



BOARD OF SUPERVISORS AGENDA ITEM REPORT AWARDS / CONTRACTS / GRANTS

☐ Award ☐ Contract ☒ Grant

Requested Board Meeting Date: November 15, 2022

* = Mandatory, information must be provided

or Procurement Director Award: ☐

***Contractor/Vendor Name/Grantor (DBA):**

The Sonoran Institute and the Babbitt Center for Land and Water Policy

***Project Title/Description:**

Growing Water Smart technical assistance grant

***Purpose:**

The Growing Water Smart technical assistance grant will be combined with Department funds to update the Landscape section of the Pima County Zoning Code and associated manual.

***Procurement Method:**

Not applicable.

***Program Goals/Predicted Outcomes:**

The proposed amendments to the Landscape Code and Manual will reduce water usage by revising landscaping requirements for new subdivisions and commercial development, including updating the plant list to require native species.

***Public Benefit:**

The reduction in water usage will save water and help maintain our water supply for the future.

***Metrics Available to Measure Performance:**

Updates to Pima County Landscape Code and Landscape Design Manual to better preserve natural desert area. Progress reports are due to Sonoran Institute before January 1, 2023 and April 1, 2023, describing status of all project items, as described in the Grant Agreement and Exhibits A and B.

***Retroactive:**

Yes. The award was announced August 30, 2022. However, grant funds have not been released. The grant award document was also not released by Sonoran Institute until Mid-October and there were delays and edits in getting the grant agreement approved by SI and PCAO.

GMI appr's
10/31/22
(24)

THE APPLICABLE SECTION(S) BELOW MUST BE COMPLETED

Click or tap the boxes to enter text. If not applicable, indicate "N/A". Make sure to complete mandatory (*) fields

Contract / Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Commencement Date: _____ Termination Date: _____ Prior Contract Number (Synergen/CMS): _____
☐ Expense Amount \$ _____ * ☐ Revenue Amount: \$ _____

***Funding Source(s) required:** _____

Funding from General Fund? ☐ Yes ☒ No If Yes \$ _____ % _____

Contract is fully or partially funded with Federal Funds? ☐ Yes ☐ No

If Yes, is the Contract to a vendor or subrecipient? _____

Were insurance or indemnity clauses modified? ☐ Yes ☐ No

If Yes, attach Risk's approval.

Vendor is using a Social Security Number? ☐ Yes ☐ No

If Yes, attach the required form per Administrative Procedure 22-10.

Amendment / Revised Award Information

Document Type: _____ Department Code: _____ Contract Number (i.e., 15-123): _____
Amendment No.: _____ AMS Version No.: _____
Commencement Date: _____ New Termination Date: _____
Prior Contract No. (Synergen/CMS): _____

☐ Expense ☐ Revenue ☐ Increase ☐ Decrease

Amount This Amendment: \$ _____

Is there revenue included? ☐ Yes ☐ No If Yes \$ _____

***Funding Source(s) required:** _____

Funding from General Fund? ☐ Yes ☐ No If Yes \$ _____ % _____

Grant/Amendment Information (for grants acceptance and awards)

☒ Award ☐ Amendment

Document Type: GTAW Department Code: DSD Grant Number (i.e., 15-123): 23*035
Commencement Date: August 30, 2022 Termination Date: May, 31, 2023 Amendment Number: _____
☐ Match Amount: \$ 10,000.00 ☐ Revenue Amount: \$ 10,000.00

***All Funding Source(s) required:** _____

***Match funding from General Fund?** ☐ Yes ☒ No If Yes \$ _____ % _____

***Match funding from other sources?** ☒ Yes ☐ No If Yes \$ 10,000.00 % 50

***Funding Source:** Development Services Enterprise fund 5004

***If Federal funds are received, is funding coming directly from the Federal government or passed through other organization(s)?**
No federal funds

Contact: Anita McNamara, AICP

Department: DSD

Telephone: X46692

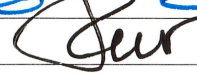
Department Director Signature: Carla Blackwell

Digitally signed by Carla Blackwell
Date: 2022.10.31 12:28:23 -07'00'

Date: _____

Deputy County Administrator Signature: 

Date: 10/31/2022

County Administrator Signature: 

Date: 10/31/2022



Grant Agreement
(Grant for Pima County Contracting with Third Party Contractor)

Parties:	Sonoran Institute (“ SI ”) and Pima County (the “ County ”)
Project:	Pima County Zoning Code Landscaping Ordinance & Landscape Design Manual Update (the “ Project ”)
Contractor:	McGann & Associates (the “ Contractor ”)
Services:	Update the Landscaping Code and Landscape Design Manual to better preserve natural desert areas, conserve water and energy resources, and contribute to the health, safety, and welfare of the community.
Grant Amount:	\$10,000
Grant Date:	August 30, 2022
Project Completion Date:	May 31, 2023

This Grant Agreement (the “**Agreement**”) describes the terms under which SI will provide a grant to the County (the “**Grant**”) for technical assistance for the Project, which funds the County will use to retain the Contractor to provide the Services to the County.

