

The Pinal County Board of Supervisors convened at 9:38 A.M. this date in the Board of Supervisors Hearing Room, Administration Building A, Florence, Arizona. The meeting was called to order by Chairman Snider and followed by the Pledge of Allegiance and Invocation.

**Present:** Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Administrative Clerk, AmberLee Mudd and Clerk of the Board, Sheri Cluff.

**Purchasing Division Report - November 18, 2009**

Sharon Seekins presented the purchasing report.

**AWARDING OF BIDS & PROPOSALS:**

1. 08-21-14 – Concessions and Catering Management Services – Recommend Picnic Specialties, Inc. be awarded the contract for a term of one (1) base year (November 18, 2009 through November 17, 2011) with three (3) one year option periods.

**CONTRACT RENEWALS / MODIFICATIONS:**

1. 08-02-13 – Methodology Study and Analysis for Development Services Fees– Recommend approval of modification #1 to ROQ 08-02-13 to exercise the 1<sup>st</sup> option renewal to TischlerBise. The term of this renewal is November 11, 2009 through November 10, 2010. This modification also requires TischlerBise to calculate the maximum, supportable user fee for administering the County’s development fee program.

2. 07-02-12 – Lobbyist Services – Recommend approval of modification #2 to ROQ 07-02-12 to exercise the 2<sup>nd</sup> option renewal to Barnes & Associates. The term of this renewal is December 1, 2009 through November 30, 2010.

**Contracts signed by County Manager or Chief Financial Officer:**

The Board is notified of the following procurements under \$250,000 that were signed as authorized by Resolution 021506-CM. This resolution authorizes the Chief Financial Officer and/or the County Manager to execute and sign contracts on behalf of the County without prior Board approval:

PO #	AMOUNT	VENDOR	ITEM	DEPT.
1. N/A	N/A	OCLC	Computer Library Service	Library

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve the purchasing report as presented. Motion carried by unanimous vote.

**CONSENT ITEMS:**

Chairman Snider advised that all items indicated by an asterisk (\*) would be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objected at the time the agenda item was called.

Chairman Snider asked if there were any requests from a Board member, staff or the audience to remove a consent agenda item for discussion.

There was a request from staff for the removal of consent items:

**“AA”** (Road Construction Agreement between Pinal County, SEC Hunt Highway and Thompson, LLC, an Arizona limited liability company, and Borgata Devco, LLC, an Arizona limited liability company, defining responsibilities and establishing the cost share for roadway improvements to a portion of Hunt Highway within Pinal County Supervisorial District No. 2); **“GG”** (C-028-07/C-022-08-FP, Final Condominium Plat of Borgata Professional Plaza, 30 Units, Queen Creek Area); and **“HH”** (Highway Road Construction Agreement with Borgata Devco, LLC, Circle K Stores, Inc. M&I Marshall & Ilsley Bank and SEC Hunt Highway and Thompson LLC for construction of a portion of Hunt Highway east of the Thompson Road/Hunt Highway intersection along the northern boundary of “the Property,” meaning the property located at the southeast corner of Hunt Highway and Thompson Road, and (2) Resolution No. 111809-ROW accepting conveyance of a 75’ wide right-of-way for Hunt Highway running along the northern boundary of the Property, including footage for sight visibility at the Hunt Highway/Thompson Road intersection, as legally described in the deeds of conveyance, from Borgata Devco, LLC, Circle K Stores, Inc. and M&I Marshall & Ilsley Bank (grantors) and approving and authorizing Pinal County to enter into a Development Credit Agreement with said grantors and SEC Hunt Highway & Thompson, LLC, owners of the Property, for credit against the street development fees due on the Property).

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve consent items “A” through “FFF”, with the exception of AA, GG, and HH which were rescheduled for December 9, 2009:

\* A. Minutes of 11/4/09.

\* B. Current billings before the Board: **Housing Expense of 10/16/09:** Ck #11369-11379-\$5,008.81; Ck #1166-1168-\$523.21; Ck #1259-1262-\$3,494.44; Ck #16058-16067-\$3,052.53; **Expense of 11/05/09:** General Fund: Ck # 93158100-93158101-\$42099.72; Juvenile Prob/Intensive: Ck #93158102-\$48.23; Juvenile Prob/ Standard Prob: Ck #93158103-\$83.53; Public Works/Highway: Ck #93158104-\$4372.31; Library/ District: Ck #93158105-\$413.83; Animal Control: Ck #93158106-\$416.67; Health/Grants: Ck # 93158107-\$626.67; Air Quality/Permits: Ck #93158108-\$190.13; Fairgrounds: Ck #93158109-\$97.50; Local Transport Assist Grant: Ck #93158121-\$1130.39; Atty/Anti Racketeering-State: Ck # 93158122-\$64.77; Courts Enhancement Fund: Ck #93158123-\$97.72; Public Health District: Ck # 93158124-\$377.43; Public Fiduciary Client Accts: Ck #93158110-93158120-\$819.96; General Fund: Ck #93158125-93158174-83208.35; Sheriff/ Drug Smuggling: Ck #93158175-\$6176.21; Attorney/lv-D Child Support: Ck #93158176-\$133.08; Jp/Enhancement-Apache Junction: Ck # 93158177-\$167.50; Recorder/Storage: Ck #93158178-\$1853.19; Juvenile Prob/Intensive: Ck # 93158179-93158180-\$151.53; Public Works/Highway: Ck #93158181-93158200-\$19250.07; Public Works/Flood Management: Ck #93158201-\$319.52; Library/District: Ck # 93158202-93158206-\$8331.63; Animal Control: Ck #93158207-\$215.59; Health/Grants: Ck # 93158208-93158213-\$8401.81; Home Health: Ck #93158214-93158222-\$772.06; Long Term Care/Altcs: Ck #93158223-93158321-\$42734.75; Long Term Care/Aaa Case Mgm: Ck # 93158322-\$29.37; Air Quality/Permits: Ck #93158323-93158324-\$181.23; Sheriff/Gitem Grant: Ck # 93158325-\$2391.67; Sheriff/Traffic Safety: Ck #93158326-\$66.30; Jp/Cost Recovery: Ck #9 3158327-93158330-\$573.80; Local Transport Assist Grant: Ck #93158346-\$70.15; Public-Educ-Gov Access Supprt: Ck #93158347-\$32.78; Airport Economic Development: Ck #93158348-\$102.69; Atty/Anti Racketeering-State: Ck #93158349-93158352-\$993.84; Courts Enhancement Fund: Ck #93158353-93158354-\$142.54; Sheriff's Grants: Ck #93158355-\$16319.49; Public Health District: Ck #93158356-93158357-\$391.20; Public Fiduciary Client Accts: Ck #93158331-93158345-\$4026.43; **Expense of 11/04/09:** General Fund: Ck #93157645-\$1883118.00; Sheriff/ Drug Task Force: Ck #93157646-\$2734.08; Sheriff/Drug Smuggling: Ck #93157647-\$834.81; Sheriff/Inmate Services: Ck #93157648-\$2671.24; Attorney/Drug Prosecution: Ck #93157649-\$5454.18; Attorney/lv-D Child Support: Ck #93157650-\$42410.04; Courts/Automated Data System: Ck #93157651-\$1546.59; Courts/ Expedited Child Support: Ck #93157652-\$988.97; Recorder/Storage: Ck #93157653-\$3969.57; Adult Prob/Intensive Prob Serv: Ck #93157654-\$5622.95; Adult Prob/State Enhancement: Ck #93157655-\$37325.17; Adult Prob/Community Punishmnt: Ck #93157656-\$1403.06; Adult Prob/ Support: Ck #93157657-\$8994.65; Juvenile Prob/Intensive: Ck #93157658-\$10753.04; Juvenile Prob/Casa: Ck #93157659-\$1465.98; Juvenile Prob/Standard Prob: Ck #93157660-\$10915.27; Juvenile Prob/Supervision Fees: Ck #93157661-\$849.65; Juv Prob/Prob Officer In Schl: Ck #93157662-\$4098.84; Public Works: Ck #93157663-\$161225.68; Public Works/Flood Management: Ck #93157664-\$5403.13; Library/District: Ck # 93157665-\$10113.36; Animal Control: Ck #93157666-\$21957.39; Health/Grants: Ck #93157667-\$30754.35; Home Health: Ck

