

The Pinal County Board of Supervisors convened at 9:37 A.M. this date in the Board of Supervisors Hearing Room, Administration Building A, Florence, Arizona. The meeting was called to order by Chairman Snider and followed by the Pledge of Allegiance and Invocation.

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

Presentation/report by Craig Sullivan, Executive Director of County Supervisors Association regarding the activities of the County Supervisors Association, including a discussion of the recent legislative session.

Craig Sullivan with the County Supervisors Association and Elizabeth Hegedus-Berthold presented a Power Point presentation that went over the following items:

- State Budget FY10-County Impacts
- CSA-Initiated Legislation
- State Photo Radar
- County Taxing Authorities
- Select Bills Impacting County Authority

Mr. Sullivan talked about the permanent repeal of state equalization property tax (HB2015/SB1029) as well as House Bills that CSA-Initiated Legislation – Enacted, and CSA-Initiated Legislation – Not Enacted.

Photo Radar was touched on briefly and Mr. Sullivan mentioned that the way it was designed was to bring revenue to the County.

Yuma County will be hosting this years Legislative Policy Summit October 27-29, 2009.

Chairman Snider, Supervisor Martyn and Supervisor Rios thanked Mr. Sullivan.

Presentation by the Hispanic Leadership Institute reporting on their program with emphasis on the goals of the program, specific outcomes the program has achieved or will achieve, and generally what the curriculum covers.

Assistant County Manager for Health and Human Services, Lisa Garcia, introduced Luz Sarmina, President and Chief Executive Officer of Valle Del Sol, which is a non-profit organization that provides a variety of behavioral health social services and Latino leadership development programs to the community.

Ms. Garcia also introduced, Dr. Doris Helmich, Vice President of Student Services at Central Arizona Colleges and served on the Board of Latino Familia Initiative since 2003 and is the past President of the Board, also Ms. Edna Morris, Assistant Superintendent for Academic Affairs and Principal of Casa Grande Union High School, and serves as President of the Latino Familia Initiative.

Ms. Sarmina, introduced Carlos Galindo-Elvira, BA, the Vice President of Philanthropic & Community Relations and Dan Cortez, Leadership Programs Manager and then talked about Valle del Sol and how it has been at the forefront of Latino Leadership for many years. In January 2010 will be the 5th year of celebration of 5 here in Pinal County stated Ms. Sarmina.

The Board thanked Ms. Sarmina for everything and recognizing Pinal County.

Ms. Edna Morris, President of Latino Familia Initiative and Dr. Doris Helmich presented an overview of the programs and the goals and the focus is to develop leaders and to raise and educate awareness about Latino issues in Pinal County. The objectives for this particular year is not only to recruit individual members but also to recruit businesses and organizations that will support the vision, Ms. Morris stated.

Dr. Doris Helmich, Vice President of Student Services at Central Arizona Colleges, spoke about the topics and objectives of the outcomes and evaluations.

CONSENT ITEMS:

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

Chairman Snider asked if there were any requests from a Board member, staff or the audience to remove a consent agenda item for discussion. There was a request by staff to pull Items D, E, and F and will be put back on agenda at a later time, no action to be taken at this time.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to approve consent items "A" through "M" except D, E, and F, which were removed to be brought back at a later date: * A. request for Valerie Kellum and Edwina Conley to be allowed to file for widow/widowers and/or disabled persons or organization Tax Exemption. * B. Application for Special Event License for Harry D. Luge, Et Moto Park, 59 W. McCormick, Queen Creek, AZ 85240, on September 18 and 19, 2009. * C. Amendment No. LTC-RFP 200411.01-01 with Arizona State Physicians Association (ASPA) for credentialing services. * G. Change order no. 1 for Battaglia Drive & Sunland Gin Road.1) Change order amount not to exceed \$18,491.62. * H. Resolution No. 081909-FFRP- a Resolution stating that Pinal County has elected to receive Forest Fee Reserve payments under the provisions of PL110-343, and hereby designates 15% for Title II projects and 5% for Title III projects of its Forest Fee payments to be allocated under this legislation. * I. Resolution No. 081909-FPY - A Resolution stating that the Board of Supervisors of Pinal County, Arizona, elects the full payment system pursuant to PL110-343 which can be used to fund schools, roads, and forest projects. * J. ratification of fiscal year 2008-2009 budget appropriation transfers for the County Attorney and Adult Probation. * K. ratification of transfer of FY2009 budget appropriation from Grants/Projects Contingency (fund 213, cost center 2688) to Transportation Impact Fee Area 1 (fund 230, cost center 2702) in the amount of \$3,713,257 and to Debt Service (Fund 98, Cost Center 2689) in the amount of \$3,713,257 for an operating transfer from Fund 230 to Fund 98 to bring GADA Loan Series 2006-1 payments current. * L. revised Public Integrity Committee Charter. * M. Intergovernmental Agreement for Red Rock Elementary School District and Pinal County for the preparation and conduction of the election to be held on November 3, 2009. Motion carried by unanimous vote.

