



PINAL COUNTY

WIDE OPEN OPPORTUNITY

**PINAL COUNTY BOARD OF SUPERVISORS
REGULAR SESSION
MINUTES
Wednesday, May 18, 2022
9:35 AM**

BOARD OF SUPERVISORS

Chairman Jeffrey McClure
Supervisor, District 4

Vice-Chairman Jeff Serdy
Supervisor, District 5

Kevin Cavanaugh
Supervisor, District 1

Mike Goodman
Supervisor, District 2

Stephen Q. Miller
Supervisor, District 3

PINAL COUNTY ADMINISTRATIVE COMPLEX
BOARD OF SUPERVISORS HEARING ROOM
135 N. PINAL STREET
FLORENCE, AZ 85132

All Presentations are attached to the Agenda at:
[Click Here to View the Regular Session Agenda](#)

and a Video Recording of this meeting can be viewed at:
[Click Here to View Video Recording](#)

Chairman McClure offered for the Invocation by Chaplain Joe Somage, and the pledge of allegiance by Chairman.

The Pinal County Board of Supervisors convened at 9:35 a.m. this date. The meeting was called to order by Chairman McClure.

Members Present: Chairman Jeffrey McClure; Vice-Chairman Jeff Serdy; Supervisor Kevin Cavanaugh; Supervisor Mike Goodman; Supervisor Stephen Q. Miller

Staff Present: County Manager, Leo Lew; Chief Civil Deputy County Attorney, Chris Keller; Special Counsel, Andrew McGuire; Clerk of the Board, Natasha Kennedy and Deputy Clerk of the Board, Kelsey Pickard

(1) Call to Public -

Consideration and discussion of comments from the public. Those wishing to address the Pinal County Board of Supervisors need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

Barry McCain, Arizona City, appeared before the Board, spoke regarding concerns surrounding the cost to the county due to pending litigation against Supervisor Cavanaugh, and the recent house fire.

Supervisor Cavanaugh responded regarding the recent fire, 911 dispatching services, and advised he has already requested a failure analysis.

Randy Craven, Apache Junction, appeared before the Board and spoke regarding concerns with Salon De Casablanca, temporary use permit, and lack of response from the county.

Vice-Chairman Serdy responded, he had spoken with Mr. Craven previously, and was under the impression his concerns were being resolved however, will look into this issue again.

David Miller, Apache Junction, appeared before the Board and spoke regarding Salon De Casablanca rezoning concerns.

Chairman McClure requested the County Manager, look into the concerns regarding Salon De Casablanca.

Leo Lew, County Manager acknowledged the request.

The following additional members of the public appeared before the Board and spoke:

- Regarding election integrity concerns and requested the county look into a cell phone tracking system; Pete Sabin, Marana.
- Regarding election integrity; Roberto Reveles, Gold Canyon.

Item Action: Public Comments

- (2) Presentation of Certificates of Service to employees for 20 years and Recognition of Retirement. (Leo Lew)

Leo Lew, County Manager, announced Certificates for Years of Service.

Lucinda Amarillas, Detention Supervisor, appeared before the Board, spoke regarding her years of service with the county at Juvenile Court Services, and thanked the Board.

Denise Smith, Juvenile Court Services Director, appeared before the Board and thanked Lucinda Amarillas for her years of service.

Leo Lew announced Recognition of Retirement.

Brent Billingsley, Community Development Director, appeared before the Board and thanked Lester Chow for his work ethic, and technical skills.

Lester Chow, Community Development Deputy Director, appeared before the Board, spoke regarding his career with Pinal County, thanked Community Development staff for their hard work, and thanked the Board.

Chairman McClure, Vice-Chairman Serdy, and Supervisor Miller thanked Lester Chow for his service to the county and wished him a happy retirement.

Christopher Wanamaker, County Engineer, appeared before the Board, and spoke regarding Lester Chow's wealth of institutional knowledge and the difference he has made to this county.

Item Action: Information Only

- (3) County Manager's Report (Information Only). (Leo Lew)

Leo Lew, County Manager, provided the following Reports:

- Advised concerns had been received regarding local television channels, there will be an upcoming Work Session to discuss this issue and filing an application with the Federal Communications Commission (FCC).
- On June 8, 2022, there will be an update to the Board regarding the emergency access gate in Gold Canyon.
- Advised concerns had been received regarding Air Force training, dropping flairs in the northern part of the county, Supervisor Serdy and county staff are working with federal delegation to determine how to best address this issue.

Item Action: Information Only

- (4) Purchasing Division Report - May 18, 2022 (Tiara Peterson/Angeline Woods)

Tiara Peterson, Purchasing Manager, appeared before the Board and presented.

Item Action: Approved

Motion Made By: Supervisor Miller

Seconded By: Supervisor Goodman

To approve the Purchasing Division Report as presented.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

(5) CONSENT ITEMS:

All items indicated by an asterisk (*) will be handled by a single vote as part of the consent agenda, unless a Board Member, County Manager, or member of the public objects at the time the agenda item is called.

Chairman McClure asked if there were any requests from a Board Member, staff or the audience to remove any consent agenda items for discussion. There being none.

