

The Pinal County Board of Supervisors convened at 9:36 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.

Present: Chairman David Snider; Supervisor Lionel D. Ruiz; Supervisor Sandie Smith; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Deputy Clerk of the Board, Heidi Cole and Clerk of the Board, Sheri Cluff.

Discussion/approval/disapproval, as recommended by the Citizen's Selection Committee, appointment of Andrew M. Ramirez as Pinal County Justice of the Peace, Precinct #1. Mr. Ramirez shall take office on June 1, 2008 upon the resignation of Justice of the Peace, Kema Granillo, and shall remain in office until the person elected pursuant to ARS § 16-230.2 (b) takes the oath of office following the canvass after the 2008 General Election or until December 31, 2008, whichever comes first.

Judge Lorona, Chairman of the selection committee and Mike Malone, member of the committee were present.

Judge Lorona presented the name of Andrew M. Ramirez as the candidate unanimously selected by the 5 member committee as the Successor Justice of the Peace for Precinct One.

Mr. Ramirez appeared before the Board of Supervisors to accept his appointment and thanked the Committee and the Board for the appointment.

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve the appointment of Andrew M. Ramirez as Pinal County Justice of the Peace, Precinct #1. Mr. Ramirez shall take office on June 1, 2008 upon the resignation of Justice of the Peace, Kema Granillo, and shall remain in office until the person elected pursuant to ARS § 16-230.2 (b) takes the oath of office following the canvass after the 2008 General Election or until December 31, 2008, whichever comes first. Motion carried by unanimous vote.

PUBLIC HEARING and presentation of the Pinal County Housing Needs Assessment final draft by Consultant Martina Kuehl. This document will be included in the Pinal County Comprehensive Land Use Plan.

Pinal County Housing Director, Adeline Allen advised the Board will see a presentation of the final draft of the Housing Needs Assessment for Pinal County.

Martina Kuehl, Consultant, gave the Board a PowerPoint presentation on the results of the Housing Needs Assessment and the Strategy.

Ms. Kuehl reviewed the Needs Assessment portion of this which gives a comprehensive overview of housing needs for incorporated and unincorporated portions of the County.

Ms. Kuehl reviewed the Strategy portion of this. She reviewed the six goals – each with multiple objections and actions associated with them.

The Needs Assessment and Strategy are available for review at the Office of the Clerk of the Board, the Pinal Department of Housing and on-line at the Pinal County Housing Department web page.

Chairman Snider opened the public hearing and called for comments from the audience. There were none. The public hearing was closed.

Ms. Allen advised no action was necessary as this was only a public hearing/presentation and will be brought back to the Board for action at a later date after final comment.

Purchasing Report - Awarding of Bids - County Purchases.

Gary Templin, Purchasing Manager presented the purchasing report.

AWARDING OF BIDS & PROPOSALS:

1. 07-25-13 - Facilities Computerized Electronic System - Recommend award for Facilities Computerized Electronic System to Maintenance Connection, Inc. for a term of one (1) base year with four (4) one year option periods.

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to approve purchasing report. 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, Assistant 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 were none.

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve consent items "A" through "V": * A. Current Billings before the Board; * B. Discussion/approval/disapproval of Liquor License Application for Justin Darimont, dba – Oracle Inn, 305 E. American Ave., Oracle, AZ 85623. * C. request for Virginia Salazar Duarte, Dolores E. Celis and Edmund R. Celis to be allowed to file for widow/widowers and/or disabled persons or organization Tax Exemption; * D. appointment of AmberLee Mudd, County Manager's Office, as a Deputy Clerk for the Board of Supervisors for the purpose of accepting Service of Process; * E. resolution to approve the submission of an application for FY 2008 Arizona State Parks Historic Preservation Heritage funds and authorizing the Chairman of the Board of Supervisors to sign all documents required to complete said application and implement the activities in the application. Funds will be used for County Courthouse repairs. Grant request is \$150,000 with County match of \$225,000 for a project cost of \$375,000; * F. Amendment No. PFME 200603.03-02 with Desert Vista Funeral Home, LLC, dba Apache Junction Mortuary for Indigent Burial services; * G. Amendment No. PFME 200603.04-02 with Griffith Mortuary / Superior Funeral Home for Indigent Burial services; * H. Contract No. HHC200810.01 with Pinal Mountain Rehab for Physical Therapy services; * I. transfer fiscal year 2007-08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) to the Ak Chin Wi-Fi Project (fund 266, project 2775) for a new grant in the amount of \$250,000; * J. transfer fiscal year 2007-08 budget appropriation from Grants Matches cost center (fund 10, cost center 1515) to the IT/USDA Rural Dev Regional Wi-Fi (fund 261, cost center 2750) for payment to the Arizona Department of Commerce in the amount of \$20,000 as well as transfer fiscal year 2007-08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) to the IT/USDA Rural Dev Regional Wi-Fi (fund 261, project 2750) for new grant in the amount of \$190,000; * K. transfer fiscal year 2007-08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) to the Juvenile Probation/Standard Probation Fees (fund 59, cost center 2073) in the amount of \$6,795.20, the

