

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 Monday, August 19, 2019. Upon roll call, those present and absent were as follows:

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

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

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$8,265.00 for placement of a pool for a single family residence at 5220 W. Spectacular Way, located within regulated riparian habitat with underlying Xeroriparian Class C Habitat. (District 1)

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

2. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$1,940.10 for placement of a single family residence at 24270 E. Tonopah Trail, located within regulated riparian habitat with underlying Xeroriparian Class C Habitat. (District 4)

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:16 a.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Monday, August 19, 2019. Upon roll call, those present and absent were as follows:

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

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

1. INVOCATION

The invocation was given by Pastor Leon Tremmel, Vision Ministries Outreach.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

4. Presentation of a proclamation to the Sunnyside Little League Baseball Team: Ernest Moraga, Francisco Rivero and Cristobal Lorta, Coaches; Izaiah Moraga, Michel Muniz, Jr., Jorge Zazueta, Miguel Siqueiros, Andrew Romo, Francisco Rivero, Antonio Ochoa, Jordan Mayboca, Cristobal Lorta, Juan Hernandez, Aciel Guillen, Juan Abril and Angel Armenta, Jr., Players; proclaiming the day of Monday, August 19, 2019 to be: "SUNNYSIDE LITTLE LEAGUE - 2019 MAJOR DIVISION BASEBALL DAY"

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

5. **CALL TO THE PUBLIC**

Soleste Lupu addressed the Board regarding the tax exemption waiver for Dancing in the Streets Arizona.

Joe Boogaart addressed the Board regarding his opposition to taxpayers funding the University of Arizona and stated that the Board should focus on road repair, schools and neighborhood parks.

Geri Ottoboni addressed the Board regarding increased taxes and the dangers of Tucson becoming a Sanctuary City.

John Backer, candidate for Pima County District 4 Supervisor, addressed the Board regarding road maintenance, increased property taxes and using Certificates of Participation funds without voter approval.

CLERK OF THE BOARD

6. The Board of Supervisors on August 6, 2019, continued the following:

Ratify and/or Approve

Minutes: June 18, 2019
Warrants: July 2019

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

7. The Board of Supervisors on August 6, 2019, continued the following:

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.

Supervisor Bronson indicated that this item was continued because SAAVI did not qualify for the charter school exemption requirement set by statute. She inquired whether the Board could grant the petition if SAAVI was able to meet that requirement.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the statute being applied by SAAVI could only be used by charter schools and trap and skeet clubs.

Supervisor Bronson asked that the petitioner be allowed to address the Board.

Chairman Elías asked if there were any objections from Board members, hearing none he allowed the speaker.

Michael Gordon, Executive Officer, SAAVI, indicated that he disagreed with the interpretation to include only charter schools and trap and skeet clubs. He stated that educational facilities and buildings used for education should be included. He explained that the facility was zoned as an educational facility and primary funding was provided from the Federal Rehabilitation Services Administration with a 21% State match from the Department of Education. He added that a tax burden based on this decision would be difficult to pay with funding from the Department of Education.

Chairman Elias inquired why it was necessary for SAAVI to apply for this exemption.

Mr. Gordon responded that their Chief Financial Officer had resigned and an interim accountant was appointed. He indicated that the Accountant had confirmed that the necessary paperwork was submitted, but was subsequently terminated after no supporting documentation was found. He added that this was the first time, in 50 years, SAAVI failed to file the necessary paperwork.

Supervisor Bronson inquired whether SAAVI had previously paid taxes.

Mr. Gordon responded that SAAVI was categorized as a Non-Profit, 501(C)(3) and no taxes were paid.

Supervisor Miller asked for clarification of A.R.S. §42-11104.

Mr. Flagg responded that A.R.S. §42-11104 applied generally to educational institutions and according to the Assessor's Office, a timely filed affidavit would have qualified SAAVI for the exemption. He indicated that the section SAAVI was applying under, Subsection G, stated that a non-profit organization described under Subsection C can go to the Board and ask for a refund or forgiveness of unpaid taxes. He added that Subsection C applied to charter schools and trap and skeet clubs only. He indicated that he could not explain why the legislature had written it that way. He added that was the reason the Assessor's review indicated that qualifications would have been met with a timely submitted affidavit but it could no longer be applied because they were not a charter school.

