

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, March 17, 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. RIPARIAN HABITAT MITIGATION

Staff requests approval of a Riparian Habitat Mitigation Plan and In-Lieu Fee proposal in the amount of \$5,786.89 for placement of a garage located at 10340 E. Rancho Del Este Drive, located within Regulated Riparian Habitat and classified as Important Riparian Area Hydromesoriparian Habitat. (District 4)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:31 a.m.

CHAIRMAN

ATTEST:

CLERK

LIBRARY DISTRICT BOARD MINUTES

The Pima County Library 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, March 17, 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. GRANT ACCEPTANCE

Institute of Museum and Library Services, to provide for the Southwest Books of the Year 2019 Project, \$4,950.00/\$650.00 Library District Fund match (GTAW 20-86)

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

2. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 11:31 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, March 17, 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. INVOCATION

A Moment of Silence was observed by those in attendance.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. POINT OF PERSONAL PRIVILEGE

Chairman Elías recognized the Public Health Doctors and the Centers for Disease Control and Prevention (CDC) in the midst of COVID-19 outbreak. He conveyed support to the efforts by other jurisdictions in maintaining public safety. He emphasized the importance of sanitary precautions prescribed by the CDC.

4. PAUSE 4 PAWS

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

PRESENTATION/PROCLAMATION

5. Presentation of a proclamation to Joel Feinman, Public Defender and Gilbert Veliz, retired Superior Court Judge, proclaiming the day of Wednesday, March 18, 2020 to be: "PUBLIC DEFENSE DAY"

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

6. Presentation of a proclamation to Marie Fordney, Executive Director, Children's Advocacy Center of Southern Arizona, proclaiming the month of April 2020 to be: "CHILD ABUSE PREVENTION MONTH IN PIMA COUNTY"

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

7. **CALL TO THE PUBLIC**

Geri Ottoboni addressed the Board regarding George Camacho's experience and efforts as a candidate for constable.

Robert Reus spoke to the Board regarding extending filing deadlines for County offices due to COVID-19 concerns.

Dan Tolleson, Catalina Radio Control Model Club member, addressed the Board regarding repairs needed at the Catalina Modelers Airstrip.

Michele Garsha, County Chair for Local 449, American Federation of State, County and Municipal Employees (AFSCME), addressed the Board in opposition to the revised Attendance Policy 23.20.

COUNTY ADMINISTRATOR

8. **Historic Courthouse Change Order Authorization**

Staff recommends approval to allow the Procurement Director to execute necessary amendments to the existing Chasse Building Team Contract No. CT-FM-19-347 to complete the site work around the Historic Courthouse provided the multiple amendments for the additional defined scope of work does not exceed \$900,000.00 and the expiration date does not exceed December 31, 2020.

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 about the project expenses and requested an expense summary verification. She also inquired about the \$5 million raised for the January 8th Memorial and requested an update.

Chuck Huckelberry, County Administrator, responded that the project's cost were approximately \$32 million. He indicated that a cost breakdown would be provided. He stated that the January 8th Memorial had not been programmed for \$5 million. He stated that \$2.8 million was projected and \$2.6 million has been raised to cover the construction of the memorial.

Supervisor Miller indicated that the January 8th Memorial database showed \$3.8 million and actuals to-date were \$2.7 million. She inquired whether that was accurate.

Mr. Huckelberry indicated that costs would need to be reviewed to determine where costs were allocated. He added that the bid for the memorial was approximately \$2.5 million.

Supervisor Christy expressed concerns that the expenses for the Courthouse renovations and the Memorial's construction were overlapping. He stated that additional expenses should be paid by the Memorial Committee and not with taxpayer funds. He inquired about the delineation of expenses, where the money would be allocated, and who was responsible for payments.

Mr. Huckelberry responded that the County had performed the archaeological investigation, site demolition and construction management, and costs delineations were previously provided to the Board. He added that the \$400,000.00 allocated for landscaping extended beyond the January 8th Memorial and in order to complete the Memorial, work was needed in El Presidio.

Supervisor Christy asked whether the \$400,000.00 for landscaping was allocated from the Memorial fund or paid with taxpayer funds.

Mr. Huckelberry clarified that the Memorial was separate. He added that the landscaping was between the Memorial and the plaza and was not part of the Memorial.

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

CLERK OF THE BOARD

9. Petition for Relief of Taxes

Pursuant to A.R.S. §42-11109(E), Green Valley Congregation of Jehovah's Witnesses has petitioned the Board of Supervisors for relief of taxes and associated interest/penalty for Tax Year 2019, for Parcel No. 303-49-001F.

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

10. Compromising Taxes, Interest and Penalties

Pursuant to A.R.S. §42-18124, William Schumacher is appealing to the Board for Compromising of Taxes, Interest and Penalties incurred for the following:

Chairman Elías indicated that the applicant had requested the following parcels be withdrawn:

Parcel Nos./Tax Years

~~115-17-0450/2007-2008, 2012-2016 and 2018-2019~~
126-04-021C/2008-2019
~~212-31-038A/1988-2019~~
~~212-38-192Q/2011-2019~~
301-67-2120/2008-2019

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

Supervisor Miller inquired whether Mr. Schumacher had purchased the property tax liens and was requesting that the valuation be reduced.

Beth Ford, Pima County Treasurer, responded that Mr. Schumacher had purchased the liens and for various reasons the valuations on the properties had changed. She indicated that the taxes owed and the amount of the liens were substantially greater than the fair market value of the property. She added that by allowing the compromise Mr. Schumacher could foreclose on the property, sell it, and get the real estate back on the tax rolls.

Supervisor Miller asked for clarification on why the Assessor's Office only provided his concurrence for Parcel No. 115-17-0450 and did not provide it for the other parcels.

Ms. Ford responded that the Assessor's Office was limited on their ability to adjust taxes for prior years and that is why these matters were presented to the Board.

Chairman Elías noted that the actual tax amount being compromised for Parcel No. 301-67-2120 had increased to \$7,610.52.

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

11. 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.

HUMAN RESOURCES

12. Classification/Compensation

The Office of Sustainability and Conservation 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
7522/Cultural Resources Manager Unclassified/U3 (\$55,182 - \$125,590)/ 2/ E*
*E = Exempt (not paid overtime)

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

Supervisor Christy asked what the purpose and mission was for the new position.

Chuck Huckelberry, County Administrator, responded that periodically department classifications were reviewed by the Human Resources Department. He indicated that there were no new positions in the Office of Sustainability and Conservation. He stated that this was a clarification of job duties, which included specialized duties.

Supervisor Christy inquired whether this was related to archaeological issues.

Mr. Huckelberry responded that cultural resources were broadly characterized as archaeological. He stated that it included all of the other materials related to cultural aspects of conservation and historic preservation.

Supervisor Christy inquired whether a cost analysis was performed that compared creating a position to contracting the position.

Mr. Huckelberry responded that this particular position would be utilized to supervise a contracted Archaeologist. He added that the County contracts with a private Archeologist.

