

## **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, October 16, 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  
Regina Nassen, Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### **1. REQUEST FOR AERIAL EASEMENT**

Staff recommends approval of an aerial easement to Tucson Electric Power Company, for property located over a portion of the West Branch Santa Cruz Drainage Way, lying within Section 3, T15S, R13E, G&SRM, Pima County, Arizona, \$100.00 revenue and \$1,200.00 reimbursement for appraisal fee. (District 5)

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

### **2. CONTRACT**

The Ashton Company, Inc., to provide for the El Corazon Bank Protection and River Bank Project (5CORZN), Flood Control Non-Bond Projects (Flood Control Tax Levy) Fund, contract amount \$5,837,917.90 (CT-FC-19-190)

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

Supervisor Miller asked where the \$6 million had been spent and what was planned for the additional funding.

Chuck Huckelberry, County Administrator, responded that the initial \$4 million was for the purchase of the property. He stated that these funds would be used for erosion control and bank stabilization. He added that a minor portion of the funds would be utilized for two bridges that were part of the Loop System.

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

3. **CONTRACT**

Town of Marana, Pima County Regional Flood Control District and Pima County, to provide for the shared use and development of existing and future trail and trailhead improvements on County and Flood Control District properties, no cost/20 year term (CTN-PW-19-46)

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:38 p.m.

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CHAIRMAN

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, October 16, 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  
Regina Nassen, Civil Deputy County Attorney  
Julie Castañeda, Clerk of the Board  
Eric Thompson, Sergeant at Arms

### **1. INVOCATION**

The invocation was given by Reverend Greg Rachuy, Fountain of Life Lutheran 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. POINTS OF PERSONAL PRIVILEGE**

Chairman Elías acknowledged his brother's birthday, the 50th anniversary of the Woods Memorial Library and the student leadership from the Fred G. Acosta Job Corps Center.

Chairman Elías and Supervisor Christy addressed the audience regarding appropriate behavior, personal responsibility and respecting others during Board Meetings.

### **PRESENTATION**

- 5.** Presentation of a Certificate of Recognition to Kevin and Marie Daily for their lifelong service to the Flowing Wells community. (District 3)

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.

## **PRESENTATION/PROCLAMATION**

6. Presentation of a proclamation to Dr. Lela Williams and Josefina Ahumada, Arizona State University faculty; Georgia Benson, Vincent Miranda, and Lulu Monge, Arizona State University students, proclaiming the day of Friday, October 19, 2018 to be: "THE 40TH ANNIVERSARY OF ARIZONA STATE UNIVERSITY SCHOOL OF SOCIAL WORK - TUCSON CAMPUS"

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.

7. Presentation of a proclamation to Maura Robinson, Jeanette Davis, and Sara Reker, Friends of the Pima County Public Library; Tom Gribb, Friends of the Oro Valley Public Library; Dianne Thomas and Debbie Giacomelli, Friends of the Kirk-Bear Canyon Library; Gerry Peterson, Friends of the Green Valley and Sahuarita Libraries; Amber Mathewson, Director, Michelle Simon and Karyn Prechtel-Altman, Deputy Directors, Ruth Grant, Coni Weatherford, Jen Maney, Ken Zambos, and Jodi Ohlson, Pima County Public Library staff, proclaiming the week of October 21 through 27, 2018 to be: "NATIONAL FRIENDS OF LIBRARIES WEEK"

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

## **8. CALL TO THE PUBLIC**

Roger Score addressed the Board regarding civility and constitutional rights.

Geri Ottoboni spoke about the upcoming elections and global warming.

Russell Trask addressed the Board regarding ways to fight tyranny was by voting.

Keith Van Heyningen presented his views on the Democratic party and the Sustainable Action Plan.

Gary Knox spoke regarding economics, taxes and government.

The following speakers addressed the Board in support of the Sustainable Action Plan:

- Bruce Plenk
- Janni Simner
- Barbara Warren, Physicians for Social Responsibility

- Dr. Ivy Schwartz, Tucson Mountains Association (TMA)
- Nicole Gillett, Tucson Audubon Society and Community Water Coalition
- Greg Garfin

They offered the following comments:

- Pima County had established itself as a leader in sustainability.
- It was important that the Plan had goals, targets and monitoring built in.
- Sustainability was a powerful investment in the future and quality of life.
- TMA urged the Board to work with the private sector, promote legislation that limits greenhouse gas emissions and educate the public to mitigate climate change.
- Cooperation between departments and quantitative goals to measure progress were encouraged.
- Requested that public input be included during the plan's annual review.
- The Plan made incremental improvements in actions, targets and performance measures that built upon previous Sustainable Action Plans.

