

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, September 6, 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
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Robert Krygier, Sergeant at Arms

*Supervisor Heinz left the meeting at 10:17 a.m. and returned at 11:19 a.m.

**Supervisor Christy participated remotely.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$26,400.00 for Rincon X9 Water Plant upgrades located at 17950 E. Cactus Hill Road, located within Regulated Riparian Habitat and classified as Important Riparian Area with an Underlying Classification of Hydromesori-riparian Habitat. (District 4)

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

2. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$2,470.00 for a previously unpermitted disturbance located at 10095 N. Camino Pico Vista, located within Regulated Riparian Habitat and classified as Xeroriparian Class C. (District 3)

It was moved by Chair Bronson, seconded by Supervisor Grijalva 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 \$4,347.00 for placement of a single family residence located at 3569 E. Secret Canyon, located within Regulated Riparian Habitat and classified as Xeroriparian Class B. (District 1)

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

4. **CONTRACT**

M. Anderson Construction Corp., Hallmark Landscape & Design, Inc., and Santa Rita Landscaping, L.L.C., to provide a job order master agreement for landscaping installation and improvement services, Flood Control District Levy and Various Other Funds, contract amount \$1,500,000.00 (MA-PO-23-17) 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.

5. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

CHAIR

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 6, 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
Sam Brown, Chief Civil Deputy County Attorney
Melissa Manriquez, Clerk of the Board
Robert Krygier, Sergeant at Arms

*Supervisor Heinz left the meeting at 10:17 a.m. and returned at 11:19 a.m.

**Supervisor Christy participated remotely.

1. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

2. LAND ACKNOWLEDGEMENT STATEMENT

The Land Acknowledgment Statement was delivered by Christina Andrews, J.D., Hia-Ced O'odham and a member of the Tohono O'odham Nation.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Supervisor Heinz encouraged everyone to join him in donating to the Angela Fox-Heath GoFundMe page. She was one of the victims of the tragedy that took place at the Lind Common Apartments on Thursday, August 25, 2022, that also claimed the lives of Pima County Constable Deborah Martinez-Garibay and Elijah Miranda.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Christina Bickelmann, Executive Director, and Shelly Jernigan, Communications and Events Director, National Alliance on Mental Illness (NAMI), proclaiming the month of September 2022 to be: "SUICIDE PREVENTION AWARENESS MONTH"

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

6. Presentation of a proclamation to Matt McGlone, Community Outreach Coordinator, Pima County Office of Emergency Management; Louie Valenzuela, Emergency Management and Safety Coordinator, Town of Oro Valley; Michael Hammarstrom, South Region Field Coordinator, Department of Emergency and Military Affairs; Michael Allen, Disaster Program Manager, and Courtney Slanaker, Executive Director, Southern Arizona Chapter - American Red Cross, proclaiming the month of September 2022 to be: "PREPAREDNESS MONTH"

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

7. Presentation of a proclamation to Lee Itule-Klasen, Program Manager, Tobacco and Chronic Disease Prevention Program, Pima County Health Department, and Rebekah McGee, Vice President, Population Health Initiatives, Pima Council on Aging; Co-Chairs, Southern Arizona Chapter of the Arizona Falls Prevention Coalition, proclaiming the month of September 2022 to be: "FALLS PREVENTION AWARENESS MONTH"

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

8. Presentation of a proclamation to Richard Noel, Director, Jam2Grow, L.L.C., and Ron Burton, Retired Administrator, City of Tucson Parks and Recreation Department, proclaiming the day of Saturday, September 17, 2022 to be: "INTERNATIONAL PEACE DAY IN PIMA COUNTY"

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

9. **CALL TO THE PUBLIC**

Dru Heaton addressed the Board regarding Hawaiian culture and history, and asked them to lead the community with breath.

Dr. JoAnn DiFilippo expressed her opposition to the Vacation Time Accrual proposal and any continued COVID-19 employee mandates.

Chris King thanked the Board for their recognition of Suicide Prevention Month and expressed his concerns with the election process and the results of the canvass. He commented that September 17th was National Prisoner of War Missing in Action Day and United States Constitution Day.

Robert Reus spoke to the Board about the Jeffersonian principles.

Peter Norquest expressed his concerns and opposition to COVID-19 vaccines and mandates.

Ann Rose spoke in opposition of COVID-19 vaccines.

Lisa Von Geldern spoke to the Board regarding abuse of constitutional authority at all levels of government and asked them to attend one of her constitutional classes.

Tim Laux expressed his displeasure with the elections poll worker training process. He indicated that he had been a poll worker and cited examples of inadequate training, security issues at polling locations and voiced his opposition to voter information stored in the cloud.

Shelley Kais expressed her opposition to the Recorder's Office database management contract and her concerns with outsourcing to a private residence.

BOARD OF SUPERVISORS

10. Juan Cruz Memorial Overpass

RESOLUTION NO. 2022 - 56, of the Board of Supervisors, relating to naming of the Interstate 10 Ruthrauff Road Overpass; and recommending that the Overpass be named the "Juan Cruz Memorial Overpass." (District 3)

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 adopt the Resolution.

11. Elections Division After-Action Report

Discussion/Action: Review of the "after-action" report from the Elections Division about the August primary elections, as requested by the Board at our last regular meeting. (District 1)

Supervisor Scott stated that the August Primary Election was close to completion and felt that waiting until October before the early ballots were mailed was not what the Board should be doing. He added that there was great importance in the reassurance to the public regarding the safety and security of the County's election systems. He stated that he was interested in any recommendations given by the Election Integrity Commission (EIC) after they discussed this issue. He stated that he was motivated by a recent headline of a dismissal of a lawsuit brought on by Mark Finchem and Kari Lake against Maricopa and Pima Counties that dealt with the use of electronic tabulation equipment and was inspired by the example of the Maricopa County Board of Supervisors who fought against the lawsuit that claimed that the 2020 election was stolen from Donald Trump, for the integrity of their systems and for the dedicated service of their employees and volunteers. He added that he was grateful for the after-action report, although preliminary, the larger points were unlikely to change. He stated that the County's first run with e-poll

books and vote centers was a success, which was credited to its employees and volunteers. He shared the following excerpts from the after-action report.

“The e-poll books and ballot on demand printers performed well and with minimal disruptions in the majority of the 129 vote centers with most locations experiencing only a few quickly remedied issues. Evaluations are still being conducted. The County hired over 1700 temporary aides and workers for the primary election. They all performed well and admirably in a new system and with new equipment. Poll workers commented that they found the new system to be an improvement from 2020 and that e-poll books allowed for a faster and smoother process. Many added that the e-poll books were simple and easy to use and worked very well. There were few complaints about the new vote center locations from voters and accessibility to vote centers did not appear to be an issue. While there were some issues with the new technology, the problems were easily resolved in most cases, typically these issues were temporary and could be fixed simply by logging off, back off and on to the e-poll books, entering the correct log-in information or resetting printer connections. The most common observation from poll workers regarding the e-poll books was that they needed more of them or expected to need more of them for the general election, which is great feedback. We strived for closer to perfect error-free outcomes but recognize it is not always possible. Some areas of concern were identified that need improvement related to equipment, human error, logistics and supplies. Most of the delays experienced on Election Day resulted from a printing and supply chain issue. One of the problems encountered early on Election Day was the lack of provisional ballot envelopes at some voter centers. Additionally, one vote center, Kirk Bear Canyon Library, ran out of ballot stock in the middle of the day and the center had to close for two hours. During the election and after, election staff heard that some vote centers could not connect the e-poll books to the printer or the printer would not print a ballot. It was found that the folding tables bowed under the weight of the printers and that adjusting to a flat surface allowed them to work properly. The problem was resolved quickly after adjusting the printers. Other printer issues required taking them offline to troubleshoot the problem or replacing the affected printer. Issues relating to e-poll books were mostly due to user error, however, the equipment and system are being reviewed, and better training and support will be provided prior to the general election. Election staff observed some confusion from poll workers and voters on the different types of ballots issued. Sample ballots mailed to voters were in the same format as the actual ballots. Sample ballots sent to vote centers however, did not mirror the actual ballot format. Voters registered on the early voting list and issued an early ballot but choose to instead vote at a vote center on Election Day must vote a provisional ballot to ensure that a duplicate has not been cast. Elections received about 19,000 early ballots that were dropped off at vote centers for the 2022 primary election.”

Supervisor Scott stated that the next sentence dealt with a question the Board had at their last meeting regarding provisional ballots.

“Additionally, of the 4,127 provisional ballots cast on Election Day, 90% of those were due to registered voters who did not vote their early ballot and instead cast their vote in person at a vote center.”

Supervisor Scott added that there had been significant trashing of early ballots and the process for counting them by several people currently running for State office. He continued reading the following excerpts from the after-action report.

“Recently passed legislation regarding early ballots, will impact provisional ballot numbers as early voters will now be allowed to surrender their early ballot at a voting location and cast a regular ballot, instead of a provisional ballot. This will reduce the number of provisional ballots cast on Election Day. On election, night ten vote centers were brought to Ms. Hargrove's attention, regarding discrepancies with counts at particular vote centers. It should be noted that as with every election, there are minor procedural discrepancies at polling places by poll workers, vote centers are no different from precincts and these are not unusual. One commissioner stated at the last EIC meeting that she was there on election night until the end along with Ms. Hargrove and observed that every time the computer count differed from the count on the report, every one of them was investigated.”

Supervisor Scott indicated that none of that had led to any votes not being counted and that the Elections Department used this assessment to reinforce procedural training for poll workers and vote center inspectors to make improvements and revisions, as necessary, and to minimize discrepancies in the general election. He stated that prior concerns that were expressed when the Board voted to implement vote centers and e-poll books had not happened and it showed with the preliminary report and voter experience in August. He added that he reviewed emails and phone messages given by the District 4 Office and many of the concerns were unrelated to vote centers and e-poll books and there was little indication of any patterns on Election Day. He stated that the preliminary report showed facts and what things needed improvement so that the voter experience in November would be a more positive one. He added that there was disinformation being spread about the election system in Pima County and throughout the United States which could be traced back to the schemes of a former President who refused to accept a loss in the 2020 Presidential Election. He added that County elections were safe and secure and e-poll books and vote centers made voting more accessible and convenient.

