

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, August 6, 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
James Allerton, Sergeant at Arms

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$4,620.00 for placement of a single family residence located at 4832 N. Placita Borboa, located within regulated riparian habitat with underlying Xeroriparian Class B Habitat. (District 4)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:59 p.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

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Also Present: Chuck Huckelberry, County Administrator
Andrew Flagg, Chief Civil Deputy County Attorney
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1. MOMENT OF SILENCE

Chairman Elías observed a moment of silence for the shooting victims in El Paso, Dayton and Chicago, and for those traumatized by the events.

2. INVOCATION

The invocation was given by Pastor Glen Elliott, Pantano Christian Church.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Leilani Rothrock, Board of Directors President, and Lisa Hastreiter-Lamb, Executive Director, The Mini Time Machine Museum of Miniatures, proclaiming the day of Sunday, September 1, 2019 to be: "MINI TIME MACHINE MUSEUM OF MINIATURES DAY"

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

6. Presentation of a proclamation to Sabrina Cortez, Tucson Office Program Manager, Arizona Department of Economic Security, proclaiming the month of August 2019 to be: "CHILD SUPPORT AWARENESS MONTH"

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

7. Presentation of a proclamation to Mikki Niemi; Sharon Chadwick; Betty Villegas, Members, Tucson-Pima County Historical Commission; and Linda Mayro, Director, Pima County Office of Sustainability and Conservation, proclaiming the month of August 2019 and the day of Tuesday, August 20, 2019 to be: "THE 244TH ANNIVERSARY OF THE CITY OF TUCSON"

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.

8. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding voting practices and taxes.

Keith Van Heyningen spoke to the Board regarding the County budget and racism.

Jonathan Salvatierra addressed the Board regarding public health and safety and government responsibility.

Steve Diamond addressed the Board regarding the Community Law Enforcement Partnership Commission, the State Gang Task Force Detention Liaison Officer Units Program Grant and Operation Stonegarden Funds.

Ryan Kelly addressed the Board regarding the State Gang Task Force Detention Liaison Officer Units Program Grant, Operation Stonegarden and fear in the community.

Robert Reus addressed the Board regarding property taxes.

9. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 11:51 a.m.

10. **RECONVENE**

The meeting reconvened at 12:06 p.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 settlement offer in Pima County v. Canada Hills B & C HOA, Pima County Superior Court Case No. C20182057.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that this was a condemnation case and that the County Attorney's Office sought direction on whether to proceed as discussed in Executive Session.

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

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding whether to waive any conflict of interest to allow Howard Baldwin to represent Health Information Management Systems, L.L.C. in matters related to its contract with Pima County, MA-PO-18-347.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that conflict waivers were at the discretion of the Board.

It was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to waive the conflict of interest.

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in Raytheon Company v. Pima County and Bill Staples, Arizona Tax Court Case No. TX2018-001148.

Supervisor Miller recused herself due to a potential conflict of interest and left the dais.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that the Assessor and Raytheon had negotiated a tentative settlement with four components. He stated that the first component included that the full cash values for 12 improvements located on government-owned land remain unchanged from the Notices of Value for Tax Year 2018, totaling \$52,251,300.00. He indicated the second component would be that the limited property values for the same improvements would not exceed 105% of the limited values for Tax Year 2017, totaling \$42,110,550.00. He stated the third component was for the addition of one additional improvement to the lawsuit and the full cash and limited property values of that additional improvement would remain unchanged from the Notice of Value for Tax Year 2018. He stated the final component was that the values would not roll over to Tax Year 2019. He stated that the County Attorney's Office recommended that the Board accept the terms of the settlement.

It was moved by Chairman Elías, seconded by Supervisor Bronson and carried by a 4-0 vote, Supervisor Miller recused herself due to a potential conflict of interest, to accept the County Attorney's recommendation.

COUNTY ADMINISTRATOR

14. The Board of Supervisors on July 2, 2019, continued the following:

Contract

City of South Tucson, to provide an intergovernmental agreement for economic development assistance, no cost/10 year term (CTN-CA-19-232)

Chairman Elías asked for the Board's indulgence to allow the following speakers to address the Board. Board members concurred.

Brian Flagg addressed that Board requesting that they deny the contract. He stated that a Government Property Lease Excise Tax (GPLET) proposal would have the effect of gentrifying the community.

Dwight Metzger addressed the Board requesting that the Board deny the contract. He stated that South Tucson had the highest sales tax rate in Arizona and due to recent events and the implementation of a secondary property tax, homeowners and businesses would be pushed out. He cautioned the Board that their actions would affect generations of South Tucson citizens.

Supervisor Valadez explained that the contract provided South Tucson with technical assistance to potentially move forward with the implementation of a GPLET. He indicated that the \$1 million loan agreement was provided to pay for a court settlement and that the agreement included a GPLET requirement. He stated that the required GPLET involved the area south of 36th Street and included commercial and industrial development areas of South Tucson. He indicated that he understood the concerns of gentrification; however, South Tucson did not have the economic base to be sustainable and the Board needed to look at the economic viability of the community for South Tucson to continue to exist. He directed staff to work with South Tucson and to communicate the Board's requirements for technical assistance. He stated that those requirements should include five public meetings, three of which were study sessions with public inclusion and two city council hearings which allowed the public an opportunity to address their elected representatives on any development involving the GPLET.

It was moved by Supervisor Valadez and seconded by Supervisor Bronson to approve the item with the inclusion of five public hearings. No vote was taken at this time.

Supervisor Miller inquired whether GPLETs was a means to recover property tax monies.

Supervisor Valadez responded that GPLETs dealt more with possessory taxes.

Chuck Huckelberry, County Administrator, explained that opportunity zones were utilized by investors to defer taxes and as long-term capital gains. He stated that a GPLET was property, in a target area, that was transferred to the City of South Tucson for a period of eight years. He indicated that during that period, the developer would pay no property taxes but would pay a fee for establishing the GPLET. He stated that the County had discussed sharing the fees with the City of Tucson proportionate to the property taxes lost by the taxing entities. He added that if any of the properties, south of 36th Street, were targeted for a GPLET, the decision would be at the discretion of the South Tucson Mayor and Council.

Supervisor Miller inquired how opportunity zones were decided.

Mr. Huckelberry responded that opportunity zones were predetermined by the federal government and had designated census tracks.

Supervisor Miller expressed concern over the following contract language: "additional funding might be provided by the County under a separate Intergovernmental Agreement for economic development projects and Pima County property taxpayers would have to invest more of their money." She asked that clarification be provided.

Mr. Huckelberry explained that the clause was for infrastructure deficiency that were not known until there was a development offer. He indicated that for site-specific cases, an Intergovernmental Agreement would be presented to the Board for approval prior to any expenditures.

Supervisor Miller indicated that the contract appeared beneficial to the City of South Tucson, would strengthen their tax base, and would allow South Tucson City Council control and final approval over individual GPLETs.

Chairman Elías expressed concern that the South Tucson community had been left out of the GPLET process. He asked that the South Tucson City Council be considerate and listen to the residents.

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

15. Authorization to Finalize a Lease with Southern New Hampshire University beginning September 1, 2019

Staff recommends the Board of Supervisors authorize the Pima County Attorney's Office and County Administrator to draft a lease based on the Arizona Economic Development Statutes for Board of Supervisors approval.

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

Supervisor Miller stated that she had several concerns regarding this item and indicated that she would provide the County Administrator and the Chairman with a list of her concerns.

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

CLERK OF THE BOARD

16. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11104(G), Southern Arizona Association for the Visually Impaired (SAAVI) has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2018, for Parcel Nos. 122-08-043A and 111-08-1740, and Personal Property No. 0155383.

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

Supervisor Miller stated that there were conflicting statements on the reviews provided by the Clerk of the Board and the Assessor's Office. She requested clarification be provided by staff.

Supervisor Miller made a substitute motion to continue the item to the Board of Supervisors' Meeting of August 19, 2019. Supervisor Bronson seconded the motion. No vote was taken at this time.

Supervisor Miller asked at what point were petitions for relief of taxes no longer the responsibility of the Board of Supervisors. She commented that these petitions were the Assessor's responsibility.

Supervisor Bronson noted that SAAVI had applied for exemption under the Statute for charter schools and the Assessor's Office had indicated that they were not a charter school. She also requested clarification.

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

17. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), United Gospel Fellowship has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax years 2017 and 2018, for Personal Property No. 0241038.

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

18. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), International Society for Krishna Consciousness of Arizona, Inc. (ISKCON) has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2018, for Parcel No. 113-08-018A.

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

Supervisor Miller explained that her denial was based on the fact that the required ownership of the property had not been in effect during the time period required by statute. She added that both the Assessor and Treasurer's Offices had noted a difference in ownership for 2018.

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

19. Petitions for Redemption of Property Tax Exemption Waiver

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

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

DEVELOPMENT SERVICES

20. Final Plat With Assurances

P19FP00004, Loma Antigua, Lots 1-14, Common Areas "A", "B" & "C". (District 1)

It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to approve P19FP00004.

