

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 18, 2018. Upon roll call, those present and absent were as follows:

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

Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
Julie Castañeda, Clerk of the Board
Eric Thompson, Sergeant at Arms

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee Proposal in the amount of \$13,964.56 for property located at the Casas Adobes Station Residential Subdivision, located within Xeroriparian Class B Riparian Habitat. (District 1)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:09 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

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1. INVOCATION

The invocation was given by Pastor Brian Steely, Sahuarita Baptist 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.

4. POINT OF PERSONAL PRIVILEGE

Chairman Elías commented about those individuals affected by bad weather in coastal states and expressed concern for their safety.

PRESENTATION

5. Coronado National Forest Plan

Coronado National Forest Supervisor Kerwin Dewberry will brief the Board of Supervisors and the audience on the recently revised Coronado National Forest Plan. This document provides guidance for management of the forest over the next decade. (District 5)

Rose Robinson, Coronado National Forest, presented the revised Coronado National Forest Plan to the Board.

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

PRESENTATION/PROCLAMATION

6. Presentation of a proclamation to MaryAnn Phininzy, Chair, and Annie Sykes, Assistant Treasurer, Pima County/Tucson Women's Commission, proclaiming the day of Friday, September 21, 2018 to be: "WOMEN IN GOVERNMENT DAY"

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

7. Presentation of a proclamation to Margie Mortimer, Youth and Peace Conference Adult Advisory Team member, and Joshua Ashton, Youth Leadership Team member, proclaiming the day of Friday, September 21, 2018 to be: "YOUTH PEACE DAY"

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

8. Presentation of a proclamation to Sam Newsome, A. Philip Randolph Institute; Noreen Geyer-Kordosky and Francesca Pardes, League of Women Voters of Greater Tucson; Magda Morales and Teresa Torrez, Mi Familia Vota; Liane Hernandez and Mari Herreras, YWCA Southern Arizona; Debby Embry, Tucson Urban League; and Pastor Grady Scott and Dr. Damond Holt, Interdenominational Ministerial Alliance, proclaiming the day of Tuesday, September 25, 2018 to be: "VOTER REGISTRATION DAY"

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

9. Presentation of a proclamation to Carol Schwalbe, Nancy Sharkey, Kim Newton, Celeste Gonzalez de Bustamante, Susan Knight, Mike McKisson, Rogelio Garcia, Professors; Susan Swanberg, Instructor; Mike Chesnick, Program Coordinator; and Pascal Albright, student, from the University of Arizona's School of Journalism, proclaiming the month of October 2018 to be: "FREEDOM OF THE PRESS MONTH"

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

10. Presentation of a proclamation to Kristen Quinnan, Director of Community Engagement, Community Food Bank of Southern Arizona; Ethan Myerson, Digital Communications and Appeals Manager, Community Food Bank of Southern Arizona; Sio Castillo, Chief Development Officer, Community Food Bank of Southern Arizona; and Chris Monson, Owner, Aberdeen Group, L.L.C., proclaiming the day of Friday, September 28, 2018 to be: "FAST FOR HUNGER DAY"

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

11. **CALL TO THE PUBLIC**

The following speakers addressed the Board in support of Golden Pin Lanes:

- Hansen Fotherby
- Sandra Wong
- Kathene Morrow, Felicia Chew Community Projects
- James Maciulla, M.D.
- Richard Rohrbough
- Jake Gaskill

They offered the following comments:

- Pima County's Natural Resources, Parks and Recreation Department should maintain Golden Pin Lanes as a bowling center.
- Golden Pin Lanes was an area community center and should be preserved as a park.
- Closing Golden Pin Lanes would cause hardships for people who rely on the bowling center.
- Bowling serves as occupational therapy for many people living with disabilities.
- Golden Pin Lanes is a premiere bowling center and a thriving business.
- Closing Golden Pin Lanes would impact tourism and media exposure.

The following speakers addressed the Board in opposition of the termination of the Operation Stonegarden grant:

- Roger D. Score
- Russel Trask
- Mikki Niemi
- David Eppihimer
- Jon Gold
- Bill Martin

They offered the following comments:

- These funds were needed so that the Sheriff's Department could provide security for Pima County and the United States.
- Officials should not be political when making decisions for the County.
- Pima County is a major drug smuggling and human trafficking corridor due to its close proximity to the border.
- The grant assisted law enforcement in defending the community.

