

Regular Session

October 19, 2016

A video recording of this meeting and presentations can be viewed at [www.pinalcountyz.gov](http://www.pinalcountyz.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 Michael Whitaker and the Pledge of Allegiance.

**Present:** Chairman Todd House; Vice-Chairman Anthony Smith; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; Assistant County Manager, Leo Lew; 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 -**

Adrienne Lahr, Florence, appeared in opposition of the privatization of the County jail.

Barry McCain, Arizona City, also appeared in opposition of privatizing the County jail.

Roberto Reveles, Gold Canyon, spoke regarding the upcoming election and encouraged voters to be informed and critical thinkers.

**County Manager's Report (Information Only).**

Leo Lew, Assistant County Manager, mentioned to save the date of Wednesday November 9<sup>th</sup> for Pinal County's Veterans Tribute Ceremony.

**Purchasing Division Report – October 19, 2016**

The purchasing report was presented by Randon Riffey.

**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. 149217	\$168,224.44	Cisco Capital Corporation	3 year lease of web & email security software	IT

**Cooperative Purchasing Agreement Procurements over \$250,000:**

PO/REQ#	AMOUNT	VENDOR	ITEM	DEPT.
1. 235088	Modification \$500,000.00 Revised total \$749,999.00	Senergy Petroleum LLC	Bulk Fuel	Fleet

**Cooperative Purchasing Agreement Procurements between \$100,000 and 250,000:**

PO #	AMOUNT	SUPPLIER	ITEM	DEPT.
1. N/A	\$53,433.75	Midway Chevrolet	Trade-in on purchase of 3 each 2017 Chevrolet Silverado pickups	Animal Control

**Contracts signed by County Manager or Director of Finance:**

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

PO #	AMOUNT	SUPPLIER	ITEM	DEPT.
1. 235707	\$10,000.00	Tax Management Associates, Inc.	Property Tax Audit Services	Assessor
2. 235738	\$14,000.00	iAM HCM Consulting, LLC	E1 Consulting Services	IT
3. 235823	\$13,210.00	MGT of America, Inc.	Cost allocation plan	Finance
4. 235828	\$2,250.00	Innovative Interfaces, Inc.	Server staging services	Library District

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-V**

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.

Staff requested items E, F and G be removed from the consent agenda to be brought back at a later date.

Supervisor Rios requested Item D and Supervisor Chase requested Item I be removed for discussion.

Robert Reveles, from the public, requested Item M be removed for discussion.

Motion was made by Supervisor Rios and seconded by Supervisor Chase to approve consent agenda items A thru V minus D, E, F, G, I and M.

- \* A. Minutes of October 5, 2016.
- \* B. Current billings before the Board.
- \* C. Special Event License application of Matthew J. Nelson, Arizona Trail Association, for a charitable event to be held at 3-C Ranch located at 35861 S. Mt. Lemmon Rd., Oracle, Arizona 85623 on Saturday, October 22, 2016 from 10:00 A.M. to 3:00 P.M.
- \* H. RNC-001-16, a Board initiative to commence proceedings to rename a portion of old East Price Road to East Water Way (Sections 15, 16, 17 and 18, Township 04 South, Range 10 East - legal on file) in unincorporated area Pinal County, Arizona.
- \* J. Appointment of Pinal Workforce Development Board nominee Jeanine Burke, to serve from August 29, 2016 to June 10, 2019.
- \* K. General Depository Agreement entered into by and between Pinal County Housing Department ("HA"), and Wells Fargo Bank, NA. ("Depository")
- \* L. Intergovernmental Agreement between Pinal County and Central Arizona College ("Contractor"). The Contractor shall provide employment and training services under the Workforce Innovation and Opportunity Act of 2014 (WIOA) to eligible Youth in the amount of \$1,266,620 for Program Year 2016 from July 1, 2016 through June 30, 2017.
- \* N. Victims' Rights Program Award Agreement A.G.#2017-012 between the Office of the Attorney General and Pinal County, through the Pinal County Attorney's

