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, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chair inquired whether anyone wished to address the Board on any item listed under Executive Session. No one appeared

2. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:17 a.m.

3. **RECONVENE**

The meeting reconvened at 9:50 a.m. All members were present.

EXECUTIVE SESSION

4. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding a proposed modification to the approved settlement in Pima County Flood Control District v. Fidelity National Title Agency, Inc., Pima County Superior Court Case No. C20132297.

Chris Straub, Chief Civil Deputy County Attorney, stated the Board previously approved a settlement involving the acquisition of approximately 155.35 acres of real property controlled by the BSE Trust for a total compensation of $1,000,000.00. The BSE Trust informed the County Attorney that it no longer believed it was the beneficiary of the trust, holding fee title to Tax Parcel Nos. 137-11-431D and 137-11-431G, totaling 0.78 acres. The BSE Trust instead provided a Quit Claim Deed to those parcels conveying them to the Pima County Flood Control District. He stated the County Administrator and County Attorney's Office recommended approval of the modification of the settlement and acceptance of the Quit Claim Deed for the

two parcels in lieu of condemnation. He stated the other terms of the settlement would remain the same.

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

5. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:22 a.m.

Sharon Blanson

CHAIR

ATTEST:

Robin Brigode

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, 2014. Upon roll call, those present and absent were as follows:

Present: Sharon Bronson, Chair
Richard Elías, Vice Chair
Ramón Valadez, Acting Chair
Ally Miller, Member
Ray Carroll, Member

Also Present: Chuck Huckelberry, County Administrator
Chris Straub, Chief Civil Deputy County Attorney
Robin Brigode, Clerk of the Board
James Ogden, Sergeant at Arms

1. INVOCATION

The invocation was given by Bishop John Joost, Sahuarita 3rd Ward, the Church of Jesus Christ of Latter Day Saints.

2. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

3. PERSONAL POINT OF PRIVILEGE

Supervisor Elías noted it was his 25th wedding anniversary and thanked his wife for her support.

4. PAUSE 4 PAWS

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

5. PRESENTATION/PROCLAMATION

Presentation of a proclamation to Joyce Finkelstein, President, Green Valley Country Fair White Elephant, proclaiming the day of Friday, January 31, 2014 to be: "50TH ANNIVERSARY OF THE GREEN VALLEY COUNTRY FAIR WHITE ELEPHANT"

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

Supervisor Carroll made the presentation and commended the organization for their contributions to the community.

6. **CALL TO THE PUBLIC (for Executive Session items only)**

The Chair inquired whether anyone wished to address the Board on any item listed under Executive Session. No one appeared

7. **CONVENE TO EXECUTIVE SESSION**

It was moved by Supervisor Elías, seconded by Supervisor Miller and unanimously carried by a 5-0 vote, to convene to Executive Session at 9:17 a.m.

8. **RECONVENE**

The meeting reconvened at 9:50 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 a proposed settlement in Pima County v. DFA, L.L.C., Pima County Superior Court Case No. C20112935.

Chris Straub, Chief Civil Deputy County Attorney, stated the case involved an action to condemn an easement for multi-use paths along a portion of a 1.38 acre parcel owned by DFA, L.L.C., in the vicinity of I-10 Frontage Road and Diamond Street. He stated the County Attorney's Office sought authority to proceed with negotiations in this matter as discussed in Executive Session.

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

COUNTY ADMINISTRATOR

10. **Classification/Compensation**

The Public Fiduciary requests approval to create the following new classification, associated costs will be borne by the department from within its current budget:

<u>Class Code/Class Title/ Grade Code (Range)/ EEO Code/ FLSA Code</u>
5366/ Guardian-Estate Administrator/ 43 ($39,990-$58,125)/ 2/ E*
5368/ Guardian-Estate Administrator-Supervisor/ 50 ($47,076-$68,681)/ 2/ E*
*E = Exempt (not paid overtime)

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

OFFICE OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY

11. **Emergency Operations Plan**

RESOLUTION NO. 2014 - 4, of the Board of Supervisors, to approve and adopt the Pima County Emergency Operations Plan 2014.

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

12. **Community Wildfire Protection Plan**

RESOLUTION NO. 2014 - 5, of the Board of Supervisors, to approve and adopt the Pima County Community Wildfire Protection Plan.

