

## **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, April 14, 2015. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair  
Richard Elías, Vice Chair  
Ramón Valadez, Acting Chair  
Ally Miller, Member

Absent: Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator  
Thomas Weaver, Chief Civil Deputy County Attorney  
Robin Brigode, Clerk of the Board  
James Ogden, Sergeant at Arms

### **1. INVOCATION**

The invocation was given by Reverend Greg Foraker, St. Philip's in the Hills Episcopal Church.

### **2. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

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

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

### **PRESENTATION/PROCLAMATION**

### **4. Presentation of a proclamation to Sarah Clark, Arizona National Day of Prayer State Board Financial Coordinator, proclaiming the day of Thursday, May 7, 2015 to be: "NATIONAL DAY OF PRAYER"**

It was moved by Supervisor Valadez, seconded by Supervisor Miller and carried by a 4-0 vote, to approve the item. Supervisor Valadez made the presentation.

## 5. **CALL TO THE PUBLIC**

The following speakers addressed the Board regarding the proposed bond package:

- Pam Simon, January 8th Memorial Foundation Board
- Michelle Crow, January 8th Memorial Foundation
- Damion Alexander, El Grupo Youth Cycling
- Christopher Cole, Pima County Libertarian Party
- Richard DeBernardis, El Tour de Tucson
- Frances Merryman, Northern Trust Company
- Starr Herr-Cordillo
- Larry Morris
- Jay Janicek
- Elizabeth Woodin
- Jannie Cox
- Jack Forsythe, Tucson Desert Song Festival
- Roberto Bedoya, Tucson Pima Arts Council
- Jeffrey Gartner, Western Art Patrons
- Elaine Mariolle
- Marsha Wetmore, Tucson Museum of Art and Western Art Patrons
- Carol Deupree
- Don Melhado, USA Cycling
- Barbara Levy, Tucson Symphony Board of Trustees
- Mary Cuevas
- Page Marks, Reid Park Zoological Society Board
- Gina Chorover
- Karla Van Drunen Littooy, TCC Today

They offered the following comments:

- The Board was encouraged to include the January 8th Memorial construction in the package and call the election for the bond.
- Memorials had significant economic development impacts.
- Tourism, including bicycling, was a major economic driver and including a velodrome in the bond and supporting the bond was an investment in the future.
- Justice and infrastructure should have been higher priorities than subsidizing programs that could raise money elsewhere.
- The business community supported infrastructure, economic development and job growth by supporting the bond and the suggested road repair additions.
- Processes and procedures needed to be updated and streamlined, waste eliminated and property values increased before burdening businesses and residents with higher taxes.
- The bond included many aspects to make the area more attractive to visitors and businesses.
- The bond was needed to strengthen the community.
- The downtown cultural center area did not appear safe.

- The bond package included a number of cultural components that would advance cultural industry and community.
- Arts related businesses were a significant economic impact.
- The velodrome and Arizona Bicycle Center would be a tremendous asset for area youth.
- Natural resources needed to be protected and preserved.
- Putting the bond on the ballot would give all residents on all sides the opportunity to vote on the issue.
- Opportunities to create new public spaces were limited, so the existing and neglected theaters and surrounding landscape should be rehabilitated and utilized.
- References were made to studies claiming investment in cultural amenities and open spaces were economically and socially beneficial for communities.
- Many communities across Arizona and the U.S. have used bond dollars to supplement community infrastructure.

The following did not speak but attended in support of the proposed bond package:

- Michael Bylsma
- Anne Gartner
- John Wahl
- Oscar Homero Ceron
- Kevin Burnett
- Kevin Bonine
- Helen Erickson

The following did not speak but attended in opposition of the proposed bond package:

- Jean McNabb
- Ana Henderson
- Lee Moe
- Marla Closen

Geri Ottoboni addressed the Board in opposition to the settlement offer in Willet, et al. v. Pima County, in addition to opposing the bond package.

Colonel Ron McCrindle spoke about the Board's Mission Statement and in opposition to the Willet settlement offer.

Nancy Newman spoke regarding consideration of the importance of road repairs and safety when making cuts to the budget.

Jeanette Vindiola thanked the Board for its support of adult education.

Jerome Helm addressed the Board in support of preserving the Rillito Racetrack.

6. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Miller and carried by a 4-0 vote, to convene to Executive Session at 10:29 a.m.

7. **RECONVENE**

The meeting reconvened at 11:16 a.m. Supervisor Carroll was absent, all other members were present.

**EXECUTIVE SESSION**

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Pima County v. Rincon Land Investments, L.L.C., et al., Pima County Superior Court Case No. C20134005.

Thomas Weaver, Chief Civil Deputy County Attorney, stated Pima County sought to condemn approximately 5.64 acres of real property in the City of Tucson, northwest of the intersection of Country Club and Irvington Roads, for the Julian Wash Linear Park Project, subject to restrictions. Under the terms of the proposed settlement, Pima County would acquire the 5.64 acres sought to be condemned, plus two additional contiguous parcels totaling 0.59 acres, for total just compensation, including interest, of \$128,995.00. The proposed settlement would also allow the landowner to retain easements across a portion of the property being acquired for access, parking, flood detention/retention, and related purposes, and to use those easements in future development. He stated as part of the proposed settlement the Board would need to find it necessary to exercise its authority of eminent domain to acquire property identified by Tax Parcel Nos. 132-19-044B and 132-19-072E, for linear-park purposes, and authorize the County Attorney to amend the Complaint to condemn those additional parcels. The County Administrator and County Attorney's Office recommended approval of the proposed settlement, including authorization for the County Attorney to amend the Complaint to acquire the additional parcels by eminent domain.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 3-1 vote, Supervisor Miller voted "Nay," to accept the recommendation.

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in Willet, et al. v. Pima County, Pima County Superior Court Case No. C20141595.

Thomas Weaver, Chief Civil Deputy County Attorney, stated that under the terms of the proposed settlement, the County would pay \$1,823,500.00 to Martin Willet and Sally Darcy in full settlement of all claims. Outside counsel, Daryl Audilett, recommended approval of the proposed settlement.

Supervisor Miller stated bicycle riders needed to be responsible and she could not support the excessive amount of this settlement.

It was moved by Supervisor Elías and seconded by Supervisor Valadez to accept the recommendation and approve the settlement. Upon roll call, the motion carried by a 3-1 vote, Supervisor Miller voted “Nay.”

## **DEVELOPMENT SERVICES**

### **10. Final Plat With Assurances**

P15FP00001, Sycamore School Site, Lots 190, 200, 213-215, 238-241, Block 1 and Common Areas B13-A and B13-B. (District 4)

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to approve the item.

## **TRANSPORTATION**

### **11. Rescind Acceptance of Project/Roadway for Maintenance**

Staff recommends the Board of Supervisors rescind the acceptance of a portion of Sundance Trail for maintenance, length of the roadway segment: 207', total right-of-way width: 50', half right-of-way width: 25', approved on December 16, 1980. (District 4 **District 5**)

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to approve the item as amended.

## **FRANCHISE/LICENSE/PERMIT**

### **12. Hearing - Extension of Premises/Patio Permit**

06100203, Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for May 2, 2015.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to close the public hearing, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

## DEVELOPMENT SERVICES

### 13. Hearing - Conditional Use Permit

#### P21-14-021, HUGHES - N. CORONADO FOREST DRIVE

Request of Blake and Cindy Hughes, on property located at 15450 N. Coronado Forest Drive, in the GR-1 Zone, for a conditional use permit for RV Storage in accordance with Section 18.14.030B of the Pima County Zoning Code as a Type II conditional use permit under other conditional use. The Hearing Administrator recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 1)

#### Standard Conditions and Requirements per the Pima County Zoning Code

This RV Storage use is considered to be similar in type and intensity to other conditional uses allowed under the GR-1 zoning district. No particular or specific Code requirements apply to RV Storage. The Special Conditions below have been crafted to address the particular needs of this property and its surrounding context.