GRANT APPLICATION/ACCEPTANCE

21. Acceptance – Transportation

United States Department of Transportation, to provide for the Eric Marcus Municipal Airport Perimeter Fence Program, \$555,776.00/\$54,564.00 State Aviation Distribution Fund match/4 year term (GTAW 20-8)

Chairman Elías noted that this item required approval prior to consideration of Minute Item No. 23.

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 whether indirect costs had been requested.

Chuck Huckelberry, County Administrator, responded that indirect costs were requested when county personnel performed the work. He indicated that a consultant had performed the design and that County staff's involvement included monitoring construction. He stated that any indirect costs would not have resulted in a large return.

Supervisor Miller inquired whether the County was allowed to recover costs for administrative work.

Mr. Huckelberry responded that indirect costs were requested when the grant allowed for the recovery of indirect costs.

Supervisor Miller asked whether indirect costs were allowed through this grant.

Mr. Huckelberry responded that he was unaware whether it allowed for indirect costs. He indicated that the amount of indirect costs would have been minimal and not worth the manpower used to deliberate with the federal aviation administration.

Supervisor Miller recommended that the County request reimbursement of indirect costs.

Mr. Huckelberry indicated that staff would address recovering indirect costs. He stated that this grant was a fortunate circumstance because the County received a federal grant for 90% of the cost, a state grant for 10% of the cost, and the County's cost was minimal.

Supervisor Bronson amended her motion to include the recovery of indirect costs, if in fact they were recoverable, and that the County apply for those recoveries.

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

NATURAL RESOURCES, PARKS AND RECREATION

22. Renaming of Canoa Hills Golf Course

RESOLUTION NO. 2019 - 54, of the Board of Supervisors, naming the 130 acre Canoa Hills Golf Course as Canoa Hills Trails - An Open Space Park.

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

PROCUREMENT

23. Contract

Sellers & Sons, Inc., to provide for Eric Marcus Municipal Airport Fence Project (PO1-AJO, AZ) (4AJAOP), Federal Aviation Administration Airport Improvement Program, State Aviation Distribution Funds, contract amount \$471,379.60 (CT-TR-20-20) Transportation

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

Chairman Elías stated that approval of this item should be in accordance with the provisions discussed during Minute Item No. 21.

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

FRANCHISE/LICENSE/PERMIT

24. The Board of Supervisors on July 2, 2019, continued the following:

Hearing - Liquor License

Job No. 62747, Roger Joel Pelton, Old Pueblo Cellars, 10088 N. Saint Patrick Road, Tucson, Series 1, In-State Producer, New License.

Chairman Elías noted that the item had a Clerk's Note that stated 'Pima County Zoning Code for Agricultural processing facilities, including wineries were not allowed in SR Zone and required a different zoning to qualify.'

Supervisor Miller requested clarification on the Clerk's note.

Chris Poirier, Deputy Director, Development Services Department, reported that the zoning concern had been resolved, the applicant obtained a home occupation permit and all the conditions for the permit had been met.

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

25. Hearing - Liquor License

Job No. 66378, David Ying Lin, Panda House, 230 W. Continental Road, No. 420, Green Valley, Series 12, Restaurant, New License.

Supervisor Bronson 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, approve the license and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

26. **Hearing - Permanent Extension of Premises/Patio Permit**

07103000, Patrick Campbell Bush, Rosatis Pizza, 2944 W. Ina Road, Tucson.

Supervisor Bronson 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, approve the permit and forward the recommendation to the Arizona Department of Liquor Licenses and Control.

DEVELOPMENT SERVICES

27. The Board of Supervisors on May 21, June 18 and July 2, 2019, continued the following:

Hearing - Appeal of Hearing Administrator's Decision

P19CU00001, LIN - N. QUARTZ HILL PLACE

In accordance with Pima County Zoning Code Section 18.97.030.F(6), Rockcliff HOA appeals the decision of the Hearing Administrator in Case No. P19CU00001, to allow a Type I Conditional Use Permit for a wireless communication facility and equipment located at 4702 N. Quartz Hill Place in the CR-1 zone. Chapter 18.97, in accordance with Section 18.07.030.H.2.d. of the Pima County Zoning Code, allows wireless towers disguised as Saguaro cacti as a Type I Conditional Use in the CR-1 zone. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator granted APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

1. The two (2) new tower installations shall be faux saguaros and shall be no more than the requested thirty feet (30') in height to the top of the faux structures.
2. All associated cabling and antennae arrays shall be wholly contained within the faux saguaro structures.
3. The proposed faux saguaro structures shall be located on the property as shown on the submitted drawings.
4. All ground equipment associated with the towers/antennae shall be located internal to the existing residence. No external/outdoor ground equipment is allowed, other than the required trenching and buried cable between the residence and the faux structures.
5. Trenching for the incoming fiber optic cable to the property for the proposed towers/antennae is expressly contemplated by this decision and found acceptable as an attendant component of this approval.
6. Adherence to the alternative design that was discussed between and agreed upon by all parties and that was submitted to the Board of Supervisors on August 6, 2019.

Tom Drzazgowski, Deputy Chief Zoning Inspector, Development Services Department, indicated that this was an appeal of the approved conditional use permit for two 30-foot cell towers located on a hill adjacent to a subdivision. He indicated that a conditional use hearing was held in February 2019, and the conditional use permit was approved subject to standard and special conditions. He stated that since filing the appeal AT&T, the applicant, and the homeowners association were working towards an agreement, but no agreement had been formalized.

Terry Klipp, Vice President, Rockcliff Homeowners Association (HOA), indicated that the Rockcliff HOA opposed the permit. He explained that the previous property owner had placed multiple cell towers on the property and had received approval from the HOA for an easement on the private streets maintained by the HOA. He indicated that the previous owner sold the property to the applicant and that the HOA continued to allow the use of the streets for ingress and egress, but the new owner should not be allowed to use the streets to build and maintain cell towers. He added that the agreement between the HOA, AT&T and the applicant was pending, but the applicant had pulled out. He reiterated that the HOA was opposed to the issuance of the permit, but requested the Board's approval only if the alternate design submitted by AT&T was utilized and that further expansion of cell towers on the property be prohibited.

Steve Olson, Applicant and AT&T representative, stated that in 1992, after initial approval of the conditional use permit, it was discovered that the property had access to the County road network and that Rockcliff HOA had granted an easement to the property. He indicated that a letter submitted to the Board provided details regarding the easement. He stated that AT&T had concurred with the Hearing Administrator's finding and had respectfully requested that the Board deny the appeal. He indicated that AT&T had approved the alternate design submitted by Mr. Klipp to reduce the scope and impact, add an addition of a wall behind the air conditioning units to mitigate background noise, and include hydroseeding on the Lin property. He stated that AT&T also agreed to post a construction bond to cover any damages that might occur during construction. He concluded by stating that it was his hope that the alternate design would be acceptable to the County, since it represented a good faith collaboration between the property owners, Rockcliff HOA and AT&T.

Supervisor Miller asked what occurred after the parties agreed to the alternative design.

Mr. Olson responded that the property owners would not agree to the condition of limiting future cell tower development on the property.

Supervisor Miller inquired about the property acreage.

Mr. Olson responded that the property was three acres, but only a small portion could be developed. He indicated that the multiple cell towers mentioned by Mr. Klipp were not stand alone towers but were antennas that had been constructed on the garage of the property and were exposed to the elements. He added that the property owner had worked with Sprint to enclose the antennas. He advised the Board that AT&T had plans to attach an antenna to the side the home and it would be covered, painted and textured to match the residence.

Supervisor Miller asked Mr. Klipp whether he was agreeable to the alternative design. She also asked about expansions and whether both parties were able to come to an agreement on those conditions.

Mr. Klipp responded that he was agreeable to the alternative design, but did not want the overrun with cell towers.

Supervisor Miller inquired about the coverage provided by the cell towers and the zoning of the property.

Mr. Drzazgowski responded that the property was zoned residential and was approximately 1.42 acres. He stated that the location was ideal for communication infrastructure and currently there were four major carriers with antennas on the property. He also indicated that based on the Board's determination, future cell tower requests would be evaluated and alternatives would be explored

Chairman Elías inquired whether the Board had the authority to place conditions on future developments, including cell phone towers. He commented that placing conditions could be outside the purview of the Board per Federal Communications Commission rules and inappropriate in terms of perpetuity development.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that anytime a condition limited future development, it had to be carefully evaluated to determine whether it complied with zoning requirements. He indicated that in this case the Telecommunications Act further restricted the Board's ability to deny towers. He stated that under the Telecommunications Act, denial had to be based on substantial evidence and written records, without prohibiting coverage. He indicated that every individual application would have to be evaluated carefully. He noted that per County Code, these types of towers required conditional use permits and would be evaluated on an individual basis by Development Services.

Mr. Drzazgowski indicated that conditional use permits for cell towers involved a public process and a determination on whether other locations were more suitable to provide the necessary coverage. He stated that a submittal for a particular property did not guarantee that it was the most ideal location or that there weren't alternative areas that could provide the same coverage.

Supervisor Miller commented that due to the legalities involved, the Board was unable to place constraints on future developments of the property.