#93157668-\$88677.21;Long Term Care/Altcs: Ck #93157669-\$103481.95;Long Term Care/Aaa Case Mgm: Ck #93157670-\$7196.77;Air Quality/Permits: Ck # 93157671-\$18283.98;Air Quality/Grants: Ck #93157672-\$3214.82;Landfill/Adeq Waste Tire Grant: Ck #93157673-\$3743.33;Fairgrounds: Ck #93157674-\$4464.22;Housing/Conventional: Ck # 93157675-\$20579.67;Sheriff/Gitem Grant: Ck #93157676-\$2989.23;Sheriff/Traffic Safety: Ck # 93157677-\$7872.66;Juvenile Prob/Victims' Rights: Ck #93157678-\$1078.58;Public Wrks/Dev Roadwy Contri: Ck #93157679-\$24907.60;Crts/Domstic Relatns Ed & Med: Ck #93157680-\$1382.55;Atty/Juv Victims Rights Implem: Ck #93157681-\$954.65;Courts/Childrns Issues Ed Fund: Ck #93157682-\$896.32;Courts/Flc Child Support: Ck #93157683-\$7811.24;Juvenile Prob/Diversion-Intake: Ck #93157684-\$7260.77;Juv Prob/Diversion-Consequence: Ck # 93157685-\$2414.75; Juvenile Prob/Treatment: Ck #93157686-\$3936.13;Juv Prob/Court Improvmnt Proj: Ck #93157687 - \$1270.11;Atty-Prb/Stop Violence Agst Wmn: Ck #93157688-\$2099.67;Public Defendr-Atty/State Aid: Ck #93157689-\$2648.13;Attorney/State Aid: Ck # 93157690-\$926.50; Local Transport Assist Grant: Ck #93157691-\$1571.99;Public-Educ-Gov Access Supprt: Ck #93157692-\$1236.48;Clerk/Case Flow Management: Ck #93157693-\$1326.07;Courts/Local Crt Assist Ftg 5&: Ck #93157694-\$8467.39;Airport Economic Development: Ck #93157695-\$2496.73; Atty/Bad Check Program Oper: Ck #93157696-\$904.00;Courts Enhancement Fund: Ck #93157698-\$5052.74;Pw/Emergency Management: Ck # 93157697-\$350.00;Sheriff's Grants: Ck #93157699-\$7727.63;Public Health District: Ck # 93157700-\$67594.03;Maricopa Jp/City of Maricopa: Ck #93157701-\$2106.35;Shrf/Impound: Ck #93157702-\$1012.01; **Payroll Expense of 11/04/09:** General Fund: Ck #91672357-91672361-\$2803.39; General Fund: Ck # 91672362-\$1916.92; General Fund: Ck #91672363-\$458.89; General Fund: Ck #91672364-91672369-\$6631.81; General Fund: Ck #91672370-91672371-\$2255.54; General Fund: Ck #91672372-91672374-\$2680.46; General Fund: Ck #91672375-\$706.34; General Fund: Ck #91672376-\$1115.44; General Fund: Ck #91672377-91672393-\$20464.26; General Fund: Ck #91672394-91672431-\$44215.84; General Fund: Ck # 91672432-91672433-\$531.94; General Fund: Ck #91672434-91672438-\$8451.95; General Fund: Ck # 91672439-91672440-\$1423.27; General Fund: Ck #91672441-\$118.03; General Fund: Ck # 91672442-91672445-\$3293.07; General Fund: Ck #91672446-91672448-\$4366.99; General Fund: Ck #91672449-91672452-\$4034.92; General Fund: Ck #91672453-\$142.93; General Fund: Ck # 91672454-\$882.42; General Fund: Ck #91672455-91672463-\$8825.63; General Fund: Ck # 91672464-91672476-\$7943.12; General Fund: Ck #91672477-91672479-\$2127.15; General Fund: Ck #91672480-91672489-\$5208.89; General Fund: Ck #91672490-\$1718.77; General Fund: Ck # 91672491-91672510-\$23255.59; General Fund: Ck # 91672511-91672512-\$2680.43; General Fund: Ck #91672513-91672515-\$3864.35; General Fund: Ck # 91672516-\$1015.69; General Fund: Ck #91672517-\$999.56; General Fund: Ck #91672518-\$1146.21; General Fund: Ck # 91672519-91672520-\$816.24; General Fund: Ck #91672521-91672522-\$1700.21; General Fund: Ck #91672523-\$1412.48; General Fund: Ck #91672524-\$1129.58; General Fund: Ck #91672525-\$624.93; General Fund: Ck #91672526-\$235.98; Attorney/lv-D Child Support: Ck #91672527-\$237.20; Courts/Drug Enforcement: Ck #91672528-\$1466.06; Adult Prob/State Enhancement: Ck #91672529-\$1900.15; Adult Prob/Support: Ck #91672530-\$706.31; Juvenile Prob/Intensive: Ck # 91672531-\$522.86; Juvenile Prob/Casa: Ck #91672532-\$1014.45; Public Works/Highway: Ck # 91672533-91672575-\$43991.97; Library/District: Ck #91672576-\$1058.45; Health/Grants: Ck # 91672577-91672579-\$2455.08; Health/Grants: Ck #91672580-\$1077.37; Home Health: Ck # 91672581-91672583-\$1721.50; Home Health: Ck #91672584-91672640-\$23054.35; Home Health: Ck #91672641-\$407.40; Long Term Care/Altcs: Ck #91672642-91672643-\$3545.83; Air Quality/ Permits: Ck #91672644-\$2720.98; Fairgrounds: Ck #91672645-91672646-\$495.71; Housing/ Conventional: Ck #91672647-91672650-\$3125.40; Sheriff/Traffic Safety: Ck # 91672651-\$1128.76; Public Wrks/Dev Roadwy Contrib: Ck #91672652-\$1586.79; Local Transport Assist Grant: Ck #91672653 -\$551.85; Atty/Cjef-Prosec Pass-Through: Ck #91672654-\$247.66; Pw/ Emergency Management: Ck #91672655-\$1086.81; Cty Atty/Aata Grants: Ck # 91672656-\$2304.91; Public Health District: Ck #91672657-91672661-\$5759.55; **Expense of 11/10/09:** General Fund: Ck #93158416-93158523-\$243368.16; Sheriff/Drug Smuggling: Ck #93158524-\$895.12; Sheriff/Jail Enhancement: Ck #93158525-93158530-\$1148.36; Sheriff/Inmate Services: Ck #93158531-93158532-\$1145.45; Attorney/lv-D Child Support: Ck #93158533-93158534-\$529.25; Jp/ Enhancement-Apache Junction: Ck #93158535-\$2490.30; Recorder/Storage: Ck # 93158536-

\$2750.84;Adult Prob/Intensive Prob Serv: Ck #93158537-\$209.41;Adult Prob/ Community Punishmnt: Ck #93158538-93158540-\$3174.94;Juvenile Prob/Intensive: Ck # 93158541-\$46.00;Public Works/Highway: Ck #93158542-93158571-\$38273.03;Public Wrks/Road Tax Dist 1: Ck #93158572-\$2115.39;Public Wrks/Road Tax Dist 2: Ck #93158573-\$14282.08; Public Works/Flood Management: Ck #93158574-93158575-\$164740.30;Library/District: Ck # 93158576-93158582-\$6435.12;Animal Control: Ck #93158583-93158600-\$4812.69; Health/ Grants: Ck #93158601-93158608-\$3928.08;Home Health: Ck #93158609-93158624-\$1719.84; Long Term Care/Altcs: Ck #93158625-93158629-\$3229.06;Air Quality/Permits: Ck #93158630-93158633-\$265.75;Fairgrounds: Ck #93158634-93158639-\$1521.63;Comm Dev Block Grant (Cdbg): Ck #93158640-\$89600.06;Debt Service: Ck #93158641-\$11919.83;Sheriff/Search & Rescue: Ck #93158642-\$2632.47;Sheriff/Gitem Grant: Ck #93158643-\$4221.58;Sheriff/Traffic Safety: Ck #93158644-\$85.34;Public Wrks/Dev Roadwy Contri: Ck #93158645-93158647-\$353.41;Courts/Fic Child Support: Ck #93158648-\$34.11;Capital Projects/Miscellaneous: Ck # 93158649-93158650-\$76761.25;Juv Probation/Misc Sources: Ck #93158651-93158652-\$4729.38;Jp/Cost Recovery: Ck #93158653-93158658-\$1898.75;Local Transport Assist Grant: Ck #93158664-\$183.67;Public-Educ-Gov Access Supprt: Ck #93158665-\$64.90;Airport Economic Development: Ck #93158666-93158667-\$918.10;Atty/Anti Racketeering-State: Ck # 93158668-93158673-\$1836.24;Courts Enhancement Fund: Ck #93158675-93158680-\$991.62; Pw/Emergency Management: Ck #93158674-\$17800.72;Sheriff's Grants: Ck # 93158681-\$990.23;Public Safety Ifa1: Ck #93158682-\$1034.48;Public Health District: Ck # 93158683-93158686-\$2723.64;Env Hlth/Smoke Free Az Program: Ck #93158687-\$55.39;Public Fiduciary Client Accts: Ck #93158659-93158663-\$906.76; **Expense of 11/12/09**: General Fund: Ck #93158693-93158760-\$145779.65;Sheriff/Jail Enhancement: Ck #93158761-\$477.40; Attorney/ IV-D Child Support: Ck #93158762-\$55.08;Recorder/Storage: Ck #93158763-93158764-\$727.74;Adult Prob/Community Punishmnt: Ck #93158765-\$760.00;Public Works/Highway: Ck # 93158766-93158779-\$68598.20;Public Wrks/Road Tax Dist 1: Ck #93158780-\$127073.33;Public Wrks/Road Tax Dist 2: Ck #93158781-\$90420.04;Library/District: Ck #93158782-93158785-\$1807.33;Animal Control: Ck #93158786-93158787-\$730.70;Health/Grants: Ck #93158788-93158789-\$108.47;Home Health: Ck #93158790-\$331.48;Long Term Care/Altcs: Ck #93158791-93159092-\$924874.42;Air Quality/Permits: Ck #93159093-93159094-\$168.39;Fairgrounds: Ck # 93159095-93159096-\$653.87;Public Wrks/Dev Roadwy Contri: Ck #93159097-93159098-\$673.82;Sheriff/Rico Disbursements: Ck #93159099-\$618.08;Jp/Cost Recovery: Ck #93159100-93159105-\$2916.62;Public-Educ-Gov Access Supprt: Ck #93159129-\$69.90;Atty/Anti Racketeering-State: Ck #93159130-93159133-\$6558.96;Courts Enhancement Fund: Ck # 93159134-93159135-\$1055.66;Sheriff's Grants: Ck #93159136-\$10244.71;Tipping Fees: Ck # 93159137-\$2695.50;Public Health District: Ck #93159138-93159140-\$781.06;Public Fiduciary Client Accts: Ck #93159106-93159128-\$14413.98; **Expense of 11/17/09**: General Fund: Ck #93159176-93159351-\$735247.12;Sheriff/Drug Task Force: Ck #93159352-\$5977.36;Sheriff/Jail Enhancement: Ck #93159353-\$1317.23;Sheriff/Inmate Services: Ck #93159354-93159355-\$2853.95;Attorney/IV-D Child Support: Ck #93159356-93159360-\$2601.22;Recorder/Storage: Ck #93159361-\$2679.49;Treasurer/Taxpayer Information: Ck #93159362-\$24300.00;Adult Prob/ Community Punishmnt: Ck #93159363-93159364-\$2951.55;Juvenile Prob/Intensive: Ck #93159365-\$373.08;Juvenile Prob/Casa: Ck #93159366-\$95.40;Juvenile Prob/Family Counselng: Ck #93159367-\$2380.00;Juvenile Prob/Standard Prob: Ck #93159368-93159369-\$896.27;Juvenile Prob/Supervision Fees: Ck #93159370-\$1368.95;Public Defender/Training: Ck #93159371-93159372-\$405.00;Public Works/Highway: Ck #93159373-93159398-\$33101.45; Public Wrks/Road Tax Dist 1: Ck #93159399-\$3081.25;Public Wrks/Road Tax Dist 2: Ck #93159400-\$12279.90;Public Works/Flood Management: Ck #93159401-93159404-\$178227.88; Library/District: Ck #93159405-93159413-\$8021.26;Animal Control: Ck #93159414-93159423-\$2101.20;Health/Grants: Ck #93159424-93159437-\$5790.11;Home Health: Ck #93159438-93159452-\$8636.14;Long Term Care/Altcs: Ck #93159453-93159573-\$1136425.59;Long Term Care/Aaa Case Mgm: Ck #93159574-93159575-\$473.55;Air Quality/Permits: Ck #93159576-93159578-\$174.45;Fairgrounds: Ck #93159579-93159581-\$5231.37;Housing Dept Grants: Ck #93159582-\$1984.85;Special Dist/Desert Vista Lite: Ck #93159583-\$530.24;Adult Prob/Dtef & Inters Case: Ck #93159584-\$7650.00;Public Wrks/Dev Roadwy Contri: Ck #93159585-93159589-\$4347.50;Juvenile Prob/Diversion-Intake: Ck #93159590-\$118.68;Juv Prob/Diversion-