- Office, in the amount of \$70,800, commencing on July 1, 2016 and terminating on June 30, 2017.
- \* O. Grant agreement for the National Criminal History Improvement Federal Grant, ACJC Grant Number NCP16-17-005, between Arizona Criminal Justice Commission and Pinal County, through the Pinal County Attorney's Office, commencing on October 1, 2016 and terminating on December 31, 2017. The grant award of \$122,304 will provide funding for temporary legal support employees to update case outcomes in conjunction with the Arizona Disposition Reporting System implementation project underway in the Pinal County Attorney's Office. This requires approval of an amendment to the FY 2016-17 budget for 9 months of the grant period of October 1, 2016 through June 30, 2017. The appropriation designates an increase of \$73,382 in revenue and expenditures through the use of Fund 213 (Grants/Project Contingency) in Fund 266 (Misc Grants) and a transfer of \$7,338 from Fund 181 (Atty/CJEF-Procec Passthrough) to Fund 266 (Misc Grants). There is no impact to the General Fund.
  - \* P. Proposed settlement of property tax valuation appeal case number ST2016-000273, pending in the Arizona Tax Court, and authorization of counsel to execute all documents necessary to finalize settlement.
  - \* Q. Publication of the Proclamation for the General Election, November 8, 2016.
  - \* R. November 8, 2016 General Election Board Workers. Pursuant to A.R.S. 16-531, the Board of Supervisors must appoint election boards for each precinct.
  - \* S. Resolution No. 101916-CAE, a resolution to cancel the annual election for board members pursuant to A.R.S. 16-410(A) for the Special Taxing District: Maricopa-Stanfield Irrigation & Drainage District ("MSIDD") and requesting appointment of those persons who filed to be candidates to fill those respective positions for the respective term of office.
  - \* T. Certificate of Clearance of Uncollectible Taxes pursuant to ARS 42-19118, or the cost of pursuing the statutory lien and collection procedures or the cost of seizure and sale would equal or exceed the revenue derived according to ARS 42-18351 determine that the taxes should be abated.
  - \* U. Request by the Honorable Lyle Riggs, Maricopa Justice of the Peace, for the appointment of Robert P. Jarvis as Justice of the Peace Pro Tempore. Said appointment is made by the Presiding Judge of the Superior Court. No additional budget capacity is necessary as funds budgeted for the purpose in FY2017 are sufficient. Approval of this request will authorize Human Resources to create a new position in cost center 2600214, if no vacant position is available.
  - \* V. Request by the Honorable Stephen F. McCarville, Presiding Judge of the Superior Court, to appoint Megan K. Weagant as a Special Master to conduct initial appearances at the jail. Said appointment is made by the Presiding Judge. No additional budget capacity is necessary as funds budgeted for this purpose in FY2017 are sufficient. Approval of this request will authorize Human Resources

to create a new position, in cost center 2600214, if no vacant position is available.

Motion carried by unanimous vote.

**The following items were removed from the Consent Agenda by staff to be heard at a later date:**

- \* E. Renewal of the lease agreement between Thunderbird Fire District and Pinal County for the "Community Building" in the Thunderbird Farms area, located at 12365 N Ralston Road. The renewal period is for 5 years at the rate of \$1.00 per year.**
- \* F. Resolution No. 101916-RD16-016, a resolution accepting Maintenance Bond No. 764504S-1 as the required guarantee bond associated with Ironwood Crossing, Unit 3S, Tract K, located in Section 18, T2S, R8E, within Supervisory District 4, and releasing the current financial assurance. (RD16-016)**
- \* G. Resolution No. 101916-RD16-017, a resolution releasing Bond No. 6527772 associated with Red Rock Village II, Unit 1, including a portion of Red Rock Road from Sasco Road to Treasure Road, located in Sections 5, 8, 9, T10S, R10E, within Supervisory District 2, and accepting the streets into the Pinal County Maintenance System. (RD16-017)**

**Consent agenda items removed for discussion:**

- \* D. Resolution No. 101916-CCC, a resolution approving, authorizing, and directing the County Manager, or his designee, to establish a combined charitable campaign on behalf of Pinal County.**

Supervisor Rios mentioned that he thought Pinal County already had a Resolution regarding charitable campaigns. He mentioned that he had been donating to United Way.

Patrick Camunez, Human Resources, said that there has been a relationship between Pinal County and United Way of Pinal County. Upon review, he has not been able to determine where this relationship has been created. For transparency, we have to make a decision on how we selected this particular charity above all other charities. The first step was a Resolution authorizing the creation to do such a campaign. The next step would then be an RFP soliciting various charities to apply.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to approve Resolution No. 101916-CCC. Motion carried by unanimous vote.

