

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 3, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., December 3, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandy Wilson, Deputy County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Rev. Bill Wack, delivered the invocation.

PLEDGE OF ALLEGIANCE

Helen Purcell, Count Recorder, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Introduction of Bob, a two-year old Chihuahua mix "bundle of energy and love" as the "Pet of the Month" from Maricopa County Animal Care & Control. Bob will be available for adoption after 1:00 p.m. at the shelter on 35th Avenue north of Camelback Road.

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

Chairman Brock called for a public hearing on an application filed by Eric Ray Floyd for a Person-to-Person Transfer of a Series 6 Liquor License from Marianne Hagman, Agent, and also a Transfer-of-Location: (Continued from meetings of November 5, and 19, 2003.) (LL6102) He asked that speakers either designate one speaker to present each side of the question or that they confine their remarks to a brief statement because of time constraints.

Business Name:	Thunder Pass Food & Spirits
Location:	9303 East Apache Trail, Mesa
Former Location:	6933 North 7 th Street, Phoenix

Alton Riggs, representing the applicant, Eric Floyd, and his parents, Richard and Sandra Floyd, said that the Sheriff's Office had filed a protest against approving this application that he and his clients would like to address. He indicated that the applicant's family had been residents of the State since 1982, and added that Mr. and Mrs. Floyd have owned and operated ten restaurants and lounges in the East Valley during the past 22 years, establishing their capabilities as proprietors of such establishments. Mr. Riggs gave a brief background on each family member. He presented a packet of information to the Supervisors that contained the following:

- Three statements to be given by Eric Floyd and his parents at this hearing;
- The Sheriff's report in the October 29, 2003, memorandum prepared by Deputy Gary D'Agostino.
- The Rebuttal Report prepared by the Floyd family in answer to nine charges reported in the October 29 memorandum that they felt to be erroneous.
- The Sheriff's report in the November 14, 2003, memorandum prepared by Deputy Gary D'Agostino.
- The Rebuttal Report prepared by the Floyds in answer to nine charges contained in the November 14 memorandum that they felt to be erroneous.

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Sandra Floyd, applicant's mother, said she wanted to list ways in which obtaining a #06 liquor license could help her son's establishment best serve the community. She said that the family had taken a graffiti-ridden building on a weed infested lot and remodeled it into an upscale restaurant/lounge that offered a full food menu from 10:00 a.m. until 10:00 – 11:00 p.m. daily and also served family breakfasts on Sundays. She reported that even in this, their first year of operation, several company-sponsored Christmas parties had been booked at the establishment by groups that include the Mesa Firefighters and Rotor-Rooter Company. The largest group party is for 100 people. She stated that in their first six months of operation their tax revenue to the State was \$745,022, indicating approximately 60,000 patrons during that time period. Wages/tips during that period totaled \$261,406. Over the past 22 years in the restaurant business the Floyds have held 11 liquor licenses and none have ever been revoked. She stated that the Arizona Department of Liquor Licenses and Control had advised them to apply for the #06 license at Thunder Pass as a safeguard in meeting the 40/60 percent food/drink ratio established by statute. No opposition has been voiced against their establishment by anyone in the neighborhood.

Eric Floyd, the applicant, said that his role as proprietor in dealing with the public in an environment that includes alcohol was a difficult one and is made even more difficult "when it becomes apparent that almost from the day you open, for some reason, it seems there are people out there who don't want our business to be in operation." He explained that at first he didn't believe it when one person told him that people "are trying to close you down" but when additional, separate parties continued to say the same thing he had to wonder what they knew that he didn't. He referred to one-sided "fabricated stories" being forwarded to the Board without talking to one person from their establishment to get their side of the story. He also referenced their in-house/parking lot videotapes of situations in question, which were given to the Sheriff's Office as requested, "and they don't allow us to have the video back for months." This has hampered their defense preparation.

Mr. Floyd referenced the issue as related to him by Lt. Shepard on the staffing problems experienced by the Sheriff's Office in District 1, indicating that they had only three officers to answer calls on that County Island. He said that the implication he got was that the Sheriff's Office is understaffed so don't call unless it is something big. This is opposite of what is taught in the liquor classes he has attended where they are advised to establish a good rapport with local enforcement officers and call to alert them before an incident escalates into a bigger problem.

He addressed the number of police calls reportedly received since Thunder Pass opened six months ago, which he believes, is erroneous. He cited the difficulty in a newly opened location of being able to recognize who the "local troublemakers" were and indicated that it became a process of working through people, and incidents, as they happen. He added that at first they had tried to cooperate by reporting everything that happened even if it seemed minor. He said there had only been 16 calls to the police in the first six months they were open and three of those had been for lost cell phones and several for spousal arguments. On the police report four separate entries were made for a single incident and this happened more than once increasing the total number of calls to what seemed an unacceptable level. He cited practices such as this as giving an inaccurate impression of the number of calls and said that 80% of the total calls had happened in the first three months of operation when they were trying to be very conscientious in reporting any altercation between new and unknown customers, and before he understood the staffing problems at the Sheriff's Office.

Regarding severity of injuries reported, Eric Floyd said that three people had been taken to a hospital, one of which was his employee who had been attacked, and a patron who was injured so slightly he was able to leave prior to treatment. He said he had hired off-duty officers from District 4 as security to help with the workload for District 1 officers and they had enjoyed their time there because incidents were so

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much lighter than at other establishments where they worked. He reported that after the first week the District 4 officers had been contacted by District 1 and told they weren't allowed to work at Thunder Pass any longer. He was not given a reason for this. He said it would have been a great asset this past weekend if they had been allowed to work there, because a fatal accident had occurred and they could have helped or perhaps even stopped that from happening.

Supervisor Wilcox asked why they want to go to a series #06 license if they intended to keep serving food.

Mr. Floyd responded that their food percentage is often "right on the border" of the 40/60 ratio requirement of food and drink and the Liquor Department had suggested the #06 as being in their best interests to alleviate future concerns and worries about maintaining higher food sales.

Richard E. Floyd, applicant's father, reported on the vacillating relationship extended by Lt. Ed. Shepherd and Deputy D'Agostino, with whom he met in February 2003. He reportedly told the Deputy that Thunder Pass would operate with a full menu with the emphasis being on food. He said they had spent more than \$250,000 just in updating the kitchen to accommodate this. They planned a sports-bar theme and the bar would be in a separate area from the dining area. Entertainment would consist of a DJ and a dance floor, pool tables, and TV's showing different sporting events. He indicated that he took Deputy D'Agostino on a tour when relating their plans and he had offered no concerns or objections. They received a #12 liquor license and opened on May 29, 2003, with many complimentary comments from patrons.

He listed altercations that had occurred and been reported to authorities. He also mentioned possible collusion on their first serious incident, occurring June 15th between three white males and four Hispanic males, two of whom were fighting in the parking lot. The Hispanic man who was fighting ran off when security got to the scene and all others also quickly left the premises. The incident was reported to the Liquor Department, as required. It was later revealed that one of the Hispanic males involved in the altercation was related to Mary Maldonado, an agent for the Arizona Department of Liquor investigations. He said that on June 25, Ms. Maldonado had phoned his establishment and spoke abusively and threateningly to the bartender who answered the phone, and later elaborated on her accusations in speaking with Mr. Floyd, saying there would be a big investigation because he had not reported the matter. He said he advised her to look in her mail (since he had mailed his report to them) and she hung up on him.

In hearing reports from different individuals that the Sheriff's Office was "going to close us down," Mr. Floyd phoned and spoke with Lt. Shepherd who reportedly told him, "You pissed off someone in high places in the Liquor Department and the Attorney General's Office." Mr. Floyd established that Lt. Shepard told him he had heard a taped phone recording of an angry Hispanic male voice complaining, with profanity, about a relative getting beat-up in the Thunder Pass parking lot. Mr. Floyd indicated that this was Mary Maldonado's relative. He remarked that this mid-June incident had marked the beginning of their problems with the Sheriff's Office. He feels they have since been treated unfairly by the Sheriff's Office and errors were made and one-sided reports produced. He indicated that Lt. Shepard now refuses to take his phone calls or return his messages. He has hired off-duty enforcement officers to be stationed both inside and outside Thunder Pass when it is open and the number increases to six or more men on duty from Thursday through Saturday nights. These officers have reported that there are fewer altercations at Thunder Pass than at other establishments where they are hired to do similar work and even suggested the number of security people used could be reduced. He said that a zero-tolerance level has been established and anyone displaying anger is asked to leave. Consequently, "altercations have almost stopped." He reported that they have cooperated with everything the Sheriff's Office has asked of them in every situation. All staff have attended classes established by the State. Video cameras cover the

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premises and the lighting in the parking lot has been increased by 50%. He asked for approval of their application.

Deputy D'Agostino agreed that Mr. Floyd had renovated a dilapidated building and made a fine restaurant and said that the Sheriff's Office had no interest in closing his business down. Instead, their interest lies in the increased number of calls that have been received on alcohol-related problems, "generally over service." He explained that when a call is investigated it may require several trips for the Deputy to interview people and each of those calls is listed separately on the departmental report.

He reported that there had been several injury accidents involving people whose BAC (blood alcohol content) was over the legal level. One entailed two bikers, allegedly coming from Thunder Pass, who ran into a Mesa motorcycle officer "with all three motorcycles going down." Another situation happened last Friday night (November 28) involving a subject, Mr. Nunes, who was asked to leave the bar because of his state of intoxication. He walked outside and onto Apache Trail and was struck by a motor vehicle driven by a Mesa police officer. The man died from his injuries on Saturday. His BAC was reported by Deputy D'Agostino as being .299, almost three times the legal limit. He felt that the trend shows an emphasis on the bar rather than the restaurant. He said that with a #06 liquor license they don't have to serve any food at all if they don't want to, and he believed it would be a mistake to offer them that opportunity.

At this time, Mr. Riggs tried to comment and the Chairman called him out of order saying there was no time for rebuttal at this time.

Supervisor Kunasek said that in his brief review of the rebuttal remarks submitted by the applicant regarding the incident with Mr. Nunes, they indicate that Mr. Nunes was there no more than an hour, had a half a beer and a shot and left. If his alcohol level was as high as reported, "he couldn't have gotten there on the amount of alcohol consumed at Thunder Pass." He asked the responsibility of a bar owner to someone who enters his establishment already drunk?

Deputy D'Agostino said, "Am I to understand that they're saying that they did serve him a drink...a beer and a shot after he was already at that level?"

Supervisor Kunasek said that according to their report there was no apparent physical impairment that could be seen on the video when Mr. Nunes entered the bar – that he was upright and walking okay and there was no indication of his being drunk. He continued that the report stated that shortly thereafter, one of the employees complained to the owner of Mr. Nunes' unruliness and the owner promptly told him that they would get him a cab but he had to leave...and that's when he proceeded to walk outside and into traffic.

Deputy D'Agostino said that the number one responsibility to the bar owner "is to insure the safety of all patrons within that bar, whether they are in the bar or whether they are on the property." It is their responsibility. He remarked that an atmosphere appears to be growing at Thunder Pass "that is not growing in the right direction." He added, "I have not seen any effort so far that has been directed towards realizing what the problem is and trying to correct it."

Supervisor Kunasek remarked, "If I were a proprietor and really couldn't control somebody coming in from the public thoroughfare, and they come in and I have to assume liability for something they might have consumed elsewhere?"

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Deputy D'Agostino replied, "I would assume that I wouldn't let that person in if he was that intoxicated if he was only there for 15 minutes and walked out of the bar he didn't get that intoxicated enough that they shouldn't have realized that at the door. They shouldn't have allowed him to become a patron and refused him entry into the building."

Supervisor Kunasek had no further questions but commented that considering the 40/60 split with the series #12, he felt it appropriate to maintain the status quo at this time and if matters changed in the future they could reapply for a #06. He said he would not want to advise lowering the standard at this point based on testimony given.

Mr. Riggs was given 60 seconds for his rebuttal. He said that Mr. Nunes was given a shot and then the shot was taken away from him, and then he went outside where "he had a friend and at that time the friend was supposed to help him but apparently he didn't and the fellow started walking across the street. There's a van that stopped that saw him and it so happens that the Mesa police officer didn't, traveling about 65 mph, and hit him." He added that the Floyds have a history of being "great proprietors" with no previous problems, and asked that they be given this #06 license. He said that with 60,000 patrons in six months Thunder Pass would seem to be providing a service to the people and a benefit to the community.

Motion was made by Supervisor Kunasek to recommend a denial to the State Liquor Board for a series #06 license at this time and he hoped they would improve their relations with the community so they could reapply at a later date. Motion was seconded by Supervisor Stapley.

Supervisor Wilcox said she would support the motion, "because we're not denying the business" since it's been stated several times that they're going to run a restaurant, so they can operate on a #12 and still serve liquor. She felt a #06 could be dangerous if they want to go to a straight bar because of the clientele they seem to be attracting. She said that recommending a denial of the #06 would not detract from their business.

Chairman Brock asked the Clerk to pass along the pictures and documentation that was presented to the Board to the State Liquor License Department.

Motion carried by unanimous vote (5-0) with Supervisors Stapley, Kunasek, Wilson, Wilcox and Brock voting "aye" to recommend denial of this application.