- Consequence: Ck #93159591-\$95.42; Juvenile Prob/Treatment: Ck #93159592-\$86.88; Capital Projects/Miscellaneous: Ck #93159593-93159595-\$7980.38; Juv Probation/Crime Reduction: Ck #93159596-\$500.00; Jp/Cost Recovery: Ck #93159597-93159602-\$1004.31; Juv Prob/Juvenile Justice Prog: Ck #93159603-\$971.28; Attorney/State Aid: Ck #93159636-93159637-\$2827.43; Local Transport Assist Grant: Ck #93159638-\$18.93; Atty/Bad Check Program Oper: Ck #93159639-\$38.78; Atty/Anti Racketeering-State: Ck #93159640-93159654-\$121792.01; Atty/Victim Compensation-Fed: Ck #93159655-\$10682.49; Courts Enhancement Fund: Ck #93159673-93159674-\$107.68; Pw/Emergency Management: Ck #93159656-\$31.20; Trans Ifa5: Ck #93159675-\$3740.00; Parks Ifa1: Ck #93159676-\$222.00; Parks Ifa5: Ck #93159677-\$103.01; Public Safety Ifa1: Ck #93159678-\$892.00; Public Safety Ifa5: Ck #93159679-\$413.99; Public Health District: Ck #93159680-93159683-\$761.01; Employee Wellness Coalition: Ck #93159684-\$11697.00; Aara Byrne Award Fund: Ck #93159685-\$217.50; Public Fiduciary Client Accts: Ck #93159604-93159635-\$10125.47; Sheriff/Bond Account: Ck #93159657-93159672-\$27947.00;
- \* C. Pinal County Board of Supervisors, sitting as the Board of Equalization for discussion/ approval/disapproval of recommendations by the Hearing Officer from Notice of Change hearings on Petitions for Review of Valuations. These hearings were held on November 12 and 13, 2009;
  - \* D. Request to direct the Pinal County Treasurer to issue a replacement check to Richard A Rothwell in the amount of \$4.79.
  - \* E. Special Event License for Every Kid Counts, Inc. charitable fund raiser at ET Motor Park, 59 W. McCormick, Queen Creek, AZ 85240 held on November 21, 2009 from 12:00 PM to 12:00 AM & November 22, 2009 from 12:00 PM to 10:00 PM.
  - \* F. Request for support of the Copper Communities Alliance and the Copper Basin Jobs Project and appointment of Supervisor Pete Rios to represent Pinal County on the Alliance.
  - \* G. Amendment No. LTC-200707.09-02 with Home Sweet Home on Florian, LLC for Assisted Living Facility services.
  - \* H. Amendment No. 2 to IGA Contract No. 01-48-P-136056-0505 with Pima County for Medical Examiner services.
  - \* I. Amendment No. LTC-200812.04-01 with Heritage Home Health Care of Arizona, Inc. for Home Health Nursing, Home Health Aide and In-Home Physical Therapy services.
  - \* J. Amendment No. LTC-200904.13-01 with Foluso Solaru for Assisted Living Facility services.
  - \* K. Amendment No. LTC-200627.03-03 with Family Care Homes for Assisted Living Facility services.
  - \* L. Amendment No. LTC-200829.08-01 with Endredy Enterprises, LLC dba: Synergy Home Care for Attendant Care, Personal Care, Homemaking, and Respite services.
  - \* M. Amendment No. LTC-200904.03-01 with Daisy Home, LLC for Assisted Living Facility services.
  - \* N. Amendment No. LTC-200904.11-01 with Community Provider of Enrichment Services (CPES) for Attendant Care, Personal Care, Homemaking, Assisted Living Facility and Behavioral Health services.
  - \* O. Contract No. LTC-200922.01 with Clinical Resource Services, Inc. for Occupational Therapy services.
  - \* P. Contract No. LTC-200916.02 with Ameri-Fab, LLC for Environmental Modification services.
  - \* Q. Contract No. HHH 200919 with American Medical Alert Corporation (AMAC) for emergency alert equipment and monitoring services.
  - \* R. Amendment No. LTC-200707.07-02 with Alott of Care for Assisted Living Facility services.
  - \* S. Amendment No. LTC-200829.04-01 with Affinity Home Health, Inc. for Attendant Care, Personal Care, Homemaking, and Respite services.
  - \* T. Amendment No. LTC-200710.01-02 with Affinity Home Health, Inc. for Home Health Nursing and Home Health Aide services.
  
  - \* U. S-033-00 (Eagle Crest Ranch V) Greg Gitcho, applicant, Todd Bowden, representative, requesting a variance to allow use of the Third Party Trust Agreement in the current Subdivision

- Regulations as a form of assurance that was not available as an option under Section 500-1 of the previous Subdivision Regulations and requesting a waiver from Section 500 (c), which requires that the subdivision improvements must be completed within two years from the date of final plat approval by the Board of Supervisors.
- \* V. S-002-03/S-027-08-FP, Final Plat of Ironwood Crossing Unit 1A - Aquatic Center, 1 Tract, Queen Creek Area.
  - \* W. Resolution No. 111809-AVOWL releasing bond number 929429543 associated with Arroyo Verde Estates, Offsite Water Line, located in Section 6, T6S, R7E, within Supervisory District 3, as described in said resolution.
  - \* X. Resolution No. 111809-AVOI-2 releasing bond number 08842743 associated with Arroyo Verde Estates, Onsite Improvements, located in Section 6, T6S, R7E, within Supervisory District 3, as described in said resolution. (Contract #RD09-049).
  - \* Y. Resolution No. 111809-AVOI releasing bond number 08842742 associated with Arroyo Verde Estates, Offsite Improvements, located in Section 6, T6S, R7E, within Supervisory District 3, as described in said resolution. (Contract #RD09-048).
  - \* Z. Resolution No. 111809-AVL releasing bond number 5033990 associated with Arroyo Verde Estates, Landscape and Irrigation, located in Section 6, T6S, R7E, within Supervisory District 3, as described in said resolution.
  - \* BB. Resolution No. 111809-JOCEMS of the Pinal County Board of Supervisors authorizing Pinal County to enter into an Intergovernmental Agreement regarding Emergency Management Services between Pinal County and J.O. Combs Unified School District No. 44, a political subdivision of the State of Arizona. Pursuant to this Agreement J.O. Combs School District No. 44 agrees to provide school properties to assist in the response to emergencies, disasters, conditions of disaster or extreme peril to the safety of persons or property within the County. (Contract #GA09-007).
  - \* CC. Amendment to the Intergovernmental Agreement between Pinal County and the Town of Kearny, Arizona dated December 10, 2008, concerning an Area Clean-up Program. (Contract #GA08-011).
  - \* DD. Change order no. 1 for Slurry Program for fiscal year 2009/2010. Increase of approximately 111,531 square yards to slurry and micro seal additional roadway segments for annual '09-'10 program. (Contract #EC09-002).
  - \* EE. Change order no. 1 for Pavement Preservation for fiscal year 2009/2010. Increase of approximately 202,844 square yards to chip and fog seal additional roadway segments for annual '09-'10 program (Contract #EC09-001).
  - \* FF. Resolution No. 111809-CGNM for support of the Casa Grande National Monument expansion, and recommend that Congresswoman Ann Kirkpatrick sponsor legislation to accomplish such a boundary expansion to preserve and protect culturally significant and sensitive sites adjacent to and nearby the existing Casa Grande Ruins National Monument.
  - \* II. Resolution No. 111809-ADT requesting the Arizona State Transportation Board reinstate the widening of Interstate 10 from SR87 to the interchange with Interstate 8 to the list of high priority projects to be considered for construction funding through the American Recovery and Reinvestment Act (ARRA) of 2009. (Contract #AD09-013)
  - \* JJ. Resolution No. 111809-LM a Resolution of the Pinal County Board of Supervisors to approve the application, and to the filing of it with the state office of the Arizona Division of Emergency Management, naming Lou Miranda, Emergency Management Director for Pinal County, the Applicant's Agent until further notice. (Contract #AD09-012)
  - \* KK. Consolidation of Pinal County Policy 6.10 Drug Free Workplace and Pinal County Policy 6.20 Drug & Alcohol Testing into a single revised Policy 6.10 Drug Free Workplace. The policy revision eliminates redundancy between the two policies.
  - \* LL. FY 2009-2010 General Fund contingency transfer in the amount of \$1,672 from General Fund Contingency (fund 10 cost center 1502) to Contractual Services (fund 10, cost center 1503) to pay for amended Town of Kearny IGA.

