

AGENDA SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

February 8, 2011 9:00 a.m.

1. **ROLL CALL**

2. **INVOCATION**

To be offered by Reverend Steve Keplinger, Grace St. Paul's Episcopal Church.

3. **PLEDGE OF ALLEGIANCE**

4. **PAUSE 4 PAWS**

... **EXECUTIVE SESSION**

Call to the Public (for Executive Session item only)

Public discussion and action may occur on the executive session item listed below during the regularly scheduled meeting.

(Clerk's Note: See Zoning Enforcement Board of Appeals.)

BOARD OF SUPERVISORS SITTING AS OTHER BOARDS

... **FLOOD CONTROL DISTRICT BOARD**

A. **Contract**

Saddle Tree Ranch, to provide the Empirita Ranch Property Stewardship Agreement with Pima County and the **Pima County Flood Control District**, contract amount \$31,800.00 revenue/5 year term (11-59-S-143715-0211)

Motion carried to approve (5/0)

B. **Condemnation**

RESOLUTION NO. 2011 - FC 2, of the Pima County Regional Flood Control District Board, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Rillito River Park Access Project, in Section 19 of T13S, R14E, G&SRM. (District 3)

Motion carried to approve (5/0)

... **ZONING ENFORCEMENT BOARD OF APPEALS**

A. **Executive Session**

Pursuant to A.R.S. §38-431.03(A) (3) and (4), for legal advice and direction regarding the appeal of the decision of the Hearing Officer in Case Nos. P10CV00391-1, 2, 3 and 4, David J. and Lori S. Ruboyianes. The Board may also, during the course of the hearing and upon motion, enter into executive session.

B. **Appeal of Hearing Officer's Decision**

P10CV00391-1, 2, 3 and 4, David J. and Lori S. Ruboyianes

In accordance with the Pima County Zoning Code, Section 18.95.030C, David J. and Lori S. Ruboyianes, appeal the decision of the Hearing Officer in Case Nos. P10CV00391-1, 2, 3, and 4. The citations were for violations of the Zoning Code Sections 18.07.030C, 18.09.020P and 18.09.020Q, open storage of inoperable vehicles; Sections 18.25.010 and 18.25.020, junkyard not a permitted or conditional use in CR3; Section 18.25.010, auto storage not a permitted use in CR3; and Sections 18.03.020(A)(3) and 18.101.040(c)(3), excessive number of automobiles, on property located at 3414 W. Green Ridge Drive. (District 1)

Motion carried to uphold Hearing Officer's decision (4/1)

BOARD OF SUPERVISORS SITTING IN REGULAR SESSION

5. **CONSENT CALENDAR:** For consideration and approval

A. **CALL TO THE PUBLIC (for Consent Calendar items only)**

B. **APPROVAL OF CONSENT CALENDAR**

Motion carried to approve (5/0)

6. **FLEET SERVICES**

Annual Vehicle Exemptions

Pursuant to A.R.S. §38-538.03, staff requests the Board of Supervisors authorize the annual vehicle exemptions for 2011.

Motion carried to approve (5/0)

DEVELOPMENT SERVICES

7. Final Plat with Assurances

P1208-096, Swan - Skyline Plaza Condominiums, Building 1, Units 101-104 and 201-204; Building 2, Units 101-103 and 201-206; Building 3, Units 101-107; and Common Elements A and B, and Limited Common Elements. (District 1)

Motion carried to approve (5/0)

8. REGIONAL WASTEWATER RECLAMATION

Pretreatment Settlement Agreement

Staff recommends approval of the following proposed Pretreatment Settlement Agreement, RWRD Enterprise Fund.

Kalil Bottling Co., an Arizona Corporation, No. C2010-06. Proposed settlement amount is \$4,057.04.

Motion carried to approve (5/0)

***** HEARINGS *****

FRANCHISE/LICENSE/PERMIT

Liquor License

9. 11-01-9062, Amy S. Nations, Fleming's Prime Steakhouse, 6360 N. Campbell Avenue, Tucson, Series 12, Restaurant, New License.

