

FLOOD CONTROL DISTRICT BOARD MINUTES

The Pima County Flood Control District Board met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, September 3, 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

*Supervisor Bronson participated telephonically.

1. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$117,800.00 for expansion of a sand and gravel mine, located at 6500 S. Old Spanish Trail, located within important riparian area with underlying Xeroriparian Class C Habitat. (District 4)

It was moved by Supervisor Christy, 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 \$1,997.49 for placement of a parking lot for Pima Pistol Club, located at 13990 N. Lago Del Oro Parkway, located within Regulated Riparian Habitat and classified as important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

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

3. **COOPERATIVE TECHNICAL PARTNERSHIP**

Staff recommends renewal of the Cooperative Technical Partnership with the Federal Emergency Management Agency.

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

4. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:42 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 Tuesday, September 3, 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

*Supervisor Bronson participated telephonically.

1. INVOCATION

The invocation was given by Pastor Jeff Kallevig, Our Saviour's Lutheran Church.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. POINTS OF PERSONAL PRIVILEGE

Supervisors Valadez and Christy remembered Bob Sharpe, founder of Rancho Sahuarita, for his visionary entrepreneurship and his positive attitude towards life.

Chairman Elías recognized the Pima Area Labor Federation for its successful Labor Day picnic.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to the Honorable Kyle A. Bryson, Presiding Judge of Pima County Superior Court and Arizona's Judge of the Year, proclaiming the day of Tuesday, September 3, 2019 to be: "JUDGE KYLE A. BRYSON DAY"

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

6. Presentation of a proclamation to Debra Adams, Senior Vice President of Operations, Pima Council on Aging and Lee Itule-Klasen, Program Coordinator, Tobacco and Chronic Disease Prevention Program, Pima County Health Department, proclaiming the month of September 2019 to be: "FALLS PREVENTION 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 Christy made the presentation.

7. Presentation of a proclamation to Matt McGlone, Community Outreach Coordinator, Pima County Office of Emergency Management; Manuel Carbajal, Safety and Emergency Management Coordinator, Town of Marana; Christopher Taylor, M.Ed., M.Div., Head Administrator, Family Life Academy, Christ Community Church; Courtney Slanaker, Executive Director, and Mike Allen, Disaster Program Manager, Red Cross; and Char Ackerman, Emergency Management and Safety Coordinator, Town of Oro Valley, proclaiming the month of September 2019 to be: "PREPAREDNESS 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.

8. Presentation of a proclamation to Dan Moxley, Director, Diaper Bank of Southern Arizona, proclaiming the week of September 23 through 29, 2019 to be: "DIAPER NEED AWARENESS WEEK"

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

9. **CALL TO THE PUBLIC**

Krissy Moreno addressed the Board regarding traffic safety concerns on Sage Street and Romero Road near Mesa Verde Elementary School.

Geri Ottoboni spoke in opposition of the proposed contract with Sun Corridor, Inc.

Steve Hastings, Foundation for Senior Living, thanked the Board for supporting the Maris project.

Roger Score spoke regarding the Board's political composition and decisions.

Jonathan Salvatierra addressed the Board in opposition of the County's use of the chemical glyphosate.

Caraleen Lopshire spoke regarding legal action concerning the County.

Angela Ochoa addressed the Board about addiction and sobriety.

10. **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 9:59 a.m.

11. **RECONVENE**

The meeting reconvened at 10:09 a.m. All members were present.

EXECUTIVE SESSION

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in Macy's West Stores, Inc., DND Neffson Co., and Lewis Caspe v. Pima County, Arizona Tax Court Case No. TX2018-000909.

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

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

13. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a settlement offer in Wal-Mart Stores, Inc. v. Pima County, Arizona Tax Court Cons. Case Nos. TX2016-000966 and TX2017-000602, and in Wal-Mart Stores, Inc. and VPOVM, L.L.C. v. Pima County, Arizona Tax Court Case Nos. TX2018-000999 and TX2019-001714.

At the request of staff and without objection, this item was continued to the Board of Supervisors' Meeting of September 17, 2019.

CLERK OF THE BOARD

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

COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION

15. The Board of Supervisors on August 19, 2019, continued the following:

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

Supervisor Miller asked why a Subordination Agreement was necessary when the funds were gifted by the County.

