

Regular Session

September 21, 2016

A video recording of this meeting and presentations can be viewed at www.pinalcountyaz.gov

The Pinal County Board of Supervisors convened at 9:33 A.M. this date in the Board of Supervisors Hearing Room, 135 N. Pinal Street, Florence, Arizona. The meeting was called to order by Chairman House followed by an Invocation by Del Budke and the Pledge of Allegiance.

Present: Chairman Todd House; Vice-Chairman Anthony Smith; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Chief Civil Deputy County Attorney, Chris Keller; Clerk of the Board, Sheri Cluff and Assistant to the Clerk of the Board, Diane Gardner.

Call to the Public -

Debora Henretta, Gilbert, AZ appeared before the Board representing her brother who lives at the Arizona Training Program in Coolidge (ATPC). Ms. Henretta stated the DES is evicting the individuals living at ATPC and requested support from Pinal County to keep the Arizona Training Program.

Victoria "Padberg" Wendt, Yavapai County, guardian of her sister who lives in a group home at ATPC, appeared before the Board to ask for Pinal County's support in keeping the Arizona Training Program open.

Supervisor Rios asked that the County Manager, based upon a Resolution passed by the Board in January, to follow up on the proposed closing of ATPC. He requested having staff look into what we would be spending in private entities as opposed to the public entity and why it would make sense to close one that costs the taxpayers less. Supervisor Chase stated she was in agreement with Supervisor Rios.

Daryl McDaniel, Cactus Forest Community, addressed concerns to the Board regarding various possible code violations within the community. Mr. McDaniel stated that many of the residents have limited knowledge and are not aware of the available resources in the County. Mr. McDaniel presented to the Board, on behalf of himself and his neighbors, a list of concerns for their review.

Dave Coward, Gold Canyon, appeared before the Board regarding voter registration and voter access. Mr. Coward stated that a letter was sent to Virginia Ross from the AZ Democratic Party concerning the deadline date for voter registration. Arizona Law

recognizes the second Monday in October as a State holiday, therefore, they are asking that the voter registration deadline be October 11th due to the 12th being a holiday. Mr. Coward also stated that there are over 300 citizens in jail who have a right to vote. He asked what the process is for these citizens to vote.

County Manager's Report (Information Only).

Greg Stanley, County Manager, said when the County took out debt about a year and a half ago, we had two rating services that did the bond ratings and on September 8th, Fitch did a review of the analysis and they upgraded the County's rating from AA- to AA. Mr. Stanley thanked Leo Lew, Angie Woods, Tim Ruiz and Levi Gibson and the Board for all the work done on this. Secondly, October 6th is the Pinal County Town Hall. The Agenda includes transportation and linking transportation with economic growth.

Purchasing Division Report – September 21, 2016

The purchasing report was presented by Randon Riffey.

AWARDING OF BIDS & PROPOSALS:

1. IFB 160222 – Public Recycling Service – Recommend Right Away Disposal be awarded the contract for a term of one (1) base term (September 21, 2016 through September 20, 2018) with three (3) optional annual renewals. The estimated annual spend on this service is \$50,400.00. This contract is used Countywide.

CONTRACT RENEWALS:

1. PC-120317 – Veterinary Services – Recommend approval of modification #4 to exercise the 4th annual renewal with Altered Tails Barnhart Clinic, Animal Medical Center of Casa Grande, Ironwood Animal Hospital, Maricopa Animal Hospital, Mobile Animal Surgical Hospital, Purrfurred Pets and Small Animal Clinic. The term of the renewal is October 17, 2016 through October 16, 2017, with no option periods remaining. The County spent approximately \$45,000 on this service in the previous year of the contract. This contract is used by Animal Control and PCSO.

PUBLIC WORKS CONTRACT CHANGE ORDER:

1. Contract EC14-006 – Maricopa Casa Grande Hwy Santa Cruz Wash Crossing Improvements – Recommend approval of additional scope of work and contract time extension as stated in change order request no. 3 for NGU Contracting Inc. The change order amount is \$167,092.65.

SOLE SOURCE PROCUREMENT OVER \$100,000:

The Board is requested to approve the following purchase request per Pinal County

Procurement Code section PC1-341 governing sole source purchases over \$100,000:

<u>REQ#</u>	<u>AMOUNT</u>	<u>SUPPLIER</u>	<u>ITEM</u>	<u>DEPT.</u>
1. 104679	\$241,275.00	Bearcat Manufacturing	Bearcat 2016 CRC Tandem Chip Spreader	Fleet

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

CONSENT ITEMS A-N

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

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve consent agenda items A thru N.