Consent items removed from the agenda:

- * **D.** **Discussion/approval/disapproval of Resolution No. 081909-SAATP-Parcel A - approving the Substitute Assurance Agreement For Construction Of Subdivision Improvements (Third Party Trust) as a substitute assurance for the existing Assurance Agreement For Construction Of Subdivision Improvements associated with The Parks Parcel A, within Section 31, T2S, R8E, within Supervisory District 2. (RD09-014)**

- * **E.** **Discussion/approval/disapproval of Resolution No. 081909-TP-Parcel D approving the Assurance Agreement For Construction Of Subdivision Improvements (Third Party Trust) as a substitute assurance for The Parks Parcel D, within Section 31, T2S, R8E, within Supervisory District 2, and approving Waiver of Subdivision Regulations 804.3, and conditional release of existing financial assurance, as described in said resolution. (RD09-013)**

*** F. Discussion/approval/disapproval of Resolution No. 081909-TP-Parcel B - approving the Assurance Agreement For Construction Of Subdivision Improvements (Third Party Trust) as a substitute assurance for The Parks Parcel B, within Section 31, T2S, R8E, within Supervisory District 2, and approving Waiver of Subdivision Regulations 804.3, and conditional release of existing financial assurance, as described in said resolution.**

Per staff these items will be re-submitted on a future agenda.

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

10:16 A.M. - Motion was made by Supervisor Rios and seconded by Supervisor Martyn to recess for the meeting of the Pinal County Public Health Services Board of Directors. Motion carried by unanimous vote.

10:25 A.M. - Motion was made by Director Martyn and seconded by Director Rios to recess 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:

PZ-004-09: Clint Nichols, applicant/landowner, Gammage and Burnham, agent, requesting approval of a zone change from (CI-1) Light Industry and Warehouse zone to (CI-2) Industrial zone on 4.24± acres to plan and develop a solid waste transfer station; pending and in conjunction with the Board of Supervisors Planned Area Development (PAD) Overlay District and Industrial Use Permit (IUP) approvals under Planning Cases (PZ-PD-004-09) and (IUP-002-09); situated in a portion of the SE ¼ Section 33, T1N, R8E, G&SRB&M, Tax Parcel 102-20-009J (legal on file) (adjacent to Royal Palm Road, North of Baseline Avenue in the Apache Junction area). Planning Commission voted unanimously to recommend approval of PZ-004-09 with one (1) Stipulation of Understanding.

PZ-PD-004-09: Clint Nichols, applicant/landowner, Gammage and Burnham, agent, requesting approval of a Planned Area Development (PAD) Overlay District on 4.24± acres to plan and develop a solid waste transfer station; pending and in conjunction with the Board of Supervisors zone change and Industrial Use Permit (IUP) approvals under Planning Cases (PZ-004-09) and (IUP-002-09); situated in a portion of the SE ¼ Section 33, T1N, R8E, G&SRB&M, Tax Parcel 102-20-009J (legal on file) (adjacent to Royal Palm Road, North of Baseline Avenue in the Apache Junction area). Planning Commission voted unanimously to recommend approval of PZ-PD-004-09 with eleven (11) Stipulations.

IUP-002-09 - Clint Nichols, applicant/landowner, Gammage and Burnham, agent, requesting approval of a Industrial Use Permit to plan and develop a solid waste transfer station on 4.24± acres proposed for (CI-2) Industrial zone (PZ-004-09) with a Planned Area Development (PAD) Overlay District (PZ-PD-004-09); situated in a portion of the SE ¼ Section 33, T1N, R8E, G&SRB&M, Tax Parcel 102-20-009J (legal on file) (adjacent to Royal Palm Road, North of Baseline Avenue in the Apache Junction area). Planning Commission voted unanimously to recommend approval of IUP-002-09 with twenty-one (21) Stipulations.

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

SUP-007-08: Roy and Mary Ann Callison, landowner, Shannon Morrelli, applicant/ representative, requesting approval of a Special Use Permit to construct and operate a 190 foot tall wireless communication facility (mono-pole), on a 2500 square foot lease area of a 20± acre parcel in the (GR) General Rural Zone; situated in a portion of the NE ¼ of Section 11, T6S, R2E, G&SRB&M, Tax Parcel 501-05-034X (legal on file) (located 1/8 mile east of the intersection of Oak Rd. and Organ Pipe Rd. on the north side in far western Pinal County). Planning Commission voted unanimously to recommend approval of SUP-007-08 with eleven (11) Stipulations. (Continued from 6/24/09).