Supervisor Christy commented that he was being chastised for questioning a voting system that had never been implemented in Pima County by two new officials who had never run a full-blown election in Pima County. He stated that the most sacred element of our society was the right to vote and it was in everybody's interest to make sure that everything was discussed and addressed. He added that Supervisor Scott left out the Recorder's after-action report as it had yet to be finalized and the reports were to be reviewed by the EIC. He stated that this matter was about the installation of a new system. He read a letter from a member of the EIC who wanted

an apology from Ms. Leshar for not mentioning the two republican and one libertarian party members' input in her memorandum. He questioned whether the politically imbalanced vote center staffing issues had been addressed and how 45 of the 129 vote centers were unbalanced and inquired about the status of the Recorder's Office after-action report.

Supervisor Scott questioned what other items not covered by the preliminary after-action report could the Board expect after given to the EIC.

Jan Leshar, County Administrator, responded that in addition to the information from the Recorder they would review the Election Director's notes.

Constance Hargrove, Elections Director, explained that the connectivity and technical issues that allegedly occurred and additional information from vote centers was being compiled, as well as expectations from the implementation.

Chair Bronson pointed out that there were several speakers during Call to the Public that spoke regarding elections and she hoped their concerns would be addressed.

Supervisor Grijalva commented that it was noteworthy that they had a handful of complaints, but overwhelmingly people were able to vote effectively. She added that the current focus was on voting and it was a topic of national debate.

Chair Bronson commented that if the County made mistakes and where there were problems, they needed to own it, whether it be the Recorder, the Elections Director or the Board. She added that less transparency did not give people the confidence that their vote counted.

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

12. Update on the Development of an RTA Next Plan

Discussion/Action: Update for the Board of Supervisors regarding the development of an RTA Next plan to submit to the voters of Pima County prior to the expiration of the current RTA plan. (District 1)

Supervisor Scott stated that the Pima Association of Governments (PAG) Regional Transportation Authority (RTA) Board was moving toward the development of an RTA Next Plan that would be put before the voters before the current plan expired in 2026. He commented that he wanted to provide the Board documentation regarding the status of the current RTA plan and the development of the new RTA plan. He stated that the RTA Board would meet in October to discuss the remaining funding and to establish a budget for the RTA Next Plan. He stated that he would provide another update in November and reviewed some of the high points of the documentation. He explained that at their June 2nd meeting, the RTA Board unanimously voted to move several current RTA projects to the RTA Next Plan and two of them were County projects. He stated that the remaining projects were City

of Tucson jurisdiction projects. He added that the bulleted calendar in the materials was the most important as it showed benchmarks that needed to be met and dates to meet those associated benchmarks for development of the RTA Next Plan. He stated that they had initially put together a framework for plan development, but then the COVID-19 pandemic intervened. He stated that the previous RTA Board set a sunset date for the work of the Citizens Advisory Committee (CAC) and when their current term ended, 13 of the 35 members did not want to continue with a new CAC. He added that they had to appoint 13 new members who worked with veteran members and with the Technical Management Committee to come up with new guiding principles and goals. He stated that the Towns of Marana and Sahuarita had concerns with the new guiding principles and goals, but that those concerns would be discussed by the CAC, and if necessary, revisions would be made. He referenced a September 1st memorandum from the Chair of the Citizens Accountability for Regional Transportation Committee (CART) that mentioned financial issues with a gap of \$300 million and the RTA had to direct federal and state transportation funds that came into the region annually be applied from fiscal year 2020 to fiscal year 2026. He stated that the action created lower than anticipated RTA tax revenues to cover the gap and reiterated that those were some of the issues that would be discussed in October.

Chair Bronson stated that they never anticipated COVID and supply chain issues and increase in costs because of limited supplies, but she felt that they would eventually need a legal opinion. She added that some of the changes may need to go back to the voters prior to the RTA Next Plan.

Supervisor Scott stated that the RTA Board had legal counsel.

Chair Bronson indicated that the County may want a third opinion.

Supervisor Heinz questioned the legality to shift these projects, transparency from the Executive Director and the inflation of amounts shown in the documentation from one day to the next. He stated that they had a duty to the taxpayers that voted for this 20 years ago to do what they approved. He questioned if there had been a review of the Executive Director and if so, the outcomes of that review.

It was moved by Supervisor Heinz to direct Supervisor Scott to make a motion at the next RTA Board meeting to terminate the contract with the current Executive Director, effective immediately.

Chair Bronson stated that she would not second the motion, but that she shared Supervisor Heinz' concerns.

Supervisor Grijalva commented that the Pima County Board of Supervisors did not have the authority to make him to do that unless he wanted to.

Supervisor Heinz reiterated that Supervisor Scott could bring a motion forward on behalf of Pima County as representative to the RTA Board.

Supervisor Scott stated that without question there was a revenue shortfall coupled with increased costs for construction exacerbated since coming out of the pandemic. He indicated that they would not be able to complete all the projects in the current RTA Plan. He added that their counsel said it was suitable because there were scope changes to both of the projects and was appropriate for the voters to approve or disapprove. He stated that if the RTA Next Plan was not passed by the voters, then the Board would work with the jurisdictions to make sure that every plan and project in the current RTA was completed. He stated that the projects being completed were not dependent on the passage of an RTA Next Plan. He added that there was a document presented to the RTA Board for consideration regarding the Executive Director's review, drafted by a subcommittee of some members, which had continued discussion and work to be done. He stated that issue may be on their next agenda in October.

Supervisor Heinz inquired if there had ever been a review of the current Executive Director.

Supervisor Scott responded in the affirmative.

Supervisor Heinz stated that he would like to see that review.

Supervisor Scott stated that prior reviews were done by previous members of the Board and that each time the contract was renewed, there was discussion by the previous Boards on his performance.

Supervisor Heinz inquired about the expiration date of the current Executive Director's contract.

Supervisor Scott responded that he did not know the expiration date.

Chair Bronson stated that when she was on the Board and it was every year, but that may have changed.

Melissa Manriquez, Clerk of the Board, stated that for the record, Supervisor Heinz's motion died for lack of a second.

Chair Bronson concurred.

13. The Board of Supervisors on August 2, 2022, continued the following:

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)

**County Administrator's Recommendation
Vacation and Sick Leave Proposal - Phase 1**

Staff recommends approval of options 1 through 8, as outlined in the County Administrator's Memorandum dated September 6, 2022, and further recommends that any changes described herein take place January 1, 2023, in order to permit time to reconfigure the current pay system. The proposed changes are not intended to be retroactive.

Additionally, it is recommended to address Paid Time Off (PTO) as part of a second phase of review. PTO is a more complex process and requires a determination of how to convert current vacation and sick leave balances to PTO and necessitates more communication and advance notice to employees. Therefore, it is ideal to assess a change to PTO at the time that the County moves to its new enterprise system, which is actively in the procurement stages.

Finally, staff will continue to review student loan repayment, pet insurance, childcare resources, and a "Winter Break" paid vacation benefit in Phase 2 of this assessment as well.

Supervisor Heinz stated that he appreciated the work staff has done regarding this issue and that it was a phased approach to a comprehensive implementation of some additional leave to make Pima County more competitive. He stated that he supported the section that applied to employees being hired back who had prior tenure and wanted to try to make that particular provision as retroactive as practicable. He questioned the legality of making that change.

Sam Brown, Chief Civil Deputy County Attorney, responded that he did not have the answer, but he would provide that information to the Board.

Jan Leshar, County Administrator, stated that the recommendation was that all the events would start at the first of the year, but it would take more time to find out when Item No. 6 regarding retroactive employees, could be started.

It was moved by Supervisor Heinz and seconded by Supervisor Grijalva to approve the County Administrator's recommendation, as presented. No vote was taken at this time.

Chair Bronson stated that she could not vote in favor of this, but felt they were headed in the right direction. She stated that she was concerned if they brought people back into employment and/or attracted new people, that they were not taking care of current employees. She added the need of combining sick leave and vacation leave into one leave bank. She questioned why they were not rewarding current, hard-working employees.

Ms. Leshar responded that all current employees would receive the additional days of leave and the cap amount they could maintain in their vacation leave bank would increase.

Chair Bronson questioned why there was a limit on the number of days an employee could maintain in vacation leave.

Ms. Leshar stated that it was a significant cost when they paid out vacation leave to someone who had a significant amount or who were at the cap amount, at the end of their employment.

Supervisor Grijalva stated that it was smart to have a cap on annual leave because it was a huge hit to the budget and it could not be anticipated when an employee was going to leave the organization. She added that overall she felt it made the most sense to go to a Paid Time Off bank at some point, but that this was a nice transition. She stated that she supported the item.

Supervisor Christy commented on his opposition to this in the past since there was no significant cost analysis and felt that it should have been part of the Classification and Compensation Study. He added that he would like to see how many former employees returned to the County after the law went into effect on September 29th and the mandates were lifted before the County started spending on benefits. He stated that for those reasons he would vote against this item.

Chair Bronson commented that to Supervisor Grijalva's point, she understood the potential cost, but was looking at employees down the ranks that probably did not have money to take vacations and she felt they were not serving them well.

Supervisor Grijalva stated that it would be helpful to get a report from Human Resources on how many employees would lose vacation time.

Supervisor Heinz questioned what was the ballpark cost to the County and taxpayers for the cash out of banked time for employees that ended their tenure with the County.

Ms. Leshar responded that staff had not conducted an analysis of the payout, but with the simple increase of vacation days, the amount that was actually compensated to that individual was not increased.

Supervisor Christy questioned whether there was any indication of when the Board would receive the findings of the Classification and Compensation Study.

Ms. Leshar responded that they would receive findings into the next year.

A substitute motion was made by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of October 18, 2022, for further discussion and analysis. The motion died for lack of a second.