Item Action: Approved Consent Agenda Items A through AK

Motion Made By: Supervisor Goodman

Seconded by Supervisor Miller

To approve Consent Agenda Items A through AK.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- * A. Discussion/approval/disapproval of Minutes from April 20, 2022, Special Session Meeting of the Board of Supervisors. (Natasha Kennedy)
- * B. Discussion/approval/disapproval of the current billings before the Board. (Natasha Kennedy)
- * C. Discussion/approval/disapproval of the recommendation to the Arizona Department of Liquor License and Control of application and interim permit, series 006 Bar of Jared Michael Repinski for Mountain Brook Golf Course located at 5783 S. Mountain Brook Dr., Gold Canyon, AZ 85118 and authorize the Clerk of the Board to execute and submit all necessary documents to the state. Supervisor District #5. (Natasha Kennedy)
- * D. Discussion/approval/disapproval of the recommended appointments of the following two (2) individuals to the Industrial Development Authority (IDA):
 - Appointment of James Garrett, Coolidge, AZ 85128, to serve out the term of Dolores Freeman who has resigned from the Industrial Development Authority. Mr. Garrett's term of service shall be May 18, 2022, through March 31, 2027.
 - Appointment of Richard Horton, Eloy, AZ 85128, to serve out the term of Rene Lesieutre who has resigned from the Industrial Development Authority. Mr. Horton's term of service shall be May 18, 2022, through July 31, 2024.These appointments have been recommended for approval by William Wilder and John Fries, attorneys for the IDA. (Natasha Kennedy)
- * E. Discussion/approval/disapproval of the Tax Exemption Extension request received by the Assessor's Office for: Orpha J. Marcuzzo, Richard Thompson, Wilma Henton, Peter De Lellis, Linda Rae Walker, Donald E. Thomas, Debra L. Turner, Therese R. Crabtree, Michael P. Dykes, Aurora Guerrero, and Myrna E. Gunderson to be allowed to file for widow/widowers and/or disabled persons or non-profit organization tax exemption. (Natasha Kennedy)
- * F. Discussion/approval/disapproval of the Intergovernmental Agreement between the Pinal Regional Transportation Authority and Pinal County Elections Department for the preparation and conduct of the consolidated November 8, 2022, General Election. (David Frisk/Himanshu Patel)

- * G. Discussion/approval/disapproval of a grant award between the Petco Foundation, Petco Love 2022 grant program, and the Pinal County Animal Care and Control, through the Pinal County Board of Supervisors, beginning June 1, 2022, ending May 31, 2023, for \$45,000. This grant will be used for basic medical care and spay/neutering costs for Pinal County citizens experiencing hardship. (Audra Michael/MaryEllen Sheppard)
- * H. Discussion/approval/disapproval of the Intergovernmental Agreement (IGA) between Pinal County by and through the Pinal Regional Communications Consortium (PRCC) and the City of Coolidge. This agreement enables the City of Coolidge to join the PRCC Public Safety Radio System to enhance the communications capabilities of the agency. This agreement has been approved by the PRCC Executive Committee. (Robert Stanley)
- * I. Discussion/approval/disapproval of Resolution No. 051822-GA21-052 approving an Intergovernmental Agreement No. IGA 22-0008519-I between the State of Arizona and Pinal County for the Safety Improvements surrounding the intersections of Hunt Highway between Gary Road and Bella Vista Road and on Gantzel Road at Ocotillo Road and at Combs Road. Supervisor District #2. (GA21-052) (Celeste Garza/Andrew Smith)
- * J. Discussion/approval/disapproval of accepting Warranty Deed from Charles G. Lawrence and Barbara A. Lawrence; Richard Barr and Patricia Barr, and Dean L. Jacobson as trustee of the Roslin N. Jacobson Irrevocable Insurance Trust conveyed to Pinal County for roadway purposes located in Section 6, T7S, R6E, for the Thornton Rd. Project. Supervisor District #3. (RD21-134) (Celeste Garza/Andrew Smith)
- * K. Discussion/approval/disapproval of Resolution No. 051822-RD21-144 accepting seven (7) separate warranty deed documents granting real property for roadway purposes for constructing and maintaining a public highway and all incidents thereto for the Inland Port Improvement Hanna/Houser Roads Project located in T7S, R8E, Sections 10 and 27. Supervisor District #3. (RD21-144) (Celeste Garza/Andrew Smith)
- * L. Discussion/approval/disapproval of Resolution No. 051822-RD21-141 releasing the current Maintenance Bond NO. SUR0054402M associated with Fulton Homes Promenade Parcel 5A, Located in Section 1 & 2, Township 3 South, Range 7 East. Supervisor District #2. (RD21-141) (Stephanie Bartelson/Brent Billingsley)
- * M. Discussion/approval/disapproval of Resolution No. 051822-RD21-142 releasing the current Maintenance Bond NO. SUR0054403M associated with Fulton Homes Promenade Parcel 2, 3, & 5B , Located in Section 1 & 2, Township 3 South, Range 7 East. Supervisor District #2. (RD21-142) (Stephanie Bartelson/Brent Billingsley)
- * N. Discussion/approval/disapproval of Resolution No. 051822-RD21-140 releasing the current Performance Bond NO. 800038282, and accepting Maintenance Bond NO. 800134943 associated with The Parks Parcel E, Located in Section 31, Township 2 South, Range 8 East. Supervisor District #5. (RD21-140) (Stephanie Bartelson/Brent Billingsley)
- * O. Discussion/approval/disapproval of Resolution No. 051822-RD21-143 releasing the current financial assurance bond NO. ES00003866 associated with the Public Subdivision Improvements in connection with Archer Meadows Parcel 5, The Private Streets Located in Section 34, Township 2 South, Range 8 East. Supervisor District #5. (RD21-143) (Stephanie Bartelson/Brent Billingsley)