Juvenile Probation/Drug Court Program (fund 219, cost center 2698) in the amount of \$4,054.74, and the Juvenile Probation/Diversion Fees (fund 60, cost center 2294) in the amount of \$2,740.46 to allow for an operating transfer needed to correctly record purchases requested for the fiscal year 2006-2007 but received and expensed in the fiscal year 2007-08; * L. Memorandum of Understanding with the Arizona Department of Commerce and Pinal County to provide joint financial support for Commerce employee's wages and benefits for facilitating the economic growth and diversity of Eloy, Arizona; * M. transfer fiscal year 2007-08 budget appropriation from Grants Matches cost center (fund 10, cost center 1515) to the CDBG Grant for Dudleyville Community Center (fund 94, cost center 2730) to complete the Pinal County match commitment to the Arizona Department of Housing in the amount of \$60,000 as well as transfer fiscal year 2007-08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) to the CDBG Grant for Dudleyville Community Center (fund 94, project 2730) to expend the grant match of \$60,000; * N. transfer budget appropriations from Contingency (fund 10, cost center 1502) to Fleet Services (fund 10, cost center 1017) in the amount of \$28,000, to Internal Audit (fund 10, cost center 1032) in the amount of \$9,100, and to Environmental Health (fund 10, cost center 1129) in the amount of \$17,000; * O. transfer budget appropriation from General Fund Contingency (fund 10, cost center 1502) to Human Resources (fund 10, cost center 1026) for necessary expense for Detention Officer employment ads for the periods of July and August 2007 in the amount of \$17,647; * P. transfer fiscal year 2007-08 budget appropriation from Contingency (fund 10, cost center 1502) to the Treasurer's Office (fund 10, project 1025) to pay an unpaid invoice from FY06-07 for the Town of Florence IGA which is to provide security services for Building E at the Florence main county complex in the amount of \$5,605; *Q. Ratification of Operating Transfers for FY2007-2008 to allow for unexpected operating monies received at year end FY2006-2007 from the Administrative Office of the Courts to reimburse the Adult Probation Support Fund and revert JCEF funds back to the state; * R. Resolution No. 051408-CBR, accepting from Copper Basin Railway, Inc., a Deed of Easement and an Agreement to Donate Easement and Waiver of Appraisal and Compensation for a perpetual easement to run with the land for roadway purposes, located in Section 12, T4S, R13E, Supervisory District #1; * S. Resolution No. 051408-ATE, accepting from Antonio M. Enriquez and Teresa M. Enriquez, (husband and wife), a conveyance of real property by Warranty Deed and the Agreement to Donate Real Property and Waiver of Appraisal and Compensation within Section 6, T1S, R8E, Parcel 104-63-013K, within Supervisory District #2; * T. Resolution No. 051408-MSF, releasing Bond Number 08865521 associated with the signing and striping of the collector streets located in Morning Sun Farms, within Section 12, T3S, R7E, within Supervisory District #2; * U. Resolution No. 051408-JR, accepting into the Pinal County Highway Maintenance System Johnson Ranch, Indigo Sky Boulevard, Phase 1 and 2, within Section 30, T3S, R8E, within Supervisory District # 2 * V. Fill-the-Gap Grant fund Request for fiscal year 2008-2009 (07/01/08-06/30/09) which will continue to pay for the Superior Court Judge Pro Tempore and Judicial Assistant positions as well as a Bailiff, Deputy Clerk III, and Courtroom Clerk III through June 30, 2009; Motion carried by unanimous vote.

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

10:24 A.M. - Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to recess for the meeting of the Pinal County Public Health Services Board of Directors. Motion carried by unanimous vote.

10:26 A.M. - Motion was made by Director Smith and seconded by Director Ruiz to adjourn from the meeting of the Pinal County Public Health Services Board of Directors and reconvene into regular session of the Board of Supervisors. Motion carried by unanimous vote.

