

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, February 19, 2019. 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. 2019 Program for Public Information

RESOLUTION NO. 2019 - FC1, of the Flood Control District Board of Directors, approving a program for public information as part of the National Flood Insurance Program's Community Rating System. (All Districts)

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

2. Master Restrictive Covenants

Arizona Land and Water Trust, Inc., Pima County and Pima County Regional Flood Control District, Amendment No. 1, to provide three Master Restrictive Covenants to protect open space lands under the Section 10 Permit. (All Districts)

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

3. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:48 a.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS MEETING MINUTES

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Andrew Flagg, Chief Civil Deputy County Attorney
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1. INVOCATION

The invocation was given by Pastor Brent Kreuzer, Unleashed Christian 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

4. Presentation honoring Community Development and Neighborhood Conservation Director Margaret Kish for her 15 years of outstanding service to Pima County. (District 3)

All members of the Board made the presentation and thanked Margaret Kish for her service to Pima County.

5. CALL TO THE PUBLIC

Bill Staples, Pima County Assessor, addressed the Board regarding the 2020 valuation, and truth and taxation notices.

Brianna Hamilton addressed the Board regarding their legacy and their focus on the needs of the communities.

Roger Score spoke to the Board regarding open borders.

Geri Ottoboni addressed the Board regarding comments made by Community Law Enforcement Partnership Commission (CLEPC) member Isabel Garcia regarding the ethnic backgrounds of individuals.

Eduardo Sainz, State Director, Mi Familia Vota, addressed the Board regarding the Mi Familia Vota organization's purpose and thanked them for considering the Register People to Vote Resolution.

Steve Diamond spoke to the Board regarding political theatrics and the democratic process.

Kristen Randall addressed the Board regarding the importance of the CLEPC's membership and asked the Supervisors to reconsider their intention to remove their appointments from the CLEPC.

Janni Simner addressed the Board regarding her opposition to dissolving CLEPC, the unchecked powers of the Sheriff and the democratic process.

Ryan Kelly addressed the Board regarding Pima County's Preschool Investment Program and its benefits to the community, accepting a grant that would defend undocumented residents, and the controversy surrounding the CLEPC.

Robert Reus spoke to the Board regarding disrespect for the law and establishing order in Mexico.

Martha Michaels addressed the Board regarding neglected neighborhood roads and asked that funding be allocated for those repairs.

BOARD OF SUPERVISORS

6. Responding to Criticism During Call to the Public

Proposing release to the public of a Confidential Memorandum of January 31, 2019 (sic), from Andrew Flagg, Chief Civil Deputy County Attorney, to the Honorable Chairman and Members, Pima County Board of Supervisors, Re: "Responding to criticism during call to the public." (District 5)

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

Chairman Elías asked that the County Attorney clarify the memorandum.

Andrew Flagg, Chief Civil County Attorney, explained that Call to the Public was subject to statutory restrictions. He indicated that the first questions dealt with the Boards' ability to respond to criticism made during Call to the Public. He stated that the statute required that any Board member wishing to respond to criticism leveled during Call to the Public should wait until the conclusion of Call to the Public and

should not respond immediately after the criticism had be leveled. He stated that the second question dealt with responses and what constituted a response. He explained that responses should be along the same line as the subject matter of the criticism. He explained that the Board should avoid the possibility of a quorum of members discussing a subject that was not on the agenda as that would constitute a violation of the open meeting laws. He further stated that Board members should only respond to criticism leveled specifically at that Board member and that any criticism leveled at the County or the Board as a whole, should be addressed by the Chairman.

CLERK OF THE BOARD

7. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109, Catalina Baptist Association has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2016 and 2017, for Tax Parcel No. 116-13-214A.

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

8. Sonora Rental Housing Project

Staff recommends approval of the amended Performance Deed of Trust for the Sonora Rental Housing Project located at 1408 W. Sonora Street, Tucson, Arizona. (District 5)

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 regarding vacant housing units within various different housing projects and inquired whether there were populations that would be utilizing all of the housing units.

Chairman Elías responded that there were a number of affordable housing projects with vacancies but they also had a vast majority of those units rented. He indicated that the Marist and TMM projects served specific population, such as seniors, disabled, and veteran residents, that had very different needs. He explained that increasing the population pool would address the difficulty of housing people, especially homeless women. He added that the site was not permanent housing but was used as a bridge for a more permanent solution.