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

COMMUNITY SERVICES, EMPLOYMENT AND TRAINING

13. **Pima County One-Stop**

RESOLUTION NO. 2014 - 6, of the Board of Supervisors, to approve and authorize the Local Workforce Investment Plan for five years to operate the Pima County One-Stop System which provides assistance to County residents in need of workforce services.

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

FRANCHISE/LICENSE/PERMIT

14. **Extension of Premises/Patio Permit**

Randy D. Nations, Hot Rods Old Vail, 10500 E. Old Vail Road, Tucson, Temporary Extension of Premises for March 6, 2014.

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

15. **Extension of Premises/Patio Permit**

Michael Joseph Basha, AJ's No. 122, 2805 E. Skyline Drive, Tucson, Temporary Extension of Premises for February 8, 2014.

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

16. **Liquor License**

13-25-9167, Mark Walter Beres, Flying Leap Vineyards, 4330 N. Campbell Avenue, Suite 48, Tucson, Series 13, Domestic Farm Winery, New License.

The Chair inquired whether anyone wished to address the Board. No one appeared. It was moved by Supervisor Carroll, 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.

DEVELOPMENT SERVICES

17. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013, continued the following:

Co7-13-03, LAWRENCE C. LEUNG, INC. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Lawrence C. Leung, Inc., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Neighborhood Activity Center (NAC) and Medium Intensity Urban (MIU) for approximately 18.01 acres located on the southeast corner of N. Thornydale Road and W. Linda Vista Boulevard, in Section 20, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 18, 2014.

18. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013, continued the following:

Co7-13-04, PACIFIC INTERNATIONAL PROPERTIES, L.L.P. - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Pacific International Properties, L.L.P., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Neighborhood Activity Center (NAC) and

Medium Intensity Urban (MIU) for approximately 54.95 acres located on the northwest corner of N. Thornydale Road and W. Cortaro Farms Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted, "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 18, 2014.

19. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013, continued the following:

Co7-13-05, MANDARIN ASSOCIATES - N. THORNYDALE ROAD PLAN AMENDMENT
Request of Mandarin Associates, represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) and Resource Transition (RT) to Medium Intensity Urban (MIU) for approximately 17.77 acres located at the northwest corner of N. Thornydale Road and W. Magee Road, in Section 30, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 4-3 (Commissioners Richey, Bain and Johns voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 18, 2014.

20. **Comprehensive Plan Amendment**

The Board of Supervisors on November 19, 2013, continued the following:

Co7-13-06, HARDY-THORNYDALE I ASSOCIATES, ET AL. - W. HARDY ROAD PLAN AMENDMENT
Request of Hardy-Thornydale I Associates, et al., represented by Jim Portner, Projects International, Inc., to amend the Pima County Comprehensive Plan from Low Intensity Urban 0.3 (LIU 0.3) to Medium Intensity Urban (MIU) for approximately 30.0 acres located on the south side of W. Hardy Road, approximately 1,300 feet east of N. Thornydale Road, in Section 29, T12S, R13E, in the Northwest Subregion. On motion, the Planning and Zoning Commission voted 6-1 (Commissioner Richey voted "Nay," Commissioners Poulos, Holdridge and Membrila were absent) to recommend DENIAL. Staff recommends APPROVAL SUBJECT TO REZONING POLICIES. (District 1)

Without objection, this item was continued to the Board of Supervisors' Meeting of February 18, 2014.

TRANSPORTATION

21. **Traffic Resolution**

RESOLUTION NO. 2014 - 7, of the Board of Supervisors, providing for an additional three year time extension for the establishment of a County Highway, X9 Ranch Road, lying within Sections 36 and 25, T15S, R16E and Sections 30, 20, 19 and 17, T15S, R17E, Pima County, Arizona. Staff recommends APPROVAL. (District 4)

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

22. **Traffic Resolution**

RESOLUTION NO. 2014 - 8, of the Board of Supervisors, permitting the temporary closure of portions of Malacate Street in Ajo, Arizona for the Annual Health Fair on Saturday, January 25, 2014. Staff recommends APPROVAL. (District 3)

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

BOARD OF SUPERVISORS

23. **Legislative District 2**

Appointment to fill the vacancy in the Arizona State Senate, Legislative District 2.

Chair Bronson stated the Democratic Party Elected Precinct Committeepersons had submitted the following names as nominees to be considered for filling the vacancy in the District 2 State Senate: Demion Clinco, Andrea Dalessandro and Annabelle Nunez.

