

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, December 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
Ryan Roher, 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 \$90,600.00 for the Wilmot Energy Center located at 11425 South Swan Road, located within Regulated Riparian Habitat classified as important riparian area Class C and D and Xeroriparian Class C Habitat. (District 2)

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

2. CONTRACT

Desert Gold 4845, L.L.C., to provide for a Sales Agreement and Special Warranty Deed for property located south of the Rillito River, north of Shamrock Commercial Subdivision, a portion of Tax Parcel No. 104-01-118A, in Section 15, T13S, R13E, G&SRM, Pima County, AZ, contract amount \$7,700.00 revenue (CTN-PW-20-82)

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

3. CONTRACT

Susan M. Przewlocki, a.k.a. Susan Przewlocki, to provide for an Agreement to Donate Real Property and Special Warranty Deed, Tax Parcel Nos. 205-29-0170, 0180, 0190, 0200 and 003A, located in Section 16, T13S, R16E, G&SRM, Pima County, AZ, Flood Control Non-Bond Projects Fund, contract amount \$13,000.00 (CT-PW-20-175)

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

4. **THIRD AMENDMENT TO PUBLIC UTILITY EASEMENT**

Sican, Inc., as Trustee of the Community Water Company of Green Valley ROW Trust, to extend the utility easement to 12/31/21 for completion of the Central Arizona Project water pipeline. (District 2)

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

5. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:04 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, December 17, 2019. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman
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Sharon Bronson, Acting Chair
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Steve Christy, Member

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

1. INVOCATION

The invocation was given by Reverend Steven Hilton, Glad Tidings Assembly of God.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. POINT OF PERSONAL PRIVILEGE

Chairman Elías wished everyone happy holidays and commented that this was the last Board meeting of the decade.

4. PAUSE 4 PAWS

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

PRESENTATION

5. Presentation of a Certificate of Appreciation to recognize the many accomplishments, including a recent performance at the Macy's Thanksgiving Day Parade, and express support for the Catalina Foothills High School Marching Band. (District 1)

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

6. Presentation of a Certificate of Appreciation to recognize the many accomplishments, including a recent performance at the White House Christmas Tree Lighting Ceremony, and express support for the Tucson Boys Chorus. (District 1)

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

7. **CALL TO THE PUBLIC**

The following individuals addressed the Board or submitted a comment card in support of the Resolution requiring background checks for private firearms sales:

- Patricia Maisch
- Pam Simon
- Rici Peterson
- Larry Bodine
- Doug Howerton
- Randi Dorman
- Nancy Bowman
- Dawn Urquhart
- Betts Putnam-Hidalgo
- Molly Mckasson
- Perry McMillan
- Sarah Gotschall
- Kathleen Dobbs
- Tony Zinman
- Hannah Glasston
- Tim DeNiro
- Bridget Rieci
- Dr. Lisa Kiser
- Merrill Evans
- Marilyn Woods
- Dave Devine
- Debra Coyle
- Meg Pradelt
- Peter Woods
- Barbara Warren
- Clay Morgan
- Vicki Gee
- Kelley Ireland
- Carol McMillan
- Kristine Woodworth
- Sharon Steehler
- Katya Peterson
- Mary Kristin Teran
- Lynda Hanna
- Pat Williams
- Linda Petersen-Vargas
- Cynthia Merodias-Montenegro
- Michael Block
- Barbara Wayne
- Kathryn Jensen
- Francesca Jarvis
- Hilary Pursehouse
- Scott Naue
- Jim Hannley

They offered the following comments:

- Background checks were needed on all gun sales.
- Closing the gun show loophole was a solution to gun violence and promoting safer communities.
- Background checks were vital to the safety of the community, especially children.
- Studies showed that universal background checks saved lives and reduced the rate of gun homicides.

- Thanked the Board for supporting background checks for gun sales.
- Urged the Board to ban gun shows on County property.
- The Gifford's Law Center to Prevent Gun Violence reported that \$19 billion was spent on gun violence in Arizona.

The following individuals addressed the Board in opposition to the Resolution requiring background checks:

- Roger Score
- David Childress
- James Schmidt

They offered the following comments:

- Background checks violated second amendment rights.
- Supported gun shows.

Geri Ottoboni addressed the Board in German.

Bill Beard addressed the Board in opposition to the money and staff time spent in creating the background check and migrant protection resolutions. He added that road maintenance should be their priority.

David Eppihimer, Chairman, Pima County Republican Party, asked that the Board consider the Election Integrity Commission's request.

Keith Van Heyningen addressed the Board regarding second amendment rights, wasteful spending and road maintenance.

Raquel Baranow spoke about the abandonment of her property and asked for assistance in obtaining the reason for her neighbor's disapproval.

John Cote, Member, Elections Integrity Commission, addressed the Board regarding the City of Tucson's November 5, 2019 general election and the integrity of that election.

Janni Simner expressed her opposition with the Sheriff Department's use of Stonegarden funds to pay overtime.

Terry Warren, Warren Charter Law, addressed the Board and provided a history for Basis Charter Schools. He asked that the Board grant the school's request for exemptions.

Michael Block spoke in support of the Migrant Protection Protocols Resolution.

Francesca Jarvis asked the Board to vote against the diversion of migrants to Juarez, Mexico.

8. **CONVENE TO EXECUTIVE SESSION**

It was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to convene to Executive Session at 10:25 a.m.

9. **RECONVENE**

The meeting reconvened at 11:08 a.m. All members were present.

EXECUTIVE SESSION

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Karl Daschke, et al. v. Theodore Hartenstein, et al., United States District Court Case No. CV-17-00456-TUC-JGZ.

