - Zoning Code Text Amendment**

P22TA00001, NEW AND REVISED MARIJUANA CODE TEXT AMENDMENTS

An Ordinance of the Board of Supervisors of Pima County, Arizona, relating to Zoning (Title 18); amending the Pima County Code Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions), to repeal definitions of Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location, adopt definitions of Marijuana Dispensary, Marijuana Dispensary Offsite Cultivation Location, and Marijuana Product Manufacturing Location, and amend the definition of Medical Marijuana Qualifying Patient Cultivation Location; amending Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses), to allow Marijuana Dispensary Offsite Cultivation Location as a conditional use; amending Chapter 18.43 (CB-1 Local Business Zone), Section 18.43.030 (Permitted Uses), to allow Marijuana Dispensary, Marijuana Dispensary Offsite Cultivation Location, and Marijuana Product Manufacturing Location as permitted uses; amending Chapter 18.45 (CB-2 General Business Zone), Section 18.45.040 (Conditional Uses), to repeal the requirement that Marijuana Dispensaries and their associated uses require a Type III Conditional Use Permit; and amending Chapter 18.51 (CI-1 Light Industrial/Warehousing Zone), Section 18.51.030 (Permitted Uses), to allow Marijuana Dispensary Offsite Cultivation Location and Marijuana Product Manufacturing Location as permitted uses. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Becker, Membrila and Hook voted NAY; Commissioners Maese, Tronsdal and Truitt were absent) to recommend MODIFIED APPROVAL OF THE STAFF VERSION, BUT TO REQUIRE A TYPE III CONDITIONAL USE PERMIT IN THE COMMERCIAL AND INDUSTRIAL ZONES. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2022 - 16

Chris Poirier, Deputy Director, Development Services, provided a staff report and stated that they were instructed to make updates as the industry changed and after the 2020 ballot, voters approved recreational marijuana, which prompted this change. He stated that the Planning and Zoning (P&Z) Commission agreed with staff changes, but had also recommended to maintain a Type III Conditional Use Permit (CUP) in the RH Zone whenever they were located in commercial or industrial zones. He added that staff's recommendation was to not include a Type III CUP.

Ryan Hurley, General Counsel, Copper State Farms, addressed the Board and indicated they operated dispensaries and a large cultivation site in the Snowflake area for the past five years. He stated that they partnered with the Your Bright Horizon Program to apply for and help social equity applicants obtain the Social Equity Recreational Licenses available from the Arizona Department of Health Services (ADHS). He stated they helped to find locations to zone the dispensaries which were extremely hard to come by. He applauded the County's efforts for allowing this in the jurisdiction and stated that the conditional use requirement was unnecessary and added a level of burden to the social equity recreational licenses

that existing licenses may use to prevent competition. He stated they were in support of staff's recommendation.

Patrick Barrett, Representative, Your Bright Horizon, spoke to the Board and stated they supported staff's recommendation as it aligned with the will of the voter, Pima County Code, City of Tucson and other jurisdictions. He added that over a decade, marijuana land use in Southern Arizona proved that dispensaries had no greater impact on neighborhoods than any other type of retail business. He stated that removing unnecessary red tape would level the playing field for social equity applicants.

Isela Blanc, former State Representative, Legislative District 26, addressed the Board in support of staff's recommendation and requested to not add an extra barrier for the social equity licenses due to the time frame needed to participate.

Rana Lashgari, Attorney, UFCW Local 99, spoke to the Board and stated that the CUP process allowed nearby homeowners, neighboring businesses or nearby schools to attend a public hearing and discuss things that affected them, like operating hours, security, lighting, signage and fencing. She stated that these were legitimate zoning discussions and without the CUP process, the Board would not know whether a social equity owner was still involved in a dispensary or not. She stated the four-month permit process that the P&Z Commission recommended was fast and the proposed application fee was not burdensome. She added that the community would be unfairly impacted if they were removed from the public process.

Gail Lutz, Member, UFCW Local 99, addressed the Board and stated that the CUP process would allow notification of a dispensary to the neighboring business owners or property owners and for the community to have input in a public hearing about zoning and land use decisions in their community.

Gino Rinocchio spoke to the Board in support of the Type III CUP for all dispensaries and stated that oversight and accountability was needed in the industry and would only make it better.

Supervisor Scott questioned what the definition of "by-right" was and what was the oversight and accountability by both state and local authorities for these businesses.

Mr. Poirier explained that the term "by-right" meant that if you found the appropriate zone for that use. He provided an example, the Commercial Zone, CB-1, CB-2, listed hundreds of different uses that can go there by-right and not so significant to trigger any extra hearing. He stated it provided certainty then for a commercial user to know where to look to place their use. He stated that staff recommended treating these like many of the other by-right uses that were allowed in the commercial or industrial zones, things that were similar in intensity. He stated that the P&Z Commission recommended to allow these uses, but required a Type III CUP. He added that they were still proposing significant controls like adherence to hours of



operation, size limits and setbacks. He stated that the other benefit in terms of why staff was pushing it by-right was ADHS governing it. He stated ADHS had a very significant extensive vetting system on this use unlike anything else allowed in the state. He added that employees had to be trained and vetted and additional oversights offered from the state, that the County did not encounter with all sorts of other uses that were allowed by-right.

Supervisor Grijalva questioned what other jurisdictions in Arizona were doing and if they required the Type III CUP.