Supervisor Bronson asked whether this applied to the current process.

Mr. Flagg responded that SAAVI had received relief for their 2019 taxes under a different statute, but that statute could only be applied to taxes that were not due and payable. He added that was not an option for their 2018 taxes.

Chairman Elias ask for the total amount owed.

Mr. Gordon responded approximately \$47,000.00.

Supervisor Bronson inquired whether another remedy was available.

Mr. Flagg responded that he could not rule out the possibility of another solution. He added that the procedure SAAVI had applied for was not available due to the charter school qualification and indicated that the other process available could not be used for back taxes.

Supervisor Christy asked whether the facility had qualified as a charter school in the past.

Mr. Gordon responded that the facility was not a charter school, but it was an educational facility.

Supervisor Christy asked whether SAAVI had qualified under the educational designation.

Mr. Gordon responded in the affirmative. He stated that Subsection A clearly defined Libraries, Universities, Educational Buildings or Educational Facilities, and SAAVI clearly fell within that category and had been designated as such.

Mr. Flagg responded that there were two parts of the statute being referenced. He stated the subsection that granted the Board authority to forgive or refund taxes was Subsection C, which referenced charter schools and trap and skeet clubs. He added for that reason they did not qualify.

Supervisor Miller asked the Board to consider continuing the item in order to explore alternate solutions with the Assessor's Office.

Supervisor Valadez inquired whether there was some leeway and asked that the Assessor's ability to resolve the issue be explored.

Mr. Flagg responded that he could not immediately respond, but a possible remedy may exist.

Supervisor Valadez agreed to a continuation and added that the County Attorney be included in the discussion to ensure the resolution was legally defensible.

It was moved by Supervisor Valadez and seconded by Chairman Elías to continue the item to the Board of Supervisors' Meeting of September 17, 2019. No vote was taken at this time.

Chairman Elías clarified the motion that an alternative remedy be explored and that the matter be resolved legally with the Assessor and County Attorney Offices.

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

8. 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.

REAL PROPERTY

9. A. Donation Agreement

RESOLUTION NO. 2019 - 59, of the Board of Supervisors, accepting a donation of an approximately 120 acre parcel of undeveloped real property from Margaret M. Kidwell, as Trustee of the Margaret M. Kidwell Revocable Trust dated May 6, 1998, and designating the donation parcel as part of the County parks system.

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

B. Contract

Margaret M. Kidwell, Trustee of the Margaret M. Kidwell Revocable Trust and Pima County, to provide a donation agreement and Special Warranty Deed with restrictions and reservation of access easement for real property consisting of approximately 120 fee acres, Tax Parcel No. 306-15-013C, General Fund - Special Projects, contract amount \$3,000.00 (CT-PW-20-40)

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

BOARD OF SUPERVISORS

10. Hearing - Tax Levy Resolution

RESOLUTION NO. 2019 - 60, of the Board of Supervisors, for the levy of taxes for Fiscal Year 2019/2020.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Elías and seconded by Supervisor Bronson to close the public hearing and adopt the Resolution. No vote was taken at this time.

Supervisor Christy indicated that he would not support the Resolution. He added that the Board should conduct specified and focused study sessions on the budget and recommended that they be included in the budget process next year.

Supervisor Miller commented that a tax neutral budget would have been achievable based on current savings within the General Fund and the 1% reduction recommended by the Board. She also indicated that an additional \$72 million in savings could be realized if departments discontinued the practice of padding their budgets with PCN's.

Chairman Elías commented that the savings would be attainable and indicated that the Board should discuss applying those savings towards payment preservation.

Supervisor Valadez provided clarification with regards to the tax rate and the property tax neutral budget concept introduced by Supervisor Miller. He indicated that the tax rate had dropped and the concept behind a property tax neutral budget included the removal or freezing of vacant positions in order to achieve a cost savings that could be applied towards a property tax neutral budget. He explained that the savings could be realized at the beginning of the fiscal year if the same positions remained vacant throughout the year, however because of low unemployment, those same positions may not be the same positions opened at the end of the year. He added that freezing those positions could hamper the County's ability to provide services. He stated that it was better for the County to realize those savings at the end of the fiscal year and budget accordingly.