Steve Hastings, Foundation for Senior Living, responded that the terms of the contract had stipulated restrictions that were enforced by a lien against the property and it was the lien that was subject to subordination.

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

PROCUREMENT

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

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

DEVELOPMENT SERVICES

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

P19CR00001, HESSER LCP, L.L.C. - N. LA CAÑADA DRIVE PLAN AMENDMENT AND REZONING

Request of Hesser LCP, L.L.C., represented by Jeff Stewart, for a concurrent plan amendment and rezoning to amend the Comprehensive Plan from Medium Intensity Urban (MIU) to Neighborhood Activity Center (NAC) and to rezone from SH

(Suburban Homestead) to the CB-2 (General Business) zone on approximately .89 acres. The property is located on the west side of N. La Cañada Drive, approximately 60 feet north of the T-intersection of N. La Cañada Drive and W. Kimberly Street, addressed as 5131 N. La Cañada Drive, in Section 15, T13S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (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. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
3. 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/or A.R.S. §41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
4. Adherence to the sketch plan as approved at public hearing.
5. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
6. 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.
7. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

The Chairman inquired whether anyone wished to be heard. 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 P19CR00001, subject to standard and special conditions.

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

P19CR00002, 615 W. ROLLER COASTER RD, L.L.C. - W. ROLLER COASTER ROAD PLAN AMENDMENT AND REZONING

Request of Roller Coaster Rd, L.L.C., represented by Randel Jacob, for a concurrent plan amendment and rezoning to amend the Comprehensive Plan from High Intensity Urban (HIU) to Neighborhood Activity Center (NAC) and to rezone from TR (Transitional) to the CB-1 (Local Business) zone on approximately .81 acres. The property is located at the southwest corner of W. Roller Coaster Road and N. Oracle Road, addressed as 615 W. Roller Coaster Road, in Section 11, T13S, R13E, in the Catalina Foothills Planning Area. On motion, the Planning and Zoning Commission voted 8-0 (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. Transportation condition: The easternmost access driveway onto Roller Coaster Road shall be removed.
3. Environmental Planning conditions: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove buffelgrass (*Pennisetum ciliare*) from the property. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
4. 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/or A.R.S. §41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.
5. Adherence to the sketch plan as approved at public hearing.
6. Less restrictive rezoning applications may not be submitted under the approved comprehensive plan designation. A separate comprehensive plan amendment and rezoning are required for less restrictive zoning.
7. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
8. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

The Chairman inquired whether anyone wished to be heard. 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 P19CR00002, subject to standard and special conditions.

19. **Hearing - Modification (Substantial Change) of Rezoning Conditions**

Co9-00-39, SMITH - LA CRESTA ROAD REZONING

Request of Clarence R. and Helen E. Roman for a modification (substantial change) of rezoning Condition Nos. 6 and 11 to allow for one additional lot for a single-family residence. Condition No. 6 does not allow for additional lot splitting without Board of Supervisors approval and Condition No. 11 limits the number of lots and single-family residences to three. The applicant proposes to increase the number of lots and single-family residences to four. The approximately 2.26-acre subject property is zoned CR-1 (Single Residence) and located at 2322 W. La Cresta Road. On motion, the Planning and Zoning Commission voted 8-0 (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)

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- ~~6.1. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~
- ~~7.2. Transportation conditions:~~
 - ~~A. All lots shall be served by one common, paved private road/driveway from La Cresta Road. The private road/driveway shall be paved (chip sealed) within six (6) months of the issuance of the first building permit.~~
 - ~~B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads, parking areas, drives, physical barriers, drainageways and drainage easements.~~
- ~~8. Flood Control conditions:~~
 - ~~A. The property owner(s) must submit to the Flood Control District a plot plan showing all required information. Upon review of the plot plan, the Floodplain Management section will determine if building permits may be issued and/or if a more detailed hydrologic and hydraulic study will be required.~~
 - ~~B. Drainage shall not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~
- ~~9.3. Department of Environmental Quality conditions:~~
 - ~~A. All proposed residential lots must have a minimum area of 43,560 square feet. A maximum of one-half of adjacent rights-of-way or easements may be used in the calculation of the area. The adjacent rights-of way or easements must be suitable to absorb effluent; and all other design requirements must be satisfied.~~
 - ~~B. There is a minimum setback of 50 feet from the septic system to the wash.~~
- ~~10.4. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service~~