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 were requests to pull SUP-005-09, SUP-007-08 for further discussion as well as IUP-002-09 for a stipulation change.

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

PZ-004-09: Clint Nichols, applicant/landowner, Gammage and Burnham, agent, approved with One (1) Stipulation of Understanding:

- 1) Approval of this zone change request will require, at the time of application for development, that the applicant/owner/developer submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals.

PZ-PD-004-09: Clint Nichols, applicant/landowner, Gammage and Burnham, agent, approved with Eleven (11) Stipulations:

- 1) Approval of this PAD will require, at the time of application for development, that the applicant/owner submit and secure from the applicable and appropriate Federal, State, County and Local regulatory agencies, all required applications, plans, permits, supporting documentation and approvals;
- 2) the property is to be developed with an approved Planned Area Development (PAD) Overlay District(PZ-PD-004-09), in accordance with the applicable criteria set forth in Article 33 of the Pinal County Zoning Ordinance;
- 3) in the event any discrepancy or conflict arises between the written narrative report for the Planned Area Development (PAD) Overlay District and the stipulations attached to Planning Cases PZ-004-09 and PZ-PD-004-09, the stipulations shall govern;
- 4) the applicant/owner/developer shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building and Safety Department;
- 5) the developer/owner will coordinate with the Pinal County Public Works Department in addressing circulation between this proposed PAD and adjacent PAD'S both current and proposed;
- 6) all construction activity must conform to the Earthmoving Activity requirements of the Pinal County Air Quality Control District;
- 7) approval of this zone change/PAD request will allow the applicant/owner, during construction to provide for construction trailer(s) and associated parking;
- 8) the applicant/owner/developer shall attend Site Plan Review meeting(s) with Planning and Development Services staff prior to applying for a zoning clearance/building permit for this Planned Area Development. Site Plan Review shall include landscaping plans;
- 9) the property shall be developed in substantial compliance with the applicants' submittal documents including the submitted site plan and project narrative;
- 10) any change or expansion of the solid waste transfer and recycling station use shall require the approval of the Board of Supervisors under the procedures pursuant to Section 3308.c of the Zoning Ordinance; and
- 11) fugitive lighting shall be confined to the interior boundary of the site.

Motion carried by unanimous vote.

Zoning Cases removed for discussion and public hearing:

IUP-002-09 - Clint Nichols, applicant/landowner, Gammage and Burnham, agent, requesting approval of a Industrial Use Permit to plan and develop a solid waste transfer station on 4.24± acres proposed for (CI-2) Industrial zone (PZ-004-09) with a Planned Area Development (PAD) Overlay District (PZ-PD-004-09); situated in a portion of the SE ¼ Section 33, T1N, R8E, G&SRB&M, Tax Parcel 102-20-009J (legal on file) (adjacent to Royal Palm Road, North of Baseline Avenue in the Apache Junction area). Planning Commission voted unanimously to recommend approval of IUP-002-09 with twenty-one (21) Stipulations.

Staff pulled this item due to a stipulation #5 change recommendation.

Kay Bigelow, Applicant for Gammage and Burnham, 2 North Central, Phx, AZ. stated they are in agreement with the change.

Chairman Snider opened the public hearing on IUP-002-09 and called for comments from the audience. There were none. The public hearing was closed.

Motion on IUP-002-09:

Motion made by Supervisor Martyn and seconded by Supervisor Rios to approve IUP-002-09 with Twenty-one (21) Stipulations:

- 1) Submit copies of a Traffic Impact Analysis (TIA) to the Pinal County Engineer for review and approval. 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. These may include construction of acceleration/deceleration lanes, left turn pockets, traffic signals or other public improvements as approved by the County Engineer. The TIA shall be in accordance with the current Pinal County TIA Guidelines;
- 2) provide a minimum of 40' (half street) of free and unencumbered public right-of-way along Royal Palm Rd. (western boundary). Dedication of right-of-way shall be completed prior to Site Plan approval;
- 3) half street improvements will be required along Royal Palm Rd. (western boundary). All roadway and infrastructure improvements shall be in accordance with the current Pinal County standards or as approved by the County Engineer;
- 4) a minimum 28' paved public access, meeting current Pinal County Standards, shall be provided to the site;
- 5) the drainage plan shall provide retention for storm waters in a retention area to be maintained by the property owner or as approved by the County Engineer. The drainage plan shall be in accordance with the current Pinal County Drainage Manual or as approved by the County Engineer;
- 6) submit a geotechnical report to Pinal County Public Works for review at the time of Site Plan submittal;
- 7) this industrial use permit is granted to operate a solid waste transfer station as described in the applicants submittal documents;
- 8) the applicant/owner/developer shall meet the requirements of the International Fire Code, as adopted by Pinal County and administered by the Pinal County Building and Safety Department;
- 9) the applicant/owner/developer shall attend Site Plan Review meeting(s) with Planning and Development Services staff prior to applying for a zoning clearance/building permit for the Waste Transfer and Recycling Facility. Site plan review shall include landscaping plans;
- 10) all construction activity shall conform to the Earthmoving Activity requirements of the Pinal County Air Quality Department;
- 11) all Federal, State, County and Local regulations be adhered to and all applicable and required permits, approvals, and plans be submitted and obtained;