Mr. Poirier stated that after the P&Z Commission meeting, they contacted their peers and planning officials in other counties and most of the other large urban counties had at least a patch to allow these. He stated that counties like Santa Cruz, Coconino or Cochise stated these could be achieved and opened in their counties, Maricopa County confirmed that they had a by-right system and the City of Tucson had allowed other dispensaries by-right for almost ten years before the end of 2020.

Chair Bronson indicated that the City of Tucson was now looking at a Type III CUP.

Mr. Poirier explained that what the City of Tucson was exploring was not exactly a CUP, but similar to a public hearing process. He added that after the recreational ballot initiative passed, the State said that any medical marijuana dispensary already established, got to go there by-right and received dual use.

Supervisor Grijalva commented that there were between 25 and 27 licenses statewide and questioned what percentage would be coming to the County.

Mr. Poirier stated that there was an estimate of 3 or 4 individuals who won licenses that lived near Tucson and they expected 3 or 4 to locate in unincorporated Pima County upon approval of this item.

Supervisor Grijalva commented that since the amount was smaller, the County would not be inundated with hundreds of requests. She questioned if the Board should move forward with the P&Z recommendation and review it in a year to see if it was a restrictive process.

Supervisor Scott questioned what the process was for the Type III CUP.

Mr. Poirier explained that with the process timing was of the essence. He confirmed with ADHS that if the awarded 26 Social Equity Licenses were not operating by October 2023, they would be gone and ADHS had no plan to provide an extension or to replace them. He stated that if the County added the Type III CUP, it would add at least four to five months for the public hearing process and the applicant would then have to engage a consultant to complete the application, which charged \$30,000.00 for the process and the County charged a few thousand dollars. He stated the applicant would be asked to put something together quickly with no certainty of a positive outcome that would add months to the overall process.

Supervisor Scott questioned if a license was gone, if that meant that the license was eliminated by ADHS and not given to another applicant.

Mr. Poirier responded in the affirmative.

Supervisor Scott commented that individuals going through the process would also want to keep their reservation for the real estate that they were looking at, which also had associated costs.

Mr. Poirier stated that in order to be eligible for the Social Equity License, they had to be within some level of poverty and be directly negatively impacted by the war on drugs. He stated that it was hard for these individuals to have made it through the lottery process to get the license.

Supervisor Scott commented that the P&Z Commission's vote was a 4-3 vote in favor of the conditional use permit being kept in place and 3 of the 10 members were absent, which was not an overwhelming endorsement for keeping the Type III CUP process.

It was moved by Supervisor Scott to close the public hearing and approve P22TA00001, as recommended by staff. The motion died for a lack of a second.

It was then moved by Supervisor Grijalva and seconded by Supervisor Heinz to close the public hearing and approve P22TA00001, as recommended by staff with the inclusion to require a Type III Conditional Use Permit in the commercial and industrial zones, and to bring the item back in a year for review. No vote was taken at this time.

Supervisor Christy expressed his objection to the item and commented that the more he listened to the speakers and staff it seemed that the whole process did not give him much confidence on how the County would move forward. He agreed that it should come back in a year for review.

Supervisor Scott objected to the item. He stated that it seemed that the County should not be asking prospective business owners to take on this additional cost, and additional time, when not asking the same of other people trying to locate business in the same zone. He added it was the worst possible example of government intrusiveness, and that most of the issues stemmed at the State level when the licenses were awarded.

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

29. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2022 - 17, P21RZ00015, JOT Properties, L.L.C. - E. Irvington Road Rezoning. Owner: JOT Properties, L.L.C. (District 2)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson and seconded by Supervisor Grijalva to close the public hearing and adopt the Ordinance. No vote was taken at this time.

Supervisor Christy inquired about the timing of the property's transition from hotel to apartments and questioned the impact it would have on the asylum seeker process. He asked if there were plans to replace the property with other properties to accommodate asylum seekers and if this was an acknowledgement by the County that sheltering would shift from Red Roof Inn models to big box property models.

Chris Poirier, Deputy Director, Development Services, stated that this item was to memorialize previously approved action taken by the Board on a rezoning. He explained that the ordinance was brought back before the Board 30 days after rezoning approval for quasi-administerial action and this would allow the hotel to be developed into apartments.

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

30. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2022 - 18, P22RZ00002, 5645 North Campbell, L.L.C. - N. Campbell Avenue Rezoning. Owner: 5645 North Campbell, L.L.C. (District 1)

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

31. **Hearing - Rezoning Ordinance**

ORDINANCE NO. 2022 - 19, P22RZ00003, Sagu - S. Butts Road No. 2 Rezoning. Owner: Claudio and Luz Sagu. (District 5)

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

**BOARD OF SUPERVISORS**

32. **Repeal of A.R.S. § 13-3108**

RESOLUTION NO. 2022 - 44, of the Board of Supervisors, calling for the repeal of A.R.S. Section 3108 and requesting from the Pima County Attorney's Office options to challenge its legality and/or constitutionality. (District 1)

It was moved by Supervisor Scott and seconded by Supervisor Grijalva to adopt the Resolution. No vote was taken at this time.