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

DEVELOPMENT SERVICES

9. Final Plat With Assurances

P18FP00023, Paseo at Linda Vista, Lots 1-94 and Common Areas "A" and "B". (District 1)

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

FLEET SERVICES

10. Annual Vehicle Exemptions

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2019.

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

Supervisor Miller stated that she objected to exempting County vehicles that were not used for investigations, law enforcement or social service programs.

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

INDUSTRIAL DEVELOPMENT AUTHORITY

11. Greenview Apartments Project

RESOLUTION NO. 2019 - 10 of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not-to-exceed \$20,000,000.00 Multifamily Housing Revenue Notes, (Greenview Apartments, 1601-1635 W. El Rio Drive, Tucson, Arizona) Series 2019 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.

PROCUREMENT

12. The Board of Supervisors on January 22, 2019, continued the following:

Award

Award: Master Agreement No. MA-PO-19-105, The Lincoln National Life Insurance Company, d.b.a. Lincoln Financial Group (Headquarters: Fort Wayne, IN), to provide for short-term disability insurance. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$1,700,000.00 (including sales tax) and includes four (4) one-year renewal options. Additionally, the Board of

Supervisors authorizes the Procurement Director to execute the contract, contingent upon the Human Resources Director's acceptance of the policy. Funding Source: Pima County Health Care Benefits Trust Fund. Administering Department: Human Resources.

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

Chairman Elías inquired whether this item had been reviewed by Union representatives as part of the Meet and Confer process.

Cathy Bohland, Director, Human Resources, responded that she had sent notification and that the Meet and Confer expressed interest in discussing the Catastrophic Leave Bank (CAT Bank), but they were not interested in discussing the short-term disability benefit.

Chairman Elías indicated that the two items were related and that he was not comfortable approving an item without the Union's input. He stated that individuals previously protected by the CAT Bank were being excluded and they had no other coverage.

Supervisor Valadez agreed that this item should be discussed by the Meet and Confer before moving forward.

A substitute motion was made by Supervisor Valadez and seconded by Chairman Elías to table the item, up to 90 days, until a review had been conducted by Meet and Confer. No vote was taken at this time.

Supervisor Bronson inquired whether tabling this item would create any problems.

Tom Burke, Deputy County Administrator, responded that without an existing contract the benefit would not be offered until approved by the Board.

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

DEVELOPMENT SERVICES

13. Hearing - Rezoning Time Extension

Co9-07-27, NOSECK/DAVIS - CAMINO DOROTEA REZONING

Request of Lawyers Title of Arizona TR 18211-T, et al., for a five-year time extension for the above-referenced rezoning from RH (BZ) (Rural Homestead) (Buffer Overlay Zone) to SR-2 (BZ) (Suburban Ranch Estate) (Buffer Overlay Zone) (12.6 acres) and RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) (38.46 acres). The subject site was rezoned in 2008. The site is located on the north side of Camino Dorotea alignment and at the southern terminus of the Coyote Creek Trail Easement, approximately 1,300 feet east of Camino Loma Alta. Staff

recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 4)

If the decision is made to approve the time extension, the following standard and special conditions should be considered:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department, Document Services.~~
61. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
72. Transportation conditions:
The property owner(s)/developer(s) shall include the reconfiguration of lot(s) and access through the adjoining subdivision as part of the subdivision for this rezoning and the access shall be common area.
83. Flood Control conditions:
 - A. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.
 - B. Building envelopes shall avoid floodplains, erosion hazard setbacks, and riparian habitat shall be shown on the plat for all lots containing floodplains, erosion hazard setbacks, and riparian habitat. Covenants running with the land restricting development outside building envelopes shall also be provided.
 - C. A drainage report shall be submitted during the platting process for Flood Control District to determine 100-year water surface elevations for all lots and to analyze detention /retention requirements.
 - D. The property owner(s)/developer(s) shall comply with detention/retention conditions and restrictions, or provide an in-lieu fee, as stated in the Floodplain Management Ordinance since the property lies within a balanced basin.
 - E. The property owner(s)/developer(s) shall provide necessary on-site and off-site drainage improvements at no cost to Pima County and as required by the Pima County Regional Flood Control District.
 - F. All-weather access shall be provided to all lots to meet concurrency requirements.
 - G. A riparian mitigation plan shall be required for development in designated riparian areas.
 - H. At the time of development the applicant will be required to commit to water conservation measures identified in the Site Analysis Requirements in effect at that time sufficient to obtain 15 points.
94. Wastewater Reclamation condition:
The owner(s)/developer(s) shall secure approval from the Pima County Department of Environmental Quality to use on-site wastewater treatment facilities within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.
105. Environmental Quality conditions:
 - A. All proposed residential lots shall have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of-way or easements shall be suitable to absorb effluent; and all other design requirements must be satisfied.
 - B. At time of Tentative Plat review the applicant shall demonstrate that the lots, as proposed, can accommodate a home site, a primary and reserve on-site wastewater disposal area, while meeting all required setbacks. The size of the primary and reserve areas shall be determined by on-site soil evaluations and/or percolation

