

## **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 17, 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 \$5,500.00 for placement of a single family residence at 2191 E. Desert Garden Drive, located within Regulated Riparian Habitat and classified as important riparian area with underlying Xeroriparian Class B Habitat. (District 1)

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

### **2. ARROYO CHICO DRAINAGE IMPROVEMENT PROJECT**

RESOLUTION NO. 2019 – FC4, of the Flood Control District Board of Directors, approving additional funding for the final phase of the Arroyo Chico Drainage Improvement Project. (District 2)

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

Supervisor Miller inquired about the \$2.6 million allocation.

Chuck Huckelberry, County Administrator, responded that the project was part of the capital improvement program and funding had been allocated in the budget. He indicated that the agreement and resolution were required by the federal government in order to proceed. He stated that Pima County and the United States Corps of Engineers were in discussions regarding the scope of the project, and the \$2.6 million dollars was the maximum amount.

Supervisor Miller inquired about the \$500,000.00 that was currently budgeted for the project.

Mr. Huckelberry responded that no construction or expenditures over \$500,000.00 would occur this fiscal year. He indicated that the \$2.6 million would be budgeted in upcoming fiscal years.

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

3. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:26 p.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 17, 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 Jenny McBride, Open Heavens Fellowship.

### **2. PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

### **3. POINT OF PERSONAL PRIVILEGE**

Chairman Elías congratulated the Consulate of Mexico on their Independence Day festival and wished everyone a Happy Mexican Independence Day.

Supervisor Valadez conveyed birthday wishes to Supervisor Christy.

### **4. PAUSE 4 PAWS**

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

### **PRESENTATION/PROCLAMATION**

5. Presentation of a proclamation to Ann Yellott, Co-Chair & Coordinator of the Youth & Peace Conference (YPC) Culture of Peace Alliance and Andrea Martinez, Volunteer Coordinator for 2019 YPC Youth Leadership Team member for 2014 & 2015 Youth & Peace Conferences, proclaiming the day of Friday, September 20, 2019 to be: "YOUTH PEACE 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 Richard Noel, Remo Drum Circle Facilitator, proclaiming the day of Saturday, September 21, 2019 to be: "INTERNATIONAL DAY OF PEACE IN PIMA COUNTY"

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.

7. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding property taxes.

Roger Score addressed the Board regarding 'trickle down' economics.

Steve Diamond addressed the Board regarding the Community Law Enforcement Partnership Commission.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Valadez, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:40 a.m.

9. **RECONVENE**

The meeting reconvened at 11:00 a.m. All members were present.

**EXECUTIVE SESSION**

10. The Board of Supervisors on September 3, 2019, continued the following:

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.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that settlement negotiations were ongoing 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 Supervisor Valadez and unanimously carried by a 5-0 vote, to proceed as discussed in Executive Session.

## **BOARD OF SUPERVISORS**

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

### **Community Law Enforcement Partnership Commission**

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

(Clerk's Note: Discussion of this agenda item was held in conjunction with Minute Item No. 30.)

Supervisor Valadez stated that the County Administrator's recommendations, outlined in Minute Item No. 30, were the best solutions towards having the Sheriff's Department administer the Community Law Enforcement Partnership Commission (CLEPC). He inquired whether Sheriff Napier approved of the implementation as recommended.

Chief John Stuckey III, Pima County Sheriff's Department, responded that Sheriff Napier supported the recommendations.

Supervisor Christy inquired whether a motion could be made to dissolve CLEPC.

Supervisor Valadez indicated that the adoption of Minute Item No. 30 would result in the automatic dissolution of CLEPC.

Supervisor Bronson requested clarification on whether the dissolution of CLEPC was automatic.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that adoption of the aforementioned item would not automatically abolish CLEPC. He indicated that an agenda item requesting that CLEPC be disbanded would require public notice.

Supervisor Christy asked what the requirements were for placing the disbandment of CLEPC on a Board agenda.

Supervisor Bronson stated that any Board member could submit the agenda item.

Chairman Elías indicated that was contrary to the County Attorney's previous statement and he asked for clarification.

Mr. Flagg responded that the Board's rules of reconsider and suspension of the rules would apply if the item was reintroduced. He stated that the adoption of Minute Item No. 30 would change the circumstances and the item would be considered a new item and not a reconsideration of a prior item.

Supervisor Valadez inquired whether the motion be two-fold: 1) that the dissolution of CLEPC be placed on the next Board agenda; and 2) a motion to adopt Minute Item No. 30.

Mr. Flagg responded that would be an appropriate motion.

It was moved by Supervisor Valadez, seconded by Supervisor Bronson and carried by a 4-1 vote, Chairman Elías voted “Nay,” to direct staff to place the dissolution of CLEPC on the next Board agenda.

## **CLERK OF THE BOARD**

12. The Board of Supervisors on August 6 and 19, 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 inquired whether the Board had the authority to allow for the relief of taxes.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that an option that could be considered by the Board, void any legal issues, was the Treasurer’s Tax Abatement Process. He stated that the Treasurer was currently working on abatements and she recommended that the item be continued until the Treasurer’s request for abatement, which would include SAAVI, was before the Board for approval.

It was moved by Supervisor Bronson, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to continue the item for up to 60 days.

13. **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**

### **14. Amendment No. 6 to the Development Agreement with TNR&S Acquisition, Inc.**

RESOLUTION NO. 2019 - 66, of the Board of Supervisors, approving and authorizing the execution of an amended development agreement between Pima County and TNR&S Acquisition, Inc., regarding Omni Tucson National Resort and Spa. (District 1)

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

## **ELECTIONS**

### **15. Precinct Line Changes**

Pursuant to A.R.S. §16-411(A), staff requests approval of the proposed precinct line changes.

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

## **INDUSTRIAL DEVELOPMENT AUTHORITY**

### **16. American Leadership Academy Project**

RESOLUTION NO. 2019 - 67, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed \$45,000,000.00 Education Facility Revenue Bonds (American Leadership Academy Project, 1750 E. Riggs Road, Gilbert, Arizona, 4380 N. Hunt Highway, Florence, Arizona, 850 W. Combs Road and 22512 S. Signal Butte Road, Queen Creek, Arizona), Series 2019 and declaring an emergency.