The following speakers addressed the Board in support of the termination of the Operation Stonegarden grant:

- Janni Simner
- Bryna Koch
- Ryan Kelly
- Steve Diamond
- Kristen Randall, Vice Chair, Community Law Enforcement Partnership Commission

They offered the following comments:

- The grant was not intended to keep the Sheriff's Department operating and the funds provided enhanced collaboration between law enforcement agencies.
- Terminating this grant was a step towards making the community and country safer for all people.
- Public safety is damaged when local law enforcement officers perform immigration enforcement.
- When people do not report crimes, criminals remain in the community.

Geri Ottoboni addressed the Board regarding manners and common courtesy.

J.D. Schechter spoke to the Board regarding the display of contempt for the oath of office.

Robert Reus addressed the Board regarding the practice of using drinking water to flush out the sewer system.

Cynthia Harper-Ayala addressed the Board in support of selling land to Tucson Electric Power Company for a substation.

Jon Denker spoke to the Board regarding elections and suggested the use of scanners at polling places for security purposes.

Angela Ochoa addressed the Board regarding the violation of her personal rights.

12. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:07 a.m.

13. **RECONVENE**

The meeting reconvened at 11:49 a.m. All members were present.

EXECUTIVE SESSION

14. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding an Offer of Judgment in Tammy Wren and Megan Wren v. Pima County, et al., Pima County Superior Court Case No. C20181770.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the Pima County Attorney's Office recommended the Board proceed as discussed in Executive Session.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

15. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding possible legal action against Jesus Morales, d.b.a. AMI Sports, and related entities, for non-payment of user fees incurred in 2017 for use of athletic fields and lighting at Mike Jacob Sports Park.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the Pima County Attorney's Office sought direction on whether to file a lawsuit on behalf of Pima County to recover user fees and for any other legal remedies. He indicated that the County Administrator recommended filing the lawsuit.

It was moved by Supervisor Bronson, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session and file a lawsuit to recover user fees and for other legal remedies.

16. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the Board of Supervisors' and Clerk of the Board's processing of petitions for redemption of waiver under A.R.S. §42-11153 (B) and Pima County Board of Supervisors Policy C 4.3.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the Pima County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

COUNTY ADMINISTRATOR

17. **Downtown Tucson Partnership Business Improvement District Contribution**

Staff recommends the allocation of \$50,000.00 from the Contingency Fund to supplement Pima County's payment in-lieu of taxes contribution to the Downtown Tucson Partnership Business Improvement District.

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

Supervisor Miller asked how the District's in-lieu of taxes payments were being made by the County.

Chuck Huckelberry, County Administrator, responded that the Downtown Tucson Partnership Business Improvement District was formed as a traditional improvement district. He stated that the property owners within the district had consented to the tax for specific purposes. He added that while the County's governmental properties were exempt from taxation, the County benefited from some of the Downtown Tucson Partnership's programs such as security, cleaning, etc. He indicated that because the County was the largest downtown employer, the County agreed to pay the in-lieu fee, which made the County part of the district, and that the County had agreed to being taxed on a pro-rated basis by square footage. He stated that the cost to the County would have been \$270,000.00. He explained that the County and the Downtown Tucson Partnership had a negotiated \$180,000.00 budget and that he had agreed to request an additional \$50,000.00 contribution, if the Downtown Tucson Partnership agreed to submit their budget request prior to the budget process rather than the end of the process.

Supervisor Miller inquired whether the Downtown Tucson Partnership assisted in providing housing assistance, behavioral health and medical services for the homeless.

Mr. Huckelberry confirmed that those services were provided by the Downtown Tucson Partnership.

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

18. Outside Agency Recommendation Regarding Funding Related to Rejected County Attorney Anti-Racketeering Fund Recommendations

Staff recommends the authorization of funding to these outside agencies from the Contingency Fund for at-risk youth services in the amount of \$38,000.00 and that the County Attorney dedicate an equivalent amount of Racketeer Influenced and Corrupt Organizations (RICO) funds to domestic violence, strangulation and forensic testing.

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

Supervisor Miller expressed concern over approving contingency funding for organizations that had been denied funding through the RICO funds.