Jean Zwick Sherrett addressed the Board regarding a peaceful protest held at Senator Flake's Office and the Sheriff's Department's disproportionate response.

Kristen Randall spoke in opposition of the Arizona Department of Transportation's position regarding road barriers.

Ryan Kelly addressed the Board in support of Proposition 463 and the Workforce Investment Board's recent meeting.

Chris King spoke in opposition to Proposition 463, increased taxes and excessive spending.

Arlene Benavidez, Executive Director, Metropolitan Education Commission (MEC), presented the Board with MEC's education funding Resolution.

Brenda Wexler thanked the Board for reducing the community's fear by voting to decline Stonegarden funding.

The following speakers addressed the Board regarding Golden Pin Lanes:

- Rosemary Bolza for Felicia Chu
- Hanson Fotherby
- Sandra Wong
- James Maciulla

They offered the following comments:

- The community hoped that Golden Pin Lanes would continue to operate as a bowling alley.
- The bowling alley generated revenue for the neighborhood and the City of Tucson.

- The City of Tucson had touted the importance of Miracle Mile's historic buildings and signs, but was silent on the importance of Golden Pin Lanes.
- The bowling center was profitable and paid thousands of dollars in tax revenues.
- Constructing a new building on the vacant portions of the Golden Pin Lanes lot was more cost effective than renovating the historic structure.
- The bowling center was a safe haven for community members.
- If mechanical or structural failures occurred, the public's health and community services would be suspended.

Carol Kovalik thanked the Board for recently completed road projects.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:30 a.m.

10. **RECONVENE**

The meeting reconvened at 10:46 a.m. All members were present.

**EXECUTIVE SESSION**

11. 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. Harbour et al., Pima County Superior Court Case No. C20180802.

Regina Nassen, Civil Deputy County Attorney, stated that the County Attorney's Office and Real Property Services recommended the Board authorize the settlement as discussed in Executive Session.

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

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a potential response on behalf of Pima County to the letter from the Arizona Attorney General's Office dated September 20, 2018, regarding an Open Meeting Law complaint.

Regina Nassen, Civil Deputy County Attorney, stated that the County Attorney's Office recommended proceeding as discussed in Executive Session.

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

## **COUNTY ADMINISTRATOR**

### **13. 2018 Sustainable Action Plan for County Operations**

RESOLUTION NO. 2018 - 66, of the Board of Supervisors, adopting the Sustainable Action Plan for Pima County Operations 2018-2025.

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

Chairman Elías amended his motion to include the formation of a citizens committee. He indicated that the Committee would be responsible for reviewing the Sustainable Action Plan after its first year of implementation.

Supervisor Bronson accepted the amended motion, and recommended that experts be appointed to the Committee.

Chuck Huckelberry, County Administrator, recommended that the Plan also be reviewed by existing County boards, commissions or committees, that associated with aspects of the Plan.

Chairman Elías requested that the County Administrator provide the Board with a list of relevant boards, commissions or committees and that the Board be notified when it was appropriate to make appointments to the new citizen's committee.

Supervisor Miller expressed concerns with the costs that would be incurred by the County and taxpayers in order to comply with the Plan. She pointed out that monetary savings were referred to in the Plan, but no documentation was provided to support that claim. Supervisor Miller asked how the onerous regulations could affect the local economy.

Supervisor Christy stated he would not support the Resolution because of its political agenda and because it allowed the Paris Climate Agreement to dictate climate issues in Pima County.

Mr. Huckelberry referenced his October 12, 2018 memorandum which detailed the benefits and savings that were measurable in terms of economics.

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

## **CLERK OF THE BOARD**

### **14. 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 Craig Bratton as Director of Division III of the Avra Valley Irrigation and Drainage District.

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

### **15. Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109, Arizona District Council of the Assemblies of God - Oasis Assembly of God has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2014, 2015, 2016 and 2017, for Tax Parcel No. 138-28-042F.

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

### **16. Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109, Iglesia Centro De Sanidad has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2014, 2015, 2016 and 2017, for Tax Parcel No. 303-10-332A.