- * P. Discussion/approval/disapproval Resolution No. 051822-RD21-145 releasing the current Performance Bond NO. 800038283, and accepting Maintenance Bond NO. 800134942 associated with The Parks Parcel F, Located in Section 31, Township 2 South, Range 8 East. Supervisor District #5. (RD21-145) (Stephanie Bartelson/Brent Billingsley)
- * Q. Discussion/approval/disapproval Resolution No. 051822-RD21-146 accepting Third Party Trust Agreement NO. 60,534 associated with Skyline Village - Parcel 3 Located in Section 11, Township 3 South, Range 8 East. Supervisor District #5. (RD21-146) (Stephanie Bartelson/Brent Billingsley)
- * R. Discussion/approval/disapproval Resolution No. 051822-RD21-147 accepting Third Party Trust Agreement NO. 60,534 associated with Skyline Village - Parcel 4 Located in Section 11, Township 3 South, Range 8 East. Supervisor District #5. (RD21-147) (Stephanie Bartelson/Brent Billingsley)
- * S. Discussion/approval/disapproval of a Block Plat for Skyline Village. Supervisor District #5. (FP20-027) (Glenn Bak/Brent Billingsley)
- * T. Discussion/approval/disapproval of a Final Plat for Skyline Village – Parcel 3. Supervisor District #5. (FP20-028) (Glenn Bak/Brent Billingsley)
- * U. Discussion/approval disapproval of a Final Plat for Skyline Village – Parcel 4. Supervisor District #5. (FP20-029) (Glenn Bak/Brent Billingsley)
- * V. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Christopher Thiem, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outdoor Lighting to maintain unpermitted outdoor lighting for equestrian events. The Property is located at Parcel #400-37-002C, Coolidge, AZ in Supervisor District #1. (Craig Cameron/Kent Volkmer)
- * W. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Christopher Thiem, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outdoor Lighting to maintain unpermitted outdoor lighting for equestrian events. The Property is located at Parcel #400-37-002B, Coolidge, AZ in Supervisor District #1. (Craig Cameron/Kent Volkmer)
- * X. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Les Evans, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outside Storage: Other Items for maintaining storage of scrap tin metal, concrete pipes, trash, and debris. The Property is located at 658 N. Deer Trail, Maricopa, AZ in Supervisor District #4. (Craig Cameron/Kent Volkmer)

- * Y. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against KCJ Investments, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outside Storage and Parking for debris, old tires, materials, equipment, etc. Uses Permitted for not having an established primary use on the property. Storage and Accessory Uses for having unpermitted cargo containers. The Property is located at Parcel #100-21-0560, Apache Junction, AZ in Supervisor District #5. (Craig Cameron/Kent Volkmer)
- * Z. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Shane & Lorna Echols, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outside Storage: Vehicle Parking for having several unregistered and inoperable vehicles on the property. Outside Storage: Other Items for continually storing multiple items including scrap metal, scrap wood, vehicle tires, and dismantled bicycles. The Property is located at 28433 E. Kents Way, Florence in Supervisor District #1. (James Mitchell/Kent Volkmer)
- * AA. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Gary Leslie Barnes, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outside Storage and Parking for not removing the debris, materials, old tires, Jet Ski, utility trailer, and debris piles. Vehicle parking for having inoperable vehicles and not removing them. Recreational vehicle storage for not removing an inoperable RV. Storage and Accessory Uses for having an unpermitted cargo container on the property. The Property is located at 31584 N. Gary Rd., Queen Creek, AZ in Supervisor District #2. (James Mitchell/Kent Volkmer)
- * AB. Discussion/approval/disapproval to authorize Pinal County Attorney to take all necessary action to enforce the Civil Hearing Office finding of violations against Eleanor M. Hildreth Trust, up to and including filing a complaint in Superior Court, utilizing appropriate resources to remedy the violations, and file liens for the cost of recovery. The property owner was found in violation of the Pinal County Development Services Code for: Outside Storage; Vehicle Parking for maintain storage of multiple inoperable vehicles. Outside Storage: Furniture and Appliances for maintaining outside storage of mattresses, furniture, beds, and cabinets. Outside Storage: Other Items for maintaining outside storage of indiscernible scrap and debris. The Property is located at 52542 W. Pampas Grass Rd., Maricopa, AZ in Supervisor District #4. (James Mitchell/Kent Volkmer)
- * AC. Discussion/approval/disapproval of Award Agreement FLOR-AZ-EQUIP22 between the National Children's Alliance Established, Improvement, and Expansion of Children's Advocacy Centers program and the Pinal County Attorney's Office, through the Pinal County Board of Supervisors, beginning April 1, 2022, ending December 31, 2022, for \$19,186. This grant will be used by a Family Advocacy Center satellite office for medical exam room equipment and forensic interviewing recording equipment. (Kent Volkmer)