- condition: No saguaros or trees greater than 10 feet tall shall be removed from the site.
- 44.5. The subject property shall be divided into no more than ~~three~~ four lots and limited to no more than one residence per lot.
6. Environmental Planning condition: Upon the effective date of the Ordinance, the owner(s) shall have a continuing responsibility to remove invasive non-native species from the property, including those below. Acceptable methods of removal include chemical treatment, physical removal, or other known effective means of removal. This obligation also transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the property owner.
- Invasive Non-Native Plant Species Subject to Control
- | | |
|--------------------------------------|---|
| <u><i>Ailanthus altissima</i></u> | <u>Tree of Heaven</u> |
| <u><i>Alhagi pseudalhagi</i></u> | <u>Camelthorn</u> |
| <u><i>Arundo donax</i></u> | <u>Giant reed</u> |
| <u><i>Brassica tournefortii</i></u> | <u>Sahara mustard</u> |
| <u><i>Bromus rubens</i></u> | <u>Red brome</u> |
| <u><i>Bromus tectorum</i></u> | <u>Cheatgrass</u> |
| <u><i>Centaurea melitensis</i></u> | <u>Malta starthistle</u> |
| <u><i>Centaurea solstitialis</i></u> | <u>Yellow starthistle</u> |
| <u><i>Cortaderia</i> spp.</u> | <u>Pampas grass</u> |
| <u><i>Cynodon dactylon</i></u> | <u>Bermuda grass (excluding sod hybrid)</u> |
| <u><i>Digitaria</i> spp.</u> | <u>Crabgrass</u> |
| <u><i>Elaeagnus angustifolia</i></u> | <u>Russian olive</u> |
| <u><i>Eragrostis</i> spp.</u> | <u>Lovegrass (excluding <i>E. intermedia</i>, plains lovegrass)</u> |
| <u><i>Melinis repens</i></u> | <u>Natal grass</u> |
| <u><i>Mesembryanthemum</i> spp.</u> | <u>Iceplant</u> |
| <u><i>Peganum harmala</i></u> | <u>African rue</u> |
| <u><i>Pennisetum ciliare</i></u> | <u>Buffelgrass</u> |
| <u><i>Pennisetum setaceum</i></u> | <u>Fountain grass</u> |
| <u><i>Rhus lancea</i></u> | <u>African sumac</u> |
| <u><i>Salsola</i> spp.</u> | <u>Russian thistle</u> |
| <u><i>Schinus</i> spp.</u> | <u>Pepper tree</u> |
| <u><i>Schismus arabicus</i></u> | <u>Arabian grass</u> |
| <u><i>Schismus barbatus</i></u> | <u>Mediterranean grass</u> |
| <u><i>Sorghum halepense</i></u> | <u>Johnson grass</u> |
| <u><i>Tamarix</i> spp.</u> | <u>Tamarisk</u> |
7. Adherence to the sketch plan approved at public hearing including the location of the residence within previously disturbed areas of the property.
8. 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.
9. The property owner shall execute the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, Chapter 8, Article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. §12-1134(I)."

Supervisor Miller inquired whether there were issues regarding the property's easement.

Chris Poirier, Deputy Director, Development Services Department, responded that research was conducted on the property's easement and no issues were found.

The Chairman inquired whether anyone wished to be heard. 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 Co9-00-39, subject to standard and special conditions.

20. Hearing - Plat Note Modification

Co12-93-11, SABINO ESTATES AT SABINO SPRINGS (LOT 35)

Request of Baier Family Revocable Trust, represented by Soloway Designs, Inc., for a plat note modification of Restrictive Administrative Control Note No. 20(B) to increase the area of the development envelope (grading) from a maximum of 9,200 square feet to a maximum of 11,000 square feet on Lot 35 of the Sabino Estates at Sabino Springs subdivision (Bk. 45, Pg. 07). The subject property is approximately 4.38 acres, zoned SP (BZ) (Specific Plan - Buffer Overlay Zone) and is located on the north side of E. Sabino Estates Drive, approximately 4,500 feet northeast of the intersection of N. Bowes Road and E. Sabino Estates Drive and is addressed as 10151 E. Sabino Estates Drive. Staff recommends APPROVAL. (District 1)

The Chairman inquired whether anyone wished to be heard. 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 Co12-93-11.