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

## **TRANSPORTATION**

### **17. Acceptance of Project/Roadway for Maintenance**

P1209-034, Vista Del Lago Norte, Lots 1-198 and Common Areas "A-1", "B-1" thru "B-4", "C-1" thru "C-2", "D-1" thru "D-2", "E" and "F-1" thru "F-2". Developer: DR Horton. (District 4)

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

18. **Acceptance of Project/Roadway for Maintenance**

P18SC00015, Sonoran Ranch Estates II, Phase II, Lots 81-104 and 107-127.  
Developer: KB Home. (District 5)

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

19. **Acceptance of Project/Roadway for Maintenance**

P18SC00088, Mountain View Ranch, Phase 2A, Lots 174-210, 296 and 297.  
Developer/Owner: Holualoa Mountain View Ranch, L.L.C. (District 4)

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

**FRANCHISE/LICENSE/PERMIT**

20. **Hearing - Fireworks Permit**

Erin Kallish, Caterpillar, Inc., 5000 W. Caterpillar Trail, Green Valley, October 8 and 10, 2019 at 8:00 p.m.

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

21. **Hearing - Fireworks Permit**

Danithza Castro, Skyline Country Club, 5200 E. Saint Andrew Drive, Tucson, September 27, 2019 at 9:30 p.m.

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

22. **Hearing - Fireworks Permit**

Bobby Retz, Westin La Paloma Resort, 3660 E. Sunrise Drive, Tucson, October 15, 2019 at 8:30 p.m.

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

## DEVELOPMENT SERVICES

### 23. Hearing - Rezoning

#### P19RZ00003, LUMINEX, L.L.C., ET AL. - E. OLD VAIL ROAD REZONING

Luminex, L.L.C., et al., represented by The Planning Center, requests a rezoning of approximately 33.78 acres from the RH (Rural Homestead) and the GR-1 (Rural Residential) zones to the CR-4 (Mixed-Dwelling Type) zone, located approximately 300 feet north of the intersection of E. Old Vail Road and S. Freeman Drive alignment, north of the Union Pacific Railroad Track. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Low Intensity Urban and Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 7-1 (Commissioner Gungle voted NAY; 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 4)

Completion of the following requirements within five years from the date the rezoning request is approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Design and location of the northeast driveway connection as shown on the Preliminary Development Plan shall ensure alignment with the adjacent MAC 25 residential street and any required right-of-way shall be obtained and recorded prior to approval of the site construction plan for that work.
  - B. Prior to approval of the Tentative Plat, proof of coordination with the City of Tucson regarding the Traffic Impact Study and any subsequent City of Tucson requirements shall be provided to Pima County Development Services.
  - C. If construction of the adjacent MAC 25 Subdivision and the subsequent offsite connection to Mary Ann Cleveland does not proceed, the developer of this subdivision shall be required to build out the connection or revise their layout to provide and construct an alternative access point to the public right-of-way.
3. Regional Flood Control District condition: At the time of development the developer shall be required to select a combination of Water Conservation Measures from Table A or B such that the point total equals or exceeds 15 points and includes a combination of indoor and outdoor measures.
4. Regional Wastewater Reclamation conditions:
  - A. The owner(s) shall construe no action by Pima County as a commitment of capacity to serve any new development within the rezoning area until Pima County executes an agreement with the owner(s) to that effect.
  - B. The owner(s) shall obtain written documentation from the Pima County Regional Wastewater Reclamation Department (PCRWRD) that treatment and conveyance capacity is available for any new development within the rezoning area, no more than 90 days before submitting any tentative plat, development plan, preliminary sewer layout, sewer improvement plan, or request for building permit for review. Should treatment and/or conveyance capacity not be available at that time, the owner(s) shall enter into a written agreement addressing the option of funding, designing and constructing the necessary improvements to Pima County's public sewerage system at his or her sole expense or cooperatively with other affected parties. All such improvements shall be designed and constructed as directed by the PCRWRD.
  - C. The owner(s) shall time all new development within the rezoning area to coincide

- with the availability of treatment and conveyance capacity in the downstream public sewerage system.
- D. The owner(s) shall connect all development within the rezoning area to Pima County's public sewer system at the location and in the manner specified by the PCRWRD in its capacity response letter and as specified by PCRWRD at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan, or request for building permit.
  - E. The owner(s) shall fund, design and construct all off-site and on-site sewers necessary to serve the rezoning area, in the manner specified at the time of review of the tentative plat, development plan, preliminary sewer layout, sewer construction plan or request for building permit.
  - F. The owner(s) shall complete the construction of all necessary public and/or private sewerage facilities as required by all applicable agreements with Pima County, and all applicable regulations, including the Clean Water Act and those promulgated by ADEQ, before treatment and conveyance capacity in the downstream public sewerage system will be permanently committed for any new development within the rezoning area.
5. Environmental Planning condition: 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.
  6. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 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.
  7. Natural Resources, Parks and Recreation conditions: The property owners shall dedicate to Pima County and construct a 20-foot "Public Non-Motorized Trail Easement" along the southern border of the project and a 30-foot "Public Non-Motorized Trail Easement" as depicted on the preliminary development plan for the Esmond Station Greenway.
  8. A Pima Pineapple Cactus survey is required. Written coordination with US Fish and Wildlife Service for any necessary conservation or mitigation shall be provided.
  9. Adherence to the preliminary development plan as approved at public hearing including the 4.5 maximum residences per acre on the western parcel designated as MLIU. There shall be no increase in the number of lots adjacent to the Davis Monthan Air Force Base ADC.
  10. Avigation easements shall be recorded and disclosed to homebuyers for all residences constructed in the subdivision.
  11. 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.
  12. 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 Christy inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Christy, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P19RZ00003, subject to standard and special conditions.