Andrew Flagg, Chief Civil Deputy County Attorney, stated that under the terms of the proposed settlement the County would pay \$700,000.00 to resolve all claims. He stated that Daryl Audilett, Outside Counsel, sought direction on whether to proceed with the proposed settlement.

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

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Pima County Board of Supervisors v. Bill Staples, Arizona Tax Court Case No. TX2019-000118.

Andrew Flagg, Chief Civil Deputy County Attorney, stated 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 approve the County Attorney's recommendation and proceed as discussed in Executive Session.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed settlement in Altamirano v. County of Pima, et al., Ninth Circuit Case No. 19-16704; District Court Case No. 4:15-CV-00169-RM.

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

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to approve the County Attorney's recommendation and proceed as discussed in Executive Session.

DEVELOPMENT SERVICES

13. Final Plat With Assurances

P19FP00010, Tucson Mountain Ranch Phase III, Lots 183-270 and Common Areas "A, B and C". (District 3)

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

FINANCE AND RISK MANAGEMENT

14. Sewer System Revenue Obligations

RESOLUTION NO. 2019 - 93, of the Board of Supervisors, providing for the execution, delivery and sale of (A) sewer system revenue obligations in an aggregate principal amount sufficient to provide up to \$40,000,000.00 to purchase property constituting additions and improvements to the sewer system of the County, to fund a debt service account and to pay costs of delivery, and (B) sewer system revenue refunding obligations in an aggregate principal amount sufficient to accomplish the refinancing of outstanding sewer revenue obligations being refunded thereby, to fund a debt service account and to pay costs of delivery; authorizing the execution and delivery of one or more obligation indentures in connection therewith and the execution and delivery of one or more purchase agreements providing for installment payments by the County for the purchase or refinancing of said property to be made from revenues of the sewer system of the County; and authorizing the completion, execution and delivery of all necessary or appropriate agreements or documents and the taking of all actions and matters in connection therewith.

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

15. Certificates of Participation

RESOLUTION NO. 2019 - 94, of the Board of Supervisors, authorizing the lease and lease-purchase back of certain real property, including buildings and structures, in order to finance and refinance projects for the County; authorizing the execution and delivery of amendments and supplements to a lease-purchase agreement and a trust agreement and other necessary agreements, instruments and documents; approving the execution and delivery of Certificates of Participation and refunding Certificates of Participation to provide the necessary financing and refinancing therefor; and authorizing other actions and matters in connection therewith.

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

16. Quarterly Report on Collections

Staff recommends acceptance of the Quarterly Report on Collections for the period ending September 30, 2019.

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

HUMAN RESOURCES

17. Revisions to Personnel Policies

Staff requests approval of the revisions to the following Personnel Policies:

- Personnel Policy 8-102 - Premium Pay
- Personnel Policy 8-105 - Annual Leave
- Personnel Policy 8-106 - Sick Leave.

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

18. Classification/Compensation

The Pima Animal Care Center requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code
7527/ Pima Animal Care Center Deputy Director/ U3 (\$55,182-\$125,590)/ 1/ E*
*E = Exempt (not paid overtime)

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

INDUSTRIAL DEVELOPMENT AUTHORITY

19. EMPACT - SPC Project

RESOLUTION NO. 2019 - 95, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the re-issuance of its Revenue Bonds (EMPACT - SPC Project, 618 S. Madison Street, Tempe, Arizona), Series 2012 (2019 reissuance) in an aggregate principal amount not to exceed \$3,250,000.00 and declaring an emergency.

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

20. **La Paloma Project**

RESOLUTION NO. 2019 - 96, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the re-issuance of its Revenue Bonds (La Paloma Project, 870 W. Miracle Mile, Tucson, Arizona), Series 2012 (2019 reissuance) in an aggregate principal amount not to exceed \$3,000,000.00 and declaring an emergency

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

21. **La Frontera Project**

RESOLUTION NO. 2019 - 97, of the Board of Supervisors, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the re-issuance of its Revenue Bonds (La Frontera Project, 4891 E. Grant Road, Tucson, Arizona), Series 2012 (2019 reissuance) in an aggregate principal amount not to exceed \$8,000,000.00 and declaring an emergency.

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

FRANCHISE/LICENSE/PERMIT

22. **Hearing - Liquor License**

Job No. 77653, Tyler Daru Fenton, Reilly Craft Pizza and Drink, 7262 N. Oracle Road, Tucson, Series 12, Restaurant, New License.

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

DEVELOPMENT SERVICES

23. **Hearing - Comprehensive Plan Amendment**

P19CA00004 HIGINIO - N. CAMINO DE OESTE PLAN AMENDMENT

Avilez Higinio, represented by Projects International, Inc., requests a Comprehensive Plan Amendment of approximately 9.77 acres from Low Intensity Urban 3.0 (LIU-3.0) to Medium Intensity Urban (MIU), located north of W.

12-17-2019 (7)

Massingale Road and addressed as 7701 N. Camino de Oeste, in Section 36, Township 12 South, Range 12 East, in the Tortolita Planning Area. On motion, the Planning and Zoning Commission voted 6-0 (Commissioners Bain, Cook, Maese and Matter were absent) to recommend APPROVAL SUBJECT TO REZONING POLICY. Staff recommends APPROVAL. (District 1)

Mark Holden, Principal Planner, Development Services Department, briefed the Board and indicated that this case was previously approved by the Board on October 15, 2019, subject to one rezoning policy. He explained that staff had discovered that the public hearing regarding this matter had not been properly advertised and it was being brought back to meet notification requirements of the zoning code. He stated that all other aspects of the case remained the same. He stated that staff had received comments and a petition signed by 39 neighbors. He added that their concerns included drainage, traffic, water levels and local well issues.