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

Supervisor Miller stated she would not approve this petition based on the information received from the Assessor's Office, that the petition would have been denied for 2014 due to ownership.

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

### **17. Petition for Relief of Taxes**

Pursuant to A.R.S. §42-11109, Ministerio Cristiano Nueva Esperanza has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2015, 2016 and 2017, for Tax Parcel No. 303-47-1850.

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



18. **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 and seconded by Supervisor Miller to approve this item. The Chairman noted that taxes due for the first half of 2018 were not eligible for refund or abatement. Upon the vote, the motion unanimously carried 5-0.

**COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

19. The Board of Supervisors on October 2, 2018, continued the following:

**Contract**

Dorothy Kret and Associates, Inc., f.k.a. DK Advocates, Inc., Amendment No. 3, to provide for workforce development services and amend contractual language, no cost (CT-CS-19-113)

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

Supervisor Miller indicated that this item was continued to allow staff the opportunity to provide additional information. She stated that the information provided was not responsive to her inquiry regarding the vendor's failure to meet the defined outcomes of the contract.

Jan Leshner, Chief Deputy County Administrator, responded that a memorandum from the County Administrator was provided which included background information and reports for the current and previous fiscal years. She noted that the amendment was not a contract renewal, but change in the vendor's name only.

Supervisor Miller stated that due to the outstanding corrective actions needed, she would not approve this contract amendment.

Supervisor Bronson noted that there were no costs associated with this amendment.

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

## **DEVELOPMENT SERVICES**

### **20. Final Plat With Assurances**

P18FP00001, Star Valley Block 14, Lots 1-53 and Common Area 'A', 'B' and 'C'. (District 3)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve P18FP00001.

## **FINANCE AND RISK MANAGEMENT**

### **21. Quarterly Report on Collections**

Staff recommends acceptance of the Quarterly Report on Collections for the period ending June 30, 2018.

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**

### **22. The Board of Supervisors on October 2, 2018, continued the following:**

#### **Acceptance - Sheriff**

State of Arizona, Department of Public Safety, to provide for the Gang Intelligence Immigration Team Enforcement Mission Program, \$350,000.00/\$116,666.67 General Fund Match (GTAW 19-20)

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

Supervisor Bronson questioned what the County's General Fund match dollars were used for.

Edward Spinney, Lieutenant, Narcotics Special Investigations Unit, Pima County Sheriff's Department, responded that 75% of the grant provided for salaries, employee related expenses and overtime and the remaining 25% was the General Fund match.

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

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### **23. Telesis Preparatory Academy Refunding Project**

RESOLUTION NO. 2018 - 67, of the Board of Supervisors, for the purpose of satisfying Section 147(F) of the Internal Revenue Code of 1986, as amended, approving the issuance of the not to exceed \$8,000,000.00 Education Facility Refunding Revenue Bonds (Telesis Preparatory Academy Refunding Project, 2598 Starlite Lane and 2610 Palo Verde Boulevard South, Lake Havasu City, AZ), Series 2018A&B and declaring an emergency.

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

## **COUNTY ADMINISTRATOR**

### **24. Hearing - Collection of Constable Fees**

ORDINANCE NO. 2018 - 28, of the Board of Supervisors, amending Pima County Ordinance No. 2007-2, related to the establishment of an additional five dollar fee for every writ issued on behalf of a Justice of the Peace pursuant to A.R.S. §11-445(A)(17).

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

## **FRANCHISE/LICENSE/PERMIT**

### **25. Hearing - Liquor License**

Job No. 29409, Grey William Carpenter, Mt. Lemmon General Store & Gift Shop, 12856 N. Sabino Canyon, Mount Lemmon, Series 10, Beer and Wine Store, New License.

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

**26. Hearing - Liquor License**

09103604/Job No. 24574, Kim Kenneth Kwiatkowski, Circle K Store No. 2741650, 2088 W. Orange Grove Road, Tucson, Series 9, Liquor Store, New License.

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

**27. Hearing - Liquor License**

Job No. 30352, Jeffrey Craig Miller, Arroyo Gardens Independent & Assisted Living, 160 N. La Canada Drive, Green Valley, Series 12, Restaurant, New License.