21. Hearing - Rezoning Ordinance

ORDINANCE NO. 2019 - 22, P18RZ00012, Robert Lee Boykin - N. Camino de Oeste Rezoning. Owner: Robert Lee Boykin. (District 1)

The Chairman inquired whether anyone wished to be heard. 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.

22. Hearing - Rezoning Resolution

RESOLUTION NO. 2019 - 62, P18CA00007, Pima County - West River Road Plan Amendment. Owner: Pima County Flood Control District. (District 1)

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

23. Hearing - Rezoning Resolution

RESOLUTION NO. 2019 - 63, Co9-83-94, Transamerica Title No. 8155 - Sunrise Drive Rezoning (Modification of a Rezoning Condition - Non Substantial Change). Owner: Ventana Canyon Alliance, L.L.C. (District 1)

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

JUSTICE COURT

24. Hearing - Continuance Processing Cost Recovery Fee

ORDINANCE NO. 2019 - 23, of the Board of Supervisors, amending Pima County Ordinance Number 1999-74, as previously amended by Ordinances 2000-45, 2007-40, 2008-69, 2008-116, 2009-28, and 2014-23, by establishing an administrative cost recovery fee for services provided to the public by the Pima County Consolidated Justice Court.

At the request of staff and without objection, this item was continued for 30 days to the Board of Supervisors' Meeting of October 1, 2019.

BOARD OF SUPERVISORS

25. Amended Tax Levy Resolution

RESOLUTION NO. 2019 - 64, of the Board of Supervisors, amending Resolution No. 2019-60 for the levy of taxes for Fiscal Year 2019/2020.

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

CLERK OF THE BOARD

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

REAL PROPERTY

27. Consent to Sale of Communications Easement

RESOLUTION NO. 2019 - 65, of the Board of Supervisors, authorizing sale of Communications Easement. (Districts 1, 3, 4 and 5)

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

Supervisor Miller questioned the easement's expiration and what would happen when that occurred.

Chairman Elías responded that the term was for 50 years and at that time the easement would need to be renegotiated.

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

CONTRACT AND AWARD

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

28. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 2, to provide for the Homeless Veterans' Reintegration Program, extend contract term to 6/30/20, amend contractual language and scope of work, USDOL - Veterans Employment and Training Services Fund, contract amount \$25,363.00 (CT-CS-18-114)

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

29. Higher Ground A Resource Center, Amendment No. 2, to provide for workforce development services - Tucson Community Schools Initiative, extend contract term to 6/30/20, amend contractual language and scope of work, General Fund, contract amount \$39,000.00 (CT-FN-18-77)

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

HEALTH

30. Arizona Department of Health Services, Amendment No. 2, to provide for the Expansion of Behavioral Risk Factor Surveillance System Survey in Pima County and extend contract term to 8/1/20, no cost (CT-HD-18-452)

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

TRANSPORTATION

31. Perimeter Bicycling Association of America, Inc., to provide for the reimbursement of traffic control expenses: El Tour de Tucson, contract amount \$280,000.00 revenue (CTN-TR-20-44)

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 availability of the information with regards to the director's salary.

Chuck Huckelberry, County Administrator, indicated that he would request the information.