- I. Special Event Permit SEP-014-16: Jim Morrison, The Errl Camp, applicant, to allow the “Errl Camp” Expo and overnight camp related to Medical Marijuana nonmedicated products, services, and/or other vendors that are not related to MMJ (Medical Marijuana). No medicine will be sold at the event, there will be medicine present based on the AMMA (Arizona Medical Marijuana Act) patients may bring and have the right to smoke in this private property. Pinal County Sheriff’s Department has declined to support this event. Applicant has hired private security. The applicant has met all the requirements from the Special Event Committee, Community Development is asking the Board of Supervisors for approval.**

Emma Gonzalez, Community Development, appeared and provided a description of the event. This event is to be held at the Domes in Casa Grande and is a thank you to all of the people that are involved in medical marijuana. PCSO and Emergency Management have declined involvement in the event, therefore, the applicant has hired private security.

Jim Morrison, Applicant, Phoenix, stated that he has held several of these events in the Phoenix area. All events are done legally. It is a patient appreciation event. There will be vendors, dispensaries and patients there for a camping event. No medication will be sold there. No one without a Medical Marijuana Card will be allowed into the event. Mr. Morrison’s presentation can be viewed in the minutes section of the Board of Supervisors’ webpage

Supervisor Chase stated that she had not received any correspondence in favor of the event but substantial correspondence in opposition. Supervisor Chase read a statement into the record regarding Medical Marijuana.

Supervisor Smith said when he thinks of the concept of medical marijuana and how it was sold to the voters, it is not a carnival type format. It was a serious medical facility where a potential patient, with consultation from a medical doctor, could have prescribed medicine that may help them. He said he continues to support dispensaries, because he is interested in limiting the amount of medical marijuana that can be grown at home, he finds a greater strategy is to focus on dispensaries.

Due to questions asked of legal counsel, Chris Keller, Chief Civil Deputy County Attorney, stated that legal advice would be better addressed in Executive Session.

Motion was made by Supervisor Miller and seconded by Supervisor Chase to convene into Executive Session. Motion carried by unanimous vote.

**10:23 A.M. - Executive Session pursuant to A.R.S. 38-431.03(A)(3) for purposes of obtaining legal advice from the County's Attorney(s) pertaining to Special Event Permit SEP-014-16, Jim Morrison, Applicant, The Erri Camp.**

**Present:** Chairman Todd House; Vice-Chairman Anthony Smith; Supervisor Pete Rios; Supervisor Cheryl Chase; Supervisor Stephen Q. Miller; Assistant County Manager, Leo Lew; Chief Civil Deputy County Attorney, Chris Keller; Deputy County Attorney, Mark Langlitz; Director of Community Services, Himanshu Patel; Clerk of the Board, Sheri Cluff and Assistant to the Clerk of the Board, Diane Gardner.

**10:35 A.M.** – Motion was made by Supervisor Smith and seconded by Supervisor Miller to adjourn from executive session and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Vince Leach, SaddleBrooke, appeared in opposition of the Erri Camp.

Jay (inaudible) (partner of Jim Morrison). Spoke regarding "Lift" would be available for hire to provide rides home. He also stated that no children would be allowed in the event.

Motion was made by Supervisor Smith and seconded by Supervisor Chase to deny Special Event Permit SEP-014-16. Motion carried by unanimous vote.

Supervisor Rios explained that his vote against SEP-014-16 was strictly due to his concern for public safety.

**\* M. Purchase of duty weapon; Glock 22 .40 caliber pistol, serial number RYE-736 to be sold according to State Statute. ARS 38-1115 A&B provides in part "an eligible retirement officer, subject to the officer's employer's approval, may purchase the firearms issued by the employer to the officer at a price determined by the administrator of the agency employing the law enforcement officer" to retired Sergeant Travis Cote.**

Robert Reveles, Gold Canyon, requested that this item be removed for discussion. He asked what the Sheriff's Office determined the price to be for the sale of the Glock 22.

Chris Keller, Chief Civil Deputy County Attorney, stated that the price is at the Sheriff's office discretion based on age of item, usage, whether they are discontinuing utilization this type of weapon, etc.

Mr. Reveles stated that the taxpayers should receive fair market value for a public asset.

Motion was made by Supervisor Miller and seconded by Supervisor Chase to approve the purchase of duty weapon by retired Sergeant Travis Cote. Motion carried by unanimous vote.

**Meeting of the Pinal County Flood Control District Board of Directors.**

**11:00 A.M.** – Chairman House recessed the regular session of the Board of Supervisors and convened as the Pinal County Flood Control District Board of Directors.

**11:03 A.M.** – Chairman House adjourned the Pinal County Flood Control District Board District Board of Directors Meeting and convened as the 7 Ranches Domestic Water Improvement District Board of Directors.