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

COUNTY ADMINISTRATOR

14. County Administrator's Update

Jan Leshar, County Administrator, requested a moment of silence in remembrance of Constable Deborah Martinez-Garibay and the others who lost their lives in the tragedy that occurred on August 25, 2022.

CLERK OF THE BOARD

15. Avra Valley Irrigation and Drainage District Annual Election Cancellation

Discussion/action regarding a request, pursuant to A.R.S. §16-410(A), to cancel the annual election of the Board of Directors of the Avra Valley Irrigation and Drainage District and appoint John Kai, Jr., as Director of Division I of the Avra Valley Irrigation and Drainage District, to serve a three-year term, effective January 1, 2023.

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

COMMUNITY AND WORKFORCE DEVELOPMENT

16. Local Workforce Development Area Plan Modification 2020-2023

Staff recommends approval of the Local Plan Modification. If approved, the plan will be sent to the State for the Governor's Workforce Arizona Council ratification into

Arizona's Unified Combined State Plan under the Workforce Innovation and Opportunity Act.

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

DEVELOPMENT SERVICES

17. Final Plat Without Assurances

P21FP00017, Falcon 17, Lots 1 and 2. (District 1)

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

ELECTIONS

18. Green Valley Domestic Water Improvement District Election

RESOLUTION NO. 2022 - 57, of the Board of Supervisors, canceling the election for District Board Members of the Green Valley Domestic Water Improvement District and appointing John Green, Joseph H. Krumine III, George Orndorff and Eric Sullwold to the Green Valley Domestic Water Improvement District Board of Directors.

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

19. Marana Domestic Water Improvement District Election

RESOLUTION NO. 2022 - 58, of the Board of Supervisors, canceling the election for District Board Members of the Marana Domestic Water Improvement District and appointing Philip Breton, Gordon Emholtz, and John Griffin to the Marana Domestic Water Improvement District Board of Directors.

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

20. Metropolitan Domestic Water Improvement District Election

RESOLUTION NO. 2022 - 59, of the Board of Supervisors, canceling the election for District Board Members of the Metropolitan Domestic Water Improvement District and appointing James Doyle, Richard Sarti and Scott Schladweiler to the Metropolitan Domestic Water Improvement District Board of Directors.

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

21. **Mount Lemmon Domestic Water Improvement District Election**

RESOLUTION NO. 2022 - 60, of the Board of Supervisors, canceling the election for District Board Members of the Mount Lemmon Domestic Water Improvement District and appointing Diana Osborne and John Mulay to the Mount Lemmon Domestic Water Improvement District Board of Directors.

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

22. **Why Domestic Water Improvement District Election**

RESOLUTION NO. 2022 - 61, of the Board of Supervisors, canceling the election for District Board Members of the Why Domestic Water Improvement District and appointing William Hadley Jr., and Ami Pate to the Why Domestic Water Improvement District Board of Directors.

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

23. **Cancellation of Uncontested Fire and Health District Elections**

Staff recommends approval of the resignations and appointments put forth by the County and cancellation of the uncontested Fire and Health District elections for the November 8, 2022 General Election.

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

GRANTS MANAGEMENT AND INNOVATION

24. **Tohono O'odham Nation State-Shared Revenue Program Funds**

RESOLUTION NO. 2022 - 62, of the Board of Supervisors, to approve acceptance of Tohono O'odham Nation State-Shared Revenue Program Funds and pass-through to the entities in Pima County selected by the Tohono O'odham Nation.

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

HUMAN RESOURCES

25. **Revisions to Personnel Policy**

Staff requests approval of the proposed revisions to Personnel Policy No. 8-107, Special Leaves of Absence with Pay.

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

Supervisor Grijalva acknowledged that this was for the addition of a Juneteenth Celebration Day and thanked staff for their work.

Supervisor Christy commented that the proposal should be included with the cost analysis for the Classification and Compensation Study and indicated that he would be voting against the item.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

26. Cascade Apartments Project

RESOLUTION NO. 2022 - 63, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$14,000,000.00 multifamily housing revenue bonds (Cascade Apartments Project, 1346 N. Stone Avenue, Tucson, AZ), Series 2022 and declaring an emergency.

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

PROCUREMENT

27. Revisions to Board of Supervisors Policy

Staff recommends approval of the proposed revisions to Board of Supervisors Policy No. D 29.4, Contracts.

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

SCHOOL SUPERINTENDENT

28. 2022 General Election - School District Cancellation

Staff requests cancellation of those uncontested school district governing board positions for the General Election on November 8, 2022 and appointment of those who filed the required nominating petitions or nomination papers.

Tanque Verde Unified School District No. 13 - 2 Positions - Thomas Trask, Beth Peterson

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

29. Hearing - Liquor License

Job No. 201635, James Edmond O'Connell, The Eddy Hotel/Pin + Flour Restaurant, 4626 N. Campbell Avenue, Tucson, Series 11, Hotel/Motel, 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.

DEVELOPMENT SERVICES

30. Hearing - Specific Plan Rezoning

P22SP00001, WONG FAMILY, LP - N. THORNYDALE ROAD SPECIFIC PLAN REZONING

Wong Family, LP, represented by Lazarus and Silvyn, P.C., request a specific plan rezoning for approximately 2.35 acres (Parcel Code 225-02-027M) from the CB-1® (Local Business - Restricted) and the CR-5® (Multiple Residence - Restricted) zone to the SP (Specific Plan) zone located at the southeast corner of N. Thornydale Road and W. Overton Road, addressed as 9150 N. Thornydale Road. The proposed specific plan rezoning conforms to the Pima County Comprehensive Plan which designates the property as Neighborhood Activity Center and Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 7-3 (Commissioners Hanna, Membrila and Truitt voted NAY) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

The commission voted to recommend APPROVAL of the specific plan rezoning 7 – 3 (Commissioners Hanna, Membrila and Truitt voted NAY), subject to the following Standard and Special conditions added to Section V of the Specific Plan:

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.
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. The site is limited to one access point on Overton Road, and one access point on Thornydale Road. The access point on Overton Road shall be located opposite the driveway to the Thornydale Village shopping center approximately 330 feet east of

- Thornydale Road. The access point on Thornydale Road shall be restricted to right-in and right-out turning movements or as approved by the department of transportation at time of development plan review.
- B. A traffic memorandum shall be submitted for review and approval by the Department of Transportation with the development plan submittal. Offsite improvements determined necessary as a result of the traffic memorandum shall be provided by the property owner.
5. Flood Control District conditions:
- A. At the time of development, the developer shall be required to provide an As-Built Monitoring Report for the disturbance to the Regulated Riparian Habitat authorized through the construction permit with the activity number P18SC00082.
- B. At the time of development, the developer shall be required to provide a maintenance covenant for the storage of stormwater through underground detention.
- C. First flush retention shall be provided in above-ground Low Impact Development practices distributed throughout the site.
- D. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
6. 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) stating 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 is permanently committed for any new development within the rezoning area.
7. Environmental Planning condition: Upon the effective date of the Ordinance, the owner 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.
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: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Rory Juneman, Applicant Representative, Silvyn & Lazarus, P.C, provided a brief slideshow presentation on their plan. He stated it was an unusual request since the property was already zoned as a CB-1 Business Zone and they were requesting the use of a personal storage project. He stated that CB-1 allowed for personal storage, but only for one-story buildings and indicated that the zoning code had a unique restriction on personal storage uses. He explained that when the code was written, storage buildings were one-story metal buildings and modern storage was now very different and could include multiple stories and were now designed to look like Class A office and retail businesses. He stated that it was important to note that those projects were now designed in such a way that all impact use would mostly occur from the inside where all of the loading and unloading took place. He stated that this feature would allow for very low traffic and parking use and would have little impact on the surrounding neighbors. He added that they had designed the project so that the loading and unloading was done from the back of the project. He indicated that security access had been included and it was designed to have an enhanced architectural look and feel with stucco and glazing. He stated that they had engaged a local artist to paint a mural on the building. He stated that a neighborhood meeting was held in June and neighbors were skeptical at first, but when they explained how very low impact it was going to be, they were fine with the use and they have not received any neighbor input since. He stated that at that meeting, they had agreed to provide a wall at the southeast corner along the back of the project. He stated that the Planning and Zoning (P&Z) Commission had recommended approval and the only concern received from that meeting was with the building height. He stated that three-story buildings were not uncommon for that area and indicated that another three-story storage project was located at Thornydale and Tangerine Roads. He stated that compliance with the Conservation Land System (CLS) had been met with a prior rezoning and no other issue existed.

Supervisor Scott asked staff whether the buffelgrass condition was a standard one and whether it would be added more frequently.

Chris Poirier, Deputy Director, Development Services, stated that the condition would be added with every new rezoning and indicated that it was a tool they were implementing to help fight the invasive species.

Supervisor Scott asked Mr. Juneman to explain the concerns neighbors had expressed with the initial proposal of the pad.

Mr. Juneman explained that the original plan for the site was for three fast food restaurants with drive-thru's, which would have created considerably more traffic, noise and light. He stated that the neighbors were happy with the current proposal because it would generate very low traffic and most of the use would be generated from the inside.

Supervisor Scott asked Mr. Juneman to explain the work that had been done with the Sonoran Desert Preservation Coalition for receipt of their positive testimony to the P&Z Commission.

Mr. Juneman responded that a rezoning had been done on the site in 2018 and the CLS had been met and all of the off-site mitigation land had been donated. He stated that the Coalition had agreed since compliance had been met and they were taking an existing commercially zoned site and modifying it for height.

Supervisor Scott inquired whether the height concerns that were raised by some of the commissioners had been addressed.

Mr. Juneman responded in the affirmative and stated that in their view, developing sites with smaller footprints and more height was generally a good thing because they would take up less open space and less development area.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P22SP00001, subject to standard and special conditions.