Background: Water will be one of the most critical issues facing our communities, economies, and environment in the next decade as we adjust to less and more variable precipitation. SI supports communities seeking to integrate these water challenges into their land use plans and regulations. Through **Growing Water Smart**, a joint program of SI and the Lincoln Institute’s Babbitt Center for Land and Water Policy, communities have brought together planners, water providers, elected officials, and interested citizens to develop strategies to reduce water demand and address water challenges. Participating communities, such as the County, will implement strategies and make meaningful changes in the way their communities develop in the new water reality.

The County applied to SI, and SI awarded the County the Grant, up to the Grant Amount, for the Project. The County will use the Grant funds and other supplemental funds to retain the Contractor to provide the Services to the County.

Project Scope: The County will retain the Contractor to perform the Services for the County, to be completed by the Project Completion Date. The scope of work included in the Services, and the deliverables by the Contractor, are described on the attached Exhibit A. Exhibit A includes the County’s *Update Pima County Zoning Code Landscaping Ordinance & Landscape Design Manual* (the “**Proposal**”), which is part of Exhibit A.

Obligations of the County: In addition to its obligations under its contract with the Contractor, the County also shall provide staff resources and information as reasonably requested by the Contractor in a timely manner. The County also shall provide SI with the reports and deliverables listed on Exhibit B.

General Conditions:

1. Amendments: Changes to this Agreement (such as changes to the Project scope or the Contractor Tasks and Deliverables) may be made only with prior approval of SI.
2. No Warranty: SI does not warrant the work of the Contractor, which is provided to the County by the Contractor without representation or warranty by SI. The County will look solely to the Contractor in any dispute over the quality or sufficiency of the Contractor's Services, or whether the Contractor has complied with the terms of the Contractor's contract with the County.
3. Notices: The contact person and information for each party are listed in the signature blocks. This Agreement may be executed electronically, and notices also may be sent electronically.
4. Publicity: The County agrees that SI may include information about this Grant, including the County's name, in its periodic public reports and may make such information available on SI's website and as part of press releases, public reports, speeches, newsletter, tax returns, and other public disclosures. The County will obtain SI's prior approval for any media release or other public announcement regarding this Grant or otherwise making any public use of SI's name or logo, other than as required by law (e.g., public records and Open Meeting laws).
5. Termination: SI may modify, suspend, or discontinue the Grant or terminate this Agreement if: (a) necessary to protect SI's purposes and tax-exempt status; (b) SI is not reasonably satisfied with the County's progress toward the Project goals; or (c) the County fails to comply with this Agreement.
6. Indemnification: The County will defend, indemnify, and hold SI harmless from all claims and lawsuits, including reasonable attorneys' fees, arising out of the Project or the County's use of the Grant to obtain the Services.
7. No Pledge: This Agreement is not a pledge or commitment by SI to make any additional grants to the County, for the Project, or for any other project.

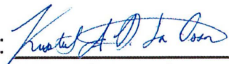
SONORAN INSTITUTE: <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> <div style="border-bottom: 1px solid black; width: 45%; margin-bottom: 10px;"></div> <div style="border-bottom: 1px solid black; width: 45%; margin-bottom: 10px;"></div> <p><u>Contact information:</u> Sonoran Institute 100 N. Stone Ave., Suite 1001 Tucson, AZ 85701 (520) 290-0828 ext. 1004 Email: accountingus@sonoraninstitute.org</p>	PIMA COUNTY, ARIZONA: <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> <div style="display: flex; justify-content: space-between; margin-bottom: 10px;"> <div style="border-bottom: 1px solid black; width: 45%;"></div> <div style="border-bottom: 1px solid black; width: 45%;"></div> </div> <div style="border-bottom: 1px solid black; width: 45%; margin-bottom: 10px;"></div> <div style="border-bottom: 1px solid black; width: 45%; margin-bottom: 10px;"></div> <p><u>Contact information:</u> _____ _____</p>
<p><u>Submit invoice to:</u> Attn: Accounts Payable <u>All other inquiries to:</u> Attn: Contract Manager <u>Include the Contract Number</u> on all invoices and communications.</p>	<p>[If needed]</p> <p>Attest: _____ Title: _____</p> <p>Approved as to form:</p> <p>Name: <u></u> Title: <u>Deputy County Attorney</u> Date: <u>October 31, 2022</u></p>