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

GRANT APPLICATION/ACCEPTANCE

32. Acceptance - Community Services, Employment and Training

U.S. Department of Labor/Veterans Employment and Training Service, to provide for the Homeless Veterans' Reintegration Program, \$236,664.00 (GTAW 20-20)

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

33. Acceptance - Sheriff

Drug Enforcement Administration (DEA), to provide for DEA Tactical Diversion Task Force overtime, \$18,649.00 (GTAW 20-23)

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

34. Acceptance - Sheriff

Department of Justice, to provide for the Organized Crime Drug Enforcement Task Force, \$25,000.00 (GTAW 20-24)

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

BOARD, COMMISSION AND/OR COMMITTEE

35. Merit System Commission and Law Enforcement Merit System Council

Appointment of Chris King, Republican, to replace John L. Fink. Term expiration: 12/31/20. (District 1)

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

36. Board of Health

Reappointment of Charles Geoffrion. Term expiration: 6/30/23. (District 1)

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

37. **Library Advisory Board**

Appointment of Beverly Bannon, to fill a vacancy created by Rebecca Whitmer. Term expiration: 6/30/23. (District 3)

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

38. **Animal Care Advisory Committee**

Appointment of Kristen Pogreba-Brown, to replace Karen Baden. Term expiration: 6/30/22. (District 5)

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

39. **Approval of the Consent Calendar**

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item Nos. 2 and 5 were set aside for separate discussion and vote.

It was then moved by Chairman Elías, 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

Economic Development

2. Sun Corridor, Inc., to provide economic development for Pima County and Southern Arizona, General Fund, contract amount \$650,000.00 (CT-CA-19-501)

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

Supervisor Miller inquired whether monthly, quarterly and annual reports from Sun Corridor, Inc. were provided.

Chuck Huckelberry, County Administrator, responded that reports were provided and were available through the Economic Development Department.

Supervisor Miller expressed concern over the disparities in payments by other jurisdictions. She stated that economic development in the County did coincide with millions of dollars paid out and she would not support this contract.

Mr. Huckelberry detailed the jobs, salaries, capital expansion and growth that occurred in the County over the past five years.

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

Procurement

5. Award

Award: Master Agreement No. MA-PO-20-10, Hennesy Mechanical Sales, L.L.C. (Headquarters: Albuquerque, NM), for Wemco and Hidrostal pumps and parts. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$277,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

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

Supervisor Miller asked why custom pumps were required.

Eric Wieduwilt, Deputy Director, Regional Wastewater Reclamation Department, responded that it was based on the flow rate required and in certain situations it was necessary to have a custom pump.

Supervisor Miller noted that the contractor was unable to meet the lead times requested. She asked if that was reflected in the contract.

Mary Jo Furphy, Procurement Director, replied that the Offer Agreement was edited with regards to the time requirement and each delivery would be negotiated on an individual basis.

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

* * *

CONTRACT AND AWARD

County Attorney

1. Mark Von Destinon, Ph.D., Amendment No. 3, to provide for child abuse, domestic violence, drug endangered, sexual assault protocols and related projects and extend contract term to 12/31/19, no cost (CT-PCA-17-134)

Economic Development

2. Sun Corridor, Inc., (PULLED FOR SEPARATE ACTION)

Natural Resources, Parks and Recreation

3. Heirloom Farmers Markets, Inc., to provide for the Rillito Park Farmer's Market, contract amount \$110,000.00 revenue/5 year term (CTN-PR-20-23)

Procurement

4. **Award**
Award: Master Agreement No. MA-PO-20-1, Axon Enterprise, Inc. (Headquarters: Scottsdale, AZ), for TASER® conducted electrical weapons and accessories. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$294,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Sheriff.
5. **Award**
Award: Master Agreement No. MA-PO-20-10, Hennesy Mechanical Sales, L.L.C., (PULLED FOR SEPARATE ACTION)

Real Property

6. New Cingular Wireless PCS, L.L.C., Amendment No. 7, to provide for a Restated and Amended Nonexclusive Right-of-Way Use License for wireless telecommunications facilities and amend contractual language, contract amount \$10,257.69 revenue (CTN-IT-15-3)

Recorder

7. City of Tucson, to provide for 2019 General Election services, contract amount \$90,000.00 estimated revenue (CTN-RE-20-37)

Sheriff

8. Drug Enforcement Administration, to provide for a state and local High Intensity Drug Trafficking Areas task force agreement, no cost (CTN-SD-20-27)

GRANT APPLICATION/ACCEPTANCE

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

10. **Acceptance - Community Services, Employment and Training**
Arizona Department of Economic Security, Amendment No. 1, to provide for the AZDES - Employment and Training Program Workforce Innovation and Opportunity Act, \$9,638,080.00 (GTAM 20-4)