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications a), b) and c):

- a) Application filed by Yao Lin for an Original, Series 12 Liquor License: (LL6105)

Business Name: King Buffet
Location: 9803 West Bell Road, Sun City

- b) Application filed by Virginia Chapman DeToni for a Person-to-Person Transfer of a Series 6 Liquor License from Jimmie E. Goddard, Agent: (LL6104)

Business Name: Jim's Lazy G

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Location: 49621 California Highway 60, Aguila

- c) Application filed by Lauren Kay Merrett for an Original, Series 12 Liquor License: (LL6106)

Business Name: La Casa Blanca Mexican Food Restaurant
Location: 24605 South McQueen Road, Chandler

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Stapley, to recommend approval of the following liquor license application:

- d) Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F23105)

Organization: St. Steven's Catholic Church
Location: 24827 South Dobson Road, Sun Lakes
Date/Time: Friday, January 30, 2004; 5:00 p.m. – 11:00 p.m.

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

Chairman Brock called for a hearing on the following liquor license:

- e) Application filed by Fay Louise Stewart for a Temporary Extension of Premises/Patio Permit: (ADM664)

Business Name: Desert Rose Charity Steak Fry
Location: 18300 South Old U.S. 80, Arlington
Date: Saturday, December 6, 2003

Supervisor Wilcox said she had spoken with Ms. Stewart and understood that procedural changes were involved in this license because of zoning regulations at the site and that additional time was now needed to process this by the Planning Department. Because this has been a yearly event for several years and it is scheduled to be held in three days she recommended that the application be approved with the caveat that it be for one-time only and Ms. Stewart be notified of the new procedures. Supervisor Wilson agreed with her recommendation and added that all those who regularly apply for approvals of liquor license be aware that it takes more time than it used to.

Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of this liquor license application. Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

~ Supervisor Stapley left the meeting ~

BINGO LICENSE APPLICATION

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Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek and unanimously carried to approve the application filed by Leisure World Community Association for a Bingo License Permit, to be held at 908 South Power Road, Mesa, on Fridays, at 7:00 p.m. (ADM657)

ROAD DECLARED (ROAD FILE NO. A099B)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64041085)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of November, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 80 feet, together with all appurtenances and easements of record, lying 40 feet on each side of the North-South mid-section line, within the South-half of the South-half of the South-half (S2S2S2) of Section Ten (10), Township Four (4) North, Range One (1) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The East 40 feet of the Southeast quarter of the Southeast quarter of the Southwest quarter (SE4 SE4 SW4) and the West 40 feet of the Southwest quarter of the Southwest quarter of the Southeast quarter (SW4 SW4 SE4) of said Section 10.

(Said roadway also known as 87th Avenue from Pinnacle Peak Road to Camino Del Oro in Supervisorial District 3 and in an unincorporated area.)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

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of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 3rd day of December 2003.

ROAD DECLARED (ROAD FILE NO. A278)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64041115)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of November, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 50 feet, together with all appurtenances and easements of record, said roadway lying within the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-four (34), Township One (1) North, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The North 25 feet of the South one-half of the Southeast quarter of the Southeast quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Thirty-four (34); and

The South 25 feet of the North one-half of the Southeast quarter of the Southeast quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section Thirty-four (34)..

(Said roadway also known as Minton Road from End of Maintenance to 35th Avenue, in Supervisor District No. 5)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 3rd day of December 2003.

ROAD DECLARED (ROAD FILE NO. A298)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64041105)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 5th day of November, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE $\frac{1}{4}$) of Section Four (4), Township One(1) South, Range Two(2) East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said roadway is more particularly described as follows:

The East 30 feet of the Southwest quarter of the Southeast quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) and the West 30 feet of the Southeast quarter of the Southeast quarter (SE $\frac{1}{4}$ SE $\frac{1}{4}$) of said Section 4.

(Said roadway also known as 45th Avenue, from Dobbins Road to Euclid Avenue in Supervisor District No. 1)

WHEREAS, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

WHEREAS, no objections to the establishment, opening and declaration of said highway have been filed; and

WHEREAS, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the

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survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

BE IT FURTHER RESOLVED that the Board accept any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

BE IT FURTHER RESOLVED that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

BE IT FURTHER RESOLVED that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

DATED this 3rd day of December 2003.

~ Supervisor Stapley returned to the meeting ~

REALLOCATION OF WASTE MANAGEMENT FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reallocating \$56,746 of Waste Management Funds previously allocated for the Mobile Community Counsel requests. These funds will be used by the Mobile Community Council to fund a staff person for a two-year period. The position will assist the Mobile Community in promoting themselves as a rural, high quality of life environment, while pursuing quality housing and employment opportunities, as well as the development of public facilities, infrastructure, and enhancement of services to its residents. The \$56,746, combined with \$1,254 of the \$1,483 reserved for future Mobile requests (per the initial agreement), will fund this \$58,000 requested expense. (C06040238) (ADM3426)

GRANT FUNDING FROM ARIZONA SUPREME COURT, ADMINISTRATIVE OFFICE OF THE COURTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of grant funds from Arizona Supreme Court, Administrative Office of the Courts, for award agreement GPT No. 107S003 of State Judicial Collection Enhancement Funds (JCEF) in the amount of \$250,000. This agreement becomes effective on July 1, 2003, and will remain in effect through June 30, 2004, for the purpose of improving and fixing the Clerk's Office Restitution, Fines, and Reimbursement (RFR) System. The grant funds may not be expended for any indirect costs that may be incurred by the Clerk of the Superior Court or Maricopa County for the administration of this grant. By approving this agenda item, the Board will be authorizing the acceptance of additional grant funding that is not budgeted, causing a budget amendment to be authorized for the clerk's office to increase revenue and expenditure levels (Fund 208) for FY 2003-2004 by \$250,000. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C16040022)

EXTENSION OF U.S. DEPARTMENT OF JUSTICE, COMMUNITY ACTION BUREAU PROSECUTION ENHANCEMENT PROJECT

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an extension for the U.S. Department of Justice for the Community Action Bureau Prosecution Enhancement Project. This agreement will be extended through to May 31, 2004. By approving this agenda item, the Board will not be authorizing the County Attorney's Office to increase expenditures from the County Attorney Grant Fund (219) in FY 2003-2004. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C19040213) (C19020653)

ADDITION TO FLEET OF ONE MOTOR HOME

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's Office fleet of one motor home, funded by Community Oriented Policing Services (COPS) for the Drug Endangered Children Program (DEC). This motor home is being acquired following county procurement code and the cost of the motor home is not-to-exceed \$75,500. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. (C5003532301) (ADM3104)

DONATION AND ADDITION TO FLEET OF ONE FLATBED UTILITY TRAILER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a donation from Church Mutual Insurance Company and a one-time addition to the Sheriff's Office fleet of one 8 x 12 flatbed utility trailer, valued at \$3,995. This trailer will be assigned to the Sheriff's Office General Investigations Unit to be used as a search warrant support trailer to carry packaging material and evidence. Obtaining a new vehicle identification number will also be necessary, since the original has been removed. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. (C5004037M) (ADM3900)

REIMBURSEMENT AGREEMENTS WITH CHILDHHELP AND ST. JOSEPH'S HOSPITAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reimbursement agreements between the Maricopa County Sheriff's Office and Childhelp (\$11,250) and St. Joseph's Hospital (\$41,000), funded by Community Oriented Policing Services (COPS) for the Drug Endangered Children (DEC) Program. The terms of these agreements are June 1, 2003, through December 31, 2004. These funds are included in the Sheriff's budget for FY 2003-2004. (C50045141) (C50045151) (C50045131ZZ)

RESOLUTION TO ARIZONA STATE PARKS BOARD, AND ACCEPTANCE OF LAW ENFORCEMENT AND BOATING SAFETY FUNDS GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a Resolution to the Arizona State Parks Board and, if awarded, approve acceptance of Law Enforcement and Boating Safety Funds not-to-exceed \$180,000. This grant requires a 50% soft match of \$180,000, which is accommodated through existing budgeted funds. The purpose of this grant is to fund 50% of the salaries and benefits for four existing deputy sheriff positions that provide boating law enforcement on the county lakes and rivers. The funding will also be used to replace a redlined 1991 21-foot Ranger Cutty Cabin Boat. The estimated award period is July 1, 2004, through June 30, 2005. (C50045181)

INCREASE IN REVENUE AND EXPENDITURE BUDGETS

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the increase of the revenue and expenditure budgets of Fund 229, the Juvenile Probation Restitution Fund, in FY 2004 by \$40,000 due to funds received from the Arizona Supreme Court, Administrative Office of the Courts in FY 2003. (C2704012M) (ADM1400)

APPOINTMENTS OF JUDGES PRO TEMPORE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following appointments of judges pro tempore for the period from January 1, 2004, through December 31, 2004, to serve in the various programs in the Superior Court to reduce trial delay.

- a) Attorneys as Superior Court Judges Pro Tempore (C38040107) (ADM1001)
- b) Court Commissioners as Superior Court Judges Pro Tempore (C38040117) (ADM1001)

CONTRACT AMENDMENT FOR PLAN YEAR 2004 (JANUARY 1, 2004, THROUGH DECEMBER 31, 2004) FOR CIGNA HEALTHCARE OF ARIZONA (C35040210) – CONTINUED TO EXECUTIVE SESSION

Item: Approve a contract amendment for Plan Year 2004 (01/01/04 through 12/31/04), for CIGNA HealthCare of Arizona to provide administration for the HealthSelect general medical benefits. This is in accordance with Agenda Item # C-35-04-011-0-00, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. The general medical benefit designs and employer/employee contribution strategy will not change. The full year administrative fees associated with this contract amendment will be \$1,769,820. The FY 2004 administrative fees of \$884,910 for the period (January 1, 2004-June 30, 2004) will be paid from the proceeds received from the FY04 premium revenue projection of \$7,044,590 January 1, 2004-June 30, 2004). The FY 2005 administrative fees of \$884,910 for the period (July 1, 2004-December 31, 2004) will be paid from the FY 2005 premium revenue (July 1, 2004-December 31, 2004). The FY 2005 premium revenue is to be determined in accordance with FY 2005 budget process which is not complete yet. (Approval of the contract (01178-RFP) was originally submitted by Materials Management under Agenda Item C73030011 August 19, 2002). (C35040210A)

Note: The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

Supervisor Wilcox asked for information on this and the next items from the Board's legal counsel. She wanted to know if the Board is legally prohibited by statute from contracting with MIHS for administrative work for HealthSelect.

Bill Sims, outside counsel dealing with hospital issues, responded that three sets of statutes are implicated by this question. One statute deals with Title 11, the ability of governments to be self-insurers; another statute, Title 41, deals with the budget and expenditure rules applicable to governments; and lastly, Title 20 deals with the control and regulation of insurance companies. He said the legislature has been very active in all three of these statutes in attempting to address "this hard insurance market" in an effort to allow local governments the benefits of being a self-insurer. Maricopa County has taken advantage of this over the years. He said that there have been recent changes in the law and it is fairly complicated and technical. He advised that this information should more properly be exchanged in executive session. Mr. Sims added that there are time constraints on certain MIHS items since a plan

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year is rapidly approaching and the transfer of the MIHS health system assets to the new Hospital District, when it is created, poses additional considerations.

Chairman Brock asked Sandi Wilson to comment and she replied, "It is important that we get a decision on this today because the new plan year starts January 1st. If it is delayed any longer it would be difficult to move forward with this particular action."

Supervisor Kunasek asked Mr. Sims if the new Hospital District would be allowed to self-insure or form a self-insurance trust.

Mr. Sims replied that this would also best be answered in Executive session.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue agenda items 13, 14, and 15 to executive session following the completion of this public session. The session will be held in the Tom Sullivan Conference Room, 301 West Jefferson, after which the Board may reconvene in public session to call for a vote on this item. (See end of minutes for action.)

CREATION OF HEALTH SELECT SELF-INSURED TRUST – CONTINUED TO EXECUTIVE SESSION

Item: Approve the following actions: (C35040220B)

- a) Creation of HS Self-Insured Trust Fund (652), which will be part of the Self-Insured Trust and used to administer the HealthSelect Program for Maricopa County employees in accordance with Agenda Item C35040110, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. Per ARS §42-17106(b), approve the transfer of revenue and expenditure authority from the Health Plans Department (600) HealthSelect Fund (561) to the Total Compensation Department (350) HS Self-Insured Trust Fund (652) in the amount of ~~\$7,044,500~~ \$6,000,000 (correction was made by the Clerk). These adjustments will result in a countywide net impact of zero. Approval of this action will allow the HealthSelect Program to be administered by the Employee Health Initiatives Division of Total Compensation for January 1, 2004 - June 30, 2004. (ADM3703-001)
- b) Per ARS §42-17106, reduce the General Fund (100) designation for MIHS Potential Losses by \$2,374,000 and increase the expenditure appropriation for Appropriated Fund Balance (480) General Fund (100) by \$2,374,000 in a separate item designated "Establish Employee Health Plan Reserve", and increase estimated revenue for the Total Compensation Department 350 HS Self-Insured Trust Fund (652) by \$2,374,000, in order to establish the required medical and pharmacy reserves to administer the HealthSelect by the Employee Health Initiatives Division of Total Compensation. This will be accomplished via a fund transfer and offset with corresponding adjustments to the Eliminations Fund Department 980 Fund 900 for a countywide net impact of zero. (ADM3717)
- c) Per ARS §41-17106, transfer expenditure authority from General Government (470) General Fund (100) "General Contingency" line to the Total Compensation Department (350) General Fund (100) the amount of \$270,317. These adjustments will result in a countywide net impact of zero. This action will allow the HealthSelect Insurance Program to be administered by the Employee Health Initiatives Division of Total Compensation for January 1, 2004, through June 30, 2004. (ADM3717)

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- d) Designate the Professional Practices Committee of the Board of Supervisors to perform credentialing and other related recommendations to the Board of Supervisors with respect to the provider network for the HealthSelect Program. (ADM3717)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue agenda items 13, 14, and 15 to executive session following the completion of this public session. The session will be held in the Tom Sullivan Conference Room, 301 West Jefferson, after which the Board may reconvene in public session to call for a vote on this item. (See end of minutes for action.)