It was moved by Supervisor Valadez and seconded by Supervisor Miller, to approve the appointment of Andrea Dalessandro to fill the vacancy for Arizona Legislative District 2. Upon roll call, the motion unanimously carried by a 5-0 vote.

COUNTY ADMINISTRATOR

24. **2013 Founders Award**

Staff requests an allocation from the Board of Supervisors' Contingency Fund in the amount of $5,000.00 for the Greater Tucson Leadership Gala at which Pima County Attorney Barbara LaWall will be presented the 2013 Founders Award.

It was moved by Supervisor Elías to approve this request and to also approve the remainder of the items on the addendum. Supervisor Miller stated she would like to vote separately on this matter. Supervisor Elías withdrew his motion.

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

Supervisor Miller stated she objected to the use of the Board of Supervisors' Contingency Fund for this request.

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

CLERK OF THE BOARD

25. **Ratify and/or Approve**

The Board of Supervisors on January 14, 2014, continued the following:

Minutes: December 17, 2013 (Revised)

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

CONTRACT AND AWARD

INFORMATION TECHNOLOGY

26. Nextel Operations, Inc., a.k.a. Sprint Corporation, to provide professional services for the mandatory 800 MHz Rebanding Project, contract amount $10,830.15 revenue (CTN-IT-14-104)

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

BOARD, COMMISSION AND/OR COMMITTEE

27. **Pima County Fair Commission**

The Board of Supervisors on January 14, 2014, continued the following:

Appointment of David Gerovac to replace/fill the unexpired term of Marvin Selke. Term expiration: 6/30/14. (District 1)

Without objection, this item was removed from the agenda.

28. **Parks and Recreation Commission**

Appointment of Thomas F. Purdon, to fill the unexpired term of Charles S. Catino. Term expiration: 7/31/15. (District 4)

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

29. **Canoa Ranch Conservation Committee**

Appointment of Karen Cesare. Term expiration: 1/31/18. (District 1)

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

30. **Bond Advisory Committee**

Ratification of Town of Sahuarita appointment: James G. Ward, to fill the vacancy created by Achim Marriotti. Term expiration: 1/21/20. (Jurisdictional recommendation)

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

CONSENT CALENDAR, JANUARY 21, 2014

31. **Call to the Public (for Consent Calendar items only)**

The Chair inquired whether anyone wished to address the Board on any item listed on the Consent Calendar. No one appeared.

32. **Approval of the Consent Calendar**

It was moved by Supervisor Miller, seconded by Supervisor Elías and carried by a 5-0 vote, to pull Consent Calendar Item Nos. 1, 2 and 3 for separate discussion and vote.

<u>PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER</u>

Community Services, Employment and Training

1. Tucson Youth Development, Inc., to provide for the Youth Services Program, US DOL and ADES WIA Grant Funds (87.5%) and General Fund (12.5%), contract amount $244,310.26 (CT-CS-14-257)

   Supervisor Miller stated that she did not support using General Funds for this type of program.

It was moved by Supervisor Miller to deny the request. The motion died for a lack of a second. It was then moved by Supervisor Elías, seconded by Supervisor Valadez and carried by 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

PULLED FOR SEPARATE ACTION BY SUPERVISOR MILLER

Community Services, Employment and Training

2. Goodwill Industries of Southern Arizona, Inc., to provide for the Youth Services Program, US DOL and ADES WIA Grant Funds (42%) and General Fund (58%), contract amount $131,109.51 (CT-CS-14-260)

   Supervisor Miller stated that she did not support using General Funds for this type of program.

   It was moved by Supervisor Miller to deny the request. The motion died for a lack of a second. It was then moved by Supervisor Elías, seconded by Supervisor Valadez and carried by 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

PULLED FOR SEPARATE DISCUSSION BY SUPERVISOR MILLER

Procurement

3. TMCx Arizona, L.L.C., Amendment No. 3, to provide independent third party commissioning agent services: Pima County ~~Justice Court/Tucson City~~ Downtown Court Complex, extend contract term to 3/31/15 and amend contractual language, no cost (CT-FM-07042021-P) Facilities Management

   Supervisor Miller asked that the project name be amended to read "Downtown Court Complex."

