

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, January 21, 2020. 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. CONTRACT

Pima County, Pima County Flood Control District and Smithco Enterprises, Inc., to provide for the Ina Road Construction Debris Landfill Project - Phase I Closure (2INARD), GO Bond (Solid Waste) (47%), Flood Control Tax Levy Revenue (14%) and Requested Operating Transfer (39%) Funds, contract amount \$1,299,864.68 (CT-PW-20-198) Public Works

Without objection, the item was continued to the Board of Supervisors' Meeting of February 4, 2020.

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 10:18 a.m.

CHAIRMAN

ATTEST:

CLERK

BOARD OF SUPERVISORS' MEETING MINUTES

The Pima County Board of Supervisors met in regular session at their regular meeting place in the Pima County Administration Building (Hearing Room), 130 West Congress Street, Tucson, Arizona, at 9:00 a.m. on Tuesday, January 21, 2020. Upon roll call, those present and absent were as follows:

Present: Richard Elías, Chairman
Ramón Valadez, Vice Chair
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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. INVOCATION

A Moment of Silence was observed by those in attendance.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PAUSE 4 PAWS

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

4. POINT OF PERSONAL PRIVILEGE

Chairman Elías conveyed anniversary wishes to his wife, Emily, and commended Pueblo Gardens Neighborhood Association for their successful Martin Luther King, Jr., Day celebration.

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Jim Counter, Green Valley Recreation Foundation Board President, and Kent Blumenthal, Green Valley Recreation CEO, proclaiming the week of January 26 through February 1, 2020 to be: "GREEN VALLEY RECREATION WEEK"

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

6. Presentation of a proclamation to Dylan Smith, editor and publisher of TucsonSentinel.com, proclaiming the day of Wednesday, January 22, 2020 to be: "TUCSONSENTINEL.COM DAY"

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

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Bronson, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:28 a.m.

8. **RECONVENE**

The meeting reconvened at 9:40 a.m. All members were present.

EXECUTIVE SESSION

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the following related property tax appeal cases: Title Security Agency, L.L.C. TR 201619-S v. Pima County, et al., Arizona Tax Court Case No. TX2019-000622; TMC Holdings, Inc. v. Pima County, et al., Arizona Tax Court Case No. TX2019-000623; TMC Holdings, Inc. v. Pima County, et al., Arizona Tax Court Case No. TX2019-000624; and TMC Holdings, Inc. v. Pima County, et al., Arizona Tax Court Case No. TX2019-000625.

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

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

10. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding local media and opposition to the Board's appointment for Constable, Justice Precinct 9.

Dylan Smith spoke regarding government transparency and updating the County's public records policy.

The following speakers addressed the Board in opposition of the Stonegarden Grant:

- Betts Putnam-Hidalgo
- Robert Reus
- Steve Diamond

They offered the following comments:

- The amount of money spent by the County in relation to the Stonegarden Grant was greater than the funds provided by the grant.
- Stonegarden funding should be rejected for ethical, financial and operational reasons.
- Operation Stonegarden was immoral, unjust, inequitable and fundamentally at odds with the values of the community.

Raquel Baranow addressed the Board regarding the abandonment of her property.

FINANCE AND RISK MANAGEMENT

11. The Board of Supervisors on December 17, 2019, continued the following:

Contract

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 Chairman Elías to approve the item. No vote was taken at this time.

Supervisor Miller indicated that this contract was continued because the Board had questioned using an outside contractor versus utilizing County staff. She stated that the question was not sufficiently answered.

A substitute motion was made by Supervisor Valadez to continue the item to the Board of Supervisors' Meeting of February 4, 2020, to allow staff to answer the previous question, as well as provide an explanation for which County department was responsible for oversight of this contract. Chairman Elías seconded the motion. No vote was taken at this time.

Chuck Huckelberry, County Administrator, indicated that a memorandum was provided to the Board on January 9, 2020. He stated that the memorandum detailed the scope of the contract and the rationale for extending the contract. He added that staff would provide the additional information requested.

Supervisor Miller commented that the expertise should be developed in-house in order to eliminate the expenditure.

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

REAL PROPERTY

12. Abandonment by Vacation

RESOLUTION NO. 2020 - 6, of the Board of Supervisors, for the vacation of a portion of River Road, a public roadway as Pima County Road Abandonment No. A-0041 within Section 26, T13S, R14E, G&SRM, Pima County, Arizona. (District 1)

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

FRANCHISE/LICENSE/PERMIT

13. Hearing - Liquor License

Job No. 79957, Raphael Sean Piche, Family Dollar Store, No. 28955, 6641 N. Sandario Road, Tucson, Series 10, Beer and Wine Store, New License.