Supervisor Scott stated that the Board should join together as a community to vigorously oppose Arizona Revised Statute 13-3108 and they needed to confront the wrongs that the statute caused and represented. He added that it was wrong for the state government to impede through this statute the role the counties had under Arizona State law, as the public health authorities of their regions. He indicated that it was also wrong for state government to stand in the way of local governments who sought to take action to address mounting public concerns about gun safety, gun violence and the need for common sense gun regulations and it was wrong for the County be denied to insist that gun sales on its property be conducted solely by those that held federal firearm licenses, who therefore put their buyers through background checks. He added that it was wrong that local governments could not enact laws that dealt with guns that differed substantially from what the state had in place and it was wrong for the statute to call for penalties and sanctions against any local government or individuals when it came to gun safety and regulation. He added there were plenty of local jurisdictions around the United States that had laws and regulations that dealt with gun safety. He stated that it was wrong, that due to the mindset of the statute, any reasonable measure to address the epidemic of gun violence and death in the country was reflexively and falsely branded as a brazen assault on constitutional rights and personal liberties. He added that the State failed to lead in fighting the greatest public health crisis in a century, and were failing to lead in taking on gun violence. He stated that if this resolution was enacted they could call on the legislators and the governor in January to repeal this statute. He added that the resolution also directed the Pima County Attorney, Laura Conover, to provide the Board with the means to move forward with a lawsuit to challenge the statute. He stated that the Country led the world in incidents of gun violence and death and denial, and that inaction only led to more loss.

Supervisor Christy commented that the resolution was a much more invasive measure than he had thought, and it was an attempt to insert a new angle into efforts to eliminate guns, gun usage and sales, gun purchases and shows and gun hobbyists. He stated that calling it a public health threat was a broad reach to sweep gun control. He added this would not only affect gun shows and sales, but gun purchases made in legal stores, including target ranges, recreational target competitions and hunting sports.

Supervisor Grijalva stated that guns were the leading cause of death among American children and teens, and each day 12 children died from gun violence and another 32 were shot and injured in America. She expressed her support for the resolution and indicated that there needed to be some push back at the local level if the federal or state governments did not do what was in the best interest of the community.

Chair Bronson commented that the federal government was not doing what was in the best interest of the community.

Supervisor Scott commented that the kind of rhetoric and tactics that Supervisor Christy implied were tactics familiar to anyone in the Country who had called for common sense gun regulations.

Chair Bronson stated that she could not support the resolution and felt that it had unintended consequences that would directly impact the Stated Shared Revenue. She added that if they were going to do something about gun violence, it needed to start with the federal government.

Upon roll call vote, the motion carried 3-2, Chair Bronson and Supervisor Christy voted "Nay."

33. **Eviction Rental Assistance Program (ERAP)**

Discussion/Direction/Action regarding the Federal ERAP update memorandum transmitted to the Board on July 21, 2022 by the County Administrator. Discussion to include, but not be limited to, an explanation by the Administrator as to why "Effective May 2022, ... all of the ... work has shifted over to the County," from the "larger cooperative effort with the City of Tucson and its subcontractor agencies." (District 4)

Supervisor Christy questioned when the County agreed to take over ERAP services on behalf of City of Tucson (COT) residents.

Jan Leshner, County Administrator, replied that the County and COT both provided aspects of the program and the COT was no longer providing the services. She added that the County continued to provide ERAP services with funds from the federal and state governments.

Chair Bronson questioned when the COT had decided to end their participation in the program and how the decision was made for the County to take over those services for the COT.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, responded that since the beginning of the pandemic there was a variety of actions that the federal government took to channel funds through a variety of different entities for the purpose to keep people housed. He stated it began with the CARES Act and had evolved to the most recent version of ERAP funds, which were separated into two separate programs, ERAP1 and ERAP2. He stated that when ERAP funds first became available there were discussions between the COT Housing Department and Community and Workforce Development Department and they decided to jointly work together to distribute the funds into the hands of families and landlords. He added that they continued through with the second ERAP funding phase to support eviction assistance and the provision of services to families and landlords. He stated that the City had done things to prevent people from homelessness, like investment in the purchase and operation of hotels to specifically address the needs of houseless or at-risk

populations. He stated that each entity had different roles to play to continue to do what was believed to be the guidance of the Board in terms of providing eviction assistance, and was done to move forward in a way that made sense for this community.

Supervisor Christy stated that he first heard of the County taking over ERAP services from Mr. Dan Sullivan, and it appeared that the decision was made by the department, and not by the Board. He asked for clarification on why the COT decided to stop participating.

Ms. Leshar responded that was a question for the COT, but she assured the Board that every portion of ERAP contracts to date had come to the Board for approval.

Supervisor Christy questioned if this was a type of policy decision that should have been made by the Board if the County was going to take over the City's ERAP program.

Ms. Leshar replied that she did not believe that the County had taken over the COT's ERAP program. She stated that there was a portion of the ERAP program that the City had done, but the County's work was related to the emergency rental assistance with funding from the federal government.

Dr. Garcia responded that in the memorandum referenced by Supervisor Christy, it detailed 14 different communications sent to the Board with updates at every point, in terms of the eviction assistance work. He stated that it was made clear these were federal dollars, and when they were exhausted, so was the ability to meet the unmet need within the community. He added that every contract has been brought before the Board for approval.

Supervisor Christy questioned who knew that the County had taken on COT cases.

Chair Bronson commented that the County had basically taken over an enormous task without the Board's knowledge. She stated the Board had approved the contracts, but from a policy perspective, it may have been misunderstood.