31. **Hearing - Rezoning**

P22RZ00001, TUCSON SCHOOL DISTRICT NO. 1 - S. CARDINAL AVENUE REZONING

Tucson School District No. 1, represented by Paradigm Land Design, L.L.C., requests a rezoning of approximately 60.9 acres (Parcel Codes 138-25-593L, 138-25-593M, 138-25-593N, 138-25-593P, and 138-25-593Q) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) zone. The site is located on the east side of S. Cardinal Avenue, approximately 300 feet south of the intersection of W. Valencia Road and S. Cardinal Avenue. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low

Intensity Urban. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Hook, Becker and Maese voted NAY, Commissioners Hanna, Membrila and Truitt were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

At the request of the applicant and without objection, this item was continued to the Board of Supervisors' Meeting of October 18, 2022.

32. **Hearing - Rezoning**

P22RZ00004, WONG LIVING TR - W. VALENCIA ROAD REZONING

Wong Living Trust, represented by Projects International, Inc., request a rezoning of approximately 38.19 acres (Parcel Code 137-19-004D) from the GR-1 (Rural Residential) (25.02 acres) and from the GR-1 (TDR) (Rural Residential - Transfer of Development Rights - Receiving Area) (13.17 acres) to the CR-5 (Multiple Residence) (25.02 acres) and to the CR-5 (TDR) (Multiple Residence - Transfer of Development Rights - Receiving Area) (13.17 acres) zone located on the north side of W. Valencia Road, approximately 700 feet west of the intersection of W. Valencia Road and S. Camino de la Tierra, addressed as 3450 W. Valencia Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor and Medium Low Intensity Urban. On motion, the Planning and Zoning Commission voted 5-1 (Commissioner Gungle voted NAY, Commissioners Hanna, Membrila, Matter and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. Offsite improvements determined necessary as a result of the Traffic Impact Study shall be provided by the property owner.
 - B. The property owner shall dedicate 25 feet of right-of-way for Valencia Road.
 - C. Three connection points are required for the site and/or as approved by the Department of Transportation. A maximum of one connection will be allowed on Valencia Road and it shall be aligned with Sorrel Lane to the south.
 - D. An ADA-accessible asphalt path or sidewalk shall be provided, at least 5 feet-wide, along the property's entire Valencia frontage. The location of the path shall be determined at time of permitting.
3. Regional Flood Control District conditions:
 - A. Drainage infrastructure, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
 - B. Encroachment into mapped Regulated Riparian Habitat and the FEMA floodplain not shown on the approved PDP is prohibited.
 - C. No development other than the road crossing will be allowed in the Zone A, Special Flood Hazard Area.
 - D. First flush retention shall be provided in Low Impact Development practices distributed

- throughout the subdivision.
- E. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table A such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
- A. The owner shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the rezoning area until Pima County executes an agreement with the owner to that effect.
- B. The owner shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
- C. The owner shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- E. The owner(s) shall enter into a written agreement addressing the funding, design and construction of off-site and on-site sewers to accommodate flow-through from any properties adjacent and up-gradient to the rezoning area that do not have adequate access to Pima County's public sewer system, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- F. The owner shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
- G. The owner shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
7. Adherence to the preliminary development plan as approved at public hearing.

8. View fencing, such as wrought iron fencing shall be installed along the width of the open space area and bufferyard adjacent to W. Bilby Road and W. Valencia Road to provide physical access control.
9. Tucson Airport Authority conditions:
 - A. An Avigation Easement must be executed and recorded with the Pima County Recorder's Office, by the property owner/developer/applicant or other person authorized to sign on behalf of the current property owner, to cover the entire project area and in accordance with the requirement of the Tucson Airport Authority. The Avigation Easement must run with the property and will serve to educate future purchasers and tenants of the property of potential aviation impacts.
 - B. According to the Federal Aviation Administration (FAA) Notice Criteria Tool, this project area is located in proximity to a navigation facility and could impact navigation signal reception. As the project site develops every project applicant must file FAA Form 7460 with the FAA at least 45 days before construction activities begin for every proposed project unless FAA staff, with the Obstruction Evaluation / Airport Airspace Analysis (OE/AAA), provides the project applicant with written communication that filing FAA Form 7460 is not required. It is highly recommended that the applicant file earlier than 45 days to provide the applicant with sufficient time to respond to any concerns which are identified by the FAA. Any cranes which are used must also be identified with Form 7460. Please file Form 7460 at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>
 - C. Applicable to residential uses only: The property owner/developer/applicant must provide the Airport Disclosure Statement form, at time of sale, to the new property owners with all new unit purchases. In the event the development of any residential uses does not involve the sale of new units, but is instead offering rental residential units to the public, the new tenant of the rental unit must be provided a copy of the Airport Disclosure Statement form. The intent of the Airport Disclosure Statement form is to educate and notify the new residents that they are living near an airport. The content of such documents shall be according to the form and instructions provided.
 - D. The property owner (for itself or its tenants) must forward a signed copy of the Airport Disclosure Statement form to the Tucson Airport Authority within ten (10) days of signature, using the mailing address provided below.
Scott Robidoux, Manager of Planning
Tucson Airport Authority
7250 South Tucson Boulevard, Suite 300
Tucson, AZ 85756
- ~~9-10.~~ In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
- ~~10-11.~~ The property owner shall execute the following disclaimer regarding the Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(l)."

Chair Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Grijalva to close the public hearing and approve P21RZ00004, subject to standard and special conditions. No vote was taken at this time.

Supervisor Grijalva stated that the biggest issue with the commission was with traffic issues that continued to be a problem and further development in the area.

Chair Bronson stated that something needed to be done with Valencia Road.

Supervisor Grijalva commented that Valencia Road and Ajo Way had feeders and huge developments. She added that she lived in the area and on a Sunday afternoon it took 15 minutes to get somewhere, but on a Monday morning it took 45 minutes to an hour. She stated that there was build out in the area that included 2 and 3-car garages homes. She stated that they could not rely on the RTA Next Plan and there was a need to really look at the infrastructure of the roads in that area.

Chair Bronson stated that she agreed, but the area was a designated growth area, and planning with respect to traffic had not happened.

Supervisor Scott commented that Condition 2.A. was regarding the requirement for a traffic impact study to be submitted for review and approval by the Department of Transportation with the tentative plat submittal and off-site improvements determined necessary as a result of the traffic impact study shall be provided by the property owner. He requested the traffic issue be addressed, as well as the study session coming up by the Planning and Zoning (P&Z) Commission.

Carmine Debonis, Jr, Deputy County Administrator, explained that Transportation staff was aware of the challenges on Valencia Road. He stated that they were undertaking study work to bring it to the Board to discuss a variety of options that included widening and incorporating more demand management strategies. He added that the P&Z Commission had requested a study session at their September meeting and that would be progressing and Transportation staff would participate along with Development Services staff. He stated that the existing impact fee benefit area, included in the ordinance, widening of Valencia Road from Mission Road to Cardinal Avenue which was a project that was eligible under the existing impact fee ordinance. He added that with the RTA Next Plan there was a longer timeframe, but they had information regarding Mission Road to Camino de la Tierra which they would bring back to the Board. He stated that the requirement of the Traffic Impact Study was typical with new development and that consulting engineers and traffic engineers will work with the project developer to submit a plan to the County that included information on existing traffic volumes. He stated that a recommendation would be given if warranted, based on the impacts for off-site improvement.

Chair Bronson questioned if Ajo Way was an Arizona Department of Transportation project.

Mr. Debonis, Jr. responded that Ajo Way was a state highway and they would reach out to the District Engineer in the region to request a status update. He added that the Pima County Department of Transportation would look at Irvington Road and if

extended to the west and connected to Ajo Way, it could provide an additional route for vehicle travel.

Supervisor Grijalva commented that the other concerning issue was since people were trying to avoid Valencia Road, it created other domino issues on Irvington Road and Ajo Way where there were no shoulders which made it dangerous for everyone, and that Valencia Road and Camino Verde was a high accident area. She stated that the P&Z Commission's position on the issue was that they would not support any of the projects until the transportation issue was addressed.

Chair Bronson called the question.

Melissa Manriquez, Clerk of the Board, stated that a second to the motion was needed since Supervisor Grijalva was the maker of the motion. Chair Bronson seconded the motion.

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

33. **Hearing - Rezoning**

P22RZ00007, FROST HOLDING COMPANY NUMBER TWO, L.L.C. - N. LA CANADA DRIVE REZONING

Frost Holding Company Number Two, L.L.C., represented by Steadfast Drafting and Design, L.L.C., request a rezoning of approximately 1.66 acres (Parcel Code 104-01-068B) from the TR (Transitional) to the CB-2 (General Business) zone located at the southwest corner of W. Roller Coaster Road and N. La Canada Drive addressed as 5171 N. La Canada Drive. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Cook, Hanna, Matter and Membrila were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The existing access onto La Canada Drive shall be closed and no longer utilized unless approved by the Department of Transportation.
 - B. Property owner(s) shall provide off-site improvements adjacent to the site which will include widening for an auxiliary westbound right-turn lane on Roller Coaster Road.
 - C. The northern access onto Roller Coaster Road shall be exit only unless approved by the Department of Transportation.
3. Regional Flood Control District conditions:
 - A. First flush retention shall be provided in Low Impact Development practices distributed throughout the site.
 - B. Offsite hydrology shall be based on the best available data at the time of development and shall be approved by the District prior to submittal of the drainage report.
 - C. At the time of development, the developer shall be required to select a combination of Water Conservation Measures from Table B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.

4. Environmental Planning conditions:
 - A. Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
 - B. Prior to the commencement of construction of any grading, land clearing, or earthmoving of more than one (1) acre, any road construction of more than fifty (50) feet, or any trenching of more than three hundred (300) feet, an Air Quality Activity Permit shall be obtained.
5. Adherence to preliminary development plan approved at public hearing with the addition of a block wall along the western property line and that use shall be limited to RV or auto sales/storage.
6. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
7. The property owner shall execute the following disclaimer regarding the Arizona Private Property Rights Protection Act: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
8. The use of a public address (PA) system shall not be allowed.

Supervisor Scott inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Scott, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P22RZ00007, subject to standard and special conditions.