Motion carried to approve (5/0)

UNFINISHED BUSINESS (RM 12/7/10)

DEVELOPMENT SERVICES

Conditional Use Permit

10. P21-10-014, PIMA COUNTY – S. WESTOVER AVENUE
Request of AT&T Mobility represented by FM Group, on property located at 5200 S. Westover Avenue, in the SH Zone, for a Conditional Use Permit for a communication tower. Chapter 18.97, in accordance with Section 18.07.030.H2e of the Pima County Zoning Code, allows a communication tower as a Type III Conditional Use in the SH zone. On motion, the Planning and Zoning Commission voted 7-0 (Commissioners Cook, Matter and Smith were absent) to recommend **APPROVAL SUBJECT TO**

STANDARD AND SPECIAL CONDITIONS. The Hearing Administrator recommends **APPROVAL SUBJECT TO STANDARD AND SPECIAL CONDITIONS.** (District 5)

Without objection, this item was withdrawn.

11. **CALL TO THE PUBLIC**

12. **ADJOURNMENT**

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 2/2/11

TIME POSTED: 5:00 p.m.

CONSENT CALENDAR, FEBRUARY 8, 2011

1. CONTRACTS AND AWARDS

A. Community Development & Neighborhood Conservation

1. Town of Sahuarita, Amendment No. 2, to provide for implementation of the Sahuarita Workforce Housing Program and extend contract term to 12/31/11, no cost (01-70-S-141446-0109)
2. New Beginnings for Women and Children, to provide facility improvements for the term 10/1/10 to 9/30/11, Community Block Grant Fund, contract amount \$15,000.00 (11-70-N-143722-1010)

B. County Attorney

3. Slosser, Hudgins, Struse and Freund, P.L.C., Amendment No. 2, to provide legal representation services regarding obligations of the Board of Supervisors with respect to retention or destruction of ballots from the May 16, 2006 Special Election and amend contractual language, Board of Supervisors Contingency Fund, contract amount \$25,000.00 (17-02-S-142787-0210)

C. Environmental Quality

4. Arizona Department of Environmental Quality, Amendment No. 13, to provide for the investigation and monitoring of private wells in the vicinity of Tucson International Airport and extend contract term to 6/30/12, ADEQ Fund, contract amount \$2,000.00 revenue (01-51-A-123566-1097)

D. Information Technology

5. Arizona Department of Public Safety, Amendment No. 5, to provide reciprocal co-location of radio communication systems at the AZDPS Mt. Lemmon facility per site-specific agreement and amend scope of work, no cost (01-14-A-139470-0507)
6. Arizona Department of Public Safety, Amendment No. 6, to provide reciprocal co-location of radio communication systems at the AZDPS Keystone Peak facility per site-specific agreement and amend scope of work, no cost (01-14-A-139470-0507)

E. Institutional Health

7. Health Information Network of Arizona, to provide a subscription agreement, no cost (11-65-H-143729-0211)

8. Health Information Network of Arizona, to provide a participation agreement for the sharing of health information at the Pima County Adult Detention Complex, General Fund, contract amount \$8,775.00/5 year term (11-65-H-143730-0211)

F. Procurement

Award

9. Low Bid: Award of Contract, Requisition No. 1100959, in the amount of \$520,000.00 for sewer maintenance parts to Arizona Wastewater Industries, Inc. (Headquarters: Prescott, AZ). Contract is for a one year term and includes four one year renewal periods. Funding Source: RWRD Enterprise Fund. Administering Department: Regional Wastewater Reclamation Department.