CONTRACT AMENDMENT FOR PLAN YEAR 2004 (JANUARY 1, 2004, THROUGH DECEMBER 31, 2004) FOR WALGREENS HEALTH INITIATIVES (WHI) – CONTINUED TO EXECUTIVE SESSION

Item: Approve a contract amendment for Plan Year 2004 (January 1, 2004, through December 31, 2004), for Walgreens Health Initiatives (WHI) to provide administration for the HealthSelect pharmacy benefits. This is in accordance with Agenda Item C35040110, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. The pharmacy benefit designs and employer/employee contribution strategy will not change. The full year administrative fees associated with this contract amendment will be \$68,000. The FY 2004 administrative fees of \$34,000 for the period (January 1, 2004 – June 30, 2004) will be paid from the proceeds received from the FY 2004 premium revenue projection of \$7,044,590 (January 1, 2004 – June 30, 2004). The FY 2005 administrative fees of \$34,000 for the period (January 1, 2004-December 31, 2004) will be paid from the FY 2005 premium revenue (January 1, 2004-December 31, 2004). The FY 2005 premium revenue is to be determined in accordance with FY 2005 budget process which is not complete yet. Approval of the contract (01178-RFP) was originally submitted by Materials Management under Agenda Item C73030011 (08/19/02). (C35040230C)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue agenda items 13, 14, and 15 to executive session following the completion of this public session. The session will be held in the Tom Sullivan Conference Room, 301 West Jefferson, after which the Board may reconvene in public session to call for a vote on this item. (See end of minutes for action.)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (October 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$500,398.02 and ARS §11-622 \$-0-) (C39040077) (ADM1804)

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Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	3,475.00	0.00
Arizona Cardiology Group	809.00	0.00
Banner Good Samaritan Reg Med	144,151.14	0.00
Cardiac & Thoracic Surgery	2,600.00	0.00
Center For Neurology & Stroke	550.00	0.00
Clinical Diagnostic Radiology	1,051.00	0.00

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Fifth Avenue Gynecologists Ltd	500.00	0.00
Good Samaritan Reg Med Ctr	0.03	0.00
Maricopa Health Systems	119,284.30	0.00
Medpro	66,741.80	0.00
Neurological Surgeons, Pc	1,525.00	0.00
Paradise Valley Hospital	9,273.25	0.00
Phoenix Baptist Hospital	64,170.29	0.00
Phoenix Memorial Hospital	1,534.83	0.00
Professional Diagnostix	69.00	0.00
Professional Medical Transport	1,056.43	0.00
Pueblo Family Physicians, Ltd	95.00	0.00
Rural Metro Ambulance	2,217.31	0.00
Sjh Trauma Billing	1,000.00	0.00
Southwest Ambulance	4,791.61	0.00
St Josephs Hosp Arizona	75,017.03	0.00
Valley Radiation Oncology	401.00	0.00
Western Medical, Inc	85.00	0.00
Grand Totals:	\$500,398.02	0.00
Restitution	0.00	
Totals Denials:	\$500,398.02	

PERSONNEL AGENDA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. (List on file in the Clerk of the Board's Office.)

TRANSFER IN EXPENDITURE APPROPRIATION

In accordance with ARS §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of \$3.8 million in expenditure appropriation from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to the line item in Appropriated Fund Balance (480) General Fund (Fund 100) Infrastructure/CIP (4813) titled "Administration Building Tenant Improvements" to fund the improvement of existing space for the County Attorney's Office in the Administration Building. (C4904017800) (ADM1825) (ADM400)

INTERGOVERNMENTAL AGREEMENT WITH CENTRAL ARIZONA WATER CONSERVATION DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and Central Arizona Water Conservation District (CAWCD) for the Lake Pleasant Regional Park Overlook Well and Related System. As a synopsis of the well and water system history, in early 1990's a production well and elevated storage tank was developed near New Waddell Dam to serve Lake Pleasant Regional Park and CAWCD. A Memorandum of Understanding was executed for the operation and maintenance of the well and water system. In 2002, the MOU was cancelled due to both parties' usage changing dramatically; thus, the parties desire to enter into this agreement to redefine their respective rights and obligations regarding the operation and maintenance of the well and related facilities. The parties intend that this Agreement will supercede and replace the cancelled MOU. The County shall be responsible for operating and

maintaining the well system at no cost to CAWCD; however, the parties agree to equally share the costs of extraordinary maintenance items, which exceed \$2,000 per occurrence. (C30040112)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items except for 03044-S AND 03112-roq which were continued and 03131-C which was withdrawn. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials:

03044-S CONTINUED TO 12/17/03 **MITIGATION SERVICES SPECIALISTS-OCC** (\$350,000 est/two (2) years w/four one year renewal options) (This item continued from the meetings of September 24, October 8, 22, and November 5, 2003.)

Award of a two year (2) contract for Mitigation Services Specialist(s) who will investigate, evaluate and present psychosocial and other mitigation evidence for indigent representation.

- Alan L. Ellis
- Christine Lawrence
- Connie A. Curtin
- David K. Wilcox
- Kerri Logan
- Marla V. Ruiz
- Michelle McCloskey
- Nora Shaw Investigations
- Randall Walker
- Tyrone Mayberry

03047-C **FLOOR COVERING INSTALLATION AND REMOVAL** (\$1,500,000 est/three (3) years with three one (1) year renewal options)

Pricing agreement to purchase Floor Covering, Installation and Removal, as requested by the Facilities Management and Flood Control Departments.

- Continental Flooring Company
- DuPont Flooring Systems
- JLP Construction Management LLC
- Source Flooring Consultants

03062-S **BOILER REPAIR SERVICES** (\$4,500,000 est/three (3) years with three one (1) year renewal options)

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Pricing agreement to purchase Boiler Repair Services as requested by the Facilities Management Department.

- Advantage Boiler & Mechanical
- Arizona Boiler Company, Inc.
- Brooks Mechanical Systems Services
- Emerson Boiler, Inc.

03109-S TRASH REMOVAL SERVICE (\$2,000,000 est/three (3) years with three one(1) year renewal options)

Pricing agreement for Trash Removal Service as requested by the Facilities Management Department.

- ANCO Sanitation Systems
- Paradise Waste Services

03112-ROQ FEDERAL LEGISLATIVE ADVOCACY (LOBBYIST) SERVICES (\$252,000 CONTINUED TO 12/17/03 est/three (3) years with three one (1) year renewal options)

Pricing agreement to provide Federal Legislative and Advocacy (Lobbyist) Services for Maricopa County in Washington DC.

- The Commonwealth Group

03131-c X-RAY SCANNER AND METAL DETECTOR (\$235,000 est/three (3) years with WITHDRAWN three one (1) year renewal options)

Pricing agreement to purchase X-Ray Scanners and Metal Detectors, as requested by the MCSO New Jail construction, MCSO Procurement, and Facilities Management Departments, to provide a high level of security to the jail facilities.

- Smith's Detection, Inc.

03151-C SHOWER ACCESSORIES: SHOES (\$150,000 est/three (3) years with three one (1) year renewal options)

Pricing agreement to purchase Shower Shoes for inmates as requested by the MCSO Central Stores Warehouse.

- Leslee Scott, Inc.

Contract Extensions:

Extensions of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until February 28, 2006

00153-RFP BANK SERVICING SERVICES (\$3,000,000 est/two (2) years)

Pricing agreement extension to provide various Banking Services for the County as requested by the Treasurers Office.

- Bank One Arizona, NA
-

Until January 31, 2005

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- 00168-E TRAFFIC SIGNAL HEADS & REPAIR COMPONENTS** (\$50,000 est/one (1) year)
Pricing agreement extension to purchase Traffic Signal Heads and Repair Components as recommended by MCDOT.
- Phoenix Highway Products, Inc.
 - US Traffic Corporation
 -

CAPA:

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

FACILITIES MANAGEMENT

Ramon Mena
Stephen Stempleski
Eloy Diaz
T.J. Horta
Robert Daniels

SHERIFFS

Charles Garvey

HUMAN SERVICES

Janette Gonzalez

SUPERIOR COURT

David Arthur
Karen Rushing
Nancy Jeffery

TELECOMMUNICATIONS

Heather McLellan

INTERGOVERNMENTAL AGREEMENT WITH TOWN OF FOUNTAIN HILLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve an intergovernmental agreement between the Town of Fountain Hills and Maricopa County Animal Care & Control (AC&C). The contract is to provide the Town of Fountain Hills with animal shelter services as determined in the contract. The Town agrees to pay an estimated \$60,000 for shelter services in accordance with the Town Resolution No. 2003-51 based on an impound fee of \$50 for each stray dog/cat; \$61 for each feral cat impounded; \$25 euthanasia fee; \$10 per day for each impounded animal with the exception of feral cats which is included in the impound fee; and, \$25 for each deceased rabid animal submitted to the AZ State Laboratory and \$50 for each live rabid animal submitted to the AZ State Laboratory. Revenue collected will be absorbed in AC&C's current budget appropriation. The term of the contract is from July 1, 2003, through June 30, 2006. (C79040392)

KENNEL PERMIT RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of November 19, 2003, through November 18, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. The cost of each kennel permit is \$90. (C7904040C) (ADM2304)

- a) Patricia Clark, dba Clark Kennels, 6422 South 35th Avenue, Phoenix, AZ 85041, Permit No. 350
- b) Kenneth E. and Kathleen Swetman, dba KK's, 11255 West Hidalgo, Tolleson, AZ 85353, Permit No. 271

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KENNEL PERMIT RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of December 3, 2003, through December 3, 2004. The permit renewal is recommended by Animal Care & Control with no complaints received and remedied. The cost of each kennel permit is \$90. (ADM2304)

- a) Patricia Bolcerek, 23129 East Munoz Street, Queen Creek, AZ 85242, Permit No. 320 (C7904043C)
- b) Linda Shively, dba East Valley Rescue, 8125 East 5th Avenue, Mesa, AZ 85208, Permit No. 312 (C7904043C)
- c) Sandra Lawson, dba Sandra Lawson Kennels, 22942 West Gibson Lane, Buckeye, AZ 85326, Permit No. 339. The cost of the kennel permit is \$90, plus a return trip fee of \$50.00, totaling \$140. (C7904044C)

KENNEL PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the issuance of a kennel permit for Jan Wetton, dba Wetton Kennels, 5003 West Mercer Lane, Glendale, AZ 85304, for the term of November 19, 2003, through November 18, 2004. (C7904041C) (ADM2304)

AGREEMENT WITH THE CITY OF PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve agreement with the City of Peoria to provide the Animal Care & Control (AC&C) Scratch & Sniff Petmobile at the following events: Oldtown Holiday Event, 10510 N. 83rd Ave, Peoria, Osuna Park on Dec. 5, 2003 from 5:00PM to 9:00PM; Pioneer Days Event, 10510 N. 83rd Ave., Peoria, Osuna Park on April 3, 2004 from 10:00AM to 2:00PM; and, Easter Event, 16101 N. 83rd Ave., Peoria, Peoria Sports Complex April 10, 2004 from 9:00AM to 12:00PM; and to provide dogs and cats for adoption that are housed in the Scratch & Sniff Petmobile during the Peoria events. The Department will incur approximately \$380 in personnel and fuel costs with this agreement. These costs will be paid through the Donation/Grant Fund (573). The Department estimates to collect \$1,200 in adoption revenues at these events. (C79040422)

GRANT FUNDS FROM PETSMART CHARITIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactive approval to apply for a restricted grant and accept same grant in the amount of \$13,025 from PETSMART Charities to be used to integrate information on adoptable and found animals with the regional pet services network. The grant restricts the award to the following purchases from Pet-Ark: 3 refurbished kiosks \$11,400; regional web redesign \$1,000; and, 25 poster boards \$625. AC&C requests authority to expend 100% of the grant in the amount of \$13,025 to purchase listed items from Pet-Ark. The term of the restricted grant is September 29, 2003, through January 11, 2004. All monies must be expended by the close of January 11, 2004. Although there are no indirect costs associated with this grant, as the grant funding passes through AC&C to Pet-Ark, the Department may possibly incur personal services costs associated with maintenance of the network. Due to the Department's line-item control status, no operational costs may be incurred by this program in FY 2004. Future year operational costs may be allowed if donation revenue can absorb additional expenditures. In addition, approve a revenue and

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expenditure appropriation adjustment of \$13,025. Grant revenue is not local revenue for the purpose of the constitutional expenditure limitation and, therefore, expenditures of this fund are not prohibited. This budget adjustment would not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17106(b). (C79040453)

COMPETITIVE MARKET SALARY INCREASES FOR CORRECTIONAL HEALTH SERVICES NURSING POOL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve competitive market salary increases for Correctional Health Services' nursing pool per the schedule in the backup. The recommended market salary increases are based on amount of shifts worked per month, providing higher adjustments for individuals up to 15 or more shifts per month. Additional costs for these market adjustments will be funded from a reduction in Registry costs, resulting in no additional costs to the Department. The goal is to reduce use of expensive Temporary Registry through replacement with Correctional Health Services' committed pool staff (Registered Nurses and Licensed Practical Nurses. (C26040130) (ADM3308-001) (ADM2131)

INTERGOVERNMENTAL AGREEMENT WITH REGIONAL PUBLIC TRANSPORTATION AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000 for services to the Maricopa County Regional Travel Reduction program. Funding to support these activities is from a grant to Maricopa County from the Arizona Department of Environmental Quality (ADEQ). The RPTA will carry out project work activities, issue requests for proposals and hire consultants as required to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not-to-exceed June 30, 2004. (C88040172)

FUNDING APPLICATIONS (6) FOR GRANT REQUESTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Human Services Department to submit six funding applications to various federal, state and private sector sources as detailed. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005 as a result of the corresponding grant requests. All overhead/indirect costs are allowable and the Department's authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form, attached to each Notice of Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$7,100,000 in total. The funds will be administered by the Department's Community Services Division to support various anti-poverty and homeless prevention programs for low-income and special needs populations in Maricopa County (outside the City of Mesa and the City of Phoenix), including: (C22050013LI)

- a) Low-Income Home Weatherization and Utility Related Repair/Replacement Program - This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2005.
- b) Utility Assistance – Federal Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss

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- of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2005.
- c) Homeless Prevention Services and Homeless Support Services – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2005.
 - d) Community Action Program Operations – Funding will be provided to thirteen Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as health fairs, information and referral services, operation of emergency food pantries and senior citizen meal programs.