Exhibit A

Contractor Tasks and Deliverables

Tasks:

1. Review Pima County Zoning Code (Chapter 18.73 - Landscaping, Buffering and Screening Standards) and Landscape Design Manual
2. Review other related sections of Pima County Zoning Code that touch on landscaping that may also need to be amended
3. Research existing other Pima County ordinances, regulations and guidelines for landscaping, GI/LID, rainwater/stormwater harvesting, "first-flush," plant lists (native landscape, limited use and prohibited use), etc., landscaping requirements from other desert communities, and approved regional Sonoran Desert landscape design guidelines for input
4. Compile collected information, untangle various regulations and codes, determine a streamlined process for landscaping, reduce number of types of bufferyards
5. Provide information/language for Landscaping Code text amendment and Landscape Design Manual update intended to:
 - a. maintain original purpose of landscaping for site aesthetics, buffering uses of dissimilar intensities, water conservation, air quality, shade, habitat, etc.
 - b. emphasize preserving and maintaining undisturbed Sonoran Desert landscapes
 - c. introduce Green Infrastructure/Low Impact Development techniques to reduce need for site restoration
 - d. design for rainwater/stormwater harvesting to reduce need for supplemental irrigation
 - e. design to maximize shade and passive cooling and reduce urban heat island effect
 - f. require desert-adapted native Sonoran Desert vegetation, promote a diversity of species in landscapes
 - g. streamline landscaping process, provide guidance for optimal densities of trees, large shrubs, sub-shrubs, ground cover, and specimen plants
 - h. update and consolidate plant lists for permitted native and prohibited invasive non-native plants
 - i. provide easy to decipher drawings and diagrams
 - j. take a more holistic vision of a development site as a watershed, moving and infiltrating rainwater and stormwater to where it will be most beneficial, and designing, installing and maintaining a multi-purpose landscape.

Deliverables:

- Updated Landscape Code
- Updated Landscape Design Manual

Attachment:

Technical Assistance Proposal "UPDATE PIMA COUNTY ZONING CODE LANDSCAPING ORDINANCE & LANDSCAPE DESIGN MANUAL"

UPDATE PIMA COUNTY ZONING CODE LANDSCAPING ORDINANCE & LANDSCAPE DESIGN MANUAL

PROJECT DESCRIPTION: a description of the project, how it will result in land use and water integration, and how the project relates to the action plan developed during the Growing Water Smart workshop.

INTRODUCTION

Pima County participated in the Babbitt Center/Sonoran Institute *Growing Water Smart* (GWS) workshop in March 2022. Staff drafted the following goal regarding water use in Pima County:

All water is precious – rainwater/stormwater, groundwater, Colorado River water, recycled water – and should be used wisely and strategically.

One of the identified outcomes for the goal is to update codes related to outdoor water use, which includes: revising the zoning code chapter on landscaping (Chapter 18.73 - Landscaping, Buffering and Screening Standards) and associated Landscape Design Manual; reviewing the commercial water harvesting ordinance; integrating Green Infrastructure (GI) and Low Impact Development (LID) into the code and manual; and, finding appropriate financial resources to update the landscape code and manual.

Pima County Development Services Department (DSD) is drafting this proposal for the Arizona GWS Technical Assistance grant to update the Landscaping Code and Landscape Design Manual to better preserve natural desert areas, conserve water and energy resources, and contribute to the health, safety and welfare of the community.

ISSUES

Updating the landscape code and manual has been a long-needed project in DSD. The code and manual were drafted by a staff landscape architect in the 1980s, and have only undergone incremental amendments and edits since then. DSD no longer has a landscape architect, and lacks the staff to review and update the code and manual.

- Landscaping code contains comprehensive purpose statements (e.g. enhance the desert environment, conserve groundwater, conserve energy, control invasive & noxious plants, etc.), but the performance standards and screening requirements mainly deal with buffering uses of dissimilar intensity between properties or along roadsides
- Landscape manual (approved *circa* 1985) prescribes bufferyards with increasing widths and plant densities between increasing intensities of uses (by zones); manual planting requirements tend to lead to overplanting; manual has 4 different plant lists, one of which (1984 Prohibited Plant List) contains only three species

- Landscape code and manual do not address many of the environmental issues that have come to the fore since the 1980s: protection of undisturbed habitats and migration corridors, climate change, urban heat island effect, rainwater/stormwater harvesting for beneficial use, native species diversity, pollinator habitat, invasive non-native species

PROPOSED PROJECT

DSD staff anticipates the following steps for updating the code and manual:

- Review Pima County Zoning Code (Chapter 18.73 - Landscaping, Buffering and Screening Standards) and Landscape Design Manual
- Review other related sections of Pima County Zoning Code that touch on landscaping that may also need to be amended, including:
 - 18.67 - Buffer Overlay Zone (approved BOZ landscape plant list in Landscape Manual)
 - 18.39 - General Commercial Standards, 18.68 - Infill Overlay Zone, 18.75 - Off-Street Parking and Loading Standards, 18.78 - Gateway Overlay Zone (specific landscape standards)
 - 18.59 - Golf Course Zone, 18.63 - Historic Zone, 18.77 - Roadway Frontage Standards, 18.79 - Sign Standards (general landscape guidelines)
 - 18.07 - Rainwater Harvesting System and Stormwater Harvesting System
- Research existing other Pima County ordinances, regulations and guidelines for landscaping, GI/LID, rainwater/stormwater harvesting, "first-flush," plant lists (native landscape, limited use and prohibited use), etc., landscaping requirements from other desert communities, and approved regional Sonoran Desert landscape design guidelines for input
- Compile collected information, untangle various regulations and codes, determine a streamlined process for landscaping, reduce number of types of bufferyards
- Provide information for Landscaping Code text amendment and Landscape Design Manual update:
 - maintain original purpose of landscaping for site aesthetics, buffering uses of dissimilar intensities, water conservation, air quality, shade, habitat, etc.
 - emphasize preserving and maintaining undisturbed Sonoran Desert landscapes
 - introduce Green Infrastructure/Low Impact Development techniques to reduce need for site restoration
 - design for rainwater/stormwater harvesting to reduce need for supplemental irrigation
 - design to maximize shade and passive cooling and reduce urban heat island effect
 - require desert-adapted native Sonoran Desert vegetation, promote a diversity of species in landscapes
 - streamline landscaping process, provide guidance for optimal densities of trees, large shrubs, sub-shrubs, ground cover, and specimen plants
 - update and consolidate plant lists for permitted native and prohibited invasive non-native plants
 - provide easy to decipher drawings and diagrams

Staff also anticipates the challenge of changing the county's landscape development process from widths of areas and simple plant numbers, to needing to take a more holistic vision of a development site as a watershed, moving and infiltrating rainwater and stormwater to where it will be most beneficial, and designing, installing and maintaining a multi-purpose landscape.

SERVICE PROVIDER: the desired technical assistance provider, and confirmation of their ability to take on the proposed project scope within the budget and timeline available.

Pima County has a number of on-call local planning and landscape architecture firms (Planning Center, Wheat Design Group, McGann & Associates, Kimley-Horn) on an approved qualified contractor list (QCL). Staff will draft a Scope of Work for the landscape project, firms can provide a proposal, staff and the firm can negotiate the scope, deliverables and fees, and the chosen firm can be hired in about two weeks.

PROJECT BUDGET: a budget that also includes amounts and sources of matching funds, if applicable.

Funding Source	Amount
Grant Funds—Contractual	\$10,000
Match funds--Contractual	\$10,000
Total funding--Contractual	\$20,000

DELIVERABLES: deliverable(s) and/or outcomes expected from the project.

Specific deliverables will be negotiated once the County has a planning/landscape architect under contract. Overriding objectives are to ensure the capacity to update the Landscape Code and Landscape Design Manual to better conform to the needs and realities of life in the Sonoran Desert in 2022.

PROJECT MANAGEMENT:

DSD: Anita McNamara, AICP, Senior Planner and Mark Holden, AICP, Principal Planner

Exhibit B

County Deliverables

Progress Reports: The County shall submit Project Progress Reports to SI quarterly during the Project Term. These reports are due on or before January 1 and April 1, 2023. Each report, delivered by email to growingwatersmart@sonoraninstitute.org, shall describe the status of all Project items and Contractor deliverables.

Summary Report: The County shall submit a Summary Report to SI promptly after completion of the Project, or within 30 days of the Project Completion Date, whichever first occurs. The Summary Report shall describe the Project's major accomplishments, challenges, actions taken to overcome challenges, usefulness of the Contractor's services, additional funding leveraged to support the product, and next steps and implementation schedules by the County. A report template will be provided by SI. An invoice requesting reimbursement for costs incurred up to the grant maximum should be sent with the summary report.

Other Deliverable(s):

- Notify SI when Landscape Ordinance update is formally adopted

Please notify SI staff of any public meetings associated with the Technical Assistance project. County staff involved in this project may be asked by SI to present the results of the Technical Assistance project through venues such as online webinars or in-person meetings.