- * A. Minutes of September 7, 2016.
- * B. Current billings before the Board.
- * C. Proclamation of the Board of Supervisors to proclaim the week of September 26th through October 2nd, 2016 as "Diaper Need Awareness Week".
- * D. Special Event License application of Mary L. Huebner, Oracle Piano Society, for a charitable event to be held at Oracle Center for the Arts located at 700 E. Kingston St., Oracle, Arizona 85623, on Sunday, October 30, 2016 from 3:00 P.M. to 10:00 P.M.
- * E. Authorization for the Chairman to sign a CSA letter to Governor Ducey reflecting budget priorities for the 15 counties as he develops the 2017/18 Executive budget proposal.
- * F. Direct the Pinal County Finance Department to issue a replacement check in the amount of \$32.34, Check No. 93372097, dated 8/13/15, issued to Amanda Stanford which was never cashed and is now stale-dated.
- * G. Resolution No. 092116-RD16-014, a resolution accepting from the Arizona State Land Department Right-of-Way, R/W 16-118740, for a public roadway, a portion of Henness Road located in T5S, R6E, Section 23, Supervisory District No. 3, in the unincorporated area of Pinal County. (RD16-014)

- * H. Officially close the Pinal County Employee Benefit Trust and include the following provisions: The Trust will pay out the remaining financial obligations. The remaining funds held in the Trust will be turned over to the General Fund of the County per ARS 11-952; and The County agrees to be responsible for any unknown obligations that may arise after the Trust closure.
- * I. Resolution No. 092116-ACVHS, a resolution required by the AKChin Indian Community, in order for it to consider awarding grant funds to Valley Humane Society, Inc., a nonprofit, for the purpose of conduction spay/neuter clinics for pets of low income residents of Pinal County. The amount of funds requested from the Tribe is \$5,000.
- * J. Resolution No. 092116-AKCHIN-MAR, a resolution required by the AK-Chin Indian Community, in order for it to consider awarding funds to Maricopa High School Band and Orchestra, a public school, for the purpose to improve success of students and provide greater access to the Maricopa High School Band and Orchestra Program thru expansion of the instrument inventory. The amount of the funds requested from the Tribe is \$100,000.
- * K. Transfer of items deemed unnecessary for use by the County to Auction.
- * L. Amendment to the Sub-Lease agreement entered into by and between Pinal County ("Sublessor"), and Honoring, Hiring, Helping our Heroes of Pinal County, nc., an Arizona non-profit corporation ("Sublessee") for a portion of 318 N. Florence Street, Casa Grande, Arizona.
- * M. Authorize all necessary action, including filing a complaint in Superior Court, against Terry and Cheryl Enervold for violation of the Pinal County Zoning Ordinance committed on property located at 13355 West Moon Child Avenue, Eloy, AZ 85131, tax parcel# 409-36-03803.
- * N. Intergovernmental Agreement between Pinal County School Office Education Service Agency (ESA) and the Governor's Office of Youth, Faith & Family.

Motion carried by unanimous vote.

Meeting of the Pinal County Public Health Services District Board of Directors.

10:19 A.M. – Chairman House recessed the regular session of the Board of Supervisors and convened as the Pinal County Public Health Services District Board of Directors.

10:20 A.M. – Chairman House adjourned the Public Health Services District Board of Directors Meeting and reconvened as the Pinal County Board of Supervisors.

Zoning Consent:

- A. PZ-PA-001-16: Mike Passarelli, landowner, requesting approval of a Non-Major Comprehensive Plan Amendment from Very Low Density Residential (0-1 du/ac) to Secondary Airport on 118.7± acres pending and in conjunction with Rezone request SUP-002-16 in the GR zone; situated in a portion of the N¹/₂ of Section 21, T9S, R8E G&SRB&M, tax parcels 411-32-025, 026, & 028 and located approximately one mile southeast of the City of Eloy. The Planning Commission voted unanimously to recommend approval of PZ-PA-001-16.**
- B. SUP-002-16: Mike Passarelli, landowner, requesting approval of a Special Use Permit to operate a private airstrip on a 118.7± acre parcel in the General Rural Zone; situated in a portion of the N¹/₂ of Section 21, T9S, R8E G&SRB&M, tax parcels 411-32-025, 026, & 028 and located approximately one mile southeast of the City of Eloy. The Planning Commission voted unanimously to recommend approval of SUP-002-16 with twenty-four stipulations.)**

Chairman House 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 a 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.

