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, February 4, 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. DRAINAGE EASEMENT AND MAINTENANCE AGREEMENT AMENDMENT

Northwest Hospital, L.L.C., Amendment No. 1, to allow construction of a wildlife fence for SR77 road project. Original easement recorded on January 25, 2005 at Docket 12475, Page 624. No cost. (Districts 1 ~~and~~ 4)

It was moved by Supervisor Elías, seconded by Supervisor Miller 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 12:28 p.m.

Sharon Bronson
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, February 4, 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. PERSONAL POINT OF PRIVILEGE

Chair Bronson remembered John Hill, Pima County Employee, and expressed condolences to his family.

Supervisor Elías remembered John Carlson Sr. and his contributions to the community.

2. INVOCATION

The invocation was offered by Pastor David Hook, Christ Lutheran Vail.

3. PLEDGE OF ALLEGIANCE

All present joined in the Pledge of Allegiance.

4. PAUSE 4 PAWS

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

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

Pete Sabin, Assistant Business Manager for IBEW, Local 570, spoke on the number of unemployed workers, the number of jobs that would be created, the country's need for copper and the benefits the Rosemont Mine would bring to the community.

Mark Sutton, President of Meridian Engineering Company, spoke in support of the Rosemont Mine and asked the Board to consider unemployed individuals and the business community in their decisions.

6. **CONVENE TO EXECUTIVE SESSION**

On consideration, it was moved by Supervisor Valadez, seconded by Supervisor Elías and unanimously carried by a 5-0 vote, that the Board convene to Executive Session at 10:23 a.m.

7. **RECONVENE**

The meeting reconvened at 12:24 p.m. All members were present.

EXECUTIVE SESSION

8. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Target Corporation v. Pima County, Arizona Tax Court Case No. TX2012-000555, Tax Parcel No. 141-22-0290 for tax year 2013.

Chris Straub, Chief Civil Deputy County Attorney, stated these cases involved a proposed settlement regarding a challenge for tax years 2013 and 2014 on the valuation of real property and improvements known as the Target.com Retail Distribution Warehouse. The proposed settlements would reduce the full cash value of the parcels, the legal class would remain the same and the approximate tax decrease for tax year 2013 would be $37,936.91 and for tax year 2014 would be $52,420.00. The total tax refund/correction for the two years would be $90,356.91. He explained as part of the settlement the parties had agreed to bear their own costs for attorney and litigation expenses. The Pima County Attorney's Office and County Assessor recommended the proposed settlement for the two tax years.

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

9. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Target Corporation v. Pima County, Arizona Tax Court Case No. TX2013-000244, Tax Parcel No. 141-22-0290 for tax year 2014.

(Clerk's Note: See Minute Item No. 8 for discussion/action on this matter.)

10. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding potential County objections to the Final Environmental Impact Statement and Record of Decision for the Rosemont Copper Project.

Chris Straub, Chief Civil Deputy County Attorney, stated the item concerned the County's potential response to the Final Environmental Impact Statement and the Draft Record of Decision regarding the proposed Rosemont Copper Mine. The Pima County Attorney's Office and County Administrator sought authority to proceed with objections as discussed in executive session.

It was moved by Supervisor Elías, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Miller voted “Nay,” to support the recommendations.

11. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Star Valley Specific Plan , Star Valley Master Block Plat, Star Valley individual block plats, development issues and transportation improvements related to Star Valley and Star Valley Village Plats and related development issues and transportation improvements.

    Chris Straub, Chief Civil Deputy County Attorney, stated the item related to incomplete developer transportation improvements in the Star Valley residential development located near the intersection of Valencia Road and Wade Road. He explained this matter was informational only and no action was required by the Board.

12. Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding Valencia Kolb Properties , L.L.C., et al. v. Pima County, United States District Court Case No. 13-CV-01319, alignment of the Valencia-Kolb intersection and related Regional Transportation Authority Risk Mitigation Analysis.

    Chris Straub, Chief Civil Deputy County Attorney, stated this item related to property owner’s lawsuit against Pima County alleging that the County was legally obligated to reconstruct the intersection of Valencia and Kolb Roads on a southern alignment. The Pima County Attorney’s Office sought authority to defend the case as discussed in executive session.

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

BOARD OF SUPERVISORS

13. **Legislative District 2**

    Appointment to fill the vacancy in the Arizona House of Representatives, 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 Arizona House of Representatives: Demion Clinco, Miguel Cuevas and Annabelle Nunez.