G. Real Property

10. Saddle Tree Ranch, to provide the Empirita Ranch Property Stewardship Agreement with **Pima County** and the Pima County Flood Control District, contract amount \$31,800.00 revenue/5 year term (11-59-S-143715-0211)

H. Superintendent of Schools

11. Arizona Supreme Court and Pima County Superior Court, Amendment No. 1, to provide supplemental educational services, extend contract term to 9/30/11 and amend contractual language, Federal Fund, contract amount \$125,995.70 revenue (01-38-A-142845-0410)

I. Transportation

12. City of Tucson, Amendment No. 1, to provide for the design and construction of improvements to Tanque Verde Road: Catalina Highway to Houghton Road and amend contractual language, no cost (01-04-T-142634-0110)

2. DIVISION OF ELECTIONS

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

<u>RESIGNATIONS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Rose, Juliana	090	DEM
Kinsey, Adam D.	145	DEM
Cohen, Cameron L.	220	REP

<u>APPOINTMENTS</u>	<u>PRECINCT</u>	<u>PARTY</u>
Clifton, Karen E.	068	DEM
Rabago, Vincent L.	081	DEM

Uribe, Diana J.	101	DEM
Malmberg, Marilee	142	DEM
Howard, T. Lorena	160	DEM
Brady, Caitlin E.	164	DEM
Klever, Anita M.	241	DEM
Kinsey, Adam D.	296	DEM
Vann, Glen R.	317	DEM
Crowe, David K.	364	DEM
Price, Leondra J.	391	DEM
March, Jim	053	LBT
Phelps, Mark R.	324	LBT
Nolan, Elizabeth	354	LBT
Rackauskas, Saul	388	LBT
Kryder, Patricia A.	010	REP
Kryder, Richard D.	010	REP
Nastase, Ryan C.	013	REP
Kroll, Terry L.	015	REP
McClusky, Shaun E.	053	REP
Herder, Peter D.	056	REP
DeMarino, Lawrence A.	125	REP
Bilbo, C. Spence	128	REP
Dunmire, Annika R.	129	REP
Humphries, Trent R.	162	REP
George, Tabitha M.	171	REP
Miller, Janet S.	171	REP
Preble, Mary T.	171	REP
Kershner, Michelle	179	REP
Hicks, Charles M.	182	REP
Koval, Dwayne J.	187	REP
Ekrom, Evalyn L.	191	REP
Martin, Edward J.	202	REP
Oberry, Patricia A.	206	REP
Lebrecht, Dianna N.	214	REP
Henderson, Jill	219	REP
Jenkins, Michael T.	252	REP
Jackson, Jerry C.	326	REP
Lewis, Stuart C.	328	REP
Cinotto, Jack J.	336	REP
Junggren, Priscilla J.	357	REP
Alkire, Judith A.	358	REP
Alkire, Larry D.	358	REP
Cunnington, George R.	360	REP
Leska, Scott A.	361	REP
Brethower, Dale M.	363	REP
Cary, Jean E.	388	REP
Hecksel, Harley G.	388	REP
Moyes, Dorothy C.	390	REP
Passerella, John I.	390	REP
Cashion, Victoria C.	392	REP
Junke, Robert E.	392	REP
Woolley, Patricia K.	392	REP
Farmer, William L.	393	REP
Sobeck, William	393	REP
Walbert, Kaitlin A.	394	REP
Bernier, Terry L.	395	REP

3. **BOARDS, COMMISSIONS AND/OR COMMITTEES**

A. **Animal Care Advisory Committee**

Appointment of Kerri Burns, Humane Society of Southern Arizona, to fill unexpired term of Pat Hubbard. Term expiration: 3/31/11. (Organizational recommendation)

B. **Board of Adjustment, District 3**

Reappointment of Robert Bethel. Term expiration: 10/5/14. (District 3)

4. **SUPERIOR COURT**

Judges Pro Tempore

Appointments of Susan Kettlewell (start date 2/14/11) and Geoffrey Ferlan (start date 5/2/11) as Judges Pro Tempore of Pima County Superior Court effective on their respective start dates through June 30, 2011.