34. **Hearing - Time Extension/Modification (Substantial Change) of Rezoning Condition**

A. **Hearing - Rezoning Time Extension**

Co9-05-30, STEWART TITLE & TRUST NO. 1580 - KINNEY ROAD REZONING
Stewart Title & Trust No. 1580, represented by Paradigm Land Design, L.L.C.,
 requests a five-year time extension for a 146.1-acre rezoning (Portion of Parcel Codes 212-50-012H and 212-50-012J) from the GR-1 (Rural Residential) to the CR-4 (Mixed-Dwelling Type) (143 acres) and the GR-1 (BZ) (Rural Residential - Buffer Overlay Zone) to the CR-4 (BZ) (Mixed-Dwelling Type - Buffer Overlay Zone) (3.1 acres) zones, located on the north side of W. Irvington Road and the east and west sides of S. Kinney Road. The subject site was rezoned in 2007 and expired March 6, 2022. Staff recommends APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

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

1. ~~The property owner~~ There shall ~~not be no~~ further lot splitting or ~~subdivide the land~~

subdividing of residential development without the written approval of the Board of Supervisors.

2. Transportation conditions:

A. Provision of improvements to Irvington Road and Kinney Road addressing pavement and necessary roadway conditions that will be impacted by the rezoning. Specifically, this includes necessary upgrades to pavement and areas where the infrastructure is deficient as determined by a traffic impact study and approved by the Department of Transportation.

~~B. Should the number of access points change, or access points be added to Sheridan Road, the rezoning conditions will need to be amended to address the conditions of Sheridan Road, necessary upgrades, and potential right-of-way dedications to mitigate the impact of a revised traffic pattern.~~

~~CB.~~ The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of ~~an~~ Irvington Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.

~~DC.~~ The property owner/developer shall dedicate 30 feet right-of-way for the east and west half right-of-way respectively on Kinney Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan property for right-of-way purposes for Kinney Road to accommodate the Department of Transportation Kinney Road/Joseph Avenue realignment and planned roundabout at the Irvington Road/Kinney Road/ Joseph Avenue intersection. The ultimate right-of-way dedication for the Kinney Road realignment and dedication for the northwest and northeast corner pieces for planned roundabout shall be well coordinated with DOT staff at time of tentative plat submittal.

~~ED.~~ Pedestrian and bicycle connectivity shall be constructed between the parks, adjacent pedestrian facilities and all residential areas. Connectivity between different residential areas shall be constructed in a way to maximize circulation of pedestrians, bicycles and vehicles to all local amenities.

E. Prior to Subdivision Tentative Plat approval, written proof of coordination with the Arizona Department of Transportation is required regarding any traffic impacts to their roadway system.

F. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The TIS shall incorporate the Department of Transportation's project 4IRCAP in the analysis. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner.

3. Flood Control conditions:

~~A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~

~~B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.~~

~~C. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.~~

~~D. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.~~

~~E. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.~~

~~F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.~~

~~G. All weather access shall be provided to all lots to meet concurrency requirements.~~

~~H. A riparian mitigation plan shall be required for development in designated riparian areas.~~

~~I. A Maintenance Agreement is necessary that identifies the responsibilities and funding of~~

~~both private and public drainage improvements.~~

- ~~J. Encroachment into Flood Control Resource Areas as shown on the Pima Prosper Regional Hydrology Maps shall be allowed with justification for encroachment, or detailed analyses revising the approximate Federal Emergency Management Agency Special Flood Hazard Zone where base flood elevations have not been determined is approved by the Regional Flood Control District. However, encroachment into underlying mapped riparian areas should be minimized. Encroachment into the post-developed 10-year floodplain on the project site shall be avoided.~~
- A. Channels, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
- B. Drainage design shall maintain existing conditions, water surface elevations and flow velocities at all property boundaries.
- C. All-weather access on Kinney Road is required.
- D. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
- E. This development shall meet Critical Basin detention requirements.
- F. First flush retention shall be distributed throughout the project site.
- G. Encroachment into mapped Regulated Riparian Habitat not shown on the approved PDP is prohibited.

~~H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.~~

4. 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. To serve new development within the rezoning area, and provide for future flow-through needs, the owner(s) shall fund, design and construct an on-site extension of the public sewerage system, and public flow-through sewers to the southernmost and easternmost boundaries of the rezoning area, as specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
- G. All plans for landscaping, trails, etc. within the existing public sewer easement over existing 15" public sewer line (G-80-61) must be reviewed and approved by the PCRWRD prior to construction.

- H. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Natural Resources, Parks and Recreation conditions:
~~The required recreational area and recreation features shall be constructed within the rezoning area.~~
- A. Recreation Area Plan (RAP) shall be submitted and approved by Natural Resources, Parks and Recreation staff prior to the approval of the Tentative Plat. Items to be included in the RAP are listed below in #C.
 - B. The developer shall construct Trail #115, the Irvington Road Trail. The ten-foot-wide trail shall be two inches of decomposed granite (1/4 inch minus) compacted to 95% over native subgrade compacted to 95%.
 - C. The features required for six acres of recreation area include: water and electric lines to the park; 1 drinking fountain; a trail linkage; signage; landscaping; irrigation; 30% turf area; 4 trash receptacles; 4 bicycle racks; 6 park benches; 1 shade structure; 4 picnic tables; 3 BBQ grills; 1 basketball court (56' x 96'); 2 playground components; a 1 multi-use structure (5 piece).
 - D. The recreation features shall be completed prior to the release of assurances for 75% of the residential units.
6. Environmental Planning condition:
Upon the effective date of the Resolution, 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.
7. Landscaping conditions:
- A. Saguaro transplanted on site and introduced as mitigation plants shall be planted at a density of 1 saguaro per 60 square feet, on average, to be planted in groups of not more than 6 plants, and/or individual plants shall be staggered and spaced to avoid linear planting arrangements.
 - B. All transplanted and introduced saguaros should be placed outside of the drip line of the tree at planting size, but close enough to receive shade and protection from the tree at mature size (within 12' of the base of the tree). Smaller sized saguaros (4' and under) should be placed closer to the base of the nurse tree and large saguaros (over 4') should be placed further from the base.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. Adherence to the revised preliminary development plan as approved at public hearing (Exhibit "B").
10. The owner(s)/developer(s) shall enter into an acceptable Development Agreement with Pima County regarding park dedication (to the HOA, etc) and native plant preservation prior to the issuance of zoning and/or building permits.
11. The property owner(s) shall execute the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: ~~"The p~~Property owner(s) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(s) 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 the property owner(s) any rights or claims under the Private Property Rights Protection Act, property owner(s) hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
12. Adherence to the policies of the Comprehensive Plan Special Area Policy S-29 Southwest Infrastructure Plan:

- A. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
- B. At the discretion of the Planning Official, proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (Exhibit "C").
- C. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-05-30 Rezoning Time Extension, subject to modified standard and special conditions.

B. Hearing - Modification (Substantial Change) of Rezoning Condition

Co9-05-30, STEWART TITLE & TRUST NO. 1580 - KINNEY ROAD REZONING
Stewart Title & Trust No. 1580, represented by Paradigm Land Design, L.L.C.,
 requests a modification (substantial change) of rezoning condition No. 9 which requires adherence to the preliminary development plan as approved at public hearing. The applicant requests to revise the preliminary development plan which depicts a 302-lot subdivision to allow a 450-lot subdivision. The subject site is approximately 146.1 acres zoned CR-4 (Mixed-Dwelling Type) (143 acres) and CR-4 (BZ) (Mixed-Dwelling Type - Buffer Overlay Zone) (3.1 acres), located on the north side of W. Irvington Road and the east and west sides of S. Kinney Road. On motion, the Planning and Zoning Commission voted 8-2 (Commissioners Cook and Gungl voted NAY) to recommend APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 3)

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

1. ~~The property owner~~ There shall not be no further lot splitting or subdivide the land subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - B. Provision of improvements to Irvington Road and Kinney Road addressing pavement and necessary roadway conditions that will be impacted by the rezoning. Specifically, this includes necessary upgrades to pavement and areas where the infrastructure is deficient as determined by a traffic impact study and approved by the Department of Transportation.
 - ~~B. Should the number of access points change, or access points be added to Sheridan Road, the rezoning conditions will need to be amended to address the conditions of Sheridan Road, necessary upgrades, and potential right-of-way dedications to mitigate the impact of a revised traffic pattern.~~
 - ~~CB.~~ The property owner/developer shall dedicate 45 feet right-of-way for the north half right-of-way of on Irvington Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan.
 - ~~DC.~~ The property owner/developer shall dedicate 30 feet right-of-way for the east and west half right-of-way respectively on Kinney Road to meet the designated 150 feet right-of-way dedication per the Major Streets and Scenic Routes Plan property for right-of-way purposes for Kinney Road to accommodate the Department of Transportation Kinney

Road/Joseph Avenue realignment and planned roundabout at the Irvington Road/Kinney Road/ Joseph Avenue intersection. The ultimate right-of-way dedication for the Kinney Road realignment and dedication for the northwest and northeast corner pieces for planned roundabout shall be well coordinated with DOT staff at time of tentative plat submittal.