- \* MM. FY 2009-2010 General Fund Grant Match to allow an operating transfer in the amount of \$3,394 from General Fund Grant Match (fund 10, cost center 1515) to Housing Regional Leadership-CDBG (fund 94, cost center 33550312, subledger 8000782) for a cash match necessary to utilize all accepted grant funding.
- \* NN. Policy revision, Policy 2.50 Electronic Mail and Scheduling System the revisions add clarity to the use of email backups and the retention of backups, reduces the retention period of server backups from one year to one week, and prohibits the retention of email backups on local drives.
- \* OO. Canvass of Votes for the November 3, 2009, Special District Elections; Casa Grande Union High School, Dist. No. 82; Casa Grande Elementary School, Dist. No. 4; Toltec Elementary School, Dist. No. 22; Ray Unified School District, Dist. No. 3; Red Rock Elementary School, Dist. No. 5; Eloy Elementary School, Dist. No. 11; Superior Unified School, Dist. No. 15; Maricopa Unified School, Dist. No. 20; Coolidge Unified School Dist. No. 21; Picacho Elementary School, Dist. No. 33; Apache Junction Unified School, Dist. No. 43.
- \* PP. Fiscal year 2009-2010 budget appropriation transfer from Taxpayer Information (fund 51, cost center 2250242) to Grants/Project Reserve (fund 213, cost center 2688) in the amount of \$56,252 and budget appropriation transfer from Atty/HB 2779 Fair & Legal (fund 260, cost center 2749) to County Attorney Grants/Project Reserve (fund 213, cost center 2794) in the amount of \$100,308.
- \* QQ. Fiscal year 2009-2010 budget appropriation transfer (budget capacity only) from General Fund Contingency (fund 10, cost center 1502) and Sheriff Grants/Project Reserve (fund 213, cost center 2799) to Sheriff (fund 10, cost center 1016) and SRF/JAG Improving Radio Communication (fund 203, cost center 2830) in the amount of \$393 to allow an operating transfer from Sheriff (fund 10, cost center 1016) to SRF/JAG Improving Radio Communication (fund 203, cost center 2830).
- \* RR. Amend the FY 2009-2010 operating transfer from County Attorney Anti-Racketeering (fund 184, cost center 2456) to County Attorney (fund 10, cost center 1002) in the amount of \$25,480.
- \* SS. National Fatherhood Initiative-"Capacity Building" Proposal for \$25,000.00.
- \* TT. Memorandum of Understanding between Pinal County on behalf of Pinal County Sheriff's Office and Mammoth-San Manuel Unified School District #8, to employ a School Resource Officer in the Mammoth-San Manuel Unified School District.
- \* UU. Memorandum of Understanding between Pinal County on behalf of Pinal County Sheriff's Office and Florence Unified School District #1, to employ a School Resource Officer in the Florence Unified School District.
- \* VV. Memorandum of Understanding between Pinal County on behalf of the Pinal County Sheriff's Office and Coolidge Unified School District #21, to employ a School Resource Officer in the Coolidge Unified School District.
- \* WW. Intergovernmental Agreement regarding Arizona Vehicle Theft Task Force between the State of Arizona through its Department of Public Safety and Pinal County Sheriff's Office , A.G. Contract #: P001-2009-002523 ( DPS Contract #2009-168).
- \* XX. Task Force agreement between the United States Department of Justice, Drug Enforcement Administration and Pinal County Sheriff's Office.
- \* YY. Partial award between the Office of the Attorney General, State of Arizona and Pinal County Sheriff's Office in the amount of \$17,200.00.
- \* ZZ. Fiscal Year 2010, Financial and Operating Plan for the Cooperative Agreement between Pinal County Sheriff's Office and the U.S. Department of Agriculture, Forest Service, Tonto National Forest, FS Agreement #: 10-LE-11031200-003, FS Master Agreement #: 06-LE-11031200-005.
- \* AAA. Grant Supplemental Award #09-AZDOHS-OPSG-555313-03 in the amount of \$280,000.00 for the purchase of equipment (portable radios).
- \* BBB. Grant Award # 09-AZDOHS-OPSG-555313-02 between the Arizona Department of Homeland Security and Pinal County Sheriff's Office in the amount of \$56,600.00 for the purchase of equipment.
- \* CCC. Grant Award # 09-AZDOHS-OPSG-555313-01 between The Arizona Department of Homeland Security and Pinal County Sheriff's Office in the amount of \$369,600.00, (\$330,000.00 for overtime reimbursement and \$39,600.00 for mileage reimbursement).

- \* DDD. Grant Award # 09-AZDOHS-HSGP-555306-01 between The Arizona Department of Homeland Security and Pinal County Emergency Management in the amount of \$67,921.00 (To purchase Mobile Data Computers).
- \* EEE. GOHS Contract #: 2010-AI-011 between GOHS and Pinal County Sheriff's Office through Pinal County.
- \* FFF. 2010 Intergovernmental Agreement with Arizona Department of Revenue for Data Processing Services for Assessor's Office.

Motion carried by unanimous vote.

### **Executive Session**

#### **Executive Session for discussion and consultation for legal advice with the attorneys for the County in accordance with A.R.S. 38-431.03(A)(3) concerning the proposed 2009 Pinal County Comprehensive Plan.**

**9:44A.M.** – Motion was made by Supervisor Martyn and seconded by Supervisor Rios to recess from regular session of the Board of Supervisors and convene into Executive Session as described above. Motion carried by unanimous vote.

**Present:** Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Deputy County Attorney, Patricia Grieb; Assistant County Manager for Development Services, Ken Buchanan; Planning and Development Director, Jerrold Stabley; Administrative Clerk, AmberLee Mudd and Clerk of the Board, Sheri Cluff.

**10:08 A.M.** - Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adjourn from executive session and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

#### **Public Hearing/discussion/approval/disapproval on Case PZ-C-002-09 concerning adoption of the proposed 2009 Pinal County Comprehensive Plan as recommended on May 21, 2009, by the Planning and Zoning Commission for all properties within the unincorporated areas of the County under the jurisdiction of Pinal County with changes to the recommended plan, taking into consideration changes proposed by the Board and the Planning and Zoning Commission's recommendations on the Board's proposed changes, and concerning the replacement of the Pinal County Comprehensive Plan adopted on December 19, 2001 and amended from time to time.**

Planning Director, Jerry Stabley presented a PowerPoint on the plan which included amendments since the Board of Supervisors last met on this plan and sent it back to the Planning Commission with their revisions for the Commission to review.

He advised since the meeting and public hearing with the Board they held public hearings with the Planning Commission on October 15<sup>th</sup> and 30<sup>th</sup>. He advised the purpose for this public hearing is for the potential adoption of the plan.

Mr. Stabley advised that the Board made a number of changes to the Comprehensive Plan. As far as the text changes, while there were a large number of them that the Planning Commission concurred with, the Commission did recommend denial on some of the changes.

Mr. Stabley continued with the presentation of the Planning Commission's proposed denied changes that the Board of Supervisors had recommended.

#### **Text Change recommended by the Board but recommendation of denial by the Planning Commission:**

Mr. Stabley advised that the Planning Commission recommend denial of change #5 on the matrix entitled: Public Hearing Draft Plan (The Board of Supervisors changes to the Planning and Zoning Commission recommendations at the September 16, 2009 Board of Supervisors hearing), Text Comments:

**Change #5, Chapter 3, Page 50:**

**Land Use Plan:** The Pinal County Comprehensive Plan is graphically depicted on four maps:  
**Economic Development Plan** (3-10) - (Last Sentence):

Planning Commission recommendation: "In addition, it identifies an appropriate level of economic development in East County such as eco-tourism and environmentally-sensitive business development that encourages quality employment opportunities while preserving the unique rural character."

Board of Supervisors recommendation from 9/16/09 meeting: "In addition, it identifies an appropriate level of economic development in East County such as eco-tourism and environmentally-sensitive business development that encourages quality employment opportunities." ~~while preserving the unique rural character."~~

Mr. Stabley advised that the Board of Supervisors recommended that "while preserving the unique rural character" be deleted. The Planning Commission recommended it remain.

Supervisor Rios had no questions but stated that his preference was to retain what the Board had recommended.

Chairman Snider opened the public hearing and called for comments from the public.

Peter Ellis, Mammoth, AZ commented that with regard to change #5, there was a lot of citizen input during the planning process for this plan where the Planning Commission and the citizens understood that there were certain areas of Pinal County that they want to preserve as open space and as habitat. This was one of those areas. He said "while preserving the rural character" means preserving land use where industry and employment can work in concert with the environment because they feel it is very important to maintain the rural character.

Edward O'Brien, 26820 N. 159<sup>th</sup> Street, Scottsdale, AZ appeared in representation of the Arizona Horse Council. He said they are in support of leaving "while preserving the unique rural character."

Supervisor Rios explained that the nature of that area in respect to being 'unique rural' will always be there. He said his concern in including the verbiage as recommended by the Commission is he does not want to send the message that they want nothing to develop in that area.