- testing and shall be designed to accommodate a hypothetical four (4) bedroom home, unless the applicant requests limiting the size of the proposed new residence.
- C. At time of Tentative Plat review percolation tests and boring logs shall be conducted to accurately depict soil conditions as follows: There shall be a minimum of one percolation test and one ten-foot boring log per acre, or one percolation test and one boring log per lot for lots larger than one acre.
- ~~446.~~ Cultural Resources conditions:
- A. Prior to ground modifying activities, an on-the-ground archaeological and historic resources survey shall be conducted on the subject property, and submitted to Pima County for review.
- B. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property shall be submitted to Pima County at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- C. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- ~~427.~~ Natural Resources, Parks and Recreation condition:
The property owner(s)/developer(s) shall provide a 25-foot "Public Non-Motorized Trail Easement" as shown on the Preliminary Development Plan.
- ~~43.8.~~ Environmental Planning conditions:
- A. The owner(s)/developer(s) shall attain compliance with the CLS by setting aside a minimum of eighty (80) percent of the rezoning site as natural open space.
- B. The potential building areas and grading limits on each lot, as shown on the preliminary development plan shall be recorded on the subdivision plat.
- C. All areas graded for septic systems shall be re-vegetated with shallow-rooted native Sonoran desert vegetation (e.g., cacti, sub-shrubs, ground covers) at the completion of installation.
- D. With the exception for road crossings, all grading shall avoid washes, riparian areas and areas with slopes of 15 percent or greater.
- E. The following shall be incorporated into Private Subdivision Covenants, Conditions and Restrictions (CC&Rs) that govern Homeowners' Associations (HOAs) and the actions of private property owner(s) within the Subdivision:
1. Maintenance of Common Area by Association: the HOA shall be responsible for the removal of invasive non-native plant species from Common Areas, including but not limited to those listed below.
 2. Maintenance of Lots by Owner(s): obligations of Owner(s) shall include keeping private lots free of invasive non-native plant species including but not limited to those listed below:
- | | |
|------------------------|---|
| Ailanthus altissima | Tree of Heaven |
| Alhagi pseudalhagi | Camelthorn |
| Arundo donax | Giant reed |
| Brassica tournefortii | Sahara mustard |
| Bromus rubens | Red brome |
| Bromus tectorum | Cheatgrass |
| Centaurea melitensis | Malta starthistle |
| Centaurea solstitialis | Yellow starthistle |
| Cortaderia spp. | Pampas grass |
| Cynodon dactylon | Bermuda grass (excluding sod hybrid) |
| Digitaria spp. | Crabgrass |
| Elaeagnus angustifolia | Russian olive |
| Eragrostis spp. | Lovegrass (excluding E. intermedia, plains lovegrass) |
| Melinis repens | Natal grass |
| Mesembryanthemum spp. | Iceplant |
| Peganum harmala | African rue |

Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac
Salsola spp.	Russian thistle
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

449. In the event the subject property is annexed, the property owner(s)/developer(s) 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.
4510. The property owner(s) shall execute ~~and record~~ 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(f).
46. ~~The owner(s)/developer(s) shall execute and record a document acceptable to the Pima County Community Development and Neighborhood Conservation Department indicating that the owner(s)/developer(s) shall contribute to the affordable housing trust fund as adopted by the Pima County Board of Supervisors on December 13, 2005, before a certificate of compliance is issued.~~
4711. Adherence to the preliminary development plan as approved at public hearing (EXHIBIT B).