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

**28. Hearing - Comprehensive Plan Amendment**

P18CA00002, LUMINEX, L.L.C. - E. OLD VAIL ROAD PLAN AMENDMENT

Request of Luminex, L.L.C., represented by the Planning Center, to amend the Pima County Comprehensive Plan from Medium Intensity Rural (MIR) to Medium Low Intensity Urban (MLIU) land use designation for approximately 24.16 acres located northeast of E. Old Vail Road and west of the S. Freeman Road alignment, in Section 6, T16S, R16E, in the Central Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Hook were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 4)

**Rezoning Policies:**

- Flood Control Resource Areas including Pima County Regulated Riparian Habitat and developer- mapped floodplain shall be avoided.
- Residential density on the amendment site shall be 4.5 residences per acre (RAC), maximum, with a reduction of residential density along the DMAFB Approach-Departure Corridor-3 (ADC-3); a 20-foot buffer shall be provided between ADC-3 and residential lots; and, Avigation Easements shall be recorded and disclosed to homebuyers for all residences constructed in the proposed subdivision.

John Muha addressed the Board regarding the hydro study for the property not being completed, flooding worsening, and an unrestricted wildcat road that had been cleared by the Regional Wastewater Reclamation Department.

Linda Morales, The Planning Center, stated that a hydrologist was commissioned and would be preparing a hydro study. She indicated that the wildcat road was a result of the installation of sewer lines that would serve the entire area and not only the proposed subdivision. She added that these concerns would be discussed and resolved during the site planning and rezoning processes.

Carmine DeBonis, Deputy County Administrator, explained that when wastewater lines are installed, maintaining access was necessary in order to allow for line repair and maintenance. He indicated that there were options available to control access and those issues, along with flooding concerns, could be resolved during the site planning and rezoning processes.

Chuck Huckelberry, County Administrator, indicated that the concerns involving the easement would be addressed and access would be restricted. He directed Mr. DeBonis to work with Mr. Muha on these matters.

It was moved by Supervisor Christy and seconded by Supervisor Miller to close the public hearing and approve P18CA00002, subject to rezoning policies. Upon roll call vote, the motion unanimously carried 5-0.

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

### P18CA00003, HARBOUR TRUST, ET AL. - N. LA CHOLLA BOULEVARD PLAN AMENDMENT

Request of Harbour Trust, Robert G. and Michelle K. Harbour Trust, Buck Family Revocable Trust and Linn Harbour, represented by Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) land use designation for approximately 22.5 acres located at the northwest corner of the intersection of N. La Cholla Boulevard and W. Overton Road, in Section 21, T12S, R13E, in the Tortolita Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Hook were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

#### Rezoning Policies:

- Post development Flood Control Resource Areas to be avoided, including developer mapped floodplains, shall be identified at the time of Rezoning.
- Developer mapped floodplains shall include habitat enhancements.

Jim Portner, Projects International, Inc., explained that the original Comprehensive Plan Amendment request from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) land use was modified and amended from Low Intensity Urban 0.3 (LIU 0.3) to Medium Low Intensity Urban (MLIU) land use designation due to neighbor concerns. He indicated there were two separate comprehensive plan applications on the agenda that were interrelated but had different property owners. He stated that the two applications would be processed for rezoning as one comprehensive application for a single-family residential subdivision. He added that

this was in line with Pima County's Prosper policies that concentrated on density in established transportation corridors. He explained that he had originally recommended Medium Intensity Urban (MIU) in order to match the surrounding district. He added that after conversations with staff, the commission and public testimony, the designation was amended to Medium Low Intensity Urban (MLIU) designation.

William Wilkening addressed the Board regarding the original MIU designation and reiterated that the MLIU amendment addressed neighborhood concerns. He expressed concern with the property being located in a Federal Emergency Management Agency designated flood zone and that the flooding that originates from the hills north of the property could affect the neighborhood. He stated that the neighbors were also concerned with sand and silt brought down from the flooding, clogging and overwhelming the drainage system installed on the property causing water to flow into the new development and surrounding properties.

Mr. Portner responded that the proposed construction, along with a planned roadway project, addressed flooding concerns. He added that culverts and capture structures would be installed and would eliminate the flood zone designation.

Chris Poirier, Deputy Director, Development Services, stated that the Flood Control District had indicated that the flood control areas would be avoided and would remain in a natural state.

John Lakey informed the Board that neighbors bordering the development were in opposition of the amendment.

Mr. Portner assured the Board that he was committed to working with the neighbors and their concerns in a civil and respectful manner.