24. **Hearing - Rezoning**

P19RZ00006, PIMA COUNTY - W. RIVER ROAD REZONING

Pima County requests a rezoning of approximately 8.64 acres from the SH (Suburban Homestead) to the TR (Transitional) zone located at the northeast corner of W. River Road and N. Shannon Road, addressed as 5678 N. Shannon Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban. On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Bain and Cook were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

Chairman Elías noted that the item required a super majority vote.

Clarence Book, President, Meadowbrook Homeowners Association, addressed the Board regarding keeping the property undeveloped.

Joyce Berquist addressed the Board regarding the land remaining an open area, disruptions to homeowners, and property values.

Chuck Huckelberry, County Administrator, stated that the property was acquired for the River Road project. He indicated that the property was zoned residential, however inquiries were made to utilize the property for professional offices. He stated that in the future a portion of the property should be returned to the tax roll as either residential or professional and a small portion of the property would remain as a buffer.

Supervisor Bronson inquired whether the property was actively being developed or whether it was speculation.

Carmine DeBonis, Jr., Deputy County Administrator, responded that the request had come from Sun Corridor on behalf of a Phoenix based company wishing to establish their presence in Tucson. He indicated that the property was being considered due to its proximity to Interstate 10. He stated that there were no current developments, but that the intent was to prepare the property based on the inquiry.

Supervisor Bronson expressed concern that property owners were not properly consulted with regards to mitigation which would have occurred if a comprehensive plan amendment was submitted.

Supervisor Miller stated that the normal zoning process should be applied and the builder should follow those requirements. She agreed that the property should be placed back on the tax roll, but disagreed with the sale of the property based on the objections and its location within the Maeveen Marie Behan Conservation Lands System.

It was moved by Supervisor Miller and seconded by Chairman Elías to close the public hearing and deny P19RZ00006. No vote was taken at this time.

Supervisor Bronson commented that the property would not remain suburban homestead and it would eventually be developed. She inquired what the best method was to resolve this issue and asked what the consequences were if denied.

Mr. Huckelberry responded that the property could be sold at public auction or denied until a developer applied and followed zoning procedures.

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

## 25. **Hearing - Rezoning**

### P19RZ00007, MJM VENTURES ONE, L.L.C. - N. ORACLE ROAD REZONING

MJM Ventures One, L.L.C. requests a rezoning from GR-1 (GZ-1) (Rural Residential - Urban Gateway Overlay Zone) to CB-1 (GZ-1) (Local Business - Urban Gateway Overlay Zone) zone located on the east side of N. Oracle Road approximately 900 feet north of the T-intersection of E. Hawser Street and N. Oracle Road addressed as 15450 N. Oracle Road. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Multifunctional Corridor. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Maese, and Matter 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 approved by the Board of Supervisors:

1. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
2. Transportation conditions:
  - A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the north and south. Cross access easements shall be provided by the property owner for all affected portions of the rezoning site to adjacent properties at the time of development or permitting.
  - B. Prior to development permitting approval, proof of coordination with Arizona Department of Transportation (ADOT) shall be provided to Pima County Development Services.
3. Regional Flood Control District condition: At the time of development or permitting a sketch plan shall be submitted to the District to determine whether or not a Floodplain Use Permit or Riparian mitigation Plan is required.
4. Environmental Planning condition: 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.
5. Cultural Resources condition: In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 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.
  6. Adherence to the preliminary development plan as approved at public hearing.
  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)."

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P19RZ00007, subject to standard and special conditions.

## 26. **Hearing - Rezoning Time Extension**

### Co9-14-06, AZ SQUARE NO. 7, L.L.C. - S. NOGALES HIGHWAY REZONING

Request of AZ Square No. 7, L.L.C., for a five-year time extension for the above-referenced .83-acre rezoning from GR-1 (Rural Residential) to CB-1 (Local Business). The rezoning was approved in 2014 and will expire on September 9, 2019. The site is located on the west side of Nogales Highway, approximately 150 feet south of Old Vail Connection Road and is addressed as 9770 S. Nogales Highway. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 2)

1. ~~The owner shall:~~
  - A. ~~Submit a development plan if determined necessary by the appropriate County agencies.~~
  - B. ~~Record the necessary development related covenants as determined appropriate by the various County agencies.~~
  - C. ~~Provide development related assurances as required by the appropriate agencies.~~
  - D. ~~Submit a title report (current to within 60 days) evidencing ownership of the property prior to the preparation of the development related covenants and any required dedications.~~
21. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.

32. Transportation conditions:
- A. Access shall be designed to provide cross access between the rezoning site and the adjacent property to the south and west.
  - B. The property shall be limited to one access point on S. Nogales Highway as shown on the preliminary development plan. ~~The existing easement serving the property (Dusty Lane) shall be closed prior to the issuance of the Certificate of Occupancy. Traffic from the easement shall be diverted through either the access point serving the rezoning site or through the access point for the proposed intersection improvement project at Old Nogales Highway, in a manner approved by the Department of Transportation.~~
43. Regional Flood Control District conditions:
- A. Detention shall be provided and sized to accept flows from the shared drive and parking, in addition to providing first flush retention throughout the site.
  - B. All weather access must be provided for the western access easement.
54. ~~Cultural Resources condition:~~ A caution must be noted concerning human burials. Archaeological clearance recommendations do not exempt the construction from compliance with State burial protection laws. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State laws ARS 41-865 and ARS 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.
65. Adherence to the sketch plan as approved at public hearing: (Exhibit B).
76. 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.
87. The property owner shall execute ~~and record~~ the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."
98. Upon the effective date of the rezoning ordinance associated with this rezoning, 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 current any future property owner. ~~Prior to issuance of the certificate of compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

The Chairman inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Valadez, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve Co9-14-06, subject to standard and special conditions.

27. **Hearing - Rezoning Closure/Time Extension**

A. **Rezoning Closure**

Co9-07-21, STEWART TITLE AND TRUST TR 3652 - NORTH COMO DRIVE REZONING

Proposal to close Co9-07-21, a 59.91-acre rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate) located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard. The rezoning was conditionally approved in 2009 and expired on May 5, 2019. Staff recommends DENIAL of Closure. (District 1)

Maureen Kirk-Detberner addressed the Board regarding equestrian trails, accessibility, road conditions, wash conditions, and conflicting address changes.