**Meeting of the 7 Ranches Domestic Water Improvement District Board of Directors.**

**11:04 A.M.** – Chairman House adjourned the 7 Ranches Domestic Water Improvement District Board of Directors Meeting and reconvened as the Pinal County Board of Supervisors.

**Zoning Consent:**

**SUP-003-16: Century Link, landowner, Michael Baker International, Inc., agent, requesting approval of a Special Use Permit to operate a 80' tall monopole wireless communication facility on a 0.35± acre parcel in the General Rural Zone; situated in a portion of the SW¼ of Section 16, T6S, R16E G&SRB&M, tax parcels 300-26-089B (legal on file) (located approximately five miles southeast of the Town of Winkelman adjacent to the west side of State Route 77). The Planning and Zoning Commission voted unanimously to recommend approval.**

Enrique Bojorquez, Community Development, presented on behalf of staff. Mr. Bojorquez's presentation can be viewed in the minutes section of the Board of Supervisors' webpage.

Supervisor Rios asked for clarification as to whether or not Pinal County loses control of the pole and FCC takes over because of the judgment that was issued with respect to cell towers and monopoles.

Steve Abraham, Community Development, stated that at the Planning and Zoning Commission meeting, the applicant made it clear that they were interested in adding two stipulations that would marry the proposal to the pole that is being proposed. This is the only type of facility that the applicant will allow and the engineering of the facility would not permit the expanded dishes that would be covered under the FCC provisions.

Chairman House opened the public hearing and called for comments.

Kurt Schmidt, Interim Chief Operating Officer for San Carlos Apache Tribal Gaming Enterprise, introduced himself to the Board and stated that he was available to answer any questions they might have of him.

Chairman House closed the public hearing and called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Chase to approve zoning consent item SUP-003-16 with 12 stipulations as recommended by Planning and Zoning Commission:

**SUP-003-16 – Stipulations**

- 1) The permit is issued to CenturyLink, not to the land;
- 2) the permit is issued for ten (10) years from date of the Board of Supervisors approval;
- 3) the layout, design and set up of the 80 foot monopole wireless communication facility shall be as shown and set forth on the applicant's submittal documents and site plan and shall be an unmanned telecommunication facility;
- 4) any changes, modifications, alterations and/or additions to the 80 foot monopole and/or the antenna dish as shown and set forth on the applicant's submittal documents and site plan will require a new special use permit;
- 5) the 80 foot tall monopole and antenna arrays shall conform and be limited to the engineering standards set forth on the applicant's submittal documents;
- 6) submit a R.F. Engineer's certification that radiation meets FCC requirements;

- 7) all proposed outdoor lighting must conform to the applicable requirements of the Pinal County Development Services Code;
- 8) the applicant shall keep the area free of trash, litter and debris;
- 9) at such time as technology becomes available and the wireless communication facility is no longer needed, it shall be removed from the subject property;
- 10) 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; and
- 11) violation of these conditions at any time may invoke revocation proceedings by Pinal County Planning & Development Services Department.
- 12) 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;

Motion carried by unanimous vote.

**Public Hearing and discussion/approval/disapproval of Franchise Agreement with Comcast of Arizona, LLC to occupy and use the streets within the Service Area in order to construct, operate, maintain, upgrade, repair and remove the Cable System to provide service through the system. (GA16-009)**

Megan Villegas, Public Works, appeared before the Board and stated that staff is recommending approval of the Franchise Agreement with Comcast of Arizona, LLC.

Chairman House opened the public hearing and called for comments. There was no one who wished to address the Board.

Chairman House closed the public hearing and called for a motion.

Motion was made by Supervisor Smith and seconded by Supervisor Chase to approve Franchise Agreement with Comcast of Arizona, LLC. Motion carried by unanimous vote.

**Public Hearing and discussion/approval/disapproval on the following requested major amendments to the 2009 Pinal County Comprehensive Plan. Although this is one public hearing covering all the following requests, the Supervisors may**

**ask the public to speak on each major amendment request separately and may discuss and vote on each request separately.**

**A. PZ-PA-003-16: A request by Snell & Wilmer, agent, to amend the 2009 Pinal County Comprehensive Plan by changing the land use designation from Very Low Density Residential (0-1 du/ac), Moderate Low Density Residential (1-3.5 du/ac), and High Intensity Activity Center to Employment and Secondary Airport on approximately 937± acres, situated in a portion of Sections 17, 20 & 21 T07S, R05E located on the east side of Montgomery Road between Hanna Road and the Tohono O'Odham Nation. The Planning Commission voted unanimously (7-0) to recommend approval of PZ-PA-003-16 with no stipulations.**

Steve Abraham, Community Development, stated that PZ-PA-003-16 is a change to the Comp Plan designation from Very Low Density Residential, Moderate Low Density Residential, and High Intensity Activity Center to Employment and Secondary Airport. Mr. Abraham's presentation can be viewed in the minutes section of the Board of Supervisors' webpage.