Supervisor Scott questioned if the \$15 million in ERAP funds stated in the memorandum, had been granted by the State, and what impact it would have on the program.

Dr. Garcia replied that he did not believe there was any formal notification from the Department of the Treasury that signified the award was granted. He stated that for the last three months, they were building up capacity within the department by increasing staffing, resources and the capacity by subcontractors to be able to process applications. He added that the existing resources in hand would take them until the beginning of November to expend and with additional resources, staff would be freed up to complete the work and be implemented in the post-November timeframe.

Supervisor Scott indicated that if the County received the additional funding, they could go well into 2023. He questioned if they anticipated the necessity of any other personnel changes within the department or working with other subcontractors.

Dr. Garcia responded that the Board would see additional contracts with subcontractors to help amplify their ability to get the resources into the hands of families and landlords.

Supervisor Scott commented that he was surprised by the decision of the COT to not apply for any additional ERAP funds and to end their relationship with the Community Investment Corporation.

Chair Bronson commented that based on the heat map provided, it showed that resources were mostly spent in the COT jurisdiction. She questioned what type of outreach was done to inform people in rural areas that rental assistance was available. She added that counties were designed to serve rural areas, which she had not seen with this program.

Dr. Garcia replied that the heat map showed only the population of people in concentrated areas and it was appropriate for the assistance to go to those locations.

Supervisor Scott questioned that in the future, if the COT had available staff to provide assistance, and if the County was granted additional ERAP funds, would the County ask the COT for help with the program.

Dr. Garcia commented that the Community and Workforce Development Department had strong, collaborative ties with the COT Housing team. He stated that the COT team was not staffed to do this kind of work, and that was part of the reason they had subcontracted it out to another agency.

Supervisor Grijalva commented that COT residents were also Pima County residents and that the County was still serving the community. She stated that it was important to look at what the goals were, how the programs were set up and that the mission was the same. She added that she was glad the County applied for the additional funds because they would be able to utilize them and that the County was better suited to provide the services.

Supervisor Christy commented that the COT dumped 3,500 ERAP cases on the County and that was a huge burden, with no discussion, or policy decision. He stated it was supposed to be a joint collaboration, but that was not reflected.

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

## **CONTRACT AND AWARD**

### **PROCUREMENT**

34. Maximus Health Services, Inc., Amendment No. 4, to provide for Contact Tracers, extend contract term to 1/5/23 and amend contractual language, Health Department Ops Fund, contract amount \$5,000,000.00 (MA-PO-20-226) Health

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

Supervisor Christy expressed his objection to the contract.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

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

35. **Animal Care Advisory Committee**

Reappointment of Kristin Almquist. Term expiration: 6/30/26. (District 4)

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

36. **Planning and Zoning Commission**

Reappointment of William Matter. Term expiration: 6/19/26. (District 4)

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

### **CONSENT CALENDAR**

37. **Approval of the Consent Calendar**

Upon the request of Supervisor Grijalva to divide the question, Consent Calendar Item No. 15 was set aside for separate discussion and vote.

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 8, 9, 10, 18, 19, 20, 21, 22, 23, 24, 25, 29, 36, 37, 52 and 55 were set aside for separate discussion and vote.

It was then moved by Chair Bronson, seconded by Supervisor Grijalva and carried by a 4-0 vote, Supervisor Heinz was not present for the vote, to approve the remainder of the Consent Calendar, as amended.



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**PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY**

**CONTRACT AND AWARD**

**Community and Workforce Development**

8. Pima County Amphitheater Schools, d.b.a. Amphitheater Public Schools, to provide for Pima Early Education Program Facility Improvements, Town of Oro Valley Fund, contract amount \$100,000.00 (CT-CR-23-30)

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

Supervisor Christy stated that Consent Calendar Item Nos. 8, 9 and 10 could be taken together and indicated that he had pulled them for the purpose of voting against them.

Chair Bronson withdrew her motion.

It was then moved by Chair Bronson and seconded by Supervisor Scott to approve Consent Calendar Item Nos. 8, 9 and 10. Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

9. Child-Parent Centers, Inc., to provide for Pima Early Education Program Extended Day Head Start, U.S. Department of Treasury, American Rescue Plan Act Coronavirus State & Local Fiscal Recovery Funds, contract amount \$877,595.00 (CT-CR-23-1)

(Clerk's Note: See Consent Calendar Item No. 8, for discussion and action on this item.)

10. Town of Oro Valley, Amendment No. 1, to provide for Pima Early Education Program and amend contractual language, no cost (CTN-CR-21-142)

(Clerk's Note: See Consent Calendar Item No. 8, for discussion and action on this item.)

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## **PULLED FOR SEPARATE ACTION BY SUPERVISOR GRIJALVA**

### **CONTRACT AND AWARD**

#### **County Attorney**

15. Struck Love Bojanowski & Acedo, P.L.C., Amendment No. 5, to provide for legal representation of Pima County in Taylor v. Pima County, et al., extend contract term to 8/23/23 and amend contractual language, Risk Management Tort Fund, contract amount \$100,000.00 (CT-FN-21-151)

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

Supervisor Grijalva objected to the contract.

Upon the vote, the motion carried 3-1, Supervisor Grijalva voted "Nay," and Supervisor Heinz was not present for the vote.