It was moved by Supervisor Miller, seconded by Supervisor Bronson and carried by a 4-1 vote, Chairman Elías voted "Nay," to close the public hearing and deny P19CU00001 with the condition that the alternative design be used.

28. Hearing - Type II Conditional Use Permit

P19CU00008, PARTNERS LAND, L.L.C. - N. ORACLE ROAD

Request of Partners Land, L.L.C., represented by Jordan Davis, for a Type II Conditional Use Permit for a contractor's yard in the GR-1 (GZ-1) (Rural Residential - Gateway Overlay) zone, located at 16473 and 16515 N. Oracle Road. Staff and the Hearing Administrator recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Special Conditions and Comments on Applicant's Proposed Variance Request

This use is subject to Standard Zoning Code requirements per Sec. 18.12.030.B.15, or as may be modified by approval of a Variance by the District 3 Board of Adjustment. Recognizing that the Hearing Administrator has no authority or standing in the granting of variances, this same Hearing Administrator expresses no objection to the applicant's desire to reduce the normal Code-required setbacks on this property for the intended use. Given the site's immediate surroundings and its agency to a major transportation artery, the proposed AAA Landscape contractor's yard would co-exist satisfactorily with its surroundings if operated per the submitted concept plan; same utilizes precisely the same area of operation as was recently used by the Arizona Department of Transportation (ADOT) during its own contractor activities.

Special Conditions

1. A formal Development Plan and customary attendant analyses (e.g. drainage report) shall be submitted for review and approval prior to final permitting or use of the property for this proposed contractor's yard.
2. The submitted Development Plan shall be substantially consistent with the submitted concept plan accompanying this conditional use permit application.
3. No new or additional site area shall be cleared or impacted beyond that which has already been so by the past ADOT construction-yard activities.
4. The Hearing Administrator opposes asphalt paving of the property, preferring that it be surfaced for dust-control purposes with gravel or a suitable alternative material. Same shall be reflected on the submitted Development Plan, subject to acceptance by PCDOT.
5. Any desired expansion or the proposed use on this property or an adjacent property, or any new site impact beyond that which already exists from past ADOT activities, shall require a new conditional use permit application, public hearing, etc.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy and unanimously carried by a 5-0 vote, to close the public hearing and approve P19CU00008, subject to standard and special conditions.

29. Hearing – Rezoning

P19RZ00002, WICK - W. CAMINO DESIERTO REZONING NO. 2

Brian and Catherine Wick, represented by Shea 130, L.L.C., request a rezoning of approximately 2.40 acres from the SR (Suburban Ranch) zone to the CR-1 (Single Residence) zone on the property located on the south side of W. Camino Desierto, approximately 930 feet west of N. Paseo del Norte and approximately 1,600 feet

south of W. Magee Road, addressed as 811 W. Camino Desierto. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 8-0 (Commissioner Bain abstained, Commissioners Becker and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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. Flood Control condition:
A cumulative disturbance of one third of one acre, 14,520 square feet, or more of Regulated Riparian Habitat, will require a Floodplain Use Permit and a Riparian Habitat Mitigation Plan. At the time of permitting the grading envelope created from new disturbance will be tracked with the parent parcel.
3. Adherence to the sketch plan as approved at public hearing.
4. The western parcel shall have a minimum 75-foot front building setback and a minimum 50-foot west side setback for main and accessory structures.
5. The residence on the western parcel shall be limited to one story with a maximum building height of 21 feet.
6. The driveway for the western parcel shall at minimum have a compacted decomposed granite surface.
7. The existing graded driveway entrance to the west part of the property shall be revegetated and relocated to near the eastern boundary of the western parcel.
8. A minimum of ten 25 gallon irrigated native trees shall be planted within the front and west side building setback areas with the distribution of the number of trees proportional to the length of the front and west side boundaries. The trees shall be located to maximize screening from existing residences and yard areas to the north and west.
9. The keeping of cattle, horses, sheep, goats, ratites, or other similar animals and poultry on the western parcel shall be prohibited.
10. The storage, keeping or abandonment of junk, including inoperable motor vehicles or other motor vehicles or machines or parts thereof, shall be prohibited on the western parcel.
11. The storage of a boat(s) shall be prohibited on the western parcel.
12. 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 A.R.S. § 41-865 and A.R.S. § 41-844, require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that cultural groups who claim cultural or religious affinity to them can make appropriate arrangements for the repatriation and reburial of the remains. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
13. Upon the effective date of the Ordinance, the owner(s)/developer(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.
14. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134.

15. 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.

George Duke addressed the Board indicating that neighbors had expressed their objection to the rezoning by signing a petition or through verbal disapproval. He stated that the rezoning would change the character of the neighborhood and the current zoning protected them from the proposed development change.

Supervisor Miller requested clarification from staff.

Chris Poirier, Deputy Director, Development Services Department, reported that the property was a non-conforming SR undersized lot that was originally platted and approved before zoning codes existed. He stated that the applicants were seeking a CR-1 zoning which would divide the property in half. He indicated that staff had received three letters opposing the rezoning and those letters were not sufficient to require a supermajority. He stated that both the Planning and Zoning Commission and staff were recommending approval subject to special and standard conditions. He added that the property was located outside the Maeveen Marie Behan Conservation Lands System and was compatible to surrounding neighborhoods, which were smaller SR or CR-1 zones.

Supervisor Miller inquired whether the property would be SR zoned under today's standards.

Mr. Poirier responded that it would be zoned SR-2.

Supervisor Miller asked about the size of the neighboring lots.

Mr. Poirier responded that the lot sizes varied and included CR-1 and undersized SR zonings as well as a school district to the south of the property.

Supervisor Miller asked whether there were any surrounding lots smaller in size.

Mr. Poirier confirmed that there were smaller lots.

Bill Dycus, Shea 130, L.L.C., addressed the Board and indicated that they had communicated with the neighborhood and had made concessions. He stated that on the west side of the property a 50 foot setback was proposed, and in front of the property a 75 foot setback was proposed. He added that the house had been modified from a two-story building to a one-story building. He indicated that letters were sent to the neighbors requesting a meeting but he had not received any responses. He commented that Mr. Duke had not attended the Planning and Zoning Commission meeting and neighbors were opposing plans they had not reviewed. He stated there were 9 non-conforming SR properties and once the property was split, the lot would be 50% larger than Mr. Duke's property. He stated the conformity of CR-1 would fit within the neighborhood.

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 P19RZ00002, subject to standard and special conditions.

30. Hearing - Rezoning Closure

Co9-07-20, SAHUARITA CORNERS, L.P./EQUIVEST PARTNERS, L.P. - KOLB ROAD REZONING

Proposal to close a 129.7 acre portion of Co9-07-20, an original 149.7-acre rezoning from RH (Rural Homestead) to GR-1 (Rural Residential) located on the northwest corner of Sahuarita Road and Kolb Road. The rezoning was conditionally approved in 2010 and expired on April 6, 2015. Staff recommends CLOSURE. (District 4)

The Chairman 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 staff's recommendation for closure on Co9-07-20.

31. Hearing - Rezoning Resolution

RESOLUTION NO. 2019 - 55, Co9-03-31, Backus - Old Spanish Trail Rezoning. Owner: Scott Strum. (District 4)

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

HEALTH

32. Hearing - Code Text Amendment

ORDINANCE NO. 2019 - 17, of the Board of Supervisors, relating to the regulation of tobacco retail sales and smoking; amending the Pima County Code by amending Chapters 8.04 and 8.50 and adding a new Chapter 8.52.

Rhonda Bodfield, Director, Communications and Government Relations, Tucson Medical Care (TMC), addressed the Board regarding the personal toll on families and patients that received devastating diagnoses due to smoking, how smoking drove up healthcare costs and how TMC participated in stakeholder meetings.

Ginny Chadwick, Western Regional Director, Preventing Tobacco Addiction Foundation, Tobacco21.Org, addressed the Board regarding the Tobacco 21 policy which stopped retailers from selling tobacco to kids and about the national Tobacco 21 bill that was passed in the Senate, but did not include local enforcement policies.

Chairman Elías asked how many jurisdictions had passed the Tobacco 21 Ordinance.

Ms. Chadwick responded that 488 jurisdictions had passed the ordinance. She added that 54% off the nation's population was in a Tobacco 21 community.

Paul Durham, Councilmember, Ward 3, City of Tucson, stated that high school students acquired nicotine products from older acquaintances and about 95% of smokers began before the age of 21. He added that revisions to the penalty structure should alleviate retailers' worries, because the revisions penalized those breaking the rules without causing hardship to businesses.

Supervisor Christy commented about the penalties and indicated that they did not coincide with Mr. Durham's comments.

Mr. Durham stated that he had received a revised amendment from Community and Health Services, which reduced the penalty for a third violation.

Chairman Elías indicated that the amendment's third violation penalty changed from a 6-month suspension to a 30-day suspension and that the \$1,000.00 fine remained the same.

Dustin Williams, Pima County School Superintendent, addressed the Board indicating that e-cigarette use by adolescents was rampant throughout the schools. He stated that e-cigarettes were marketed to appeal to youths between the age of 18 to 21. He added that the e-cigarette maker Juul drafted a bill that contained a preemption clause that removed any local control on suppressing e-cigarette usage.