#### Special Conditions

1. This conditional use permit is for RV (recreational vehicle) Storage only. No other commercial uses are approved for the site.
2. The following are expressly not allowed: 1) RV set-ups; 2) RV hook-up; 3) use of the units for overnight stays; and 4) use of the units for any form of occupancy.
3. This conditional use permit shall apply to this particular owner only. In the event that the current owner/applicant sells the property, this conditional use permit shall expire.
4. The RV Storage shall be allowed on the rear portion of the property only, as shown on the applicant's sketch plan and as discernible on the current aerial photography.
5. The maximum number of RV's stored on the property at any one time is twenty-five (25).
6. Owners of the stored RV's will be allowed access to their unit only during daylight hours.
7. Additional trees or shrubs will be planted along the east property line so as to create an essentially continuous visual screen within two (2) years. The trees or shrubs will be irrigated for the first two (2) years after planting to insure their establishment.

Jim Portner, Hearing Administrator, provided the staff report and stated this was a reapplication of a permit that had lapsed due to non-use.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and carried by a 4-0 vote, to close the public hearing and approve P21-14-021, subject to standard and special conditions.

### 14. Hearing - Conditional Use Permit

#### P21-15-004, ARROYO COLORADO, L.L.C. - W. AJO HIGHWAY

Request of Arroyo Colorado, L.L.C., on property located at 15390 W. Ajo Highway, in the GR-1 Zone, for a conditional use permit for Retail and Personal Services (Hair Salon) in accordance with Sections 18.97 and 18.14.030B of the Pima County Zoning Code as a Type II conditional use permit. The Hearing Administrator recommends **APPROVAL WITH STANDARD AND SPECIAL CONDITIONS**. (District 3)

Standard Conditions and Zoning Code Requirements

1. The retail and personal-service uses shall each be limited to no more than two thousand (2,000) square feet in area.

Special Conditions

1. This conditional use permit approval is for retail and personal service uses. Any restaurant and/or office uses of the existing structure are covered by the previously issued CUP's for this property.
2. At the time of building permits associated with the retail or personal-service uses, the applicant must provide a parking table or calculation that demonstrates the site meets applicable parking requirements of the Pima County Zoning Code.
3. No amendment to the existing approved Development Plan (Case No. P1298-142) is required.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Chair Bronson, seconded by Supervisor Miller and carried by a 4-0 vote, to close the public hearing and approve P21-15-004, subject to standard and special conditions.

**15. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 14, Co9-14-05, Bozzelli - N. Forecastle Avenue Rezoning. Owner: Louise Bozzelli. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

**16. Hearing - Rezoning Ordinance**

ORDINANCE NO. 2015 - 15, Co9-14-13, Tombo51, L.L.C. - N. Oracle Road Rezoning. Owner: Tombo51, L.L.C. (District 1)

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Chair Bronson and carried by a 4-0 vote, to close the public hearing and adopt the Ordinance.

**REGIONAL WASTEWATER RECLAMATION**

17. The Board of Supervisors on March 10, 2015, continued the following:

**Hearing - Pima County Code Text Amendment**

ORDINANCE NO. 2015 - 6, of the Board of Supervisors, relating to wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees.

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

- Ann Marie Wolf, Regional Wastewater Reclamation Advisory Committee
- Mark Taylor, Regional Wastewater Reclamation Advisory Committee

They offered the following comments:

- The Regional Wastewater Reclamation Advisory Committee supported the increase because the additional funds were necessary for capital improvement projects to replace infrastructure.
- The committee believed the department's plan was appropriate and fiscally responsible.
- The increase would give the department a favorable debt service ratio.
- The cost of repairing problems and paying related fines far outweighed the costs of the capital improvement program.

Supervisor Miller inquired about connection fee calculation, capital improvement projects, capacities, past excess revenues, methane uses and facility maintenance and operations costs.

Chuck Huckelberry, County Administrator, reviewed the basis for connection fee, capital improvement, debt service ratio and maintenance and operation cost projection calculations. He also explained there were emergency funds set aside from previous years' revenues so the County would have the financial capacity to take action in the event of a future catastrophic failure.

Jackson Jenkins, Regional Wastewater Reclamation Department Director, explained that residential connection fees were fixed, while commercial fees were based on the size of the water meter used. He stated due to redundant system requirements, even when under capacity, there was no excess equipment, but obsolete components from the old facilities were being sold for extra revenue. He also explained that although the facility produced methane gas usable for power, the quantity was not enough to support the facility on its own and the standby fee charged to have Tucson Electric Power ready to provide necessary power should the plant fail, as well as the loss of high volume discount rates, did not justify a return to utilizing the methane for power. He noted and Mr. Huckelberry confirmed that efforts were underway to secure a buyer for the methane.