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## **PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY**

### **CONTRACT AND AWARD**

#### **Health**

18. Candlelighters Childhood Cancer Foundation of Southern Arizona, to provide for Youth and Sibling Support Program, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-14)

It was moved by Chair Bronson and seconded by Supervisor Grijalva to approve Consent Calendar Item Nos. 18 through 25. No vote was taken at this time.

Supervisor Christy questioned the dollar amount of the contracts.

Jan Leshner, County Administrator, responded that they were for a variety of mini grants passed through the Health Department through a competitive process.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that the County had received an award from the Centers for Disease Control to specifically engage youth and those organizations that served youth within a variety of different settings. He stated that the money had been divided equally between each contract and that for compliance purposes, separate contracts

were created so that the entities who received the money were noted as subrecipients and could be audited accordingly.

Supervisor Christy clarified that Consent Calendar Item No. 25 was a separate issue.

Chair Bronson withdrew her motion.

It was then moved by Chair Bronson and seconded by Supervisor Christy to approve Consent Calendar Item Nos. 18 through 24. Upon the vote, the motion carried 4-0, Supervisor Heinz was not present for the vote.

19. Liberty Partnership Community Council, d.b.a. LPKNC, to provide for supporting mental health of youth, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-15)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

20. Muslim Community Alliance, to provide for youth connections, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-16)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

21. Portable Practical Educational Preparation, Inc., to provide for One Heart, Many Voices in Amado-Un Corazon, Muchas Voces en Amado, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-17)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

22. Southern Arizona Adaptive Sports, to provide for juniors active in wheelchair sports, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-18)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

23. Culture of Peace Alliance, Inc., to provide for We Can Build Wealth in Mental Health (Healing and Recovery Youth Empowerment), U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-19)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

24. Groundworks Tucson, to provide for the creative youth alliance, U.S. Department of Health and Human Services, Centers for Disease Control and Prevention Fund, contract amount \$9,999.00 (CT-HD-23-20)

(Clerk's Note: See Consent Calendar Item No. 18, for discussion and action on this item.)

25. Tucson Unified School District, Amendment No. 1, to provide for the provision and administration of childhood immunizations and other health services and amend contractual language, no cost (CTN-HD-22-69)

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

Supervisor Christy stated that he was in favor of school immunizations, but had concerns with the other listed services. He stated that education for clinical services related to sexually transmitted infections and reproductive health topics were matters between the parents, the child and their medical provider and were inappropriate topics for public, private or any other type of schools and indicated that he would be voting against the item.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

## **Justice Services**

29. City of Tucson, to provide for the Pima County Safety and Justice Challenge - Data Analyst employed by the City Manager's Office, John D. and Catherine T. MacArthur Foundation Safety and Justice Challenge Fund, contract amount \$110,000.00 (CT-JS-22-452)

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

Supervisor Christy commented that the IGA between the County and City of Tucson had previously expired and the position was vacant for over a year. He questioned whether it was needed since it had been vacant for so long and indicated that this was another example of superfluous spending and stated he would be voting against the item.

Supervisor Scott commented that the individual would work in the City Manager's Office on the MacArthur Safety and Justice Challenge Grant (SJC) related activities and requested clarification on the duties of the position and how the City and County partnered on this grant.

Jan Leshar, County Administrator, responded that the SJC grant included a line item for funding of a City of Tucson data position. She indicated that the funds were not from the General Fund, but were from MacArthur Foundation funds and explained that for a period of time, the position worked within the Tucson Police Department, but subsequently the individual had left and the City decided to move the position into the Community Safety Division, within the City Manager's Office. She stated that the City was ready to refill that position.

Supervisor Scott inquired about the partnership between the County and the City of Tucson, with regards to this grant.

Ms. Leshar responded that the focus was to ultimately reduce the jail population. She indicated that additional information from Justice Services would be provided to the Board. She stated that the MacArthur grant had a working group who represented the Sheriff's Department, Tucson Police Department and other providers within the community and that she would provide additional details regarding the City's involvement to the Board.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

## **Sheriff**

36. RESOLUTION NO. 2022 - 42, of the Board of Supervisors, authorizing the approval of the Memorandum of Understanding between the United States Secret Service and Pima County for law enforcement assistance in conducting official investigations by the Arizona Cyber Fraud Task Force, contract amount \$15,000.00 perpetual revenue (CTN-SD-23-3)

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

Supervisor Christy requested that Consent Calendar Item Nos. 36 and 37 be heard together.

Chair Bronson withdrew her motion.

It was then moved by Chair Bronson and seconded by Supervisor Christy to approve Consent Calendar Item Nos. 36 and 37, and adopt Resolution Nos. 2022-42 and 2022-43. No vote was taken at this time.

Supervisor Christy questioned what "perpetual revenue" meant as listed on the contract.

Jan Leshar, County Administrator, responded that as long as the Sheriff's Department continued to respond and provide the funds, additional funds

would be available from the State. She stated that she did not know the length of the term, but would provide that information to the Board.

Supervisor Christy asked if the \$15,000.00 contract amount was a monthly, yearly or perpetual amount.

Ms. Leshar responded that it was her understanding that the \$15,000.00 was to work with the task force and complete the investigations. She explained that if additional investigations were needed, the Sheriff's Department could draw down on the revenue source for additional amendments to the contract. She added that the amount was dependent on the scope of the investigation regardless of the time it took to conduct that particular investigation.