5. **SPECIAL EVENT LIQUOR LICENSES APPROVED PURSUANT TO RESOLUTION NO. 2002-273**

A. Ann M. Torrez, Boys and Girls Clubs of Tucson, La Encantada, 2905 E. Skyline Drive, Tucson, April 17, 2011.

B. Kord M. Klinefelter, American Legion Riders, The Ajo Plaza at Plaza Street and Highway 85, Ajo, February 19, 2011.

6. **REAL PROPERTY**

Condemnation

RESOLUTION NO. 2011 - 25, of the Pima County Board of Supervisors, authorizing the Pima County Attorney to condemn for real property or real property interests where necessary for the Urban Loop: Roger Road to Ina Road Project, in Sections 6, 7, 8, 17 and 18 of T13S, R13E and Section 12 of T13S, R12E, G&SRM. (District 3)

7. **RATIFY AND/OR APPROVE**

Minutes: December 14, 2010

ADDENDUM SUMMARY

**Pima County Board of Supervisors' Meeting
130 W. Congress St., Hearing Room, 1st Fl.
February 8, 2011 9:00 a.m.**

1. COUNTY ADMINISTRATOR

A. Revisions to Merit System Rules and Personnel Policies

UNFINISHED BUSINESS (RM 2/1/11)

Staff requests approval of the following Personnel Policy revisions effective February 1, 2011, with the exception of Personnel Policy 8-102 to be effective May 1, 2011:

Rule 1- Definitions: Rule 1.09 adds the definition of Assignment Pay which previously was undefined but is a practice that has been used in special circumstances for the duration of the assignment. Rules 1.10 through 1.71 have been renumbered due to the creation of Rule 1.09.

Rule 11- Terminations: Rule 11.4.E deletes reference to the specific rule number of the definition of "Seniority" due to the renumbering of Rules 1.10 through 1.71.

Rule 12- Disciplinary Actions, Administrative Suspension and Special Observation: The word "Period" was added to the Header and text in order to correct the title of action. Rule 12.1.B adds the requirement that a notice of pre-action is required to be in writing. Rule 12.1.B.3 changes the spelling of workplace to the preferred version. Rule 12.1.C.13 adds computer and other related misuses as cause for discipline. Rule 12.1.C.14 adds "any other" and "and/or systems" to County property that shall not be misused. Rules 12.1.C.14 through 18 have been renumbered to Rules 12.1.C.15 through 19 due to the creation of Rule 12.1.C.13. Rule 12.2.A.1 clarifies the procedure for issuing notices of documented verbal counseling. Rule 12.2.B.1 corrects grammar usage. Rule 12.4 adds "period" to correctly describe the action and also corrects grammar usage by changing "copy" to "copies."

Rule 14- Merit System Commission Appeals: Rule 14.4.A has been amended to delete the word "disciplinary" at the request of the Merit System Commission and consistent with other related areas where the removal of "disciplinary" had already been adopted by the Board of Supervisors.

Personnel Policy 8-102- Premium Pay: Any reference to a specific Merit System Rule to define "intermittent employee" has been removed in Personnel Policies 8-102.D, E and F.2. This policy is also being amended to conform to industry standards and best practices required by the PimaCore system. The system is unable to accept our unique procedures for shift differentials without extreme customizations. The current procedures were put into place to accommodate a manual calculation for shift differential pay and clearly are not the best practice for automated processing. Therefore, Personnel Policy 8-102.G.1.a, b and c deletes "in which more than half of the scheduled hours fall" from the definition of shifts. Personnel Policy 8-102.G.2 clarifies that only non-exempt employees are eligible for shift differential pay. It also establishes that shift differential pay will be applied to each hour worked in the respective shift eligible for such premium pay. Personnel Policy 8-102.G.3 clarifies that only non-exempt employees are eligible

for shift differential pay since exempt employees are salaried and are not to be tracked or paid by the hour. It also establishes that shift differential pay will be applied to each hour worked in the respective shift eligible for such pay for classifications listed on Attachment 1. Attachment 1 is amended based on the recommendation supported by the Commission that only hourly (non-exempt) employees are eligible for shift differential. As a result any classification on Attachment 1 that is exempt is removed. Based on the recent transition of Pima Health System, one of these classifications Patient Care Services V has no incumbents. Patient Care Services IV already had no incumbents. Patient Care Services III has one incumbent remaining in Posada del Sol. In essence, this change has very minimal, if any, impact.