John Laird addressed the Board regarding traffic, privacy, view obstructions, property values, changes to habitats and access to water.

Kyle Miller addressed the Board regarding the lack of surrounding SR-2 zoning and asked that the zoning remain as Rural Homestead.

Allan Zimmerman asked that the property maintain a low density designation.

Michael Aboud addressed the Board and indicated that the 100 acre development was environmentally sensitive and included open areas. He stated that the rezoning would allow for three additional homes.

Supervisor Bronson asked that staff provide clarification.

Chris Poirier, Deputy Director, Development Services Department, responded that the information provided by Mr. Aboud was correct. He indicated that the property was considered SR-2 zoning, however the overall density was SR zone. He stated that the applicant selected the SR-2 zoning because of the larger dedication of open space and its compliance with the Maeveen Marie Behan Conservation Lands System requirement. He added that due to zoning conditions, attached to the property, the applicant was allowed 18 homes on 60 acres of the property.

Supervisor Bronson inquired whether 15 lots were allowed under the original zoning.

Mr. Poirier responded that the original zoning allowed for 17.8 homes.

Mr. Aboud addressed the Board and indicated that if the rezoning was allowed Native American artifacts would be preserved, walking trails would be added and the access road would be paved. He indicated that one of the conditions for the

subdivision included that a three-quarter of a mile water main be installed to access municipal water. He stated that the previous improvements had increased property values and the reason construction was halted was due to the recession.

Mr. Poirier clarified that the current zoning allowed for construction of 14.1 homes and the new zoning allowed for 18.

Supervisor Bronson inquired whether RH zoning required open space preservation.

Mr. Poirier responded that zoning conditions were not applicable under RH zoning.

Supervisor Bronson inquired which rezoning conditions would preserve the property in a respectful manner.

Mr. Poirier responded that if the rezoning did not occur, the most significant condition that would be lost would be the 48.8 acres of open space. He added that other conditions lost were paving of the access road and safety crossings at washes.

Mr. Aboud addressed the Board and stated that there would only be 27 home sites on the 100 acres.

Supervisor Miller inquired about the 27 home sites.

Mr. Poirier responded that the total plat included the rezoning area, which was 60 acres, as well as another 20 acres that would remain RH zoning. He added that that the overall project included 27 lots.

Supervisor Miller inquired whether the 59.9 acres allowed for 18 lots.

Mr. Poirier responded that the 60 acres rezoning request included 18 lots.

Supervisor Miller inquired about construction at the wash area.

Mr. Poirier responded that the requirements included the paving of Como Bosque, a traffic impact study to identify additional enhancements and improved crossings at the washes.

Supervisor Miller inquired about the Department of Transportation's calculated traffic capacity of 9,940 average daily trips.

Mr. Poirier responded that the Department of Transportation calculated the estimated amount by looking at the 50 foot width of the easement and they concluded that the road would not allow for that daily capacity.

Supervisor Miller requested that the dual addressing be addressed to avoid any dangerous situation that could occur if residents requested emergency services.

Mr. Poirier indicated that he would work with the addressing group to resolve the issue.

Supervisor Miller stated her approval of the rezoning with the condition that the 59.9 acres be limited to a total of 18 home sites.

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 staff's recommendation for denial of closure on Co9-07-21.

## **B. Rezoning Time Extension**

### Co9-07-21, STEWART TITLE AND TRUST TR 3652 - NORTH COMO DRIVE REZONING

Request of Stewart Title and Trust TR 3652, represented by Michael Aboud, for a five-year time extension for the above-referenced rezoning from RH (Rural Homestead) to SR-2 (Suburban Ranch Estate). The subject site was rezoned in 2009. The site is approximately 59.91 acres located approximately 2,500 feet west of N. Como Drive and approximately one-half mile northwest of the intersection of Moore Road and La Cholla Boulevard. Staff recommends APPROVAL OF A FIVE-YEAR TIME EXTENSION SUBJECT TO ORIGINAL AND MODIFIED STANDARD AND SPECIAL CONDITIONS. (District 1)

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~
- ~~3. Provision of development related assurances as required by the appropriate agencies.~~
- ~~4. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Development Services Department.~~
51. There shall be no further lot splitting or subdividing of residential development without the written approval of the Board of Supervisors.
62. Transportation conditions:
  - A. Offsite improvements to Moore Road and Como Drive may be required as determined necessary by the Department of Transportation.
  - B. Offsite improvements shall be required for the access between the rezoning subject property and Como Drive as determined necessary by the Department of Transportation (shown as Street A on the Preliminary Development Plan).
73. Environmental Quality conditions:
  - A. A geologic report shall be provided that contains the results of percolation testing/soil characterization and appropriate depth boring logs for each proposed lot in the subdivision. These tests shall be performed by an Arizona registered professional engineer, and shall demonstrate that an on-site disposal system can be permitted on each lot. The depth to groundwater shall be provided in this report.
  - B. In accordance with R18-5-404, please show, on each proposed lot, suitable locations for an on-site wastewater disposal system and a 100% reserve area. The size of these systems shall be determined from the tests performed as required above, and applied to a hypothetical four bedroom residence (also to be shown on the Tentative Plat). Also, include the design calculations used to size the preliminary

and reserve on-site disposal fields. On-site disposal systems may not be located in floodway areas, erosion hazard setbacks, or within fifty feet of washes, whichever is more restrictive.

84. C. Percolation test/soil evaluation holes shall be shown on the Tentative Plat.
- Flood Control conditions:
- A. Development associated with the rezoning subject property shall meet Critical Basin detention requirements before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
- B. Off-site improvements shall be required to provide all weather access to the subject site along Street A, as shown on the preliminary development plan, before approval of a tentative plat and/or development plan, as determined necessary and approved by the Flood Control District.
- C. A letter of intent to serve from a water service provider (Tucson Water) shall be submitted with the tentative plat.
- D. The applicant shall prepare a water conservation plan with the tentative plat. The plan shall indicate the maximum allowed turf area for each individual lot. The maximum turf area shall be included in the subdivision's recorded CC&R's.