Supervisor Miller inquired why exemptions were being allowed for retail tobacco stores, including stores that primarily sold smoking devices, under section 8.50.030.

Dr. Francisco Garcia, Assistant County Administrator for Community and Health Services, responded that the exemption allowed vape establishments the same uniformity as smoke shops. He indicated that it allowed customers in the shops to sample tobacco products, which was permissible under Arizona Revised Statutes. He stated that store owners were responsible for ensuring customers that sampled the products were of legal age.

Supervisor Miller commented about the Ordinance language which allowed store owners the ability to decide whether a customer could sample products without the requirement of verifying whether the customer was of legal age. She stated that the Ordinance did not address vape products which seemed to be the biggest concern for speakers.

Dr. Garcia indicated that vaping establishments and smoke shops did an excellent job verifying whether an individual was of the appropriate age to consume the products.

Supervisor Miller asked how that was verified.

Dr. Garcia responded that during stings operation, conducted by the Attorney General's Office, those establishment performed well.

Supervisor Christy asked whether the Attorney General was proactive in enforcing the laws applicable to vape and smoke shops.

Dr. Garcia responded that there was one inspector for every 1,800 licensed tobacco retailers and there were fewer than 200 inspections yearly within Pima County.

Supervisor Christy expressed concern over whether the information was accurate due to the disparity in the number of inspectors versus smoking establishments.

Supervisor Miller requested statistical data for the following items: the number of inspections, the number of violations and the number of compliances. She commented that these establishments should have tighter regulations for individuals sampling or purchasing their nicotine products. She inquired whether an individual had to be of a certain age to sell nicotine products. She also requested clarification on whether tobacco establishments would continue operating under the State Statute if this Ordinance was not approved.

Dr. Garcia responded that the Ordinance added enforcement of vape products, which were not regulated under State Statute. He indicated that minors experimenting with combustible and vaping products experimented with these products at homes, schools and playgrounds. He stated that if these products could be kept out of the hands of 18 to 20 year olds, it was hopeful that younger children would have less proximity to those products.

Supervisor Miller stated that the responsibility for passing laws regulating vaping products should be with the State.

Carlos Estrada, Operations Director, Circle K Stores in Southern Arizona, addressed the Board. He stated that a statewide solution would give retailers equal rights and would eliminate purchases on reservations. He indicated that tobacco sales represented 30% of the retail sales and a 30-day to 36-month penalty could potentially force a business to close. He expressed concern over the penalties because incidents occurring close to one another could lead to lengthy bans on tobacco sales for the store and no penalties for the employee. He stated that extensive training was provided to prevent minors from purchasing tobacco products. He added that most of the tobacco products obtained by minors were via stolen cigarettes and enforcement was limited.

Chairman Elías asked Mr. Estrada whether he felt the intentions of the Ordinance were good for the community.

Mr. Estrada responded that he was undecided.

Chairman Elías indicated his willingness to work on amending the penalties so that the Ordinance could be passed.

Mr. Estrada indicated that the stakeholder meetings were effective and the discussions included his corporation, however, once the Ordinance was drafted, no other meetings were held and a final draft was not provided. He stated that the penalties discussed at the meetings were lacking in the Ordinance.

Chairman Elías asked for staff clarification on the drafting of the Ordinance.

Dr. Garcia responded that the process included incorporating discussions from the stakeholder meetings and the presentation of a new draft at the follow-up stakeholder's meeting. He indicated that no draft copies were disseminated outside of the stakeholder meetings. He added that many of the aspects discussed at the meetings were incorporated into the final Ordinance.

Chairman Elías asked whether Mr. Estrada agreed with Dr. Garcia's response.

Mr. Estrada responded in the affirmative, but indicated that he had not seen the penalties until two weeks ago.

Chairman Elías inquired whether Mr. Estrada would feel comfortable if additional changes were made to the Ordinance.

Mr. Estrada responded that he would like the opportunity to provide input on the changes.

Supervisor Christy asked Mr. Estrada who would be penalized if an individual was deceptive or misrepresented themselves and were caught by law enforcement.

Mr. Estrada responded that the employee would lose their employment, per company policy.

Supervisor Christy inquired about the consequences for individuals that were deceptive about their age.

Mr. Estrada explained that those individuals were cited. He explained that if the company was cited, the company would appear in court and present detailed information on the company's training process.

Supervisor Christy asked for the amount of tobacco products shoplifted daily.

Mr. Estrada responded that the average was five to six thefts daily. He indicated that those products were then sold.

Supervisor Miller inquired whether individuals deceptive about their age were cited under State Statute.

Mr. Estrada replied that minors were not cited, but the clerk's were cited, per the state or federal government agency.

Supervisor Miller asked whether the State had the authority to cite underage individuals attempting to purchase tobacco products.

Mr. Estrada responded that they did have that authority.

Supervisor Miller asked whether the Ordinance contained any authority to cite the clerk or the individual trying to purchase the product.

Mr. Estrada replied that the Ordinance did not contain that authority.

Mike Humphrey, Board of Health, District 1, addressed the Board regarding the health risks associated with tobacco products and commented that tobacco products should not be sold to anyone under the age of 21. He recommended that the Board create a retail permit system for tobacco product retailers. He indicated that this would defray costs for monitoring establishments to ensure that they operated in a safe and lawful manner and to recognize that vaping should be treated in the same manner as tobacco. He added that those changes should be adopted within Chapter 8.04 of the Pima County Code.

Ron Spark, Associate Clinical Professor at the College of Medicine, Department of Pathology, expressed the sadness he felt performing autopsies on individuals addicted to smoking, especially knowing that their suffering could have been prevented through preventative measures.

Christina Davila, Danielle Crain and Mikayla Nesbitt addressed the Board regarding keeping tobacco and vaping products out of the hands of youth. They indicated that the marketing strategies used by companies appealed to youths and stated that penalties should fall on retailers selling these products to under aged individuals. They explained their work in the community protecting their peers from dangerous products and how they conducted peer-to-peer education sessions.

Troy Little, President, Quik Mart Stores, addressed the Board regarding the extensive training provided to their employees on age-restricted items. He explained some of the difficulties of having a young employment base and high turnover rates. He indicated that he was involved in the stakeholder meetings but was disappointed that no additional meetings were held allowing further input. He stated that if additional meetings had been held he would have indicated that the penalties were harsher than current liquor laws. He indicated that if a store was to lose their tobacco license for an extended period of time the store would close and employment would be lost. He also added that the black markets and robberies impacted the stores and presented a danger to employees.

Chairman Elías acknowledged that the penalties were severe. He inquired whether Mr. Little felt the Ordinance would be effective.

Mr. Little responded that he was the owner of several stores throughout the State and suggested that the concept apply to the entire state rather than different ordinances being applied in the different regions. He indicated that the Arizona Petroleum Marketers Association and the Arizona Food Marketing Alliance were working on a comprehensive Ordinance for the entire state.

Chairman Elías inquired whether Mr. Little would be agreeable to a national law.

Mr. Little responded that he favored that scenario because the same rules and guidelines would be applicable to reservations and tobacco retailers.

Supervisor Christy inquired about the negative issues store clerks had to contend with when asking for ID's.

Mr. Little responded that 98% of the population understood the rules and abided by them, but on occasion there were those who became offended and at times violent. He added that there were also concerns with the organized thefts of tobacco products which was a worry for employees.

Supervisor Miller inquired whether the State inspector penalized both the clerk and the youth in accordance with State Statute.

Mr. Little responded that both would be penalized per state statute, but the Ordinance only penalized the business owner.

Supervisor Miller asked how the two governing laws, state statute and County Ordinance, would be enforced during inspections. She also asked whether the Attorney General's Office was consulted during the drafting of the Ordinance.

Dr. Garcia responded that the Attorney General's Office had provided feedback. He explained that the Attorney General's Office focused its enforcement, in accordance with federal law, on anyone under the age of 21, while local enforcement would apply to individuals within the 18 to 21 age group.

Supervisor Miller commented about businesses being required to conduct their operation utilizing two sets of rules and the lack of penalizing the individual purchasing the products.

Chairman Elías acknowledged the problems with having two sets of rules and indicated that the best solution would be a sweeping ordinance that encompassed all tobacco retailers.

Michael Guymon, Vice President, Tucson Metro Chamber of Commerce (TMCC), addressed the Board regarding the TMCC's participation in the stakeholder meetings and conveyed TMCC's support of raising the age limit from 18 to 21. He indicated that TMCC preferred that the penalties for tobacco purchases be aligned with the penalties for liquor laws. He stated that TMCC was willing to work with the State to adopt statewide legislation governing tobacco retailers.

Alan Merrian, addressed the Board regarding his opposition to the Ordinance. He indicated that businesses would have to adhere to more regulation, the Ordinance was not revenue neutral and that the monies used to implement and regulate the Ordinance could be better spent on road maintenance or mental health issues.

Melissa Gomez, addressed the Board regarding her support for the Ordinance.