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

14. Hearing - Liquor License

Job No. 88573, Damon Paul Goodmanson, Arivaca Mercantile, 17180 W. Arivaca Road, Arivaca, Series 10, Beer and Wine Store, New License.

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

TRANSPORTATION

15. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 4, of the Board of Supervisors, relating to traffic and highways; establishing reasonable and prudent speed limits for motor vehicles on Duval Mine Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

16. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 5, of the Board of Supervisors, relating to traffic and highways; regulating traffic at the intersection of Stogs Drive and Metz Drive in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

17. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 6, of the Board of Supervisors, relating to traffic and highways; establishing reasonable and prudent speed limits for motor vehicles on Canoa Ranch Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

18. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 7, of the Board of Supervisors, relating to traffic and highways; regulating parking on Limberlost Road in Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

19. Hearing - Traffic Ordinance

ORDINANCE NO. 2020 - 8, of the Board of Supervisors, relating to traffic and highways; regulating parking on Camino De La Tierra in Pima County, Arizona. Staff recommends APPROVAL. (District 5)

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

BOARD OF SUPERVISORS

20. Operation Stonegarden Grant - Pima County Sheriff's Request

Discussion/Action/Direction regarding the Sheriff's Operation Stonegarden Grant (OPSG) proposal of December 17, 2019, transmitted to the Board of Supervisors on January 2, 2020, including but not limited to the acceptance of Federal Fiscal Year 2018 OPSG Overtime and Mileage Grant, the OPSG Equipment Grant, and the Rural Law Enforcement Unit. (District 4)

Without objection, the item was continued to the Board of Supervisors' Meeting of February 4, 2020.

COUNTY ADMINISTRATOR

21. Authorization to Loan \$1,800,000.00 to the Catalina Foothills Unified School District No. 16

Staff recommends the Board of Supervisors authorize the Finance and Risk Management Director to enter into a short-term, interest free loan document with a one year payback with the Catalina Foothills Unified School District No. 16 to temporarily cover the levy shortfall of \$1.8 million.

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

Chairman Elías asked that the County Administrator brief the Board on this item.

Chuck Huckelberry, County Administrator, explained that for Fiscal Year 2019/20, during the progression of the tax levy submissions from Catalina Foothills Unified School District the override component of the levy was overlooked. He noted that the County had sufficient funds to loan the Catalina Foothills Unified School District the \$1.8 million shortfall until it could be levied the following year.

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

CLERK OF THE BOARD

22. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), Mission Park Baptist Church has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2019, for Parcel No. 119-35-1120.

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

23. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), Korean Presbyterian Church of Tucson has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2019, for Parcel No. 129-05-006A.

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

24. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), Saint Melany Byzantine Catholic Church has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2019, for Parcel Nos. 121-07-0320 and 121-07-0330.

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

25. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11104(G), Institute for Transformative Education, d.b.a. Changemaker High School, has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for tax year 2019, for Parcel No. 130-14-4500.

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

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

26. Workforce Investment Board Local Workforce Development Board Recertification

Staff and the Pima County Workforce Investment Board (WIB) recommend approval of the revised Shared Governance Agreement and WIB By-laws.

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

ATTRACTIONS AND TOURISM

27. Tucson City of Gastronomy, to provide for tourism promotion activities for the United Nations Education Scientific and Cultural Organization City of Gastronomy Project, General Fund, contract amount \$20,000.00 (CT-ED-20-199)

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 why a separate non-profit entity was created when its objectives and activities were the jurisdiction and responsibility of Visit Tucson.

Chuck Huckelberry, County Administrator, explained that the scope of Tucson City of Gastronomy was more specific and focused. He noted that Visit Tucson also contributed to the organization.

Supervisor Miller expressed concern over County funding being utilized by the organization to fund employee salaries instead of providing support for activities. She inquired whether this would be an annual expenditure.

Mr. Huckelberry responded that Tucson was designated a United Nations Education Scientific and Cultural Organization City of Gastronomy, and contributions were expected to continue.

Supervisor Christy asked whether the project was related to the Best 23 Miles of Mexican Food venture.

Mr. Huckelberry stated that the Best 23 Miles of Mexican Food would qualify as a component, but did not represent the entirety of the objective.

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

PROCUREMENT

28. Pima County, Pima County Flood Control District and Smithco Enterprises, Inc., to provide for the Ina Road Construction Debris Landfill Project - Phase I Closure (2INARD), GO Bond (Solid Waste) (47%), Flood Control Tax Levy Revenue (14%) and Requested Operating Transfer (39%) Funds, contract amount \$1,299,864.68 (CT-PW-20-198) Public Works

Without objection, the item was continued to the Board of Supervisors' Meeting of February 4, 2020.