    It was moved by Supervisor Valadez and seconded by Supervisor Carroll, to approve the appointment of Demion Clinco to fill the vacancy for Arizona Legislative District 2. Upon roll call, the motion carried by a 3-2 vote, Chair Bronson and Supervisor Elías voted “Nay.”

    Both Chair Bronson and Supervisor Elías congratulated Mr. Clinco on his

appointment, and stated that they had hoped to see another woman appointed to the seat.

14. **Pima County Fair Commission**

Pima County Fair Commission and Southwestern Fair Commission, Inc. appointments, membership, Bylaws and establishing Resolutions. Discussion/Amendment/Vote. (District 1)

Supervisor Miller stated the item had been placed on the agenda to clarify the rules governing appointments to the Pima County Fair Commission as the documents regarding the Pima County Fair Commission and the Southwestern Fair Commission, Inc., contained conflicting information.

It was moved by Supervisor Miller and seconded by Supervisor Valadez, to affirm and clarify that the rules of Resolution No. 1974-124, paragraph 4, be adhered to when appointing members to this commission and that the past convention of each Board member having individual District nominations with the approval of the Board majority continue. No vote was taken at this time.

Chris Straub, Chief Civil Deputy County Attorney, stated that as a matter of law, the original governing document, Resolution No. 1974-124, would prevail.

Bob Patrick, former Management Assistant to the County Manager, provided historical background on the formation on the Pima County Fair Commission and the purpose of the non-profit Southwestern Fair Commission, Inc.

Jon Baker, Executive Director, Southwestern Fair Commission, addressed the Board regarding his background and the recommendations for the operation of the Commission which included the membership being comprised of individuals with certain professional expertise.

Chuck Huckelberry, County Administrator, reported on the shift from an at large appointment structure to a District appointment structure.

Supervisor Valadez proposed an amendment to the motion that the Southwestern Fair Commission Bylaws be changed to read “removal for cause,” to match the resolution language. Supervisor Miller accepted the amendment to the original motion.

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

Chair Bronson asked if the Board wished to change the appointment process for the Commission.

Supervisor Carroll requested the Pima County Fair Commission make a recommendation for future consideration by the Board regarding the appointment process.

INDUSTRIAL DEVELOPMENT AUTHORITY

15. **Ball Val Vista Project**

RESOLUTION NO. 2014 - 9, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its not to exceed $7,500,000.00 education revenue bonds (Ball Val Vista Project), Series 2014 and declaring an emergency.

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

16. **Hillcrest Academy Project**

RESOLUTION NO. 2014 - 10, of the Board of Supervisors of Pima County, Arizona, approving the proceedings of the Industrial Development Authority of the County of Pima regarding the issuance of its education facility revenue bonds (Hillcrest Academy Project), Series 2014 in an aggregate principal amount not to exceed $18,000,000.00 and declaring an emergency.

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

FLEET SERVICES

17. **Annual Vehicle Exemptions**

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2014.

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

FRANCHISE/LICENSE/PERMIT

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

Susan Marie Moger, Holiday Inn Hotel and Suites Tucson Airport North, 4550 S. Palo Verde Road, Tucson, Temporary Extension of Premises for February 6 through 14, 2014.

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

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

Scott A. Busse, Territorial, 3727 S. Palo Verde Road, Tucson, Temporary Extension of Premises for February 8, 22 and March 1, 8, 15, 22 and 29, 2014.

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

COUNTY ADMINISTRATOR

20. **Payment in Lieu of Taxes Program**

RESOLUTION NO. 2014 - 11, of the Board of Supervisors of Pima County, respectfully requesting the Congress of the United States immediately provide full funding for the Payment in Lieu of Taxes Program.

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

21. **Mobile Health Program**

Staff requests an allocation from the Board of Supervisors ' Contingency Fund in the amount of $12,500.00 for the University of Arizona Mobile Health Program.

Supervisor Miller objected to the use of the Board of Supervisors' Contingency Fund which was to be used for emergencies and was almost depleted. She added that the County should stop funding the University of Arizona.

It was moved by Supervisor Miller to deny the item. The motion died for lack of a second.

It was then moved by Supervisor Valadez, seconded by Supervisor Carroll and carried by a 4-1 vote, Supervisor Miller voted "Nay," to approve the item.

CLERK OF THE BOARD

22. **Proposed Redington Water Conservation District**

Pursuant to A.R.S. §48-2907, regarding the petition to establish the Redington Water Conservation District filed on January 27, 2014, staff requests the following:

A. Approval of the bond filed by the petitioner in the amount of $2,800.00;

B. The hearing on the petition be set for February 18, 2014; and
C. Direction be given to the Clerk to have the petition and hearing notice published and posted.

