

The Pinal County Board of Supervisors convened at 9:40 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.

Purchasing Report - Awarding of Bids - County Purchases.

Victoria Prins, Chief Financial Officer presented the purchasing report.

AWARDING OF BIDS & PROPOSALS:

1. 07-29-13 –Tax Bill Preparation, Printing & Mailing – Recommend award for Tax Bill Preparation, Printing & Mailing to RR Donnelley for a term of one (1) base year with four (4) one year option periods.

CONTRACT MODIFICATIONS:

1. 07-09-12 – Equipment Rental – Recommend approval of IFB # 07-09-12 with Sunstate Equipment Company for a price increase due to the escalation in gasoline and metal price.

Contracts signed by County Manager or Chief Financial Officer:

The following procurements were signed under the authority granted by Resolution 021506-CM that gave authority to execute and sign contracts on behalf of the county without prior Board approval in amounts not to exceed \$250,000.00:

<u>P.O. #</u>	<u>AMOUNT</u>	<u>VENDOR</u>	<u>ITEM</u>	<u>DEPT.</u>
1. 195319	\$9,270.00	Salt River Project	Construction Service	PW
2. 195589	\$4,900.00	Southwest Gas Corp.	Pipeline Installation	Animal Control
3. 195639	\$223,936.16	Sabino Electric, Inc.	UPS Installation	MIS
4. 195715	\$46,302.00	Front Range Heat Division	Service Maintenance Software & Support	MIS

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to approve the 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 requests to remove items "C", "DD", and "FF".

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve consent items "A" through "GG" with exception of Items C, DD, and FF which were considered separately: * A. Minutes of May 7 and 14, 2008; * B. Current Billings before the Board; * D. Liquor License Application for Tim Martin, dba – Pirates Fish and Chips, 1745 W. Hunt Hwy, #106, Queen Creek, AZ 85242. * E. Hearing Officer Contract with the State Board of Equalization (SBOE) for Hearing Officer services for Valuation Appeal Hearings. * F. Application for Fireworks Display for Saddlebrooke Country Club, 64500 E. Saddlebrooke Blvd., Tucson, AZ., on July 4, 2008. * G. Application for Fireworks Display for Arizona City Country Club, 8878 W. Santa Cruz Blvd., Arizona City, AZ., on July 3, 2008. * H. request for Elizabeth Fox and Herbert R. Parker to be allowed to file for widow/widowers and/or disabled persons or organization Tax Exemption; * I. revisions to Policy and Procedure 1.40 Outside Employment and 3.20 Nepotism. The revisions are among a number of changes intended to clarify what constitutes ethical behavior in the employment relationship with Pinal County; * J. payment of a County Van Pool subsidy of 60% of the operating expenses for a newly established 12 passenger Van Pool operating 5 days per week; * K. new GIS policy, Pinal County Policy and Procedure 2.75, Pinal County Geographic Information Systems and a revision to Pinal County Policy and Procedure 3.50, Hours of Work; * L. to transfer FY08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) in the amount of \$354,865 for operating transfers of monies set aside in FY07 for Fill the Gap Distributions; * M. to transfer FY08 budget appropriation from Grants/Project Contingency (fund 213, cost center 2688) to Adult Day Care (fund 199, cost center 2586) for use of available fund balance in the amount of \$404,707; * N. Appointment of Democrat Precinct Committeemen: Stacy K. Gramazio, 950 W. Oak Tree Ln., Queen Creek, 85243, (69); Chris T. Gramazio, 950 W. Oak Tree Ln., Queen Creek, 85243, (69); Diann K. LeSueur, 24703 N. Lost Dutchman Way, Florence, 85232, (23); * O. Amendment No. LTC-RFQ200427.02-03 with Ameri-Fab, Inc. for Environmental Modification services; * P. Amendment No. LTC - 200602.01-01 with Robert E. Hess for Consultant services. * Q. Contract No. LTC - 200825.01 with Advanced Orthopaedics and Sports Medicine, P.C. for Specialist Physician services in Orthopaedic Surgery. * R. Contract No. LTC - 200705.16 with Jose L. Robledo, M.D. for Specialist Physician services in Otolaryngology. * S. Contract No. LTC -200705.04 with Adult & Children's Foot Care Specialist, P.C. for Specialist Physician services in Podiatry. * T. Amendment No. PFBH 200607.01-02 with Cenpatico Behavioral Health, LLC for Pre-Petition Screening services; * U. Amendment # PFME 200603.05-01, with Merrick Consulting Services dba Simes Mortuaries for Indigent Burial services. * V. Amendment No. PFME 200603.02-02 with J. Warren Funeral Services for Indigent Burial services; * W. Contract No. ACC 200816.01 with Coolidge Veterinary Hospital, LLC for veterinarian services. * X. extend the end date of Contract No. 07-0326 with Ak Chin Indian Community for broadband enhancement services; * Y. Resolution certifying the Division's compliance with the PHA Annual Plan for 7/1/08 through 6/30/09; * Z. Change Order No. 2 for District 3 Roadway Construction for Warren Road from Fresno to Century and Warren Road from Robin to Fresno Road. On Warren Road from Fresno Road to Century, Project # 124202, add the following Item: Remove and replace concrete curb for an extended amount for \$3,192.00. Justification: Design grade change detail provided to contractors to smooth transition from Warren Road onto Sotol and Whirlybird Roads. Change order not to exceed \$3,192.00 (Contract #EC07-004); * AA. Change Order No. 9 for Engineering Design Services for the Ironwood/Gantzel Road project, Design Engineer is Kimley Horn and Associates. Additional Scope of Work for the Project: Additional design services for Phase D including ALTA survey, Legal Descriptions for Right of Way from ASLD,