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

13. Revisions to Merit System Rules

Staff request approval of the revisions to the following Merit System Rules:

- Merit System Rule 8 - Promotion, Demotion, Reappointment, Open Range Reappointment, Reassignment and Detail
- Merit System Rule 14 - Merit System Commission Appeals

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

REAL PROPERTY

14. Conveyance of Property Resolution

RESOLUTION NO. 2020 - 14, of the Board of Supervisors, for the conveyance of Pima County property to City of Tucson for Right of Way purposes, situated within Section 23, T13S, R13E, G&SRM, Pima County, Arizona. (District 3)

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

15. Conveyance of Property

Staff recommends approval of conveyance to Tucson Unified School District for 50 feet of Tetakusim Right of Way, located east of Camino De Oeste, a portion of Tax Parcel No. 138-28-010A. (District 5)

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

SUPERIOR COURT

16. Pandemic Preparedness

Pursuant to A.R.S. §11-584 (A) (10), staff recommends approval to allow the Public Defender to represent a party in a non-criminal proceeding in cases relating to a potential COVID-19 pandemic.

Honorable Kyle Bryson, Presiding Judge, Pima County Superior Court, addressed the Board and indicated that the request was direct and Mr. Joel Feinman, Public Defender, supported the request. He asked that the Board allow the appointment of the Public Defender's Office to represent individuals in involuntary quarantine cases.

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

17. Hearing - Permanent Extension of Premises/Patio Permit

012100010400, Tyler Daru Fenton, Reilly Craft Pizza and Drink, 7262 N. Oracle Road, Tucson.

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.

18. Hearing - Permanent Extension of Premises/Patio Permit

12104096, Amy S. Nations, Fleming's Prime Steakhouse No. 1350, 6360 N. Campbell Avenue, Tucson.

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

19. The Board of Supervisors on February 18, 2020, continued the following:

Hearing - Plat Note Waiver

Co12-72-82, LAS PALOMAS RESUBDIVISION (Lot No. 297) PLAT NOTE WAIVER
Request of Robert Foytack for a waiver of the plat note on Lot 297 of Las Palomas Resubdivision (Bk. 24, Pg. 77) which states, "Recreation Area (Private)". The applicant requests to allow the use for a single family residence on the lot. The subject property is approximately 1.97 acres, zoned CR-3 (Single Residence) and is located 300 feet west of S. Cardinal Avenue and approximately 150 feet north of W. Tucker Street and is addressed as 3054 W. Tucker Street. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 5)

Staff recommends APPROVAL of the waiver of the plate note on Lot 297 to allow single-family residential use of the lot, subject to the following conditions:

1. One single family residence shall be developed on the property.
2. Access shall only occur through the alley way from W. Tucker Street.
3. Wastewater Management Conditions:
 - A. The owner(s) shall not construe any action by Pima County as a commitment to provide sewer service to any new development within the subject property 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 proposed project site, 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 subject property 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 subject property 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 subject property, 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 subject property.

Mario Gutierrez, property owner, indicated that the builder had left materials behind which created a barrier from the water flow onto his property. He also expressed concerns with the development impacting their access. He added that currently access to their properties was through backyards because there was no frontyard access.

Chairman Elías inquired whether Mr. Gutierrez wanted the materials removed.

Mr. Gutierrez responded that he was undecided. He stated that the materials created a barrier that would prevent water from flowing onto his property.

Irene Gutierrez, property owner, indicated that she was representing 19 individuals who opposed the residential development. She stated that the residence, which was located in the desert behind their homes, would impact their access. She added that available parking was a concern for the residents. She stated that the area was being used by children playing, people walking and any increased traffic would create a potential for serious accidents.

Ernest Salas, property owner, expressed his opposition to the development.

Robert Foytack, applicant, indicated that the parcel was two acres surrounded by homes, and zoned CR-3, which was residential zoning. He stated that the subdivision was developed in 1973, and the covenants, conditions and restrictions designated the property for residential purposes only. He indicated that his request was for a single family residence with ample open space on both sides. He stated that he received 14 signatures in favor of his development. He indicated that there would be no impairment of the alleyway and there would be a minimal amount of extra traffic.

Chairman Elías inquired about water flows.

Mr. Foytack responded that a small home would be built on the northwest corner of the 2 acres and it would not materially impact any drainage.

Chairman Elías commented about properties sitting vacant and individuals using the property and imagining their acquired uses were actually legal, when in fact it may not be.

Mr. Foytack indicated that was correct. He stated that the property was being used by off-road motorcycles while small children were living and playing in the area. He stated that if the Board was to deny his application, he would be paying taxes on a property used by trespassers.

Chairman Elías asked staff for a report on water changes.

Chris Poirier, Deputy Director, Development Services Department, responded that there was a small amount of mapped flood. He stated that the flow traveled through a small drainage channel that could be avoided with construction of the home. He added that the lot was significantly larger than others in the area and problems could be avoided.

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 Co12-72-82, subject to standard and special conditions.

20. **Hearing - Rezoning**

P19RZ00011, HIGINIO - N. CAMINO DE OESTE REZONING

Higinio Avilez, represented by Projects International, Inc., requests a rezoning of approximately 9.73 acres from the SH (Suburban Homestead), 4.96 acres, and the SR (Suburban Ranch), 4.77 acres, zones to the CR-4 (Mixed-Dwelling Type) zone located at the northwest corner of W. Massingale Road and N. Camino de Oeste, addressed as 7701 N. Camino de Oeste. The proposed rezoning conforms to the Pima County Comprehensive Plan which designates the property for Medium Intensity Urban (MIU). On motion, the Planning and Zoning Commission voted 8-0 (Commissioners Bain, Cook and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

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

1. 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. The property shall be limited to two (2) access points on Camino de Oeste.
 - B. During the subdivision platting process, thirty-five (35) feet of right-of-way shall be dedicated along the eastern property line adjacent to Camino de Oeste.
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 Department 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. Prior to ground modifying activities, an on-the-ground archaeological and historic sites survey shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological and historic sites on the subject property 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. 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.
 7. Adherence to the preliminary development plan as approved at public hearing.
 8. In the event the subject property is annexed, the property owner shall adhere to all applicable rezoning conditions, including, but not limited to, development conditions which require financial contributions to, or construction of infrastructure, including without limitation, transportation, flood control, or sewer facilities.
 9. The property owner shall execute the following disclaimer regarding Proposition 207 rights. "Property Owner acknowledges that neither the rezoning of the Property nor the conditions of rezoning give Property Owner any rights, claims or causes of action under the Private Property Rights Protection Act (Arizona Revised Statutes Title 12, chapter 8, article 2.1). To the extent that the rezoning, or conditions of rezoning may be construed to give Property Owner any rights or claims under the Private Property Rights Protection Act, Property Owner hereby waives any and all such rights and/or claims pursuant to A.R.S. § 12-1134(I)."

Chairman Elias indicated that this item required a Super Majority vote.

Ralph Montenegro, property owner, indicated that he was opposed to the development. He stated that there were several concerns regarding flooding and traffic. He indicated that the drainage was unsuitable and there would be increased flooding on surrounding properties. He added that the design did not account for increased traffic and those concerns were not properly addressed.

Karen Grab, property owner, indicated that the development would create additional flooding on her property. She also expressed concerns regarding the zoning not being comparable to the area. She inquired whether Flood Control would allow for the installation of a wall along the north side of the properties to Massingale Road.