Chuck Huckelberry, County Administrator, explained that the County was allocating \$38,000.00 from the Contingency Fund and that the original RICO funding request was for approximately \$70,000.00. Mr. Huckelberry explained that he had separated

the outside agencies funding requests into two categories, agencies that were receiving County funding, and agencies that had not received County funding. He stated that funding for those agencies not receiving any County funding totaled \$38,000.00. He indicated that only those requests were sent to the Outside Agency Review Committee for review and recommendation. He added that the Outside Agency Review Committee had agreed on the appropriateness of these agencies and unanimously recommended funding. He also stated that by approving these contingency allocations, the County Attorney's Office would allocate an equivalent amount of RICO Funds for sexual assault, testing evaluation and strangulation testing purposes. He noted that those testings were required by the County and if they were not funded using RICO Funds, they would require funding through the General Fund.

Chairman Elías stated that while the outside agencies were not eligible to receive RICO funds, he believed they were all good projects that served an important role in the community.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

19. Education Facility Refunding Revenue Bonds

RESOLUTION NO. 2018 - 62, of the Board of Supervisors, amending the approval of the issuance of the Industrial Development Authority of the County of Pima Education Facility Refunding Revenue Bonds (Telesis Preparatory Academy Refunding Project, 2598 Starlite Lane, Lake Havasu City, AZ), Series 2017 and declaring an emergency.

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

Supervisor Miller indicated that she had concerns with the financial deficiencies being experienced by this facility.

Supervisor Bronson also expressed the same concerns and indicated that there were other, more sufficient, uses for Industrial Development Authority (IDA) funding.

Supervisor Miller inquired whether the County received a percentage of the funds received through the IDA.

Chairman Elías stated that the IDA received a portion from fees and interest, and those funds were spent on County projects.

Supervisor Miller asked for a report detailing the percentage the County received and the amount spent on County projects.

Chairman Elías directed the IDA to provide a report detailing the earnings and totals spent on County projects.

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

REAL PROPERTY

20. Purchase/Sale of Real Property

RESOLUTION NO. 2018 - 63, of the Board of Supervisors, authorizing sale of land.

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

SCHOOL SUPERINTENDENT

21. 2018 General Election - School District Cancellations

Staff requests cancellation of those uncontested school district governing board positions for the General Election on November 6, 2018 and appointment of those who filed the required nominating petitions or nomination papers.

Ajo Unified School District No. 15 - 3 Positions - Duncan, Marcia W.; Hopkins, Rodney W.; Murua, Regina

Amphitheater Unified School District No. 10 - 2 Positions - Kopec, Matt; Zibrat, Susan

Catalina Foothills Unified School District No. 16 - 3 Positions - Bhola, Amy; Krauss, Amy; Siegler, Carole

Continental Elementary School District No. 39 - 2 Positions - Nickl, Ralph J.; Oesterle, Stephen M.

Empire Elementary School District No. 37 - 2 Positions - Two (2) Vacancies

Flowing Wells Unified School District No. 8 - 2 Positions - Daily, Kevin; Hammar, Kristine A.

Pima County Joint Technical Education District No. 11 - 2 Positions - Rankin, Lucinda - Write-In Candidate (JTED Member District 2); Jácome, Alex (JTED Member District 3)

Redington Elementary School District No. 44 - 1 Position - One (1) Vacancy

Sahuarita Unified School District No. 30 - 2 Positions - Opalka, Kevin; Sparks, John

San Fernando Elementary School District No. 35 - 1 Position - One (1) Vacancy

Sunnyside Unified School District No. 12 - 2 Positions - Dong, Eva Carrillo; Hernandez, Consuelo

Tanque Verde Unified School District No. 13 - 2 Positions - Fry, Susan; Tenuta, Vieri M. - Write-In Candidate

Vail Unified School District No. 20 - 2 Positions - Aitken, Jon C.; Anderson, Claudia E.

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

FRANCHISE/LICENSE/PERMIT

22. Hearing - Liquor License

Job No. 25678, Andrea Dahlman Lewkowitz, The Hacienda at the Canyon, 3900 N. Sabino Canyon Road 2L, Tucson, Series 12, Restaurant, New License.

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

23. Hearing - Liquor License

Job No. 25679, Andrea Dahlman Lewkowitz, The Hacienda at the Canyon, 3900 N. Sabino Canyon Road 3L, Tucson, Series 12, Restaurant, New License.