- * AD. Discussion/approval/disapproval of Award Agreement FLOR-AZ-PDR22 between the National Children’s Alliance, Established, Improvement, and Expansion of Children’s Advocacy Centers program and Pinal County County Attorney’s Office, through the Pinal County Board of Supervisors beginning April 1, 2022, ending December 31, 2022, for \$25,000. This grant will be used to purchase supplies and equipment to help establish the Family Advocacy Center Satellite Office. (Kent Volkmer)
- * AE. Discussion/approval/disapproval of proposed settlement of property tax valuation appeal case number TX2020-001015 pending in the Arizona Tax Court, and authorization of counsel to execute all documents necessary to finalize settlement. (Chris Keller/Douglas Wolf)
- * AF. Discussion/approval/disapproval of the 2022-2023 Pinal County Schools Data Processing Consortium Intergovernmental Agreement. An agreement between both parties to delegate authority and responsibilities to the Pinal County Schools Data Processing Consortium to fulfill the requirements of financial record keeping for the participating school districts in Pinal County, pursuant to A.R.S. 15-301. (Jill Broussard)
- * AG. Discussion/approval/disapproval to retroactively submit a grant application and accept Award Agreement ACESF-21-042 Amendment 1 between the Arizona Criminal Justice Commission, Arizona Coronavirus Emergency Supplemental Funding program and Adult Probation, through the Pinal County Board of Supervisors, ending January 31, 2023, for \$13,851 for a new total award of \$50,545.42. This grant will be used by Adult Probation to purchase laptops, video conferencing systems, N95 face masks, and personnel overtime. Acceptance also approves a FY 21/22 budget amendment to transfer reserve appropriation only from fund 213 Grants/Project Contingency) to fund 274 (AP/Adult Drug Courts) increase/decrease revenues and expenditures. The grant solicitation was announced with a two week submission deadline that did not allow sufficient time for Board approval prior to submission. (Rod McKone)
- * AH. Discussion/approval/disapproval for Ryan Osborn, Division Director of Pinal County Adult Probation Badge #1788, who retired on March 4, 2022. Mr. Osborn has requested to purchase his issued duty weapon described as Glock 9MM, at a price of \$25. Fair market value is approximately \$409. Purchase of an issued duty weapon upon retirement is also in compliance with A.R.S. 38-1115A which allows a law enforcement officer, upon his or her retirement to purchase his/her issued weapon at a price determined by the Administrator of the agency. (Rod McKone)
- * AI. Discussion/approval/disapproval to submit a grant application to the Administrative Office of the Courts, Family Counseling Program for \$34,090. Match is required in the amount of \$8,523. This grant will be used by the Juvenile Court Services Department to contract for treatment services. (Denise Smith)
- * AJ. Discussion/approval/disapproval of an award between the Administrative Office of the Courts, FY22 Court Improvement Program and Juvenile Court Services through the Pinal County Board of Supervisors beginning July 1, 2021, ending June 30, 2022, for \$92,497. This grant will be used by Juvenile Court Service to provide staff salary and employee related expenses, equipment, and travel to support the safety, permanency, and the well being of children who are subject to a dependency petition in the State of Arizona. (Denise Smith)

* AK. Discussion/approval/disapproval of Award Agreement No. 2022-025, between the State of Arizona, Office of the Attorney General and the Pinal County Juvenile Court Services, through the Pinal County Board of Supervisors beginning July 1, 2021, ending June 30, 2022, for \$15,922 and retroactively authorize Denise Smith, Director of Juvenile Court Services to execute all necessary documents in order to accept and align the budget award and budget modification. This grant was used by the Victim's Rights Program for staff salaries and employee related expenses. \$15,800 was included in the FY21/22 budget. However, the award received was \$15,922. Therefore, an increase in the budget appropriation of \$122 is requested. Acceptance requires an amendment to the FY21/22 budget to transfer reserve appropriation from Fund 213 (Grants/Project Contingency) to Fund 122 (Juvenile Prob/Victims' Right's) to increase revenues and expenditures. There is no impact on the General Fund. (Denise Smith)

- (6) Meeting of the Pinal County Flood Control District Board of Directors. (Christopher Wanamaker/Andrew Smith)

Chairman McClure recessed the Pinal County Board of Supervisors Meeting and convened as the Pinal County Flood Control District Board of Directors Meeting.

Item Action: Convened into the Pinal County Flood Control District Agenda

Chairman McClure adjourned the Pinal County Flood Control District Board of Directors Meeting.

- (7) Meeting of the Pinal County Public Health Services District Board of Directors. (Tascha Spears/Leo Lew)

Chairman McClure convened as the Pinal County Public Health Services District Board of Directors Meeting.

Item Action: Convened into the Pinal County Public Health Services District Agenda

Chairman McClure adjourned the Pinal County Public Health Services District Board of Directors Meeting and reconvened the Pinal County Board of Supervisors Meeting.

10:14 a.m. - Chris Keller, Chief Civil Deputy County Attorney, advised Andrew McGuire, Special Counsel will represent the Board for Items 8, 9, and 10 considering the County Attorney's Office represents the Department for these items therefore, Chris Keller left the dais and Andrew McGuire is now present on the dais.

- (8) Hearing, Review, and Action on Appeal of Hearing Officer's decision on ZO21-0053, Mary Koenig, Tax Parcel No. 509150460, Complaint No. CC-0413-20, Count #1: Outside Storage and Parking - Accessory Uses, Count 2: Regulations - Uses Permitted, Count 3: Enforcement - Zoning Clearance and Permits. Supervisor District #1. (Mary Koenig/Craig Cameron)

Craig Cameron, Deputy County Attorney, appeared before the Board, advised since the time of filing the Memorandum the owner had taken steps to resolve two out of the three counts therefore, requested to dismiss counts 1 and 2, and continue this case to allow the Appellant additional time to resolve the remaining count.

Jon Webster, Appellant Representative appearing with Appellant Mary Koenig, appeared before the Board, presented regarding the progress made on the property, requested the Board vacate the judgment and set aside the Appeal pursuant to Rule 27.5.1, and further requested to submit supplemental documents to the Board for review.

Natasha Kennedy, Clerk of the Board, requested legal advice regarding acceptance of supplemental documents.

Andrew McGuire, Special Counsel, advised the Board supplemental documents should not be accepted by the Board during the hearing however, testimony is permitted and if there is a continuance the Appellant could then submit the supplemental material.