Chairman Elías asked Mr. Portner to diligently address the neighbors' concerns and keep them apprised of accommodations if the amendment passed and proceeded to the next stage.

Supervisor Miller questioned whether the plan was for a residential area or if any commercial areas were intended.

Mr. Portner confirmed that the plan was for single family detached residential only.

It was moved by Supervisor Miller and seconded by Supervisor Christy to close the public hearing and approve P18CA00003, to amend the Pima County Comprehensive Plan from Low Intensity Urban (LIU) to Medium Low Intensity Urban (MLIU), subject to rezoning policies. Upon roll call vote, the motion unanimously carried 5-0.

30. **Hearing - Comprehensive Plan Amendment**

P18CA00004, QUEST LAND GROUP, L.L.C., ET AL., NORTHWEST BIBLE CHURCH - N. LA CHOLLA BOULEVARD PLAN AMENDMENT

Request of Quest Land Group, L.L.C., et al., and Northwest Bible Church represented by Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Low Intensity Urban 1.2 (LIU 1.2) land use designation for approximately 29.5 acres located on the west side of N. La Cholla Boulevard and 1,400 feet north of W. Overton, in Section 21, T12S, R13E, in the Tortolita Planning Area. On motion, the Planning and Zoning Commission voted 7-1 (Commissioner Cook voted Nay; Commissioners Gungle and Hook were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Rezoning Policy:

- Post development Flood Control Resource Areas to be avoided, including developer mapped floodplains and Pima County Regulated Riparian Habitat, shall be identified at the time of Rezoning.

Jim Portner, Projects International, Inc., explained that P18CA00004 and the previous item, P18CA00003, were related and planned as an integrated subdivision. He indicated that two thirds of the property would remain untouched as a contribution to the Conservation Lands System.

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 P18CA00004, subject to rezoning policies.

31. **Hearing - Comprehensive Plan Amendment**

P18CA00006, DYNACARE PROPERTIES, L.L.C. - W. DESERT HARBOR CIRCLE PLAN AMENDMENT

Request of Dynacare Properties, L.L.C., represented by ISL Development and Construction, L.L.C., to amend the Pima County Comprehensive Plan land use designation from Low Intensity Urban 1.2 (LIU 1.2) to Medium Intensity Urban (MIU) for approximately 17.76 acres located 350 feet west of the intersection of N. La Cañada Drive and W. Desert Harbor Circle, in Section 3, T13S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Hook were absent) to recommend APPROVAL SUBJECT TO REZONING POLICIES. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

The Chairman 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 P18CA00006, subject to rezoning policies.

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

**P18TA00004, FOOD ACCESS NO. 2 - NEIGHBORHOOD MARKET IN RH RURAL HOMESTEAD AND GR-1 RURAL RESIDENTIAL ZONES ZONING CODE TEXT AMENDMENT**

Proposal to amend by ordinance the Pima County Zoning Code Chapter 18.03 (General Definitions), Section 18.03.020 (Definitions), to provide a definition for a neighborhood market; and Chapter 18.13 (RH Rural Homestead Zone), Section 18.13.030 (Conditional Uses) and Chapter 18.14 (GR-1 Rural Residential Zone), Section 18.14.030 (Conditional Uses), to provide conditional use permit standards for the neighborhood market to increase access to fresh food in rural areas. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Gungle and Hook were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2018 - 29

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

**33. Hearing - Code Text Amendment**

**P18TA00006, BUILDING AND CONSTRUCTION CODE UPDATES**

An Ordinance of the Board of Supervisors Pima County, Arizona; relating to building and construction; adopting by reference the 2018 International Building Code with local amendments; adopting by reference the 2018 International Residential Code with local amendments; adopting by reference the 2017 National Electrical Code with local amendments; adopting by reference the 2018 International Mechanical Code with local amendments; adopting by reference the 2018 International Plumbing Code with local amendments; adopting by reference the 2018 International Fuel Gas Code with local amendments; adopting by reference the 2018 International Energy Conservation Code with local amendments; adopting by reference the 2018 International Property Maintenance Code with local amendments; adopting by reference the 2018 International Wildland-Urban Interface Code with local amendments (applicable only to areas designated rural forest village under the Pima County Comprehensive Plan and areas encircled thereby); adopting by reference the 2018 International Existing Building Code with local amendments; adopting by reference the 2018 International Swimming Pool and Spa Code with local amendments; and amending Chapters 15.04, 15.08, 15.14, 15.16, 15.18 and 15.20 of the Pima County Building Code to reflect the codes adopted by reference by this ordinance. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Gungle, Hook and Matter were absent) to recommend APPROVAL. Staff recommends APPROVAL. (All Districts)

If approved, pass and adopt: ORDINANCE NO. 2018 - 30



Daniel Ice, Chief Building Official, Development Services, explained that the Joint Pima County/City of Tucson Building Code Committee/Board of Appeals held public meetings to gain building code uniformity across jurisdictions, regionally and nationally. He stated that the Building Code Committee and the Planning and Zoning Commission unanimously recommended the amended package that met the required building safety and efficiency standards.