Supervisor Christy commented that reductions could have been accomplished and recommended additional budget meetings in the future.

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

11. Hearing - Tax Collection Resolution

RESOLUTION NO. 2019 - 61, of the Board of Supervisors, authorizing the delivery of tax statements and the collection of the 2019 taxes.

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Chairman Elías and seconded by Supervisor Bronson to close the public hearing and adopt the Resolution. No vote was taken at this time.

Supervisor Christy inquired whether the Resolution authorized the delivery of tax statements and the collection of taxes.

Chairman Elías responded in the affirmative.

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

FRANCHISE/LICENSE/PERMIT

12. Hearing - Liquor License

Job No. 68523, Davidson Dougall Hall, Desert Owl Wines, 4731 N. Campbell Avenue, Tucson, Series 1, In-State Producer, New License.

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

13. Hearing - Fireworks Permit

Eddie Robinson, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, September 2, 2019 at 9:30 p.m.

At the request of the Fireworks Productions Company and without objection, this item was removed from the agenda.

14. Hearing - Fireworks Permit

Danithza Castro, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, September 14, 2019 at 9:00 p.m.

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

15. Hearing - Permanent Extension of Premises/Patio Permit

14100003, Michael Seeley, BPOE Elks Lodge No. 1576, 350 N. Yermo, Ajo. AZ.

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

REGIONAL WASTEWATER RECLAMATION

16. Hearing - Pima County Code Text Amendment

ORDINANCE NO. 2019 - 20, of the Board of Supervisors, relating to wastewater; amending Pima County Code, Title 13, Chapter 20, sanitary construction, connections and fees.

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

17. Hearing - Non-Code Ordinance

ORDINANCE NO. 2019 - 21, of the Board of Supervisors, relating to sanitary sewer construction and fees; to establish a new fee schedule for permits, inspections, and related services provided by the Development Services Department under Title 13, Chapter 20 of the Pima County Code.

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

BOARD OF SUPERVISORS

18. Community Law Enforcement Partnership Commission

Discussion/direction/action regarding effective operation of Pima County Community Law Enforcement Partnership Commission. (District 2)

8-19-2019 (8)

Supervisor Valadez explained that this item was placed on the Agenda for Board discussion regarding the direction of the Community Law Enforcement Partnership Commission (CLEPC). He indicated that the Sheriff's Department also had recommendations. He stated that discussions with the Sheriff included the establishment of a law enforcement board comprised of two appointments from each Board district that would report directly to the Sheriff and would allow the Sheriff to be an active participant.

Chief John Stuckey III, Pima County Sheriff's Department, indicated that the Sheriff wanted and valued community engagement. He stated that the Sheriff wanted to engage with the public on policies and practices and wanted to maintain the management latitude necessary to administer the Sheriff's Department.

Chairman Elías stated that a review panel was needed, but expressed concern with the lack of written information about the level of authority and interaction the panel would have. He indicated that before implementation, legal information should be reviewed regarding the committee's authority and discussion with the Sheriff should take place regarding how that authority would be shared with the Board of Supervisors. He stated that the City of Phoenix was creating an independent review panel and could be used as an example.

Supervisor Valadez indicated that the Board's authority over the Sheriff was limited to budgetary and any authority given to the Commission could not be provided by the Board. He stated that the City of Phoenix and the City of Tucson had different relationships with law enforcement and recommended further Board discussion.

Chairman Elías commented that he understood the separation of powers and indicated that he would like the Sheriff to voluntarily share those powers with the Board to the extent possible. He indicated that he was not seeking complete authority, but sought independent recognition that was not solely owned or governed by the Sheriff.

Supervisor Valadez responded that the discussion was for the structural development of the Commission. He asked that the County Administrator and County Attorney provide direction of possible violations of state statute or constitutional issues.

Chairman Elías requested that meaningful citizen participation be established.

Supervisor Christy inquired about the CLEPC's inability to meet as required and how that affected the status of CLEPC.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that the CLEPC was created by the Board and subject to the Board's review. He indicated that it was at the discretion of the Board to determine whether the CLEPC's mission was being met.