Public comment period was opened.

Aaron Pollak, Big Sky Farms, appeared in opposition of PZ-PA-001-16 and SUP-002-16. Mr. Pollak stated that concerns had come to light since the Planning Commission provided the recommendation to approve. Mr. Pollak said, that subsequent to the August Planning Commission Meeting, the applicant refused to agree to terms of a sidecar agreement made between himself and Mr. Passarelli. Therefore, Mr. Pollak and five other neighbors, who provided letters of objection, requested that the Board delay approval of the application.

Dedrick Denton, Community Development, advised the Board that the letters of opposition that Mr. Pollak mentioned were included in the Board's packet.

Mike Passarelli, applicant, said that since the beginning of the process he has stated that he wanted the airstrip for personal and business use. There would be minimal traffic. He would bring the airplanes in, work on them and they will go out for long term

lease with other businesses. They would not be doing commercial flights in and out of the airstrip.

The public comment period was closed and the Chairman called for a Motion.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve zoning consent item A, PZ-PA-001-16 as recommended by the Planning and Zoning Commission. Motion carried by a 4-1 vote with Supervisor Chase voting Nay.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve zoning consent item B, SUP-002-16, with twenty-four stipulations as recommended by the Planning and Zoning Commission. Motion carried by a 4-1 vote with Supervisor Chase voting Nay.

SUP-002-16: Mike Passarelli, landowner approved with twenty-four stipulations:

- 1) A Traffic Impact Analysis will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The TIA shall comply with the current Pinal County Traffic Impact Assessment Guidelines and Procedures and shall be approved prior to the Site Plan approval;
- 2) a drainage report will be required to be submitted to the County Engineer at the time of Site Plan submittal for review and approval. The drainage report shall comply with the current Pinal County Drainage Manual and shall be approved prior to the Site Plan approval;
- 3) 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 on-site retention area;
- 4) all Federal, State and County regulations shall be adhered to and all required approvals, plans, submittal documents and permits be submitted and obtained, including but not limited to, planning clearance, building, sewage disposal, right-of-way use permit, handling and disposal of waste water, air quality permit, security lighting, fire protection, landscaping, signage, etc.;
- 5) the proposed airstrip shall not be for public use. Any change to this status, as defined by the Federal Aviation Administration and the Arizona Department of Transportation, will require a new Special Use Permit;
- 6) any change or expansion of use shall require the approval of the Board of Supervisors under the procedures pursuant to Section 2.150.020 of the Development Services Code;
- 7) all construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;

- 8) the applicant shall provide dust abatement on the runway and parking areas satisfactory to the Pinal County Air Quality Control District;
- 9) the runway shall be treated with a dust abatement product such as Gorilla - Snot.
- 10) applicant/owner shall attend a site plan pre-application meeting with staff. If staff determines that a formal site plan review is required, the applicant/owner shall receive site plan approval prior to operation in accordance with Chapter 2.200 of the Pinal County Development Services Code;
- 11) all proposed outdoor lighting must conform to the applicable requirements of the Pinal County Development Services Code;
- 12) the layout, design and set up and operation of the private airstrip shall be as shown and set forth on the applicant's submittal documents and development plan;
- 13) only single engine aircraft are permitted;
- 14) the number of flights shall not exceed 50 per month;
- 15) operation of the facility shall be limited to daylight hours;
- 16) commercial flights are prohibited and commercial operations are restricted to the maintenance of single engine aircraft;
- 17) no storage of aviation fuel onsite;
- 18) no more than nine aircrafts onsite.
- 19) no signs advertising the use are permitted;
- 20) all hazardous waste shall be disposal of by a professional environmental services company such as Safety-Kleen;
- 21) applicant/owner shall submit proof of waste disposal service contract at the site plan pre-application meeting;
- 22) the applicant shall keep the property free of trash, litter and debris;
- 23) the permit is set for annual review beginning June 16, 2016; and
- 24) violation of these conditions at any time may invoke revocation proceedings by the Pinal County Community Development Services Department.