Cynthia Montenegro, property owner, indicated that she had signed petitions from property owners opposing the development. She presented 44 petitions on zoning, 88 on flooding and 109 on traffic/roads. She indicated that there were several new permitted developments in the area that would impact the area. She stated that these developments would contribute to flooding and the realignment of water flows would not be effective. She indicated that the flooding on the roads would increase and individuals would be stranded. She stated that Massingale Road was not equipped to handle the water. She indicated that the retention basins and berms were not being maintained and contributed to the flooding on roads and properties. She stated that flooding occurring on the orchards was not addressed. She indicated that the proposed drainage was not adequate. She added that there was no oversight for the retention basins and 3 retention basins were not sufficient for 108 houses. She stated that there were flooding problems coming from the subdivision next to their location and that was due to the fact that drainage was not properly maintained or designed. She was also concerned with the impact that diverting flows would have on vegetation. She stated that adding additional traffic would impact the current dangerous conditions. She stated that the area was not suitable for bikers and pedestrians. She expressed concern with zoning not being comparable to the surrounding area.

Patrick Rodda, property owner, indicated that his property was adjacent to the development and water would be redirected onto his property. He indicated that the sheet flow onto his property would be 40 cubic feet per second (cfs), which was unacceptable.

Eric Shepp, Deputy Director, Regional Flood Control District (RFCD), indicated that this rezoning was reviewed by RFCD to ensure compliance with the Floodplain Management Ordinance. He indicated that critical basins were considered and the subdivision would be required to reduce on-sight flows. He stated that existing subdivisions were built under older standards and did not perform as designed because they were poorly engineered. He added that additional maintenance was required and neighboring properties were impacted. He stated that since then, the Board had updated the standards to reduce those types of occurrence. He added that RFCD was confident that the subdivision would be designed accordingly. He stated that regional drainage issues were still outstanding, but were not specific to this rezoning. He indicated that they were evaluating drainage issues under a larger scale Floodplain Management Plan which would involve multiple departments, such as the Transportation Department.

Jim Portner, representative for property owner, indicated that there were longstanding drainage and flood issues conveyed by neighbors. He stated that the public process had given the public a forum for these issues to be brought to the forefront, however, focus would be on the rezoning at hand. He indicated that the

rezoning was being conducted in accordance with the new floodplain regulations. He stated that small amounts of water were being dealt with and 100 year flows would be reduced. He indicated that additional attention was given to ensure concerns were properly addressed and solutions were still unfolding. He stated that RFCD submitted new ideas for further refining drainage schemes, these schemes better replicated the sheet flow condition that currently existed. He indicated that with regards to Mr. Rodda's property it was discovered that there was an existing channel that would be a better outlet for the 100 year flow events, which was what the design needed to incorporate. He indicated that engineers have confirmed that the basin could be moved. He added that Mr. Rhoda had been provided the information, via emails, that indicated the relocation to the northern point would be more appropriate. He stated that RFCD's idea took it even further by configuring a whole series of basins, which reduced flows over those originally proposed. He indicated that the process was continuously being refined in order to comply with all applicable policies and regulations, and to make sure that interests were protected. He addressed the road concerns indicating that the Transportation Department had conducted a site analysis and confirmed there were no current issues. He stated that part of the Transportation Department's ten-year roadway maintenance program included repaving Camino De Oeste over the summer. He stated that would address the poor quality of the roadway.

Supervisor Miller inquired about the sheet flow onto Mr. Rodda's property and whether that flow would be channeled onto another property or a wash channel.

Mr. Shepp responded that the drainage and detention would be modified but relocation had yet to be determined. He added that those modifications would not been seen until the site construction phase. He indicated that RFCD was proposing that the number of basins be increased to create a sheet flow that would occur naturally.

Supervisor Miller inquired about conducting maintenance investigations, not related to this rezoning, and asked what the timeframe was for completing those investigations.

Mr. Shepp responded that the Pima Farms subdivision required frequent maintenance. He indicated that staff had a meeting set up with the H.O.A. to discuss all the drainage components and identify maintenance needs. He stated that addressing regional drainage issues would take some time. He added that private drainage infrastructure maintenance was inspected to ensure they were performing as originally designed.

Supervisor Miller commented about the allegation that additional outflow would be coming from the development and asked whether the design met County standards.

Mr. Sheep responded in the affirmative. He stated that the obligation of the subdivision was to adequately pass those flows through the site. He indicated that mitigation through detention and retention was required to meet the peaks and volume requirements since this was a critical basin.

Supervisor Miller inquired about the maintenance of culverts and what were the requirements.

Mr. Sheep responded that those were the responsibility of the H.O.A. He stated that, per the Ordinance, those became private maintenance obligations. He indicated that they were hoping to implement a passive system, which allowed flows to be driven by gravity, and reduced the need for inspection and maintenance. He reiterated that changes to the Ordinance and design standards had simplified drainage features and reduced maintenance, but the H.O.A.s were obligated to conduct inspections and perform maintenance.

Supervisor Miller inquired about the traffic concerns.

Ana Olivares, Director, Transportation Department, responded that an analysis was conducted and both Camino De Oeste and Massingale Road were under capacity. She added that once the development was completed a new study would be conducted and mitigated, as needed.

Supervisor Miller asked for confirmation on whether Camino De Oeste would be repaved this summer.

Ms. Olivares confirmed that Camino De Oeste would be milled and filled.

Supervisor Miller expressed her pleasure with the installation of additional detention basins that would decrease the impact on Mr. Rodda's property. She commented about the neighbor's frustration regarding the older developments which was not built under the current standards, and indicated that staff would be addressing those concerns.

Ms. Montenegro indicated that she had met with Flood Control and their response was not satisfactory. She inquired about the relocation of water flow.

Mr. Sheep stated that there were offsite flow obligations that needed to be done at the time of development. He indicated that the applicant was required to verify flows and convey those flows, whether 8 cfs or 2.6 cfs, through the site. He stated that verification would not be conducted until site construction, to make sure those numbers were sufficient.

Ms. Montenegro inquired whether flows were being redirected onto Ms. Grab's property.

Mr. Shepp responded that there was a subdivision on the east side of Camino De Oeste and the flows from Ms. Grab's property would flow south into an existing drainage channel ending up in the Massingale basin.

Ms. Montenegro indicated that flow was not reflected in the design.

Mr. Shepp indicated that the flow would travel through a channel, then through the subdivision.

Ms. Montenegro reiterated that flows would be directed to neighboring properties.

Mr. Shepp stated that the property being rezoned had off site flows basically at zero because of the channel on the east side of Camino De Oeste. He stated that what was being considered was flows generated from rainfall. He indicated that those were the flows the developer would be obligated to reduce by 10%. He stated that 90% of the flows that existed would need to be discharged and the flow reduction was based on the standards.

Ms. Montenegro asked whether more water would be distributed on Massingale Road.

Mr. Shepp responded that there would be a variety of detention/retentions basins and the spread of those flows would restore the sheet flow.

Ms. Montenegro inquired about the low spots and why those were not addressed.

Mr. Shepp responded that the hydrological model being used required developments to establish runoff from different types of properties. He stated that they were required to use that model to estimate the existing flow conditions and design their sites to have a 10% reduction.

Ms. Montenegro inquired whether the conditions of the orchard were taken into consideration.

Mr. Shepp indicated that the level of development and improvements on the site and existing conditions were used to determine those peak flows.

Ms. Montenegro commented that there were several unresolved issues that had not been addressed. She asked whether that 10% was for the on-site development.

Mr. Shepp responded that rain falls, on a particular site, would infiltrate, get captured in the trees or would run off. He stated that the developer would be required to calculate, using the models approved by the District and the Board, and reduce the flows by 10% under developed conditions.

Supervisor Miller understood the frustration coming from the older development and stated that an investigation was underway, but it was not related to this development.