Chairman Snider called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve change #5 on the matrix entitled Public Hearing Draft Plan, October 2009 Planning Commission Recommendations on the Proposed Board of Supervisors Changes, Text Comments, and to reject the Planning and Zoning Commission's recommendation of denial.

Comment on motion: Chairman Snider said he was conflicted on this because part of Pinal County's character is a rural lifestyle and in parts of the County it is something that will be a part of our character for generations to come. He said he finds there is a level of comfort in this document that at least acknowledges the level of importance of that element in the Pinal County character.

Vote: Martyn/Rios: Aye; Snider" Nay. Motion carried two to one.

**Change #19, Chapter 3, Page 131:**

Board of Supervisors recommendation from 9/16/09 meeting: “Develop and implement a river corridor management plan along the entire length of the San Pedro River in Pinal County.”  
The Planning Commission recommends the following alternative: “Consider the development and implementation of.....”

If agreed upon by the Board, it will read as “Consider the development and implementation of a river corridor management plan along the entire length of the San Pedro River in Pinal County.

Peter Ellis, Mammoth, AZ commented that the language “consider the development and implementation of... when translated means – put this off. He advised there are many partners and organizations who work along the entire length of the San Pedro Valley. He said if we want to protect one of the last remaining riparian areas in Southern Arizona we have to develop a management plan.

There were no further comments.

Chairman Snider called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to accept the Commission's revision to change #19 on the matrix entitled Public Hearing Draft Plan (October 2009 Planning Commission Recommendations on the Proposed Board of Supervisors Changes), Text Comments, and move to move to amend Policy 3.9.1.10 to read: "Consider the development and implementation of a river corridor management plan along the entire length of the San Pedro River in Final County." Motion carried by unanimous vote.

#### **Map Changes:**

Mr. Stabley advised that the Planning Commission did recommend approval of the majority of the map comments, although not all.

#### **#8**

Board of Supervisors recommendation from 9/16/09 meeting: “Retain the High Intensity Activity Center that the Planning Commission deleted at the intersection of Hwy 79 and Park Link Road.”

The Planning Commission recommended the following: denial of change #8 as recommended by the Board. The Commission recommends the Low Intensity Activity Center.

Mr. Stabley advised that covers all of the comments preceding the water element.

Map Change #8 discussion.

The Board had no questions.

There were no comments from the public. Chairman Snider called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve the Board of Supervisors recommended change #8 on the matrix entitled Public Hearing Draft Plan (October 2009 Planning Commission Recommendations on the Proposed Board of Supervisors Changes), Map Comments, and to reject the Planning and Zoning Commission's recommendation.

Comment on motion: Supervisor Martyn clarified that Supervisor Rios' motion was to approve for high intensity rather than the alternative of Low Intensity Activity Center as recommended by the Planning Commission.

Comment on motion: Supervisor Rios pointed out that in trying to be realistic, as we look at the growth moving North from Tucson, North from Catalina, and Park Link Drive, we have to be realistic – the future is bringing growth and the county needs to be in the position to plan for it.

Motion carried by unanimous vote.

**Recommendations for the Water Element – the text amendments.**

Proposed Text Change- Chapter 7, Change 26, Page 253-263.

Mr. Stabley only reviewed the chapters in which there were recommended changes.

Mr. Stabley advised the Board of Supervisors recommendation was to remove all of the text under Draft Water Resources and replace it with the text from the 2001 Comprehensive Plan entitled Pinal County Water Resources.

Mr. Stabley advised:

The Commission recommends denial of Change 26 and recommends approval of the Water Resources element of the proposed 2009 Pinal County Comprehensive Plan with the following amendments:

**Policy 7.2.2.2**

Consider requiring as a condition of its approval for new wastewater treatment facilities located within Pinal County that the applicant also be required to demonstrate and implement a program for the direct reuse by turf, industry, and agriculture and/or underground storage (either direct or indirect recharge) of reclaimed water within Pinal County. *In the event of extraordinary climatological conditions, some relief from these measures may be considered on a temporary basis.*

In policy 7.2.2.2 the Planning Commission recommends adding, at the end, the following sentence: *In the event of extraordinary climatological conditions, some relief from these measures may be considered on a temporary basis.*

Court Rich, Rose Law Group, 6613 N. Scottsdale Rd., Scottsdale, AZ said he does not know what 'extraordinary climatological conditions' really means.

Mr. Rich suggested some alternative language be used as not sure that anyone can say what 'extraordinary climatological conditions' are.

There were no further comments from the public.

Chairman Snider commented that he does not find the proposed change of unique circumstances- some relief from these measures may be considered any more persuasive than climatological. He said we have had the practice of approving wastewater treatment plants in Pinal County and have negotiated with the parties concerned – on the utility side and the side that wastewater is to be either directly recharged or it is to be diverted to in the case of an emergency into settling areas where it can be stored although there is still some amount of recharge that takes place until such time as the pumps can be restored, or whatever the nature of the emergency. He said streambed recharge, typically up to this point has been the method of dealing with an emergency, has consequences particularly to all of those in the downstream side of a wastewater treatment plant.

Chairman Snider said he finds the recommendation of the Planning Commission warranted.

Motion was made by Chairman Snider to accept the recommended change as stated by the Planning Commission in it's October 2009 recommendations for the Board.

The Board recessed at 10:48 a.m. and reconvened at 10:53 a.m.

Chairman Snider advised there was still a motion on the floor.

Motion Martyn made an alternate motion in lieu of the recommendation of the Planning Commission and the motion by Chairman Snider.

Supervisor Martyn proposed an alternate sentence: "in the event of unique circumstances some relief from these measures may be considered."

At the request of Supervisor Rios discussion was held on the difference of the two proposed motions.

Chairman Snider called for a second. No second. Motion died for lack of second.

Chairman Snider called for a second on the original motion. Motion was seconded by Supervisor Rios. Vote; Snider/Rios: Aye; Martyn: Nay. Motion carried by vote of two to one.

**Delete in their entirety objective 7.2.3 and policies 7.2.3.1, 7.2.3.2 and 7.2.3.3.**

Mr. Stabley reviewed these policies and advised that the Planning Commission after further study determined that these studies are not really needed.

There were no questions for Mr. Stabley and no comments from the public.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to delete in their entirety objective 7.2.3 and policies 7.2.3.1, 7.2.3.2 and 7.2.3.3. Motion carried by unanimous vote.

Mr. Stabley advised Objective 7.2.4 and its policies remain in place and Objective 7.2.5 and its policies remain in place.

**In Objective 7.2.6;**

Mr. Stabley advised that the Planning Commission recommended, after the first word "require" insert the following words: "a policy study for potential adoption."

Mr. Stabley advised it will read:

**Objective 7.2.6** "Require a policy study for potential adoption that developments in unincorporated areas be required to demonstrate physical availability of water as a condition of zoning approval."

There were no comments from the Board or the public.

Motion was made by Chairman Snider and seconded by Supervisor Rios to modify Objective 7.2.6 with the insertion of, after the first word "Require", the words: "a policy study for potential adoption" as recommended by the Planning and Zoning Commission.

Supervisor Martyn made a substitute motion on Objective 7.2.6 to replace the entire Objective.

Motion was made by Supervisor Martyn to adopt a responsible water use model throughout the unincorporated areas of the county that effectively balances the protection of the county's limited water resources and both current and future growth/development patterns.

Chairman Snider called for a second. There was no second.

Motion died for lack of a second.

Chairman Snider called for a vote on the original motion. Motion carried by unanimous vote.

**Policy: 7.2.6.1**

Mr. Stabley advised that the Planning Commission recommended deleting Policy 7.2.6.1 in its entirety and replace with:

“Further explore the relationship between applications for zoning or rezoning, demonstrations of physically available water supplies (i.e. groundwater supplies), the Certification of Assured Water Supplies process, the use of existing hydrological studies and/or Will-Serve-Letters from water utilities/providers in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process.”

There were no comments from the Board or the public.

Motion was made by Chairman Snider to support the recommendation of the Planning and Zoning Commission and delete 7.2.6.1 in its entirety and replace it with the above language as read into the record by Mr. Stabley.

Supervisor Martyn made a substitute motion to:

“Further establish a Board of Supervisors selected panel of water/development experts to explore the relationship between applications for zoning, rezoning or platting, demonstrations of physically available water supplies (i.e. groundwater supplies), the Certification of Assured Water Supplies process, the use of existing hydrological studies and/or Will-Serve-Letters from water utilities/providers, and the impact on development/ growth patterns. Also explore the availability of renewable water resources impacting future growth/development in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process.”

The substitute motion died for lack of second.

Motion was made by Supervisor Rios to amend the motion as recommended by the Planning Commission and as made by Chairman Snider to include the last sentence that is being proposed in the substitute motion (in italics):

“Further explore the relationship between applications for zoning or rezoning, demonstrations of physically available water supplies (i.e. groundwater supplies), the Certification of Assured Water Supplies process, the use of existing hydrological studies and/or Will-Serve-Letters from water utilities/providers in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process. *Also explore the availability of renewable water resources impacting future growth/development in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process.*”

Motion died for lack of second.

Another substitute motion was made by Supervisor Rios to amend the original motion as recommended by the Planning Commission and as made by Chairman Snider by inserting the verbiage “explore the availability of renewable water resources impacting future growth/development in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process” (in italics) after the words “utilities/providers.” It will read as:

“Further explore the relationship between applications for zoning or rezoning, demonstrations of physically available water supplies (i.e. groundwater supplies), the Certification of Assured Water Supplies process, the use of existing hydrological studies and/or Will-Serve-Letters from water utilities/providers, *explore the availability of renewable water resources impacting future*

*growth/development* in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process.”

Motion was seconded by Supervisor Martyn. Motion carried by unanimous vote.

**Discussion on the Water Element.**

Mr. Stabley recommended that the Board approve the overall water element with the changes as recommended by the Board

There were no comments from the Board or the public.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adopt the previously accepted Goals, Objectives and Policy sections for the document throughout Chapter 7 as previously approved. Motion carried by unanimous vote.