- ~~E.D.~~ Pedestrian and bicycle connectivity shall be constructed between the parks, adjacent pedestrian facilities and all residential areas. Connectivity between different residential areas shall be constructed in a way to maximize circulation of pedestrians, bicycles and vehicles to all local amenities.
 - E. Prior to Subdivision Tentative Plat approval, written proof of coordination with the Arizona Department of Transportation is required regarding any traffic impacts to their roadway system.
 - F. A Traffic Impact Study (TIS) shall be submitted for review and approval by the Department of Transportation with the Tentative Plat submittal. The TIS shall incorporate the Department of Transportation's project 4IRCAP in the analysis. Offsite improvements determined necessary as a result of the TIS shall be provided by the property owner.
3. Flood Control conditions:
- ~~A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~
 - ~~B. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention/retention requirements. Channel and drainage design shall be addressed and a meeting prior to submittal is recommended.~~
 - ~~C. A Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required due to changes to and development within a FEMA 100-year floodplain.~~
 - ~~D. This development shall meet Critical Basin detention and retention requirements because of existing flooding problems.~~
 - ~~E. The property owner(s) shall dedicate right-of-way or easements for drainage purposes to the Flood Control District, as determined necessary during the development plan/subdivision plat review.~~
 - ~~F. The property owner(s) shall provide all necessary on-site and off-site drainage related improvements that are needed as a result of the proposed development of the subject property. The location, design and construction of said improvements shall be subject to the approval of the Flood Control District.~~
 - ~~G. All-weather access shall be provided to all lots to meet concurrency requirements.~~
 - ~~H. A riparian mitigation plan shall be required for development in designated riparian areas.~~
 - ~~I. A Maintenance Agreement is necessary that identifies the responsibilities and funding of both private and public drainage improvements.~~
 - ~~J. Encroachment into Flood Control Resource Areas as shown on the Pima Prosper Regional Hydrology Maps shall be allowed with justification for encroachment, or detailed analyses revising the approximate Federal Emergency Management Agency Special Flood Hazard Zone where base flood elevations have not been determined is approved by the Regional Flood Control District. However, encroachment into underlying mapped riparian areas should be minimized. Encroachment into the post-developed 10-year floodplain on the project site shall be avoided.~~
 - A. Channels, bank protection and open space for drainage shall be maintained by the Homeowners' Association.
 - B. Drainage design shall maintain existing conditions, water surface elevations and flow velocities at all property boundaries.
 - C. All-weather access on Kinney Road is required.
 - D. Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) are required. The CLOMR shall be approved by FEMA prior to start of grading.
 - E. This development shall meet Critical Basin detention requirements.
 - F. First flush retention shall be distributed throughout the project site.
 - G. Encroachment into mapped Regulated Riparian Habitat not shown on the approved PDP is prohibited.

- ~~K.H.~~ At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
4. Wastewater Reclamation conditions:
- I. 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.
 - J. 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.
 - K. 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.
 - L. 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.
 - M. 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.
 - N. To serve new development within the rezoning area, and provide for future flow-through needs, the owner(s) shall fund, design and construct an on-site extension of the public sewerage system, and public flow-through sewers to the southernmost and easternmost boundaries of the rezoning area, as specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - O. All plans for landscaping, trails, etc. within the existing public sewer easement over existing 15" public sewer line (G-80-61) must be reviewed and approved by the PCRWRD prior to construction.
 - P. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Natural Resources, Parks and Recreation conditions:
- ~~The required recreational area and recreation features shall be constructed within the rezoning area.~~
- A. Recreation Area Plan (RAP) shall be submitted and approved by Natural Resources, Parks and Recreation staff prior to the approval of the Tentative Plat. Items to be included in the RAP are listed below in #C.
 - B. The developer shall construct Trail #115, the Irvington Road Trail. The ten-foot-wide trail shall be two inches of decomposed granite (1/4 inch minus) compacted to 95% over native subgrade compacted to 95%.
 - C. The features required for six acres of recreation area include: water and electric lines to the park; 1 drinking fountain; a trail linkage; signage; landscaping; irrigation; 30% turf area; 4 trash receptacles; 4 bicycle racks; 6 park benches; 1 shade structure; 4 picnic tables; 3 BBQ grills; 1 basketball court (56' x 96'); 2 playground components; a 1 multi-use structure (5 piece).

- D. The recreation features shall be completed prior to the release of assurances for 75% of the residential units.
6. Environmental Planning condition:
Upon the effective date of the Resolution, 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.
7. Landscaping conditions:
- A. Saguaro transplanted on site and introduced as mitigation plants shall be planted at a density of 1 saguaro per 60 square feet, on average, to be planted in groups of not more than 6 plants, and/or individual plants shall be staggered and spaced to avoid linear planting arrangements.
- B. All transplanted and introduced saguaros should be placed outside of the drip line of the tree at planting size, but close enough to receive shade and protection from the tree at mature size (within 12' of the base of the tree). Smaller sized saguaros (4' and under) should be placed closer to the base of the nurse tree and large saguaros (over 4') should be placed further from the base.
8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
9. Adherence to the revised preliminary development plan as approved at public hearing (Exhibit "B").
10. The owner(s)/developer(s) shall enter into an acceptable Development Agreement with Pima County regarding park dedication (to the HOA, etc) and native plant preservation prior to the issuance of zoning and/or building permits.
11. The property owner(~~s~~) shall execute the following disclaimer regarding the Private Property Rights Protection Act Proposition 207 rights: "The pProperty owner(~~s~~) acknowledges that neither the rezoning of the property nor the conditions of rezoning give the property owner(~~s~~) 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 the property owner(~~s~~) any rights or claims under the Private Property Rights Protection Act, property owner(~~s~~) hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."
12. Adherence to the policies of the Comprehensive Plan Special Area Policy S-29 Southwest Infrastructure Plan:
- A. The Southwest Infrastructure Plan (SWIP) shall be used to guide needs, obligations, funding, and provision of infrastructure and services related transportation, flood control, wastewater, parks and recreation, and other governmental facilities.
- B. At the discretion of the Planning Official, proposed development shall be planned, designed, and constructed to implement the sustainability principles as described in the Southwest Infrastructure Plan (Exhibit "C").
- C. At a minimum, the majority of infrastructure and transportation costs shall be self-funded by the developer.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson and seconded by Supervisor Scott to close the public hearing and approve Co9-05-30, Modification (Substantial Change) of Rezoning Condition, subject to modified standard and special conditions. No vote was taken at this time.

Supervisor Grijalva expressed her concerns with the development sprawling over 140 acres of land and stated that although it was not part of the Maeveen Marie

Behan Conservation Land System, it was still an important part of the ecosystem and because vital vegetation would be disturbed by the proximity of the construction, she would be voting against the item.

Supervisor Heinz concurred with Supervisor Grijalva's comments and added that the development was 146 acres of basically untouched desert on all sides. He stated that the County needed to address affordable housing and put more focus on preserving the density of the urban core and indicated that revisions to the City and County zoning codes were needed to help make that happen. He stated that for those reasons, he would be voting against the item.

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

35. Hearing - Fee Ordinance Revision

P22TA00004, DEVELOPMENT SERVICES FEE ORDINANCE REVISION

Pima County Development Services Department requests to amend Ordinance No. 2020-33, to allow Development Services to directly collect fees for services rendered for subdivision road inspections instead of through cost transfers from the Department of Transportation. The Planning and Zoning Commission voted 6-0 (Commissioners Hanna, Membrilla, Matter and Cook were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2022 - ~~19~~**21**

Angela Nelson, Board Member, Tucson Celtic Festival Association, addressed the Board in opposition to Natural Resources Parks and Recreation's Fee (NRPR) increases. She stated that it unfairly targeted the non-profit communities and indicated that the proposal would increase their daily rate by approximately 50%. She indicated that in 2015, their organization's standard daily rate had increased by an additional \$1 per visitor because of a previously approved fee revision and asked the Board to carefully consider the approval of the new proposal due to the negative impact it would have on their organization.

Carmine DeBonis, Jr., Deputy County Administrator, responded that this item was not for a NRPR proposed fee increase and explained that the amendments were for the Development Services and Wastewater Management fee ordinances. He stated that a public comment period had taken place and staff hosted two public meetings regarding NRPR fee increases, but no public hearing had been scheduled for Board consideration.

Supervisor Scott stated that his office had received written communication from Ms. Nelson and asked staff to perform a follow-up and have her input taken into consideration when they moved forward with that proposal for the Board's review.

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.

36. Hearing - Fee Ordinance Revision

P22TA00005, REGIONAL WASTEWATER RECLAMATION DEPARTMENT FEE ORDINANCE REVISION

Pima County Regional Wastewater Reclamation Department requests an ordinance of the Board of Supervisors of Pima County, Arizona, relating to sanitary sewer connections, construction and customer service; to adopt, and repeal fees for plan reviews and restate a fee schedule for permits, inspections, and related services provided by the Regional Wastewater Reclamation Department under Chapter 13.20 of the Pima County Code. The Planning and Zoning Commission voted 6-0 (Commissioners Hanna, Membrilla, Matter and Cook were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2022 - 20

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

37. COVID-19 Employee Mandates

Discussion/Direction/Action regarding the current COVID-19 vaccination mandates for Pima County employees. Discussion to include, but not be limited to, an explanation of hiring, promotion, and raise eligibility policies and insurance penalties assessed to, unvaccinated employees from the County Administrator and Human Resources Department and their legal representatives. (District 4)

Supervisor Christy inquired about the current official COVID-19 vaccine mandate for hiring and promotion and where that official policy could be found.

Jan Leshner, County Administrator, explained that there had been some confusion about when things might end and legislation passed at the State level. She stated that as of September 24th, Pima County would not be enforcing any of these mandates and the plan was to come to the Board on September 20th to make sure that all policies and rules in effect would go out of effect to remain consistent with State law. She stated that there was a County Administrative directive on August 31, 2021, regarding a vaccine mandate for new hires, promotions and change in status. She added that on September 7, 2021, the Board approved the health insurance medical premium for those who were not vaccinated and in early October 2021, any new hires, promotional employees and transfer changes in status, were to be fully vaccinated. She stated those were the policies that remained in place, which would be going out of effect by the September 24th deadline.

Supervisor Christy questioned if the County Administrator's memorandum dated August 31, 2021, regarding an employee being fully vaccinated before becoming

employed with the County had been memorialized either as a County Administration Policy or Board of Supervisors Policy.

Ms. Leshar responded that she did not believe there was a formal vote by the Board, but that was the direction of the County Administrator on August 31, 2021.

Supervisor Christy stated that when Human Resources was contacted about the issue, their reply was that they did not have any current Administrative Policy or Board of Supervisors Policy in reference to the COVID-19 vaccine mandate for hiring or promotion. He added that Merit System Rule 8 made no reference to the vaccine requirement. He questioned if this was ever formalized or memorialized in any official capacity.

Ms. Leshar stated that she did not believe it had ever been voted on the Board.

Supervisor Scott commented that he thought that the Board voted to approve the County Administrator's recommendations and at that time they mandated vaccines only for employees who worked with at-risk populations and questioned if the Clerk had that information.