It was moved by Supervisor Miller and seconded by Supervisor Christy to close the public hearing and approve P19RZ00011, subject to standard and special conditions. Upon roll call vote, the motion unanimously carried 5-0.

21. Hearing - Comprehensive Plan Amendment

P19CA00005, MORTGAGE EQUITIES, XVI, L.L.C. - S. SORREL LANE PLAN AMENDMENT

Mortgage Equities, XVI, L.L.C., represented by Rick Engineering Co., requests a comprehensive plan amendment of approximately 68.42 acres from Low Intensity Urban 1.2 (LIU-1.2) to Low Intensity Urban 3.0 (LIU-3.0) land use designation, on parcels 138-29-6820, 138-29-6830 and a portion of 138-29-002A, located at the northeast corner of the intersection of S. Sorrel Lane and W. Hermans Road, in Section 20, T15S, R13E, in the Southwest Planning Area. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Maese were absent) to recommend APPROVAL. 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 Bronson and unanimously carried by a 5-0 vote, to close the public hearing and approve P19CA00005.

22. Hearing - Modification (Substantial Change) of Rezoning Conditions

Co9-99-46, HASTINGS - RIVER ROAD REZONING

Request of E & S Irving, L.L.C., represented by Gene Goldstein, for a modification (substantial change) of rezoning Condition No. 12 which requires adherence to the approved preliminary development plan for a convenience store with fuel dispensers and a restaurant with a drive-through. The applicant proposes an additional restaurant with a drive-through and additional retail space. The subject site is an approximately 2.11-acre portion of the original 4.02-acre rezoning to CB-1 (Local Business) located on the south side of River Road, approximately 220 feet west of the intersection of W. River Road and N. La Cholla Boulevard and is addressed as 2171 W. River Road. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Bain, Cook and Maese were absent) to recommend APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. Staff recommends APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS. (District 1)

The recommended modification, deletion, and addition to rezoning conditions are as follows:

- ~~1. Submittal of a development plan if determined necessary by the appropriate County agencies.~~
- ~~2. Recording of a covenant holding Pima County harmless in the event of flooding.~~
- ~~3. Recording of the necessary development related covenants as determined appropriate by the various County agencies.~~

- ~~4. Provision of development related assurances as required by the appropriate agencies.~~
- ~~5. Prior to the preparation of the development related covenants and any required dedication, a title report (current to within 60 days) evidencing ownership of the property shall be submitted to the Department of Transportation, Real Property Division.~~
- ~~6. There shall be no further lot splitting or subdividing without the written approval of the Board of Supervisors.~~
- ~~71. Transportation conditions:~~
 - ~~A. A maximum of two (2) access points to River Road and a maximum of one (1) access point to La Cholla Boulevard shall be permitted for the subject property. The location and design of said access points and on-site traffic circulation shall be subject to approval by the Department of Transportation at the time of development plan or subdivision plat approvals. Access to River Road shall not be permitted until the roadway construction is completed and the road is opened for use by the public.~~
 - ~~B. The property owner(s) shall reach a financial contribution agreement with and acceptable to the Department of Transportation and Flood Control District prior to development plan or subdivision plat approvals. Said agreement shall address the amount of a fair share financial contribution required from the property owner(s) for roadway capacity improvements to La Cholla Boulevard and/or River Road which are impacted by the proposed development; or if an improvement district is formed for said roadway capacity improvements to La Cholla Boulevard and/or River Road, the property owner(s) shall participate in said improvement district.~~
 - ~~B C. Provision of all necessary access improvements to River Road and La Cholla Boulevard as determined during the plan review process. These improvements shall need the approval of Pima County and meet the appropriate standards prior to the issuance of any building permits for any portion of the subject property. A Traffic Impact Study shall be submitted for review and approval by the Department of Transportation during the permitting process. Off-site improvements determined necessary as a result of the traffic impact study shall be the responsibility of the property owner/developer. The traffic study shall include an emphasis on storage length, taper lengths, and queuing analysis of the existing right turn lane including existing and proposed trips.~~
- ~~82. Flood Control conditions:~~
 - ~~A. Drainage will not be altered, disturbed or obstructed without the written approval of the Flood Control District.~~
 - ~~B. All internal drainage improvements and any external drainage improvements required to mitigate drainage impacts that are needed as a result of the proposed development shall be constructed at no cost to the District.~~
 - ~~C. Buffering (landscape screening) plans and other site design features associated with the development of the subject property adjacent to the Rillito River Park shall need written approval by the Flood Control District and the Parks and Recreation Department prior to any development plan approvals.~~
 - ~~D. Fifty feet from the top of bank shall be dedicated, in fee, to the Pima County Regional Flood Control District.~~
 - ~~E. 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.~~
 - ~~F. A Riparian Habitat Mitigation Plan, which may include payment of an in-lieu fee, shall be submitted with the Site Construction Permit.~~
- ~~93. Wastewater Management conditions:~~

~~The property owner must connect to the public sewer system at the location and in the manner specified by Wastewater Management at the time of review of the tentative plat, development plan or request for building permit.~~

 - ~~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.
10. The site shall be surveyed for the presence or absence of the cactus ferruginous pygmy owl by a qualified biological consultant who has a permit from the U.S. Fish and Wildlife Service.
144. Prior to ground modifications activities, an on-the-ground archaeological survey and appropriate mitigation measures shall be conducted on the subject property. A cultural resources mitigation plan for any identified archaeological sites on the subject property shall be submitted at the time of, or prior to the submittal of any tentative plat or development plan. The mitigation plan shall be prepared and reviewed as described in the Pima County Site Analysis Requirements.
125. Adherence to the revised preliminary development plan as approved at public hearing. The westernmost building pad shall not have a drive-through lane. The proposed location of the additional restaurant and general retail store as depicted in the revised preliminary development plan shall require a formal approval of a reduction to the minimum 25-foot rear setback requirement. Vehicular cross-access to the convenience store site shall be maintained.
136. ~~The owner/developer, by separate instrument approved by Pima County, shall dedicate to Pima County or the Pima County Flood Control District, as determined by Pima County, an ingress, egress and regress easement for a trail, at least 12 feet in width, through, over and across the subject property, to provide vehicular, pedestrian and bicycle access to, from and between the Pima County Rillito Linear Park and River Road and La Cholla Boulevard. Additionally, the owner/developer shall dedicate the area of the trail and the southernmost 37 feet of the subject property as an open space and park premises easement to Pima County for the benefit of recreational, pedestrian, and bicycle users of the linear park. The trail and open space easements are to be located substantially in conformance with the concept approved by the Board of Supervisors at public hearing.~~
The owner/developer, by separate instrument(s) approved by Pima County, shall dedicate to Pima County or the Pima County Regional Flood Control District, as determined by Pima County, an ingress, egress and regress easement for a trail, at least 12 feet in width through, over and across the subject property, to provide pedestrian and bicycle access to, from and between the Pima County Rillito River Park and River Road and an ingress, egress and regress easement for a trail, at least eight feet in width through, over and across the subject

property, to provide pedestrian access to, from and between the Pima County Rillito River Park and River Road. Additionally, the owner/developer shall dedicate the area of the trails as an open space and park premises easement to Pima County for the benefit of recreational, pedestrian, and bicycle users of the linear park. The minimum eight-foot pedestrian trail shall be surfaced with decomposed granite and located substantially in conformance with the location of the five-foot DG trail shown on the revised preliminary development plan. It shall connect to the existing decomposed granite trail path within the linear park. The minimum 12-foot trail shall be paved and located at the western end of the parking area and access lane shown on the revised preliminary development plan. It shall connect to the existing paved trail path within the linear park. The trails shall be constructed in accordance with the Natural Resources, Parks and Recreation Design Manual.