- 12) the applicant/owner/developer shall develop the site with trees along the street frontage spaced a minimum of 20 feet apart as shown on the submitted site plan dated June 2, 2009; trees shall be a minimum of 15 gallons;
- 13) all refuse loading, unloading and sorting activities shall be conducted within a completely enclosed building;
- 14) no hazardous, medical or toxic waste shall be transferred to the Waste Transfer and Recycling Facility;
- 15) the Waste Transfer and Recycling Facility shall be developed in substantial compliance with the applicants' submittal documents, including the submitted site plan and narrative;
- 16) any remaining refuse at the end of the business day shall be located within the completely enclosed structure;
- 17) the facility shall employ such odor control technology as to prevent any detectable odor outside the 4.24± acre development site;
- 18) the site shall be kept clear of litter and debris and the owner/applicant/developer shall prevent fugitive trash and debris from leaving the site;
- 19) the permit is set for annual review beginning January 2011 with the right of entry for the Code Compliance Officer to verify stipulations;
- 20) the site shall be paved with asphalt paving per the submitted site plan dated June 2, 2009; and
- 21) a six (6) foot masonry block wall shall be maintained along the north, south, and eastern boundaries of the site.

Motion carried by unanimous vote.

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

Steve Abraham, Senior Planner presented this item and stated this item is recommended by the Planning Commission for approval with 11 stipulations.

Ben Feldmen, representing applicant Pinnacle Consulting, 1420 N. Greenfield Rd. Gilbert, AZ was present to answer questions.

Supervisor Martyn commented that he could not support the location as currently proposed and that he needs to know if there is another location on which to locate this communications tower. Mr. Martyn suggested possibly looking at the new J.O. Combs high school area.

Mr. Feldmen commented he did not know if it was looked into or not.

Chairman Snider opened the public hearing on SUP-005-09 and called for comments from the audience. There were none. The public hearing was closed.

Motion made by Supervisor Martyn and seconded by Supervisor Rios to continue SUP-005-09 including the Public Hearing until September 16, 2009. Motion carried by unanimous vote.

SUP-007-08: Roy and Mary Ann Callison, landowner, Shannon Morrelli, applicant/ representative, requesting approval of a Special Use Permit to construct and operate a 190 foot tall wireless communication facility (mono-pole), on a 2500 square foot lease area of a 20± acre parcel in the (GR) General Rural Zone; situated in a portion of the NE ¼ of Section 11, T6S, R2E, G&SRB&M, Tax Parcel 501-05-034X (legal on file) (located 1/8 mile east of the intersection of Oak Rd. and

Organ Pipe Rd. on the north side in far western Pinal County). Planning Commission voted unanimously to recommend approval of SUP-007-08 with eleven (11) Stipulations. (Continued from 6/24/09).

Steve Abraham, Senior Planner presented this item and advised there was a recommendation for approval by the Planning Commission with 11 stipulations.

Shannon Morrelli, applicant representing AT&T wireless, 5651 W. Talavi Blvd. Glendale. Stated that she did meet with the neighborhood residents and that the initial height of 190 ft. height was too high, and AT&T agreed to lower it to 120 ft.

Ms. Morrelli asked that the Board approve with additional stipulations and the pole height be reduced to 120 feet and the permit be stipulated to be valid for 180 days or until a building permit is pulled.

Mr. Abraham stated that this issue of applicability of how the ordinance treats special use permits is different than the term 'use', and this isn't the forum as this is an SUP Case, and if the Board so chooses Mr. Abraham stated that staff can go back and go over the concerns of Ms. Morrelli as to why some things apply and some things don't.

Dr. Edgar Hernandez, 1727 W. Frye Rd. opposed, speaking on his behalf, Carolyn Oberholtzer, stated that Dr. Hernandez specialized in Oncology and felt that it was too close to his property and would like to have it researched more closely as he has sent in a letter outlining his concerns, as well as neighbors who have also sent in letters with many concerns opposed to this Special Use Permit.