Discussion held regarding the Appellant's request to submit supplemental materials by the following Board Member, Staff and Appellant Representative; Supervisor Cavanaugh, Andrew McGuire, Craig Cameron, and Jon Webster.

Andrew McGuire further advised this is a hearing, both sides shall be informed of any supplemental documents to be provided to allow them the opportunity to prepare for the hearing/rebuttal therefore, it is not appropriate for any supplemental documents to be submitted today without the county attorney having had the opportunity to review said documents.

Craig Cameron advised he has not reviewed the supplemental documents however, is willing to waive the requirement to disclose said documents.

Chairman McClure directed Jon Webster to provide the supplemental documents to the Clerk of the Board.

Jon Webster for the Record submitted the supplemental documents to the Clerk of the Board, further presented, and requested the Board vacate the Judgment, fines, and fees.

Further discussion held regarding the Appeal and how to proceed by the following Board Members, Staff, and Appellant Representative; Supervisor Cavanaugh, Supervisor Goodman, Supervisor Miller, Andrew McGuire, Craig Cameron, and Jon Webster.

Item Action: Vacated all 3 counts, and refund the fees and fines

Motion Made By: Supervisor Cavanaugh

Seconded By: Supervisor Serdy

To vacate all 3 counts, and refund the fees and fines.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (9) Hearing, Review, and Action on Appeal of Hearing Officer's decision on ZO-21-0060, Linda Olson, Tax Parcel No. 10022021A, Complaint No. CC-0251-21, Count #1: Outside Storage and Parking - Other Items, Count #2: Outside Storage and Parking - Vehicle Parking, Count #3: Outside Storage and Parking - Heavy Trucks, and Count #4: Storage and Accessories Uses. Supervisor District #5. (Linda Olson/James Mitchell)

Gene Olson, Appellant, appeared before the Board, presented, and requested information on how to change the law/permitting process.

Andrew McGuire, Special Counsel, advised to change a permit process it would be a modification/text amendment of a zoning ordinance however, that is not before the Board this date.

Linda Olson, Appellant, appeared before the Board and presented regarding their attempts to come into compliance.

James Mitchell, Deputy County Attorney, appeared before the Board and presented.

Supervisor Miller requested additional information regarding the surrounding area based upon the Appellant's testimony that there are other cargo containers in the area, and are these being pursued by Code Enforcement.

Heather Wright, Code Compliance Officer, appeared before the Board, spoke regarding her inspection(s) of this property, and confirmed she had not witnessed any other cargo containers in the area, nor had any complaints.

Supervisor Goodman requested more information on the permitting process for cargo containers.

Paula Mullenix, Code Compliance Manager, appeared before the Board and presented regarding the permitting process for cargo containers.

Discussion held regarding the Appeal, zoning for cargo containers, and updated photographs of the property by the following Board Members, and Staff; Chairman McClure, Supervisor Cavanaugh, Supervisor Goodman, Supervisor Miller, James Mitchell, and Paula Mullenix.

James Mitchell advised the Board he received recent photos of the property from this week's code enforcement inspection.

Andrew McGuire, Special Counsel, advised the Board supplemental documents should not be accepted as the Board is acting in appellate capacity.

Chairman McClure directed James Mitchell to provide the recent photos to the Clerk of the Board.

James Mitchell for the Record submitted the recent photos of the property to the Clerk of the Board.

Further discussion held regarding the recent photos of the property, and the Appellant's plan to come into compliance by the following Board Members, Staff, and Appellant; Chairman McClure, Vice-Chairman Serdy, Supervisor Cavanaugh, Supervisor Goodman, Heather Wright, and Gene Olson.

Item Action: Continued to June 8, 2022, Board Meeting

Motion Made By: Supervisor Cavanaugh

Seconded By: Supervisor Miller

To continue to June 8, 2022, Board Meeting.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (10) Hearing, Review, and Action on Appeal of Hearing Officer's decision on ZO-08-18-015, Alimohamed Anjum, Islamic Cultural Center, Tax Parcel Nos. 51007019 and 510070200, Complaint No. CC-0037-18, Count #1: Violated Section 2.200.010 - Uses Permitted. Supervisor District #4. (Alimohamed Anjum/Scott Johnson)

Scott Johnson, Deputy County Attorney, appeared before the Board, presented regarding the recent progress made, and requested to continue this case to the first Board Meeting in September.

Chairman McClure requested a motion.

Item Action: Continued to September 7, 2022, Board Meeting

Motion Made By: Supervisor Cavanaugh

Seconded By: Supervisor Goodman

To continue to September 7, 2022, Board Meeting.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

11:27 a.m. – Chairman McClure announced the Board will take a brief recess and Andrew McGuire, Special Counsel left the dais.

11:35 a.m. – Chairman McClure reconvened the Pinal County Board of Supervisors Meeting and Chris Keller, Chief Civil Deputy County Attorney, present on the dais.

- (11) Discussion/approval/disapproval of Lease between Pinal County (Landlord) and Future Forward Foundation, Inc. (Tenant) at 94 W. Butte Avenue, Florence, AZ 85132, for a term of two years. This item requires unanimous consent of the Board. Supervisor District #4. (RD21-148) (Joe Ortiz/Andrew Smith)

Joe Ortiz, Public Works Deputy Director, appeared before the Board, presented, and advised this item requires unanimous consent.

Item Action: Approved

Motion Made By: Supervisor Cavanaugh

Seconded By: Supervisor Serdy

To approve a Lease between Pinal County (Landlord) and Future Forward Foundation, Inc. (Tenant) at 94 W. Butte Avenue, Florence, AZ 85132, for a term of two years.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

11:37 a.m. – Chairman McClure announced due to time constraints he will call Item 18 out of order and prior to Item 12.