Supervisor Christy asked for additional clarification of that understanding. He commented about prior concerns over monies received by law enforcement officers and being used for increased overtime pay which then enhanced their retirement benefits. He questioned why it was no longer an issue and whether this situation was similar.

Ms. Leshar responded that she would get a response from Sheriff Nanos and provide it to the Board.

Supervisor Christy questioned whether Sheriff Nanos' intent was to use those funds for overtime supplementation.

Ms. Leshar responded that she believed that was not his intent.

Chair Bronson inquired whether she would provide clarification.

Ms. Leshar stated that clarification would be provided.

Supervisor Grijalva commented that the request was for the Arizona Cyber Fraud Task Force and not another Organized Drug Enforcement Task Force which had different objectives than Operation Stonegarden.

Supervisor Christy requested clarification on the different objectives.

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

37. RESOLUTION NO. 2022 - 43, of the Board of Supervisors, authorizing the approval of Organized Crime Drug Enforcement Task Forces FY 2022 Agreement for Case No. SW-AZT-930 between the Federal Bureau of Investigation and Pima County for assistance in Law Enforcement Operations during Fiscal Year 2021 - 2022, contract amount \$25,000.00 revenue (CTN-SD-22-190)

(Clerk's Note: See Consent Calendar Item No. 36, for discussion and action on this item.)

## **GRANT APPLICATION/ACCEPTANCE**

### **52. Acceptance - Grants Management and Innovation**

Federal Emergency Management Agency (FEMA), Emergency Food and Shelter Program (EFSP), National Board, to provide for the FEMA, EFSP, Humanitarian Relief - Advance Grant Award, \$3,250,000.00 (GTAW 23-5)

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

Supervisor Christy stated that grant costs for humanitarian efforts continued to rise and amounted to approximately \$3.25 million every few months with a not-to-exceed amount of \$28 million. He stated that at the current rate, funding would not last through the grant expiration date and asked whether an \$11 million cumulative rate was an accurate estimation of monies spent to date.

Jan Leshner, County Administrator, responded that the grant amount was accurate and she would provide an update to the Board. She stated for clarification purposes, these grants were for the acceptance of federal dollars through FEMA and were not County taxpayer dollars.

Supervisor Christy objected to the grant.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

### **55. Acceptance - Justice Services**

John D. and Catherine T. MacArthur Foundation, Amendment No. 2, to provide for the Safety and Justice Challenge, extend grant term to 12/31/22 and amend grant language, no cost (GTAM 22-42)

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

Supervisor Christy objected to the grant.

Supervisor Scott stated the program goals which most people within the community would find to be laudable. He indicated that the Board had received many reports about the successes of the grant.

Upon the vote, the motion carried 3-1, Supervisor Christy voted "Nay," and Supervisor Heinz was not present for the vote.

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## **CONTRACT AND AWARD**

### **Behavioral Health**

1. Connections Southern AZ, L.L.C., to provide for inpatient court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5, General Fund, contract amount \$1,300,000.00/2 year term (CT-BH-22-404)

### **Community and Workforce Development**

2. Christine Nybakken, d.b.a. Nybakken Group, L.L.C., Amendment No. 4, to provide for special education services, extend contract term to 6/30/23 and amend contractual language, State Equalization and Arizona Department of Education Funds, contract amount \$30,000.00 (CT-CR-21-426)
3. Nancy Chow, Amendment No. 4, to provide for academic tutoring services, extend contract term to 6/30/23, amend contractual language and scope of services, State Equalization Fund, contract amount \$40,000.00 (CT-CR-21-353)
4. Jessica M. Estrada, Amendment No. 4, to provide for special education services, extend contract term to 6/30/23 and amend contractual language, State Equalization and Arizona Department of Education Funds, contract amount \$33,000.00 (CT-CR-21-423)
5. Compass Affordable Housing, Inc., Amendment No. 1, to provide for Arizona Department of Housing - Pima County Links Rapid Re-Housing, extend contract term to 12/1/22, amend contractual language and scope of work, no cost (CT-CR-22-45)
6. Family Housing Resources, Inc., to provide for the Emergency Rental Assistance Program, U.S. Department of Treasury, Emergency Rental Assistance 1 Fund, contract amount \$153,973.00 (CT-CR-23-23)
7. Compass Affordable Housing, Inc., to provide for the Emergency Rental Assistance Program, U.S. Department of Treasury, Emergency Rental Assistance 1 Fund, contract amount \$84,421.20 (CT-CR-22-403)
8. Pima County Amphitheater Schools, d.b.a. Amphitheater Public Schools (PULLED FOR SEPARATE ACTION)
9. Child-Parent Centers, Inc., (PULLED FOR SEPARATE ACTION)
10. Town of Oro Valley, Amendment No. 1, (PULLED FOR SEPARATE ACTION)



11. Joseph M. Casey, Amendment No. 4, to provide for academic tutoring services, extend contract term to 6/30/23, amend contractual language and scope of services, State Equalization Fund, contract amount \$62,400.00 (CT-CR-21-351)

#### **County Attorney**

12. Southern AZ Children's Advocacy Center, Inc., Amendment No. 2, to provide for evidence collection services for children - evidentiary consultations and extend contract term to 6/30/23, no cost (CT-PCA-20-415)
13. Arizona Supreme Court Administrative Office of the Courts, to provide for a case records access agreement, no cost (CTN-PCA-23-1)
14. Audilett Law, P.C., to provide for legal representation of Pima County and Sheriff Nanos in the Branden Roth matter, Walker v. Napier, et al., C20181773, Risk Management Tort Fund, contract amount \$100,000.00 (CT-FN-22-450)
15. Struck Love Bojanowski & Acedo, P.L.C., Amendment No. 5, (PULLED FOR SEPARATE ACTION)