Roy Callison, 2604 S. Thrasher, Tucson. In favor. Owner of land that towers are proposed to being put on. He is retired Air Force and specialized in radio communications. Mr. Callison feels that these towers will not bother anyone. He says that more towers are a good thing because calls are always being dropped, and for anyone to say that the towers are bad for you is wrong because he is 81 years old and in good health.

Chairman Snider commented that he is concerned about other 2 special use permits and asked Ms. Morelli to continue to work on the science behind the 120 ft. level and coverages and height issues.

Motion was made by Chairman Snider and seconded by Supervisor Rios to continue SUP-007-08 and public hearing until September 16, 2009 at 9:30. Motion carried by unanimous vote.

Meeting of the Pinal County Public Health Services Board of Directors (reconvened).

11:18 A.M. - Motion was made by Supervisor Martyn and seconded by Supervisor Rios to recess for the meeting of the Pinal County Public Health Services Board of Directors. Motion carried by unanimous vote.

11:36 A.M. - Motion was made by Director Martyn and seconded by Director Rios 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 and discussion/approval/disapproval of Resolution No. 081909-SR - A Resolution for the abandonment/extinguishment of a portion of Sasco Road, 66 feet wide, commencing at Aguirre Road and proceeding southwesterly for approximately 1750.79 feet to the point of termination (also known as Sasco Road), located within Supervisory District #1, Section 8, T10S, R10E, in the unincorporated area of Pinal County, Arizona.

Greg Stanley, Public Works Director presented for approval.

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

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to approve Resolution no. 081809-SR. Motion carried by unanimous vote.

Work Session for discussion only on case PZ-C-004-09, a Zoning Ordinance Text Amendment to Article 33A: Design Review Overlay Zone (DRO) by repealing Article 33A, and replacing the text of this Article in its entirety. The purpose of the amendment to Article 33A is to clarify Zoning District applicability, purpose and intent of the Design Review Overlay Zone, definitions of terms used in the Article, special provisions, initiating a Design Review Overlay Zone, updating the Zoning Map to reflect an initiated Design Review Overlay Zone, application requirements, Advisory Board review, procedure for decisions by the Planning Director, appeal procedure and establishing for lapse of Design Review approval.

Steve Abraham, Senior Planner, presented this work session and stated that since May of this year staff has had updates and direction on Article 33A and formulated an updated code that was brought before the planning and zoning commission to discuss during this work session.

Some of the highlights were:

- expenses incurred by a formed overlay zone board would have to be incurred by the group themselves, the county is not in a position to pay for anything, ie: room rental, printing, legal advice, staff expenditures, etc.
- Supervisors appoint a formation board
- Formation board circulates map of area, DRP, and petition for consent
- After 51% percent of property owners agree to form the overlay, a public hearing with the Commission and BOS
- Supervisors appoint the Seven member advisory board min. 4 members must be from within the Zone

The Facts reviewed by Mr. Abraham:

- DRO in effect now
- DRO formation requires Commission review and BOS approval much like a zone change
- Minimum of 4 members must be from within zone

The PAD exemption pros and cons were discussed as well and the feedback received from stakeholders. The number vs. number and area pros and cons were looked at also and talked about such as:

- Pros: when communities are constructed typically residents do not live on the largest tracts. Gives equal weight to owners regardless of parcel size. Details of DRP could be discussed as part of P&Z and BOS review.
- Cons: formation if a large land owner does not approve ratio of needed signatures increases dramatically.

The P&Z Commission concerns were:

- The "Citizenry, County and the Development Industry" need to have ample & equal opportunity to express their goals.

Chairman Snider commented and asked if this affords the citizens and residents to address their concerns as it seems?

Mr. Abraham answered "yes"

Supervisor Rios thanked staff for all their work.

Supervisor Martyn applauded staff as well as it is important to have a DRO in place.

Work Session on draft findings for the Hidden Valley Framework Study. (AD09-005).

Doug Hansen, Public Works Principal Transportation Planner presented the I-8 and I-10 Hidden Valley Transportation Framework Study, and talked about the recommended transportation framework and the study that began with ADOT called similarity transportation study and the outcome of that was three things: 1) transportation from ADOT, 2) regional transportation plan RSRSM and 3) recommendation to conduct a transit feasibility and implementation study, which is in progress right now.

Mr. Hansen mention that the objectives of the framework study are and were to: develop conceptual network of transportation corridors, including freeways, parkways, arterials, transit.

Bob Hazlett with Maricopa Association of Governments (MAG) was present and thanked the Board, the Elected Officials, and the Public Works staff.