Supervisor Grijalva inquired about the language of the item regarding legal representatives and asked who was considered legal representatives.

Supervisor Christy clarified that it would be the County Attorney or whoever represented the administration to get a legal definition of what was going on.

Melissa Manriquez, Clerk of the Board, stated that she did not have the information requested by Supervisor Scott, but would follow up with him on the information.

Supervisor Christy questioned if the County could continue to charge employees \$45 for the insurance disincentive after the law went into effect on September 29th.

Ms. Leshar responded staff planned to come before the Board with a recommendation to remove the additional cost at the September 20th meeting.

Supervisor Christy inquired about the status of terminated employees who refused COVID-19 vaccines whose cases were before the Merit Commission and how many employees had requested exemptions to date and how many of those requests were denied. He also questioned how many employees quit in lieu of being terminated and what was the \$45 disincentive impact on the County's insurance status.

Ms. Leshar responded that she would follow up with a report regarding the exact status of the individuals that have gone through the Merit Commission.

Supervisor Heinz questioned if there would be any ongoing COVID-19 related employee mandates in force after the end of this month.

Ms. Leshar stated there would be no more mandates.

It was moved by Supervisor Christy to direct the County Administrator to lift and remove the existing mandate requiring all Pima County employees to be COVID-19 vaccinated in order to be hired and/or promoted; offer to rehire those former Pima County employees who lost their jobs due to their refusal to be vaccinated, and refund them with back pay; lift and remove the health insurance disincentive of \$45 for those who refused to be vaccinated along with a full refund of the disincentives that were charged to them. The motion died for lack of a second.

CONTRACT AND AWARD

RECORDER

38. Theelios, L.L.C., to provide for database management, Special Revenue Fund, contract amount \$90,000.00 (CT-RE-23-77)

Chair Bronson stated that she was concerned with comments made during Call to the Public regarding this item and her preference was to continue the item to be able to explore the validity of those comments.

It was moved by Chair Bronson and seconded by Supervisor Christy to continue the item to the Board of Supervisors' Meeting of September 20, 2022. No vote was taken at this time.

Supervisor Grijalva indicated that the comments made may not be accurate and should not delay approval of the item.

Supervisor Heinz asked staff to respond or corroborate the statement regarding the database management being handled out of someone's personal residence.

Jan Leshar, County Administrator, responded that she was not aware of the accuracy of that comment, but if the Board decided to continue the item she would get clarification and provide it to the Board. She explained that staff had been working with the Recorder's Office on information related to database management for the Oracle database, but had not had any in-depth discussions on voter registration information.

Chair Bronson indicated that her office continued to receive questions and complaints regarding voter registration cards and questioned whether that information was maintained by the Office of the Secretary of State.

Ms. Leshar responded that staff would consult with the Recorder's Office and provide an update to the Board.

Supervisor Christy directed staff to provide the Board with a definition and description of the Special Revenue Fund.

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

CONSENT CALENDAR

39. Approval of the Consent Calendar

Upon the request of Supervisor Christy to divide the question, Consent Calendar Item Nos. 2, 3, 5, 8, 9, 10, 12 and 29 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION

CONTRACT AND AWARD

Community and Workforce Development

4. Our Family Services, Inc., Amendment No. 1, to provide for U.S. Housing and Urban Development Continuum of Care Program - Project Advent, extend contract term to 6/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$182,747.50 (CT-CR-21-421)

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of September 20, 2022.

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR CHRISTY

CONTRACT AND AWARD

Community and Workforce Development

2. Compass Affordable Housing, Inc., Amendment No. 1, to provide for the Emergency Rental Assistance Program, extend contract term to 9/30/23, amend contractual language and scope of work, U.S. Department of Treasury, Emergency Rental Assistance 2 Fund, contract amount \$332,257.60 (CT-CR-22-134)

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

Supervisor Christy requested Consent Calendar Item Nos. 2, 3 and 5 be heard together.

Chair Bronson withdrew her motion.

It was then moved by Chair Bronson and seconded by Supervisor Grijalva to approve Consent Calendar Item Nos. 2, 3 and 5. No vote was taken at this time.

Supervisor Christy questioned whether the County had finished processing the backlog of applications left by the City of Tucson (COT) when they terminated their eviction activities.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that Consent Calendar Item No. 2 was the only contract related to the Emergency Rental Assistance Program and would continue to be conducted by the County since the City of Tucson was winding down with their assistance. He indicated that Consent Calendar Item Nos. 3 and 5 were not related to this program.

Supervisor Christy questioned whether the City's backlog had been completed.

Dr. Garcia responded that considerable progress had been made and indicated that approximately 500 applications were pending. He explained that there had been a fair amount of duplication in the backlog and with the help of the additional partners like Compass Affordable Housing, those applications were moving quickly and expeditiously through the process.

Supervisor Christy asked for the total number of pending cases.

Dr. Garcia stated that pending cases would always exist since applications were continually being received.

Chair Bronson asked staff to provide the Board with a full report of those numbers.

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

3. Compass Affordable Housing, Inc., Amendment No. 1, to provide for the U.S. Housing and Urban Development Continuum of Care Program - CASA, extend contract term to 4/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$193,515.00 (CT-CR-21-390)

(Clerk's Note: See Consent Calendar Item No. 2, for discussion and action on this item.)

5. Tucson Preparatory School, d.b.a. Tucson Prep, Amendment No. 1, to provide for U.S. Housing and Urban Development Continuum of Care Program - La Casita, extend contract term to 6/30/23, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$154,063.00 (CT-CR-21-499)

(Clerk's Note: See Consent Calendar Item No. 2, for discussion and action on this item.)

County Attorney

8. Bosse Rollman, P.C., Amendment No. 6, to provide for Pima County Sheriff's Department employee disciplinary matters, extend contract term to 9/19/23 and amend contractual language, County Administrator's Fund, contract amount \$25,000.00 (CT-FNC-21-197)

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

Supervisor Christy requested clarification of the County Administrator's Fund.

Jan Leshar, County Administrator, responded that it was the budget located within the County Administrator's Office.

Chair Bronson asked for the total amount of that budget.

Ms. Leshar responded that the information would be provided to the Board.

Supervisor Christy questioned where the funding came from.

Ms. Leshar responded that it was approved yearly by the Board in the annual budget allocation.

Chair Bronson questioned why the funding was from the County Administrator's fund and not the Sheriff's.

Ms. Leshar responded that clarification would be provided to the Board.

Supervisor Christy asked staff to include a definition of the fund, the date it began, its purpose, how it was funded and the reason for its existence.

Chair Bronson called the question.

Supervisor Grijalva asked that the item be continued until clarification was provided to the Board.

Chair Bronson withdrew her motion.

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 continue the item to the Board of Supervisors' Meeting of September 20, 2022.

Grants Management and Innovation

9. Catholic Community Services of Southern Arizona, Inc., Amendment No. 2, to provide for emergency food and shelter to families and individuals encountered by the Department of Homeland Security, extend contract term to 12/31/22, amend contractual language and scope of services, Emergency Food and Shelter National Board Program Fund, contract amount \$2,253,177.00 (CT-GMI-21-452)

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

Supervisor Christy asked if "overflow hotels" were the Red Roof Inn, Comfort Inn and Suites and the Luxe Hotel.

Jan Leshar, County Administrator, responded in the affirmative.

Supervisor Christy stated that a duplication of efforts existed between Consent Calendar Item Nos. 9 and 12 and asked staff for further clarification.

Ms. Leshar responded that both items pertained to the provision of food services, but for separate functions and indicated that Consent Calendar Item No. 12 was for services through the Eviction Prevention Program. She stated that she would provide the Board with a report and an update that summarized the amount of food for each of the separate programs.

Supervisor Christy commented that the contract was retroactive and funding covered eligible expenses incurred July 1, 2022 through December 31, 2022. He stated that the background information indicated negotiations had been ongoing since May and questioned if an agreement had been reached. Ms. Leshar responded that staff had negotiated the agreement.

Supervisor Christy questioned how the Board could approve an agreement that was not finalized and asked whether a new request would be forthcoming.

Ms. Leshar explained that this was the finalized agreement and indicated it was retroactive due to the discussions that had occurred.

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

Justice Services

10. Helping Ourselves Pursue Enrichment, Inc., Amendment No. 1, to provide for transitioning HEAT Program to Helping Ourselves Pursue Enrichment, Inc., extend contract term to 9/12/23, amend contractual language and scope of services, John D. and Catherine T. MacArthur Foundation Safety and Justice Challenge Grant, contract amount \$90,000.00 (CT-JS-23-5)

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

Supervisor Christy objected to the contract.

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

Procurement

12. Award

Amendment of Award: Master Agreement No. MA-PO-22-84, Amendment No. 5, World Dining, L.L.C., to provide for food service county congregate and non-congregate shelters. This amendment adds one additional contractor, Broadway Hotel One, Inc., d.b.a. Ramada by Wyndham Viscount Suites Tucson, to this contract as a secondary provider. No cost. Administering Department: Grants Management and Innovation.

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

Supervisor Christy questioned why there was no cost for adding an additional provider.

Jan Leshner, County Administrator, explained that the amount of money spent for the purchase and provision of food would not increase, but would be distributed amongst one more provider.

Supervisor Christy questioned whether food services would be provided to the listed hotels by the new vendor and World Dining.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that those hotels were all potential sites for that service, but was not an indication that those services would be delivered at each of those locations. He stated that the contract added an additional vendor and articulated all of the possible sites where services may be performed but it was not an indication that those sites would be serviced simultaneously or used at their maximum capacity.

Supervisor Christy questioned whether any overflow or blending of services existed between Consent Calendar Item Nos. 9 and 12 and asked whether they were distinct and separate.

Dr. Garcia responded that there was no duplication of services and explained that Consent Calendar Item No. 9 was for a time period certain and what was proposed in Consent Calendar Item No. 12 was prospectively delivered services and contained no overlap.

Supervisor Christy asked whether any of the listed hotels or shelters were under contract for food provision.

Dr. Garcia responded that to his knowledge they were not, but may have been indicated under previous iterations.