AMENDMENT TO CONTRACT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a Amendment No. 1 to a contract with the Arizona Board of Regents on behalf of the University of Arizona - Services Research Office, a community-based service and evaluation center, to provide Healthy Connections services. The amendment adds administrative language and extends the term of the contract from a retroactive date of October 1, 2003, through September 30, 2004. All other terms and conditions remain unchanged. (C8603095201)

AMENDMENT TO CONTRACT WITH CATHOLIC HEALTHCARE WEST II dba ST. JOSEPH'S HOSPITAL & MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to contract with Catholic Healthcare West II dba St. Joseph's Hospital & Medical Center to provide Well Women Health Check services to uninsured or underinsured women. The amendment increases the contract dollar amount by \$8,781. Total funding for the contract term ending September 30, 2003, will increase from \$24,254 to \$33,035. All other terms and conditions remain unchanged. (C8603070102)

CONTRACT WITH CATHOLIC HEALTHCARE WEST II dba ST. JOSEPH'S HOSPITAL & MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Catholic Healthcare West II dba St. Joseph's Hospital & Medical Center to continue to provide Well Women Health Check services to uninsured or underinsured women. The contract term is retroactive to October 1, 2003, and continues through June 30, 2004, for not-to-exceed amount of \$45,973. (C86040801)

CONTRACT WITH CLINICA ADELANTE, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Clinica Adelante, Inc., to continue to provide Well Women Health Check services to uninsured or underinsured women. The contract term is retroactive to October 1, 2003, and continues through June 30, 2004, for not-to-exceed \$22,987. (C86040821)

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AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH PHOENIX ELEMENTARY SCHOOL DISTRICT NO. 1

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to an Intergovernmental Agreement with the Phoenix Elementary School District No. 1 to provide school-based tobacco use prevention and education services. The amendment increases the dollar amount by \$2,000. Total funding will increase from \$18,000 to \$20,000 for the term ending June 30, 2004. All other terms and conditions remain unchanged. (C8604332201)

FULL SERVICE LEASE WITH TELECOM CENTER PHOENIX, LLC

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute a new Full Service Lease No. L7346 with Telecom Center Phoenix, LLC, for 19,000 square feet of office space at the former Chambers Warehouse located at 301 West Jackson Street, Phoenix. The space will be used for the Chief Information Officer (CIO) currently located in suite 420 and the basement of the County Administration Building. The lease term is for 36-months commencing on or about April 1, 2004 and expiring on or about March 31, 2006. The lease rate for year one will be \$14.00 per square foot plus rental tax, year two will be \$14.50 plus rental tax and year three will be \$15.00 plus rental tax. Maricopa County may cancel this lease at the end of any fiscal year, due to non-appropriation of funds. In the event of early termination by Maricopa County, 1/36th of Lessor's unamortized tenant improvements times the number of full months remaining in the lease term will be owed Lessor. An expense stop, after base year 2003 requires Lessee to pay a pro rata share of increases in operating expenses. The Lease includes 10 parking spaces at no cost to the County. The lease also contains an option to renew for two successive three-year terms upon twelve months prior written notice to Landlord. The monthly rental costs including the 2.4% rental tax are as follows: (C180401740)

- Year 1: \$22,699 (19,000 sq. ft @ \$14.00 ÷ 12 X 2.4%)
- Year 2: \$23,509 (19,000 sq. ft @ \$14.50 ÷ 12 X 2.4%) plus increases to Base Year Operating Expenses
- Year 3: \$24,320 (19,000 sq. ft @ \$15.00 ÷ 12 X 2.4%) plus increases to Base Year Operating Expenses

CONTRACTS FOR PROFESSIONAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve professional services contracts for two year periods (each contract) to provide "as needed" services. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for the two-year period shall be \$250,000 or less (each contract) and are paid by the County's Major Maintenance budget or by budgeted department funds.

- a) Architectural Services:
 - i. Schneider Shay Pian Worcester Architects LLP (C70040295)
 - ii. TRK Architecture & Facilities Management, Inc. (C70040305)
 - iii. Architectural Resource Team, Inc. (C70040315)
 - iv. Mittelstaedt Cooper & Associates, Ltd. (C70040335)
- b) Electrical Engineering Services:

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- i. Lutz Engineering Company (C70040325)
 - ii. Energy Systems Design, Inc. (C70040345)
 - iii. Bridgers & Paxton Consulting Engineers, Inc. (C70040365)
- c) Mechanical Engineering Services:
- i. Energy Systems Design, Inc. (C70040355)
 - ii. Bridgers & Paxton Consulting Engineers, Inc. (C70040375)

FY 2003-2004 MAJOR MAINTENANCE BUDGET DECREASES AND CALL FOR BIDS AND AWARD FOR A DESIGN-BUILD CONSTRUCTION CONTRACT FOR SECURITY BUILDING RENOVATION PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following actions: (C70040398)

- a) FY 2003-2004 Major Maintenance Budget decreases in General Government, Fund 100, Agency 470, Org. 4732: \$30,000 from Project No. 2002320203 MCSO Substation Improvements, Function Class BLSO; \$150,000 from Project No. 2002320208, East Courts Building Infrastructure Improvements, Function Class EEII & \$150,000 from Project No. 002320211, East Courts Building Infrastructure Improvements, Function Class EEII; \$169,000 from Project No. 2002320213, Central Courts Infrastructure Improvements, Function Class ICCI; and \$50,000 from Project No. 2002301563, Administration Building Infrastructure Improvements, Function Class ABII & \$240,000 from Project No. 2001225394, Administration Building Infrastructure Improvements, Function Class ABII. Increase General Government, Fund 100, Agency 470, Security Center Building Infrastructure Improvements, Function Class SIPN by \$789,000. (ADM800-003)
- b) FY 2003-2004 Major Maintenance Budget decreases in Appropriated Fund Balance, Fund 100, Agency 480, Org. 4832: \$200,000 from Project No. 2002320162 Durango Building Juvenile Building Infrastructure Improvements, Function Class DJII, \$187,097 from Project No. 2002320163 Southeast MSCO Infrastructure Improvements, Function Class SESO, \$140,000 from Project No. 2002320190, MCSO/Records Building Infrastructure Improvements, Function Class RBSO and \$80,000 from Project No. 20023220193, MCSO Computer Center Building Improvements, Function Class ICIM. Increase Appropriated Fund Balance, Fund 100, Agency 480, Security Center Building Infrastructure Improvements, Function Class SIPN by \$607,097. (ADM800-003)
- c) Public Notice legal advertisement and award of a design-build construction contract for "Security Building Renovation, Project No. 2000131164E, if the maximum price is not more than 10% over the independent estimate.

AMENDMENT TO YEAR 1 OF THE FY 2003-2004 FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to Year 1 of the FY 2003-2004 five-year Capital Improvement Plan. In accordance with ARS §42-17106B, approve the following transfers:

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- a. Modify project name from Northeast Superior Court Expansion to Northeast Superior Court/Justice Courts Expansion
- b. Increase the F Y2003-2004 Year 1 budget for the General Fund County Improvement Fund (445) Northeast Superior Court/Justice Courts Expansion (Function Class CNRT) project by \$2,250,000;
- c. Decrease the FY 2003-2004 Year 1 budget for the General Fund County Improvement Fund (445) Northwest Consolidated Justice Courts (Function Class RNRC) project by \$1,200,000;
- d. Decrease the FY 2003-2004 Year 1 budget for the General Fund County Improvement Fund (445) Justice Courts (Function Class CJCT) project by \$750,000;
- e. Decrease the FY 2003-2004 Year 1 budget for the General Fund County Improvement Fund (445) Reserve (Non-Project) project by \$300,000;

The reallocated funds, in addition to project savings from the Northeast Superior Court Expansion, will be used to fund the construction of four co-located Justice Courts (C4004003501) as part of the newly named Northeast Superior Court/Justice Courts Expansion Project. Proceeds from the sale of the Scottsdale Justice Court and lease reversion savings from the Northeast & Northwest Justice Courts will be used to fund future Justice Court projects. These changes have a countywide net impact of zero. (C70040408) (ADM1820)

CHANGE ORDER TO CONTRACT WITH TARGET GENERAL, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 24 to Contract JE01-02 with Target General, Inc. in the amount of \$484,479. The contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. Change Order No. 24 incorporates various changes required to complete construction and allow occupancy. The increase is within the budget. (C4001010006)

CHANGE ORDER TO CONTRACT WITH McCARTHY BUILDING COMPANIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 25 to Contract JE01-04 with McCarthy Building Companies in the amount of \$110,785. This contract is for the construction of the 4th Avenue Jail Adult Detention Facility. Change Order No. 25 incorporates various changes required to complete construction and allow occupancy. The increase in within the budget. (C4001011005)

CHANGE ORDER TO CONTRACT WITH LAYTON CONSTRUCTION COMPANY OF ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order No. 2 to Contract CFD 03-02 with Layton Construction Company of Arizona for construction of the Northeast Superior Court Design-Build Project No. 2002320930, located at 40th Street and Union Hills Drive, in an amount of \$4,422,624. Change Order No. 2 will authorize the Phase II additional design services and concurrent construction of the Northeast Justice Courts to the same structure as the Northeast Superior Courts. The increase is within the project budget as amended by Board Agenda No. C70040408. (C4004003501)

CONTRACT WITH ARRINGTON WATKINS ARCHITECTS, LLC

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Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and authorize the execution of a professional architectural consultant services contract with Arrington Watkins Architects, LLC of Phoenix, Arizona, in substantially the form attached when approved by County Counsel, in the amount of \$113,000, and making the contract effective date retroactive to September 5, 2003. This contract is to provide Construction Administration services for the Maricopa County Sheriff's Office (MCSO) Property and Evidence Storage Facility - Project No. 2002330888. The contract is scheduled to take eight months to complete construction. (C40040075)

ARIZONA EMERGENCY MANAGEMENT MASTER MUTUAL AID AGREEMENT WITH THE STATE OF ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Arizona Emergency Management Master Mutual Aid Agreement between the State of Arizona, the 14 other counties in the state, and Maricopa County. The other counties are signing this agreement simultaneously. This mutual aid agreement provides a mechanism for Maricopa County and the other counties in Arizona to assist each other in the event that a disaster should occur. The agreement also provides a means to decline rendering assistance if doing so is not in the best interest of the county. If the agreement is put into effect as a result of a disaster, there could be either a cost to the county for assisting another county or a gain from receiving assistance from other participants, depending on the location of the damaged area. Assistance rendered during a state declared disaster is eligible for reimbursement according to the terms of ARS §35-192 and ARS §26-311. Assistance rendered during a federally declared disaster is eligible for reimbursement according to federal guidelines. There is no cost to Maricopa County for participating in the agreement. (C15040410)

AMENDMENT TO LEASE WITH KOLL BREN FUND V., LP

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the first amendment to Lease No. L7289, with Koll Bren Fund V., L.P., Lessor, for 32,155 square feet of office space located at 411 North Central, Phoenix Arizona. This Amendment will increase the office space area under lease by approximately 5,743 square feet for a new total area of approximately 37,855 square feet and extend the term commencing February 1, 2004, through January 31, 2009, and adjust the rent to reflect the increased space along with new tenant improvements to be performed by Lessor at a cost not to exceed of \$57,000. An expense stop, with a base year of 2000 requires Lessee to pay a pro rata share of increases in operating expenses. Lessor will provide 25 parking spaces at no cost to the Lessee. Rent for the expansion space will commence on the date of completion of tenant improvements and/or possession of the additional space. The County may terminate this lease after the 26th month with six month prior written notice. Rental cost are as follows: (C180401840) (C4400004401)

- Months 1 through 26: \$258,022 (5,743 sq. ft. @ \$20.25 + 2.4% rental tax ÷ 12 months X 26) plus increases to Base Year Operating Expenses and parking cost for an additional five (5) parking spaces (estimated to be \$4,500)

Existing Space:

- Months 1 through 2: \$98,780 (32,155 sq. ft. @ \$18.00 + 2.4% rental tax ÷ 12 months X 2) plus increases to Base Year Operating Expenses
- Months 3 through 14: \$600,913 (32,155 sq. ft. @ \$18.25 + 2.4% rental tax) plus increases to Base Year Operating Expenses

- Months 15 through 26: \$535,059 (32,155 sq. ft. @ \$16.25 + 2.4% rental tax) plus increases to Base Year Operating Expenses

Combined Space:

- Months 27 through 36: \$630,623 (37,878 sq. ft. @ \$16.25 + 2.4% rental tax) plus increases to Base Year Operating Expenses and parking cost for an additional five (5) parking spaces (estimated to be \$2,100)
- Months 37 through 48: \$650,027 (37,898 sq. ft. @ \$16.75 + 2.4% rental tax) plus increases to Base Year Operating Expenses and parking cost for an additional five (5) parking spaces (estimated to be \$2,100)
- Months 49 through 60: \$669,430 (37,898 sq. ft. @ \$17.25 + 2.4% rental tax) plus increases to Base Year Operating Expenses and parking cost for an additional five (5) parking spaces (estimated to be \$2,100)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A267.013 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Special Warranty Deed - Parcel No. 303-29-015A and 018A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the sum of \$216,249.00 (includes cost-to-cure amount).