Zoning Cases:

SUP-016-07: Richard Hanson, landowner/applicant Carrie Purdy, representative/agent, requesting approval of a Special Use Permit to plan, develop and operate a Recreational Vehicle & Boat storage yard on a 4.87± acre parcel in the (GR) General Rural zone; described as the west 328' of the NE¼ of Lot 4, Magma Butte Ranches, BK 1 of Surveys Pg. 45 & 46, Section 2, T4S, R8E, G&SRB&M, Tax Parcel 200-58-035D (located in the Florence area on Arizona Farms Road approximately 2± miles east of Hunt Highway). The Planning and Zoning Commission voted Eight (8) in favor with One (1) opposed with Twenty (20) Stipulations.

PA-008-07: Knik Limited Partnership, LLP et al, landowners/ applicants, Rose Law Group, agent, requesting approval of a Non-Major Comprehensive Plan Map Amendment from Rural to Development Sensitive with a Low Density Overlay on 65.65± acres; situated in portions of Sections 13 and 14, T3S, R7E, G&SRB&M (Tax Parcels on file) (legal on file) (Immediately north of the San Tan Mountains Regional Park, east and west of Royce Road). The Planning and Zoning Commission voted unanimously to recommend approval of PZ-PA-008-07 with no stipulations.

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 from Planning Director, Jerry Stabley, that SUP-016-07 be removed from the consent agenda for public hearing.

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to approve the following zoning case as recommended by the Planning and Zoning Commission:

PA-008-07: Knik Limited Partnership, LLP et al, landowners/ applicants, Rose Law Group, agent. Motion carried by unanimous vote.

Zoning Case removed from consent agenda:

Representing Planning and Development Services Department: Director, Jerry Stabley; Deputy County Attorney, Patricia Grieb.

SUP-016-07: Richard Hanson, landowner/applicant Carrie Purdy, representative/agent, requesting approval of a Special Use Permit to plan, develop and operate a Recreational Vehicle & Boat storage yard on a 4.87± acre parcel in the (GR) General Rural zone; described as the west 328' of the NE¼ of Lot 4, Magma Butte Ranches, BK 1 of Surveys Pg. 45 & 46, Section 2, T4S, R8E, G&SRB&M, Tax Parcel 200-58-035D (located in the Florence area on Arizona Farms Road approximately 2± miles east of Hunt Highway). The Planning and Zoning Commission voted Eight (8) in favor with One (1) opposed with Twenty (20) Stipulations.

Mr. Stabley requested this be removed from the consent agenda because they found out at the Commission hearing that the applicant was proposing to use a RV as an office for the project and the Commission put in stipulations based on that proposal. He said staff discovered that other ordinances and policies will not allow that to occur. He said they worked with the applicant in the anticipation that the Board of Supervisors may seek to approve the request today to see if they could work out the details on the use of an RV for an office.

Mr. Stabley said the applicant agreed to withdraw his proposal to use an RV as an office and that there will be no office on-site. He said the stipulations have changed to reflect that there will be no office on the site.

Aleshia Quick, Project Coordinator presented the case. She advised this is a request to operate a Recreational Vehicle & Boat storage yard in the Florence area on Arizona Farms Road approximately 2± miles east of Hunt Highway. Ms. Quick advised there are 20 Stipulations with Stipulation #13 being amended to add the words "without an office located on the subject property."

Owner, Richard Hanson, 2205 Shady Rim Cr., California appeared before the Board. Mr. Hanson said he does agree with the 20 stipulations as presented.

Chairman Snider opened the public hearing and called for comments. There were none. The public hearing was closed.

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve SUP-016-07 as presented, with Stipulation #13 being amended to add the words "without an office located on the subject property."