Chair Bronson directed staff to provide the Board with a memorandum to that effect for clarification purposes.

Supervisor Christy requested an up-to-date account of the total funds granted and how much of those funds had been spent.

Ms. Leshar stated that a memorandum would be provided to the Board.

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

GRANT APPLICATION/ACCEPTANCE

29. Acceptance - Grants Management and Innovation

City of Tucson, to provide for the Summer Youth Program, \$300,000.00 (GTAW 23-13)

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

Supervisor Christy inquired whether 58 applicant interns had been accepted in the program.

Jan Leshar, County Administrator, explained that this was for the acceptance of payment from the City of Tucson (COT) for services rendered by the summer youth individuals who had worked within the COT.

Dr. Francisco Garcia, MD, MPH, Deputy County Administrator and Chief Medical Officer, Health and Community Services, explained that this was reimbursement to the County for 58 interns that were placed within the COT using the County's summer program infrastructure.

Supervisor Christy asked for confirmation that the COT contracted 58 summer youth interns.

Dr. Garcia responded that 58 County employee interns were placed with the COT.

Chair Bronson requested confirmation that this was the COT's reimbursement to the County.

Dr. Garcia responded in the affirmative.

Supervisor Christy questioned whether the \$300,000.00 was payment for both the grant and interns.

Dr. Garcia responded that it included salary, employee related expenses and training expenses.

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

* * *

CONTRACT AND AWARD

Attractions and Tourism

1. Tucson City of Gastronomy, Amendment No. 1, to provide for Coronavirus local relief aid to tourism, extend contract term to 6/30/23, amend contractual language and scope of services, CSLFRF Funds, contract amount \$250,000.00 (CT-ED-22-233)

Community and Workforce Development

2. Compass Affordable Housing, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
3. Compass Affordable Housing, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
4. Our Family Services, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)
5. Tucson Preparatory School, d.b.a. Tucson Prep, Amendment No. 1, (PULLED FOR SEPARATE ACTION)

County Attorney

6. Humphrey and Petersen, P.C., Amendment No. 3, to provide for the representation of Pima County and Mark Napier in Murillo v. Pima County, et. al., C20201462, extend contract term to 8/27/23 and amend contractual language, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-21-150)
7. Littler Mendelson, P.C., to provide for legal representation for Pima County in Arizona Conference of Police and Sheriffs, Inc., et al. v. Pima County, CV-21-00512-TUC-SHR, General Fund, contract amount \$141,000.00 (CT-FN-23-69)
8. Bosse Rollman, P.C., Amendment No. 6, (PULLED FOR SEPARATE ACTION)

Grants Management and Innovation

9. Catholic Community Services of Southern Arizona, Inc., Amendment No. 2 (PULLED FOR SEPARATE ACTION)

Justice Services

10. Helping Ourselves Pursue Enrichment, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Pima Animal Care Center

11. Friends of Pima Animal Care Center, to provide for a Master Cooperative Agreement for philanthropic support, no cost (CTN-PAC-22-176)

Procurement

12. **Award**
Amendment of Award: Master Agreement No. MA-PO-22-84, Amendment No. 5, World Dining, L.L.C., (PULLED FOR SEPARATE ACTION)
13. **Award**
Award: Master Agreement No. MA-PO-23-43, Proforce Marketing, Inc., d.b.a. Proforce Law Enforcement (Headquarters: Prescott, AZ), and LN Curtis and Sons, d.b.a. Curtis Blue Line (Headquarters: Walnut Creek, CA), to provide for law enforcement equipment. This master agreement is for an initial term of one (1) year in the shared annual award amount of \$273,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.
14. The Ashton Company, Inc., Contractors and Engineers, Amendment No. 8, to provide for design-build services for TRWRF BioGas Cleaning and

Utilization Project (3GAS18), extend contract term to 10/31/22 and amend contractual language, no cost (CT-WW-18-423) Regional Wastewater Reclamation

15. Gilbert Electric Company, Inc., SMS Construction, L.L.C., and The Ashton Company, Inc., Contractors and Engineers, to provide a job order master agreement for electrical contracting services, Various Funds, contract amount \$750,000.00 (MA-PO-23-5) Facilities Management
16. Tucson Recycling & Waste Services, L.L.C., Amendment No. 5, to provide for outsourcing of landfill and transfer station operations, amend contractual language and scope of services, no cost (MA-PO-13-513) Environmental Quality
17. Hasler Enterprise Solutions, L.L.C., d.b.a. Abelian, to provide for the Community and Workforce Development Case Management System, General (50%) and Various Other Funds (with Grants), contract amount \$900,000.00 (MA-PO-22-214) Information Technology and Community and Workforce Development
18. Pueblo Mechanical and Controls, L.L.C., and Sun Mechanical Contracting, Inc., to provide a job order master agreement for HVAC contracting services, Various Funds, contract amount \$750,000.00 (MA-PO-23-6) Facilities Management

Real Property

19. Arivaca Townsite Cooperative Water Company, Amendment No. 1, to provide for a public utility license agreement, extend contract term to 5/14/47 and amend contractual language, no cost (CTN-RPS-23-20)
20. United States Air Force, to provide an encroachment management agreement for installation of encroachment management plan in the vicinity of Davis Monthan Air Force Base, no cost/5 year term (CTN-RPS-23-33)

Sheriff

21. Town of Oro Valley, to provide for incarceration of municipal prisoners, contract amount \$143,000.00 estimated revenue (CTN-SD-22-173)
22. Pima County Community College District, Amendment No. 3, to provide for the Adult Basic Education College and Career Program at Pima County Adult Detention Center, extend contract term to 6/30/23 and amend contractual language, Special Revenue Sheriff Inmate Welfare Fund, contract amount \$152,000.00 (CT-SD-20-16)

GRANT APPLICATION/ACCEPTANCE

23. **Acceptance - Community and Workforce Development**
Arizona Department of Economic Security, Amendment No. 2, to provide for the Employment and Training Program Workforce Innovation and Opportunity Act and amend grant language, \$8,476,740.00 (GTAM 23-7)
24. **Acceptance - Community and Workforce Development**
Arizona Department of Education, to provide for School Improvement and Sustainability, \$112,380.66 (GTAW 23-16)
25. **Acceptance - Community and Workforce Development**
Arizona Department of Education, to provide for FY23 Comprehensive Support and Improvement (CSI) Low Graduation Rate, \$130,567.79 (GTAW 23-17)
26. **Acceptance - Community and Workforce Development**
Our Family Services, Inc., Amendment No. 3, to provide for the Employment for Homeless Youth Program, extend grant term to 6/30/23 and amend grant language, \$31,987.00/\$7,996.75 General Fund match (GTAM 23-9)
27. **Acceptance - County Attorney**
Department of Health and Human Services, SAMHSA Treatment Drug Courts Substance Abuse and Mental Health Services Administration, Amendment No. 6, to provide for the Drug Court (Pima County Problem Solving Courts Initiative), \$400,000.00 (GTAM 23-13)
28. **Acceptance - Environmental Quality**
United States Environmental Protection Agency, to provide for the Clean Air Act Section 105, 66.001-Air Pollution Control Program Support for PPC FF2122, \$533,972.00/\$781,000.00 PDEQ Air Quality Minor Source Permits Fees/Air Quality Permit Fees Fund Match (GTAW 23-23)
29. **Acceptance - Grants Management and Innovation**
City of Tucson, (PULLED FOR SEPARATE ACTION)
30. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 2, to provide for the Healthy People Healthy Communities Project, amend grant language and scope of work, \$1,437,819.00 (GTAM 23-10)
31. **Acceptance - Health**
Arizona Department of Health Services, Amendment No. 2, to provide for the Title V Maternal and Child Health Healthy Arizona Families, amend scope of work and grant language, \$230,738.00 (GTAM 23-11)

32. **Acceptance - Health**

Arizona Family Health Partnership, Amendment No. 1, to provide for the Chlamydia and Syphilis Screening Contract and amend grant language, \$14,750.00 (GTAM 23-12)

33. **Acceptance - Public Defense Services**

Anonymous Foundation via United Way of Tucson and Southern Arizona, to provide for the Reading2gether Program, \$10,000.00 (GTAW 23-15)

BOARD, COMMISSION AND/OR COMMITTEE

34. **Election Integrity Commission**

Appointment of Toni Hellon, to fill a vacancy created by Benny White. Term expiration: 9/5/24. (County Administrator recommendation)

35. **Industrial Development Authority**

Reappointments of Kenneth M. Silverman and Stanley Lehman. Term expirations: 9/5/28. (Authority recommendations)

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

36. **Special Event**

Karen Farrell, Angel Charity for Children, Inc., La Encantada, 2905 E. Skyline Drive, Tucson, September 9, 2022.

37. **Temporary Extension**

- 12104451, Emma Vera, Guadalajara Original Grill North, 7360 N. Oracle Road, Tucson, August 28 through October 15, 2022.
- 03103030, Jeff Kaber, Copper Mine Brewing Co., 3455 S. Palo Verde Road, Suite 135, Tucson, September 3, 2022.
- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, September 15, 2022.

FINANCE AND RISK MANAGEMENT

38. **Duplicate Warrants - For Ratification**

Harold B. Snyder, d.b.a. Redyns Development, L.L.C. \$17,374.27; Osborn Maledon, P.A. \$2,330.50; Wick Communications Co. \$178.06; Goodmans, Inc., d.b.a. Goodmans Interior Structures \$306,923.90; Lucas Clark \$4,350.00; Westland Resources, Inc. \$1,363.44; Graffiti Protective Coatings, Inc. \$78.40.

SUPERIOR COURT

39. Judge Pro Tempore Appointment

Appointment of Michael J. Rusing, Volunteer Judge Pro Tempore of the Superior Court for the period of July 1, 2022 through June 30, 2023.

TREASURER

40. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$75,236.94.

41. Request to Waive Interest Due

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 \$1,646.91.

RATIFY AND/OR APPROVE

42. Minutes: June 21 and July 5, 2022
Warrants: August, 2022

* * *

40. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:40 p.m.

CHAIR

ATTEST:

CLERK