- (12) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2022-PZ-039-21, an Ordinance approving case PZ-039-21; Desert Sage Management, LLC., landowner, Pew & Lake, PLC., Sean Lake, agent, requesting approval to rezone 14.28± acres from CI-B PAD (Industrial Buffer) (Case PZ-043-03, PZ-PD-043-03) to MR PAD (Multiple Residence Zone), to allow the construction of a single-story, for lease facility situated in the Section 29, T02S, R08E G&SRB&M, portion of tax parcel 104-220-08Y (legal on file), located north of Combs Road and east of Gantzel Road in the San Tan Valley area of Pinal County. The Planning Commission recommended approval unanimously (9-0) with two (2) stipulations of case PZ-039-21. Supervisor District #2. (Sangeeta Deokar/Brent Billingsley)

Sangeeta Deokar, Planner, appeared before the Board and presented for Items 12 and 13.

Chairman McClure opened a collective Public Hearing for Items 12 and 13, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing and requested a motion.

Item Action: Approved as presented with two (2) Stipulations

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve Ordinance No. 2022-PZ-039-21, an Ordinance approving case PZ-039-21; Desert Sage Management, LLC., landowner, Pew & Lake, PLC., Sean Lake, agent, requesting approval to rezone 14.28± acres from CI-B PAD (Industrial Buffer) (Case PZ-043-03, PZ-PD-043-03) to MR PAD (Multiple Residence Zone), to allow the construction of a single-story, for lease facility situated in the Section 29, T02S, R08E G&SRB&M, portion of tax parcel 104-220-08Y (legal on file), located north of Combs Road and east of Gantzel Road in the San Tan Valley area of Pinal County. The Planning Commission recommended approval unanimously (9-0) with two (2) stipulations of case PZ-039-21.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (13) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2022-PZ-PD-039-21 an Ordinance approving case PZ-PD-039-21; Desert Sage Management, LLC., Pew & Lake, PLC., Sean Lake, requesting approval of an amendment to a Planned Area Development (PAD) Overlay District (Case PZ-043-03, PZ-PD-043-03) on 14.28± acres, to modify the original PAD development standards and the development plan, situated in the Section 29, T02S, R08E G&SRB&M, portion of tax parcel 104-220-08Y (legal on file) located north of Combs Road and east of Gantzel Road in the San Tan Valley area of Pinal County. The Planning Commission recommended approval unanimously (9-0) of case PZ-PD-039-21 with fourteen (14) stipulations. Supervisor District #2. (Sangeeta Deokar/Brent Billingsley)

Discussion held regarding the stipulations by the following Board Member and Staff; Supervisor Goodman, and Sangeeta Deokar.

Chairman McClure having previously held a collective Public Hearing, requested a motion.

Item Action: Approved as presented with fourteen (14) Stipulations

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve Ordinance No. 2022-PZ-PD-039-21 an Ordinance approving case PZ-PD-039-21; Desert Sage Management, LLC., Pew & Lake, PLC., Sean Lake, requesting approval of an amendment to a Planned Area Development (PAD) Overlay District (Case PZ-043-03, PZ-PD-043-03) on 14.28± acres, to modify the original PAD development standards and the development plan, situated in the Section 29, T02S, R08E G&SRB&M, portion of tax parcel 104-220-08Y (legal on file) located north of Combs Road and east of Gantzel Road in the San Tan Valley area of Pinal County. The Planning Commission recommended approval unanimously (9-0) of case PZ-PD-039-21 with fourteen (14) stipulations.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (14) **Public Hearing** and discussion/approval/disapproval of Ordinance No.2022-PZ-038-21, an Ordinance approving case PZ-038-21. Investcor Development, landowner, RVi Planning + Landscape Architecture, applicant, requesting approval of the rezoning of 5.93± acres from Industrial Buffer (CI-B) Zone to Community Commercial (C-2) Zone to allow for development standards for an assisted living facility, located in a portion of the South of Section 29, Township 2 South, Range 8 East of the Gila and Salt River Meridian, Pinal county, Arizona (legal attached and submitted with application) tax parcel: 104-22-683 formally a portion of 104-22-008Y-Lot 3, located within Unincorporated Pinal County at the NEC of Combs Road and Encanterra Drive in San Tan Valley, Pinal County area. The Planning Commission recommended approval (9-0) of case PZ- 038-21 with two (2) stipulations. Supervisor District #2. (Gilbert Olgin/Brent Billingsley)

Gilbert Olgin, Planner, appeared before the Board and presented on Items 14 and 15.

Discussion held regarding this project, and the property to the North by the following Board Member and Staff; Supervisor Goodman and Gilbert Olgin.

Chairman McClure opened a collective Public Hearing for Items 14 and 15, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing and requested a motion.