Supervisor Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-07-27, subject to standard and special conditions.

14. **Hearing - Concurrent Plan Amendment and Rezoning**

P18CR00001, BOB CAMINO PRINCIPAL, L.L.C. - W. RIVER ROAD CONCURRENT PLAN AMENDMENT AND REZONING

Request of Bob Camino Principal L.L.C., represented by Bob Zhang, for a concurrent plan amendment and rezoning to amend the Pima County Plan from Low Intensity Urban 1.2 (LIU 1.2) to Medium Low Intensity Urban (MLIU) and to rezone from SH (Suburban Homestead) to CR-3 (Single Residence) zone on approximately 1.28 acres. The property is located on the north side of W. River Road, approximately 1,300 feet west of the intersection of W. River Road and N. Oracle Road in Section 14, T13S, R13E, in the Catalina Foothills Planning Area. 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 condition: Prior to building permit approval for any of the proposed lots, a 1-

foot no access easement shall be recorded along the southern property line of the southernmost lot that is adjacent to Pima County right-of-way. This 1-foot no access easement shall exclude the portion of the southern property line that contains the access easement/driveway.

3. Regional Wastewater Reclamation Department 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. 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.
- E. 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.

4. Environmental Planning conditions:

Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. 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. 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/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. 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 sketch plan as approved at public hearing with a maximum of four lots.

7. 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.

8. 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)."
9. The height is limited to one story.

Paul Peck inquired whether the conditions previously agreed upon by the Planning and Zoning Commission were still applicable.

Chris Poirier, Deputy Director, Development Services, confirmed that the same conditions would be applied and they included the condition of limiting the building to one story.

Supervisor Bronson inquired whether anyone else 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 approve P18CR00001, subject to standard and special conditions.

TRANSPORTATION

15. Hearing - Traffic Resolution

RESOLUTION NO. 2019 - 11 of the Board of Supervisors, permitting the temporary closure of portions of McCain Loop in Pima County, Arizona, for the Tucson Bicycle Classic Event on Friday, March 1, 2019. Staff recommends APPROVAL. (District 3)

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 and adopt the Resolution.

16. Hearing - Traffic Resolution

RESOLUTION NO. 2019 - 12 of the Board of Supervisors, permitting the temporary closure of portions of Continental Road, Duval Mine Road, Helmet Peak Road and Mission Road in Pima County, Arizona, for the Tucson Bicycle Classic Event on Saturday, March 2, 2019. Staff recommends APPROVAL. (Districts 3 and 4)

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 and adopt the Resolution.

17. Hearing - Traffic Resolution

RESOLUTION NO. 2019 - 13, of the Board of Supervisors, permitting the temporary closure of portions of Anklam Road from Daystar Mountain Drive to Speedway Boulevard and Speedway Boulevard from Anklam Road to Painted Hills Road in Pima County, Arizona, for the Tucson Bicycle Classic Event on Sunday, March 3, 2019. Staff recommends APPROVAL. (District 5)

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 and adopt the Resolution.

18. Hearing - Traffic Resolution

RESOLUTION NO. 2019 - 14, of the Board of Supervisors, permitting the temporary closure of portions of La Cañada Drive from Calle Concordia to Rancho Feliz Drive and portions of Calle Concordia from La Cañada Drive to Calle Loma Linda in Pima County, Arizona, for the Oro Valley Sprint Tri and Du Festival on Saturday, March 23, 2019. Staff recommends APPROVAL. (District 1)

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 and adopt the Resolution.

BOARD OF SUPERVISORS

19. Register People to Vote

RESOLUTION NO. 2019 - 15, of the Board of Supervisors, authorizing Mi Familia Vota and other not-for-profit civic-engagement organizations to register people to vote, and to update existing voter registration information, inside and around Pima County facilities. (District 5)

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

Supervisor Miller inquired whether this allowed for any individual(s) to register voters on County properties.

Chairman Elías responded that it allowed for specific, not-for-profit, civic engagement organizations to register voters.

Supervisor Miller inquired why organizations were being allowed to register voters but individuals were not being allowed. She added that neither were allowed to ask for party affiliation and expressed concern over that uncertainty.

Chairman Elías responded that it allowed the County to have a certain amount of assurance that the agencies were from nonpartisan organizations. He stated that the agencies were recognized by the Internal Revenue Service as non-profit organizations that provided charitable services. He added that they were guided, governed and held accountable to that principle.