**Page 258, Policy 7.2.1.1**

Supervisor Martyn referred to Page 258, Policy 7.2.1.1 – last sentence.

“As provided under specific provisions of Title 11 of the Arizona Revised Statutes (ARS § 11-806.01.F), the Pinal County Board of Supervisors shall consider adoption of a provision (requiring a unanimous vote), that requires a new subdivision, located outside an AMA, to have an adequate water supply as defined by ARS § 45-108.1 in order for the subdivision final plat to be approved by the platting authority County.”

Chairman Snider said he is partial to the language as originally proposed vs. the proposed amendment as he feels the amendment limits the authority of the County.

Discussion continued on this point.

There were no comments from the public.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve Policy 7.2.1.1 to read as follows:

“As provided under specific provisions of Title 11 of the Arizona Revised Statutes (ARS § 11-806.01.F), the Pinal County Board of Supervisors shall consider adoption of a provision (requiring a unanimous vote), that requires a new subdivision, located outside an AMA, to have an adequate water supply as defined by ARS § 45-108.1 in order for the subdivision final plat to be approved by the County.”

Motion carried by unanimous vote.

**Page 261, Objective 7.2.5**

Supervisor Martyn referred to this objective and added the proposed addition to the last sentence:

“.....*for the purposes of undertaking a county-wide effort to analyze the available groundwater supplies* is an alternative which should be explored.....”

Supervisor Martyn explained that adding this verbiage to the last sentence is an attempt to clarify what we are asking ADWR to do by giving them more clarification on what we need them to help us with as we really need to look at our available ground water supplies.

There were no comments from the public.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adopt Objective 7.2.5 as recommended by the Planning Commission with the proposed change to the last sentence (in italics). Objective 7.2.5 reads as follows:

“There have been many studies performed over portions of Pinal County to provide only a partial understanding of the hydrology within all six basins contained within Pinal County. Having a good baseline to work from enhances the opportunities for efficient and effective management of groundwater supplies - as well as effective planning for drought - within these areas. The ADWR depends upon agency funding at the state level for its operations, and it is frequently understaffed and underfunded to meet its obligations. Therefore, an increase in dedicated funding to secure additional dedicated staffing resources at the ADWR *for the purposes of undertaking a county-wide effort to analyze the available groundwater supplies* is an alternative which should be explored.”

Motion carried by unanimous vote.

Chairman Snider advised the issue at hand now is the ominous recommendation of the Planning Commission to restore the proposed draft language as amended by the Board, then amended by the Planning Commission during their October 30<sup>th</sup> hearing.

Chairman Snider called for comments from the public.

Court Rich, Rose Law Group, 6613 N. Scottsdale Rd., Scottsdale, AZ congratulated the Board on their progress on this plan to this point but said he is confused as to what was adopted on the 7.2.6. – he was not clear on what action the Board took. Mr. Rich advised that the Objective itself included the concept that there would be a committee formed and the purpose of the committee is to only look at the idea of whether or not a water study should be performed prior to zoning. However, he said if you look at the Policy section, there was discussion about the other things that a committee may look at from a water perspective.

Perry Ellis stated that while grateful to the careful consideration being given to the water element, he urged the Board to respect the effort that has gone into the proposed water policies.

Linda Cheney, representing El Dorado Holdings, 426 N. 44<sup>th</sup> Street, Phoenix, AZ said she was a little confused about the role of the committee and how it will be formed and what their purpose will be.

There were no further comments.

Mr. Stabley clarified Objective 7.2.6 will read as follows:

“Require a policy study for potential adoption that developments in unincorporated areas be required to demonstrate physical availability of water as a condition of zoning approval.”

Mr. Stabley clarified Objective 7.2.6.1 will read as follows:

“Further explore the relationship between applications for zoning or rezoning, demonstrations of physically available water supplies (i.e. groundwater supplies), the Certification of Assured Water Supplies process, the use of existing hydrological studies and/or Will-Serve-Letters from water utilities/providers, explore the availability of renewable water resources impacting future growth/development in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process in preparation for submittal of a Comprehensive Plan Amendment for the 2011 Comprehensive Plan Amendment process.”

Supervisor Marten asked who will establish the committee for this study.

County Manager, Terry Doolittle answered that as we move further along, the Board will hold a work session to determine the make up of that committee.

Chairman Snider called for a motion.

Motion was made by Chairman Snider and seconded by Supervisor Martyn to approve the Planning and Zoning Commission's recommendation that the original draft language of the Water Element as presented to the Board by the Commission and then rejected by the Board, be restored as originally recommended by the Commission with the amendments that were made today by the Board as well as the changes that were recommended by the Planning Commission as a result of their October 30<sup>th</sup> hearing. Motion carried by unanimous vote.

Chairman Snider advised other changes - map plan amendments- as recommended by the Planning Commission needed action.

Chairman Snider called for a motion on changes 1 through 31, excluding 5 & 26.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve changes 1 through 31, excluding 5 & 26. Motion carried by unanimous vote.

Chairman Snider called for a motion on map changes 1 through 26, excluding 8, 18, 19 & 20.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve map changes 1 through 26, excluding 8, 18, 19 & 20. Motion carried by unanimous vote.

Michelle Greene, representing State Land Department, 1616 W. Adams, Phoenix, AZ appeared before the Board regarding this plan. She commented that while this plan required a lot of effort from staff, the Board and the Stakeholders involved, there is still much work to be done. She said the State Land Department still has unresolved issues and questions that they expect will be addressed in future planning efforts.

Ms. Greene discussed the Land Department's position. She said the Land Department manages a Trust on behalf of beneficiaries, the largest of which is K-12 education. She said they have a constitutional obligation to manage those lands to maximize the value for their beneficiaries.

Mike Cronin, 426 N. 44<sup>th</sup> Street, representing El Dorado Holdings, thanked the Board and staff for the hard work that went into this. He said their primary concern through the process has been the protection of the property rights that they have on their approved PAD's. He said they are still concerned that there are some land use conflicts between some of the comprehensive plan designations and some of their approved PAD's, but he said staff has said they can develop in accordance with the approved PAD's regardless of a COMP Plan designation that is in contrary to those PAD's.

John Gillespie, Kit Peak National Observatory, thanked the Board, Planning Commission and staff for having included in the plan a policy objective to protect the dark skies in Arizona. He pointed out that Arizona is one of the seats of active astronomical research and multiple observatories.

With no further comments, the public hearing was closed.

Chairman Snider called for a motion on a final resolution.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve Resolution No. 111809-CP to adopt for the unincorporated areas of Pinal County, under the jurisdiction of Pinal County, the comprehensive plan recommended by the Pinal County Planning and Zoning Commission on May 21, 2009, as changed today by this Board; to title this Comprehensive Plan "the 2009 Pinal County Comprehensive Plan" and allow it to be referred to as the 2009 County Comprehensive Plan; and to approve the replacement of the Pinal County Comprehensive Plan adopted on December 19, 2001, as amended from time to time, with this 2009 County Comprehensive Plan which may be amended in the future according to Arizona Revised Statutes and Pinal County requirements. Motion carried by unanimous vote.

The Board recessed at 12:21 p.m. and reconvened at 12:30 p.m.

### Zoning Cases- Consent Agenda

PZ-002-09: Richard O. Finley and Michael C & Diana W Finley Family Limited Partnership, landowners, Richard O. Finley, agent, requesting approval of a zone change from (GR) General Rural zone to (CI-1) Light Industry and Warehouse Zone on 20.0± acres; situated in a portion of the NW¼ of Section 35, T6S, R5E, G&SRB&M, Tax Parcel 503-56-004A (legal on file)(¼± mile south of Peters Road adjacent to the east side of Ethington Road). Planning Commission voted with Five (5) in favor and Three (3) opposed to recommend denial of PZ-002-09.

PZ-006-09: Boyle Family LLC & Tri-City Ready Mix Inc., landowners, Jeff Welker, agent requesting approval of a zone change from CR-3/PAD (Single Residence zone with a PAD Overlay District, PZ-PD-019-01) to CB-2 (General Business zone) on an 18.5± acre parcel to plan and develop the Rancho Bella Vista Commercial Center; pending and in conjunction with the Board of Supervisors Planned Area Development (PAD) Overlay District approval under Planning Case (PZ-PD-006-09); situated in a portion of the NW¼, NW¼ of Section 21, T3S, R8E, G&SRB&M, Tax Parcel 210-21-004E (legal on file) (located at the SEC of the intersection of Bella Vista Rd. and Gantzel Rd. (Alignment)) Planning Commission voted unanimously to recommend approval of PZ-006-09 with Two (2) stipulations of understanding.

PZ-PD-006-09: Boyle Family LLC & Tri-City Ready Mix Inc., landowners, Jeff Welker, agent, requesting approval of a Planned Area Development (PAD) Overlay District on an 18.5± acre parcel to plan and develop the Rancho Bella Vista Commercial Center; pending and in conjunction with the Board of Supervisors zone change approval under Planning Case (PZ-006-09); situated in a portion of the NW¼, NW¼ of Section 21, T3S, R8E, G&SRB&M, Tax Parcel 210-21-004E (legal on file) (located at the SEC of the intersection of Bella Vista Rd. and Gantzel Rd. (Alignment)) Planning Commission voted unanimously to recommend approval of PZ-PD-006-09 with Twenty-One (21) stipulations.

SUP-006-09: State of Arizona, State Land Department, landowner, Crown Atlantic, dba Crown Castle, applicant, Marken Telecom Services, agent, requesting approval of a Special Use Permit to allow the continued operation of an existing 158 foot wireless communication facility (lattice tower) that was originally approved under Case SUP-012-98, on a 1.61 acre lease area of State Land in the GR (General Rural) zone; situated in a portion of the SE ¼ Section 18, T10S, R14E, G&SRB&M, (legal on file) (located on the west side of Highway 79 just south of the State Route 77 junction). Planning Commission voted unanimously to recommend approval of SUP-006-09 with Ten (10) stipulations.