A267.013-1 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 303-29-015A and 018A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the sum of \$200.00.

A267.013-2 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Drainage Easement - Parcel No. 303-29-018A and 015A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the sum of \$67,159.00.

A267.013-5 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Agreement for Right of Entry - Parcel No. 303-29-015A and 018A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the sum of \$28,770.00.

A267.013-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Aerial Easement - Parcel No. 303-29-018A and 015A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the sum of \$29,329.00.

A267.013-6 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Irrigation Easement - Parcel No. 303-29-015A and 018A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership - for the

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sum of \$448.00.

- A267.013 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-015A and 018A - The Henry Pylman Family Limited Liability Limited Partnership, an Arizona Limited Liability Limited Partnership.
- A267.014 (LJS) Project No: 68949 - McQueen Road (Queen Creek Road to Pecos Road) - Purchase Agreement and Escrow Instructions - Parcel No. 303-29-014E - John Dell Vance, Jr. and Denise L. A. Vance.
- X-0955 (LJS) Project No: 68959 - MC 85 (Bullard Wash to Litchfield Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 500-07-053, 070, 071, 072, 073, 074, 075, 077, 078,079 & 135 - Broadway Investments, LTD., a California Limited Partnership - for the sum of \$10.00.

IN-LIEU PAYMENT TO McDOWELL SONORAN LAND TRUST

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve in-lieu payment by McDOT to the McDowell Sonoran Land Trust in the amount of \$49,400. This in-lieu payment is a special condition of the U.S. Army Corps of Engineers Section 404 Permit (Clean Water Act) for the Gilbert Road project. This payment is required to compensate for the loss of river bottom habitat from the Salt River due to the construction of Project No. T081 (McDOT No. 68957); Gilbert Road from McDowell Road to SR 87. (C6404117C) (ADM2000)

AGREEMENT WITH BROWN & ELLSWORTH INVESTMENTS, LLC AND MESA BROWN CVS, LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an agreement between Maricopa County, Brown & Ellsworth Investments, LLC and Mesa Brown CVS, LLC for improvements to the intersection of Ellsworth Road and Brown Road. The improvements under this agreement constitute Phase I (of 2 phases) of a more extensive project to improve Ellsworth Road from University Drive to McLellan Road, No. T062 (McDOT No. 68902). Brown & Ellsworth Investments and Mesa Brown CVS, private developers, will each pay for additional design, construction and construction management costs associated with enhancements and modifications they are requesting in conjunction with their development plans. Total developer contributions are estimated as follows: Brown & Ellsworth Investments \$232,478; Mesa Brown CVS \$124,830. Maricopa County and Mesa will share the balance of the project costs in accordance with the terms of an existing IGA (C64011662, January 23, 2001). (C64041371)

ADDITION OF PROJECT TO McDOT FY 2004 TIP (CIP) BUDGET AND AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the addition of Project No. T151 (McDOT No. 69067), Contract Overlay FY 2004, a Pavement Rehabilitation project to the McDOT FY 2004 TIP (CIP) budget, and establish the project budget at \$935,000. Also, In accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) capital budget for the following projects:

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- a) Project T104, El Mirage: Beardsley to Loop 303 (McDOT No. 68995) capital budget by \$935,000
- b) And, adjusting the following projects by increasing the FY 2004 (Year 1) capital budget for: Project No. T151, (McDOT No. 69067), Contract Overlay FY 2004 capital budget by \$935,000 for a net impact of zero. (C64041388) (ADM2000-003)

ADDITION OF PROJECT TO McDOT FY 2004 TIP (CIP) BUDGET AND AMENDMENT TO CURRENT FY 2003-2004 FIVE-YEAR CIP

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the addition of Project No. T152 (MCDOT # 69068), Sun City Asphalt Reconstruction FY 2004, a Pavement Rehabilitation project to the Department of Transportation's FY 2004 TIP (CIP) budget, and establish the project budget at \$660,000. Also, in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) capital budget for the following projects:

- a) Project T039, PM10: Box Bar & Needle Rock (McDOT No. 16216) capital budget by \$660,000
- b) And, adjusting the following projects by increasing the FY 2004 (Year 1) capital budget for: Project No. T152, (McDOT No. 69068), Sun City Asphalt Reconstruction FY 2004 capital budget by \$660,000 for a net impact of zero. (C64041398) (ADM2000-003)

CALL FOR BIDS AND AWARD – McDOT'S CHIP SEAL PROJECT, SPRING 2004

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Chip Seal Project, Spring 2004, Work Order No. 30050015, and award of a contract to the lowest responsive responsible bidder, providing the lowest responsive responsible bidder does not exceed the engineer's estimate by more than 10%. (C64041415)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA STATE LAND DEPARTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the Arizona State Land Department for funding of the National Geodetic Survey Arizona State Advisor Position in the amount of \$37,200 for one year. This agreement is to share information, data and services. (C64041422)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F). (List on file in the Clerk of the Board's Office.)

CREATION OF URGENT CARE SERVICES POOL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the creation of an Urgent Care Services pool with an not-to-exceed amount of \$473,888, effective upon Board of Supervisors' approval through November 30, 2005. Included under this not-to-

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exceed pool are: Advanced Urgent Care (C60040961) and NextCare Urgent Care (C60041001) and any other urgent care centers contracted and approved by the Board of Supervisors between November 1, 2003, and November 30, 2005. (C60040971)

50 NEW DENTAL SERVICES SLOTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve 50 new Dental Services Contract slots under the following contract numbers: C60041100 through C60041590. The initial contract term will be two years with options to extend for additional periods, not-to-exceed a total term of five years. Each dentist approved under a dedicated slot will have an initial two-year term; this term will run from individual contract execution. These dentist contracts will provide Dentistry Services and/or Oral/Maxillofacial Surgery Services to Maricopa Integrated Health System-Health Plan (MIHS-HP) members in the dentists' personal offices. The not-to-exceed amount of each contract is a percentage of the total not-to-exceed dental pool of \$14,438,370 approved June 26, 2002, by the Board of Supervisors on Agenda No. C60021061. Either party may terminate the contract with 90-days written notice. (C60041090ZZ)

LEASE WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - WITHDRAWN

Approve an eight-year lease with Centerre Rehabilitation Hospital of Arizona, LLC for the 7th Floor of Maricopa Medical Center for \$34,666.67 per month. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a construction contract, and the completion of building renovations. The effective date of the lease will be upon completion of construction improvements with an estimated effective date of May 1, 2004. The lease allows for an additional eight-year renewal term. (Continued from meeting of November 19, 2003.) (C90040494)

The Clerk announced this item had been withdrawn.

CALL FOR BIDS AND AWARD – IMPROVEMENTS FOR THE RENOVATION OF THE 1ST AND 7TH FLOORS OF THE MARICOPA MEDICAL CENTER - WITHDRAWN

Adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the Major Maintenance Project. The project consists of Improvements necessary for the renovation of the 1st and 7th floors of the Maricopa Medical Center to accommodate the relocation of the Endoscopy Department and the creation of an Acute Rehabilitation Unit. This project is funded by the lease improvement reimbursements from the lease agreement with Centerre Rehabilitation Hospital of Arizona, LLC (Agenda C90040494). (Continued from meeting of November 19, 2003.) (C90040505)

The Clerk announced this item had been withdrawn.

AGREEMENT FOR PURCHASED ANCILLARY SERVICES WITH CENTERRE REHABILITATION HOSPITAL OF ARIZONA, LLC - WITHDRAWN

Approve an eight-year agreement for purchased ancillary services with Centerre Rehabilitation Hospital of Arizona, LLC for usage of the 7th Floor of Maricopa Medical Center. Payments to MIHS for these services are based on a case rate or usage of those services necessary to provide rehabilitation services to the patients of Maricopa Medical Center. Centerre Rehabilitation of Arizona will operate an inpatient rehabilitation hospital at the site and upon the subsequent approval of a call for bids, award of a

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construction contract, completion of building renovations, and approval of the proposed lease agreement. The effective date of this purchased service agreement will parallel the proposed lease agreement (C90040494) and have an estimated effective date of May 1, 2004, and will allow for an additional eight year renewal term. The projected gross revenue for this service agreement shall be \$4,071,240, of this amount \$250,000 will be forgiven, leaving a net revenue of \$3,821,240. (Continued from meeting of November 19, 2003.) (C90040601)

The Clerk announced this item had been withdrawn.

AMENDMENT TO CONTRACT WITH AREA AGENCY ON AGING REGION I dba CARE DIRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively amend the not-to-exceed amount of this contract with Area Agency on Aging Region I dba Care Directions to provide HIV Case Management and Referral Services. The annual not-to-exceed amount is revised from \$211,257 to \$203,565. Contract term is August 1, 2003, through July 31, 2004, with options to renew up to three additional years. This contract may be terminated by either party with 90-days written notice. (C9004040101)

CONTRACT WITH OUTLOOK ASSOCIATES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a contract with Outlook Associates, Inc. to provide Temporary Supportive Staff Services, effective upon approval of the Board of Supervisors through July 31, 2005. The contract will be paid at a percentage of the not-to-exceed pool of \$3,810,840, which was previously approved by the Board of Supervisors on July 2, 2003, (Agenda No. C90040061). The contract may be terminated by either party with 90-days written notice and may be extended not-to-exceed a total term of five years. (C90040451)

NON-FINANCIAL CONTRACT WITH JEWISH FAMILY & CHILDREN'S SERVICE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve a new, non-financial contract with Jewish Family & Children's Service (JFCS) to permit JFCS employees to be located on MIHS property and to meet, confer and interface with MIHS staff, MIHS patients, and MIHS family members. The term of the contract is upon execution through June 30, 2004, with an option to renew for four additional twelve month periods, pending approval of both parties. (C90040660)

AMENDMENT TO CONTRACT WITH BODY POSITIVE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 5 to contract with Body Positive for HIV Clinical Trials Referral Services, extending the contract term an additional year for an aggregate term of August 1, 2001, through July 31, 2004, and increases the contract not-to-exceed amount by \$60,978, from \$127,479.26 to \$188,457.26. The contract may be extended up to a total term of five years and may be terminated with 90-days written notice by either party. (Approved under Article 13 as C90025051) (C9004067105)

RESIGNATION OF BRUCE ELLISON

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the resignation of Bruce Ellison from the Maricopa County Trail Commission, District 4. The resignation will be effective December 31, 2003. (C06040229) (ADM3244)

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HEARING SET - CODE ENFORCEMENT REVIEW

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, December 17, 2003, to allow oral argument in the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00912, Timothy A. and Valori Short, to be represented by Phillip A. Austin, Attorney. (ADM3417-22)

HEARING SET – PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 17, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-036; Z2003-015; Z2003-055

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held October 6 and 8, 2003.