Supervisor Bronson questioned how the proposed amendment package compared to the City's proposal.

Mr. Ice responded that the two codes differed in administrative processes.

Chairman Elías inquired about International Building and Construction Code Updates, Appendix T, Solar-Ready Provisions – Detached One- and Two-Family Dwellings and Townhouses.

Mr. Ice stated that based on the recommendations of the Building Code Committee and the Planning and Zoning Commission, Appendix T was not included in the County's proposed amendment package, but was adopted by the City of Tucson.

Shawn Cote, Southern Arizona Home Builders Association, addressed the Board and stated that this was the first code cycle that did not significantly increase costs. He also stated that Appendix T might not have been the solar facilitator it was thought it to be.

Chairman Elías asked Mr. Cote if he would work with Pima County, as he did with the City of Tucson, to amend Appendix T so there were no cost increases.

Mr. Cote agreed to work with the County.

Bruce Plenk read a statement from Robert Bulechek, member of the Tucson Commission on Climate, Energy and Sustainability, supporting adoption of the International Building and Construction Code Updates and Appendix T.

Bruce Plenk stated that adopting the codes and Appendix T were important and it encouraged the community to increase conservation and solar energy usage. He urged the Board to go further by requiring that new homes be equipped with energy and water savings measures.

It was moved by Chairman Elías and seconded by Supervisor Bronson to close the public hearing, adopt the Ordinance and direct staff to conduct the processes necessary to bring Appendix T of the 2018 International Conservation Code before the Board for consideration. Upon roll call vote, the motion unanimously carried 5-0.

## **TRANSPORTATION**

### **34. Hearing - Traffic Resolution**

RESOLUTION NO. 2018 - 68, of the Board of Supervisors, permitting the temporary closure of portions of La Cañada Drive and Esperanza Boulevard in Pima County, Arizona, for the Country Fair White Elephant Parade on Saturday, October 27, 2018. Staff recommends APPROVAL. (District 4)

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

### **35. Hearing - Traffic Resolution**

RESOLUTION NO. 2018 - 69, of the Board of Supervisors, permitting the temporary closure of portions of Sabino Canyon Park, General Hitchcock Highway, Catalina Highway, Melpomene Way, Snyder Road and portions of the adjacent minor streets and driveways within the extent of the event for the Revel Mount Lemmon Marathon and Half Event on Saturday, November 3, 2018. Staff recommends APPROVAL. (District 4)

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

### **36. Hearing - Traffic Resolution**

RESOLUTION NO. 2018 - 70, of the Board of Supervisors, permitting the temporary closure of portions of Kinney Road and Mile Wide Road in Pima County, Arizona, for the Veterans Day Half Marathon and 5K Event on Sunday, November 11, 2018. Staff recommends APPROVAL. (Districts 3 and 5)

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

## **COUNTY ADMINISTRATOR**

### **37. Pima Animal Care Center Naming Campaign**

Staff recommends approval of the following donations and naming agreements:

- Jan Leshner/\$5,000.00
- Gail Spahr and Don Sheldon/\$7,000.00
- Ann and Henry Slagter/\$10,672.00
- Donna Vining/\$25,000.00
- Gail B. Smith, MD and Leonard H. Cohen, MD/\$100,000.00
- Bonnie Kay/\$120,550.00
- Susan S. and Michael J. Cavender on behalf of the John M. Simpson Foundation/\$165,000.00
- Marion C. Weber/\$250,000.00
- Neill and Nita Freeman/\$1,000,000.00

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

## **DEVELOPMENT SERVICES**

### **38. Amendment to Star Valley Settlement Agreement and Development Agreement**

Staff recommends approval of the first amendment to the Star Valley Settlement Agreement and Development Agreement.