Percolation Test, Pavement Core Samples from Hunt Highway, finalization of Phase D design. Minor revisions at the Bridge over CAP Canal and No-Cost change to the third sentence of the scope of work for Change Order No. 3, as follows "Design level survey from Elliot to US 60 and detail design of this section of roadway. Justification: ALTA Survey and Legal Descriptions are required for acquisition of Right of Way from ASLD, Percolation Tests and Pavement Core Samples are required to determine existing conditions, minor changes at the CAP Canal bridge were requested by CAP, and CO#3 did not fully reflect the required scope of work. Schedule: Time extension required 195 calendar days new contract completion days new contract completions date August 29, 2008. Change order not to exceed \$52,294.00 (Contract #ED05-01); * BB. Change Order No. 3 for Hunt Highway Capital Improvement Project widening from 2 to 5 lanes from Empire to Thompson Rd. Additional work required (AWR) for Phase I Civil Engineering for Hunt Highway Capital Improvement Project. Revision to the 100% Construction Plans, Specifications & Cost Estimate. Revision to Drainage Report. Justification: Revision in drainage channel design after 100% plans submitted, after further analysis chose to move drainage channel to North side of Hunt between Valley View and J-Curve to construct within existing right of way. Diagonal culvert crossing now required at the Hunt/Valley View intersection but cost analysis shows there is still a \$106,119 cost saving (not including right of way). Schedule: Additional 75 calendar days required to complete the additional work, final plans now to be submitted 6/13/08. Change order not to exceed \$20,706.63. (Contract #EV06-055); * CC. Resolution No. 060408-LDS, accepting from Corporation of the presiding Bishop of the Church of Jesus Christ of Latter-day Saints, (A Utah corporation sole) a conveyance of real property by Warranty Deed and the Agreement to Donate Real Property and Waiver of Appraisal and Compensation within Section 33, T2S, R8E, Parcel 14-64-001B, within Supervisory District #2; (Contract #RD07-132); * EE. ratification of the retention of James Jellison of Jellison Law Offices, PLLC, pursuant to referral by the County Attorney and the existing Agreement for Legal Services #0506-026, as special counsel for the purpose of representing Pinal County, in conjunction with the Pinal County Attorney's Office, in pending litigation, to-wit: D.R. Horton, Inc. v. Pinal County, Pinal County Superior Court cause number CV200801386, and all matters pertaining thereto; * GG. Change Order No. 1 for Eloy JP Court Renovation. Additional works requested by the City of Eloy, such as providing exterior windows and modifying the exterior tone of the building and color. Repairing the roof membrane and structure and installing toilets for inmates and other end users. Justification: Compliance with the city having jurisdiction and requirements, and end user request to properly operate in the facility. Change order not to exceed \$107,089.13. Motion carried by unanimous vote.

Consent Items removed for discussion.

*** C. Discussion/approval/disapproval of Liquor License Application for Michael Mennenga, dba – Arizona City Market, 13540 South Sunland Gin Road, #3, Arizona City, AZ 85223.**

Chairman Snider announced this was pulled for discussion as there were requests from the public to speak on this item.

Richard Cifuni, 8388 W. Tresita Dr. Arizona City, AZ 85223 appeared before the Board in opposition to another outlet of alcohol in small town of Arizona City, would rather see other merchants, i.e. drugstore, supermarkets, etc.