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve minutes of meetings held February 7, April 3, September 17, and May 12, 2003. (Addendum item A-3)

PAYMENT OF CLAIMS TO ASRS

No payment was requested at this time. (C31040018) (ADM3309)

CONTRIBUTIONS GENERATED FOR THE 2004 COMBINED CHARITABLE CAMPAIGN

No contributions were reported at this time. (C88040057) (ADM3311-002)

CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE

No contributions were reported at this time. (C2003015M) (ADM652)

SETTLEMENT OF MIHS-HP CLAIMS

No claims were submitted at this time. (ADM409-001)

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated December 3, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of

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the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From	To	Net Result
2000	11889	12105	-\$5,156.70
2001	37480	37660	-\$4,990.26
2001	37661	37700	-\$58,038.06
2002	12748	13026	-\$113,851.36
2002	13028	13084	-\$64,237.50
2003	3004	4224	\$2,983,613.62
2003	4225	4614	-\$2,069,753.58

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

- Aguila Fire District (ADM4408)
- Fountain Hills Sanitary District (ADM4442)
- Harquahala Valley Irrigation District (ADM4329)
- Maricopa Water District (ADM4391)
- Ocotillo Water Conservation District (ADM4396)
- Puerto Cuatro IWDD No. 46 (ADM4383z)
- Queen Creek Irrigation District (ADM4318)
- Sunburst Farms Irrigation District (ADM4323)

TAX ABATEMENTS

Pursuant to ARS §42-18353.B, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office. (ADM708)

Parcel #	Year	Proposed Abatement
142-49-030P 1	1988	\$61,791.90
166-01-832-1	1995	\$1,866.45
115-07-105-1	1968	\$41.41
115-07-105-1	1969	\$37.71
115-07-105-1	1970	\$36.15
142-50-039-7	1985	\$243.48
141-53-044B-6	1978	\$543.77
217-36-343X-8	1997	\$2,108.69
166-46-016-1	1989	\$1,179.29
200-62-002H 1	2000	\$3,030.00

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207-17-005E 9	1995	\$4,291.93
214-34-016H 7	1996	\$7,522.68
168-09-001E 8	1996	\$5,371.93
166-36-255 6	1995	\$436.14
166-36-255 6	1996	\$375.69
111-34-035 1	1999	\$508.10
300-009-020K 4	1989	\$195.30
300-009-020K 4	1990	\$197.21
300-009-020K 4	1991	\$167.37
300-009-020K 4	1992	\$176.44
300-009-020K 4	1993	\$148.33
300-009-020K 4	1994	\$163.32
300-009-020K 4	1995	\$163.82
300-009-020K 4	1996	\$134.59
300-009-020K 4	1997	\$144.35
300-009-020K 4	1998	\$132.29
300-009-020K 4	1999	\$101.76
300-009-020K 4	2000	\$170.44
303-40-389 9	1998	\$393.67
303-40-389 9	1999	\$435.55
303-40-389 9	2000	\$360.90
303-40-389 9	2001	\$320.15
303-40-389 9	2002	\$294.13
500-69-001H-8	1998	\$4.93
500-69-001H-8	1999	\$4.53
500-69-001H-8	2000	\$4.33
500-69-001H-8	2001	\$3.95
500-69-001J-3	1998	\$128.92
500-69-001J-3	1999	\$115.38
500-69-001J-3	2000	\$3,451.58
500-69-001J-3	2001	\$2,932.74
141-15-934-5	1998	\$3,471.83
141-15-934-5	1999	\$3,104.59
141-15-934-5	2000	\$4,614.41
141-15-934-5	2001	\$4,043.50
141-15-934-5	2002	\$3,684.01
141-15-934-5	2003	\$2,927.10
121-16-136-7	2000	\$30,019.30
121-16-137A-3	2000	\$8,577.74
500-16-165B-4	1999	\$2,062.18

DUPLICATE WARRANTS

Necessary affidavits having been filed, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) pursuant to A.R.S. §11-632, to approve the reissuing of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

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NAME	WARRANT	FUND	AMOUNT
Shadow Mountain Village	340515319	Expense	\$200.00

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
John Paulik	Madison SD	140044260	\$1,522.31
MacMillan-McGraw-Hill Co.	Pendergast SD #92	44-0030763	\$14,481.30
Antonio Lopez	Isaac SD	14-0036419	\$39.25
Radio Shack	Litchfield Elem SD #79	44-0027645	\$777.67
Jane Kelley	Queen Creek Unified SD #95	14-0032917	\$435.79
Arrowhead Resellers	Buckeye Elem SD #33	4-4-0029381	\$160.54
Teena Prentice	Laveen SD #59	14-0000626	\$147.49
Ericka Washington	RSD #66	14-0047494	\$597.52

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
Eileen McConile for Desert Hosp.	\$387.42

TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated November 19, 2003. (ADM704)

2003	2003/2004
TX 02-000422	TX 02-000550
TX 02-000511	
TX 03-000054	

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to the Assessor has recommended the Board change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

Parcel No.	Year	Owner	From	To
102-05-226a	2001	Candice Hale	Lc/4	Lc/3
102-05-226a	2002	Candice Hale	Lc/4	Lc/3
102-05-226a	2003	Candice Hale	Lc/4	Lc/3
102-82-101	2003	Amber Davis	Lc/4	Lc/3
108-31-082	2001	Edward Sesma	Lc/4	Lc/3
108-31-082	2002	Edward Sesma	Lc/4	Lc/3
108-31-082	2003	Edward Sesma	Lc/4	Lc/3

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109-64-113	2001	Cindy Osborne	Lc/4	Lc/3
109-64-113	2002	Cindy Osborne	Lc/4	Lc/3
109-64-113	2003	Cindy Osborne	Lc/4	Lc/3
121-79-147	2001	Joseph Munos	Lc/4	Lc/3
121-79-147	2002	Joseph Munos	Lc/4	Lc/3
121-79-147	2003	Joseph Munos	Lc/4	Lc/3
122-49-106	2001	Ruben Arroyo	Lc/4	Lc/3
122-49-106	2002	Ruben Arroyo	Lc/4	Lc/3
122-49-106	2003	Ruben Arroyo	Lc/4	Lc/3
126-07-095	2001	Carol Noxon	Lc/4	Lc/3
126-07-095	2002	Carol Noxon	Lc/4	Lc/3
126-07-095	2003	Carol Noxon	Lc/4	Lc/3
126-24-574	2001	Julie Sims	Lc/4	Lc/3
126-24-574	2002	Julie Sims	Lc/4	Lc/3
126-24-574	2003	Julie Sims	Lc/4	Lc/3
129-11-116a	2001	John Ziegler	Lc/4	Lc/3
129-11-116a	2002	John Ziegler	Lc/4	Lc/3
129-11-116a	2003	John Ziegler	Lc/4	Lc/3
140-74-514	2001	Andrea L Fisher	Lc/4	Lc/3
140-74-514	2002	Andrea L Fisher	Lc/4	Lc/3
140-74-514	2003	Andrea L Fisher	Lc/4	Lc/3
141-63-526	2003	Karen Ownens	Lc/4	Lc/3
143-12-403	2001	Mary Andrews	Lc/4	Lc/3
143-12-403	2002	Mary Andrews	Lc/4	Lc/3
143-12-403	2003	Mary Andrews	Lc/4	Lc/3
143-19-116	2001	Karen Becker	Lc/4	Lc/3
143-19-116	2002	Karen Becker	Lc/4	Lc/3
144-21-274	2001	Ramond Saldana	Lc/4	Lc/3
144-21-274	2002	Ramond Saldana	Lc/4	Lc/3
144-21-274	2003	Ramond Saldana	Lc/4	Lc/3
144-28-215	2001	Christina Graham	Lc/4	Lc/3
144-28-215	2002	Christina Graham	Lc/4	Lc/3
144-28-215	2003	Christina Graham	Lc/4	Lc/3
146-20-483	2001	Yalcin Kose	Lc/4	Lc/3
146-20-483	2002	Yalcin Kose	Lc/4	Lc/3
146-20-483	2003	Yalcin Kose	Lc/4	Lc/3
146-27-506c	2001	Christina Scott	Lc/4	Lc/3
146-27-506c	2002	Christina Scott	Lc/4	Lc/3
146-27-506c	2003	Christina Scott	Lc/4	Lc/3
146-31-072	2001	Elbin Cortez	Lc/4	Lc/3
146-31-072	2002	Elbin Cortez	Lc/4	Lc/3
146-31-072	2003	Elbin Cortez	Lc/4	Lc/3
147-23-049	2002	Lori Green	Lc/4	Mixed
147-23-049	2003	Lori Green	Lc/4	Lc/3
148-12-755	2001	Alan West	Lc/4	Lc/3
148-12-755	2002	Alan West	Lc/4	Lc/3
148-12-755	2003	Alan West	Lc/4	Lc/3
148-28-097	2001	Alicia Westphal	Lc/4	Lc/3
148-28-097	2002	Alicia Westphal	Lc/4	Lc/3
148-28-097	2003	Alicia Westphal	Lc/4	Lc/3

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158-07-041	2003	Susan Kahil	Lc/4	Lc/3
158-27-017	2001	Joseph Benson	Lc/4	Lc/3
158-27-017	2002	Joseph Benson	Lc/4	Lc/3
158-27-017	2003	Joseph Benson	Lc/4	Lc/3
162-03-101	2001	Linda Martini	Lc/4	Lc/3
162-03-101	2002	Linda Martini	Lc/4	Lc/3
162-03-101	2003	Linda Martini	Lc/4	Lc/3
164-68-035	2001	Dolores Fortner	Lc/4	Lc/3
164-68-035	2002	Dolores Fortner	Lc/4	Lc/3
164-68-035	2003	Dolores Fortner	Lc/4	Lc/3
165-08-084	2001	Norma R Efos	Lc/4	Lc/3
165-08-084	2002	Norma R Efos	Lc/4	Lc/3
165-08-084	2003	Norma R Efos	Lc/4	Lc/3
170-33-050	2001	Christopher Carr	Lc/4	Lc/3
170-33-050	2002	Christopher Carr	Lc/4	Lc/3
170-33-050	2003	Christopher Carr	Lc/4	Lc/3
176-05-250	2001	Donald Stevens	Lc/4	Lc/3
176-05-250	2002	Donald Stevens	Lc/4	Lc/3
176-05-250	2003	Donald Stevens	Lc/4	Lc/3
200-52-215	2001	La Wanda King	Lc/4	Lc/3
200-52-215	2002	La Wanda King	Lc/4	Lc/3
200-52-215	2003	La Wanda King	Lc/4	Lc/3
200-76-666	2003	Jon James Jr	Lc/4	Lc/3
200-80-260	2002	Aileen Gordon	Mixed	Lc/3
200-80-260	2003	Aileen Gordon	Mixed	Lc/3
207-27-262	2001	Henry Haller	Lc/4	Lc/3
207-27-262	2002	Henry Haller	Lc/4	Lc/3
207-27-262	2002	Henry Haller	Lc/4	Lc/3
215-80-066	2003	Annie Augustine	Lc/4	Lc/3
216-48-604	2002	Guy Jerram	Lc/4	Lc/3
216-48-604	2003	Guy Jerram	Lc/4	Lc/3
216-83-545	2001	Nenver Rieveld	Lc/4	Lc/3
216-83-545	2002	Nenver Rieveld	Lc/4	Lc/3
216-83-545	2003	Nenver Rieveld	Lc/4	Lc/3
218-18-011	2002	Leonard Nordan	Lc/4	Lc/3
218-18-011	2003	Leonard Nordan	Lc/4	Lc/3
218-26-071	2001	Billy Evans	Lc/4	Lc/3
218-26-071	2002	Billy Evans	Lc/4	Lc/3
218-26-071	2003	Billy Evans	Lc/4	Lc/3
218-58-124	2003	Andy Vo	Lc/4	Lc/3
231-02-194	2001	Cynthia Stalter	Lc/4	Lc/3
231-02-194	2002	Cynthia Stalter	Lc/4	Lc/3
231-02-194	2003	Cynthia Stalter	Lc/4	Lc/3
301-04-480	2003	Ryan Plunkett	Lc/4	Lc/3
301-81-097	2002	Sheri Cook	Lc/4	Lc/3
301-81-097	2003	Sheri Cook	Lc/4	Lc/3
302-88-144	2001	Andrew White	Lc/4	Lc/3
302-88-144	2002	Andrew White	Lc/4	Lc/3
302-88-144	2003	Andrew White	Lc/4	Lc/3
303-64-394	2001	Robert Serbins	Lc/4	Lc/3

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303-64-394	2002	Robert Serbins	Lc/4	Lc/3
303-64-394	2003	Robert Serbins	Lc/4	Lc/3
303-70-146	2003	Sandra Mc Carthy	Lc/4	Lc/3
308-03-062	2001	Larry Koeninger	Lc/4	Lc/3
308-03-062	2002	Larry Koeninger	Lc/4	Lc/3
308-03-062	2003	Larry Koeninger	Lc/4	Lc/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held November 17, 2003.) (ADM407)

James Bolen	\$1,400.00	John Greathouse	\$ 500.00
Nicholas Hernandez	7,000.00	Regina Morago	3,100.00
Shanna Rashad	1,000.00	David Robles	5,000.00

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the requested write-offs as payment in full. (Discussed in Executive session held November 17, 2003.) (ADM407)

Jeffrey Michael Sherman	\$ 400.00	Antonio Joseph Altamirano	\$ 311.43
Clarence E. Baker	438.00	Jeremy M. Cole	660.00
Albert C. Eldridge, Jr.	120.00	Jason Jevon Epeert	180.00
Thomas A. Haas	340.00	Thomas Wm. Hill	520.00
Janice Denise Irvin	1,364.98	John Edward Kelly	447.50
Richard Lee Law	693.33	Joseph S. Lily	90.55
Ryan A. McBee	1,095.00	Roy R. Sanchez	770.00
Bradley Zetterlof	160.00	Carlos L. Chavez	1,990.01
Jason Leonard	260.00	Jason Leonard	1,270.00
Jason Leonard	20.00	Lorraine F. Smith	1,532.00

SETTLEMENT AGREEMENT BETWEEN MIHS AND MEDI-CAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a Settlement Agreement (a Stipulated Judgment) which will resolve a lawsuit filed by Maricopa County and Maricopa Integrated Health System (MIHS) against the California Dept of Health ("Medi-Cal") under which MIHS will recover an additional \$109,699.00 in underpayments for services rendered to Medi-Cal patients by MIHS. (Discussed in Executive session on November 17, 2003.) (Addendum item A-1) (C90040790) (ADM409)

HEARING SET – DEANNEXATION/ANNEXATION

Pursuant to ARS §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, January 7, 2004, regarding ordinances filed by the City of Phoenix and the City of Scottsdale deannexing and annexing certain territory within their present corporate limits. The City of Phoenix will deannex and the City of

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Scottsdale will annex a 25-foot strip of abandoned roadway, northeast of the intersection of 60th Street and Thomas Road, approximately 0.077 acres. (Addendum Item A-2) (ADM4214)

PUBLIC COMMENT

Trux Robinson, Equipment Services Director, said he had been given a mission from his department to thank the Board for giving their approval to hire four additional mechanics. He said he knew this came in tough budget times and assured the Board that they would make the best use of the new workers for improving customer service and management of the fleet. He also mentioned P.M. Compliance, calling it "the foundation and meat of a fleet management program," and guaranteed these would be completed on time, the cost-per-mile would be reduced and a saving would be generated for the department and the equipment. (ADM605)

Kathleen Burns, A Beneficial Massage, Inc., spoke regarding County Ordinance P-10 covering Adult Oriented Businesses And Adult Service Providers. She said that a copy of this Ordinance had recently been given to them. Included were applications for adult oriented or adult service businesses. She said she assumed it had to do with the crack-down on adult oriented, illegitimate massage services recently discovered to be operating in the County. She indicated that she supports such a crack-down. She feels her response is not clear and for her to make application for this would be detrimental to her business. She indicated that they currently serve children, women and men in the Northwest Valley with therapeutic services that are often referred by medical physicians and others in the medical field. She said she had contacted the Arizona Board of Massage Therapy, a new organization, to request assistance in understanding how to deal with this ordinance in context with state licensing. She asked the Board to study this ordinance and its possible impact in the County. She does not want to have to obtain an adult service license for her legitimate therapeutic massage business and said her current clients would not continue their patronage if she had to display such a license. She offered to assist in revising the language of the Ordinance to differentiate between the legitimate and illegitimate establishments. She also asked advice in what her appropriate response should be to the applications she'd been given.