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

24. Hearing - Liquor License

Job No. 26623, Michelle Ivy Valenzuela, Dollar General Store No. 14937, 9950 S. Nogales Highway, Tucson, Series 10, Beer and Wine Store, New License.

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

25. Hearing - Fireworks Permit

Gary Thompson, Catalina Foothills High School, 4300 E. Sunrise Drive, Tucson, October 5, 2018 at 6:45 p.m.

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

26. Hearing - Permanent Extension of Premises/Patio Permit

12104447, Terry Jay Kyte, Bisbee Breakfast Club, 4811 E. Sunrise Drive, Suite No. 165, Tucson.

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

DEVELOPMENT SERVICES

27. Hearing - Rezoning

P18RZ00003, HILDRETH EUGENE LIVING TR - W. MICHIGAN STREET REZONING

Request of Gene Hildreth, represented by Southwest Consulting Engineering, for a rezoning of approximately 7.66 acres from SR (Suburban Ranch) to the GR-1 (Rural Residential) zone, parcel codes 212-45-020A and 212-45-020B, located at the northwest corner of S. Camino Verde and W. Michigan Street for an 8-lot subdivision. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 3.0. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 3)

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

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The property owner shall dedicate 45 feet of right-of way for Michigan Street along the development frontage.
 - B. The property owner shall construct Michigan Street to Pima County Standards and provide all weather access along the development frontage.
3. Flood Control condition: 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. Environmental Planning conditions: 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.
5. 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.
6. Adherence to the preliminary development plan as approved at public hearing.
7. No mobile or manufactured housing is allowed.
8. All bufferyards located on individual lots are required to be installed prior to final inspections and shall be maintained by the owners. Any conflicting easement to bufferyard placement will require the bufferyard to be moved outside of the easement unless approval from the utility company to co-locate the bufferyard within the easement is obtained.
9. 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 The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Supervisor Bronson inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to close the public hearing and approve P18RZ00003, subject to standard and special conditions.

28. **Hearing - Specific Plan Rezoning**

P18SP00001, FHM PARTNERS, L.L.C. - FOOTHILLS MALL SPECIFIC PLAN REZONING

Request of FHM Partners, L.L.C., represented by Lazarus, Silvyn & Bangs, P.C., for a rezoning of approximately 51 acres of the Foothills Mall from the CB-1 (Local Business) and CB-2 (General Business) zones to the SP (Foothills Mall Specific Plan) zone, parcel codes 225-44-315A, 225-44-316B, 225-44-316C, 225-44-317D, 225-44-318B, 225-44-319A, 225-44-319D, 225-44-320A, 225-44-320B, 225-44-320C, 225-44-321D, 225-44-321E, 225-44-321F, 225-44-321G, 225-44-321H, 225-44-321J, 225-44-322B, 225-44-323B, 225-44-324A, 225-44-324C, 225-44-324D and 225-43-018Q located approximately 450 feet north of the northwest corner of W. Ina Road and N. La Cholla Boulevard. The proposed specific plan rezoning conforms to the Pima County Comprehensive Plan Community Activity Center designation. On motion, the Planning and Zoning Commission voted 9-0 (Commissioner Bain was absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT). Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS (TO BE INCORPORATED INTO THE SPECIFIC PLAN DOCUMENT). (District 1)

IF THE DECISION IS MADE TO APPROVE THE SPECIFIC PLAN, THE FOLLOWING REQUIREMENTS SHOULD BE MADE CONDITIONS OF APPROVAL. THE FOLLOWING CONDITIONS MAY RESIDE WITHIN THE SPECIFIC PLAN DOCUMENT:

1. Not more than 60 days after the Board of Supervisors approves the specific plan, the owner(s) shall submit to the Planning Director the specific plan document, including the following conditions and any necessary revisions of the specific plan document reflecting the final actions of the Board of Supervisors, and the specific plan text and exhibits in an electronic and written format acceptable to the Planning Division.
2. In the event of a conflict between two or more requirements in this specific plan, or conflicts between the requirements of this specific plan and the Pima County Zoning Code, the specific plan shall apply. The specific plan does not regulate Building Codes.
3. This specific plan shall adhere to all applicable Pima County regulations that are not explicitly addressed within this specific plan. The specific plan's development regulations shall be interpreted to implement the specific plan or relevant Pima County regulations.
4. Transportation conditions:
 - A. The traffic study shall be updated with the submittal of each phase of this development within the Specific Plan.