JoAnna Strother, Director of Advocacy, American Lung Association, addressed the Board regarding tobacco being the nation's number one preventable cause of premature death and indicated that most tobacco users started before the age of 21. She noted that 14% of the combustible cigarettes sales and 38% of vaping products were sold to under aged youths by tobacco retailers. She recommended that the Board approve the Ordinance and implement a retailer license that included incentives for tobacco retailers to comply with the law.

Nicole Olmstead-Atta, Government Relations Regional Lead, American Heart Association (AHA), stated that the Federal Drug Administration imposed fines because Arizona did not have a tobacco retail license. She stated the AHA was involved in a statewide initiative to stop tobacco companies from stripping entities of their rights to impose legislation at the local level and eliminating the implementation of a tobacco retail license. She indicated that the Arizona State Statute allowed for both the store clerk and the minor to be penalized.

Supervisor Miller inquired why the AHA felt local jurisdictions should implement tobacco retail licenses.

Ms. Olmstead-Atta responded that the AHA supported local control of tobacco provisions and protections for the communities. She indicated that AHA had opposed Senate Bill 1147 because of the preemptions placed on local jurisdiction. She noted that the statewide Smoke-Free Arizona law was a baseline for communities and that AHA supported raising the tobacco sales age from 18 to 21.

Supervisor Miller commented that County zoning governed where tobacco establishments could be located. She then inquired how Ms. Olmstead-Atta felt about individuals driving to Indian reservations for their tobacco products, the rampant shoplifting of tobacco products that were sold on the black market and how she reconciled those without across the board state or federal laws.

Ms. Olmstead-Atta responded that 500 communities had implemented measures similar to the proposed Ordinance. She indicated that there was no evidence of youths purchasing tobacco products on reservations or other communities.

Supervisor Miller inquired whether there had been studies conducted with regards to youths purchasing products from other jurisdictions.

Ms. Olmstead-Atta responded that there was a Yale study and indicated that she would provide a copy to the Board.

Supervisor Miller inquired about the implementation and cost of licensing fees.

Dr. Garcia responded that the Health Department would provide an amended ordinance with the permit licensing fee for Board approval. He indicated that the permit fee was estimated at \$300.00 for approximately 500 tobacco retailers in the City of Tucson and 100 in Pima County.

Supervisor Miller recommended that the Ordinance and the fees be considered simultaneously.

Kay Wolfersetter addressed the Board indicating that this was a human issue that impacted children.

Chairman Elías suggested continuing the item so that any concerns could be addressed.

It was moved by Chairman Elías and seconded by Supervisor Valadez to close the public hearing and continue the item to the Board of Supervisors' Meeting of September 3, 2019. No vote was taken at this time.

Supervisor Valadez offered a friendly amendment to the motion that an additional stakeholder's meeting be conducted and that it include representatives from both the City of Tucson and Pima County and that further discussions address the issues presented to the Board.

Chairman Elías accepted the friendly amendment to the motion and added that outreach should also include the opinion of constituents.

Supervisor Christy requested that retail owners and representatives of retail associations also be allowed to participate because they would bear the burden of any potential punitive damages stemming from the Ordinance.

Chairman Elías added that advocates for the Ordinance should also be included.

Supervisor Christy also recommended that the Chamber of Commerce, the Arizona Petroleum Marketers Association and the Arizona Food and Marketing Alliance be included in the reevaluation.

Chairman Elías concurred and asked that elected officials, the American Lung Association and AHA representatives also participate in the stakeholder's meeting.

Supervisor Christy made a friendly amendment to the motion to continue the item to the Board of Supervisors' Meeting of September 17, 2019.

Chairman Elías and Supervisor Valadez accepted the friendly amendment to the motion.

Supervisor Bronson requested a staff report from the Sheriff's Department regarding the enforcement of the Ordinance.

Byron Gwaltney, Chief Deputy, Pima County Sheriff's Department, stated that the Sheriff's Department had challenges enforcing a similar Ordinance. He indicated that within the last five years there were no cases involving Arizona State Statute 36-22, which related to furnishing tobacco to minors, and only 16 citations were issued to minors under the age of 18 in possession of tobacco products. He stated that enforcement would be difficult from a staffing standpoint. He indicated that his understanding was that enforcement of the Ordinance would be the responsibility of the Health Department. He added that if that were to change, the Sheriff Department's ability to contribute to the enforcement would be impacted.

Supervisor Bronson inquired how tobacco establishments would be inspected.

Dr. Garcia responded that each tobacco retailer would be inspected annually for compliance. He indicated that unannounced visit would also be conducted to ensure underage purchases were not occurring. He stated that the objective was to educate and not to punish. He added that enforcement would go into effect on January 1, 2020, giving retailers sufficient time for education.

Supervisor Bronson expressed concern over penalizing store owners.

Chief Gwaltney explained that covert undercover strategies were used as educational tools. He indicated that if the store clerk refused to sell the product to a minor they would receive positive reinforcement; however, if the product was sold to the minor both the clerk and the minor would be cited. He added that if the Department was required to cite the licensee or owner for the violation it would have been counterproductive.

Supervisor Bronson provided staff direction that the concerns regarding penalties be addressed.

Dr. Garcia indicated that the decision to not pursue the clerk or purchaser was a result of the stakeholder meetings. He stated that in terms of national best practices, penalizing those individuals was not productive.

Supervisor Bronson stated that no best practices materials were provided. She requested that staff provide documentation from other communities on implementation of their deterrence policy.

Chairman Elías asked Chief Gwaltney if his preference was for the Health Department to enforce the Ordinance.

Chief Gwaltney responded that the Sheriff's Department did not have a preference and the Department would enforce the laws as directed. He added that if enforcement became the responsibility of the Sheriff's Department there would be significant challenges with staffing.

Supervisor Miller declared that the Ordinance was another expansion of government adding more restriction on businesses within the community. She indicated that the state and federal governments were already tasked with enforcement. She stated that local control would cost taxpayers more money and would not be effective because individuals could purchase tobacco in surrounding communities. She expressed concern with the exemption granted to vaping establishments.

Supervisor Christy also expressed concern with the added layer of government and indicated that its implementation would not stop youths from smoking.

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

PROCUREMENT

33. Hearing - Appeal of the Procurement Director's Decision

Pursuant to Pima County Code 11.20.010(J), McGann & Associates, appeals the decision of the Procurement Director regarding Solicitation No. RFQ-PO-1900016, Landscape Architecture Services, Qualified Consultant List.

Don McGann, President, McGann and Associates Landscape Architects, addressed the Board stating that his firm had recently submitted a statement of qualifications in response to a solicitation for qualified consultant for landscape architectural services. He indicated that the solicitation had indicated that four firms would be selected, however the final notice listed three firms that were selected and his firm was not selected. He stated that he had requested background information from the Procurement Department and received that information five days after the request was made. He indicated that upon review of the information there appeared to be inconsistencies with the scoring and he filed a protest letter. He stated that the Procurement Director's response indicated that the protest letter was not timely filed. He indicated that left the company in a position where they could not effectively protest because relevant information was not available, and when it was provided, the protest period had expired. He stated that the remedy they were seeking was that McGann & Associates be added to the vendor list.

Supervisor Bronson inquired whether a fourth vendor could be added to the list, even though the appeal was not timely.

Mary Jo Furphy, Director, Procurement Department, responded that it was possible to add a fourth; however, the committee had made the decision not include a fourth vendor. She stated that even though the solicitation allowed up to four, it was not required that four be included. She added that the department chose not to have four because the scores for fourth and fifth place were essentially a tie. She indicated that Board Policy D. 29.1 stated that any time there was a score difference of less than 1%, the scoring must be reviewed. She stated that after the Committee reviewed the scores, they agreed that three vendors fulfilled the canvas needs.

Supervisor Miller stated that another process should be developed for numbers within the 1%. She also indicated that if qualifications were set at four, four should be selected.

Supervisor Christy asked whether confirmation was provided that the appeal process had expired.

Ms. Furphy responded that it was confirmed and explained in the notice provided June 20, 2019, that the protest period ended June 27, 2019. She added that the request for additional material was made on July 10, 2019, and the protest was filed on July 17, 2019.

Supervisor Miller recommended adding Mr. McGann's company to the qualified consultant list.

It was moved by Supervisor Miller and seconded by Supervisor Christy to close the public hearing, approve the appeal and add McGann & Associates to the contractor list. No vote was taken at this time.

Supervisor Bronson inquired about the legal consequences of overriding Procurement Code.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the Board would not face any allegation of illegality because the policy was Pima County Code and not State Statute.

Supervisor Miller asked why the 1% was included in the Code.

Ms. Furphy responded that if the scoring included the use of round numbers, there would be essentially a tie, the Code stated that within 1%, it was considered a tie.

Supervisors Bronson and Miller recommended that staff review the need for the 1% stipulation.

Supervisor Christy asked Mr. McGann whether he agreed with the Procurement Director's timeline.

Mr. McGann responded that the dates were correct; however, information related to the submittals was not available to the public until after the award letters were distributed and until then background information could not be requested.

Supervisor Miller amended her motion to include review and revision of the Procurement Code in order to eliminate the 1% variance and that time frames be established for public access to procurement information.

Chairman Elías recommended that Supervisor Miller make her request for changes to the procurement process through the County Administrator.