SUP-012-04: Pinal County Planning and Development Department requesting the revocation of SUP-012-04, a Special Use Permit granted to Nextel Communications, to allow the construction and operation of a 100' tall wireless communication facility on a 100' by 100' lease area within a 3.4± acre parcel in the SR (Suburban Ranch) zone per Section 2302-3 of the Pinal County Zoning Ordinance, due to non-compliance with approved stipulations; described as Hidden Valley Estates, Unit 21, Lot 3, Section 12, T6S, R2E, G&SRB&M, Tax Parcel 501-57-003 located ¼ mile east of Ralston Rd. along Barnes Rd. on the south side) Planning Commission voted unanimously to recommend the revocation of SUP-012-04.

SUP-012-07: Pinal County Planning and Development Department requesting the revocation of SUP-012-07, a Special Use Permit granted to Sprint/Nextel, to allow the construction and operation of a 125' tall wireless communication facility on a 28' by 40' foot lease area within a .2± acre parcel in the GR (General Rural) zone per Section 2302-3 of the Pinal County Zoning Ordinance, due to non-compliance with approved stipulations; situated in a portion of the SW¼, SW¼, Section 11 T6S, R2E, G&SRB&M, Tax Parcel 501-05-033E (legal on file) (located in the Northeast corner area of the intersection of Meadow Green Rd. and Warren Rd.) Planning Commission voted unanimously to recommend the revocation of SUP-012-07.

Chairman Snider announced that the above listed cases would be heard without additional input from the applicant or public unless prior to the time the case was publically heard, the applicant, a staff member or the member of the public requested that a case be considered separately. He advised that in the event that no such request for a hearing was made the Board would vote to approve the recommendation of the Commission.

Chairman Snider asked if there were any requests from the public, staff or the Board to have a zoning case pulled from the consent agenda for a public hearing.

There was a request that PZ-002-09 be continued until December 16, 2009, 9:30 a.m.

Motion was made by Chairman Snider and seconded by Supervisor Rios to continue PZ-002-09 until December 16, 2009, 9:30 a.m. Motion carried by unanimous vote.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve the following Planning Cases as recommended by the Planning Commission:

**PZ-006-09:** Boyle Family LLC & Tri-City Ready Mix Inc., landowners, Jeff Welker, agent – approved with Two (2) stipulations of understanding:

- 1) Approval of this zone change request will require, at the time of application for development, that the applicant/owner/developer submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals.
- 2) if applicant/owner/developer fails to meet any of the time periods set forth in the Schedule of Development below, the Board shall schedule a public hearing to determine compliance with the Schedule of Development or to grant an extension of time or cause the Property to revert to its former zoning classification of General Rural and rescind the zoning in accordance with A.R.S. § 11-832.

#### **Schedule of Development**

<b>Action Required</b>	<b>Date Completion Required</b>
Building permit approval for development of approved development plan	Effective Date of Zoning Case #PZ-006-09 + 5 years

**PZ-PD-006-09:** Boyle Family LLC & Tri-City Ready Mix Inc., landowners, Jeff Welker, agent- approved with Twenty-One (21) stipulations:

- 1) All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis (TIA) to mitigate impacts on all surrounding roadways to be completed at the developer's cost. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines and Procedures;
- 2) the drainage plan shall be in accordance with the current Pinal County Drainage Manual. The approved Drainage Plan shall provide retention for storm waters in an onsite retention area;
- 3) right-of-way dedication will be required along all section lines or as approved by the County Engineer prior to Site Plan approval. All right-of-way dedication shall be free and unencumbered:

- a. A minimum 75' half street right-of-way dedication will be required for Gantzel Rd. and Bella Vista Rd. along the property frontage.
  - b. Submit two copies of a Geotechnical Report to Pinal County Public Works for review.
- 4) Gantzel Rd. and Bella Vista Rd. have been identified as a "Route of Regional Significance". Applicant will be required to comply with the "Regionally Significant Routes for Safety and Mobility, Final Report, December 2008" and the "Regionally Significant Routes for Safety and Mobility, Access Management Manual, October 2008" or as approved by the County Engineer;
  - 5) half street improvements will be required for Gantzel Rd. (western boundary) and Bella Vista Rd. (northern boundary) as approved by the County Engineer. All roadway and infrastructure improvements shall be in accordance with the current Pinal County Subdivision Standards or as approved by the County Engineer;
  - 6) the developer agrees to contribute a portion of the cost to provide signals at intersections significantly impacted by the development as required by the approved traffic study. Prior to the recordation of the final plat or site plan approval, developer shall contribute toward the total cost of traffic signals at each intersection required by the approved traffic study and as approved by the County Engineer. Funds in escrow shall be posted with Pinal County to guarantee the installation of the required traffic signals;
  - 7) at least two corners of the subdivision shall be tied by course and distance to a section corner, a quarter section corner, or established city or county survey monument as designated by the Pinal County Engineer;
  - 8) any roadway sections, alignments, access locations and access movements shown in the PAD are conceptual only and have not been approved by the Pinal County Engineer;
  - 9) approval of this PAD will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
  - 10) the property is to be developed with an approved Planned Area Development (PAD) (PZ-PD-006-09), in accordance with the applicable criteria set forth in Article 33 of the Pinal County Zoning Ordinance;
  - 11) in the event any discrepancy or conflict arises between the written narrative report for the Planned Area Development overlay district and the stipulations attached to case numbers PZ-006-09 and PZ-PD-006-09, the stipulations shall govern;
  - 12) the applicant/owner/developer shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building and safety Department;
  - 13) the developer/owner will coordinate with the Pinal County Public Works Department in addressing circulation between this proposed PAD and adjacent PAD'S both current and proposed;
  - 14) all construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
  - 15) approval of this zone change/PAD request will allow the applicant/owner, during construction to provide for construction trailer(s) and associated parking;
  - 16) the applicant/owner/developer shall attend Site Plan Review meeting(s) with Planning and Development Services staff prior to applying for a zoning clearance/building permit for this Planned Area Development. Site Plan Review shall include landscaping plans;
  - 17) the property shall be developed in substantial compliance with the applicants' submittal documents including the submitted site plan and project narrative dated October 7, 2009;
  - 18) restaurants with outdoor dining space shall be located no less than 300 feet to a residentially developed property;
  - 19) prior to site plan approval the applicant owner developer shall obtain appropriate ingress/egress rights for driveway access to Bella Vista Road. The drive way shall be in a location approved by the County Engineer;
  - 20) any fugitive lighting shall be confined to the interior boundary of the submitted site plan dated July 17, 2009; and
  - 21) if applicant/owner/developer fails to meet any of the time periods set forth in the Schedule of Development below, the Board shall schedule a public hearing to determine compliance with the

Schedule of Development or to grant an extension of time or cause the Property to revert to its former zoning classification of CR-3/PAD(PZ-PD-019-01) and rescind the zoning in accordance with A.R.S. § 11-832.

**Schedule of Development**

Action Required	Date Completion Required
Building permit approval for development of approved development plan	Effective Date of Zoning Case #PZ-PD-006-09 + 5 years

**SUP-006-09:** State of Arizona, State Land Department, landowner, Crown Atlantic, dba Crown Castle, applicant, Marken Telecom Services, agent – approved with Ten (10) stipulations:

- 1) The permit is issued to Crown Atlantic, dba Crown Castle, not to the land;
- 2) the permit is issued for twenty (20) years from date of the Board of Supervisors approval;
- 3) the applicant shall maintain a lease agreement with the State Land Department for the subject site for the duration of the SUP;
- 4) the layout, design and set up of the 158 foot wireless communication facility (lattice tower) shall be as shown and set forth on the applicant’s submittal documents and site plan and this shall be an unmanned telecommunication facility;
- 5) all Federal (FCC), State, County and Local rules and regulations shall be adhered to and all applicable and required submittals, plans, approvals and permits be obtained, including but not limited to planning clearance, building permits, fencing and security lighting;
- 6) at such time as technology becomes available and the wireless communication facility is no longer needed, it shall be removed from the subject property;
- 7) the applicant agrees to abide by the **Wireless Communications & Cellular Telephone Towers** requirements of Pinal County which includes supplying an R. F. Engineer’s certification that radiation meets FCC requirements;
- 8) the applicant shall keep the lease area free of trash, litter and debris;
- 9) the applicant shall remove the existing chain link fence and replace it with an eight (8) foot tall solid block wall; and
- 10) violation of these conditions at any time may invoke revocation proceedings by the Pinal County Planning & Development Department.

**SUP-012-04:** Pinal County Planning and Development Department requesting the revocation of SUP-012-04 - revocation as recommended by the Planning Commission.

**SUP-012-07:** Pinal County Planning and Development Department requesting the revocation of SUP-012-07 - revocation as recommended by the Planning Commission.

Motion carried by unanimous vote.

**Public Hearing/discussion/approval/disapproval of SUP-005-09: Pinal County School District 44 J.O.Combs, landowner, Verizon Wireless, applicant, Pinnacle Consulting, Inc., agent, requesting approval of a Special Use Permit to construct and operate an 80 foot wireless communication facility (monopalm), on an 800 square foot (20’ x 40’) lease area of a 16± acre parcel in the (GR) General Rural zone; situated in a portion of the NW ¼ NW ¼ of Section 32, T2S, R8E, G&SRB&M, Tax Parcel 104-28-005A (legal on file) (located adjacent to Gantzel and Combs Rd and the southeast corner of Queen Creek city limits). Planning Commission voted unanimously to recommend approval of SUP-005-09 with eleven (11) Stipulations. (Continued from 9/16/09).**

Steve Abraham, Planning and Development Services, advised the applicant requested this case be withdrawn.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to accept the request for withdrawal by the applicant. Motion carried by unanimous vote.