BOARD, COMMISSION AND/OR COMMITTEE

11. **Cooperative Extension Board**
- Reappointment of Cheryl Bakari. Term expiration: 11/30/19. (Committee recommendation)
 - Reappointments of Hector Campoy, Loyd "Gabe" Gabriel and Micaela K. McGibbon. Term expirations: 6/30/20. (Committee recommendations)
 - Reappointments of Kelly Cook and Rick Frey. Term expirations: 6/30/21. (Committee recommendations)
12. **Library Advisory Board**
Appointment of John Halliday, to fill a vacancy created by Nancy Magelli. Term expiration: 6/30/23. (District 1)
13. **Environmental Quality Advisory Council**
- Reappointment of Leah Proffitt, representing General Business/Industry. Term expiration: 9/5/22. (Staff recommendation)
 - Reappointment of Kylie Walzak, representing Transportation Planning. Term expiration: 9/30/22. (Staff recommendation)
 - Reappointment of John Kozma, representing Environmental Planning/Law Health/Education. Term expiration: 10/17/22. (Staff recommendation)

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

14. **Special Event**
- Stacy Lynn Pincus, Santa Catalina Catholic Church, 14380 N. Oracle Road, Tucson, September 14, 2019.
 - Jeffrey Peter Schneider, Knights of Columbus Council 8077, St. Elizabeth Ann Seton Church, 8650 N. Shannon Road, Tucson, September 14, 2019.
 - Scott Jason Tilley, TRAK (Therapeutic Ranch for Animals and Kids), 3250 E. Allen Road, Tucson, October 5, 2019.
15. **Temporary Extension**
07100326, Thomas Robert Aguilera, Tucson Hop Shop, 3230 N. Dodge Boulevard, Tucson, October 13, 2019.

ELECTIONS

16. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Mark E.F. Eckstrum-130-DEM; Catherine L. McCall-149-REP; Jay J. McCall-149-REP

APPOINTMENT-PRECINCT-PARTY

Kevin E. Kubitskey-011-DEM; Javier R. Soto-016-DEM; Arianne R. Kerr-108-DEM; Carol Schneiderman-166-DEM; Dean Distasio-030-REP; Robert J. Leicht-033-REP; Brenda B. Berggoetz-113-REP; Barbara L. Oates-116-REP; Lindsay R. Hill-120-REP; Arnold N. Simonsen-131-REP; Robert "Gary" Austin-141-REP; Alan D. Kacic-171-REP; Olga D. Tarro-173-REP; Karl D. Radford-174-REP; Michael H. Heisler-178-REP; Bruce E. Coddington-179-REP; Diane L. Edwards-179-REP; Andrew R. Larsen-181-REP; Connie L. Nelson-199-REP; Catherine L. McCall-201-REP; Jay J. McCall-201-REP; Susan L. Saenz-209-REP; Stephanie E. Dolan-220-REP

FINANCE AND RISK MANAGEMENT

17. Duplicate Warrants - For Ratification

Eden Huang \$60.03; Nuccio & Shirly, P.C. \$792.00; Hook Crane Service, Inc. \$5,287.50; Justice Tools, L.L.C. \$11,350.00; George R. O'Hagin \$150.00; Angela J. Garcia \$1,000.00; The Ashton Company, Inc., Contractors and Engineers \$31,950.00.

SUPERIOR COURT

18. Fill the Gap Application

Staff requests approval to submit a Fill-the-Gap Application to the Arizona Supreme Court Administrative Office of Courts for Fiscal Year 2020.

TREASURER

19. Fill the Gap

Staff requests approval of the annual certification, as directed by A.R.S. §41-2421, that the five percent set-aside "Fill-the-Gap" funds in the amount of \$1,224,797.70 be transferred to the Local Courts Assistance Fund for supplemental aid to Superior and Justice Courts for processing of criminal cases.

20. Certificate of Removal and Abatement - Certificate of Clearance

Staff requests approval of the Certificates of Removal and Abatement/ Certificates of Clearance in the amount of \$15,013.66.

RATIFY AND/OR APPROVE

21. Warrants: August, 2019

* * *

40. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:42 a.m.

CHAIRMAN

ATTEST:

CLERK