Supervisor Christy inquired whether Board action was required to discontinue CLEPC.

Mr. Flagg responded that he was not familiar with the bylaws, and indicated that he had not seen language indicating an automatic discontinuation would occur if the CLEPC failed to meet any obligations.

Supervisor Christy commented that since the Board lacked authority over the Sheriff's Department, this issue was at the Sheriff's discretion.

Chairman Elías responded that citizen participation was a necessary component for meaningful community input. He stated that several jurisdictions had independent review panels for law enforcement regardless of statutory authority.

Supervisor Miller indicated that the Sheriff's Department should be solely responsible for the formation of the committee. She stated that the Sheriff had created an open environment for citizen participation and he was approachable.

It was moved by Chairman Elías and seconded by Supervisor Valadez to continue the item to the Board of Supervisors' Meeting of September 17, 2019. No vote was taken at this time.

Supervisor Valadez recommended that the motion include staff direction to work with the County Attorney's Office in order to develop the structure of the Commission and to ensure all concerns were addressed.

Chairman Elías accepted the motion recommendation and added staff direction that the Sheriff and the County Attorney work together to meet the needs of the community.

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

19. Community Law Enforcement Partnership Commission

Discussion/vote to disband the Community Law Enforcement Partnership Commission. (District 4)

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

20. **Stonegarden Approval and the Open Meeting Law**

Discussion and action to release to the public the August 13, 2019, attorney-client privilege memorandum from Chief Civil Deputy County Attorney, Andrew Flagg. Re: May 7, 2019 Stonegarden Approval and the Open Meeting Law. (Districts 1 and 3)

It was moved by Chairman Elías and seconded by Supervisor Bronson to waive the attorney-client privilege and release the May 7, 2019 memorandum to the Board from Chief Civil Deputy County Attorney Andrew Flagg. Upon the vote, the motion unanimously carried 5-0.

21. **Off Track Pari-Mutuel Wagering Location**

Pursuant to Arizona Administrative Code R19-2-415, approval of an Off Track Pari-Mutuel Wagering Location for Turf Paradise: Craft Republic, 7625 N. La Cholla Boulevard, Tucson, Arizona (in unincorporated Pima County). (District 1)

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

Supervisor Bronson asked for clarification with regards to the District 1 designation.

Julie Castañeda, Clerk of the Board, responded that the designation was to indicate which Supervisorial District the facility was located in.

Chairman Elías inquired how the statute interacted with the Native American Gaming Agreement.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that he did not have that information available but would provide the information.

David Johnson, Assistant General Manager, Turf Paradise, responded that the request was for approval of an off track betting location. He indicated that there were 58 sites in Arizona regulated by the Arizona Department of Gaming (ADG). He added that the ADG also regulated the gaming compacts with Arizona Indian Tribes. He explained that the Tribes had elected to not participate because monetary gains were not sufficient and the races were slow paced. He stated wagering activities required the approval of the local governing body and the Board had the authority to rescind their approval and shut down the activity at any time.

Supervisor Bronson inquired whether there would be repercussions if the Board denied the request.

Mr. Flagg responded that a required condition of the ADG was approval from the local governing body. He indicated that if the Board denied the request they would not be allowed to engage in that activity.

Supervisor Bronson asked if the process was similar to the planning and zoning process.

Mr. Flagg responded that it was comparable because the Board had the authority to deny the process.

Supervisor Bronson asked which body was responsible for the final decision.

Mr. Flagg responded that that Board's approval was needed prior to applying with the ADG.

Supervisor Bronson inquired whether the commission could override the Board's decision.

Mr. Flagg responded that the Board's decision could not be overridden.

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

22. Subordination Agreement

Staff recommends approval of a Subordination Agreement and an Estoppel Certificate for Rocky Mountain Community Reinvestment Corporation, pursuant to CT-CD-17-190, Amendment No. 1. (District 2)

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

Supervisor Miller indicated that the original contract had listed investments from Rio Nuevo and the City of Tucson. She asked why those were left out of the amendment.

Jan Leshner, Chief Deputy County Administrator, responded that the documents pertaining to Rio Nuevo were not available but could be provided.