The following individuals addressed the Board or submitted a comment card in opposition to P19CA00004:

- Karen Grab
- Ralph Montenegro
- Cynthia Merodias Montenegro
- Debbie Cota
- Danny Marin
- Mike Maynard
- Vickie LaBlue

They offered the following comments:

- Expressed concerned with the drop of water levels on private wells and the lack of funding to dig new wells.
- Concerned that the development would cause additional flooding
- Expressed opposition to the development.
- Zoning densities were high for Camino De Oeste.
- Camino De Oeste was not equipped to handle the increased traffic.
- Additional traffic created the potential for accidents.
- The lack of weed control maintenance contributed to site impairments for vehicles.
- The roads were not wide enough and there was no room for pedestrians.
- Individuals could lose their homes due to increased flooding.
- Increased vehicular traffic would be catastrophe because individuals disregarded speed limits.
- Wash crossing on Pima Farms Road and Massingale Road prohibited vehicles from crossing when flooded.
- Pima County had not allocated funding for existing flooding issues.

Jim Portner, Projects International, addressed the Board and explained that this was a Comprehensive Plan Amendment and not a Rezoning. He indicated that complaints regarding downstream drainage had previously been addressed with the Board and the Planning and Zoning Commission. He stated that property owners were placed on notice, by the Flood Control District Board, to establish a maintenance program for the basin. He stated that he had spoken with neighbors about how the development would improve their situation by requiring those properties to comply with the current Flood Control regulations. He explained the proposed conceptual layouts for both sites identified the placement of detention basins and that the basins served as a barrier for their properties. He indicated that the traffic concerns had been addressed by the Department of Transportation and it was determined that there was enough capacity. He stated that future development would be conditional and would require additional right-of-way in order to create the same 80 foot right-of-way. He stated that concerns regarding water wells would be addressed by placing a layer of regulations triggered by the rezoning and platting process and that it would require developers to establish indoor and outdoor conservation measures that would need to be implemented with residential development. He indicated that the community would be better served if they were under a municipal water service provider. He added that would allow them to manage resources on a regional basis and ensure water quality for the end user.

Supervisor Miller inquired which municipality provided water.

Mr. Portner responded that the City of Tucson provided the water service.

It was moved by Supervisor Miller and seconded by Supervisor Christy to close the public hearing and approve P19CA00004, subject to rezoning policy. Upon roll call vote, the motion carried 4-1, Chairman Elías voted "Nay."

24. **Hearing - Rezoning**

P19RZ00009 GURVINE - N. CAMINO DEL FIERRO REZONING

David and Laura Gurvine, request a rezoning of approximately 4.67 acres from the SR (Suburban Ranch) zone to the SR-2 (Suburban Ranch Estate) zone located on the east side of N. Camino del Fierro, approximately 650 feet north of W. Oasis Drive and approximately 1,300 feet east of N. Shannon Road, addressed as 10120 N. Camino del Fierro. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Low Intensity Urban 1.2. On motion, the Planning and Zoning Commission voted 8-0 (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)

1. The property owner shall not further lot split or subdivide the land without the written approval of the Board of Supervisors.
2. Transportation conditions:
 - A. The new eastern lot shall be served by the existing common private road.
 - B. The property owner(s) shall accept responsibility for the maintenance, control, safety and liability of privately owned roads.
3. Environmental Planning conditions:
 - A. To achieve compliance with the Maeveen Marie Beehan Conservation Lands System, new ground disturbance shall be limited to no more than 15,495.5 square feet total.
 - 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 listed 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

<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alhagi pseudalhagi</i>	Camelthorn
<i>Arundo donax</i>	Giant reed
<i>Brassica tournefortii</i>	Sahara mustard
<i>Bromus rubens</i>	Red brome
<i>Bromus tectorum</i>	Cheatgrass
<i>Centaurea melitensis</i>	Malta starthistle
<i>Centaurea solstitialis</i>	Yellow starthistle
<i>Cortaderia</i> spp.	Pampas grass
<i>Cynodon dactylon</i>	Bermuda grass (excluding sod hybrid)
<i>Digitaria</i> spp.	Crabgrass
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eragrostis</i> spp.	Lovegrass (excluding <i>E. intermedia</i> , plains lovegrass)
<i>Melinis repens</i>	Natal grass
<i>Mesembryanthemum</i> spp.	Iceplant
<i>Peganum harmala</i>	African rue
<i>Pennisetum ciliare</i>	Buffelgrass
<i>Pennisetum setaceum</i>	Fountain grass
<i>Rhus lancea</i>	African sumac
<i>Salsola</i> spp.	Russian thistle
<i>Schinus</i> spp.	Pepper tree
<i>Schismus arabicus</i>	Arabian grass
<i>Schismus barbatus</i>	Mediterranean grass
<i>Sorghum halepense</i>	Johnson grass
<i>Tamarix</i> spp.	Tamarisk
4. Adherence to the sketch plan as approved at public hearing.
5. The eastern parcel shall have a minimum 75-foot building setback from the north property line for main and accessory structures.
6. The residence on the western parcel shall be limited to one story with a maximum building height of 20 feet.
7. The driveway for the western parcel shall at minimum have a dust-free chipseal surface.
8. In the event that human remains, including human skeletal remains, cremations, and/or ceremonial objects and funerary objects are found during excavation or construction, ground disturbing activities must cease in the immediate vicinity of the discovery. State Laws ARS 41-865 and/or ARS 41-844 require that the Arizona State Museum be notified of the discovery at (520) 621-4795 so that appropriate arrangements can be made for the repatriation and reburial of the remains by cultural groups who claim cultural or religious

affinity to them. The human remains will be removed from the site by a professional archaeologist pending consultation and review by the Arizona State Museum and the concerned cultural groups.

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.
10. 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.