- 1) Submit copies of a Traffic Impact Analysis (TIA) to the Pinal County Engineer for review and approval. The TIA shall be in accordance with the current Pinal County TIA Guidelines. All peripheral road and infrastructure improvements shall be per the approved Traffic Impact Analysis to mitigate impacts on all surrounding roadways to be completed at the developer's cost or other public improvements as approved by the County Engineer. Half street improvements will be required for Arizona Farms Rd. in addition, acceleration/deceleration lanes will be required off of/on to Arizona Farms Rd.;
- 2) the site will be allowed one access which will be limited to right in/right out movements only. The access shall be a minimum 25' wide and is to be located furthest west of the property. Applicant is to provide a cross access easement to the property to the west should it ever have a commercial use in the future;
- 3) all roadway and infrastructure improvements shall be in accordance with the current Pinal County standards, and as recommended by the Traffic Impact Analysis;
- 4) provide a minimum of 75' (half street) of free and unencumbered public right-of-way for all section line roads (Arizona Farms Road) as approved by the County Engineer;
- 5) the drainage plan shall be in accordance with the current Pinal County Drainage Manual. The plan shall provide retention for storm waters in a retention area to be maintained by the property owner;
- 6) submit a certified A.L.T.A. –survey with the Site Plan application;
- 7) accesses shown in the SUP application are conceptual only and have not been approved by the County Engineer;
- 8) the permit is issued to Richard Hanson, and not to the land;
- 9) the permit is issued for five (5) years from date of the Board of Supervisors approval. Upon expiration of the SUP, the applicant shall re-apply for a Special Use Permit pursuant to Section 2302 of the Zoning Ordinance;
- 10) the permit is set for annual review beginning April 2009, with the right of entry for the Code Compliance Officer to verify stipulations;
- 11) all Federal, 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;
- 12) the owner shall attend site plan review meetings prior to applying for a development permit for the development site and will be designed in full compliance with all applicable development requirements subject to the review and approval of Planning and Development and Public Works;

- 13) the permit is issued to provide a Recreational Vehicle & Boat storage yard, as shown and set forth on the applicant's submittal documents, without an office located on the subject property;
- 14) the layout and design of the storage facility shall be in substantial compliance with the submitted site plan "A" with the following exceptions:
 - the applicant shall screen the Recreational Vehicle & Boat parking spaces along all four sides of the subject property with a 6 foot block wall;
 - the applicant shall provide 5' minimum landscaping along all boundaries;
- 15) the applicant shall keep the yard free of trash, litter and debris;
- 16) there will be no permanent structures built and there will be no overnight habitation for business purposes, rental or maintenance;
- 17) there is to be no escape of fugitive light from property;
- 18) the Code Compliance Officer may randomly inspect that there is no sewage, toxic or hazardous material leakage or dumping onsite;
- 19) any change or expansion of use shall require the approval of the Board of Supervisors under the procedures pursuant to Section 2302 of the Zoning Ordinance; and
- 20) violation of these conditions at any time may invoke revocation proceedings by the Pinal County Planning & Development Department.

Motion carried by unanimous vote.

Discussion/approval/disapproval of Resolution No. 051408-UPRC, authorizing the Pinal County Board of Supervisors to enter into the agreement for construction and funding of grade separations between Pinal County, City of Maricopa, City of Casa Grande, City of Eloy and Union Pacific Railroad Company.

Motion was made by Supervisor Snider and seconded by Supervisor Ruiz to approve Resolution No. 051408-UPRC, authorizing the Pinal County Board of Supervisors to enter into the agreement for construction and funding of grade separations between Pinal County, City of Maricopa, City of Casa Grande, City of Eloy and Union Pacific Railroad Company. Motion carried by unanimous vote.

Discussion/approval/disapproval of Resolution No. 051408-IGA, authorizing the Pinal County Board of Supervisors to enter into the Intergovernmental Agreement between Pinal County, City of Maricopa, City of Casa Grande and the City of Eloy to implement agreement for construction and funding of grade separations.

Motion was made by Supervisor Snider and seconded by Supervisor Smith to approve Resolution No. 051408-IGA, authorizing the Pinal County Board of Supervisors to enter into the Intergovernmental Agreement between Pinal County, City of Maricopa, City of Casa Grande and the City of Eloy to implement agreement for construction and funding of grade separations. Motion carried by unanimous vote.

Public Hearing, and discussion/approval/disapproval regarding proposed Ordinance No. 051408-AQ1 – a leaf blower ordinance for Area A.

Don Gabrielson, Director of Air Quality Control, advised this is a direct fallout from a directive from the 2007 Legislature adoption of Senate Bill 1552 which mandated that the cities in Maricopa County, Maricopa County, some of the cities in Pinal County and Pinal County itself comply with different mandates in different places. One of the mandates was the Leaf Blower Ordinance with respect to the incorporated and unincorporated portions of Area A.

Mr. Gabrielson explained this ordinance affects the County in two ways. One is in Area A – the 320 sq. miles from Arizona Farms Road and North. In the unincorporated portion of Area A this Ordinance prohibits using a leaf blower to blow material out into the street. In all of Area A, including the incorporated and unincorporated portions, this Ordinance prohibits using a leaf blower on a unstablized surface – at the very least you cannot use a leaf blower to move piles of dirt around.