Supervisor Miller made a substitute motion to continue the item to the Board of Supervisors' Meeting of September 3, 2019. Supervisor Christy seconded the motion. Upon the vote, the motion unanimously carried 5-0.

HUMAN RESOURCES

23. Classification/Compensation

The Facilities Management Department requests approval to create the following new classifications, associated costs will be borne by the department from within its current budget:

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

2101/ FM - Specialty Trade Technician/ 41(\$38,209-\$56,472)/ 7/ NE*

2103/ FM - Specialty Trade Specialist/ 49(\$45,988-\$68,120)/ 7/ NE*

2105/ FM - Specialty Trade Specialist Senior/ 52(\$48,672-\$73,092)/ 7/ NE*

2107/ FM - Specialty Trade Supervisor/ 61(\$60,320-\$89,711)/ 7/ E**

*NE = Not Exempt (paid overtime)

**E = Exempt (not paid overtime)

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

REAL PROPERTY

24. Dedication of Right-of-Way

Dedication of a Right-of-Way for Kino Sports Complex. (District 2)

It was moved by Chairman Elías and seconded by Supervisor Bronson to approve the item. Upon roll call vote, the motion carried 3-2, Supervisors Christy and Miller voted "Nay."

CONTRACT AND AWARD

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

25. Southern Arizona Aids Foundation, to provide for affordable housing expansion and rehabilitation for people living with HIV/AIDS, USHUD Fund, contract amount \$141,647.00 (CT-CD-19-525)

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

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

26. Portable Practical Educational Preparation, Inc., Amendment No. 8, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA and HPOG Funds, contract amount \$96,441.75 decrease (CT-CS-17-10)

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

ECONOMIC DEVELOPMENT

27. JobPath, Inc., Amendment No. 2, to provide for workforce development services, extend contract term to 6/30/20, amend contractual language and scope of work, General Fund, contract amount \$706,000.00 (CT-ED-18-4)

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

FACILITIES MANAGEMENT

28. Southern New Hampshire University, to provide for a lease agreement for property located at 97 E. Congress, contract amount \$9,630,898.69 revenue/10 year term (CTN-FM-20-32)

It was moved by Chairman Elías and seconded by Supervisor Valadez to approve the item. Upon roll call vote, the motion carried 4-1, Supervisor Miller voted "Nay."

PROCUREMENT

29. Design and Production Incorporated, Amendment No. 1, to provide for the Historic Courthouse - Exhibit Fabrication for Pima County Visitor Center and University of Arizona Mineral Museum Project, amend contractual language and scope of services, Capital Non-Bond Projects Fund, contract amount \$4,100,000.00 (CT-FM-18-415)

It was moved by Chairman Elías and seconded by Supervisor Valadez to approve the item. Upon roll call vote, the motion carried 4-1, Supervisor Miller voted "Nay."

30. Lloyd Construction Company, Inc., Amendment No. 4, to provide for Construction Manager at Risk Services for Historic Courthouse Final Phase Construction (XOCH03), extend contract term to 3/31/21, amend contractual language and scope of work, FM Capital Non-Bond Projects Fund (Transfer in from General Fund), contract amount \$3,448,814.57 (CT-FM-19-416) Facilities Management

It was moved by Chairman Elías and seconded by Supervisor Valadez to approve the item. Upon roll call vote, the motion carried 4-1, Supervisor Miller voted "Nay."

GRANT APPLICATION/ACCEPTANCE

31. Acceptance - Health

Arizona Department of Health Services, to provide for the Family Planning Program (Title X), \$127,000.00 (GTAW 20-16)

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

32. Acceptance - Sheriff

State of Arizona - Office of the Attorney General, to provide for the FY20 Victims' Rights Program, \$39,200.00 (GTAW 20-17)

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

33. Acceptance - Health

Centers for Disease Control and Prevention, Amendment No. 1, to provide for the REACH Pima Partnership Project, \$762,685.00 (GTAM 20-3)

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

CONSENT CALENDAR

34. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 3, 5 and 7 were set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Facilities Management

3. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for a lease agreement for property located at 115 N. Church Avenue and amend contractual language, contract amount \$3,652,752.00 revenue (CTN-FM-18-124)

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

Supervisor Miller inquired about the additional \$6 million in tenant improvements and asked when the University of Arizona (UA) would be billed for those improvements.