- B. The subsequent traffic study updates may identify that improvements may be warranted, such as the installation of a turn lane, signalization or restricted movements to the access points. These improvements may require the dedication of right-of-way.
- 5. Regional Wastewater Reclamation conditions:
 - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
 - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
 - C. The owner(s) shall time all new development within the rezoning area to coincide with the availability of treatment and conveyance capacity in the downstream public sewerage system.
 - D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
 - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
 - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
- 6. 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.
- 7. 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.
- 8. Adherence to the specific plan document as approved at the Board of Supervisor's public hearing.
- 9. Any residential component shall meet the minimum 6 residences per acre (RAC) as applied to the specific area required to support the use, implemented within the appropriate phasing of the specific plan.
- 10. Flexible combinations of the specific plan conceptual preliminary development plans are encouraged so long as adequate infrastructure to support the phased uses exists for each phase.

11. The maximum height of 120 feet or 10 stories for hospitality, office and/or residential buildings is allowed, except for a parking structure. The first two floors may include any specific plan permitted use. Parking structures may be contained in multi-use buildings with a maximum height of 120 feet. All other buildings are limited to 80 feet in height.
12. Prior to the issuance of any development concept permit, site and/or construction permit, or sign permit, the property owner shall review and provide written approval of the application to Development Services.
13. 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.
14. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P18SP00001, subject to standard and special conditions (to be incorporated into the Specific Plan document).

BOARD OF SUPERVISORS

29. Justice of the Peace, Precinct 5

- A. Acceptance of the resignation of the Honorable Keith Bee, effective September 7, 2018.

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

- B. Discussion/direction/action regarding a selection process to fill the vacancy of Justice of the Peace, Precinct 5.

Supervisor Valadez stated that the Presiding Justice of the Peace had inquired whether there were legal issues that prevented the Board from not conducting a selection process since the general election would be held in November. He indicated that he had contacted the County Attorney, Andrew Flagg, Chief Civil Deputy County Attorney, and was informed by Mr. Flagg that there would not be an issue if a judge pro tempore filled the remainder of Honorable Keith Bee's term.

Supervisor Christy inquired which pro tempore judge had been identified to fill the position.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that he was not aware which pro tempore would be selected, but indicated that there were sufficient pro tempore resources to cover the case load.

Supervisor Miller commented that since two candidates, one from each political party, were on the upcoming General Election ballot, she did not have any reservations with not proceeding with the selection process.

It was moved by Supervisor Valadez and seconded by Supervisor Bronson to not proceed with a selection process for the Justice of the Peace, Precinct 5 seat, but to allow for the candidate to be elected at the November 2018 election. No vote was taken at this time.

Chairman Elías asked whether the Board's counsel felt this motion was acceptable.

Mr. Flagg agreed that the motion was acceptable.

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

CLERK OF THE BOARD

30. Petitions for Redemption of Property Tax Exemption Waiver

Staff recommends approval of the petitions for redemption of property tax exemption waivers.

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

GRANTS MANAGEMENT AND INNOVATION

31. State-Shared Revenue Program Funds

RESOLUTION NO. 2018 - 64, 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 designated as "grantees" by the Tohono O'odham Nation.

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

HUMAN RESOURCES

32. Classification/Compensation

The Sheriff's Department requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/ Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code

7730/ Captain-Unclassified/ U4 (\$67,620-\$149,989)/ 4/ E*

*E = Exempt (not paid overtime)

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

CONTRACT AND AWARD

COUNTY ATTORNEY

33. Mark VonDestinon, Ph.D., Amendment No. 2, to provide for Child Abuse, Domestic Violence, Drug Endangered, Sexual Assault Protocols and Related Projects and extend contract term to 8/31/19, Criminal Justice Enhancement Fund, contract amount \$45,000.00 (CT-PCA-17-134)

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

TRANSPORTATION

34. Perimeter Bicycling Association of America, Inc., to provide for the reimbursement of traffic control expenses for El Tour de Tucson, contract amount \$220,000.00 revenue (CTN-TR-19-37)

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

GRANT APPLICATION/ACCEPTANCE

35. **Acceptance - Community Services, Employment and Training**

Arizona Department of Economic Security (AZDES), Amendment No. 8, to provide for the AZDES - Employment and Training Program Workforce Innovation and Opportunity Act, \$38,107.00 (GTAM 19-8)