Supervisor Wilson said that he would have his staff research this matter and contact her with their findings.

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Supervisor Wilson commented on Bruce Ellison's leaving the Trails Commission, saying he wanted to thank him for his time and assistance and for the donation of his services. (ADM606)

Chairman Brock commented on two distinguished alumni of Mountain View High School whose football team is in the upcoming State 5-A football playoffs." He said that the state football finals this Saturday should be interesting and wished both teams good luck. Supervisor Kunasek replied that he had indeed graduated from Mountain View and added that he only wished one of the teams well this weekend! Supervisor Stapley said that Mountain View wasn't there when he graduated from high school but his children attend and he appreciated the acknowledgement of the playoff.

Chairman Brock recessed the meeting for a five-minute break.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and

Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **Z2002-165** **District 3**
 Applicant: Anthem Arizona LLC. for Anthem Country Club II.
 Location: North of Anthem Way between Anthem Hills Dr. and Anthem Ridge Dr (in the Anthem area)
 Request: Rezone approx. 12.04 acres from C-2 P.D. to R1-10 R.U.P.D. and approx. 14.68 acres from R1-10 R.U.P.D. and R1-6 R.U.P.D. to C-2 P.D. – Anthem Country Club II

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-165, subject to the following stipulations “a” through “f”. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

- a. Ultimate development of the site shall be in conformance with the zoning exhibit entitled, “Zoning and DMP Amendment – Exhibit 1” consisting of six (6) full size sheets prepared by Stanley Consultants, Inc., dated revised August 28, 2003, date-stamped by the engineer August 28, 2003 and stamped received September 5, 2003, except as modified by the following stipulations.
- b. Ultimate development of the country club site shall be in conformance with the narrative report entitled, “Anthem Clubhouse II – Zoning Change Request and Preliminary Plat Narrative Report”, consisting of ten (10) pages, including one (1) 11’ by 17” conceptual layout entitled, “Exhibit 2 – Conceptual Clubhouse Layout”, prepared by Stanley Consultants, Inc., dated revised August 2003 and stamped received September 5, 2003, except as modified by the following stipulations.
- c. Within two (2) years of approval of the subject zone change request, and prior to the ultimate development of the Country Club II property, the applicant shall submit an application for a Precise Plan of Development for the subject property. Said Plan of Development shall remain generally consistent with the conceptual plan included in the narrative report as outlined in stipulation “b” above, except that any tennis courts proposed for the site must first be approved by the Board of Supervisors under a Special Use Permit prior to construction.
- d. Development of the country club site shall be consistent with the use and development standards set forth for the C-2 zoning district except that the requirement for the perimeter wall shall be waived. Screening shall be required of all trash enclosures, A/C units or other machinery, parking areas, etc.
- e. A temporary phase of development for this golf clubhouse, not reflected on this Concept Plan, may be accommodated with administrative approval of a Temporary Use Permit by the Maricopa County Planning and Development Department, prior to final plat approval and/or prior to Precise Plan approval.
- f. Stipulations of Z2000098 (Anthem Plan of Development) shall remain in effect, as may be applicable.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "f."

~ Supervisor Kunasek left the meeting ~

2. **Z2003-075** **District 4**
 Applicant: LVA Urban Design Studio for Kenneth J. Schroeder and Sun City North Investors Partnership
 Location: Northwest corner of the Happy Valley Rd. & Vistancia Blvd. aligns. (in the Peoria area)
 Request: Major amendment to R.U.P.D. standards in the R-2 R.U.P.D. and R1-6 R.U.P.D. zoning districts – Coldwater Ranch (179 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-075, subject to the following stipulations "a" through "c". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. All conditions of approval and stipulations of Z2002-127 shall remain intact except as modified by the following stipulations.
- b. Development of the site shall comply with the zoning exhibit entitled "Coldwater Ranch Planned Area Development Preliminary Plat", consisting of five sheets, dated (revised) October 2, 2003, and stamped received October 6, 2003, except as modified by the following stipulation.
- c. Development of the site shall be in conformance with the narrative report entitled "Coldwater Ranch Maricopa County, Arizona Application to Amend the Approved Residential Unit Plan of Development (RUPD) Standards", consisting of 12 pages, dated (revised) October 1, 2003, and stamped received October 6, 2003.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-0-1) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "c." Supervisor Kunasek did not vote on this item, having filed a letter stating a conflict of interest prior to the meeting.

~ Supervisor Kunasek returned to the meeting ~

REGULAR AGENDA DETAIL:

3. **Z2003-007** **District 4**
 Applicant: Howard Voigt
 Location: Approx. ¼-mile south of Olive Ave. and ¼-mile west of Dysart Rd. (in the west Glendale area)
 Request: Special Use Permit (S.U.P.) for vehicle storage in the AD-3 Airport Zone 1 and Rural-43 Airport Zone 1 zoning districts (the site is within a high noise and accident potential zone of Luke A.F.B.) - Antique Vehicle Storage (2 ac.)

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COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-007, subject to the following stipulations "a" through "k. Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be consistent with the site plan entitled, "Site Plan, Case Z2003-007 Parcel 501-47-004Q Personal Antique Vehicle Storage", consisting of one (1) full size sheet dated revised May 12, 2003 and stamped received May 15, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the site plan shall be revised to delete the erroneous reference to a mid-section line along the southern boundary of the site.
- b. Development and use of the site shall comply with the narrative report entitled "SUP narrative Report Parcel 501-47-004Q", consisting of two (2) pages, dated revised May 12, 2003 and stamped received May 15, 2003, except as modified by the following stipulations.
- c. The site shall be used for vehicle storage only. Any additions, including any future buildings, or amendments to this plan now or in the future must be coordinated with Luke Air Force Base.
- d. Outside lighting shall comply with the Maricopa County Zoning Ordinance and shall be directed downward.
- e. The use shall not create and/or release any substances into the air that would impair visibility or otherwise interfere with military aircraft operations.
- f. Within 180 days of approval by the Board of Supervisors, the applicant shall install a dust-proof surface over the access road to the site, and over all internal driveways and vehicle storage/parking areas. The surface material shall be approved by the Maricopa County Department of Transportation and/or Maricopa County Environmental Services Department.
- g. Within 180 days of the approval of this Special Use Permit by the Board of Supervisors, the applicant shall pave that portion of the access road that lies within the public right-of-way of Olive Avenue.
- h. Within 180 days of the approval of this Special Use Permit by the Board of Supervisors, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department has been properly apprised of the development occurring on the subject property and that an offer to extend fire protection services has been made with regard to the subject property.
- i. This Special Use Permit shall be valid for a period of ten (10) years from the date of the Board of Supervisors' approval.
- j. The property owner shall submit a written status report, which shall be due upon the first anniversary of the approval of the Special Use Permit by the Board of Supervisors. This status report shall discuss the status of the property and the compliance with the approved stipulations. This status report may be approved administratively by staff, or forwarded to the Planning and Zoning Commission for review should it be determined that the approved stipulations have not been adhered to.

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- k. Major changes to this Special Use Permit (the site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, subject to the concurrence by Luke Air Force Base for any proposed changes.

Darren Gerard reported on proceedings on this case at the Planning Commission and said that Luke Air Force Base is generally supportive of this proposed use, with the stipulations. There is no known public opposition to this request. He said that, inadvertently, the applicant was not notified of the Planning Commission meeting and so had not attended to voice his opposition to stipulations "f" and "g" But was present to question them at this time.

Howard Voigt, the applicant, said that as a hobby he preserves antique autos for future generations. He said that this parcel is in the middle of agricultural crop land and he had stored his vehicles there without knowing he had to have authorization to do so. He said the cars are inoperable and are "donor cars" for parts to reconstruct some of the operable vehicles. He lives in Arizona for five months during the winter. His concern is with stipulation "f" (for a gravel or dust retarding surface on the access road and storage area) saying that the easement road is already graveled. He also voiced concern with stipulation "g" to pave the entrance road adjacent to Olive Avenue. He has sent a deviation letter to MCDOT stating his very infrequent use of the road, as he only goes there once or twice a year. He has received no response to the letter for a waiver. He said trespassers currently bypass the gate and drive over the property creating a legal and illegal risk to the property and property owners. He felt paving the entry would just invite more trespassers onto the property. He asked that these two stipulations be deleted.

Supervisor Kunasek asked if language was in place to assure that this not become an area for abandoned vehicles. Mr. Gerard assured him that stipulations reference the Narrative Report in the case-file, which does regulate the type of acceptable vehicles for storage. He said that any complaints to the contrary would be investigated.

In response to a question from the Chairman, Mr. Gerard said he believed the zoning ordinance allows one inoperable or unregistered vehicle to be stored on residential property (not including the street) but other vehicles could be stored in buildings on the property.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission for approval subject to stipulations "a" through "e" and "h" through "k" with the deletion of stipulations "f" and "g."

- ~~f. Within 180 days of approval by the Board of Supervisors, the applicant shall install a dust-proof surface over the access road to the site, and over all internal driveways and vehicle storage/parking areas. The surface material shall be approved by the Maricopa County Department of Transportation and/or Maricopa County Environmental Services Department.~~
- ~~g. Within 180 days of the approval of this Special Use Permit by the Board of Supervisors, the applicant shall pave that portion of the access road that lies within the public right-of-way of Olive Avenue.~~

- 4. **Z2003-022** **District 4**
Applicant: Brian Daniels, Daniels Development Services for Peoria 145, LLC

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Location: Southeast corner of Peoria Ave. & Sarival Rd. (in the northwest Glendale/Surprise area)
Request: Rezone from Rural-43 to R1-35 R.U.P.D. and C-1 P.D. – Twelve Oaks Estates (147.78 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-022, subject to the following stipulations “a” through “j”. Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall be consistent with the zoning exhibit entitled “Zoning Change Site Plan for Twelve Oaks Estates”, consisting of one (1) full-size sheet, dated September 1, 2003, stamped by the engineer October 1, 2003, and stamped received October 2, 2003, except as modified by the following stipulations.
- b. Development of the site shall comply with the narrative report entitled “Narrative Report Twelve Oaks Estates”, consisting of four (4) pages stamped received September 11, 2003, except as modified by the following stipulations.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65 feet for Peoria Avenue and Sarival Avenue shall occur prior to zoning clearance. All interior streets within the proposed development are to be constructed to minimum County standards.
- d. Prior to the development of the commercial portion of the site, the developer shall submit a Plan of Development for review, with final approval of the Plan of Development by the Board of Supervisors, following recommendation by the Planning and Zoning Commission. Development on this commercial property shall abide by the zoning standards set forth in the C-1 zoning district but shall otherwise be subject to the following additional requirements:
 - i. A landscape buffer shall be provided adjacent to the residential portion of the property. Said buffer shall include a series of trees capable of providing a canopy sufficient to effectively screen the commercial buildings from the residential property. Said trees shall be spaced a maximum of 20 feet on center and shall be a minimum of 24-inch box when planted. All plants contained within the landscaping of the commercial site shall be from the Arizona Department of Water Resources - Desert Guide - Drought Tolerant / Low Water Use Plant List - Phoenix AMA and shall be maintained by the owner of the commercial property in perpetuity.
 - iii. The developer shall employ “360-degree architecture” to any commercial buildings constructed on site. Architectural features such as repeating design elements, variations of color and texture, variations in building height, projections and recessions from the building plane, internalization of scuppers and downspouts, screening of loading and loading areas, trash bins, AC units, and electrical panels, etc. shall be incorporated in the design of the commercial buildings.
- e. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.

- f. Consistent with ARS 28-8484(A), written notification shall be provided to all future homeowners that they are located within THE STATE-DEFINED TERRITORY IN THE VICINITY OF A MILITARY AIRPORT and may be subject to loud noise and overflights from military aircraft. Such notification shall be recorded on all final plats, be permanently posted on not less than an 8.5" x 11" size sign on a conspicuous location of the front door of the home sales office(s) and each model home(s), and shall be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- g. All habitable buildings constructed within this subdivision shall be constructed to attain a 25-decibel noise reduction as required by ARS 28-8482(B).
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a "will-serve" letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. Major changes to this zoning exhibit and narrative report, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department.
- j. Non-approval compliance with this zoning exhibit and narrative report, or the conditions of will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Darren Gerard outlined Commission action taken on this item and said that it is in compliance with the County area plan designating it for rural use. He said there is no known opposition to this rezoning request at this time. The Planning Commission and staff recommended approval with stipulations "a" through "j." Mr. Gerard explained that the Board might want to consider a time frame whereupon there would be a reverter to Rural-43 but he added that this had not been recommended by the Planning Commission. No citizens came forward to speak on this matter.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of this rezoning subject to stipulations "a" through "j."