Supervisor Miller inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Miller, seconded by Supervisor Christy, and unanimously carried by a 5-0 vote, to close the public hearing and approve P19RZ00009, subject to standard and special conditions.

25. Hearing - Rezoning Ordinance

ORDINANCE NO. 2019 - 27, P19RZ00002, Wick - W. Camino Desierto Rezoning. Owners: Brian and Catherine Wick. (District 1)

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 adopt the Ordinance.

ENVIRONMENTAL QUALITY

26. Hearing - Code Text Amendment

ORDINANCE NO. 2019 - 28, of the Board of Supervisors, relating to Air Quality; amending the Pima County Code by amending Title 17, Chapters 17.04, 17.11, 17.12, and 17.16 to update and adopt new incorporations by reference of the following federal regulations: Acid Rain, National Emission Standards for Hazardous Air Pollutants (NESHAP), New Source Performance Standards (NSPS), and other parts of Title 40 Code of Federal Regulations.

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

PROCUREMENT

27. **Hearing - Solicitation No. IFB-PO-2000040, Biosolids Removal and Disposal Services**

A. Appeal of Procurement Director's Decision

Pursuant to Pima County Code 11.20.010(H), Avra Gro Systems, Inc., appeals the decision of the Procurement Director regarding Solicitation No. IFB-PO-2000040, Biosolids Removal and Disposal Services.

The Board of Supervisors on December 3, 2019, continued the following:

B. Award

Award: Master Agreement No. MA-PO-20-84, Synagro of California, L.L.C., d.b.a. Synagro (Headquarters: Baltimore, MD), to provide for biosolids removal and disposal services. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$2,100,000.00 and includes four (4) one-year renewal options. Funding Source: RWRD Obligations Fund. Administering Department: Regional Wastewater Reclamation.

Supervisor Bronson inquired whether the Board was limited to a certain number of speakers during public hearings.

Andrew Flagg, Chief Civil Deputy County Attorney, responded that he was not aware of any restriction.

Mary Jo Furphy, Director, Procurement Department, addressed the Board and indicated that this was a standard Invitation for Bid (IFB) and the award was based on requested materials submitted. She indicated that the Award, as recommended by the Procurement Director, should be awarded.

Thomas Laue, Attorney, Avra Gro Systems, Inc., addressed the Board indicating that Avra Gro Systems, Inc., had held the contract for 25 years and had a great partnership with the County. He indicated that a similar challenge had occurred in 2015, and it was discovered that Synagro had misrepresented their land. He stated that the land identified by Synagro, in their contract, was not available for use as they had purported. He asked that the Board reject the Synagro proposal, and a new process be initiated; or that a one year renewal be added to his clients' contract so that they could continue providing services to the County.

Supervisor Miller inquired how the determination was made that Synagro had falsely reported the available acreage.

Mr. Laue responded that the information was gathered by his associates, Mr. Kai, his client, and Mr. Kai's staff. He explained that information was obtained by reviewing Assessor reports and maps and they were able to determine the acreage available. He added that they had also reviewed records from the Arizona Corporation Commission to determine who owned the entities.

Supervisor Miller asked whether the Arizona Department of Environmental Quality (ADEQ) certified that the lands were available.

Ms. Furphy responded in the affirmative and stated that at the time of the bid, they provided a list of potential acreage to be used, along with a list of farms. She indicated that after notice of award, Synagro provided copies of their contracts with land owners. She added that after the award, it was sent to ADEQ for land registration.

Supervisor Miller inquired whether there was a ADEQ certification process to determine whether or not the land was usable.

Ms. Furphy responded that the land had to be registered with ADEQ and documentation needed to be provided.

Supervisor Miller asked whether this process was applied to previously awarded contracts.

Ms. Furphy responded in the affirmative.

Supervisor Miller asked whether a certification from ADEQ was required for the contract to be issued.

Ms. Furphy responded that the emergency services contract was issued for removal to a landfill and for a land application. She stated that land application contracts required ADEQ's involvement.

Supervisor Miller asked how much biosolids was directed to the landfill.

Ms. Furphy responded that the contract allowed for materials to be taken to the landfill, if needed, but that allowance had not been used by the Regional Wastewater Reclamation Department. She explained that another emergency contract was implemented in case things were shut down.

Supervisor Miller inquired whether cake build-up was cleared and taken to the landfill.

Ms. Furphy replied that had not be cleared or taken to a landfill.

Supervisor Miller inquired whether the materials remained on County property.

Jackson Jenkins, Director, Regional Wastewater Reclamation Department, responded that biosolids were being stored on County property and on the contractor's property.

Supervisor Miller asked what amount of biosolids were stored on County property.

Mr. Jenkins responded that the contractor was issued a notice to cure letter requesting that the stockpiling be resolved.

Mr. Laue commented that the stockpiling was due to a process change at the sewage treatment plant. He indicated that the plant was utilizing additional ferric chloride and polymers in the solid discharge which made it unacceptable to many of the farmers. He added that the salt content had a negative impact on the land and its ability to grow crops.

Supervisor Miller inquired whether the process change impacted the contractor and therefore created the stockpile. She asked if that was the cause for the letters of noncompliance.

Mr. Jenkins responded that the process was changed approximately eight years ago with the upgrade to the Regional Optimization Master Plan (ROMP). He stated that ferric chloride was added to the process, but polymer had always been a component. He explained that the characteristic of the biosolid had shifted, but were still used throughout that period, and that he did not feel that was a valid reason for the stockpiling.

Supervisor Christy asked what the bid total was for Avra Gro Systems, Inc.

Ms. Furphy responded that Avra Gro's System's bid was for \$2,893,000.00 and it was not the lowest bid.