95. Wastewater Reclamation condition:
- The owner / developer shall secure approval from the Pima County Department of Environmental Quality to use on-site sewage disposal systems within the rezoning area at the time a tentative plat, development plan or request for building permit is submitted for review.

406. Environmental Planning conditions:
- A. Total grading for the rezoning site shall not exceed 492,230 square feet. Maximum grading limits for individual lots shall be determined at the time of platting. The plat shall identify all common areas and those areas on individual lots that are set-aside and reserved from grading as natural open space.
- B. Upon the effective date of the Ordinance, the owner(s)/developer(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 transfers to any future owners of property within the rezoning site and Pima County may enforce this rezoning condition against the current property owner. ~~Prior to issuance of the Certificate of Compliance, the owner(s)/developer(s) shall record a covenant, to run with the land, memorializing the terms of this condition.~~

Invasive Non-Native Plant Species Subject to Control:

Ailanthus altissima	Tree of Heaven
Alhagi pseudalhagi	Camelthorn
Arundo donax	Giant reed
Brassica tournefortii	Sahara mustard
Bromus rubens	Red brome
Bromus tectorum	Cheatgrass
Centaurea melitensis	Malta starthistle
Centaurea solstitialis	Yellow starthistle
Cortaderia spp.	Pampas grass
Cynodon dactylon	Bermuda grass (excluding sod hybrid)
Digitaria spp.	Crabgrass
Elaeagnus angustifolia	Russian olive
Eragrostis spp.	Lovegrass (excluding E. intermedia, plains lovegrass)
Melinis repens	Natal grass
Mesembryanthemum spp.	Iceplant
Peganum harmala	African rue
Pennisetum ciliare	Buffelgrass
Pennisetum setaceum	Fountain grass
Rhus lancea	African sumac

Salsola spp.	Russian thistle
Schinus spp.	Pepper tree
Schismus arabicus	Arabian grass
Schismus barbatus	Mediterranean grass
Sorghum halepense	Johnson grass
Tamarix spp.	Tamarisk

- C. Walls or fences shall not be allowed along the perimeter of any lot or on the perimeter of the subject property, except for walls immediately adjacent to the gated entryway; however, walls and fences may be erected within the maximum grading area for each lot established by the subdivision plat. Walls shall not be located within natural open space designated on each individual lot. These restrictions shall be a Permitting Note on the plat.
- ~~447.~~ Cultural Resources conditions:
- A. A cultural resources mitigation plan (that includes strategies for Preservation and/or Data Recovery) for any identified archaeological sites on the subject property that are not avoided by development shall be submitted at the time of, or prior to, the submittal of any tentative plan or development plan. All work shall be conducted by an archaeologist permitted by the Arizona State Museum, or a registered architect, as appropriate.
- B. Following rezoning approval, any subsequent development requiring a Type II grading permit will be reviewed for compliance with Pima County's cultural resources requirements under Chapter 18.81 of the Pima County Zoning Code.
- ~~428.~~ The following conditions shall be required in support of County Sustainability Initiatives:
- A. Water harvesting techniques to be employed with subdivision roadway design and individual grading on each individual lot. Roof runoff to be directed into landscaped areas. Swales and micro basins to use stormwater to irrigate vegetation.
- B. The recorded private subdivision Covenants, Conditions, and Restrictions (CC&Rs) shall not prohibit and shall encourage the use of solar energy and other alternative energy sources shall be encouraged and not be prohibited.
- C. Each home shall be oriented for optimal solar orientation, to the maximum extent possible.
- D. Each house shall be built with a greywater stub out.
- ~~439.~~ 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.
- ~~4410.~~ The property owner shall execute ~~and record~~ the following disclaimer regarding Proposition 207 rights: "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning or conditions of rezoning may be construed to give Property Owner to 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)."
- ~~4511.~~ Adherence to the preliminary development plan (EXHIBIT C) as approved at public hearing.
- ~~12.~~ There shall be a maximum of 18 residences.

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 approve Co9-07-21, subject to original and modified standard and special conditions, and to include the additional condition to limit the construction to 18 home sites on the 59.9 acres.

## HEALTH

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

### **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.

Mary Atkinson addressed the Board and indicated that Tucson Medical Center supported the ordinance.

Stryder Rodenberg addressed the Board regarding his personal experiences with vaping, San Francisco's ban of Juul products two years after inception and San Francisco's ban on the sale of any non-FDA approved e-cigarettes. He indicated that the use of e-cigarettes was rampant and growing throughout middle and high schools.

Michael Guymon, Vice President, Tucson Metro Chamber of Commerce (TMCC), stated that TMCC was in favor of raising the age for purchasing tobacco. He indicated however, that the Ordinance should be adopted state-wide and not by local jurisdictions. He also expressed concern over the exemptions being granted to vaping establishments.

Dr. Francisco Garcia, Assistant County Administrator, Community and Health Services, responded to the concerns with regards to vaping establishments being exempt. He indicated that vape shops were not exempted from the Ordinance. He stated that the Ordinance allowed vaping establishments the same uniformity as smoke shops and allowed age-appropriate customers to sample the products within the store.

Supervisor Miller inquired whether the ordinance defined a specific age appropriate for vaping.

Dr. Garcia responded that the Ordinance defined vaping products that contained nicotine as tobacco products. He also stated that the Ordinance would prevent individuals from purchasing vaping products until they were 21 years of age.

Supervisor Miller inquired whether individuals under the age of 21 would be allowed to sample products in the store.

Dr. Garcia responded that anyone under the age of 21 would not be allowed to sample products.

Carlos Estrada, Operations Director, Circle K Stores in Southern Arizona, stated that he preferred an equitable statewide solution for all retailers.