Supervisor Miller inquired whether individual parties were allowed to register voters.

Chairman Elías responded that they were not allowed.

Supervisor Miller indicated that she would not support the Resolution because of specific requirements needed to register voters and she felt these requirements would not be upheld.

Supervisor Christy indicated that he shared Supervisor Miller's concerns and felt that this Resolution was not the best use of County resources or in the best interest of the County. He added that he would not be supporting the Resolution.

Chairman Elías indicated that each of the facilities mentioned, allowed voter registration and that the County was not deviating from that. He also stated that the Resolution allowed these activities to occur and did not require scheduling, or significant staff time.

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

COUNTY ADMINISTRATOR

20. Project Status Update Regarding the Historic Pima County Courthouse and Final Project Contracts

Staff recommends the following:

1. Make a finding that, because of the unavoidable and unexpected delays, and the necessity of completing the project in order to meet County contractual obligations, the competitive process proposed by staff is what is practicable under the circumstances. Using any alternative process would delay the project by 30 to 180 days. Since such a delay is not desirable, it is impractical, unnecessary and contrary to the public interest to comply with normal Title 34 procurement procedures. If required to comply, the County expects responses from the same contractors we are contemplating using in the abbreviated process.
2. Authorize the Procurement Director to proceed with a limited competition Solicitation for Qualifications procurement process to select a Construction-Manager-at-Risk contractor to complete this final phase of construction.
3. Authorize the Procurement Director to execute the resulting Construction-Manager-at-Risk contract and all modifications, including Guaranteed Maximum Price packages, provided that the not-to-exceed

amount of the contract does not exceed \$5.9 million and that the contract expiration date does not exceed May 31, 2020, which allows for all contract close-out activities and final submittals.

4. Authorize the Procurement Director to execute an amendment to the Kittle contract, decreasing the scope of work, and terminating the contract, with payment only for work already done which will result in a deductive change order of approximately \$1.1 million.

Chuck Huckelberry, County Administrator, explained that this item was for the final phase of improvements to the courthouse. He stated that a contractor termination had been negotiated with Kittle Design and Construction, and it resulted in a deductive change order. He recommended that the Board proceed with an immediate selection of a Construction-Manager-at-Risk to finish the final phase with a not-to-exceed amount of \$5.6 million. He explained that it would allow for the improvements to be completed by January, 2020. He stated that because of the historic courtrooms using a Construction-Manager-at-Risk for the final phase, this would relieve the County of having to advertise. He stated that preferences would be given to contractors who specialized in working with historic environments. He explained that, based on their qualifications, five to six contractors would be asked to provide Construction-Manager-at-Risk services and pricing combinations. He stated that they were seeking the Board's immediate authorization to proceed. He added that once the project was completed, the County could begin collecting lease payments.

Supervisor Miller inquired about the contract and the costs associated with the excavation.

Mr. Huckelberry responded that it was a contract for archaeological services through the County for approximately \$200,000.00.

Supervisor Miller inquired whether there were design changes to the January 8th Memorial.

Mr. Huckelberry responded that the memorial's design was scaled back to match available funding, but the functional design remained the same. He explained that the lowest bid exceeded the funding available to the January 8th Memorial Foundation. He added that the January 8th Memorial Foundation was working on increasing donations to match the construction bid and they planned on presenting it to the Board on March 5, 2019. He added that if the January 8th Memorial Foundation was unable to secure the funding the award would be continued.

Supervisor Miller inquired about the \$538,000.00 balance in the January 8th Memorial fund.

Mr. Huckelberry replied that the County was responsible for paying for archaeology, construction management and project oversight.

Supervisor Miller asked for the total cost.

Mr. Huckelberry responded approximately \$400,000.00.

Supervisor Miller requested a breakdown of the total costs. She asked what percentage of the project was completed by Kittle Design and Construction.

Mr. Huckelberry responded that he did not have a specific percentage but would provide the specifics used to determine the deductive change order of \$1.1 million.

Supervisor Miller expressed concern regarding change orders being initiated without the Board's consultation. She asked who was responsible for initiating change orders.

Mr. Huckelberry explained that change orders were initiated by staff and the contractor due to changed conditions that were unforeseen in the plans. He explained that change orders were verified by departmental staff and processed with consultation from the Procurement Director.