John Pualiaresi, Business Development Manager, Synagro of California, L.L.C., stated that Synagro had successfully performed and managed the project since acquiring the facility in 1998. He stated that they had complied with all the procurement requirements and supplied the necessary acreage. He added that they were prepared to start work on January 1, 2020.

Supervisor Bronson expressed concerns and requested clarification on the claim that approximately 1,105 acres available to Synagro had been sold.

Craig Geyer, Area Director, Synagro of California, L.L.C., stated that he had received signatures from the farmers. He explained that the farmers also provided the acreage available for the project. He added, as requested by the County, the signed agreements from the farms were provided.

Supervisor Bronson inquired whether the agreements were signed by the property owners.

Mr. Geyer responded that the agreements were signed by the owners and he clarified that Synagro did not own the farms.

Supervisor Bronson asked for a response to the allegation that 5,000 acres, reportedly available for biosolids application, were not available due to the planting of alfalfa and Bermuda grass.

Mr. Geyer responded that Arnold Burrell, owner of Burrell and Burrell Farms, had provided the acreage and had signed the agreement. He indicated that the material could be used on Bermuda grass and between alfalfa crops depending on the farmer's decision. He added that Mr. Burrell rotated crops according to the value of the commodity and the crop could be different next year.

Supervisor Christy inquired whether all the requirements of biosolids distribution had been met and whether the soil was available.

Mr. Geyer responded in the affirmative.

Ms. Furphy indicated that the land owners had signed a consent acknowledging their understanding of the biosolids. She stated that Burrell Farms was one of the farms listed by the contractor and they had received biosolids in the past.

Supervisor Christy inquired whether Synagro deliveries would still occur even though their bid was significantly less than Avra Gro's.

Mr. Geyer responded that deliveries would continue and that they were comfortable with their bid.

Supervisor Miller inquired whether the contracts would be null and void if the requests needed by ADEQ were denied. She also asked if the bid would have to be readvertised.

Ms. Furphy responded that there was a performance bond for this contract for \$2 million. She stated that if ADEQ denied the request they would have to find other locations for the biosolids. She added that landfill was used for emergencies but they would rely on the surety-company's assistance.

Supervisor Miller asked what happened if the certification from ADEQ was never provided.

Ms. Furphy responded that it would be a legal technicality and if the contractor never performed, the contract would become null and void.

John Kai, Avra Gro Systems, Inc., addressed the Board and indicated that he felt the land issues had been falsely addressed. He explained his reasons for not placing biosolids on alfalfa or Bermuda hay. He added that for safety reasons he would not chance the biosolids making horses sick and it being traced back to the County. He stated that the biosolids currently stored on County property would be removed by the end of the day.

Supervisor Miller inquired whether there were specific requirements for the various types of crops.

Mr. Jenkins responded that the Federal 503 regulations clearly dictated the handling of biosolids.

Supervisor Miller inquired whether specific requirements were followed on the spread of the biosolids.

Mr. Jenkins responded that it was a criteria within the 503 regulations. He stated that the regulations addressed the ergonomic uptake of the nutrients in biosolids. He indicated that different crops had different uptake amounts and it was dependent on which farm and which crop was being used at the time in order to determine that criteria. He added that biosolid production had been fairly consistent at approximately 12,000 dry tons per year.

Supervisor Miller asked about the biosolid cake amounts from previous years to the current year.

Mr. Jenkins responded that prior to the ROMP upgrades, the Tres Rios Facility, produced a thickened biosolid that contained approximately 8% biosolids. He indicated that was the primary application used by the contractor for biosolid disposal into the agricultural land. He explained that after the upgrades, the cake biosolid content was closer to 15% to 20% solids and that reduced the number of daily hauls from 30 to 10 truck-loads daily. He indicated that although it was applied differently to the land, it resulted in the same amount of dry tons per year.

Supervisor Miller asked about the disparity between the contracts and the land application.

Mr. Jenkins replied that the previous contract was executed during the ROMP transition and they were transitioning away from the thickened material to higher concentration of solids.

Supervisor Miller inquired whether there was a cost savings.

Mr. Jenkins responded that the cost for hauling cake was much less but the land application was more laborious and costly.

It was moved by Chairman Elias and seconded by Supervisor Bronson, to close the public hearing, approve the appeal of the Procurement Director's decision for Solicitation No. IFB-PO-2000040 and rebid the contract. No vote was taken at this time.

Supervisors Bronson, Christy and Miller requested additional information on ADEQ's process, additional information regarding the contracts, and clarification on the discrepancies.

Supervisor Valadez inquired about the current operation and how it would be impacted if the contract was rebid. He also inquired whether the current contractor would continue providing services.

Chuck Huckelberry, County Administrator, responded that the contract would continue until there was a decision made by the Board on a new contract.

Supervisor Valadez directed staff to provide an in-depth analysis in order to help the Board make a better decision.

Mr. Huckelberry responded that a thorough analysis of all the information provided by the parties and the bid solicitation would be provided. He added that they would conduct a cross check with ADEQ, and place it on a Board agenda for a meeting in January.

Supervisor Bronson stated that environmental concerns needed to be addressed in order to proceed as required under ADEQ and Federal regulations.

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

BOARD OF SUPERVISORS

28. Migrant Protection Protocols

RESOLUTION NO. 2019 - 98 of the Board of Supervisors, in opposition to the Trump Administration's Migrant Protection Protocols under which asylum-seeking families are diverted from the Tucson Sector of U.S. Border Patrol to Juarez, Mexico via El Paso, Texas. (District 5)

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

Supervisor Christy indicated that he would be voting against the Resolution because it burdened Pima County taxpayers and encouraged the pass through of asylum seekers. He commented that the Federal Government, social services, and faith based agencies should be responsible for the cost.