Amy Bass, Executive Director of Prevention, Portable Practical Educational Preparation, Inc., and Director, Pima County Community Prevention Coalition, expressed concern over placing business owners and the economy above the health and well-being of children.

Troy Little, President, Quik Mart Stores, indicated that Quik Mart was in favor of raising the purchasing age for tobacco products. He stated that the Ordinance would not be effective as written. He added that he preferred federal legislation in order to address youth smoking and vaping.

Brian Hummell, Arizona Director of Government Relations, American Cancer Society Cancer Action Network, addressed the Board in opposition of the revised Ordinance. He stated that the penalty structure was not strict enough to be effective.

Paul Lovelis, Chair, Pima County Community Prevention Coalition, addressed the Board regarding businesses prospering within Tobacco21 communities and that the Ordinance encompassed issues of health, criminal justice and economy.

Nicole Olmstead, Government Relations Regional Lead, American Heart Association (AHA), expressed AHA's opposition to the revised Ordinance and stated that AHA would no longer support the Ordinance.

Mark Miller, Arizona Food Market Alliance (AFMA), stated that AFMA and its members supported raising the age, but indicated that it should be implemented at the state or federal level in order to avoid pushing business to surrounding communities or reservations.

Roger Score addressed the Board regarding personal responsibility and willpower. He indicated that the Ordinance punished businesses and caused consumers to shop outside of the County.

Ginny Chadwick, Western Regional Director, Preventing Tobacco Addiction Foundation, Tobacco21 National Organization, indicated that laws started at the local level and worked their way up to the state level.

Mike Humphrey addressed the Board regarding the implementation of regulations and penalties for tobacco products.

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

Chairman Elías commented that code enforcement was difficult and that he understood the frustration from those that had advocated for the previous version of the Ordinance. He stated that if the Ordinance were to pass, a provision should be placed on the Ordinance for a 1 year review to examine the effectiveness and include an option to increase penalties. He indicated that a state ordinance might not occur and that the federal legislation would not have any enforcement, which left local entities the responsibility of passing enforcement regulations.

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

Supervisor Christy commented that the Ordinance placed the onus on businesses and no responsibility on the individuals misrepresenting their age. He urged constituents to contact state and federal representatives.

Supervisor Valadez expressed concern over not moving forward with a solution to curb underage smoking. He indicated that there were concerns with the Ordinance penalizing only merchants. He inquired whether the Ordinance addressed the purchasing of vaping products by 18 and 19 year olds who were then providing them to minors.

Dr. Garcia responded that the Ordinance did not contain language pertaining to transactions between private citizens.

Supervisor Valadez directed staff to explore what Pima County could do, within the confines of the law, to address private transactions of tobacco products between someone of legal age and a minor. He stated that the ordinance was not a panacea to stop minors from using tobacco, but that it was a step in the right direction and a means that could be used in conjunction with other programs.

Supervisor Miller commented that there was no assignment to personal responsibility for minors trying to purchase tobacco products. She stated that without consequences there was no incentive for minors to stop the illegal practice. She added that the Ordinance did not address consumers purchasing products from other counties or reservations.

Supervisor Bronson expressed concern over 18 year olds being allowed to vote and serve their country; and the County wanting to remove their ability to make decisions regarding their own health.

Chairman Elías commented that the United States military favored Tobacco21 ordinances because they did not want servicemen using tobacco products. He inquired whether there was a statute that prevented minors from purchasing tobacco products.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that under A.R.S. §13-3622 it was a petty offense to sell tobacco products to minors under the age of 18.

Supervisor Christy asked whether the Ordinance contained a penalty for individuals caught selling tobacco products to minors.

Dr. Garcia responded that the Ordinance did not contain language that pertained to penalties for individuals caught selling tobacco products to minors.

Supervisor Christy stated that the main concern was tobacco products being distributed to minors.

Dr. Garcia indicated that the retail community was diligent in making sure tobacco products were sold to individuals over 18. He stated that most minors obtained tobacco products through social interactions with peers and through familial settings. He indicated that raising the age to 21 would limit a minor's access because individuals 21 and older did not typically interact socially with individuals that were 18 year olds or younger. He added that most of these interactions occurred socially and were not for financial gain. He stated that the County did not have the capacity to regulate those interactions.

Supervisor Christy stated that the Ordinance focused on penalizing commercial retailers, while the tobacco products obtained by minors were from interactions that could not be controlled or monitored.

Chairman Elías commented that A.R.S. §13-3622 precluded selling or providing tobacco products to minors and that age restricted sales were effective.

Supervisor Christy stated that the foremost concern was minors obtaining tobacco products which the Ordinance did not prevent.

Chairman Elías indicated that all health regulations, including the Ordinance, were about preventing unnecessary deaths.

Supervisor Miller indicated that monies should be applied towards education campaigns. She questioned how vaping devices became marketable and added that they should be banned. She stated that parents and minors should accept personal responsibility and applied consequences. She indicated that the Ordinance was flawed and did address the problem.

Supervisor Valadez reiterated that 18 year olds who purchased tobacco were more likely to include minors among their social peers, while individuals 21 and older did not typically interact socially with individuals that were 18 or younger. He stated that would result in minors having limited access.

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

## **TRANSPORTATION**

### **29. Hearing - Traffic Ordinance**

ORDINANCE NO. 2019 - 24, of the Board of Supervisors, relating to traffic and highways; regulating traffic at the intersection of Eagle Cove Drive and Freedom Eagle Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 3)

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

## **COUNTY ADMINISTRATOR**

### **30. Commission to Advise the Sheriff Regarding Law Enforcement Issues Involving Community Interests Including, Policing Policies, and Strategies to Improve Trust between Law Enforcement and the Public**

Staff recommends that if the Board chooses to form a Sheriff Advisory body; that the following items be included in either an administrative procedure or the County Code amended to include such a Commission:

1. That the Board form a Sheriff Civilian Policy Commission by appointing two members to represent each member of the Board of Supervisors. The terms of the Commission members are coterminous with the Board Member's term of office.
2. The Commission would not be subject to the Arizona Open Meeting laws and, hence, cannot discuss or take any action on matters that will come before the Board of Supervisors.
3. The Commission will meet monthly with the Sheriff.
4. The Commission may prepare written quarterly reports to the Board of Supervisors regarding their policy discussion with the Sheriff. Such a report would be made at a public meeting of the Board by the Commission Chair or Member.
5. The Board of Supervisors, at a public meeting by a majority vote, may refer matters of community interest and/or concern to the Commission and Sheriff for discussion and reporting.
6. The Sheriff is not bound to follow the advice or direction of the Commission.
7. A mechanism to remove a member of the Commission if a super majority of the members find that the member is substantially obstructing Commission deliberation.