#### **Forensic Science Center**

16. Cochise County, to provide for medical examiner services, contract amount \$1,875,000.00 revenue/5 year term (CTN-FSC-22-194)

#### **Health**

17. El Rio Santa Cruz Neighborhood Health Center, Inc., d.b.a. El Rio Health Center, to provide for the Well Woman HealthCheck Program, Centers for Disease Control and Prevention via ADHS Funds, contract amount \$100,000.00 (CT-HD-22-420)
18. Candlelighters Childhood Cancer Foundation of Southern Arizona, (PULLED FOR SEPARATE ACTION)
19. Liberty Partnership Community Council, d.b.a. LPKNC (PULLED FOR SEPARATE ACTION)
20. Muslim Community Alliance, (PULLED FOR SEPARATE ACTION)
21. Portable Practical Educational Preparation, Inc., (PULLED FOR SEPARATE ACTION)
22. Southern Arizona Adaptive Sports, (PULLED FOR SEPARATE ACTION)

23. Culture of Peace Alliance, Inc., (PULLED FOR SEPARATE ACTION)
24. Groundworks Tucson, (PULLED FOR SEPARATE ACTION)
25. Tucson Unified School District, Amendment No. 1, (PULLED FOR SEPARATE ACTION)
26. Arts Foundation for Tucson and Southern Arizona, to provide for SaludArte - Building a Culture of Health by Increasing Health Literacy, Advancing Health Literacy Grant, Office of Minority Health, U.S. Department of Health and Human Services Fund, contract amount \$100,000.00 (CT-HD-22-407)
27. Arts Foundation for Tucson and Southern Arizona, to provide for SaludArte - Building a Culture of Health to Address Health Disparities, Health Disparities Grant, Centers for Disease Control, Health and Human Services Fund, contract amount \$148,150.00 (CT-HD-22-408)
28. Arts Foundation for Tucson and Southern Arizona, to provide for SaludArte - Building a Culture of Health through Vaccine Equity, Immunization Grant, Centers for Disease Control, U.S. Department of Health and Human Services Fund, contract amount \$75,570.00 (CT-HD-22-409)

#### **Justice Services**

29. City of Tucson, (PULLED FOR SEPARATE ACTION)

#### **Procurement**

30. **Award**  
Award: Master Agreement No. MA-PO-23-3, A&G Turf Equipment, Inc. (Headquarters: Peoria, AZ), to provide for gas powered small equipment and related repair parts. This master agreement is for an initial term of one (1) year in the annual award amount of \$324,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.
31. **Award**  
Award: Master Agreement No. MA-PO-22-174, various vendors listed below, to provide for heavy equipment rentals. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$1,300,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Various and General (\$150,000.00) Funds. Administering Department: Fleet Services.

**Vendors (Headquarters)/Groups**

Bingham Equipment Company, d.b.a. Earhart Tractor & Equipment (Mesa, AZ)/ Primary, Group A  
RDO Construction Equipment Co., d.b.a. RDO Equipment Co. (Fargo, ND)/ Secondary, Group A & C  
H&E Equipment Services, Inc. (Baton Rouge, LA)/ Secondary, Group B, Tertiary, Group A & C  
Road Machinery, L.L.C. (Phoenix, AZ)/ Primary, Group C  
Herc Rentals, Inc. (Bonita Springs, FL)/ Primary, Group B

**32. Award**

Amendment of Award: Master Agreement No. MA-PO-20-105, Amendment No. 3, Home Depot USA, Inc., to provide for building materials. This amendment increases the annual award amount by \$150,000.00 from \$250,000.00 to \$400,000.00 for a cumulative not-to-exceed contract amount of \$1,022,000.00. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.

33. A-O Painting, Inc., Nelson J. Greer, Painting Contractor, Inc., and Wiese Painting Contractors, Inc., to provide a job order master agreement for painting services, Various Funds, contract amount \$300,000.00 (MA-PO-22-194) Facilities Management

**Real Property**

34. Ray Water Company, Amendment No. 1, to provide for a Public Utility License Agreement (LIC-0218), extend contract term to 6/4/47 and amend contractual language, no cost (CTN-RPS-22-147)
35. Zayo Group, L.L.C., Amendment No. 6, to provide for a Nonexclusive Right-of-Way use license for a communications system, extend contract term to 8/19/27 and amend contractual language, contract amount \$1,980.00 revenue (CTN-IT-13-8)

**Sheriff**

36. RESOLUTION NO. 2022 - 42, (PULLED FOR SEPARATE ACTION)
37. RESOLUTION NO. 2022 - 43, (PULLED FOR SEPARATE ACTION)
38. United States Department of Justice, Drug Enforcement Administration, to provide for High Intensity Drug Trafficking Area State and Local Task Force Agreement, no cost (CTN-SD-23-2)
39. Town of Marana, to provide for video court hearings of municipal prisoners, contract amount \$5,000.00 estimated revenue (CTN-SD-22-133)
40. Town of Sahuarita, to provide for video court hearings of municipal prisoners, contract amount \$5,000.00 estimated revenue (CTN-SD-22-135)