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

## **SUPERIOR COURT**

### **39. Judge Pro Tempore Appointment**

Appointment of Kimberly Ortiz as Judge Pro Tempore of the Pima County Superior Court from November 13, 2018 through June 30, 2019.

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**

### **FACILITIES MANAGEMENT**

40. Banner-University Medical Center South Campus, L.L.C., Amendment No. 14, to provide a sublease to BHSM Rehabilitation, L.L.C., for premises located in a portion of the Sports Therapy building located on the Hospital Premises, no cost/5 year term (CT-FM-12-2152)

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

### **PROCUREMENT**

41. Line and Space, L.L.C., Amendment No. 1, to provide for architectural and engineering design services: Flowing Wells Branch Library Addition (XFWBLB) and amend scope of work, FM-Capital Projects Non-Bond Fund, contract amount \$17,057.90 (CT-FM-16-344) Facilities Management

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**

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

United States Department of Labor/Employment and Training Administration, Amendment No. 3, to provide for the Reintegration of Ex-Offenders - Non-Youth LEAP-II Project and extend grant term to 6/30/19, no cost (GTAM 19-14)

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

43. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety DUI/Impaired Driving Enforcement Program, \$80,000.00 (GTAW 19-28)

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

44. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety Occupant Protection Enforcement, Training and Education Project, \$23,300.00 (GTAW 19-29)

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

45. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety Pedestrian and Bicycle Safety Enforcement, Training and Education Project, \$20,000.00 (GTAW 19-30)

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

46. **Acceptance - Sheriff**

Governor's Office of Highway Safety, to provide for the Governor's Office of Highway Safety STEP Enforcement, Related Materials and Supplies Project, \$28,000.00 (GTAW 19-31)

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

47. **Acceptance - Health**

Centers for Disease Control and Prevention, to provide for the REACH Pima Partnership Project, \$762,865.00 (GTAW 19-33)

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

**BOARD, COMMISSION AND/OR COMMITTEE**

48. **Community Law Enforcement Partnership Commission**

Appointment of Tiera Rainey. Term expiration: 12/31/20. (District 3)

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

49. **Parks and Recreation Commission**

Appointment of Carol Kovalik, to replace Kimberly Marohn. Term expiration: 6/30/24. (District 1)

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

**CONSENT CALENDAR**

50. **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 moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to approve the remainder of the Consent Calendar.

\* \* \*

**PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

**CONTRACT AND AWARD**

**Public Works Administration**

4. Bannerworks, Inc., d.b.a. Koryn Rolstad Studios, to provide artist services for Bike Barometer: Project 1, RWRD Obligation Fund, contract amount \$130,000.00/2 year term (CT-PW-19-181)

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

Supervisor Miller inquired why the Regional Wastewater Reclamation Department was funding a public art project.

Chuck Huckelberry, County Administrator, responded that all Public Works departments were required to provide a one percent allocation for public art on new facility construction projects. He indicated that this project fulfilled Regional Wastewater Reclamation Department's public art requirement and also provided a useful data collection tool.

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

\* \* \*

## **CONTRACT AND AWARD**

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

1. Compass Affordable Housing, Inc., Amendment No. 2, to provide for the Arizona Department of Housing - Pima County Links Rapid Rehousing Program, amend contractual language and scope of work, no cost (CT-CS-17-404)

### **Procurement**

2. **Award**  
Award: Master Agreement No. MA-PO-19-14, Univar USA, Inc., (Headquarters: Downers Grove, IL), to provide for liquid sodium bisulfite 40%. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$498,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.
3. **Award**  
Award: Purchase Order No. PO-PO-19-22, Freightliner of Arizona, L.L.C. (Headquarters: Tolleson, AZ), for four (4) 5-yard dump trucks. This contract is for a one-time award in the not-to-exceed amount of \$416,247.28. Funding Source: Fleet Services Operations Fund. Administering Department: Fleet Services.