Item Action: Approved as presented with two (2) Stipulations

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve Ordinance No.2022-PZ-038-21, an Ordinance approving case PZ-038-21. Investcor Development, landowner, RVi Planning + Landscape Architecture, applicant, requesting approval of the rezoning of 5.93± acres from Industrial Buffer (CI-B) Zone to Community Commercial (C-2) Zone to allow for development standards for an assisted living facility, located in a portion of the South of Section 29, Township 2 South, Range 8 East of the Gila and Salt River Meridian, Pinal county, Arizona (legal attached and submitted with application) tax parcel: 104-22-683 formally a portion of 104-22-008Y-Lot 3, located within Unincorporated Pinal County at the NEC of Combs Road and Encanterra Drive in San Tan Valley, Pinal County area. The Planning Commission recommended approval (9-0) of case PZ- 038-21 with two (2) stipulations.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (15) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2022-PZ-PD-038-21, an Ordinance approving case PZ-PD-038-21. Investcor Development, landowner, RVi Planning + Landscape Architecture, applicant, requesting to amend Pecan Creek PAD (PZ-PD-043-03) to change development standards and approve the Combs and Encanterra Senior Living Planned Area Development Overlay for an assisted living facility, located in a portion of the South of Section 29, Township 2 South, Range 8 East of the Gila and Salt River Meridian, Pinal county, Arizona (legal attached and submitted with application) tax parcel: 104-22-683 formally a portion of 104-22-008Y-Lot 3, located within Unincorporated Pinal County at the NEC of Combs Road and Encanterra Drive in San Tan Valley, Pinal County area. The Planning Commission recommended approval (9 - 0) of case PZ-PD-038-21 with eighteen (18) stipulations. Supervisor District #2. (Gilbert Olgin/Brent Billingsley)

Chairman McClure having previously held a collective Public Hearing, requested a motion.

Item Action: Approved as presented with eighteen (18) Stipulations

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Cavanaugh

To approve Ordinance No. 2022-PZ-PD-038-21, an Ordinance approving case PZ-PD-038-21. Investcor Development, landowner, RVi Planning + Landscape Architecture, applicant, requesting to amend Pecan Creek PAD (PZ-PD-043-03) to change development standards and approve the Combs and Encanterra Senior Living Planned Area Development Overlay for an assisted living facility, located in a portion of the South of Section 29, Township 2 South, Range 8 East of the Gila and Salt River Meridian, Pinal county, Arizona (legal attached and submitted with application) tax parcel: 104-22-683 formally a portion of 104-22-008Y-Lot 3, located within Unincorporated Pinal County at the NEC of Combs Road and Encanterra Drive in San Tan Valley, Pinal County area. The Planning Commission recommended approval (9 - 0) of case PZ-PD-038-21 with eighteen (18) stipulations.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (16) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2022-PZ-004-22, an Ordinance approving case PZ-004-22. Arizona State Land Department, landowner, Box Canyon Solar Project, BOCA Bn, LLC (Erik Ellis, BrightNight), agent, requesting approval of a rezone of 2,087± acres from General Rural (GR) Zoning District to Industrial (I-3) Zoning District to allow for development standards for a Photovoltaic (PV) Solar energy Facility with battery energy storage, situated on the following parcels- Parcel 1: Portions of Section 13 and 24, T3SR9E, and a portion of Sections 7, 8, 18 and 19, T3S10E; Parcel 2: A portion of Section 24, T3SR9E, and portions of Section 18 and 19, T3S10E; Parcel 3: portion of Sections 24 and 25, T3SR9E, and a portion of Section 19 and 30, T3S10E G&SRB&M, (legal on file), the site is approximately 4.6 miles east of the Salt River Project Abel Substation, 9 miles north of Florence, 5.6 miles south of State Route (SR) 60, and directly adjacent to and west of SR 79. The Planning Commission recommended approval (7-1) of case PZ-004-22 with one (1) stipulation. Supervisor District #5. (Gilbert Olgin/Brent Billingsley)

Gilbert Olgin, Planner, appeared before the Board and presented on Items 16 and 17.

Jordan Rose, Rose Law Group appearing on behalf of the Applicant, appeared before the Board, introduced her team, thanked county staff, and confirmed the Applicant is now in full agreement with modifications to stipulations 6, 8, and 14 for case 2022-PZ-PD-003-22.

Chairman McClure opened a collective Public Hearing for Items 16 and 17, asked if any members of the public are present in the audience who wish to address the Board, to come forward at this time, there being none. Chairman closed the Public Hearing and requested a motion.

Item Action: Approved as presented with one (1) Stipulation

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Miller

To approve Ordinance No. 2022-PZ-004-22, an Ordinance approving case PZ-004-22. Arizona State Land Department, landowner, Box Canyon Solar Project, BOCA Bn, LLC (Erik Ellis, BrightNight), agent, requesting approval of a rezone of 2,087± acres from General Rural (GR) Zoning District to Industrial (I-3) Zoning District to allow for development standards for a Photovoltaic (PV) Solar energy Facility with battery energy storage, situated on the following parcels- Parcel 1: Portions of Section 13 and 24, T3SR9E, and a portion of Sections 7, 8, 18 and 19, T3S10E; Parcel 2: A portion of Section 24, T3SR9E, and portions of Section 18 and 19, T3S10E; Parcel 3: portion of Sections 24 and 25, T3SR9E, and a portion of Section 19 and 30, T3S10E G&SRB&M, (legal on file), the site is approximately 4.6 miles east of the Salt River

Project Abel Substation, 9 miles north of Florence, 5.6 miles south of State Route (SR) 60, and directly adjacent to and west of SR 79. The Planning Commission recommended approval (7-1) of case PZ-004-22 with one (1) stipulation.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (17) **Public Hearing** and discussion/approval/disapproval of Ordinance No. 2022-PZ-PD-003-22, an Ordinance approving case PZ-003-22-21. Arizona State Land Department, landowner, Box Canyon Solar Project, BOCA Bn, LLC (Erik Ellis, BrightNight), agent, requesting approval of the Box Canyon Solar Project PAD Overlay Zoning District, on 2,087± acres, to allow for development standards for a photovoltaic Solar Power Plant with battery storage, situated on the following parcels- Parcel 1: Portions of Section 13 and 24, T3SR9E, and a portion of Sections 7, 8, 18 and 19, T3S10E; Parcel 2: A portion of Section 24, T3SR9E, and portions of Section 18 and 19, T3S10E; Parcel 3: portion of Sections 24 and 25, T3SR9E, and a portion of Section 19 and 30, T3S10E G&SRB&M, (legal on file), the site is approximately 4.6 miles east of the Salt River Project Abel Substation, 9 miles north of Florence, 5.6 miles south of State Route (SR) 60, and directly adjacent to and west of SR 79. The Planning Commission recommended approval (8 - 0) of case PZ-PD-003-22 with sixteen (16) stipulations. Supervisor District #5. (Gilbert Olgin/Brent Billingsley) Gilbert Olgin, Planner, read into record the modified versions of Stipulations six (6), eight (8), and fourteen (14).