Nick Wood, Snell and Wilmer, representing the applicant, appeared before the Board. Mr. Wood's presentation can be viewed in the minutes section of the Board of Supervisors' webpage.

Chairman House opened the public hearing and called for comments. There was no one who wished to address the Board. Chairman House closed the public hearing and called for a motion.

Motion was made by Supervisor Smith and seconded by Supervisor Miller to approve PZ-PA-003-16: as recommended by the Planning Commission with no stipulations. Motion carried by unanimous vote.

**B. PZ-PA-004-16: A request by Boulevard Associates, LLC., agent, to amend the 2009 Pinal County Comprehensive Plan by changing the land use designation from Moderate Low Density Residential (1-3.5 du/ac) to General Public Facilities/Services) on approximately 257± acres, situated in a portions of Sections 29 & 30, T06S, R08E located adjacent to the south side of State Route Highway 287 approximately 1 mile east of Eleven Mile Corner Road. The Planning Commission voted unanimously (7-0) to recommend denial of PZ-PA-004-16.**

Steve Abraham, Community Development, stated that PZ-PA-004-16 is a change to the Comp Plan designation from moderate low density residential to General Public Facilities/Services. Mr. Abraham's presentation can be viewed in the minutes section of the Board of Supervisors' webpage.

Mark Kornhaus, Executive Director Development Group, NextEra Energy, appeared before the Board and introduced his company and stated they represent the applicant, Boulevard Associates, which is a subsidiary of NextEra Energy.

Grant Rosenbloom introduced himself to the Board and said his role at NextEra is solar development within Arizona, Nevada and California.

Devin Petry, Environmental Planning Group, appeared before Board and advised that the Environmental Planning Group is assisting NextEra with the permitting for the project.

Mr. Kornhaus, Mr. Rosenbloom and Mr. Petry's can be viewed in the minutes section of the Board of Supervisors' webpage.

Chairman House opened the public hearing and called for comments.

Kimberly Bartlett, Casa Grande, Tom Bagnall, Casa Grande, Gilberto Figueroa, representing Lynda Williams and other neighbors, all appeared in opposition to PZ-PA-004-16.

Marvin Wuertz, Casa Grande, appeared in support of PZ-PA-004-16.

There was discussion amongst the Board Members and the applicant.

Chairman House closed the public hearing and called for a motion.

Motion was made by Supervisor Rios and seconded by Supervisor Miller to continue PZ-PA-004-16 to November 16, 2016. Chairman House, Supervisor Smith and Supervisor Chase voted Nay.

Motion was made by Supervisor Smith and seconded by Supervisor Rios to approve PZ-PA-004-16 noting that the Planning and Zoning Commission voted to deny. Motion carried 4-1 with Supervisor Miller voting Nay.

**Discussion/approval/disapproval of Resolution No. 101916-PCDA, a resolution regarding the addition of Sergeants to the Memorandum of Understanding (MOU) with the Pinal County Deputies Association (PCDA). The current MOU does not**

**include the rank of Sergeants. On December 17, 2014 the Board approved an amendment to the Meet and Confer Ordinance that allowed Sergeants to be included in the recognized employee groups. Management has met with PCDA and proposes three options that are outlined in the attached memorandum.**

Patrick Camunez, Human Resources Director, presented three (3) options A, B and C to the Board.

Ben Cook, Deputies Association, appeared before the Board requesting that the Board approve Option A.

Motion was made by Supervisor Smith and seconded by Supervisor Chase to approve Resolution No. 101916-PCDA, a resolution regarding the addition of Sergeants to the Memorandum of Understanding (MOU) Option A. Motion carried by unanimous vote.

Chairman House adjourned the regular meeting of the Board of Supervisors at 1:52 P.M. The next regular meeting of the Pinal County Board of Supervisors will be held on Wednesday, November 2, 2016 at 9:30 A.M.

PINAL COUNTY BOARD OF SUPERVISORS

*Diane Gardner*

---

Diane Gardner, Assistant to the Clerk of the Board