7. The required Bufferyard "D" landscape plantings along the Rillito River Park shall extend from the post dedication subject property boundary to within, but no closer than, five feet of the existing decomposed granite trail path. Plant densities shall be consistent with the code requirements for the width(s) of the bufferyard. Provision of canopy trees shall include placements to provide shading for the trail path. Plant materials shall be from the plant palette used within the linear park and shall be irrigated for a minimum of five years. Unpaved portions of the site west of the westernmost building pad shall be re-vegetated with plant types and densities consistent with the Bufferyard "D" described herein. The bufferyard structural element shall be a 40-inch high decorative masonry wall. The wall shall not be located within property dedicated to Pima County.

8. Upon the effective date of the Resolution, 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 also transfers to any future owners of property within the rezoning site; and Pima County may enforce this rezoning condition against the property owner.

The following exotic and invasive plant species shall be prohibited anywhere on the property:

Invasive Non-Native Plant Species Subject to Control

<u><i>Ailanthus altissima</i></u>	<u>Tree of Heaven</u>
<u><i>Alhagi pseudalhagi</i></u>	<u>Camelthorn</u>
<u><i>Arundo donax</i></u>	<u>Giant reed</u>
<u><i>Brassica tournefortii</i></u>	<u>Sahara mustard</u>
<u><i>Bromus rubens</i></u>	<u>Red brome</u>
<u><i>Bromus tectorum</i></u>	<u>Cheatgrass</u>
<u><i>Centaurea melitensis</i></u>	<u>Malta starthistle</u>
<u><i>Centaurea solstitialis</i></u>	<u>Yellow starthistle</u>
<u><i>Cortaderia</i> spp.</u>	<u>Pampas grass</u>
<u><i>Cynodon dactylon</i></u>	<u>Bermuda grass (excluding sod hybrid)</u>
<u><i>Digitaria</i> spp.</u>	<u>Crabgrass</u>
<u><i>Elaeagnus angustifolia</i></u>	<u>Russian olive</u>
<u><i>Eragrostis</i> spp.</u>	<u>Lovegrass (excluding <i>E. intermedia</i>, plains lovegrass)</u>
<u><i>Melinis repens</i></u>	<u>Natal grass</u>
<u><i>Mesembryanthemum</i> spp.</u>	<u>Iceplant</u>
<u><i>Peganum harmala</i></u>	<u>African rue</u>
<u><i>Pennisetum ciliare</i></u>	<u>Buffelgrass</u>
<u><i>Pennisetum setaceum</i></u>	<u>Fountain grass</u>
<u><i>Rhus lancea</i></u>	<u>African sumac</u>
<u><i>Salsola</i> spp.</u>	<u>Russian thistle</u>
<u><i>Schinus</i> spp.</u>	<u>Pepper tree</u>
<u><i>Schismus arabicus</i></u>	<u>Arabian grass</u>
<u><i>Schismus barbatus</i></u>	<u>Mediterranean grass</u>
<u><i>Sorghum halepense</i></u>	<u>Johnson grass</u>
<u><i>Tamarix</i> spp.</u>	<u>Tamarisk</u>

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.

The Chairman 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 Co9-99-46, subject to standard and special conditions.

TRANSPORTATION

23. Hearing - Establishment of Thornydale Road

RESOLUTION NO. 2020 - 15, of the Board of Supervisors providing for the establishment of Thornydale Road, a County Highway situated within Section 29, 30, 31 and 32, T12S, R13E, G&SRM, Pima County, Arizona,. (District 1)

The Chairman 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 Resolution.

GRANTS MANAGEMENT AND INNOVATION

24. Gila River Indian Community State-Shared Revenue Program Funds

RESOLUTION NO. 2020 - 17, of the Board of Supervisors, to authorize signature of application for Gila River Indian Community State-Shared Revenue Program Funds and to approve acceptance and pass-through of funds, if awarded, to the Arizona State Museum.

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

HUMAN RESOURCES

25. Revisions to Board of Supervisors Policy

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. D 23.20, Attendance Policy during Pandemic Influenza Outbreak.

(Clerk's Note: See the attached verbatim related to this item. Verbatim was necessary due to the nature and evolving circumstance related to COVID-19.)

PUBLIC WORKS ADMINISTRATION

26. Funding for Repair of Airstrip on Pima County Property Leased to Catalina Radio Control Modeler, Inc.

Staff recommends the allocation of \$29,288.00 from the Contingency Fund, for repair of the deteriorating runway. This allocation is contingent upon a \$19,000.00 contribution for the repairs from the Catalina Radio Control Modelers, Inc.

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 SERVICES, EMPLOYMENT AND TRAINING

27. SER - Jobs for Progress of Southern Arizona, Inc., Amendment No. 6, to provide for workforce assistance for the homeless and amend contractual language, HUD and General (\$1,545.40) Funds, contract amount \$17,000.00 (CT-CS-16-358)

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

28. Amendment No. 4, to provide for the Emergency Services Network Program, extend contract term to 6/30/20, amend contractual language and scope of work, no cost for the following:

Vendor/Contract No.

Portable Practical Educational Preparation, Inc./CT-CS-18-371

Chicanos Por La Causa/CT-CS-18-404

Interfaith Community Services/CT-CS-18-405

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

GRANT APPLICATION/ACCEPTANCE

29. Acceptance - Sheriff

Oversight Council on Driving or Operating Under the Influence Abatement, to provide for DUI Enforcement, \$80,000.00 (GTAW 20-94)

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

BOARD, COMMISSION AND/OR COMMITTEE

30. Community Action Agency Board

Appointment of Ana Maria Medina, to fill a vacancy created by Imelda Pines. Term expiration: 12/31/20. (District 3)

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

31. Workforce Investment Board

- Appointment of Steve Freeman, representing Business, to replace Paul Roughton. Term expiration: 9/30/23. (Staff recommendation)
- Appointment of Jeannetta “Jaybee” Nickelson, representing Business, to fill an existing vacancy. Term expiration: 9/30/20. (Staff recommendation)
- Appointment of Frank Velásquez, Jr., representing Workforce; CBO, to replace Steve Freeman. Term expiration: 9/30/21. (Staff recommendation)
- Appointment of Rose Grijalva, representing Workforce; CBO, to replace Jacob Bernal. Term expiration: 9/30/22. (Staff recommendation)
- Reappointment of Cristina Castro Harrington, representing Business. Term expiration: 9/30/20. (Staff recommendation)

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

CONSENT CALENDAR

32. Approval of the Consent Calendar

Upon the request of Supervisor Miller to divide the question, Consent Calendar Item No. 13 was set aside for separate discussion and vote.

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

* * *

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

CONTRACT AND AWARD

Procurement

13. Borderland Construction Company, Inc., Amendment No. 11, to provide for Construction Management at Risk Services for Aerospace Parkway Widening (4AERO2), extend contract term to 6/30/21 and amend contractual language, no cost (CT-PW-17-328) Public Works

Supervisor Miller recused herself due to a potential conflict of interest and left the dais.

It was moved by Chairman Elías, seconded by Supervisor Valadez and carried by a 4-0 vote, Supervisor Miller recused herself due to a potential conflict of interest, to approve the item.

Supervisor Miller returned to the dais.