REAL PROPERTY

29. Landmark Infrastructure Holding Company, L.L.C., to provide for the purchase and sale of a Telecom Easement and Assignment Agreement, contract amount \$370,330.00 revenue/50 year term (CTN-PW-20-93)

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

30. Acceptance - Health

Arizona Board of Regents, University of Arizona, to provide for the Health Promotion and Disease Prevention Research Centers Project, \$60,000.00 (GTAW 20-70)

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

31. Acceptance - Sheriff

Arizona Department of Public Safety, Amendment No. 1, to provide for the Border Strike Force Bureau Program, \$300,000.00 (GTAM 20-24)

It was moved by Supervisor Bronson, seconded by Supervisor Miller and carried by a 4-1 vote, Chairman Elías voted “Nay,” to approve the item.

32. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for reallocation of the FY2018 Homeland Security Grant Program Award for tactical communications headsets, \$14,295.00 (GTAW 20-80)

It was moved by Supervisor Miller, seconded by Chairman Elías and unanimously carried by a 5-0 vote, to continue the item to the Board of Supervisors’ Meeting of February 4, 2020.

33. Acceptance - Sheriff

Arizona Department of Homeland Security, to provide for the Operation Stonegarden Grant Program - Overtime and Mileage, \$1,218,986.00 (GTAW 19-93)

At the request of staff and without objection, the item was continued to the Board of Supervisors’ Meeting of February 4, 2020.

34. Acceptance - Sheriff

Arizona Department of Homeland Security, Amendment No. 1, to provide for the Operation Stonegarden Grant Program - Equipment, \$595,600.00 (GTAW 19-94)

At the request of staff and without objection, the item was continued to the Board of Supervisors’ Meeting of February 4, 2020.

BOARD, COMMISSION AND/OR COMMITTEE

35. Planning and Zoning Commission

Reappointment of David Hook. Term expiration: 6/19/23. (District 4)

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

36. Regional Wastewater Reclamation Advisory Committee

- Reappointment of Claire Zucker. Term expiration: 3/1/24. (District 3)
- Reappointment of Charles H. Matthewson. Term expiration: 3/1/24. (District 4)

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

CONSENT CALENDAR

37. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 1 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

County Administrator

1. Racy Associates, Inc., Amendment No. 1, to provide for federal legislative representation services and extend contract term to 2/3/22, General Fund, contract amount \$300,000.00 (CT-CA-18-203)

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

Supervisor Miller inquired why the Board was being asked to approve an additional contract for lobbying at the federal level.

Chuck Huckelberry, County Administrator, responded that the previous contract with Racy Associates, Inc. was for lobbying at the state level.

Supervisor Miller expressed concern over the amount of the contract for one lobbyist.

Mr. Huckelberry explained that the contract was for a not-to-exceed amount of \$150,000.00 per year and included multiple lobbyists coordinated by Mr. Racy. He added that yearly expenditures have been less than the contracted allotment.

Supervisor Miller expressed concern over the allocation being more than what was needed.

Mr. Huckelberry clarified that the contract was for a two year term, with \$150,000.00 being allocated per year.

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

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CONTRACT AND AWARD

County Administrator

1. Racy Associates, Inc., Amendment No. 1, (PULLED FOR SEPARATE ACTION)

Procurement

2. Borderland Construction Company, Inc., Granite Construction Company, Markham Contracting Co., Inc., Sunland Asphalt & Construction, Inc. and Tucson Asphalt Contractors, Amendment No. 1, to provide for a Job Order Master Agreement for pavement repair and preservation services and amend contractual language, Various Funds, contract amount \$5,000,000.00 (MA-PO-20-41) Transportation

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

3. Special Event

Aaron Michael Cooper, International Sonoran Desert Alliance, Ajo Plaza Rec Hall, 38 W. Plaza Street, Ajo, January 11, 2020.

ELECTIONS

4. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Maureen McDonald-080-DEM; Ronald David-096-DEM; Donna C. Johnson-096-DEM; Deborah H. Komisarek-099-DEM; Charlie Verdin-103-DEM; Stephen M. Diamond-119-DEM; Elizabeth M. West-174-DEM; David Safier-238-DEM; Bill Beard-032-REP

APPOINTMENT-PRECINCT-PARTY

Stephen M. Diamond-069-DEM; Thomas W. Arnold-078-DEM; Connie L. McDonald-096-DEM; Travonne J. Smith-096-DEM; Vivian J. Smith-096-DEM; Ronald W. Gallagher-108-DEM; Michelle Dawn Hamacher-113-DEM; Hemant S. Damle-131-DEM; Candis D. Byall-197-DEM; Nancy J. Musgrave-215-DEM; Caleb A. Hayter-220-DEM; Bill Beard-030-REP

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38. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:18 a.m.

CHAIRMAN

ATTEST:

CLERK