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

36. **Acceptance - County Attorney**

SAMHSA Treatment Drug Courts, Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, to provide for the Pima County Problem Solving Courts Initiative, \$400,000.00 (GTAW 19-17)

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

BOARD, COMMISSION AND/OR COMMITTEE

37. Election Integrity Commission

Reappointment of Barbara Tellman. Term expiration: 9/30/20. (District 5)

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

CONSENT CALENDAR

38. Approval of the Consent Calendar

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

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CONTRACT AND AWARD

Behavioral Health

1. Sonora Behavioral Health, Amendment No. 4, to provide for court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5, extend contract term to 9/30/19, amend contractual language and scope of work, no cost (CT-OMS-16-51)
2. Tucson Centers for Women and Children, Inc., d.b.a. Emerge! Center Against Domestic Abuse, to provide for the Arizona ~~Inmate~~ **Intimate** Partner Risk Assessment Instrument System Project, General Fund, contract amount \$100,000.00 (CT-OMS-19-125)

Community Services, Employment and Training

3. Compass Affordable Housing, Inc., Amendment No. 1, to provide for the United States Housing and Urban Development (USHUD) Continuum of Care Program (CoC) - Rapid Rehousing, extend contract term to 10/31/19, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$160,463.00 (CT-CS-18-78)

County Administrator

4. City of Tucson for Pima County Safety and Justice Challenge, to provide for Pima County Safety and Justice Challenge Warrant Resolution Court, MacArthur Grant - Safety and Justice Challenge Fund, contract amount \$74,000.00 (CT-CA-19-139)

Facilities Management

5. Arizona Board of Regents, University of Arizona, to provide a Lease Agreement for property located at 3950 S. Country Club Road, contract amount \$1,568,429.20 revenue/5 year term (CTN-FM-19-27)
6. Health Net Access, Inc., d.b.a. Arizona Complete Health - Complete Care Plan, Amendment No. 1, to provide an Operating Agreement for the Crisis Response Center, extend contract term to 9/30/20 and amend contractual language, no cost (CTN-FM-19-25)

Procurement

7. Kittelson & Associates, Inc., Amendment No. 3, to provide for engineering design services for Aerospace Parkway Widening (4AERO2), amend contractual language and scope of work, HURF 12.6% and RWRD Obligations Funds, contract amount \$25,092.00 (CT-PW-17-337) Public Works Administration

Real Property

8. Barbara Castillo, to provide a Sales Agreement and Special Warranty Deed for property located at 12430 W. Lord Lane, Tax Parcel No. 213-06-0430, contract amount \$57,600.00 revenue (CTN-PW-19-28)

GRANT APPLICATION/ACCEPTANCE

9. **Acceptance - Health**
Arizona Department of Health Services, to provide for WIC, BFPC and FMNP Services, \$1,478,059.00 (GTAW 19-16)
10. **Acceptance - Sheriff**
State of Arizona - Office of the Attorney General, to provide for the Victims' Rights Program, \$39,202.00 (GTAW 19-11)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Environmental Quality Advisory Council**
Reappointment of Paloma Beamer. Term expiration: 8/31/21. (Staff recommendation)
12. **County Attorney Investigators Local Retirement Board**
Reelection of Michael Romero. Term expiration: 10/7/22. (Board recommendation)

**SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF
PREMISES/PATIO PERMIT/WINE FAIR/WINE FESTIVAL APPROVED
PURSUANT TO RESOLUTION NO. 2016-62**

13. Special Event

Debra Lynn Wagner, Boys and Girls Clubs of Tucson, La Encantada - Space 228, 2905 E. Skyline Drive, Tucson, October 5, 2018.

FINANCE AND RISK MANAGEMENT

14. Duplicate Warrants - For Ratification

Tucson Electric Power Company \$561.04; Alexis Merino \$110.00; Alexis Merino \$125.00; Daniel Sharp \$132.50; Diana Povolotskaya \$100.00; Malia Green \$6.76; Malia Green \$1,040.00.

RATIFY AND/OR APPROVE

15. Minutes: August 7 and 20, 2018
Warrants: August, 2018

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39. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:09 p.m.

CHAIRMAN

ATTEST:

CLERK