(Clerk's Note: Additional discussion regarding this matter was held in conjunction with Minute Item No. 11.)

Chairman Elías expressed concern that the recommendations by the County Administrator circumvented Arizona's Open Meeting Laws and removed transparency and public participation. He stated that a National Association for Civilian Oversight of Law Enforcement expert lived in Tucson and that individual was willing to work with the County to create a commission that involved both the Sheriff's Department and the public. He stated that the public deserved a transparent process and recommended that the Sheriff provide that transparency.

Supervisor Miller agreed with the Chairman's view on the lack of transparency outlined in the recommendations. She stated that Community Law Enforcement Partnership Commission was a platform for vilifying law enforcement and funding decisions made by the Sheriff. She indicated that if an Advisory Commission was formed the Sheriff should be involved. She added that the Sheriff was willing to listen to constituent concerns. She inquired why the Commission would not be subject to Arizona Open Meeting Laws.

Chuck Huckelberry, County Administrator, responded that the advisory group would discuss complex law enforcement issues and not appropriateness of grants. He indicated that if the commission was subject to Open Meeting Laws, they would be restricted from discussing upcoming Board agenda items with regards to the Sheriff's Department. He added that the Sheriff would also be responsible for the administration of the commission.

Chairman Elías indicated that Open Meeting Laws allowed public access.

Supervisor Christy commented that the advisory commission should be created and administered by the Sheriff without interference or recommendations from the Board of Supervisors.

It was moved by Supervisor Valadez and seconded by Supervisor Miller to approve the item with the deletion of recommendation No. 2. No vote was taken at this time.

Chairman Elías stated he would not vote in favor of the motion due to lack of public meetings.

Supervisor Christy stated he would not vote in favor of the motion because the Sheriff's Department should be responsible for the commission without any connection or facilitation from the Board of Supervisors.

Upon roll call vote, the motion failed 1-4, Chairman Elías and Supervisors Bronson, Christy and Miller voted "Nay."

## **CLERK OF THE BOARD**

### **31. 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 Bronson and unanimously carried by a 5-0 vote, to approve the item.

## **CONTRACT AND AWARD**

### **COMMUNITY DEVELOPMENT AND NEIGHBORHOOD CONSERVATION**

32. Flowing Wells Neighborhood Association and Community Coalition, Amendment No. 1, to provide for Flowing Wells Neighborhood Association and Community Coalition operating funds and technical assistance, extend contract term to 6/30/20 and amend contractual language, no cost (CT-CD-19-191)

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

### **COMMUNITY SERVICES, EMPLOYMENT AND TRAINING**

33. Our Family Services, Inc., to provide for the U.S. Housing and Urban Development (USHUD) Continuum of Care (CoC) Program – Project Advent, USHUD-CoC Fund, contract amount \$140,094.15 (CT-CS-20-78)

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

## **PROCUREMENT**

34. Immedia, L.L.C., to provide for AV control equipment, Emergency Management Performance Grant (50%) and General (50%) Funds, contract amount \$300,000.00 (MA-PO-20-32) Office of Emergency Management & Homeland Security and Information Technology

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 the preventative plan would be purchased and the plan cost. She also asked about the contract language regarding the purchase of the care agreement and the 90 day warranty.

Jeff Guthrie, Director, Office of Emergency Management, responded that there were no maintenance fees.

Supervisor Miller indicated that the background material eluded to monthly maintenance for an additional cost, however no dollar amount was provided.

Mr. Guthrie responded that his understanding was that it was being provided at no cost.

Chairman Elías inquired whether the item could be continued.

Mr. Guthrie responded that the contract was time sensitive and funding could be lost if not approved.

Supervisor Miller stated that without complete information she would not be voting in favor of this item.

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

Chairman Elías directed staff to provide the requested information and noted that the item could be brought back for reconsideration, if necessary.

## **SHERIFF**

35. City of South Tucson, to provide for incarceration of municipal prisoners, contract amount \$132,000.00 estimated revenue (CTN-SD-19-210)

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**

36. **Acceptance – Health**

Arizona Department of Health Services, Amendment No. 2, to provide for WIC and BFPC services and amend grant language, \$1,658,946.00 (GTAM 20-5)

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**

37. **Transportation Advisory Committee**

Appointment of John Wallace, to fill a vacancy created by Lynne Mangold. Term expiration: 12/31/22. (District 3)

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

38. **Parks and Recreation Commission**

- Reappointment of Michael Lundin. Term expiration: 6/30/25. (District 2)
- Reappointments of Richard Barker and Victor Rivera. Term expirations: 6/30/25. (District 5)

It was moved by Supervisor Bronson, seconded by Supervisor Valadez 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 No. 20 was set aside for separate discussion and vote.

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

\* \* \*

**PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER**

**TRANSPORTATION**

20. **Permission to Advertise**  
Tournament Way  
Road Establishment No. 3031  
September 20 and 27, 2019 (District 2)

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

Supervisor Miller stated that she did not support the Kino Stadium expansion and would not vote in favor of the item.