Chuck Huckelberry, County Administrator, responded that this was an amendment to the lease which allowed for the payback period to be extended to 60 months. He stated that the UA would be paying \$132,000.00 a month and the interest rate would be the same rate used for debt and certificates of participation (COPs), and would result in a net zero exchange. He indicated that costs for exhibits and construction would be incurred and the County would be responsible for the first \$7.5 million. He stated that the UA would be billed accordingly from the contractor and exhibitor, as those amounts became due.

Chairman Elías asked for clarification of the term “net zero effect.”

Mr. Huckelberry responded that redevelopment of the Historic Courthouse would cost the County \$23.5 million, the UA \$13.5 million and Visit Tucson \$1 million in tenant improvements along with their rent payments. He explained that the rent structure of the lease required the UA to pay operating costs associated with their use of the basement (geosciences laboratories) and the first floor (Mineral Museum). He indicated that the money for the museum was being raised by the UA through donations and was the reason for the loan and as a backup for repayment the UA projected selling excess minerals if full donations were not received. He added that the UA would be paying back the principal plus interest on the loan and would be paying the County’s interest during the loan period which would create the net zero transaction.

Chairman Elías asked what the interest rate was for COPs.

Mr. Huckelberry responded 2.24%.

Supervisor Miller inquired whether the UA was aware that they would be billed for the additional \$6 million in tenant improvements.

Mr. Huckelberry responded that the UA was aware that they would be billed for the improvements.

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

5. Arizona Board of Regents, University of Arizona, Amendment No. 1, to provide for a lease agreement for property located at 240 N. Stone, Nos. 550, 551 and 507, extend contract term to 2/10/25 and amend contractual language, contract amount \$5.00 revenue (CTN-FM-15-6)

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

Supervisor Miller indicated that renting 3,026 square feet of courtroom space to the University of Arizona (UA) for \$5.00 a year was not market value. She inquired why the UA had priority over Justice Courts for use of those courtrooms.

Chairman Elias commented that the courtrooms were not being used and the County would not incur any costs by allowing the students to use the courtrooms. He stated his support for UA students and their studies.

Supervisor Miller indicated that the monies could have been used for road repair instead of improvements to unused courtrooms. She commented that taxpayers were weary of being bypassed by the County in order to fund UA projects, and stated those projects were subsidized by property taxes.

Chuck Huckelberry, County Administrator, indicated that operation and maintenance costs were done on a floor-by-floor basis and that no additional costs would be incurred by the County. He explained that the UA Law School would use the courtroom settings to train students and allowed students to observe actual court proceedings. He added that a benefit would be that the Public Defender and County Attorney could interview and observe students to determine which ones they wanted to attract as employees. He stated that the agreement could be cancelled at any time to allow for the originally constructed use of those facilities.

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

Procurement

7. Southwest Hazard Control, Inc., to provide for the Pima County Northwest Service Center asbestos abatement (XNWHLC), FM Capital Non Bond Projects Fund, contract amount \$254,814.00 (CT-FM-20-36)

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

Supervisor Miller commented that she objected to the purchase of Golden Pin Lanes and the use of taxpayer funding for asbestos abatement.

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

* * *

CONTRACT AND AWARD

Community Services, Employment and Training

1. Compass Affordable Housing, Inc., Amendment No. 4, to provide for the Arizona Department of Housing - Pima County Links Rapid Rehousing Program, extend contract term to 6/30/20, amend contractual language and scope of work, State of Arizona Housing Program Fund, contract amount \$257,437.00 (CT-CS-17-404)
2. Old Pueblo Community Services, Amendment No. 3, to provide for the Arizona Department of Housing - Pima County Links Rapid Rehousing Program, extend contract term to 6/30/20, amend contractual language and scope of work, State of Arizona Housing Program Fund, contract amount \$101,359.00 (CT-CS-17-441)

Facilities Management

3. Arizona Board of Regents, University of Arizona, Amendment No. 1, (PULLED FOR SEPARATE ACTION)
4. IMPACT of Southern Arizona, Amendment No. 2, to provide for a lease agreement for property located at 3535 E. Hawser Street and amend contractual language, contract amount \$209,773.07 revenue (CTN-FM-CMS143190)
5. Arizona Board of Regents, University of Arizona, Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Procurement