### **Public Works Administration**

4. Bannerworks, Inc., d.b.a. Koryn Rolstad Studios, (PULLED FOR SEPARATE ACTION)

### **Real Property**

5. Starr Ridge Homeowner's Association, Inc., to provide for an exchange agreement for the Pr-0038: Starr Ridge/Sarasota Land Exchange Project, Northwest Region Parks Fund, contract amount \$12,100.00, including buyer's maximum closing costs (CT-PW-19-178)
6. Town of Marana, Pima County Regional Flood Control District and Pima County, to provide for the shared use and development of existing and future trail and trailhead improvements on County and Flood Control District properties, no cost/20 year term (CTN-PW-19-46)

## **GRANT APPLICATION/ACCEPTANCE**

7. **Acceptance - Health**  
Arizona Department of Health Services, Amendment No. 1, to provide for the Ryan White Part B HIV Care and Services Project, \$30,006.02 (GTAM 19-10)
8. **Acceptance - Health**  
Arizona Department of Health Services, Amendment No. 4, to provide for sexually transmitted disease services, \$7,199.00 (GTAM 19-11)
9. **Acceptance - Office of Emergency Management**  
Arizona Department of Homeland Security, to provide for the FFY 2018 South Regional Training and Exercise Enhancement Program, \$190,036.00 (GTAW 19-27)
10. **Acceptance - County Administration/Criminal Justice Reform Unit**  
RESOLUTION NO. 2018 - 71, of the Board of Supervisors, accepting grant funds awarded by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and authorizing the Chairman of the Board of Supervisors to execute agreements. This grant request will be for \$1,475,316.00. (GTAW 19-25)

## **BOARD OF SUPERVISORS**

11. **Meeting Schedule**  
Approval of the Board of Supervisors' Meeting Schedule for the period January through May, 2019.

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

12. **Metropolitan Education Commission**
  - Appointment of Melanie Donaldson, representing Teachers, Grades 5-9 (AZ Education Association), to replace Jessica Kull. Term expiration: 8/5/19. (Commission recommendation)
  - Appointment of Daniela Gallagher, representing Commerce, Business or Industry (Sun Corridor, Inc.), to fill a vacancy created by George Vance. Term expiration: 9/18/21. (Commission recommendation)
  - Reappointment of Rafael Meza, representing Regionally Accredited Private Institution (MEC). Term expiration: 8/7/21. (Commission recommendation)
13. **Community Law Enforcement Partnership Commission**
  - Appointment of Terry Parish. Term expiration: 12/31/20. (District 4)
  - Appointment of Isabel Garcia. Term expiration: 12/31/20. (District 5)



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

**14. Special Event**

- Mario Jesus Rodriguez, Promesa, Our Lady of Fatima Catholic Church Hall, 1950 W. Irvington Place, Tucson, October 13, 2018.
- Scott Arthur Anderson, American Legion Madera Post 131, 249 W. Esperanza Boulevard, Green Valley, October 26 and 27, 2018.
- Roger Dale Rainbolt, St. Philips in the Hills Episcopal Church, St. Philips in the Hills - Murphy Gallery, 4440 N. Campbell Avenue, Tucson, October 28, 2018.
- Roger Dale Rainbolt, St. Philips in the Hills Episcopal Church, St. Philips in the Hills - Children's Courtyard, 4440 N. Campbell Avenue, Tucson, November 16, 2018.
- Scott Jason Tilley, Therapeutic Ranch for Animals and Kids (TRAK), 3250 E. Allen Road, Tucson, November 10, 2018.
- Matthew James Nelson, Arizona Trail Association, La Posta Quemada, Colossal Cave Mountain Park, 16721 E. Old Spanish Trail, Vail, November 10, 2018.

**ELECTIONS**

**15. Precinct Committeemen**

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

APPOINTMENT-PRECINCT-PARTY

Donald J. Osborne-009-REP; John F. Van De Beuken-012-REP; Shirley M. Harvey-048-REP; Shuron T. Harvey-048-REP; Frederick Harvey-048-REP; Stephen A. Marten-125-REP; George S. Kundert-129-REP; Melissa F. Grable-174-REP; Charles M. Hicks-182-REP; Edwin L. Biggers-211-REP; Marc S. Toth-211-REP

**FINANCE AND RISK MANAGEMENT**

**16. Duplicate Warrants - For Ratification**

Barbara A. Escobar \$184.50; Barbara A. Escobar \$89.50; Jennifer Rochelle \$532.25; Kathryn Kellner \$1,950.00; Arizona Asset Partners L.P. \$405.00; Mark Dinniman \$168.00.

**RECORDER**

17. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the month of August, 2018.

**RATIFY AND/OR APPROVE**

18. Minutes: September 18, 2018

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51. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:38 p.m.

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CHAIRMAN

ATTEST:

\_\_\_\_\_  
CLERK