* * *

PULLED FOR SEPARATE ACTION

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

22. **Special Event**
Denise Loomis Grusin, SculptureTucson.Org, Brandi Fenton Memorial Park,
3482 E. River Road, Tucson, April 3, 2020-

Without objection, this item was removed from the agenda.

* * *

CONTRACT AND AWARD

Attractions and Tourism

1. MC Motorsports Park, Inc., Amendment No. 1, to provide for Pima Motorsports Park Agreement for administration and operations, reduce contract term to 5/30/20 and amend contractual language, no cost (CT-ED-12-128)

Behavioral Health

2. Southern Arizona Children's Advocacy Center, Amendment No. 1, to provide for forensic medical examination and evidence collection for juvenile abuse and amend contractual language, General Fund, contract amount \$150,000.00 (CT-BH-20-21)

Community Services, Employment and Training

3. Amendment No. 2, to provide for youth services - short-term work experience and basic skills training, extend contract term to 5/14/21, amend contractual language and scope of work, General Fund, for the following:

Vendor Name/Contract Amount/Contract No.

Altar Valley School District/\$69,180.04/CT-CS-18-289

Portable Practical Educational Preparation, Inc./\$112,145.95/CT-CS-18-302

SER - Jobs for Progress for Southern Arizona, Inc./\$282,451.02/CT-CS-18-300

Tucson Youth Development, Inc./\$329,911.71/CT-CS-18-245

4. Amendment No. 2, to provide for youth services - short-term work experience, extend contract term to 5/14/21, amend contractual language and scope of work, General Fund, for the following:

Vendor Name/Contract Amount/Contract No.

Catholic Community Services of Southern Arizona, Inc./\$97,979.77/CT-CS-18-256

Goodwill Industries of Southern Arizona, Inc./\$143,640.37/CT-CS-18-253

5. The Center for Life Skills Development, L.L.C., Amendment No. 3, to provide for behavioral health counseling services, extend contract term to 3/31/21 and amend contractual language, USDOL-WIOA, ADES and General (\$1,000.00) Funds, contract amount \$5,000.00 (CT-CS-17-314)

County Attorney

6. Assistance Dogs of the West, Amendment No. 1, to provide for the Courthouse Dogs Program, extend contract term to 9/30/20, amend contractual language and scope of work, Pima County Attorney Anti Racketeering Fund, contract amount \$8,700.00 (CT-PCA-19-245)

Facilities Management

7. Bruce Wayne, L.L.C., Amendment No. 3, to provide for a Third Amendment to 3550 N. 1st Avenue Lease, extend contract term to 6/30/21 and amend contractual language, Health Fund, contract amount \$128,790.75 (CT-FM-19-323)

Health

8. Kathleen Marie Carroll, Amendment No. 5, to provide for School District Health Services Coordinator, extend contract term to 9/30/20 and amend contractual language, Tobacco Education Fund, contract amount \$28,750.00 (CT-HD-19-59)
9. Rachel Callaway, Amendment No. 5, to provide for School District Health Services Coordinator, extend contract term to 9/30/20 and amend contractual language, Tobacco Education Fund, contract amount \$28,500.00 (CT-HD-19-66)

Procurement

10. **Award**
Award: Master Agreement No. MA-PO-20-136, Elliott Electric Supply, Inc. (Headquarters: Nacogdoches, TX), to provide for BTC electric vehicle charging stations. This Master Agreement is for an initial term of one (1) year in the annual award amount of \$340,000.00 (including sales tax) and includes four (4) one-year renewal options. Funding Source: General Fund. Administering Department: Facilities Management.
11. PAP Construction, L.L.C., to provide for Wilmot Road Improvements, Valencia to Davis Monthan Air Force Base Entrance (4WVDME), Transportation Non-Bond Projects (HURF 12.6%) Fund, contract amount \$1,001,425.97 (CT-TR-20-257) Transportation
12. Cardinal Health, Inc., d.b.a. Cardinal Health 110, L.L.C., to provide for pharmaceuticals, Health Department Operations Fund, contract amount \$3,000,000.00/5 year term (MA-PO-20-113) Health
13. Borderland Construction Company, Inc., Amendment No. 11, (PULLED FOR SEPARATE ACTION)
14. Arizona Dental Insurance Services, Inc., d.b.a. Delta Dental of Arizona, to provide for self-funded dental plan, Health Benefit Self-Insurance (96%) and Employee Contributions (4%) Funds, contract amount \$2,350,000.00 (MA-PO-20-141) Human Resources
15. United Concordia Companies, Inc., d.b.a. United Concordia Dental to provide for prepaid dental plan, Health Benefit Self-Insurance (\$230,000.00) and Employee Contributions (\$230,000.00) Funds, contract amount \$460,000.00 (MA-PO-20-142) Human Resources

Transportation

16. Regional Transportation Authority, Amendment No. 2, to provide for Wilmot Road - North of Sahuarita Road Project (RTA-33), extend contract term to 6/30/22 and amend contractual language, no cost (CTN-TR-20-122)

GRANT APPLICATION/ACCEPTANCE

17. **Acceptance – Sheriff**
U.S. Department of Agriculture - U.S. Forest Service, to provide for the Cooperative Law Enforcement FY2020 Annual Operating and Financial Plan, \$56,562.56 (GTAM 20-29)
18. **Acceptance - Sheriff**
Executive Office of the President, Office of National Drug Control Policy, Amendment No. 5, to provide for the High Intensity Drug Trafficking Areas Program, \$44,535.83 decrease (GTAM 20-33)
19. **Acceptance - Transportation**
RESOLUTION NO. 2020 - 16, of the Board of Supervisors, accepting grant funds awarded by the State of Arizona Department of Transportation and authorizing the Chairman of the Board of Supervisors to execute agreements. (GTAW 20-90)

BOARD, COMMISSION AND/OR COMMITTEE

20. **Tucson-Pima County Bicycle Advisory Committee**
Ratification of Town of Marana appointment: Kay Wegner, to fill a vacancy created by Raymond Copenhaver. Term expiration: 2/4/22. (Jurisdictional recommendation)
21. **Fair Horse Racing Commission**
Reappointment of Geronimo Ramirez, Jr. Term expiration: 1/17/22. (District 5)

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

22. **Special Event**
 - Aaron Michael Cooper, International Sonoran Desert Alliance, Ajo Plaza Rec Hall, 38 W. Plaza Street, Ajo, March 14, 2020.
 - William Dean Woodruff, Corpus Christi Roman Catholic Parish-Tucson, 300 N. Tanque Verde Loop Road, Tucson, March 27, 2020.
 - Denise Loomis Grusin, SculptureTucson.Org, (PULLED FOR SEPARATE ACTION)

- John E. Cooper, Arivaca Helping Hearts, Arivaca AZ, Gallo Libre, 38725 S. Ruby Road, Arivaca, May 16, 2020.

23. **Temporary Extension**

06100064, Kevin Arnold Kramber, Dive Bar and Kitchen, 5801 S. Palo Verde Road, Tucson, March 14 and April 11, 2020.