6. Whelcon Contractors, L.L.C., Amendment No. 1, to provide for the Benson Highway at Drexel Road Intersection Improvements (4DRXXL), extend contract term to 4/23/20 and amend contractual language, no cost (CT-TR-19-165) Transportation
7. Southwest Hazard Control, Inc., (PULLED FOR SEPARATE ACTION)

Real Property

8. Skyline Bel Air Estates Community Association, Amendment No. 3, to provide a Right-of-Way Encroachment License for landscaped medians, vegetation, and entry walls, extend contract term to 7/22/44 and amend contractual language, contract amount \$6,125.00 revenue (CTN-PW-20-22)
9. Gallery ROW Group, L.L.C., to provide for a Right-of-Way Encroachment License for a freestanding sign located at 3001 E. Skyline Drive, Tax Parcel No. 108-11-056E, contract amount \$4,375.00 revenue/25 year term (CTN-PW-20-21)

Sheriff

10. Town of Oro Valley, to provide for incarceration of municipal prisoners, contract amount \$183,000.00 estimated revenue (CTN-SD-19-213)
11. Green Valley Sheriff Auxiliary Volunteers (SAV), Amendment No. 6, to provide for property loss protection - Green Valley SAV vehicles, amend contractual language and scope of services, no cost (CT-SD-18-41)
12. City of Tucson and Drexel Heights Fire District, Amendment No. 1, to provide for 911 backup facility sharing services at PECOC and TOPSC, extend contract term to 5/19/24, amend contractual language and scope of services, contract amount \$553,500.00 revenue (CTN-SD-14-153)
13. Pima County Community College District, to provide for the Adult Basic Education College and Career Program at the Pima County Adult Detention Center, General Fund, contract amount \$141,372.38 (CT-SD-20-16)

BOARD, COMMISSION AND/OR COMMITTEE

14. Metropolitan Education Commission

- Appointment of Clarisa Nido, representing Building Principal (AZ School Administrators), to replace Rex Scott. Term expiration: 2/16/21. (Commission recommendation)
- Appointment of Rex Scott, At-Large Commission Appointee, to replace Patricia Wiedhopf. Term expiration: 3/19/22. (Commission recommendation)

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

15. Temporary Extension

- 07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, August 24, 2019.
- 012100004276, Sharron Fisher, Dominicks Green Valley, 77 E. Paseo De Golf, Green Valley, September 14, 2019.

16. Special Event

Shelby Kristen Scheer, Southern Arizona Arts and Cultural Alliance, La Encantada Shopping Center, 2905 E. Skyline Drive, Tucson, September 1, 2019.

ELECTIONS

17. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Julie A. Roush-074-DEM

APPOINTMENT-PRECINCT-PARTY

Marcia L. Wohlhueter-057-DEM; Martha P. Fankhauser-078-DEM; Delores K. Horne-078-DEM; Gene T. Fisher-237-DEM; Kim M. Bayne-239-DEM; James E. Pollack-010-REP; Teresa M. Shevlin-033-REP; Caroline F. Wren-112-REP; Marian F. Hirschhorn-130-REP; Dyana L. Sprouse-141-REP; Brenda F. Zenan-141-REP; Carol A. Surowiec-145-REP; Tina L. Black-158-REP; Mabelle P. Gummere-178-REP; Steven A. Gummere-178-REP; Ernest Shack-181-REP; James H. Mais-193-REP; Thomas E. Nelson-210-REP; Darlene M. Franklin-216-REP; Donald T. Woolley-227-REP; Patricia K. Woolley-227-REP; Scott A. Stewart-116-LBT; Ida "Dru" Drucilla Heaton-178-LBT

FINANCE AND RISK MANAGEMENT

18. Duplicate Warrants - For Ratification

Leonel Lucero \$58.68; Rudy G. Robles \$32.50; William Terry Newman \$306.00; Denis W. Barr \$150.00; John Thomas Bouley \$60.00.

RATIFY AND/OR APPROVE

19. Minutes: July 2 and 22, 2019

* * *

35. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:16 a.m.

CHAIRMAN

ATTEST:

CLERK