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

29. **Background Checks of Private Firearms Sales**

RESOLUTION NO. 2019 - 99, of the Board of Supervisors, calling for the U.S. Senate and President Donald Trump to approve a U.S. House of Representatives Bill requiring background checks of private firearms sales, including at gun shows and over the internet. (District 5)

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

Supervisor Christy indicated that the Fair Commission had the authority to hold gun shows in Pima County. He stated that according to the County Attorney's opinion, the Board had no effect, control or authority to override the law or relationship between the County and the Fair Commission. He stated that for over 20 years gun shows have been held at the fairgrounds and licensed dealers required identification and federal background checks at the time of sale. He added that private sales only occurred when proper identification was provided to ensure the buyer was of legal age, and to verify that the individual was an Arizona resident. He stated that he would be voting against the Resolution because it was not appropriate and it interfered with the Fair Commission's ability to conduct gun shows.

Supervisor Miller requested a copy of the bi-partisan 2019 background checks and stated she could not vote on the Resolution without further review.

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

30. **Board of Supervisors Adopted January 2020 Meeting Schedule**

Discussion/action to alter the Board of Supervisors adopted January 2020 Meeting Schedule. (District 4)

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

31. **Elections Integrity Commission Request for Action**

Discussion/action regarding a Request for Action from the Pima County Elections Integrity Commission regarding "irregularities in the Tucson City Election," on November 5, 2019. (District 1)

Supervisor Miller expressed concern over the City of Tucson's mail-in ballots exposing the individual's party selection and stated that it was a private matter. She indicated that she concurred with the Elections Integrity Commission's request to send a letter of concern to the City of Tucson.

It was moved by Supervisor Miller and seconded by Supervisor Christy to approve a letter of concern be sent to the City of Tucson, detailing the concerns expressed by the Election Integrity Commission. No vote was taken at this time.

Supervisor Valadez concurred with the concerns expressed and directed staff to assure the County was not culpable of the same mistake.

Chairman Elías agreed it was a problem but felt it was one that should be solved by the City of Tucson.

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

32. Gun Shows at Pima County Fairgrounds

Discussion/action to waive attorney-client privilege for the Gun Shows at Pima County Fairgrounds memorandum from Andrew Flagg, Chief Civil Deputy County Attorney, to C.H. Huckelberry, County Administrator, received on December 10, 2019. (Districts 2 and 4)

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

CLERK OF THE BOARD

33. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11104(G), BASIS Schools, Inc., has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for the following: Parcel No. 220-08-463B (parent parcel) for tax year 2014; Parcel No. 220-08-4710 (formally Parcel No. 220-08-463B) for tax year 2015; and Parcel No. 125-10-018A for tax years 2016, 2017, 2018 and 2019.

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

Supervisor Miller indicated that she would be voting against the item. She stated that the Assessor's review included a timeliness issue and concerns that the property was not being used for exempt purposes.

Upon roll call vote, the motion carried 3-2, Chairman Elías and Supervisor Miller voted "Nay."

ATTRACTIONS AND TOURISM

34. Fair Horse Racing Meet 2020

Staff recommends approval to waive the audit requirement for Rillito Racing Inc., for the 2019 year pending a similar waiver from the Arizona Department of Racing and approval of the Pima County Fair Horse Racing Commission's request for four County Fair Horse Racing Days: February 8, February 19, March 21 and March 22, 2020.

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

CONTRACT AND AWARD

COUNTY ATTORNEY

35. Avertest, L.L.C., d.b.a. Averhealth, to provide for the Tucson/Pima County Problem Solving Court Initiative Project, DTAP SAMHSA Fund, contract amount \$80,000.00 (CT-PCA-20-155)

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

ENVIRONMENTAL QUALITY

36. City of Tucson, to provide for the collection and proper disposal of gasoline powered lawn and garden equipment, ADEQ Fund, contract amount up to \$50,000.00/10 year term (CT-DE-20-177)

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

FACILITIES MANAGEMENT

37. The Tucson Urban League, Inc., to provide a lease agreement for office space located at 801 W. Congress St., contract amount \$4,431.00 revenue (CTN-FM-20-87)

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

FINANCE AND RISK MANAGEMENT

38. Diligence Systems, Inc., Amendment No. 1, to provide for report development services, extend contract term to 3/31/22 and amend contractual language, General Fund, contract amount \$300,000.00 (CT-FN-18-269)

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

Supervisor Miller inquired about the need for an outside contractor. She also asked why County staff was not utilized to create these reports, thereby saving the County money.

Supervisor Christy requested the original contract amount. He also asked that “timely manner” be clarified.

Chuck Huckelberry, County Administrator, responded that this was an amendment extending the contract and the amount was not changed. He indicated that the list of system needs and requirement was extensive. He suggested that the item be continued to allow time for staff to provide the information to the Board.

Supervisors Bronson and Valadez withdrew their motions.

It was then moved by Chairman Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors’ Meeting of January 21, 2020.

HEALTH

39. Arizona Department of Health Services, Amendment No. 3, to provide for the Expansion of Behavioral Risk Factor Surveillance System Survey and amend contractual language, Health Special Revenue Fund, contract amount \$34,500.00 (CT-HD-18-452)

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

HUMAN RESOURCES

40. San Miguel Corporate Internship, Inc., d.b.a. San Miguel Corporate Work Study Program, Amendment No. 1, to provide for the San Miguel Work Study Program and amend contractual language, RWRD Operating and General (\$142,000.00) Funds, contract amount \$154,000.00 (CT-HR-20-48)

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

Supervisor Christy asked for the number of scholarships created. He also asked whether all the scholarships were within the Wastewater Reclamation Department.