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

Rowe Gilbert, 22695 Cactus Forest Road, Cactus Forest, appeared before the Board to question the thinking behind the adoption of an ordinance such as this when ATV's make much more dust than leaf blowers between Arizona Farms Road and Apache Junction. He commented that if you have a dirt road going to your house but you have to stabilize your driveway, it does not make sense.

Supervisor Smith responded that she and Mr. Gabrielson were in a meeting with Game and Fish, State Land Department and Ranchers, the leaseholders of State land where a lot of the abuses of the use of ATV's are going on, and they discussed ways to address the need for reduction of dust from ATV's and the abuse of ATV's. She explained the Leaf Blower Ordinance is a mandate by the State and the County.

Chairman Snider told Mr. Gilbert that in District 3 there are even fewer miles of paved roads than in Supervisor Smith's District and Mr. Gilbert is not the only one to express those concerns. Unfortunately, the County has no say in this because this is a State law for Area A and if the Board voted no on the Leaf Blower Ordinance they would be in conflict with Sate law which can only be changed by another act of the State Legislature.

There were no more public comments. The public hearing was closed.

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve the proposed Ordinance No. 051408-AQ1 – a leaf blower ordinance for Area A. Motion carried by unanimous vote.

Public Hearing, and discussion/approval/disapproval involving proposed changes to local air quality rules. The revisions would require dust-proofing or stabilization for parking, ingress and egress areas in the unincorporated, Pinal-County-portion of the Phoenix PM10 nonattainment area. The revisions would affect all commercial properties and residential parcels having large parking or driveway areas. The proposed revisions restrict vehicle parking and use on unstablized lots, and designate the amended rules as part of the State Implementation Plan. The Board may choose to adopt Resolution No. 051408-AQ2 approving all, part or none of the proposed changes.

Mr. Gabrielson advised this item is responding to a mandate on the rules. He said this mandate went out to all the sites in the non-attainment portion of Maricopa County and Maricopa County. He said for Pinal County, this set of rules applies to two different geographic areas - the requirement for dust proof surfacing commercial properties lies in the Apache Junction Township of 36 miles. The mandate to stabilize the residential properties with more than 3,000 sq. feet of driveway or parking area also applies to the same 36 sq. miles. The third element of this package requires the restriction of vehicle use and parking on vacant and unstablized lots on any area in Area A, Arizona Farms Road and North – 324 sq. miles.

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

County Manager, Terry Doolittle recommended the Board conduct the public hearing and then continue to a later date.

Supervisor Smith said she would like to know how Apache Junction is handling this and how we are going to talk about Superstition Vistas. She questioned how State Land will handle parking lots on State Land - are they going to be responsible for their parking area? How does the State plan to handle what they are wanting the County to expect out of private citizens as well as commercial land.

Chairman Snider concurred with comments by Supervisor Smith and said he would like to see us monitor, evaluate and access what other parts of the State are doing with this.

Rowe Gilbert, 22695 Cactus Forest Road, Cactus Forest, asked what area this is going to affect.

Mr. Gabrielson said this mandate is very complicated. The mandate to the County with respect to the dust proofing and stabilization applies to unincorporated area of 1N, 8E – roughly 12-15 sq. miles. The mandate to cities affected any city in Area A – so to the extent that Queen Creek has a foot in Area A, Queen Creek has a mandate to do this outside of 1N, 8E. To the extent that the City of Apache Junction has incorporated 10-11 sq miles to the South of Baseline Road, outside of 1N, 8E, they have a mandate to implement this ordinance in that area. As to the restriction to vehicle parking and use that applies to all of Area A in Pinal County and none to Area C.

There were no more comments from the public.

Mr. Gabrielson commented that the statutory mandate under 1552 required that these rules be adopted by March 31, 2008. Mr. Gabrielson said it is his understanding that all of the other jurisdictions affected by this mandate have adopted these rules at this point.

County Manager, Terry Doolittle advised he has specific questions that need to be answered and recommended that the Board continue action and the public hearing to September 10, 2008, 9:30 a.m.

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to continue action and the public hearing on the proposed changes to local air quality rules to September 10, 2008, 9:30 a.m. Motion carried by unanimous vote.

County Manager's Report "Information Only." There was no County Manager's report.

Call to Public. There was no one present who wished to address the Board.

There being no further business the meeting stood adjourned at 11:11 A.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, June 4, 2008 at 9:30 a.m.

PINAL COUNTY BOARD OF SUPERVISORS

Sheri Cluff, Clerk of the Board

These minutes are subject to approval by the Board of Supervisors on Wed., June 4, 2008