Personnel Policy 8-105- Annual Leave: Personnel Policy 8-105.A.1 deletes reference to specific rule number of definition of “Intermittent Employee” for ease of future numbering changes. Personnel Policy 8-105.C.1 deletes the statement “30 work days” due to the varied daily work schedules of County employees that do not equate to 30 workdays, though the time still equates to 240 hours. Personnel Policy 8-105.C.2 deletes “retirement” and adds specific policy references governing the conversion of sick leave hours to annual leave for payout purposes which include layoffs and unclassified employees whose positions are eliminated due to a transition to another non-County entity. The revision of Personnel Policy 8-105.D.1 was requested by the Finance and Risk Management Department to reflect current payroll practice for granting the use of annual leave. This practice has been in place for some time and a clear policy needs to be established for consistency in application.

Personnel Policy 8-106- Sick Leave: Personnel Policy 8-106.A.1 deletes reference to a specific rule number for the definition of “Intermittent Employee” for ease of future numbering changes. Personnel Policy 8-106.A.7 is being changed to reflect the current practice and to align it to 8-106.F.2. Personnel Policy 8-106.C.1 deletes the statement “240 work days” due to the daily work schedule variations of Pima County employees. Personnel Policy 8-106.C.2 is deleted due to the fact that it is already stated in 8-106.A.7. Based on this, the numbers 1 and 2 are removed. Personnel Policy 8-106.D.6 clarifies when an employee may convert accrued sick leave to annual leave. As written, this policy has been confusing to employees and management. This is for language clarification only and does not change the manner that has been in place for years for sick leave conversion. With the implementation of the e-TAF payroll system in Finance and Risk Management, Personnel Policy 8-106.D.6.a reflects the change for the submission of sick leave conversion requests from the department to Payroll. Personnel Policy 8-106.J establishes the conversion of sick leave to annual leave for an unclassified employee whose County position is eliminated due to a transition to a non-county entity.

Personnel Policy 8-107- Special Leaves of Absence with Pay: Personnel Policy 8-107.D.2 establishes the effective date, i.e. hired prior to the fourth Monday of March, when an employee is eligible to receive administrative leave with pay for the Cesar Chavez Remembrance Day. Personnel Policy 8-107.D.5 and E.3 deletes reference to specific rule number for the definition of “Intermittent Employee” for ease of future numbering changes.

Personnel Policy 8-115- Mediation Program: Personnel Policy 8-115.C deletes the term “the Mediation Unit” as no such unit exists and replaces it with “Human Resources.”

Personnel Policy 8-116- Payroll Deductions: At the request of the Finance and Risk Management Department, Personnel Policy 8-116.B.3 is deleted since the Payroll Division of the Finance and Risk Management Department does not assess a fee for employee organizations in order to cover the cost for employees’ payroll deductions. To set up a system to do so would be more costly to the County than dollars collected.

Personnel Policy 8-117- Pay Plan: Personnel Policy 8-117.Q.1 is numbered. Personnel Policy 8-117.Q.2 is added to establish that the effective date for compensation actions defined in 8-117.H “Promotion” and 8-117.I “Demotion,” which do require County Administrator approval, shall be the first day of a pay period. This change is necessary to accommodate the PimaCore system.

Personnel Policy 8-118- Personnel Records: Personnel Policy 8-118.D replaces the letters with the correct numbering format. Based on the consolidation of services, Personnel Policy 8-118.E adds "Form I-9 Employment Eligibility Verification Archive Files" as a personnel record maintained by Human Resources. Personnel Policy 8-118.E, F and G are subsequently re-lettered to F, G and H respectively. Former Personnel Policy 8-118.E.1.d is deleted because Form I-9 is no longer maintained in payroll files with subsequent re-lettering.