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

DEVELOPMENT SERVICES

23. **Final Plat Without Assurances**

P05FP10075, Shannon Ridge, Blocks 1 and 2. (District 1)

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

CONTRACT AND AWARD

HEALTH

24. Marana Unified School District, Amendment No. 2, to provide childhood immunization services, extend contract term to 12/4/14 and amend contractual language, no cost (CTN-HD-12-147)

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

GRANT APPLICATION/ACCEPTANCE

25. **Acceptance – Sheriff**

Arizona Department of Public Safety, to provide for enforcement of immigration, human smuggling, drug smuggling, gangs and employer sanction laws, State of Arizona Fund, $156,600.00

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

CONSENT CALENDAR

26. **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.

27. **Approval of the Consent Calendar**

It was moved by Supervisor Elías, seconded by Supervisor Carroll and unanimously carried by a 5-0 vote, to pull Consent Calendar Item No. 16 for separate discussion and vote.

PULLED FOR SEPARATE ACTION BY SUPERVISOR ELÍAS

Procurement

16. **Award/Authority**
Authority to enter into contract negotiations under Solicitation No. 104346 with the Joint Venture of Anaergia, Inc. (Headquarters: Burlington, Ontario, CAN) and Grannus Biogas, L.L.C. (Headquarters: Tucson, AZ), for the Pima County Biogas Sales and Utilization Project. The awardee will construct, own and operate a biogas cleaning and conditioning facility adjacent to the Tres Rios Water Reclamation Facility. RWRD will provide digester gas that the developer will clean and condition to natural gas pipeline quality (biomethane) and sell on the open market. The County will be paid a commission on gross sales and lease payments for the land provided for the facility. This contract will be for a period of fifteen years with an option of one five year extension. In the event contract terms cannot be negotiated with the recommended firm, request authorization to terminate negotiations with that firm and proceed to negotiations successively with the next highest ranked firms in the following order: Biofuels Energy, L.L.C. (Headquarters: Encinitas, CA), then Ameresco, Inc. (Headquarters: Framingham, MA), until the final list is exhausted. Funding Source: N/A. Administering Department: Regional Wastewater Reclamation.

Supervisor Elías stated this was a public health issue and that the County was not meeting our responsibility to the public by privatizing this project which involved hazardous materials. He also added that the sale of biogas for electricity would reap a tremendous profit.

It was moved by Supervisor Elías to deny the item. The motion died for lack of a second.

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

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PULLED FOR SEPARATE ACTION

7. Habitat for Humanity Tucson, to provide for the Emergency/ Transitional/Permanent Housing Repairs Project, CDBG Fund, contract amount $15,000.00 (CT-CD-14-264)

8. Our Family Services, to provide for the CASA for Families II Supportive Housing Program, HUD/SHP Grant Fund, contract amount $141,481.00 (CT-CD-14-268)

Without objection, these items were continued to the Board of Supervisors' Meeting of February 11, 2014.

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

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CONTRACT AND AWARD

Community Development and Neighborhood Conservation

1. Old Pueblo Community Foundation, d.b.a. Old Pueblo Community Services, Amendment No. 3, to provide for the NSP2 Consortium Funding Agreement, extend contract term to 2/28/15 and amend contractual language, no cost (CT-CD-12-343)

2. Chicanos Por La Causa, Inc., Amendment No. 3, to provide for the NSP2 Consortium Funding Agreement, extend contract term to 2/28/15 and amend contractual language, no cost (CT-CD-12-506)

3. Habitat for Humanity Tucson, to provide for the Preserve-A-Home Program, CDBG Fund, contract amount $85,000.00 (CT-CD-14-262)

4. Dunbar Coalition, Inc., Amendment No. 2, to provide for renovations to the Dunbar Community/Cultural Center and amend scope of work, no cost (CT-CD-13-611)

5. Old Pueblo Community Services, Amendment No. 1, to provide for the Street Outreach for Homeless Project, extend contract term to 9/30/14 and amend scope of work, no cost (CT-CD-13-693)

6. Chicanos Por La Causa, Amendment No. 1, to provide for the Emergency Assistance to Prevent Homelessness Project and extend contract term to 9/30/14, no cost (CT-CD-13-704)

7. Habitat for Humanity Tucson (PULLED FOR SEPARATE ACTION)

8. Our Family Services (PULLED FOR SEPARATE ACTION)

9. Pima County Community Land Trust, to provide for the Sustainable Housing Project and the rehabilitation of five homes, 2004 Bond Fund, contract amount $250,000.00 (CT-CD-14-279)