Supervisor Miller again expressed concern over the lack of notification to the Board and the potential for further change order increases. She requested clarification for not utilizing the competitive bid process and added that avoiding the process removed any protections for the taxpayers. She asked what contractual obligations would be impacted if the County did not continue in this manner.

Mr. Huckelberry responded that Kittle Design and Construction were the lowest bidder without a qualifications base. He explained that when dealing with a historic building the industry standard for change orders was about 6% to 7%. He explained the recommended Construction-Manager-at-Risk contract selection would be brought back to the Board for approval and was not awarded by the Procurement Director. He added that the Procurement Director would be responsible for the immediate solicitation, awarding the contract and placing it on the agenda for ratification.

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

Supervisor Miller asked for the identity of the specialty exhibit fabricator.

Chairman Elías asked staff to provide the Board with that information prior to the next meeting.

Supervisor Miller inquired why there would be additional costs associated with the general contractor's relationship with the specialty exhibit fabricator. She asked whether that relationship was not clarified in the contract.

Lisa Josker, Director, Facilities Management Department, responded that the exhibitor's contract was through the County and was not a subcontractor of the contractor. She explained that the general contractor was responsible for coordinating their subcontractors as well as the County and the University of Arizona's subcontractors and that included the exhibitors. She added what was unusual about this contract was that one contractor was working for two entities.

Supervisor Miller indicated that she could not justify avoiding the standard bidding process and the protection it provided the taxpayers. She added that she was not convinced of the need to go outside the normal bidding process.

Chairman Elías indicated that the public's interest was being protected by protecting historical buildings. He stated that change orders were typical in adaptive reuses of historic structures.

Supervisor Miller stated that in 2015, 66% of the voters voted no on the bonds. She stated that the Board was not respecting the taxpayers and that moving forward without their approval was wrong.

Chairman Elías indicated that he respected the fact that voters did not approve bond funding, but it did not mean voters were opposed to the re-adaptive reuse of the County Courthouse built in 1929.

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

CLERK OF THE BOARD

21. Petitions for Redemption of Property Tax Exemption Waiver

Staff recommends approval of the petition for redemption of property tax exemption waiver.

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

Supervisor Miller inquired whether the petition had been timely filed with the Assessor's Office.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the Board's procedure allowed for applications to go before the Board for approval in accordance with A.R.S §42-11153(B). He added that once the Board approved the applications they were submitted to the Assessor's Office for final determination.

Supervisor Miller commented that the tax year was not identified on the documentation.

Mr. Flagg responded that it was for tax year 2018. He added that the Clerk's Note placed on the agenda provided clarification and all applications sent back to the Assessor contained that notation.

Supervisor Miller inquired whether final determination was made by the Assessor.

Mr. Flagg responded that the Assessor made the final determination of granting the applicant the exemption.

Supervisor Bronson called the question. Upon the vote, the motion unanimously carried 5-0.

HUMAN RESOURCES

22. Revisions to Board of Supervisors Policy

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. D23.2, ~~Personal~~ **Personnel** Administration Unclassified Service - Selection and Appointment.

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

Supervisor Miller inquired about direct selection, the elimination of applications, and why all qualified applicants were not being interviewed.

Tom Burke, Deputy County Administrator, responded that the proposal was not to eliminate any applicants but to allow for more flexibility for personal appointments. He compared the selection process to the one used by Board members when selecting their staff members, which were unclassified positions selected without public competition. He added that the proposal included receiving the County Administrator's approval for these types of selections.

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

REAL PROPERTY

23. Master Restrictive Covenants

Arizona Land and Water Trust, Inc., Pima County and Pima County Regional Flood Control District, Amendment No. 1, to provide three Master Restrictive Covenants to protect open space lands under the Section 10 Permit. (All Districts)

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

SHERIFF

24. Pima County/Tucson Metropolitan Counter Narcotics Alliance, to provide for drug enforcement, and demand reduction and education in the Tucson metropolitan area, contract amount \$100,000.00 revenue/5 year term (CTN-SD-19-120)

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

Supervisors Bronson and Valadez noted the Community Law Enforcement Partnership Commission's approval of this item.

Upon the vote, the motion carried 4-1, Chairman Elías voted "Nay."