Personnel Policy 8-119- Rules of Conduct: Personnel Policy 8-119.W adds do not engage in practical jokes or other activities commonly referred to as 'Horseplay' as a new rule of conduct. Incidents of horseplay are steadily increasing leaving the County exposed and employees potentially injured. Personnel Policy 8-119.W and X are re-lettered to X and Y.

Personnel Policy 8-123- Termination: Personnel Policy 8-123.A.2.c(2) is deleted since the Payroll Division of the Finance and Risk Management Department no longer offers this option and all final checks are mailed. Personnel Policy 8-123.B.2.a corrects the omission of section d and adds section e. Personnel Policy 8-123.B.2.e establishes the conversion of sick leave to annual leave for unclassified employees if their County position is eliminated due to a transition of services by the County to a non-county entity.

Motion carried to approve (5/0)

B. Amendments to Board of Supervisors Policy

UNFINISHED BUSINESS (RM 2/1/11)

Staff requests approval of the amendments to Board of Supervisors Policy No. D 23-11, Preventing Workplace Violence.

Motion carried to approve (5/0)

NEW BUSINESS

C. Supplemental Funding for Tucson Regional Economic Opportunities, Inc.

Staff requests approval of an allocation of \$83,002.00 from the Board of Supervisors' Contingency Fund to complete funding of the Fiscal Year 2010-11 contract in the amount of \$350,000.00 with Tucson Regional Economic Opportunities, Inc.

Motion carried to approve (5/0)

2. CONTRACTS AND AWARDS

A. Procurement

1. Sun Edison Government Solutions, Amendment No. 3, to provide an amendment to the Renewable Energy Credit Purchase Agreement and a Termination of Renewable Energy Credit Purchase Agreement with

Tucson Electric Power Company which will reduce and consolidate solar facilities and locations, no cost (11-13-S-142732-0609)

Motion carried to approve (5/0)

Awards

2. Low Bid: Award of Contract, Requisition No. 1101350, in the amount of \$4,164,364.00 to the lowest responsive bidder, SunWestern Contractors, Inc. (Headquarters: Tucson, AZ) for construction of the Central Laboratory Complex Site Civil Project. Funding Source: RWRD Obligations Fund. Administering Department: Regional Wastewater Reclamation Department.

Motion carried to approve (5/0)

3. Award of Job Order Contracts for Requisition No. 1101118, to Continental Flooring Company (Headquarters: Scottsdale, AZ) and Tucson Commercial Carpet, Inc. (Headquarters: Tucson, AZ) in the amount of \$500,000.00 each for as-needed flooring services. These two firms were the highest ranked respondents in the qualifications based competition for these services. The term of the contracts is one year with the option to extend for up to four additional one year periods. Funding Source: Various Funds. Administering Department: Facilities Management.

Motion carried to approve (5/0)

B. Regional Wastewater Reclamation

4. RESOLUTION NO. 2011 - 26, approving an Intergovernmental Agreement with the City of Tucson Water Department, to provide for the Southeast Houghton Area Recharge Project, RWRD Enterprise Fund, contract amount \$4,000,000.00/50 year term (01-03-T-143751-0211)

Motion carried to approve (5/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 2/4/11

TIME POSTED: 11:00 a.m.

ADDENDUM SUMMARY

Pima County Board of Supervisors' Meeting

130 W. Congress St., Hearing Room, 1st Fl.

February 8, 2011 9:00 a.m.

1. ASSESSOR

The Arizona Department of Revenue has informed the Assessor's Office that approximately \$500,000,000.00 Full Cash Value (FCV) was incorrectly allocated into Tax Area 3009 not Tax Area 3000. If requested, the Assessor's Office will reconvey the 2011 Centrally Valued Property (C.V.P.) file to correctly allocate the FCV into Tax Area 3000. Discussion/Direction/Action.

Motion carried to approve (3/0)

POSTED: Levels A & B, 1st & 5th Floors, Pima County Administration Bldg.

DATE POSTED: 2/7/11

TIME POSTED: 2:15 p.m.