Consideration and adoption of Resolution No. 092116-MCIDA, a resolution solely for the purpose of satisfying the requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended authorizing the issuance by The Industrial Development Authority of the County of Maricopa of its revenue bonds to finance or refinance Banner Ironwood Medical Center, a hospital facility owned and operated by Banner Health located at 37000 N, Gantzel Road, San Tan Valley, Pinal County, Arizona.

Levi Gibson, Finance Director introduced Mr. Bill Wilder.

Bill Wilder, Attorney for Maricopa County Industrial Development Authority and Pinal County Industrial Development Authority advised the Board that since the Banner Ironwood Medical Center is located in Pinal County, it is required, under Section 147(f) of the IRS Code of 1986 that the Pinal County Board of Supervisors approve the issuance of the bonds.

Motion was made by Supervisor Smith and seconded by Supervisor Miller to approve Resolution 062116-MCIDA. Motion carried by unanimous vote.

Discussion/approval/disapproval of Pinal County Juvenile Court Services addendum A from the Administrative Office of the Court for the Juvenile Probation Services Fund which requires a \$120,041 FY 16/17 budget amendment. The increase of funding is to create two new positions that will support an Evidence Based Modeled approach to community supervision (Differentiated Caseload Supervision Program Plan-Pilot). The amendment transfers reserve appropriation only from Fund 213 (Grants/Project Contingency) to Fund 137 (Juvenile Prob/Treatment) to increase revenue and expenditure appropriations. This modification will have no impact on the County General Fund Budget, however will increase the services provided to the youth, families and citizens of Pinal County. (Continued from September 7, 2016)

Denise Smith, Juvenile Services Director, appeared before the Board requesting approval of two additional positions which are being fully funded by the Courts and therefore have no impact on the County Budget.

Motion was made by Supervisor Smith and seconded by Supervisor Miller to approve two new positions that will support an Evidence Based Modeled approach to community supervision. Motion carried by unanimous vote.

Discussion/approval/disapproval of the design concept for the proposed improvements associated with the Ironwood Drive Safety Project. (RD15-015)

Scott Bender, Public Works, appeared before the Board regarding proposed improvements associated with Ironwood Drive which will enhance the safety and functionality of the road which will also increase the traveling efficiency of the public. Mr Bender stated that the County had obtained the services of AECOM, and industry expert in traffic engineering to help select the improvements to make in the limited budget we have. Mr. Bender introduced Ravi Sripada of AECOM.

Ravi Sripada, Project Engineer for AECOM, appeared before the Board with a presentation regarding the Ironwood Drive Safety Project. Mr. Sripada's presentation can be viewed in the minutes section of the Board of Supervisors webpage.

Motion was made by Supervisor Miller and seconded by Supervisor Chase to approve the design concept for proposed improvements associated with Ironwood Drive Safety Project RD15-015. Motion carried by unanimous vote.

10:57 A.M. - Executive Session pursuant to A.R.S. 38-431.03(3) & (4) concerning a possible action for unjust enrichment to reclaim an improperly paid tax refund.

Present: Chairman Todd House; Vice-Chairman Anthony Smith; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; County Manager, Greg Stanley; Deputy County Attorney, Kevin Costello; Chief Deputy Treasurer, Pat Beckwith; Clerk of the Board, Sheri Cluff and Assistant to the Clerk of the Board, Diane Gardner.

11:05 A.M. – Motion was made by Supervisor Rios and seconded by Supervisor Smith to adjourn from executive session and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Discussion/approval/disapproval to authorize the County Attorney to bring an action on behalf of the Pinal County Treasurer to recover money improperly paid to Mr. Keime.

Motion was made by Supervisor Smith and seconded by Supervisor Miller to authorize the County Attorney bring action on behalf of the Pinal County Treasurer to recover money improperly paid to Mr. Keime. Motion carried by unanimous vote

Chairman House adjourned the regular meeting of the Board of Supervisors at 11:06 A.M. The next regular meeting of the Pinal County Board of Supervisors will be held on Wednesday, October 5, 2016 at 9:30 A.M.

PINAL COUNTY BOARD OF SUPERVISORS

Diane Gardner

Diane Gardner, Assistant to the Clerk of the Board