Supervisor Miller withdrew her amended motion.

Supervisor Bronson expressed concern over setting a precedent or possible legal ramifications.

Chuck Huckelberry, County Administrator, responded that the solicitation was for a group of consultants who would rotate among County projects and staff felt that three consultants could handle the workload. He indicated that there were no precedents being set and there were no impacts on future selections.

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

TRANSPORTATION

34. Hearing - Manzanita Elementary School Crosswalk Repeal Ordinance

ORDINANCE NO. 2019 - 18, of the Board of Supervisors, relating to traffic and highways; repealing an ordinance for an abutting school crosswalk on Manzanita Avenue in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

Supervisor Bronson 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.

35. Hearing - Thornydale Elementary School Crosswalk Repeal Ordinance

ORDINANCE NO. 2019 - 19, of the Board of Supervisors, relating to traffic and highways; repealing an ordinance for abutting school crosswalks for Thornydale Elementary School on Oldfather Road and Massingale Road in Pima County, Arizona. Staff recommends APPROVAL. (District 1)

Supervisor Bronson 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.

BOARD OF SUPERVISORS

36. Discussion/Possible Action

Discussion and possible action related to Memorandum - July 11, 2019 - Operation Stonegarden Funds Toward Humanitarian Aid Request to Support Catholic Community Services Central Casa Alitas and Distributed Shelters for Asylum Seekers. (District 1)

Supervisor Miller stated that on May 7, 2019, the Board of Supervisors had approved the Stonegarden Grant with the following conditions: \$200,000.00 would be allocated to humanitarian aid and \$330,000.00 would be allocated for recovery of indirect costs. She indicated that the County Administrator's memorandum of July 11, 2019, regarding the grant application to the Department of Homeland Security (DHS) did not coincide with the Board's direction of May 7, 2019. She inquired whether the Board had reconsidered their vote of May 7, 2019.

Chuck Huckelberry, County Administrator, responded that while attending a meeting with the Arizona Border Counties Coalition, the State Director of Homeland Security, the Federal Border Patrol, and Supervisor Bronson, they were informed that the County was eligible for indirect costs though the Stonegarden grant application for 2018, even though there was no line item for those costs. He indicated that the 2019 Stonegarden grant application would have a designated line item for indirect costs. He added that during the meeting the County was advised that any indirect cost reimbursements could be applied towards humanitarian aid. He stated that the approval granted on May 7, 2019, would have remained consistent if the juvenile facility had not been selected to house legal asylum seekers. He stated that potential expenses were calculated and those costs were added to the grant request, keeping the grant request at \$530,000.00, which was the sum originally approved on May 7, 2019. He stated the largest variable was the cost for food, for the asylum seekers and volunteers, which fluctuated. He stated that this grant process was new to the federal government and the county was allowed up to three years to expend those monies in any grant period.

Supervisor Miller indicated that a decision was made by the Board of Supervisors on May 7, 2019, and it appeared that decision was overturned without bringing it back to the Board for reconsideration. She stated that this violated the open meeting laws and that the public and the Sheriff's Department deserved the opportunity to express their opinions to any changes. She requested an opinion from the County Attorney on whether these actions violated open meeting laws. She expressed frustration over the process being implemented for asylum seekers and that the decision of May 7, 2019, was overturned on June 27, 2019.

Supervisor Christy expressed concern over monies being reallocated to humanitarian aid. He stated that supporters of the Stonegarden grants tolerated portions of the monies being allocated to humanitarian aid, but based on a meeting by the Arizona Border Counties Coalition, humanitarian aid was being expanded. He commented that these decisions should be brought back before the Board.

Chairman Elías indicated that the indirect costs were approved at the May 7, 2019, Board meeting and it was a public vote.

Andrew Flagg, Chief Civil Deputy County Attorney, stated a written analysis would be provided regarding the questions raised.

The Board took no action on this item.

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

37. Community Home Repair Projects of Arizona, Inc., Amendment No. 1, to provide for the Community Home Repair Projects of Arizona, Inc. Emergency Home Repair Program, amend contractual language and scope of work, HUD Fund, contract amount \$30,000.00 (CT-CD-19-315)

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

PROCUREMENT

38. AECOM Technical Services, Inc., Amendment No. 3, to provide for Bopp Road, Sarasota Boulevard at Kinney Road Improvements (4KINBO), amend contractual language and scope of services, DOT 57 HURF Fund, contract amount \$27,992.97 (CT-TR-18-491) Transportation

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

39. Southern Arizona Paving & Construction Co., to provide for Tanque Verde Road at Tanque Verde Loop Road Intersection Improvements (4TVTVL), Transportation CIP Projects (Federal (FHWA) - 55%, HURF Bonds (DOT-57) - 31%, HURF Bonds (12.6) - 14%) Funds, contract amount \$1,124,953.00 (CT-TR-20-27) Transportation

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

40. Harrison Trucking, Inc., to provide for biosolids transport and disposal services, RWRD Obligations Fund, contract amount \$500,000.00 (MA-PO-20-12) Regional Wastewater Reclamation

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

Supervisor Miller asked whether the current contractor had contacted the County.

Jackson Jenkins, Director, Regional Wastewater Reclamation Department, responded that the current contractor was sent two notice to cure letters that identified performance issues. He stated that the contractor had previously subcontracted with a third party, but had made the decision to utilize their own equipment and drivers. He indicated that concerns arose with the availability and quality of the drivers, as well as problems with their equipment. He added that on numerous occasions there was a backup of biosolids which could have potentially shut down the plant. He stated that this was a backup plan until the current contractor remediated their issues.

Supervisor Miller inquired whether the contractor had violated the terms of the contract.

Mr. Jenkins responded that they were in violation and the notice to cure letter identified the contractual issues they were not fulfilling.

Supervisor Miller requested a copy of the notice to cure letters.

Mr. Jenkins indicated that the documents would be provided.

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

41. PCL Construction, Inc., Amendment No. 3, to provide for Construction Manager at Risk Services for Continental Ranch Regional Pump Station Upgrade Project (3CRS05), extend contract term to 12/31/19 and amend contractual language, RWRD Obligations Fund, contract amount \$1,113,697.66 (CT-WW-17-380) Regional Wastewater Reclamation

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

GRANT APPLICATION/ACCEPTANCE

42. **Acceptance - County Attorney**

Tucson Center for Women & Children, Inc., d.b.a. Emerge! Center Against Domestic Abuse, to provide for the Risk Assessment, Management and Prevention Program, \$110,000.00 (GTAW 20-11)

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

43. **Acceptance - County Attorney**

Arizona Criminal Justice Commission, to provide for the Crime Victim Compensation Program Grant, \$493,870.00 (GTAW 20-12)

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

44. **Acceptance - County Attorney**

Arizona Automobile Theft Authority, to provide for the FY 2020 Auto Theft Vertical Prosecution Program Grant, \$216,056.00 (GTAW 20-13)

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

45. Acceptance - County Attorney

Office of the Arizona Attorney General, to provide for the Arizona Attorney General's Office FY 2020 Victims' Rights Program Award, \$169,600.00 (GTAW 20-14)

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

46. Acceptance - County Attorney

Arizona Criminal Justice Commission, to provide for the Drug, Gang and Violent Crime Control Grant Program, \$317,438.00/\$105,812.00 General Fund Match (GTAW 20-15)

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

47. Acceptance - Health

Arizona Department of Health Services, Amendment No. 2, to provide for the Emergency Preparedness Program, \$687,297.00/\$68,729.70 Health Special Revenue Fund Match (GTAM 20-2)

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

BOARD, COMMISSION AND/OR COMMITTEE

48. Parks and Recreation Commission

Reappointment of Jan Johnson. Term expiration: 6/30/25. (District 3)

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

49. Planning and Zoning Commission

Reappointment of Tom Tronsdal. Term expiration: 6/19/23. (District 3)

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

CONSENT CALENDAR

50. Approval of the Consent Calendar

Upon the request of Chairman Elías to divide the question, Consent Calendar Item Nos. 42, 43, 44 and 45 were set aside for separate discussion and vote.

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 11, 18, 20, 26 and 55 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY CHAIRMAN ELÍAS

GRANT APPLICATION/ACCEPTANCE

- 42. **Acceptance - Sheriff**
Governor's Office of Highway Safety, Amendment No. 1, to provide for the Governor's Office of Highway Safety Pedestrian and Bicycle Safety Enforcement, Training and Education, \$10,000.00 (GTAM 19-66)
- 43. **Acceptance - Sheriff**
Executive Office of the President, Office of National Drug Control Policy, Amendment No. 4, to provide for the High Intensity Drug Trafficking Areas Program, \$143,755.00 decrease (GTAM 19-67)
- 44. **Acceptance - Sheriff**
Executive Office of the President, Office of National Drug Control Policy, Amendment No. 1, to provide for the High Intensity Drug Trafficking Areas Program, \$16,124.00 (GTAM 19-68)
- 45. **Acceptance – Sheriff**
State of Arizona Department of Public Safety, to provide for the State Gang Task Force Detention Liaison Officer Units Program, \$100,000.00 estimate (GTAW 20-5)

Chairman Elías explained that he had pulled these items due to public comments and recommended that they be continued until they could be heard by the Community Law Enforcement Partnership Commission (CLEPC).