Executive Session of the Pinal County Board of Supervisors for discussion and consultation for legal advice with the attorneys for the County, and to consider its position and instruct the attorneys regarding the County's position, in accordance with the provisions of A.R.S. § 38-431 (A) (3) (4), concerning pending litigation, to-wit: D.R. Horton v. Pinal County, Cause No. CV200801386.

12:27 P.M. - Motion was made by Supervisor Rios and seconded by Supervisor Martyn to recess from regular session of the Board of Supervisors and convene into executive session of the Pinal County Board of Supervisors as described above. Motion carried by unanimous vote.

Present: Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Assistant County Manager for Development Services, Ken Buchanan; Greg Stanley, Public Works Director; Special Counsel, Jim Jellison; Deputy Clerk of the Board, Heidi Cole; Clerk of the Board, Sheri Cluff.

1:03 P.M. - Motion was made by Supervisor Rios and seconded by Supervisor Martyn to adjourn from Executive Session and reconvene into regular session of the Pinal County Board of Supervisors. Motion carried by unanimous vote.

Executive Session of the Pinal County Board of Supervisors for discussion or consultation for legal advice with the attorneys for the County, and to consider its position and instruct the attorneys regarding the County's position, in accordance with the provisions of ARS Section 38-431.03(A)(3)(4) concerning pending litigation, to-wit: Pinal County et al. v. Rush GMC Truck Center of Tucson, Inc., Cause No. CV200702718.

1:04 P.M. - Motion was made by Supervisor Rios and seconded by Supervisor Martyn to recess from regular session of the Board of Supervisors and convene into executive session of the Pinal County Board of Supervisors as described above. Motion carried by unanimous vote.

Present: Chairman David Snider; Supervisor Pete Rios; Supervisor Bryan Martyn; County Manager, Terry Doolittle; Chief Civil Deputy County Attorney, Chris Roll; Assistant County Manager for Development Services, Ken Buchanan; Assistant County Manager for Administrative Services, Manny Gonzales; Greg Stanley, Public Works Director; Special Counsel, Jim Jellison; Deputy Clerk of the Board, Heidi Cole; Clerk of the Board, Sheri Cluff.

1:18 P.M. - Motion was made by Supervisor Rios and seconded by Supervisor Martyn to adjourn from Executive Session and reconvene into regular session of the Pinal County Board of Supervisors. Motion carried by unanimous vote.

Executive Session for discussion and consultation for legal advice with the attorneys for the County in accordance with A.R.S. §38-431.03(A)(3) concerning Proposition 207 – Private Property Rights Protection Act (A.R.S. §§ 12-1134 to 12-1138).

Removed from Agenda per legal counsel.

Discussion/approval/disapproval of a proposed agreement to settle pending litigation between Pinal County, the Arizona Counties Insurance Pool and Rush GMC Truck Center of Tucson, Inc., Cause No. CV200702718, and authorization of counsel for the County to execute any and all documents to effect such settlement.

Presented by Chief Civil Deputy County Attorney, Chris Roll for approval.

Motion was made by Supervisor Martyn and seconded by Supervisor Rios to settle pending litigation between Pinal County, the Arizona Counties Insurance Pool and Rush GMC Truck Center of Tucson, Inc., Cause No. CV200702718. Motion carried by unanimous vote.

Work Session for discussion only on the Implementation of Consent to Conditions/Stipulation and Waiver of Claims For Diminution of Value form and condition of approval or stipulation.

Removed from Agenda per staff.

Public Hearing/Discussion: on PZ-C-002-09 on 2009 Pinal County Comprehensive Plan as recommended by the Pinal County Planning and Zoning Commission on May 21, 2009, focusing on Chapter 3: Sense of Community; Chapter 4: Mobility and Connectivity; Chapter 5: Economic Sustainability; and Chapter 6: Open Spaces and Places and ACTION on proposed changes to the proposed Comprehensive Plan. [Continued from August 12, 2009]

Jerry Stabley, Planning Director presented this case focusing on Chapter 3: Sense of Community; Chapter 4: Mobility and Connectivity; Chapter 5: Economic Sustainability; and Chapter 6: Open Spaces and Places and ACTION on proposed changes to the proposed Comprehensive Plan. [Continued from August 12, 2009].

Mr. Stabley started with Chapter 3: Sense of Community in the Flexible Land Use Designation.

Supervisor Rios moved to make a proposed change in Chapter 3, pages 51 and 57 from 2,200 acres from Moderate Low Density Residential and General Public Facilities/Services to Employment south of Coolidge.

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

Maryeileen Flanagan, P.O. 640, Stanfield, AZ. In favor of overall Comprehensive Plan. Feels that this plan is a good balance, and just wants an adequate water supply, and voices heard, activity centers scattered throughout.