Discussion held regarding modified stipulations by the following Board Members and Staff; Chairman McClure, Vice-Chairman Serdy, and Gilbert Olgin.

Vice-Chairman Serdy requested the County Manager provide further information of the mentioned National Guard's expansion.

Leo Lew, County Manager, acknowledged the request.

Chairman McClure having previously held a collective Public Hearing, requested a motion.

Item Action: Approved as presented a planned area development overlay, with sixteen (16) Stipulations recommended by the Planning and Zoning Commission, but with the modified versions of stipulations six (6), eight (8), and fourteen (14) as read into the record

Motion Made By: Supervisor Goodman

Seconded By: Supervisor Cavanaugh

To approve as presented a planned area development overlay, with sixteen (16) Stipulations recommended by the Planning and Zoning Commission, but with the modified versions of stipulations six (6), eight (8), and fourteen (14) as read into the record.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

- (18) **Public Hearing** required by A.R.S. Section 11-391 on a proposal to incur long term financing obligation to acquire land (or interests in land) for economic development purposes which would be utilized for future industrial, manufacturing, distribution or similar activities. Analysis of need and use of long term financing to be presented to the Board. (Mark Reader/Angeline Woods)

11:37 a.m. – Chairman McClure announced due to time constraints he will call Item 18 out of order and prior to Item 12.

Leo Lew, County Manager, and Angeline Woods, Budget and Finance Director, introduced the item.

Mark Reader, Stifel, appeared before the Board and presented.

Discussion held regarding the proposal to incur long term debt for economic development by the following Board Members and Staff; Chairman McClure, Vice-Chairman Serdy, Supervisor Cavanaugh, Supervisor Miller, Leo Lew, Chris Keller, Chief Civil Deputy County Attorney, and Mark Reader.

Chairman McClure opened the Public Hearing for Item 18.

The following members of the Public appeared before the Board and spoke regarding their concerns; Todd House, Gold Canyon; Pam Burke, representing Gold Canyon Business Association and Gold Canyon Republic; and Roberto Reveles, Gold Canyon.

Natasha Kennedy, Clerk of the Board, announced for the record the Board is in receipt of six comments received via email, all in opposition.

Chairman McClure closed the Public Hearing for Item 18.

Item Action: Information Only

- (19) **Work Session:** Presentation and discussion of General Fund status, forecast and FY 22/23 budget development. (Angeline Woods)

Angeline Woods, Budget and Finance Director, appeared before the Board and presented.

Discussion held regarding the tax rate, expenditures and revenues for FY 22/23 by the following Board Members and Staff; Chairman McClure, Supervisor Cavanaugh, Supervisor Goodman, Supervisor Miller, and Angeline Woods.

Further discussion held regarding Supervisor District Budgets by the following Board Members and Staff; Chairman McClure, Supervisor Cavanaugh, Supervisor Goodman, Supervisor Miller, and Angeline Woods.

Angeline Woods acknowledged the request of Chairman McClure to lower the tax rate by 13% and further acknowledged the directives given by Chairman McClure, Supervisor Miller, and Supervisor Goodman regarding Supervisor District Budgets; each district to meet with a budget analyst, and look into how districts can better serve constituents utilizing current department resources.

Item Action: Information Only

- (20) Discussion of Board member's request for future agenda item(s) and/or reports to be presented at upcoming meetings. (Jeffrey McClure)

Chairman McClure asked if any Board Member had any future agenda items and/or reports to be presented at upcoming meetings. There being none.

Item Action: Information Only

(21) Executive Session pursuant to A.R.S. 38-431.03(A)(3) for legal advice concerning the Board of Supervisor's role in setting Constable salaries every four years. (Chris Keller/Leo Lew)

Item Action: Convened into Executive Session

Motion Made By: Supervisor Miller

Seconded By: Supervisor Goodman

To convene into Executive Session.

Motion Passed

Ayes: Cavanaugh, Goodman, McClure, Miller, Serdy (5)

2:01 p.m. – Vice-Chairman Serdy, Supervisor Goodman, Chris Keller, Chief Civil Deputy County Attorney, and Leo Lew, County Manager, did not return to the dais following Executive Session.

Item Action: Adjourned Executive Session

Motion Made By: Supervisor Cavanaugh

Seconded By: Supervisor Miller

To adjourn Executive Session.

Motion Passed

Ayes: Cavanaugh, McClure, Miller (3)

Absent: Goodman, Serdy (2)

2:01 p.m. – Chairman McClure adjourned the May 18, 2022, Regular Meeting of the Board of Supervisors.

PINAL COUNTY BOARD OF SUPERVISORS

Jeffrey McClure, Chairman

ATTEST:

Natasha Kennedy, Clerk of the Board

Minutes Prepared By: Kelsey Pickard, Deputy Clerk of the Board

Approval of Minutes: June 8, 2022