Supervisor Elías acknowledged the department's efforts to find savings, but felt there had not been sufficient time to completely review and understand the report. He expressed concern regarding the entirety of the fee increase being imposed upon current users and suggested a connection fee increase to cover a portion of the needed funds.

Supervisor Elías directed staff to provide an analysis of standby and other costs related to the use of methane gas as a power source, as well as its other uses and potential as a revenue source.

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to continue this item to the Board of Supervisors' Meeting of April 21, 2015.



18. **Hearing - Pima County Code Text Amendment - Sewer Outreach Subsidy Program**

ORDINANCE NO. 2015 - 16, of the Board of Supervisors, relating to wastewater; amending Pima County Code, Title 13, Chapter 24, Sanitary Sewer User Fees.

Ann Marie Wolf, Regional Wastewater Reclamation Advisory Committee, expressed personal and committee support for expansion of the program.

Supervisor Elías directed staff to provide a plan that included better outreach into lower income communities.

It was moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to continue this item to the Board of Supervisors' Meeting of April 21, 2015.

**PRESENTATION/PROCLAMATION**

19. Presentation of a proclamation to Kenrick "K.C." Custer, commending him upon the occasion of his retirement on April 16, 2015.

It was moved by Supervisor Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item. Chair Bronson and Supervisor Elías made the presentation.

**BOARD OF SUPERVISORS**

20. **Pavement Preservation Allocation**

- A. Discussion of FY 14-15 Pavement Preservation Allocation. Discussion/Action. (District 3)
- B. Discussion and vote on the balance of \$5 million that was allocated for road repair in the FY 14-15 budget. (District 1)

Chair Bronson questioned how much of the originally allocated funds would remain unused as she was concerned about Silverbell Road.

Chuck Huckelberry, County Administrator, explained due to the magnitude of State cost shifts, uncompleted pavement repair projects were suspended to allow the Board to reevaluate the projects and decide how much to spend and on which projects.

Supervisor Miller expressed concern that failure to complete previously approved projects would provide a loss of the Board's credibility to the community.

Supervisor Elías noted that although he supported completion of the Silverbell Road project, it was also fiscally prudent to review the remaining projects.

Supervisor Miller made a motion to spend the funds as previously voted and allocated. The motion died for a lack of a second.

Supervisor Valadez addressed the Auditor General's good report card on the Pima County Bond Program and stated due to the State cost shifts it was wise to put these projects on hold in order to decrease the potential amount of funds the County would need to redirect. He added these were difficult choices.

Chair Bronson indicated and Mr. Huckelberry confirmed that the City of Tucson and the Town of Marana had agreed to cost share the needed improvements to Silverbell Road and that this project should move forward to alleviate a gap.

It was moved by Chair Bronson and seconded by Supervisor Miller to move forward with funding the Silverbell Road project. Upon roll call, the motion carried by a 3-1 vote, Supervisor Valadez voted "Nay."

21. **Pension Fund Liability**

Discussion regarding Pension Fund Liability planning and requirements for the short and long term. (District 1)

Supervisor Miller requested clarification of how recent court decisions affected pension plans.

Chuck Huckelberry, County Administrator, explained that the State calculated pension rates and made decisions regarding contributions and impacts which varied from year to year. He specified that pension plans were considered contracts and most changes could not be retroactively applied thereby affecting new employees only.

No Board action was taken on this item.

**CONTRACT AND AWARD**

**COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

22. The Board of Supervisors on April 7, 2015, continued the following:

Tucson Preparatory School, Inc., to provide for the HUD Continuum of Care Program - CASA, HUD Fund, contract amount \$88,131.00 (CT-CS-15-383)

At the request of staff and without objection, this item was removed from the agenda.

## **HEALTH**

23. Green Valley Fire District, to provide for childhood immunization services, no cost (CTN-HD-15-77)

It was moved by Chair Bronson, seconded by Supervisor Valadez and carried by a 4-0 vote, to approve the item.

## **CONSENT CALENDAR**

24. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 4 was set aside for separate discussion and vote.

It was then moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 4-0 vote, to approve the remainder of the Consent Calendar.