Yvonne McCall, 20 E. Main St. Mesa, City of Mesa. Property Management Coordinator, was asked on behalf of Natalie Lewis to thank everyone for all the support of Jerry Stabley and to thank the Board for bringing the plan forward.

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to change 2,200 acres from Moderate Low Density Residential and General Public Facilities/Services to Employment south of Coolidge. Motion carried by unanimous vote.

There were no other comments from the public.

Supervisor Martyn commented from last week of August 12, 2009 that activity centers are definitely a step in the right direction for the County and after rethinking last weeks meeting although they may not be in the right location, it is critical to ensure that they are in the right place however as they are important and to give due diligence.

Supervisor Martyn said he was probably going to make a motion to remove items 18, 19 and 20 that were added previously, which are as such: remove "add mid-intensity activity center west of Gantzel, Roberts to Skyline in the San Tan Valley Area", remove "add 500 acres of employment at Kenworthy and Skyline in the San Tan Valley Community", and remove the "add low intensity activity center at Gantzel and Judd in the San Tan Valley Community".

Mr. Stabley stated this would mean that if an activity center was decided to be appropriate for this area it would be a longer time to make this happen, and it would probably mean a major amendment process and to get back on the map it would be approximately around November to December 2010 for that to be completed at the earliest.

Michelle Green, 1616 W. Adams, State Land Dept. Opposed to certain locations of Activity Centers, Ms. Green stated that they feel very supportive of the concept of Activity Centers but feels it's premature to locate them on the map in appropriately.

There were no other comments from the public.

Motion was made by made by Supervisor Martyn and seconded by Supervisor Rios to remove activity centers as proposed that were previously added, items 18, 19 and 20. Motion carried by unanimous vote.

Mr. Stabley continued on with the Flexible Land Use Designation, the stakeholder values, the issues and concerns that are today in the outcome are with: large number of houses and very few jobs, very few areas set aside for jobs, vast majority commute out of town, municipality struggling to provide services, County struggling to build roads for commute to Maricopa County, are just a few.

Court Rich, 6613 N. Scottsdale Rd., Rose Law Group. Feels that Mr. Stabley is right that there needs to be a distinction between the zoning and the comprehensive plan. As Pinal Partnership, Mr. Rich gave some examples for Flexible Land Use Designation uses as a tool to benefit.

There were no other comments from the public on Chapter 3.

Chapter 4 – Mobility and Connectivity.

Mr. Stabley continued and stated that the citizens and stakeholders voiced that mass transit and multimodal were good options for many and would help enhance the areas quality of life.

Supervisor Martyn questioned the RSRSM portion of the comprehensive plan to this and the Hidden Valley Framework Study matchup and the importance.

Chairman Snider mentioned that the fact of the RSRSM routes and the input of the municipalities and the people engaged in that side of the county are there.

Greg Stanley, Public Works Director stated that once you put a line on the map it tends to be gospel. Therefore in the comp plan they are using study plans that have been adopted.

Supervisor Rios had no proposed changes.

Supervisor Martyn stated he had no changes.

Chairman Snider stated he had one change on the bottom of page 157, which reads "a portion of State Route 79 is shown on the Multimodal Circulation Plan: Roadways as a Context Sensitive Corridor. This portion of Hwy 79 is an enhanced parkway with specific planning guidelines which are included in chapter 3: Sense of Community. These guidelines are intended to protect the scenic character of this corridor."

Mr. Stabley added one change from staff which read "Increasing the size of a zoning classification is allowed only for commercial centers in approved PADs next to Principal Arterials. These centers will be allowed to adjust under the above criteria to reach the 1/8 mile mark from a signalized intersection to connect to an approved full access driveway."

Linda Cheney, 426 N. 44th St. Phoenix, El Dorado Holdings / Pinal Partnership. The language compromise that Mr. Stabley was suggesting on the commercial tracks is fine. Ms. Cheney talked about the RSRS and the circulation with regards to the density.

Mr. Stabley commented on Ms. Cheney's example and the density and feels that it will not be an issue and if necessary they can tweak it with the language with regards to the dwelling units.

Michael Cronin, 426 N. 44th St. Phoenix, El Dorado Holdings / Pinal Partnership, requested that there be a change to the circulation plan on the comp plan to bring it into consistency with the MAG plan.

Mr. Stabley commented that the MAG study was designed primarily to look at the freeway alignments and would recommend to look at them with Mr. Cronin if the Board so chooses.

Supervisor Martyn stated that a study of our maps does merit a bit more looking at to make sure a designation of our roads needs to be improved, then working with the property owners should be an easy fix.