GRANT APPLICATION/ACCEPTANCE

25. **Acceptance - Community Services**

The Arizona Community Action Association, d.b.a. Wildfire, Amendment No. 1, to provide for the Utility Assistance Program - 2018-19 TRICO Electric Cooperative, \$3,780.77 (GTAM 19-39)

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

26. **Acceptance - Community Services**

Our Family Services Inc., to provide for the Employment for Homeless Youth, \$41,987.00/\$10,497.00 General Fund match (GTAW 19-72)

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

CONSENT CALENDAR

27. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Item No. 3 was set aside for separate discussion and vote.

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

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PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Procurement

3. Award

Amendment of Award: Master Agreement No. MA-PO-18-292, Amendment No. 2, Miovision Technologies Incorporated, to provide for Miovision Signal Analytics Equipment. This amendment is to process an increase to the annual award amount of \$223,000.00 by \$427,000.00 for a new annual award amount of \$650,000.00 resulting in a not-to-exceed of \$657,000.00. This increase is to support the planned purchase of Miovision equipment for additional intersections. Funding Source: Transportation Operations Fund. Administering Department: Information Technology.

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

Supervisor Miller inquired whether there were other qualified signal calibration vendors.

Chuck Huckelberry, County Administrator, responded that other systems were available. He indicated that this system, which was initially purchased in April 2018, was evaluated to determine whether it had the technical capabilities to meet the needs of the County. He explained that this request was a follow-up contract for additional intersection systems and was based on the system's success. He stated that other agencies, such as the Arizona Department of Transportation (ADOT) and the Town of Marana, utilized the same system because it was deemed superior with regards to signal timing progression analysis. He also stated that the County had consulted with the City of Tucson about using the same system because of its ability to improve capacity without the need to widen roads. He stated that road widening or capacity improvement contracts involved millions of dollars per mile and this system provided the greatest efficiency and also had the capability to assist law enforcement through analytics.

Supervisor Miller asked how often the timing of the traffic lights was adjusted.

Mr. Huckelberry responded that they were adjustable in real time and adjustments were made on a weekly or bi-weekly basis. He stated that the advantage of the system was that it detected incidents and automatically changed signal timings. He added that it immediately opened up other routes removing the need for it to be done manually.

Supervisor Miller indicated that the \$3.2 million in HURF funding could be better spent on fixing roads. She asked whether this was a regional system and if so, why was it not done through the Regional Transportation Authority (RTA).

Mr. Huckelberry responded that the next iteration would most likely go through the RTA because it included a significant investment into intelligent transportation in excess of \$200 to \$300 million. He indicated that the system had a ten to twenty year life span and would need to be replaced. He also stated that it would be a subject for the future reauthorization of the RTA but that would not take place until 2026, and adjustments needed to be made until that time.

Supervisor Miller inquired whether other communities were utilizing this system and whether there was data on improved traffic flow.

Mr. Huckelberry responded that it was a national system, pioneered by the University of Arizona, and it provided real-time information that showed real-time arrivals and adjustments.

Supervisor Miller inquired whether other jurisdictions had provided confirmation of the systems capabilities.

Mr. Huckelberry stated that the information would be provided. He added that the system had been adopted by both ADOT and the Town of Marana and was being installed by other jurisdictions.

Supervisor Christy inquired whether the system would be installed in predominant areas of Pima County.

Mr. Huckelberry responded that the system would be installed on approximately 100 to 150 unincorporated road networks controlled by traffic signals.

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

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CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. City of Tucson, to provide for the preparation and submission of the Joint Analysis of Impediments of Fair Housing Choice, the July 1, 2020 to June 30, 2025 Consolidated Plan Update, and the Annual Action Plans, contract amount \$75,000.00 revenue (CTN-CD-19-123)

Natural Resources, Parks and Recreation

2. Town of Marana, to provide for environmental educational services and programming, contract amount \$5,000.00 revenue/4 year term (CTN-PR-19-127)

Procurement

3. **Award**
Amendment of Award, Master Agreement No. MA-PO-18-292, Amendment No. 2, Miovision Technologies Incorporated, (PULLED FOR SEPARATE ACTION)
4. **Award**
Amendment of Award: Master Agreement No. MA-PO-17-229, Amendment No. 3, Amazon.com, L.L.C., to provide for an on-line marketplace for the purchase of products. This amendment increases the annual award amount by \$150,000.00 from \$250,000.00 to \$400,000.00 for a cumulative not-to-exceed contract amount of \$550,000.00. Funding Source: General Fund. Administering Department: Procurement.