ELECTIONS

24. **Precinct Committeemen**

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

RESIGNATION-PRECINCT-PARTY

Jennifer Kielhofer-073-DEM; Carol A. Brown-093-DEM; Owen L. Anderson-141-DEM; Amy R. Ayers-141-DEM; Nicholas Mahon-167-DEM; Ronald Carlson-238-DEM

APPOINTMENT-PRECINCT-PARTY

Branden D. Jernigan-044-DEM; Patrick Q. Fisher-072-DEM; Debra "Debbie" L. Logan-084-DEM; Michael P. Cosgrove-086-DEM; Carol A. Brown-094-DEM; Martin C. Plocke-101-DEM; Charles E. Verdin-108-DEM; Stewart F. Barr-120-DEM; Evelyn M. Jones-132-DEM; Christopher G. Rolls-143-DEM; Federico A. Astiz-174-DEM; Christina M. LaMotte-182-DEM; Ray C. Mack-182-DEM; Donald D. Lamey-205-DEM

FINANCE AND RISK MANAGEMENT

25. **Duplicate Warrants - For Ratification**

Dana R. Cornelius \$470.57; Arizona Public Service \$980.00; First Tech Federal Credit Union \$365.92.

TREASURER

26. **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 \$105,792.75.

RATIFY AND/OR APPROVE

27. Minutes: February 4 and 18, 2020

* * *

33. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 11:31 a.m.

CHAIRMAN

ATTEST:

CLERK

HUMAN RESOURCES

Revisions to Board of Supervisors Policy

Staff requests approval of the proposed revisions to Board of Supervisors Policy No. D 23.20, Attendance Policy during the Pandemic Influenza Outbreak.

Verbatim

RE: Chairman Elías
RV: Supervisor Valadez
SB: Supervisor Bronson
SC: Supervisor Christy
AM: Supervisor Miller
CH: Chuck Huckelberry
JC: Julie Castañeda
JL: Jan Leshar, Chief Deputy County Administrator
FG: Francisco García, MD, MPH, Deputy County Administrator & Chief Medical Officer, Health and Community Services

RE: Human Resources, revisions to Board of Supervisors Policy. This is regarding attendance policy during this period of pandemic influenza. I would like to hear from Mr. Huckelberry first.

CH: Mr. Chairman, as you know this is a fairly fluid situation and moving almost daily to be different. What we are attempting to do is try and keep up with the changes by adding a degree of flexibility in our personnel policies, in particular our sick leave. In addition, we have widened the telecommuting options, associated with telecommunicating particularly and encouraging that for employees who may be vulnerable or have either age or underlying medical conditions that if possible, they can telecommute. Telecommuting is not possible for all employees or classifications. In addition, we also know that we have a fairly good idea of sick leave and sick leave banks that employees may have or other leave banks that could be used if in an event they become sick. To date, I do not think we have seen any significant increase in employee sick calls or sick time relation reported through A.D.P. It probably will come sooner or later. Therefore, in order to be prepared, one of the things that we are proposing is that we know that perhaps there are some employees who are reluctant or may not have sufficient sick time or other leave time. Last thing we do is want them coming in to work because they may be ill, but they are also wanting to be paid. To encourage them to stay home, we have created at least an 80-hour loaned sick leave bank for each employee to use, in fact, if they need to. The concern, I think, is it

applies once an employee has exhausted their leaves, then we can advance that. We have not set any time limits whatsoever on repayment, and the repayment would be really between the employee and their supervisor. If it takes three years, that is fine. If an employee were to use those 80, let us assume they are completely exhausted of all leave bank. They would get 80 hours advanced and that 80 hours covers about a two-week period and that is this traditional isolation period we see with the virus. Once they come back, they can then, in fact, work with their supervisors to establish an appropriate repayment period, and as I said, this is kind of a first step as the situation continues to evolve over time, we may be required to be doing more. But at least this gets our personnel policies a little reflective of the actions that are occurring out in the community today.

SB: Mr. Chairman?

RE: Supervisor Bronson.

SB: This is the one piece that concerns me, because we are asking them to use their sick leave, but we are requiring them, at the same time. If their appointing authority tells them they have to go home, they have to go home. My question to you is, why do we have to ask them to take sick leave? Can we not just send them home, and leave their sick leave as is and not have them use sick leave? Is there any kind of deterrent that would prevent us from doing that?

CH: Mr. Chairman, I think if we direct that, it is obviously something that the Board could consider. I think most of this we will see voluntary employment, employees wanting to stay home because they are either sick or they have someone who is vulnerable in their household. In the event, we could insert additional process on when a supervisor would direct an employee to go home, I think that is going to be probably a fairly infrequent event.

SB: But we could, if an employee is directed by their appointing authority to go home, we could insert language in this policy that would then not force them to stay sick leave. Is that correct?

CH: Mr. Chairman, Supervisor Miller...

SB: We are legally able to do that? That is what I am asking.

CH: I think when we direct it, yes.

SB: Okay. Then I would like to make that amendment if, however the appropriate language may be. Mr. Flagg?

RE: I would concur with you. Why do we not to our Counsel and then we will go to Supervisor Miller, because she asked to speak and then to you,

Supervisor Valadez. Do you want to add something? Go ahead, please, quickly.

RV: My point was, I do not have an issue with creating a policy where an employee can take sick time for the coronavirus or vulnerable population within their household. However, we cannot distinguish between, in my mind, between an employee who is asked to go home and one that voluntarily does so, because of the same reason.

SB: Well then, if they are going home for that reason, then let us not force them to take sick leave.

RE: I think we should reward them for doing the right thing.

RV: My point is we cannot create two classes.

SB: I understand what you are saying.

RE: Okay, Counsel, please. We will be right with you, Supervisor.

AF: Mr. Chairman, I do not know that there is one specific legal way to go about doing that. I think the way our policies work is if you want folks to be out of work and paid, they need to be on some form of leave. If there is not added sick leave provided, then there would need to be probably some language in there providing for some form of leave, whether it is administrative leave with pay or something like that. I am not sure there is necessarily one right way to do it. I think there will be, potentially, Supervisor Valadez brought up the issue about distinguishing between different groups who may be voluntarily home or who may be ordered home. I think in addition, to folks who are sick or who are caring for folks who are sick or vulnerable, you are also going to have potentially folks who are caring for children, whose schools are closed and the statute provides that that qualifies for sick leave as well, and our policy does too. That is just another area that had not been mentioned that may have to be included.

SB: I was getting there. Thank you for getting there first.

RE: Thank you Counsel. Supervisor Miller.

AM: That was my question and I would like some clarification. In Item, on page 3 of 4 of the policy, H, you have the authority may approve sick leave, annual leave. Is annual leave vacation?

CH: Yes.

AM: Or the use of compensatory time. Is this, what we are talking about here, the additional added time?

CH: Mr. Chairman, employees can earn compensatory time in lieu of overtime. They can have a bank of that time as well.

AM: Okay. That is what that is. In the situation that I was thinking about, I do have, we have individuals who are required to stay home with their children that cannot get day care. Is it possible, to allow them to work at home during that time versus taking sick time?

CH: Mr. Chairman, Supervisor Miller, in our telecommuting policy, and why I specifically referenced that in a recent memo to basically all the employees and the department directors, it says that if an employee can accomplish their work telecommuting, and if they are required to be there because they need to supervise children who are not going to school, yes, they are eligible for and would be placed on telecommuting.

RE: Supervisor Bronson was there something you wanted to add to this?

SB: The only other concern was the one that was expressed by the union rep. That was the idea, that she seems adverse to the idea that appointing authorities could send employees home. I do not have a problem with that, but they do, and I am not sure how we address it.

RV: Mr. Chairman, to that point?

RE: Supervisor Valadez, please.