**Public Hearing/discussion/approval/disapproval of Resolution No. 111809-GSA vacation of all of that portion of Grant Street, lying south of Block 13, as shown on the Oracle Townsite Amended Plat, (Book 2, Page 13) located within Supervisory District #1, within Section 36, T9S, R15E, in the unincorporated area of Pinal County, Arizona. (Contract #RD09-044).**

Public Works Director, Greg Stabley presented this request to the Board. Mr. Stanley advised staff did visit the site and found there is no public use for this access, no existing road, no plans to develop a road. Mr. Stanley recommended approval.

Chairman Snider opened the public hearing and called for comments from the public. There were no comments from the public. The public hearing was closed.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve Resolution No. 111809-GSA. Motion carried by unanimous vote.

**Public Hearing/discussion/approval/disapproval of Resolution No. 111809-MLH to establish, open and declare as a county highway Mount Lemmon Highway, 66 feet wide, commencing at American Avenue and proceeding southeasterly for approximately 7.5 miles and terminating at Peppersauce Canyon Campground, located within Supervisory District #1, located in Section 36, T9S, R15E, and traversing through a portion of Section 31, T9S, R 16E, and traversing through a portion of Section 4, T10S, R16E, and Section (s) 5, 6, 9, 16, 21, 22 and 28, T 10S, R 16E, within the unincorporated area of Pinal County, Arizona, and legally described in the Resolution. (Contract #RD09-045).**

Mr. Stanley appeared before the Board to present. He said the County has been maintaining this road for the Forest Service and recommended this road be established as a county highway.

Chairman Snider opened the public hearing and called for comments from the public. There were no comments from the public. The public hearing was closed.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve Resolution No. 111809-MLH. Motion carried by unanimous vote.

**Public Hearing/discussion/approval/disapproval of Resolution No. 111809-ECR-V approving the Assurance Agreement For Construction of Subdivision Improvements (Third Party Trust) as a substitute assurance for the existing bond associated with Eagle Crest Ranch V, Lots 774 through 816, 823, and 828 through 865, located in Section 32, T10S, R14E, within Supervisory District 1, as described in said resolution. (Contract #RD09-051).**

Mr. Stanley advised this is a case in which we are establishing a Third Party Trust and it is a case in which lots have been sold. Mr. Stanley reviewed the requirements of the subdivision regulations and ensured the Board these requirements have been met.

Todd Bowden, representing Eagle Crest, addressed the Board regarding the status of the subdivision.

Chairman Snider opened the public hearing and called for comments from the public.

John Acton, 28549 N. Dolomite Ln, San Tan Valley, commented that he could see no schools or educational buildings. He questioned, with so many homes planned, why there are no school locations shown on the plan.

Mr. Bowden explained that everything to this point happened before they became involved in the property. He pointed out on a map the area which had been planned for an elementary school back when Eagle Crest Ranch was originally planned. He said it is his understanding that the school board declined this site for an elementary school. He knows of no plans for a school at this point.

There were no further comments from the public. The public hearing was closed.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve Resolution No. 111809-ECR-V approving the Assurance Agreement For Construction of Subdivision Improvements (Third Party Trust) as a substitute assurance for the existing bond associated with Eagle Crest Ranch V, Lots 774 through 816, 823, and 828 through 865, located in Section 32, T10S, R14E, within Supervisory District 1, as described in said resolution. (Contract #RD09-051). Motion carried by unanimous vote.

### **Executive Session**

**12:54 P.M.** – Motion was made by Chairman Snider and seconded by Supervisor Rios to recess for Executive Session for discussion and consultation for legal advice with the attorneys for the County in accordance with A.R.S. sec. 38-431.03 (A)(3) concerning the Development Fee Studies prepared June 12, 2009, by TischlerBise relating to Capital Improvement Plans for Parks, Public Safety, and Streets and the proposed Ordinance Relating to Application and Use of Development Fees; and Providing for the Calculation and Application of Credits toward the Applicable Development Fees. Motion carried by unanimous vote.

**Present:** Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Assistant County Manager for Development Services, Ken Buchanan, Deputy County Attorney, Patricia Grieb; Special Legal Counsel, Christopher A. Schmaltz, Attorney with Gust Rosenfeld P.L.C.; Chris Cullinan, Principal TischlerBise Fiscal, Economic and Planning Consultants; Public Works Director, Greg Stanley; One Stop Shop Manager, Angie Sanchez; Administrative Clerk, AmberLee Mudd and Clerk of the Board, Sheri Cluff.

**1:14 P.M.** – Motion was made by Supervisor Rios and seconded by Supervisor Martyn to adjourn from Executive Session and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

### **Public Hearing/discussion/approval/disapproval of Development Fee Studies prepared June 12, 2009 by TischlerBise relating to Capital Improvement Plans for Parks, Public Safety, and Streets.**

In addition to Ken Buchanan, Assistant County Manager for Development Services, Christopher A. Schmaltz, Attorney with Gust Rosenfeld P.L.C., 201 E. Washington, Suite 800, Phoenix, AZ 85004-2327 and Chris Cullinan, Principal TischlerBise Fiscal, Economic and Planning Consultants, 4701 Sangamore Rd., Ste. S240, Bethesda, MD 20816 were present as they are representatives to the County on this issue in their perspective professional responsibilities.

Mr. Buchanan, reviewed the Development Impact Fees which has been reviewed through many public forums and work sessions by the Board of Supervisors.

Chairman Snider opened the public hearing and called for comments from the public.

Kip Edwards, 585 Brown Road, Mesa, AZ appeared before the Board. Mr. Edwards is the Vice-President for the Development and Construction for Banner Health. Mr. Edwards said while they support Development Impact Fees, they are concerned with the proposed fees for medical facilities. Mr. Edwards discussed his concerns and said these proposed fees will impair the much necessary development of health facilities and health care in Pinal County. Mr. Edwards was specifically concerned about the hospital rate and the medical and dental office rate.

Discussion continued between the Board and Chis Cullinan, consultant, on the method used to determine the fees and all the factors that go into a study such as this.

Ivan Hilton, Associate Partner with Ensemblo DevMan, Real Estate Service Provider and Developer in medical office buildings, 4277 N. 24<sup>th</sup> Street, Phoenix, AZ appeared before the Board to question the impact fees and what those do to the rates for medical facilities and offices.

Linda Cheney, representing El Dorado Holdings, said she has been involved in this study for some time now and still has some concern in a couple areas. Ms. Cheney requested a little more time for people to provide additional comments and questions.

Court Rich, 6613 N. Scottsdale Road, #200, Scottsdale, AZ had concerns on the fees too. Mr. Rich also requested a little more time to work with staff.

Discussion continued on the questions and concerns brought to the Board.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios, based on the input from citizens and landowners, that a study be executed to look at bed count and that the public hearing be continued until December 16, 2009, 9:30 a.m. so that the information can be presented to the Board of Supervisors at that time and a decision can be made based on that input. Motion carried by unanimous vote.

**Work Session on the proposed Development Fee Ordinance relating to application and use of Development Fees; and providing for the calculation and application of credits toward the applicable development fees, including the increase/decrease of development fees and the replacement of Development Fee Ordinance No. 101806-DF.**

Mr. Buchanan advised there will be a need for this Ordinance to be amended as a result of the Development Impact Fee Structure change.

Mr. Buchanan further reviewed the necessity for this amendment: 1) Need a more comprehensive approach for issues unique to Counties; 2) The last two years have had issues arise that were not addressed in the ordinance; 3) the need to define process and structure for definitive clarification.

Discussion continued on points raised by the PowerPoint presentation by Mr. Buchanan. The PowerPoint presentation is available in the Clerk of the Board's Office or the Office of Development Services.

**County Managers Report - Information Only.** There was no County Manager's report.

**Call to Public.** Sandie Smith, 4415 S. Primrose Drive, Gold Canyon, AZ thanked the Board for their hard work on this comprehensive plan.

**Executive Sessions:**

**2:55 P.M.** - Motion was made by Supervisor Martyn and seconded by Supervisor Rios to recess for Executive Sessions as listed below.

**Executive Session for the purpose of discussion and consultation with the County's attorneys for legal advice and in order to consider the Board's position in pending litigation in Centex Homes et al. v. Pinal County, Pinal County Superior Court Case No. CV200802028, in accordance with the provisions of A.R.S. Section §38-431.03(A)(3)(4).**

**Executive Session for the purpose of discussion and consultation with the County's attorneys for legal advice and in order to consider the Board's position in pending litigation in Arizona Court of Appeals, Division Two, Case 2 CA-SA 2009-0050, Grosvenor Holdings, L.C. et al. v. Hon. Gilberto V. Figueroa and Pinal County in accordance with the provisions of A.R.S. Section § 38-431.03(A)(3)(4). Present in both executive sessions:**

Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Assistant County Manager for Development Services, Ken Buchanan; Assistant County Manager for Administrative Services, Manny Gonzalez; Public Works Director, Greg Stabley; Deputy County Attorney, Nicole Weber; Special Counsel, Michael Sillyman; Administrative Clerk, AmberLee Mudd and Clerk of the Board, Sheri Cluff.

Motion carried by unanimous vote.

**3:14 P.M.** - Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adjourn from Executive Sessions and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

**3:14 P.M.** - Motion was made by Supervisor Martyn and seconded by Supervisor Rios to adjourn. Motion carried by unanimous vote.

The meeting stood adjourned at 3:14 p.m. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, December 9, 2009, 9:30 a.m.

PINAL COUNTY BOARD OF SUPERVISORS

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Sheri Cluff, Clerk of the Board