George Yacoub, 13514 S. Sunland Gin Rd. Arizona City, AZ, owner of the store next to applicant is opposed as he feels an approval will hurt his business. Mr. Yacoub brought forth petitions signed by residents of Arizona City requesting denial of the issuance of a beer and wine license to Arizona City Grocery. The petition stated that another business of primarily alcohol sales provides no benefit towards the economic growth of Arizona City neither at the present nor in the future.

Regular Session, continued
June 4, 2008
Page 4

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to approve Liquor License Application for Michael Mennenga, dba – Arizona City Market, 13540 South Sunland Gin Road, #3, Arizona City, AZ 85223.

Comments on motion:

Concerns of citizens and comments will be typed out in the record and sent to liquor board in its entirety per request of Supervisor Smith.

Supervisor Ruiz commented on the concern of the area and the growth not being hindered and cycle of the economy and population.

Richard Cifuni commented on the downfall of the area in home sales with so many liquor stores he feels there is a possibility that people are concerned about an unsafe living environment.

Motion carried by unanimous vote.

*** DD. Discussion/approval/disapproval of Board Initiative to commence proceedings on renaming that portion of East Aravaipa Road to East Old Camp Grant Place. The location is at the convergence of East Aravaipa Road and State Highway 77, thence westerly one thousand four hundred and fifty (1450) plus or minus feet, to its terminus;**

Louis Felix, Special Projects Coordinator presented this request to commence proceedings to initiate the road name change.

Supervisor Ruiz commented on Louis Felix taking the lead on making this change as there was some confusion with Aravaipa on East side of Hwy 77 and the complaints from people on the West side with the materials being delivered and it was hard to find, so the recommendation to change to Old Camp Grant Place was a good idea for history as well.

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to authorize staff to commence proceedings on renaming that portion of East Aravaipa Road to East Old Camp Grant Place. Motion carried by unanimous vote.

*** FF. Discussion/approval/disapproval to canvass the election of the Oracle School Board Recall of May 20, 2008.**

Orlenda Roberts, School Superintendent presented this item. Ms. Roberts stated that there was a special recall election for the three members of the Oracle School Board that was held May 20th. Gilbert Hoyos, Elections Director presented the balance of the item.

Motion was made by Supervisor Ruiz and seconded by Supervisor Smith to approve to canvass the election of the Oracle School Board Recall of May 20, 2008. Motion carried by unanimous vote.

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

10:02 A.M. - Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to recess for the meeting of the Pinal County Public Health Services Board of Directors. Motion carried by unanimous vote.

10:04 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.

Public Hearing, on road name change from South Blewitt Road, in an unincorporated area of Pinal County, Arizona, to South Tonto View, and discussion/approval/disapproval of Resolution No. 060408-STV renaming South Blewitt Road to South Tonto View.

Louis Felix, Special Projects Coordinator, presented this item, from Pinal County Planning and Development Services, initiated by a Citizens petition. Planning Department recommends approval of road name change from South Blewitt Road to South Tonto View.

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

Allen A. Prather 9830 E. Cloudview Avenue, Gold Canyon, AZ 85218, appeared in favor of the road name change.

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

Motion was made by Supervisor Smith and seconded by Supervisor Ruiz to approve a road name change from South Blewitt Road, in an unincorporated area of Pinal County, Arizona, to South Tonto View, and Resolution No. 060408-STV renaming South Blewitt Road to South Tonto View as presented. Motion carried by unanimous vote.

Work Session to discuss the proposed amendments to the Pinal County Subdivision Regulations amending Article 8 to allow third party trust agreements as a type of assurance and amending Article 10 to modify replat procedures.

Deputy County Attorney, Nicole Weber and Public Works Director, Greg Stanley presented this item proposing amendments to the Pinal County Subdivision Regulations amending Article 8 to allow third party trust agreements as a type of assurance and amending Article 10 to modify replat procedures. Article 8, Section 804.2 will be amended by adding Subsection D, and Article 10, Section 1001 will be amended by deleting the current Section 1001 and adding a new Section 1001 and Subsections 1001.1 and 1001.2.

The Subdivision Regulation was adopted in December of 2006, part of that subdivision regulation includes a statutory requirement when a developer is getting a plat approved they have to post financial assurances for the plat. As the housing market has slowed down significantly other ways are being researched as to what is being done in other Counties. Nicole Weber spoke on other Administrative changes.