Chuck Huckelberry, County Administrator, responded that 40 to 50 scholarships were created. He provided the contract scholarship breakdowns: Health Department – 8; Department of Transportation - 3; Pima County Library – 3; Wastewater Reclamation Department – 5; and the Sheriff's Department has requested 12.

Supervisor Christy inquired whether San Miguel was the only high school participating and how they were selected.

Chairman Elías explained that students worked in the community to earn money to pay for their tuition. He explained that the tuition supplemented lower income students at San Miguel.

Supervisor Christy asked why lower income students at other facilities were not participating.

Chairman Elías stated that this particular program model was created by San Miguel and it was not available at other schools.

Supervisor Christy inquired whether San Miguel had presented the program to the County.

Mr. Huckelberry responded in the affirmative.

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

PROCUREMENT

41. Award

Amendment of Award: Master Agreement No. MA-PO-15-210, Amendment No. 6, Cardinal Health 110, Inc., to provide for pharmaceuticals. This amendment is for a one time increase in the amount of \$150,000.00 for a cumulative not-to-exceed contract amount of \$1,841,400.00. This increase is to accommodate the increased demand for vaccines. Funding Source: General Fund. Administering Department: Health.

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

42. PCL Construction, Inc., Amendment No. 4, to provide for Construction Manager at Risk Services for Continental Ranch Regional Pump Station Upgrade Project (3CRS05), extend contract term to 6/30/20 and amend contractual language, RWRD Obligations Fund, contract amount \$67,330.41 (CT-WW-17-380) Regional Wastewater Reclamation

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

43. The Ashton Company, Inc., Contractors and Engineers, Amendment No. 2, to provide for design-build services for TRWRF BioGas Cleaning and Utilization Project (3GAS18), amend contractual language and scope of services, Regional Wastewater Reclamation Obligations Fund, contract amount \$4,228,069.46 (CT-WW-18-423) Regional Wastewater Reclamation

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

Supervisor Miller inquired about the annual sales of biogas.

Jackson Jenkins, Director, Regional Wastewater Reclamation Department, responded that renewable fuel sales were unknown and they varied. He added that prediction could not be done at this time.

Supervisor Miller inquired whether the County was able to use any of the fuel.

Mr. Jenkins responded that 15% of the gas produced was used for the County's thermal heating needs. He stated, however, that if the price of the Renewable Index Number were sufficient it would be cheaper to buy the market natural gas and sell the renewable gas on the market for a higher price.

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

GRANT APPLICATION/ACCEPTANCE

44. **Acceptance - Grants Management and Innovation**

Department of Justice, Office of Justice Programs, Amendment No. 1, to provide for the Forensic Science Improvement Program, no cost (GTAM 20-22)

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

45. **Acceptance - Community Services Employment and Training**

United Way, to provide for the Emergency Food and Shelter Program, \$103,250.00 (GTAW 20-69)

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

BOARD, COMMISSION AND/OR COMMITTEE

46. **Election Integrity Commission**

Appointment of Michael Coltrin, to replace Jeffrey Rogers. Term expiration: 12/16/21. (District 2)

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

47. **Hearing - Fireworks Permit**

Danithza Castro, Skyline Country Club, 5200 E. Saint Andrews Drive, Tucson, December 31, 2019 at 10:00 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.

48. **Hearing - Fireworks Permit**

Caroline Cassino, Loews Ventana Canyon, 7000 N. Resort Drive, Tucson, January 8, 2020 at 7:30 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.

BOARD OF SUPERVISORS

49. **Constable, Justice Precinct 9**

Discussion/Action on how to proceed with filling the vacancy for the Constable, Justice Precinct 9.

It was moved by Chairman Elías, seconded by Supervisor Bronson and unanimously carried by a 5-0 vote, to reopen and extend the application submission deadline to December 27, 2019, at 5:00 p.m., and proceed with the previously established process.

CONSENT CALENDAR

50. Approval of the Consent Calendar

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

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CONTRACT AND AWARD

Behavioral Health

1. Arizona Health Care Cost Containment System, Amendment No. 2, to provide for inmate hospitalization, extend contract term to 9/30/20 and amend contractual language, no cost (CT-BH-20-6)

Community Services, Employment and Training

2. Goodwill Industries of Southern Arizona, Inc., Amendment No. 9, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA Fund, contract amount \$56,800.00 (CT-CS-16-441)
3. Portable Practical Educational Preparation, Inc., Amendment No. 10, to provide for workforce development services, amend contractual language and scope of work, USDOL - WIOA Fund, contract amount \$6,598.62 (CT-CS-17-10)

County Attorney

4. Treatment Assessment Screening Center, Amendment No. 6, to provide for implementation of enhancements to the Pima County Drug Court Program and establishment of a Drug Treatment Alternative to Prison Program and extend contract term to 1/31/20, no cost (CT-PCA-15-468)
5. Squire Patton Boggs, L.L.P., Amendment No. 2, to provide for bond counsel services, extend contract term to 1/1/21 and amend contractual language, no cost (CT-FN-18-187)

6. Community Health Associates, to provide for enhancing Drug Court Services, Coordination and Treatment, DTAP SAMSHA Fund, contract amount \$120,000.00 (CT-PCA-20-171)

Procurement

7. **Award**

Amendment of Award: Master Agreement No. MA-PO-15-99, Amendment No. 5, Ferguson Enterprises, Inc., d.b.a. Ferguson Waterworks, to provide for plumbing fixtures, fittings and pipe equipment Group A. This amendment extends the termination date to 3/15/20 to allow Pima County time to process a new solicitation. Funding Source: General (87%) and Wastewater Enterprise Funds. Administering Department: Facilities Management.