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

Supervisor Valadez stated that modifications to the CLEPC had been made by the Board with regards to a timeline for considering these items. He indicated that due to the lack of a quorum at the CLEPC meeting the configuration of CLEPC needed to be addressed because CLEPC was not functioning as intended.

Chairman Elías commented that it was a travesty of public dialogue and discourse that there were Board members purposefully not adding people to represent them on the CLEPC and that it was in opposition of what the Board of Supervisors represented.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Facilities Management

11. Accelerate Diagnostics, Inc., to provide for a lease agreement for properties located at 3950 W. Country Club, 4th Floor, and 2980 E. Ajo Way, contract amount \$4,600,000.00 revenue/6 year term (CTN-FM-20-16)

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 information provided by the County Administrator in two separate memorandums had conflicting investment totals, \$1.6 million and \$1,874,372.00. She stated that Accelerate Diagnostics, Inc. should be required to pay back the \$1.8 million. She reminded the Board that the building spaces were originally intended as an incubator for start-up businesses and that Accelerate Diagnostics, Inc. would only occupy the space for 3 years. She stated that the lease agreement violated the State Constitution's gift clause.

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

Procurement

18. Award

Award: Master Agreement No. MA-PO-20-2, RDO Construction Equipment Co. (Headquarters: Fargo, ND), for heavy industrial John Deere construction equipment. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$400,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: Fleet Services Operations Fund. Administering Department: Fleet Services.

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

Supervisor Miller asked if the County was responsible for paying for repairs under \$3,000.00 during the 5-year warranty period.

Tom Burke, Deputy County Administrator, indicated that he would provide that information.

Supervisor Miller requested that a cost benefit analysis of the extended warranty be provided.

Supervisor Bronson and Chairman Elías withdrew their motion.

It was moved by Supervisor Miller and seconded by Supervisor Bronson to continue the item to the Board of Supervisors' Meeting of September 3, 2019. Upon roll call vote, the motion unanimously carried 5-0.

20. **Award**

Amendment of Award: Master Agreement No. MA-PO-16-214, Amendment No. 6, WW Grainger, Inc., d.b.a. Grainger, Inc., for material handling equipment and related supplies. This amendment is for a one-time increase in the amount of \$70,000.00 for a cumulative not-to-exceed contract amount of \$980,000.00. This increase is needed due to higher than anticipated spending. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

Supervisor Miller asked why a cost increase was being requested.

Mary Jo Furphy, Director, Procurement Department, responded that the Wastewater Department was the main department utilizing this contract, however several other departments also utilized this contract. She indicated that with the increased use by the Sheriff and Facilities departments an increase was necessary.

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

26. **Poster Frost Mirto, Inc., Amendment No. 5, to provide for architectural and engineering design services: Old Courthouse Tenant Improvements Project (XOCHRT) and extend contract term to 12/31/20, Certificates of Participation Fund, contract amount \$221,486.00 (CT-FM-17-126) Facilities Management**

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

Supervisor Miller inquired about the contract components.

Chuck Huckelberry, County Administrator, responded that the contract was for exhibit designs for the bottom floor, where the Visitors Center and the Mineral Museum were located.

Supervisor Miller indicated that she had not supported the renovation.

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

RATIFY AND/OR APPROVE

55. Minutes: June 18, 2019
Warrants: July, 2019

Supervisor Miller provided typed corrections to the Board of Supervisors Minutes of June 18, 2019.

It was moved by Supervisor Miller, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to continue this item to the Board of Supervisors' Meeting of August 19, 2019.

* * *

CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Community Food Bank, Inc., Amendment No. 1, to provide for the HUD CDBG Public Facility Receiving Bay Upgrade Project, extend contract term to 6/30/20, amend contractual language and scope of work, no cost (CT-CD-19-14)

Community Services, Employment and Training

2. Salvation Army, Amendment No. 4, to provide for the U.S. Housing and Urban Development (USHUD) Continuum of Care (CoC) Program - Project Advent, extend contract term to 6/30/20, amend contractual language and scope of work, USHUD-CoC Fund, contract amount \$140,289.00 (CT-CS-16-304)
3. Salvation Army, Amendment No. 2, to provide for the Emergency Services Network Program, extend contract term to 6/30/20, amend contractual language and scope of work, Short Term Crisis/Temporary Assistance to Needy Families, CSBG, Low Income Home Energy Assistance Program and ADOH - Housing Trust Funds, contract amount \$140,004.00 (CT-CS-18-400)

4. Catholic Community Services of Southern Arizona, Inc., Amendment No. 3, to provide for workforce development services, extend contract term to 9/30/20, amend contractual language and scope of work, HPOG Fund, contract amount \$59,669.60 (CT-CS-17-445)

County Attorney

5. CBS Consulting Group, Amendment No. 2, to provide for professional grant writing services and extend contract term to 6/30/20, Anti-Racketeering Fund, contract amount \$44,000.00 (CT-PCA-17-323)
6. Community Bridges, Inc., to provide for the Tucson/Pima County Consolidated Misdemeanor Problem Solving Court Initiative Project, DOJ, SAMHSA, Treatment Drug Courts and AOC Funds, contract amount \$150,000.00 (CT-PCA-19-506)
7. Humphrey & Petersen, P.C., to provide for representation of Pima County, et al., in Holguin v. Pima County, et al., C20192192, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-20-12)
8. Audilett Law, P.C., Amendment No. 1, to provide for legal services regarding Cutler v. Pima County, 18-CV-00383, Risk Management Tort Fund, contract amount \$50,000.00 (CT-FN-19-291)

Elections

9. Golder Ranch Fire District, to provide for election services, contract amount \$65,000.00 revenue (CTN-EL-19-228)

Environmental Quality

10. Arizona Department of Environmental Quality, to provide for the Voluntary Vehicle Repair Program, no cost (CTN-DE-20-3)

Facilities Management

11. Accelerate Diagnostics, Inc., (PULLED FOR SEPARATE ACTION)

Forensic Science Center

12. Arizona Board of Regents on behalf of Arizona State University, to provide for data sharing, no cost/5 year term (CTN-FSC-19-224)

Information Technology

13. Sprocket, L.L.C., Amendment No. 6, to provide for a tower and rooftop license agreement for wireless communications facilities and amend contractual language, contract amount \$37,530.99 revenue (CTN-IT-12-65)

Pima Animal Care Center

14. Town of Oro Valley, to provide for animal care and enforcement services, contract amount \$418,066.00 revenue/3 year term (CTN-PAC-20-11)
15. City of Tucson, to provide for animal care and enforcement services, contract amount \$14,838,016.00 revenue/3 year term (CTN-PAC-20-12)

Pima County Wireless Integrated Network

16. Avra Valley Fire District, to provide for subscriber services, contract amount \$8,411.55 revenue/5 year term (CTN-WIN-20-1)
17. Pima County Community College District, to provide for subscriber services, contract amount \$16,351.65 revenue/5 year term (CTN-WIN-20-2)

Procurement

18. **Award**
Award: Master Agreement No. MA-PO-20-2, RDO Construction Equipment Co. (PULLED FOR SEPARATE ACTION)
19. **Award**
Award: Master Agreement No. MA-PO-20-8, Arcadia Landscape, Inc. (Headquarters: Tucson, AZ), for landscape maintenance and repair services. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$390,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Facilities Management.
20. **Award**
Amendment of Award: Master Agreement No. MA-PO-16-214, Amendment No. 6, WW Grainger, Inc., d.b.a. Grainger, Inc., (PULLED FOR SEPARATE ACTION)
21. Falcone Bros & Associates, Inc., Amendment No. 2, to provide for the Ina Road: Shannon Road to La Cholla Boulevard Project (4INASW) and extend contract term to 5/31/20, no cost (CT-TR-19-111) Transportation
22. PSOMAS, Inc., Amendment No. 1, to provide for design engineering services for Kolb Road: Sabino Canyon Road to Sunrise Drive Project (4KSCSD), extend contract term to 6/30/22, amend contractual language and scope of services, 1997 HURF Bond Fund, contract amount \$219,708.76 (CT-TR-18-499) Transportation

23. Granite Construction Company, to provide for the Arterial and Collector Pavement Repair Project (4PPP20), Transportation CIP Projects (HURF (DOT-59)) Fund, contract amount \$4,251,550.00 (CT-TR-20-13) Transportation
24. Aetna Life Insurance Company, Amendment No. 2, to provide for the Medical Benefits Administrative Services-Third Party Administration and Employee Assistance Program, amend contractual language and scope of services, no cost (MA-PO-18-189) Human Resources
25. Tetra Tech BAS, Inc., Amendment No. 1, to provide for engineering services: Ina Road Landfill Final Closure Project, extend contract term to 10/20/21, amend contractual language and scope of services, General Obligation Bond Fund, contract amount \$9,192.00 (CT-DE-18-330) Environmental Quality
26. Poster Frost Mirto, Inc., Amendment No. 5, (PULLED FOR SEPARATE ACTION)