Ms. Weber talked about the code changes and community feedback from when provided to Commission in May and now which is an Amendment to two Articles in the current subdivision code one having to do with Third Party Trust Agreements as a type of Assurance, and the other Amendment to the replat procedures, which is more of an Administrative change.

The current types of Assurances are Cash, Letters of Credit and Bonds.

The Third Party Trust Agreement is an Agreement which is 1.) The title to the subdivided property is placed in trust with a third party escrow agency authorized and licensed to do business in the State of Arizona along with an agreement between the trustee and the County that title to any lot or parcel within the subdivision shall not be transferred until written approval is given by the County for the release or

partial release of property held in trust. A maximum of three partial releases may be allowed for each recorded final plat. The Board shall not authorize any release until the necessary improvements have been completed. The agreement shall contain a condition authorizing the County to abandon or replat all or a portion of the subdivided property should the required improvements fail to be installed in compliance with the County's subdivision regulations and design manual within the time periods required by the County; 2.) After final plat approval, lots for eight (8) model homes per unit can be permitted to the developer prior to completion of improvements. These homes shall not be sold to individual property owners or occupied for residential use until they are in compliance with all County codes and released for sale by the County. Model homes will be permitted by unit and additional model homes shall not be permitted for subsequent units until improvements are completed in the previous unit; and 3.) The subdivider shall record the approved agreement at the time of plat recordation and note the recording information on the face of the final plat.

Ms. Weber continued on and talked about Section 3, Article 10, Section 1001, 1001.1 and 1001.2 – a draft of which is available at the Office of Pinal County Public Works Department.

Greg Stanley added that at the P&Z hearing Ralph Pew, from Pew and Lake and Jordan Rose from the Rose Law Group said that they were in agreement and stated that this was an adequate way to address some of the issues that they were hearing from some of the developers and they were in support of it at the time.

Chairman Snider commented that the logic is found to be persuasive and feels whether it's 25% in each release or 33%, they should set some sort of reasonable percentage.

Supervisor Smith asked as to which ones to look at to avail to this change.

Mr. Stanley said 25% would be 25% of a single plat.

Chairman Snider asked if there was a way to have the Cities as a participant in the trust so there is an easy transition, and would it address those issues on the Cities that they do not have access to those assurances?

Ms. Nicole Weber – If bond was in place as a backup it could be assigned to them in many cases, but then they end up having a double assurances during that time period.

Discussion continued on possible ways of dealing with the assurances or third party agreements with the municipalities.

Deputy County Attorney, Patricia Grieb stated that there is a State Statute to look at as with regards to language and such.

Chairman Snider asked do the trusts have an end date or do they go on until the completion of the project and all phases are released? Ms. Weber stated that most of them that are written because they are an agreement between the County and Developer that once that area is annexed or incorporated then the agreement terminates because we no longer have jurisdiction.

Chairman Snider asked if it stays in the County is there an actual expiration? Nicole Weber stated that there is a requirement in the code that the completion of the improvements have to be in two years and the agreements would have to be written that way. She said for developers now at the end of their two year requirement they would have to ask for a waiver for permission from the Board to extend their project for two years and put it under a land trust. That extension would be reviewed in the same meeting for the approval of the substitute assurance for the land trust. Greg Stanley stated they can provide a

history of the plat to see if they are doing a number of extensions and for what reasons and if they are going beyond the code.

Chairman Snider pointed out on ...the model homes section #2, that says "After final plat approval, lots for eight (8) model homes per unit can be permitted"he would like it to be tightened up a bit and limit it. On 1001.2 Chairman Snider asked the question of the 'laundry list' of types of land uses that would trigger this and maybe these should be made more broad. Supervisor Smith suggested maybe put 'public infrastructure such as.....'. Ms. Weber said she can look at making this more broader.

Court Rich of 6613 N. Scottsdale Rd. addressed the board and commented on the option being good for the financial time we are in. The concept of having a backup bond or letter of credit defeats the purpose which was agreed upon of offering the Third Party Trust Agreement in first place for a solution. Mr. Rich commented on the number of extensions idea and the Board having the power and discretion to review and say no if needed on close calls.

Mr. Rich also stated he would like to have added in replat section 1001.1 to be broken down into more phases from 2 large into 3 phases to allow for replat.....maybe create new phase lines for more manageable sizes.

Dave McMaster, Home Builders Association addressed the major issue of a need for the lot release being an administrative lot release.

Chairman Snider encouraged Mr. McMasters to submit his comments as soon as possible so that staff can look at them due to the time sensitive pressures.

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 :11:00 A.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, June 11, 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 18, 2008