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

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It was thereupon moved by Supervisor Elías, seconded by Supervisor Miller and carried by a 5-0 vote, to approve the remainder of the Consent Calendar as amended.

* * *

CONTRACT AND AWARD

Community Services, Employment and Training

1. Tucson Youth Development, Inc., (PULLED FOR SEPARATE ACTION)

2. Goodwill Industries of Southern Arizona, Inc., (PULLED FOR SEPARATE ACTION)

Procurement

3. TMCx Arizona, L.L.C., Amendment No. 3, (PULLED FOR SEPARATE DISCUSSION)

4. KE&G Construction, Inc., Amendment No. 1, to provide construction manager at risk services for the South Rillito West Central Interceptor Rehabilitation Project and amend contractual language, RWRD Obligation Fund, contract amount $1,579,428.43 (CT-WW-14-144) Regional Wastewater Reclamation

GRANT APPLICATION/ACCEPTANCE

5. **Acceptance - Community Services, Employment and Training**
   Arizona Commerce Authority, to provide for the Aerospace and Development Industry Partnership, Federal Funds, $235,000.00

6. **Acceptance - Sheriff**
   BLM-AZ, to provide for BLM law enforcement assistance, US Department of the Interior-Bureau of Land Management Fund, $10,000.00

SPECIAL EVENT LIQUOR LICENSE APPROVED PURSUANT TO RESOLUTION NO. 2002-273

7. Susan Lai, Tucson Chinese Association, Tucson Chinese Cultural Center, 1288 W. River Road, Tucson, February 1, 2014.

8. Jean Baruch, Beads of Courage, 3230 N. Dodge Boulevard, Tucson, February 8, 2014.

9. William Dean Woodruff, Knights of Columbus Council No. 12696, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, January 25, 2014.

10. William Dean Woodruff, Corpus Christi Catholic Church, 300 N. Tanque Verde Loop Road, Tucson, February 14, 2014.

ELECTIONS

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

    APPOINTMENTS-PRECINCT-PARTY
    Jason W. Ground-090-DEM
    Joseline Mata-231-DEM

FINANCE AND RISK MANAGEMENT

12. **Duplicate Warrants - For Ratification**
    Emily McCovey Roethler $85.40; Wick Communications $346.51; Office Depot $188.15; Maribel Hernandez $61.35; Headmaster, L.L.P. $108.00; Elias Damianakos $4,864.00; Joseph Francis Kelly $282.72; Arizona State Land Department $2,203,178.74; Lisa Fontaine $143.00; Michelle M. Magana $76.54; William C. Scott $320.02; Overdrive, Inc. $5,145.84; Sharon Easterday $1,396.39

REAL PROPERTY

13. **Right-of-Way Easement**
    Tucson Electric Power Company, to provide a right-of-way easement for the installation of underground electric facilities, Tax Parcel No. 141-10-0100, located in Section 20, T15S, R15E, G&SRB&M, Pima County, Arizona, $190.00 revenue (District 4)

14. **Right-of-Way Easement**
    Tucson Electric Power Company, to provide a right-of-way easement for the installation of a transformer and underground electric facilities, Tax Parcel No. 118-18-0890, located in Section 15, T13S, R13E, G&SRB&M, Pima County, Arizona, $350.00 revenue (District 2)

15. **Grant of Easement and Agreement**
    Bryan and Christy Cressey, to provide a grant of easement and agreement for ingress, egress and private utilities, Tax Parcel No. 205-29-007B, located in Section 16, T13S, R16E, Pima County, Arizona, $8,498.00 revenue (District 4)

TRANSPORTATION

16. **Permission to Advertise**
    Hughes Access Road, South Hughes Access Road and Alvernon Way, Road Establishment No. 3018
    February 18, 2014 (District 2)

* * *

33. **CALL TO THE PUBLIC**

Mary Ann Murphy addressed the Board regarding the West Loop, Green Valley drainage and other issues.

Brian Johnson, representing SEIU, asked the Board to consider County employees during this year's budget cycle.

Gilbert Williams addressed the Board regarding the procedure to continue agenda items and asked that it be changed.

Geri Ottoboni spoke to the Board regarding the denial of the rezoning in Catalina and in opposition of raising property taxes.

34. **ADJOURNMENT**

As there was no further business to come before the Board, the meeting was adjourned at 10:22 a.m.

Sharon Bronson

CHAIR

ATTEST:

Robin Brigode

CLERK