Community Services, Employment and Training

10. Portable Practical Education Preparation (PPEP), Inc., to provide One-Stop staff for the Mature Workers Program, US DOL, ADES and other workforce funds (73.2%) and General Fund (26.8%), contract amount $59,582.00 (CT-CS-14-263)

11. SER-Jobs for Progress of Southern Arizona, Inc., to provide for the Year Round Youth Services Program, US DOL and ADES WIA Grant Funds (63%) and General Fund (37%), contract amount $110,200.26 (CT-CS-14-277)

12. Portable Practical Education Preparation (PPEP), Inc., to provide for the Youth Services Program, US DOL and ADES WIA Grant Funds (17%) and General Fund (83%), contract amount $118,993.65 (CT-CS-14-281)

13. Racy Associates, Inc., to provide for federal legislative and executive branch representation services, Various Funds, contract amount $300,000.00/2 year term (CT-CA-14-287)

Finance and Risk Management

14. City of Tucson, Amendment No. 2, to provide sewer billing services and extend contract term to 7/1/14, RWRD Enterprise Fund, contract amount $1,124,972.76 (CT-WW-12-1135)

Health

15. Arizona Department of Health Services, Amendment No. 2, to provide for the Well Woman Healthcheck Program and extend contract term to 1/24/14, no cost (CTN-HD-13-89)

Procurement

16. **Award/Authority**
Solicitation No. 104346 (PULLED FOR SEPARATE ACTION)

Real Property

17. CalPortland Company, to provide a Ground Lease Agreement and Memorandum of Ground Lease Agreement for two parcels of property located in Section 17, T13S, R13E, G&SRM, contract amount $50.00 revenue/25 year term (CTN-PW-14-123)

BOARD, COMMISSION AND/OR COMMITTEE

18. Pima County/Tucson Commission on Addiction, Prevention and Treatment Appointment of Chuck Burbank, to fill the vacancy created by Mary Jo Silcox. Term expiration: 2/28/16. (Commission recommendation)

19. **Canoa Ranch Conservation Committee**
    - Appointment of David Yubeta. Term expiration: 1/31/18. (District 2)
    - Appointment of Nan Walden. Term expiration: 1/31/18. (District 3)
    - Appointment of Stanford A. Riddle. Term expiration: 1/31/18. (District 4)
    - Appointment of Dan Brocious. Term expiration: 1/31/18. (District 5)
    - Appointment of Wade McLean. Term expiration: 1/31/18. (County Administrator)

20. **Parks and Recreation Commission**
    Appointment of Kimberly Marohn, to replace/fill the unexpired term of Thomas J. Drzazgowski. Term expiration: 6/30/18. (District 1)

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

21. Lisa M. Roubal-Brown, American Heart Association and American Stroke Association, The Westin La Paloma Resort and Spa, 3800 E. Sunrise Drive, Tucson, February 15, 2014.

22. Michelle Lynn Garmon, St. Thomas the Apostle Preschool and Kindergarten, St. Thomas the Apostle Church, 5150 N. Valley View Road, Tucson, February 1, 2014.

ELECTIONS

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

    APPOINTMENTS-PRECINCT-PARTY
    Laurie A. Enriquez-032-DEM; Michael D. Sheridan-044-DEM; Annabelle V. Nunez-064-DEM; Karen E. Clifton-068-DEM; Laura L. Dore-145-DEM

FINANCE AND RISK MANAGEMENT

24. **Duplicate Warrants - For Ratification**
State of Arizona Board of Nursing $350.00; Jennifer Patton $50.00; Pamela Beltran Arce $10.00; Sidney F. Wolitzky $80.00; Fernando Sierra $56.80; Edward Joseph Sander $19.14; Security Fence of Arizona $556.85

RECORDER

25. Pursuant to Resolution No. 1993-200, ratification of the Document Storage and Retrieval Fund for the months of October, November and December, 2013.

RATIFY AND/OR APPROVE

26. Minutes: January 7, 2014
Warrants: January, 2014

* * *

28. CALL TO THE PUBLIC

Mary Murphy spoke about mine tailings, the Green Valley News, neighborhood and health issues.

Geri Ottoboni spoke regarding the claim filed against Pima County by the Chief Deputy County Administrator.

29. ADJOURNMENT

As there was no further business to come before the Board, the meeting was adjourned at 12:28 p.m.

Sharon Bronson
CHAIR

ATTEST:

Robin Brigode
CLERK