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

## **CONTRACT AND AWARD**

### **Community Services, Employment and Training**

4. Tucson Youth Development, Inc., to provide for Workforce Investment Act summer youth activities, USDOL and ADES Funds, contract amount \$227,414.09 (CT-CS-15-400)

Supervisor Miller inquired whether a Pima County employee, sitting on the Board of Directors of Tucson Youth Development, Inc., who did not draw a salary for doing so, was required to file a conflict of interest disclosure and if it would be an issue in regard to this contract.

Thomas Weaver, Chief Civil Deputy County Attorney, was not aware of any such requirement and having an employee in this situation did not present a problem.

It was moved by Supervisor Miller, seconded by Supervisor Elías and carried by a 4-0 vote, to approve the item.

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## **CONTRACT AND AWARD**

### **Community Services, Employment and Training**

1. Community Home Repair Projects of Arizona, Inc., Amendment No. 2, to provide for the Community Services Block Grant Program and amend contractual language, Arizona Community Action Association Fund, contract amount \$15,000.00 (CT-CS-14-486)
2. Catholic Community Services, d.b.a. Community Outreach for the Deaf Program, to provide for Workforce Investment Act summer youth activities, USDOL, ADES (70%) and General (30%) Funds, contract amount \$53,632.34 (CT-CS-15-391)
3. Goodwill Industries of Southern Arizona, Inc., to provide for Workforce Investment Act summer youth activities, USDOL and ADES Funds, contract amount \$13,305.73 (CT-CS-15-392)
4. Tucson Youth Development, Inc., (PULLED FOR SEPARATE ACTION)
5. Tucson Urban League, Inc., to provide for Workforce Investment Act summer youth activities, USDOL and ADES Funds, contract amount \$13,286.96 (CT-CS-15-402)
6. SER-Jobs for Progress of Southern Arizona, Inc., to provide for Workforce Investment Act summer youth activities, USDOL and ADES Funds, contract amount \$33,105.29 (CT-CS-15-403)
7. Compass Affordable Housing, Inc., to provide for the HUD Continuum of Care Program - CASA, HUD Fund, contract amount \$105,167.00 (CT-CS-15-409)

### **Procurement**

8. B & F Contracting, Inc., Amendment No. 3, to provide for construction manager at risk services for the North Rillito Interceptor Rehabilitation Project and amend contractual language, RWRD Obligation Fund, contract amount \$11,756,766.00 (CT-WW-14-189) Regional Wastewater Reclamation

### **Recorder**

9. City of South Tucson, to provide 2015 election services, contract amount \$5,000.00 estimated revenue (CTN-RE-15-126)

## **GRANT APPLICATION/ACCEPTANCE**

### **10. Acceptance - Health**

Arizona Department of Health Services, Amendment No. 1, to provide for the Sexually Transmitted Disease Program, U.S. Department of Health and Human Services/Centers for Disease Control Fund, \$122,074.00 (GTAM 15-53)

### **11. Acceptance - Community Services, Employment and Training**

Arizona Department of Economic Security, Amendment No. 4, to provide for the Senior Community Services Employment Program and extend contract term to 6/30/16, USDOL Fund, \$77,430.00/\$8,603.00 General Fund Match (GTAM 15-54)

### **12. Acceptance - Community Services, Employment and Training**

Arizona Department of Economic Security, Amendment No. 13, to provide for the employment and training program and extend contract term to 5/31/15, USDOL Fund, \$11,600.00 (GTAM 15-56)

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

13. Kord M. Klinefelter, Why Ajo Lukeville Healthcare District, Plaza Park, 15 W. Plaza Street, Ajo, April 11, 2015.

## **ELECTIONS**

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

RESIGNATION-PRECINCT-PARTY  
William L. Dyson-220-DEM

APPOINTMENT-PRECINCT-PARTY  
Donna K. Mabry-142-DEM; Imelda V. Cuyugan-202-DEM; Martha "Debbi" D. Kapp-202-DEM; Janis M. Lee-202-DEM; Marla S. Closen-179-REP

## **RATIFY AND/OR APPROVE**

15. Minutes: March 10, 2015

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25. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:27 p.m.

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CHAIR

ATTEST:

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CLERK

DRAFT