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

\* \* \*

## **CONTRACT AND AWARD**

### **Behavioral Health**

1. UHS of Tucson, L.L.C., d.b.a. Palo Verde Behavioral Health, Amendment No. 4, to provide court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and extend contract term to 9/30/20, General Fund, contract amount \$750,000.00 (CT-BH-20-17)
2. Banner Health, Amendment No. 5, to provide court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and extend contract term to 9/30/20, General Fund, contract amount \$1,500,000.00 (CT-BH-20-22/CT-BH-20-14)
3. Sonora Behavioral Health, Amendment No. 5, to provide court ordered evaluation services pursuant to A.R.S. Title 36, Chapter 5 and extend contract term to 9/30/20, no cost (CT-BH-20-34)

### **Facilities Management**

4. Portable Practical Educational Preparation, Inc., to provide a ground lease agreement for the conveyance of a parcel of land within the Sopori Park for the construction of Amado Youth Center, contract amount \$250.00 revenue/25 year term (CTN-FM-20-31)
5. Sahuarita Unified School District No. 30, Amendment No. 2, to provide for Kay Stupy - Sopori Neighborhood Park and amend contractual language, no cost (CT-PR-19-391)

### **Procurement**

6. **Award**  
Amendment of Award: Master Agreement No. MA-PO-19-201, Amendment No. 1, Simpson Norton Corporation, for Toro parts and equipment. This amendment is for a one-time increase in the amount of \$125,000.00 for a cumulative not-to-exceed contract amount of \$375,000.00. This increase is needed to purchase three Toro Workman HDX utility carts to support the efforts of the department in converting their heavy duty utility cart fleet from John Deere to Toro. Funding Source: General Fund. Administering Department: Natural Resources, Parks and Recreation.

## **Real Property**

7. Verizon Wireless, L.L.C., d.b.a. Verizon Wireless, Amendment No. 5, to provide a master agreement for wireless communications facilities and site specific supplemental agreements for specified locations, extend contract term to 5/31/25 and amend contractual language, contract amount \$477,268.78 revenue (CTN-IT-15-107)
8. Alltel Corporation, d.b.a. Verizon Wireless, Amendment No. 6, to provide a tower license agreement at the Nanini Governmental Center located at 7300 N. Shannon Road and amend contractual language, contract amount \$160,476.18 revenue decrease (CTN-IT-13-296)
9. Verizon Wireless, L.L.C., d.b.a. Verizon Wireless, f.k.a. Alltel Communications Southwest Holdings, Inc., d.b.a. Verizon Wireless, Amendment No. 3, to provide a master agreement for wireless communications facilities and site specific supplemental agreements for specified locations, extend contract term to 7/4/25 and amend contractual language, contract amount \$560,038.60 revenue (CTN-IT-15-115)

## **Sheriff**

10. City of Tucson, to provide for incarceration of municipal prisoners, contract amount \$6,555,000.00 estimated revenue (CTN-SD-19-211)
11. Pinal County, to provide for incarceration of prisoners, contract amount \$305,000.00 estimated revenue (CTN-SD-19-215)
12. Town of Marana, Amendment No. 1, to provide for the Pima County Mapping Administrator position and extend contract term to 6/30/20, contract amount \$56,343.00 revenue (CTN-SD-18-190)

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

13. **Library Advisory Board**  
Appointment of Betsy Shepard, to fill a vacancy created by Amanda Castillo. Term expiration: 6/30/23. (District 5)
14. **Environmental Quality Advisory Council**  
Reappointment of Leslie Katz, representing Water Resources. Term expiration: 10/17/22. (Staff recommendation)
15. **Board of Health**  
Appointment of Kathryn Kohler, to fill a vacancy created by Matthew T. Emich. Term expiration: 2/28/22. (District 4)

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

**16. Special Event**

- Michael Thomas Hellon, Pima County Parklands Foundation, Canoa Ranch, 5375 S. I-19 Frontage Road, Green Valley, September 21, 2019.
- Nicholas Jon Szumowski, Heirloom Farmers Markets, Rincon Valley Farmers & Artisans Market, 12500 E. Old Spanish Trail, Tucson, September 21, 2019.
- Michelle Lynn Garmon, St. Thomas the Apostle Roman Catholic Preschool, St. Thomas the Apostle Roman Catholic Parish Hall, 5150 N. Valley View Road, Tucson, October 5, 2019.
- Chris Udovich, VFW Post 10254, Buckelew Farm, 17000 W. Ajo Highway, Tucson, October 4, 5, 11 and 12, 2019.
- Erma Watson, Friends of Robles Ranch, Inc., Buckelew Farm, 17000 W. Ajo Highway, Tucson, October 18, 19, 25, 26 and 31, 2019.

**ELECTIONS**

**17. Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Sanda Clark-010-DEM; Margaret L. Felici-164-DEM; Sherry Vogt-168-DEM; Christopher D. Cole-100-LBT

APPOINTMENT-PRECINCT-PARTY

Celeste M. Rodriguez-020-DEM; Syndy L. Linn-021-DEM; Thomas W. Linn-021-DEM; Elizabeth R. Morgan-021-DEM; Carol L. Schloff-021-DEM; Charles M. Grant-041-DEM; Matthew A. Barngrover-042-DEM; Nan S. Lux-074-DEM; Jim L. Sanders-164-DEM; Nancy L. Goodman-194-DEM; Nancy Scott-Rogers-211-DEM; Justina M. Elías-246-DEM; David F. White-130-REP; Charlene T. Sutton-199-REP; David J. Sutton-199-REP; Edward S. Burleson-217-REP; Margaret "Maggie" E. Johnson-225-REP; Jeanne E. Cates-229-REP

**FINANCE AND RISK MANAGEMENT**

**18. Duplicate Warrants - For Ratification**

The State of Arizona \$20.00; Justin L. Jewett \$1,000.00; Banner-University Medical Group \$693.43; Matthew O'Connor \$272.00; Pima County Justice Court \$4,500.00; Pima County Justice Court \$7,200.00.

## **TREASURER**

19. **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 \$88,076.01.

## **TRANSPORTATION**

20. **Permission to Advertise**

Tournament Way (PULLED FOR SEPARATE ACTION)

## **RATIFY AND/OR APPROVE**

21. Minutes: August 6, 2019

\* \* \*

40. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 12:26 p.m.

---

CHAIRMAN

ATTEST:

---

CLERK