8. **Award**

Award: Purchase Order No. PO-PO-20-21, RDO Construction Equipment Co., d.b.a. RDO Equipment Co. (Headquarters: Fargo, ND), to provide for a bulldozer. This contract is for a one-time award in the not-to-exceed amount of \$332,458.14 (including sales tax). Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation.

9. Cellco Partnership, d.b.a. Verizon Wireless, Amendment No. 2, to provide for Verizon Wireless services, equipment and accessories, extend contract term to 6/30/20 and amend contractual language, no cost (MA-PO-16-316) Information Technology

10. Cellco Partnership, d.b.a. Verizon Wireless, Amendment No. 2, to provide for Verizon Wireless services, equipment and accessories, extend contract term to 6/30/20 and amend contractual language, no cost (MA-PO-16-257) Sheriff

11. Environmental Systems Research, d.b.a. ESRI, Amendment No. 5, to provide for the ESRI Geographic Information Systems Software ELA Project, extend contract term to 12/20/22, amend contractual language and scope of products/services, General Fund, contract amount \$1,714,650.00 (MA-PO-17-125) Information Technology

Real Property

12. Landmark Infrastructure Holding Company, L.L.C., to provide for the purchase and sale of a Telecom Easement and Assignment of Agreement, contract amount \$485,500.00 revenue/50 year term (CTN-PW-20-83)
13. Sprint Communications Company, L.P., to provide for a Nonexclusive Right-of-Way Use License for a Fiber Optic Communications System, contract amount \$76,056.25 revenue/5 year term (CTN-PW-20-84)

GRANT APPLICATION/ACCEPTANCE

14. Acceptance - Sustainability and Conservation

Arizona State Parks Board on behalf of the National Park Service, to provide for the Federal Historic Preservation Fund Certified Local Government Pass-Through Program: Cienega Corridor Cultural Resource Survey, \$20,000.00/\$40,000.00 (including in-kind labor) General Fund Match (GTAW 20-64)

15. Acceptance - County Attorney

City of Tucson, to provide for the 2019 Edward Byrne Memorial Justice Assistance Grant Program Award, \$161,830.00/4 year term (GTAW 20-63)

BOARD, COMMISSION AND/OR COMMITTEE

16. Metropolitan Education Commission

- Appointment of Kathy Prather, representing Commerce, Business or Industry (Sun Corridor, Inc.), to fill a vacancy created by Emily Mitchell. Term expiration: 11/19/22. (Commission recommendation)
- Reappointment of Milana Marshall, representing MEC Youth Advisory Council/Tucson Teen Congress. Term expiration: 11/12/22. (Commission recommendation)

SPECIAL EVENT LIQUOR LICENSE/TEMPORARY EXTENSION OF PREMISES/PATIO PERMIT/WINE FAIR/WINE FESTIVAL/JOINT PREMISES PERMIT APPROVED PURSUANT TO RESOLUTION NO. 2019-68

17. Special Event

- Aaron Michael Cooper, International Sonoran Desert Alliance, Ajo Plaza Rec Hall, 38 W Plaza Street, Ajo, December 14, 2019.
- Albert Edward Hanson, Redemptorist Society of Arizona, Redemptorist Renewal Center, 7101 W. Picture Rocks Road, Tucson, December 14, 2019.
- Susan Chan, Tucson Chinese Association, Tucson Chinese Cultural Center, 1288 W. River Road, Tucson, February 7, 2020.

ELECTIONS

18. Precinct Committeemen

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

RESIGNATION-PRECINCT-PARTY

Lynn St. Angelo-172-REP; John Christopher Ackerley-227-REP

APPOINTMENT-PRECINCT-PARTY

Christian E. Fernandez-078-DEM; Wendel Jackson-130-DEM; Laurie A. Clark-016-REP; Leonard N. Spitzer-016-REP; Donald J. Vagasky-039-REP; Teta E. Vagasky-039-REP; Benjamin C. Scott-072-REP; Luis Acle-147-REP; John C. Ackerley-153-REP; Elbridge G. Wilkinson III-171-REP; Pamela A. Anderson-197-REP; William M. Anderson-197-REP; Piet Van de Mark-214-REP; Frank G. Doyle-230-REP

FINANCE AND RISK MANAGEMENT

19. Duplicate Warrants - For Ratification

Law Office of Adam Dippel, P.L.L.C. \$252.00; Angie Lopez \$58.00; Ibrahim Issak Magale \$67.58; Forrest Campbell \$79.00; YMCA of Southern Arizona \$5,458.44.

REGIONAL WASTEWATER RECLAMATION

20. Public Announcement

Pursuant to A.R.S. §49-391(C), a public comment period of 30 days must occur before any Pretreatment Consent Decree or Negotiated Settlement Agreement is made final. The Public Information Enforcement File for the following case will be made available for public review or copies may be obtained for \$.35 per page at the Public Works Building, Regional Wastewater Reclamation Department's reception desk, 201 North Stone Avenue, 8th Floor, Tucson, Arizona, 85701. Comments will be taken for the next thirty days and written comments may be sent to Industrial Wastewater Control, 2955 W. Calle Agua Nueva, Tucson, Arizona 85745-9750. If sufficient interest is expressed, a public hearing may be held by the Board of Supervisors. After the comment period, the Board of Supervisors will vote on acceptance of the following Settlement Agreement:

LHM CORP TDR. The proposed settlement in which LHM CORP TDR will pay a penalty of \$2,000.00 for violating the Industrial Wastewater Ordinance, and will send at least one representative to IWC'S Pollution Prevention School within one year from the date of this agreement in accordance with the Industrial Wastewater Enforcement Response Plan.

RATIFY AND/OR APPROVE

21. Minutes: November 19, 2019

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51. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 2:04 p.m.

CHAIRMAN

ATTEST:

CLERK