41. Sheriff's Auxiliary Volunteers of Pima County, Inc., to provide for property loss protection - Sheriff Auxiliary Volunteer vehicles, General Fund, contract amount \$200,000.00/\$4,342.80 revenue (CT-SD-22-414)

## **Transportation**

42. Department of Transportation, Federal Aviation Administration ("FAA")/LCP-00123, to provide an agreement for transfer of Entitlement Funds for FY 2019 (the "2019 Funds") to the Payson Municipal Airport, City of Payson, no cost (CTN-TR-23-5)

## **GRANT APPLICATION/ACCEPTANCE**

43. **Acceptance - Community and Workforce Development**  
Arizona Department of Education, to provide for Elementary and Secondary Education - Title I, \$28,742.03 (GTAW 22-143)
44. **Acceptance - Community and Workforce Development**  
Arizona Department of Education, to provide for Elementary and Secondary Education - Title II, \$2,629.00 (GTAW 22-144)
45. **Acceptance - Community and Workforce Development**  
Arizona Department of Education, to provide for Elementary and Secondary Education - Title IV, \$10,029.87 (GTAW 22-145)
46. **Acceptance - Community and Workforce Development**  
Arizona Department of Housing, Amendment No. 7, to provide for the Pima County Links Rapid Re-Housing Program and amend grant language, no cost (GTAM 22-107)
47. **Acceptance - Community and Workforce Development**  
Arizona Community Action Association, d.b.a. Wildfire, to provide for 2022-2023 Utility Assistance Programs, \$267,544.00 (GTAW 23-4)
48. **Acceptance - Constables**  
Arizona Constables Ethics Standards and Training Board (CESTB), Amendment No. 2, to provide for the FY21 CESTB Cycle VII Equipment Grant - firearms and ammunition, extend grant term to 9/30/22 and amend grant language, no cost (GTAM 22-106)
49. **Acceptance - County Attorney**  
U.S. Department of Justice and Arizona Criminal Justice Commission (ACJC), to provide for the FY23 ACJC Drug, Gang and Violent Crime Control Program, \$269,394.00/\$89,798.01 General Fund match (GTAW 23-1)

50. **Acceptance - County Attorney**  
Arizona Automobile Theft Authority, to provide for the FY23 Auto Theft Vertical Prosecution Program Grant, \$216,056.00 (GTAW 23-3)
51. **Acceptance - Environmental Quality**  
United States Environmental Protection Agency, to provide for the Clean Air Act Section 103 PM2.5 Air Monitoring for PPC OT2223, \$97,199.00 (GTAW 23-2)
52. **Acceptance - Grants Management and Innovation**  
Federal Emergency Management Agency (FEMA), Emergency Food and Shelter Program (EFSP), National Board, (PULLED FOR SEPARATE ACTION)
53. **Acceptance - Health**  
The Johns Hopkins University, Amendment No. 3, to provide for the Enhancing Women, Infants, and Children Services: Utilizing Innovation Technology to Maximize Participation and Retention, extend grant term to 9/30/22 and amend grant language, no cost (GTAM 22-108)
54. **Acceptance - Health**  
Governor's Office of Youth, Faith and Family, to provide for the Arizona Parents Commission on Drug Education and Prevention Grant Program, HealthySPACE (Students, Parents and Community Engagement) Project, \$199,765.00 (GTAW 22-146)
55. **Acceptance - Justice Services**  
John D. and Catherine T. MacArthur Foundation, Amendment No. 2, (PULLED FOR SEPARATE ACTION)

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

56. **Natural Resources, Parks and Recreation Advisory Commission**  
Appointment of Jim Darling, to fill a vacancy created by Robert Owens. Term expiration: 8/1/28. (District 1)
57. **Planning and Zoning Commission**  
Reappointment of Bruce Gungle. Term expiration: 6/19/26. (District 5)

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

58. **Special Event**  
Francisco R. Maldonado, Our Lady of the Valley Parish, Holy Family Center - Hall at Our Lady of the Valley Parish, 505 N. La Cañada Drive, Green Valley, August 26 and October 14, 2022.

59. **Temporary Extension**

07100326, Robert Thomas Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, July 16, 2022.

**ELECTIONS**

60. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

William Wilke-010-REP, Robin Fawlkner-158-REP, Christopher Fawlkner-158-REP, Carolyn Cox-199-REP, Domonique Phillips-199-REP, Garland Cox-199-REP, Bonita Guyer-239-REP, Kris Crowe-239-REP

APPOINTMENT-PRECINCT-PARTY

Mary Spencer-121-REP, David McCord-180-REP, Gerald Wade-199-REP, Bruce Bishop-199-REP, ~~Deana~~ **Diana** Dirks-220-REP

**FINANCE AND RISK MANAGEMENT**

61. **Duplicate Warrants - For Ratification**

Shirley Molina \$100.00; Electric Supply, Inc. \$191.16; Goble Sampson Associates, Inc. \$6,584.54; Jason K. Hartman \$300.00; 4283929 Delaware, L.L.C. \$4,550.00; Salvation Army \$41,729.71.

**TREASURER**

62. **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 \$2,720.69.

**RATIFY AND/OR APPROVE**

63. Minutes: May 17, 2022  
Warrants: July, 2022

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38. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:55 p.m.

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CHAIR

ATTEST:

\_\_\_\_\_  
CLERK