Regional Wastewater Reclamation

5. Arizona Water and Wastewater Agency Response Network (AZWARN), to provide for the AZWARN Mutual Aid Agreement among the AZWARN members, no cost/11 year term (CTN-WW-19-126)
6. Pinal County, to provide for a Right-of-Way License for the provision of sewer services, no cost/5 year term (CTN-WW-19-115)
7. Arizona Department of Environmental Quality, Amendment No. 3, to provide for laboratory (lead) testing and extend contract term to 6/30/22, contract amount \$43,000.00 revenue (CTN-WW-17-168)

Transportation

8. Golder Ranch Fire District, to provide for Emergency Vehicle Preemption equipment access at signalized intersections, no cost/10 year term (CTN-TR-19-119)

GRANT APPLICATION/ACCEPTANCE

9. **Acceptance- Community Development and Neighborhood Conservation**
Arizona Department of Housing, Amendment No. 2, to provide for the Weatherization Assistance Program, \$183,758.00 (GTAM 19-31)

10. **Acceptance - Office of Emergency Management**

Arizona Department of Environmental Quality, Amendment No. 2, to provide for the Hazardous Materials Emergency Preparedness Program, \$32,009.00 (GTAM 19-35)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Flood Control District Advisory Committee**

Appointment of Christopher G. Langham, to replace Kenneth Perry. No term expiration. (District 1)

12. **Flood Control District Board of Hearing Review**

Appointment of Christopher G. Langham, to replace Kenneth Perry. No term expiration. (District 1)

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

13. **Special Event**

- James Daniel Sheehan, Friends of Western Art, Inc., Smokey Springs Ranch, 1451 N. Smokey Springs Road, Tucson, April 13, 2019.
- Jonah R. Trussel, Motoland Recreation Club, Inc., USA Raceway, 4300 E. Los Reales Road, Tucson, February 15, 16 and April 5, 2019.

14. **Temporary Extension**

- 12104140, Steven Alex Dunn, The Parish, 6453 N. Oracle Road, Tucson, March 5, 2019.

ELECTIONS

15. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Cody Gerhart-062-DEM

APPOINTMENT-PRECINCT-PARTY

Kathleen "Kitty" M. Kennedy-021-DEM; Barbara J. Wayne-061-DEM; Esteban Z. Hidalgo-112-DEM; Maria G. Hidalgo-112-DEM; Kristen A. Landrum-120-DEM; John S. Denker-130-DEM; Margaret L. Felici-164-DEM; Margaret L. Winchell-170-DEM; Kathleen A. Mayer-187-DEM; Imelda V. Cuyugan-202-DEM; Valerie V. Bridges-207-DEM; Deborah D. Dunlap-227-DEM; Lori Magoffin-237-DEM; Valerie A. Gomes-238-DEM; Theresa K. Wishnick-008-REP; Yale S. Wishnick-008-REP; Mai D. Tang-011-REP; Chris T. Bannon-012-REP; Cynthia L. Bannon-012-REP;

Susan B. Kramer-069-REP; William "Bill" D. McKinley-084-REP; William C. Cleveland-116-REP; Claudia M. White-131-REP; Mareena L. Anderson-176-REP; Rebecca M. Laurie-179-REP; George Griffith-243-REP

FINANCE AND RISK MANAGEMENT

16. Duplicate Warrants - For Ratification

Interfaith Community Services \$4,196.63; Michael John Newton \$17.80; Deirdre Muzall \$1,088.00; Pacific Income Properties, L.L.C. \$10,649.23; Debra Tenkate \$150.00; Music Hendricks \$54.11; Tucson Pima Arts Council/Arts Foundation for Tucson and Southern Arizona \$5,748.00; Deborah Alshuk-Agriesto \$80.99; Mike Montijo \$100.05; Michele Skym \$28.26; Lee David Schwartz \$41.80.

TREASURER

17. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/Certificates of Clearance in the amount of \$25,174.91.

RATIFY AND/OR APPROVE

18. Minutes: January 8 and 22, 2019

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28. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:48 a.m.

CHAIRMAN

ATTEST:

CLERK