Motion was made by Chairman Snider and seconded by Supervisor Rios in Chapter 4, page 157 to amend text State Route 79 and to clarify on page 158 adding language stating "increasing the size of zoning classification is allowed only for commercial centers in approved PADs next to Principal Arterials. These centers will be allowed to adjust under the above criteria to reach the 1/8 mile mark from a signalized intersection to connect to an approved full access driveway." Motion carried by unanimous vote.

There were no comments from the public on Chapter 4.

Chapter 5 – Economic Sustainability

Mr. Stabley stated that this increases the County's ability to provide quality employment opportunities and also that this element is not required by the state.

There were no proposed changes on Chapter 5.

There were no comments from the public on Chapter 5.

Chapter 6 – Open Spaces and Places

Mr. Stabley stated the goals for the residents as they have stated throughout the process the commitment to preserving the open spaces and the trails.

Supervisor Rios stated he has no changes on this Chapter 6.

Supervisor Martyn also stated he has no changes for Chapter 6.

Mr. Stabley noted staff's changes on page 217.

Michelle Green, 1616 W. Adams, State Land Dept., Ms. Green stated that they have come a long way with the County on open space issues. Ms. Green wanted to point out one issue with the National Parks and Recreation Standards, and make aware that the standards aren't being put forth by the Recreation Association anymore as a Standard that is suitable for everyone because the level of service for an individual subdivision or certain area is really related to the demographics of that area so that an older active adult type community would need less neighborhood parks and more of some other kind of open space.

Motion was made by Chairman Snider and seconded by Supervisor Rios that in Chapter 6, page 218, item 10 add new 3rd sentence under the paragraph entitled Regional Parks to read: "These parks will be developed, maintained and operated by Pinal County or other counties."

Motion was made by Supervisor Martyn and seconded by Supervisor Rios on Table 6-3: Park Level of Service, to delete the entire column entitled Standard # of Square Feet (SF) per Dwelling Unit (DU) on page 217; items 22, 23 and 24; and on page 218, item 25, Table 6-4 Park Acreage Needs, delete entire column. Motion carried by unanimous vote.

Motion was made by made by Chairman Snider and seconded by Supervisor Rios to continue the public hearing on PZ-C-002-09 until September 2, 2009 meeting. Motion carried by unanimous vote.

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

Removed from Agenda per legal counsel as it was not necessary.

County Manager's Report "Information Only." County Manager Doolittle wanted to ensure that the Board is posted in that we continue to work with the Treasurer's office and monitor at the State level that if no action is taken by Friday of this week in relation to school equalization tax it would put us in jeopardy as we need to calculate and send tax data to the printer this coming weekend in order to stay in the allocated time period to have tax bills run by the company. We get a placemaker and if we miss that the printing will be pushed back a significant period of time.

In addition, next month there will be a financial recap on the 16th relating to the closeout of the previous fiscal year and revenue trends that we have currently underway.

Call to Public. Todd Pomeroy, 18046 E. Via Rubio, Gold Canyon. Continuing from last weeks meeting of August 12, 2009 meeting and to ask the Board questions surrounding the termination of his employment Mr. Pomeroy directed his questions to the County Manager Terry Doolittle. Mr. Pomeroy asked if the report was thoroughly reviewed the report that was generated by Mike Arnold, Director of Human Resources before a decision was made to deny a request for administrative leave with pay. Mr. Pomeroy continued to ask questions to the basis of decisions that the County Manager made as to the dates and references of meetings with Mr. Pomeroy and Mr. Arnold Director of Human Resources, and asked for answers to the documentation. Mr. Pomeroy asked in closing to have the right thing done instead of doing nothing.

Carmen Wainscott, 1220 N. Orlando Dr., Coolidge. Ms. Wainscott stated she was here again this week to state her case to the Board as her request for the Merit Commission Hearing was denied by the Human Resources Director. Ms. Wainscott stated while she was employed by the County she met with Human Resources to address her concerns that she felt she was subject to a hostile environment for almost 3 months and retaliation from her employer. Ms. Wainscott now feels she has been wrongfully terminated with the term 'laid off', and a victim of illegal employment practices in discrimination. Ms. Wainscott feels that for her dedication and service for over 10 years with Pinal County she has not had the same opportunity as the other county employees.

Regular Session, continued
August 19, 2009
Page 14

Motion was made by Supervisor Rios and seconded by Supervisor Martyn to adjourn the meeting.
Motion carried by unanimous vote.

There being no further business the meeting stood adjourned at 3:00 P.M. The next regular meeting of the Pinal County Board of Supervisors will be on Wednesday, September 2, 2009 at 9:30 a.m.

PINAL COUNTY BOARD OF SUPERVISORS

Heidi Cole, Deputy Clerk of the Board