RV: Mr. Chairman, Supervisor Bronson, one of the ideas that did occur to me, I believe, Mr. Huckelberry put out a memo that we actually now are granting our employees free access to Teladoc. In the case there may be a dispute, maybe what we do is have them actually schedule with their employee, and obviously they will have to consent to have their appointing authority in the room, listening to their health information but certainly have a healthcare expert which will be on Teladoc, help them make the determination.

RE: That was a suggestion of AFSCME as well. I think that is good. Mr. Huckelberry, please.

CH: Mr. Chairman.

RE: Excuse me, were you done Supervisor?

CH: I think we clearly recognize our department directors are not physicians and so that, you know, we understand that. I think what we could do is also if the language is not clear, we can also talk with concurrence of the Chief Medical Officer of the County. We can do it either way or both ways.

RE: We know what the changes we are suggesting here. One of them is essentially...

SB: What are we doing on the medical, this last one? Are we going to do telemedicine? Are we going to do both?

RV: Either.

SB: Either or, okay, fine.

RE: Alright, that puts us in a position where we are saying to employees that if you need to take that time off, you take that time off. We will find a legal way to represent that, so that we are on a scheduled time off that will not be have to be repaid. Ultimately that will share some thinking about how appointing officials might send somebody home from work, including if the employee has a problem with that, that we then look at. What was that again?

RV: Teladoc or Chief Medical Officer.

RE: Teladoc or Chief Medical Officer. Are you are okay with that, Dr. G? I think it puts you in an odd position.

FG: Mr. Chairman, Members of the Board, one of the things to think about is whether this potentially puts us in violation of the Health Insurance Privacy and Portability Act.

SB: Yeah, the HIPAA.

FG: I think that it potentially does. I think that the option of having documentation is always a good one, and being able to substantiate the reason for the claim for that particular type of accommodation, but I think it would be, I think it potentially violates federal law to do that.

RE: Let me see for a second Dr, if I can put some words in your mouth. We go to a policy where, if an appointing authority wants to send somebody home it automatically goes to Teladoc.

RV: No.

RE: No?

RV: Mr. Chairman, only if there is a dispute between the appointing authority and the employee. Actually, Dr. Garcia, if you could please comment on this. If you remember part of what I said was that the employee would have to consent to allowing the appointing authority to be in the room and listen to that discussion.

FG: Chairman Elías, Supervisor Valadez, I still believe that that would be, even with the consent, in that circumstance, I think potentially it runs afoul of HIPAA. I am not a lawyer and I will remain silent on the legal question.

RE: Counsel, please.

FG: I think it potentially runs afoul.

AF: Mr. Chairman, Supervisor Valadez, I think we can take a closer look at that and make sure that there is not a problem with that, if consent is provided. We can, I mean, I cannot answer today definitively whether or not that is going to present a HIPAA problem, I do not think so, but we can certainly look at it and make sure.

RV: Obviously, Mr. Chairman, this is just in the case where there is a dispute between the appointing authority and the employee which I am going to assume is not going to be very frequent.

SC: Mr. Chairman?

RE: Supervisor Christy.

SC: Is there also an issue regarding those who have exhausted for whatever reasons their sick leave and now they are in a situation where they need to leave because of sickness and other things, and their sick leave is exhausted? They are not going to be required to pay that back?

RE: That is correct, sir. They would be granted time off.

SC: They would be granted the time off, and there would be no...

RE: All employees would be.

SC: ...functioning as far as going into that bank of time off that they would not be responsible to pay back?

RE: That is correct. Okay. This last question still seems to me to be unresolved, about what happens if somebody is going to really disagree with their appointing authority sending them home. I do not quite know where to go with that.

RV: Mr. Chairman?

RE: Supervisor Valadez, please.

RV: Why do we not go with it this way, we offer them the option, ask the County Attorney to opine on whether or not a consent form is sufficient to allow that

discussion to occur, with the option maybe then that either one of the Deputy Administrators or Mr. Huckelberry can be the final determiner, if that is not legal. If the HIPAA issue cannot be resolved.

AF: We can do that.

SB: Mr. Chairman, I think the bottom line here, though, is if you are sick at this point in time, go home. A message we need to send very clearly to all employees.

RE: That is correct.

SB: If you are sick, go home.

RV: Mr. Chairman, as well, we are amending this policy so that there are opportunities for telecommuting, so that you do not have to go home sick or be exposed or expose yourself when you have a vulnerable population at home.

RE: Okay. Everybody know what we are voting on? Everybody feel comfortable with that? Let us make it clearer.

SB: I think we are fine. We just need some language from Andy at this point to probably come back for our approval or do we?

SC: Yeah. I would feel much more comfortable if a lot of these unanswered issues were.

RE: There is only one unanswered issue.

SB: And that is the HIPAA.

RV: Mr. Chairman, if I may?

RE: Please.

RV: What I would like to hear from the County Attorney is whether or not it would requires ratification. Obviously, if we do, I do not think we need to be waiting until the next Board meeting.

SB: Right.

RV: We are going to have to call a Special Board meeting for ratification later this week. We are already going to canvass on Thursday?

RE: Right.

RV: Maybe we can do it by Thursday?

AF: Mr. Chairman, Supervisor Valadez, this Thursday?

SB: We have to canvass.

RV: We have to canvass the Presidential Preference Primary.

AF: I think we can do that and if there is ratification required, you know, I do think that the direction is clear enough from my perspective, that we could do something and just have the Board agree that language could be adopted consistent with that direction. If the Board would be more comfortable doing ratification, we can certainly turn that around and be ready to do that.

RE: Let us ratify on Thursday. I think that make sense. I think in the meantime what we are voting on is essentially granting time off to our employees based on hardship, based on illness, based on vulnerable populations within their households and also taking a look at the appointing authority and how that issue is ultimately resolved. We will ratify on Monday, I mean on Thursday, excuse me.

SB: Thursday.

RE: But just to make sure that everybody understands that we are headed in that direction. Ms. Leshner, you are looking at me, are you concerned? Please speak up.

JL: Mr. Chairman, I would defer to Julie, but I believe the day you have scheduled for ratification is the 26th. Which is not this Thursday, but is in another week. That is my only concern about time.

RE: Let us do a special meeting on Thursday.

RV: Fine.

RE: Is everybody okay with that? Special meeting on Thursday?

SB: We can phone in?

RE: You can phone in. There has been changes by the CDC this morning, so, you know, meetings of more than ten are now a problem for us. What we need to do is probably do that telephonically.

AM: Mr. Chairman?

RE: Supervisor Miller.

AM: I just had one final question. So if an employee is sick, they do not have to take their sick time?

RE: That is correct.

AM: And they can take unlimited amount of time off or is there a limitation on the time?

SB: 14 days, I think.

RE: 14 days is what we talked about.

AM: Is it the 14 days still? I just want to clarify that. Thank you

RE: Does that help you Ms. Leshner, we will take care of it on Thursday. Very good. Everybody knows what we are voting on. Roll call.

JC: Supervisor Bronson?

SB: Aye.

JC: Supervisor Christy?

SC: Yes.

JC: Supervisor Miller?

AM: Yes.

JC: Supervisor Valadez?

RV: Aye.

JC: Chairman Elías?

RE: Aye. The motion carries unanimously. Thank you very much, everybody.

SB: We know we are probably going to have to amend this as this progresses.

RE: Recognizing this is a very fluid situation and so we are going to do what we have to do as we go along. We wanted to provide some degree of certainty to our employees and their families especially with school closures and other issues now affecting their lives.

END