Real Property

27. AZDA, L.L.C., to provide for a Sale of Surplus Property/Sales Agreement for property located at 10509 E. Tanque Verde, a portion of Tax Parcel No. 114-57-0670, in Section 36 T13S, R15E, G&SRM, contract amount \$360,000.00 revenue (CTN-PW-20-15)
28. Territorial Sign Co., Amendment No. 2, to provide for right-of-way encroachment for subdivision directional sign installment, contract amount \$50,784.00 revenue (CTN-PW-20-18)

Recorder

29. Golder Ranch Fire District, to provide for election services, contract amount \$160,000.00 revenue (CTN-RE-20-4)

Regional Wastewater Reclamation

30. Oswald Cattle Company, Amendment No. 1, to provide for effluent reuse and extend contract term to 6/30/24, RWRD Enterprise Fund, contract amount \$21,400.00 (CT-WW-14-406)
31. Arizona Board of Regents on behalf of the University of Arizona, Amendment No. 1, to provide for membership in the Water and Energy Sustainable Technology Center Project and extend contract term to 6/30/20, Enterprise (5008 RWRD Directors Division Unit 1187) Fund, contract amount \$50,000.00 (CT-WW-18-385)

Sheriff

- 32. Town of Marana, to provide for incarceration of municipal prisoners, contract amount \$254,000.00 estimated revenue (CTN-SD-19-212)
- 33. Town of Sahuarita, to provide for incarceration of municipal prisoners, contract amount \$204,000.00 estimated revenue (CTN-SD-19-214)
- 34. Town of Marana, to provide for video court hearings of municipal prisoners, contract amount \$10,000.00 estimated revenue (CTN-SD-19-229)
- 35. Town of Sahuarita, to provide for video court hearings of municipal prisoners, contract amount \$10,000.00 estimated revenue (CTN-SD-20-5)

Transportation

- 36. State of Arizona, Department of Transportation, to provide for a certification acceptance agreement, no cost/5 year term (CTN-TR-20-8)

GRANT APPLICATION/ACCEPTANCE

- 37. **Acceptance - Community Services, Employment and Training**
RESOLUTION NO. 2019 - 56, of the Board of Supervisors, authorizing the approval of Amendment No. One (1) of the agreement between the Arizona Department of Economic Security and Pima County for housing support services during Fiscal Year 2019-2020. This grant will be for \$380,621.00 (GTAM 19-69)
- 38. **Acceptance - Community Services, Employment and Training**
Arizona Department of Economic Security, Amendment No. 12, to provide for the Senior Community Services Employment Program, 71,148.00/\$7,905.00 General Fund match (GTAM 20-1)
- 39. **Acceptance - Community Services, Employment and Training**
Arizona Department of Housing, to provide for the Links Rapid Rehousing Program, \$400,000.00 (GTAW 20-2)
- 40. **Acceptance - Community Services, Employment and Training**
RESOLUTION NO. 2019 - 57, of the Board of Supervisors, authorizing the approval of the "Scope of Work for FY 2018 Competition" from the U.S. Department of Housing and Urban Development ("HUD") providing funding for HMIS Operations during Federal Fiscal Year 2019. This grant request will be for \$200,000.00 (\$50,000.00 General Fund match is required) (GTAW 19-121)

41. **Acceptance - Community Services, Employment and Training**
RESOLUTION NO. 2019 - 58, of the Board of Supervisors, authorizing the approval of the "Scope of Work for FY 2018 Competition" from the U.S. Department of Housing and Urban Development ("HUD") providing funding for rental assistance and supportive services to prevent homelessness during Federal Fiscal Year 2019. This grant request will be for \$201,545.00 (\$50,386.25 General Fund match is required) (GTAW 19-123)
42. **Acceptance - Sheriff**
Governor's Office of Highway Safety, Amendment No. 1, (PULLED FOR SEPARATE ACTION)
43. **Acceptance - Sheriff**
Executive Office of the President, Office of National Drug Control Policy, Amendment No. 4, (PULLED FOR SEPARATE ACTION)
44. **Acceptance - Sheriff**
Executive Office of the President, Office of National Drug Control Policy, Amendment No. 1, (PULLED FOR SEPARATE ACTION)
45. **Acceptance - Sheriff**
State of Arizona Department of Public Safety, (PULLED FOR SEPARATE ACTION)
46. **Acceptance - Environmental Quality**
Arizona Department of Environmental Quality, to provide for the Pima County Voluntary Lawn Equipment Emission Reduction Program, \$220,000.00 (GTAW 19-125)
47. **Acceptance - Environmental Quality**
Arizona Department of Environmental Quality, to provide for the Pima County DEQ Voluntary No-Drive Day/Clean Air Program, \$268,250.00 (GTAW 20-6)
48. **Acceptance - Natural Resources, Parks and Recreation**
The Bert W. Martin Foundation, to provide for the restoration of Tradesman House and Courtyard (Bldg. 106) in Historic Canoa Ranch, \$100,000.00/\$100,000.00 General **Special Revenue** Fund match (GTAW 20-1)

BOARD, COMMISSION AND/OR COMMITTEE

49. **Board of Health**
Reappointments of Paul Horwitz and Gail Smith. Term expirations: 6/30/23. (District 3)

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

50. Special Event

William Dean Woodruff, Corpus Christi Catholic Church, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, August 3, 2019.

51. Temporary Extension

- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, September 13, 2019.
- 07100504, Gregory Lee Wexler, Whiskey Roads, L.L.C., 2265 W. Ina Road, Tucson, August 2, 3 and 4, 2019.

ELECTIONS

52. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Matthew A. Kopec-058-DEM; Mary Ker-191-DEM; Joseline Mata-231-DEM; William "Bill" D. McKinley-084-REP; Philip Schultz-174-REP; Harry Laughman-177-REP

APPOINTMENT-PRECINCT-PARTY

Margaret M. Sims-021-DEM; Matthew A. Kopec-038-DEM; Melody A. Gallego-060-DEM; Andra T. Karnofsky-088-DEM; Lynda G. Rogoff-088-DEM; Helen R. Brown-101-DEM; Janice A. Juszczak-125-DEM; Karen W. Harris-148-DEM; Helen C. Herziger-148-DEM; Chantal L. Golden-169-DEM; Linda Petersen Vargas-214-DEM; Joseph I. McMahon-225-DEM; William J. Applegate-009-REP; Gail M. Maloney-011-REP; Alvin Guy Quisenberry-012-REP; Cathy E. Vega-069-REP; Margaret E. Pahoresky-084-REP; Valeree A. Morales-088-REP; Mathew C. Bunting-090-REP; Philip E. Kortesis-092-REP; Donna L. Fogt-116-REP; Richard E. Roubos-124-REP; Mitchell Limmer-127-REP; Diane M. Russell-146-REP; Susan E. Jannetto-148-REP; Deborah G. Powers-153-REP; Michael P. McWherter-163-REP; Maureena G. Horn-168-REP; Kathleen M. Hernandez-169-REP; Elizabeth L. Moll-173-REP; Angelika R. Flisnik-175-REP; James F. Flisnik-175-REP; David V. Semon-176-REP; Steven D. Lozano-177-REP; Monica J. Hills-178-REP; Sukritta M. Larsen-181-REP; Kelly K. McKenzie-182-REP; Linda Lee Landry-183-REP; Susan M. Webber-183-REP; Mary E. Kowalczyk-197-REP; Bonnie R. Haymore-200-REP; Clark L. Reddin-200-REP; Elaine T. Kelly-202-REP; Karin V. Mathews-209-REP; Bette L. Hanson-212-REP; John E. Hanson-212-REP; Marilyn J. Zerull-212-REP; Joanne M. Hall-214-REP; Elani C. Parker-217-REP; Gary L.

Parker-217-REP; George D. Sims-220-REP; Barbara A. Gibson-221-REP;
James A. Gibson-221-REP; Donovan M. Hoover-227-REP; Bette J.
Lockhart-238-REP; Bonnie J. Schwimer-243-REP

FINANCE AND RISK MANAGEMENT

53. Duplicate Warrants - For Ratification

International Textile Traders \$17.70; Sheila Gagnon \$21.36; Terros, Inc. \$3,286.32; Arizona Department of Revenue \$3,135.00; Alexis Merino \$75.00; Line and Space, L.L.C. \$49,269.00; Timur Danijarovich Beketov \$126.38; Carol Dickman \$45.00; Kimron Investments, L.L.C. \$261.13; The Drawing Studio, Inc. \$425.00; Lazaro Montoya, d.b.a. Lazco Lath, L.L.C. \$580.00; Lazaro Montoya, d.b.a. Lazco Lath, L.L.C. \$330.00; Lazaro Montoya, d.b.a. Lazco Lath, L.L.C. \$480.00; David Houston \$2.71; Sophie Katherine Smith \$53.40; Amrit Donaldson, P.C. \$1,992.00.

TREASURER

54. Duplicate Warrants - For Ratification

King, Connie \$8.60; Motor Vehicle Dept. \$64.61.

RATIFY AND/OR APPROVE

55. Minutes: June 18, 2019 (PULLED FOR SEPARATE ACTION)

* * *

51. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 1:59 p.m.

CHAIRMAN

ATTEST:

CLERK