5. **Z2003-042** **District 1 CONTINUED**
Applicant: Richard Andrews for Victoria Properties
Location: South of the southeast corner of Germann Rd. & Sossaman Rd. (in the Queen Creek area)
Request: Rezone from Rural-43 to C-2 P.D. - Four Point Plaza (9.4 ac.)

COMMISSION ACTION: Commissioner Pugmire moved to recommend denial of Z2003-042. Commissioner Harris seconded the motion, which passed with a majority vote of 6-1, with Commissioner Barney dissenting.

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Mr. Gerard said that the plan calls for an automotive commercial center on a 9.5 acre site near Queen Creek. The County area plan and the Town's area plan call for residential development for this area. There is also a lack of a viable sewer solution. The Town has initiated annexation proceedings for the site that should be finalized in February. Staff and the Planning Commission recommended denial. The applicant has requested a continuance through Randall Voss, associate of applicant Richard Andrews.

Motion was made by Supervisor Wilcox and seconded by Supervisor Stapley to continue this item to the February 17, 2004, meeting. Chairman Brock stated that he had a possible conflict of interest and would not vote on this matter. Motion carried by majority vote (4-0-0-1).

Vincent A. Canzano, Queen Creek resident, came forward to voice his opposition after the vote. Paul Golab said that the matter had been voted on but at the request of Supervisor Wilson he allowed a statement to be made provided there was no discussion by the Board.

Mr. Canzano asked that the Board "just drop this item and let the Town of Queen Creek handle it. When they annex the area then they'll talk about the sewer and they'll talk about everything else that goes with it. I think it's useless of your time and the County and my time to even think about coming back here again. This item should not have been even postponed, it should have been cancelled."

- 6. Z2003-061 District 4** (This case requires a ¾ majority vote to approve, due to opposition from adjacent property owners.) (This case continued from hearing of November 5, 2003)
- Applicant:** Sender Associates, Chartered for L.B. Apartment Communities
Location: Southeast corner of Deer Valley Dr. & 151st Ave. (in the Sun City West area)
Request: Rezone from Rural-43 to R-5 R.U.P.D. with a Plan of Development for apartments - Deer Valley Senior Community (7.8 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-061 with a stipulation "s" requiring elevators. Commissioner Aster seconded the motion, which failed with a majority vote of 7-1, indicated by roll call as follows:

- | | |
|--------------------------------|-----------------------------|
| Commissioner Aster – no | Commissioner Clayburg – yes |
| Commissioner Beckley – no | |
| Commissioner Gulbrandsen – no | |
| Commissioner Munoz – no | |
| Commissioner Smith - no | |
| Commissioner Harris – no | |
| Chairman Pugmire – no | |
| Commissioner Jones - abstained | |

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2003-061, subject to the following stipulations "a" through "r". Commissioner Munoz seconded the motion, which passed with a majority vote of 7-2, indicated by roll call as follows:

- | | |
|--------------------------------|----------------------------|
| Commissioner Aster – yes | Commissioner Clayburg – no |
| Commissioner Beckley – yes | Commissioner Jones - no |
| Commissioner Gulbrandsen – yes | |
| Commissioner Munoz – yes | |
| Commissioner Smith - yes | |
| Commissioner Harris – yes | |

Chairman Pugmire – yes

- a. Development shall be in substantial conformance with the site plan consisting of seven (7) full-size sheets entitled “Deer Valley Senior Community”, date stamped by the architect July 3, 2003 and stamped received July 14, 2003. Prior to Zoning Clearance, the applicant shall revise the site plan to relocate the refuse container along the eastern property line to the west side of the parking lot and to reflect any stipulated changes to the site plan.
- b. Development of the site shall be in conformance with the narrative report entitled “Deer Valley Senior Community”, consisting of sixteen (16) pages, dated revised July 11, 2003, and stamped received July 14, 2003, except as modified by the following stipulations.
- c. All buildings within 180’ of any property line adjacent to existing residential development shall be limited to one story in height.
- d. The maximum number of dwelling units shall be 180.
- e. Prior to Zoning Clearance, the applicant shall submit CC&Rs for the subject property that indicate the apartments are limited to tenants 55 years of age and older.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Handicap ramps will be required at drives.
- h. The driveway on 151st Avenue shall be a maximum of 40 feet in width.
- i. Auxiliary lanes or other off-site improvements, as recommended in the approved Traffic Impact Study, will be the responsibility of the applicant.
- j. Prior to site development approval, the owner or agents of the property shall obtain a drainage clearance from the Flood Control District as a part of the building permit. The drainage clearance will require that a grading plan be submitted providing a registered professional civil engineer’s certification statement to read, “I certify that all finished floor elevations are free from inundation during the 100-year peak runoff event.” Additionally, the retention requirements for this site only require first flush, which is the first ½ inch of runoff to account for the required volume or first flush treatment/filtration.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- m. All trees shall be double-staked when installed.
- n. Major changes to the Precise Plan (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application with final determination

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made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

- o. Major changes to the Precise Plan shall require a Citizen Participation Process.
- p. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. This rezone is conditional upon a building permit being obtained with two years from the date of approval by the Board of Supervisors.
- r. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

Mr. Gerard outlined Planning Commission actions on this item. He said the case had been continued several times due to opposition from residents and PORA. He distributed a handout stating that the PORA governing body has now voted to support the modified project being considered today that lowers the number of units to 164. Staff wishes to revise stipulations "a" and "b" to reflect the new revised site plan and the revised narrative report. Stipulation "d" would also be revised to lower the number of units from 180 to 164. He said that on legal advice they also want to delete stipulation "e" that limits the age of residents to 55 and over, and asked the applicant to go on record that this will be a senior living community. The County should not be responsible for enforcing the CC&Rs. He said the applicant had agreed that a second innermost driveway that had been questioned will be used for secondary emergency access only.

Randy Fuller, PORA, identified as "unusual" his coming one month in opposition of the project and the next month in support, adding, "but that's my role here this morning." He said that on December 1, 2003, the PORA Board had voted to support the amended proposals for these apartments and were now in agreement with the project.

Sandra Lenocker, citizen and property owner in the area, thanked PORA for taking the time to investigate the information so thoroughly and for their approval.

Supervisor Wilson said he had somewhere heard the comment that "people in PORA need to get a life" and admitted that it had been a long drawn-out process to get to this point, "but I can tell you we have a better product today than we would have had, and that is with the effort of a lot of people that gave of their time to make sure their community was a nice place to live."

Darin Sender also thanked PORA and their efforts and added that the client is fine with the stipulations as requested by staff. She said that the project is intended to be a senior community and they would match the language from the CC&R's received from PORA with the laws in effect today. She agreed that the project was better with the support and input from PORA and thanked all who had worked diligently on it.

Chairman Brock asked how and if the 55 year-old age limit for residents in stipulation "e" could ever be enforced by the County.

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Mr. Eckhardt said the County is not involved in enforcing that and that stipulation will be removed.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried on a roll-call vote (5-0) with Supervisors Wilson, Stapley, Kunasek, Wilcox and Brock voting "aye" to approve this rezoning subject to modified stipulations "a" – "r" that included the staff and P&Z recommended stipulations "a" – "r" but with revised language to stipulations "a," "b" and "d," the deletion of stipulation "e," the renumbering of stipulations. "f" – "r" as "e" – "q" and including new stipulation "r".

- a. Development shall be in substantial conformance with the site plan consisting of ~~seven (7)~~ one (1) full-size sheets sheet and one (1) 8.5" x 11" supplemental page, with the full-size sheet entitled "Deer Valley Senior Community - SEC 151st Ave. & Deer Valley Rd.", ~~date stamped by the architect July 3, 2003 prepared by Todd & Associates, Inc. dated revised November 21, 2003 and presented to the Board of Supervisors on December 3, 2003, except as modified by the following stipulations. and stamped received July 14, 2003. Prior to Zoning Clearance, the applicant shall revise the site plan to relocate the refuse container along the eastern property line to the west side of the parking lot and to reflect any stipulated changes to the site plan.~~
 - b. Development of the site shall be in conformance with the narrative report entitled "Project Narrative - Deer Valley Senior Community - SEC 151st Avenue and Deer Valley Road...", consisting of ~~sixteen (16)~~ 27 pages including an 8.5" x 11" reduction of the full-size zoning exhibit referenced in stipulation 'a', with the narrative's cover page dated revised ~~July 14~~ November 21, 2003, and stamped received ~~July 14~~ November 21, 2003, except as modified by the following stipulations.
 - d. The maximum number of dwelling units shall be ~~180~~ 164.
 - e. ~~Prior to Zoning Clearance, the applicant shall submit CC&Rs for the subject property that indicate the apartments are limited to tenants 55 years of age and older.~~
 - r. THE WESTERNMOST DRIVEWAY ONTO DEER VALLEY DRIVE IS TO BE GATED FOR EMERGENCY ACCESS ONLY.
- 7. S2003-060 District 2 (This case continued from hearing of November 5, 2003.)**
Applicant: Fleet Fisher Engineering
Location: Between Dixileta Dr. and Rio Verde Dr., along 152nd St. (in the Scottsdale area)
Request: Final Plat in the Rural-43 zoning district for Rio Mountain Estates Unit 1 (96.4 ac.)

Mr. Gerard reported on the Planning Commission action for this item. He reminded the Board that it had been pulled from the Consent Agenda of November 5 and continued to this date. He said there had been three items of discussion, 1. An equestrian trail across the site as requested by neighbors. The applicant believes that since there is no subdivision guideline in place that would necessitate such a modification to his project it isn't necessary to include it at this time. 2. Whether the lots would be buildable with the number of drainage easements in conjunction with setbacks that were in place. He said investigation had proven that no lot contained less than a 15,000 square foot building envelope and in none would a house pad area be less than half that size. 3. Some lots may be encumbered due to the drainage easements and not have an area for a conventional septic system within the 15,000 sq. ft. Alternative septic systems are available and the applicant has provided plot plan scenarios to the Environmental Services Department on them.

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Mr. Gerard mentioned that because of questions asked at the last Supervisors' meeting, Environmental Services is doing a second technical review of the area, still unfinished, and has sent the Board a letter indicating they will address this issue to the Arizona Department of Real Estate in their release to sell lots. Mr. Gerard said, "We do not believe we will have lots that will be unbuildable or that will present a problem at the building permit stage."

Supervisor Stapley asked what the County does when a developer starts developing a project with no permits. He said, "Are there no penalties?"

Mr. Gerard admitted that on-site grading had been conducted on this project without benefit of a grading permit and indicated that there seemed to have been a sincere miscommunication on this. He said the developer had obtained a dust control permit from Environmental Services but they didn't get the grading permit from the Planning Department. They have stopped their on-site grading and have applied for an infrastructure permit that would allow for grading, paving and water lines. They do have permits for the off-site work along the perimeter roads from MCDOT and are working there. Mr. Gerard's specific response to Supervisor Stapley's question on penalties was that the Planning Department would send Code Enforcement Officers to a problem site and initiate a Code Violation case if necessary. He explained that the first step was to provide some type of administrative remedy, which would be to obtain an infrastructure permit issued after recordation of the final plat, and such a permit has been applied for and is now under review.

Supervisor Stapley said he did not understand the applicant's opposition to the equestrian trail, believing it would be an enhancement to the value of the property rather than detrimental.

Nick Wood, for the applicant, said the question of an equestrian trail had been carefully studied and so long as the subdivision ordinances are complied with the builder believes it is discretionary and has decided it is not appropriate for their subdivision.

Discussion ensued on an effort to add an equestrian trail at this final plat stage.

Supervisor Kunasek said the lots all seem to be at least one-acre parcels and asked if there was land north of the 152nd street alignment that is owned by the applicant. He wanted to know if part of the gross acreage listed was located there and if future plat action would be brought on those parcels.

Mr. Gerard agreed that there are open space tracts to the north that add to the gross acreage "to a certain extent" and there is a street that would provide future secondary access that is also included. He added that Unit Two, the second phase of development, would go all the way up to Dixileta Road.

Supervisor Kunasek asked if the 96 acres in this action includes Unit Two. Mr. Gerard responded that it appeared to be only Unit One but deferred the question to the applicant.

Larry LaPrade, the developer, reported that the total property is 156 acres and runs all the way from the Rio Verde to Dixileta to 152nd Street and said this is just the first phase of development. With regards to the equestrian trail, Mr. LaPrade said there is a tremendous amount of open space to the west and north and to designate specified trails through the open range of the property would be difficult. He also believed that liability issues could easily arise for him if riders were allowed on designated trails. He said he had met with the neighbors on this subject numerous times over the past three years, and explained that he doesn't object to their riding through the open spaces but asked how to delineate an equestrian

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trail through such a large area. He said there seemed to be adequate offsite areas for horseback riding along nearby rights-of-way.

Supervisor Stapley acceded that he recognized Mr. LaPrade's liability concerns.

Supervisor Kunasek asked if there is a map to show what the neighbors are requesting for a trail.

Mr. Gerard said there are four primary washes crossing the site and he believed they wanted the trail easement at the northernmost one. There are no designated equestrian trails at this time although people freely ride through the area.

Discussion continued on equestrian trails. Mr. Wood conceded that his client would be happy to state that they would allow trails, without objection, and would not close off the open-space area to the west for equestrian use, but without creating any official easements. He added that there are legitimate liability concerns for his client. He said their marketing study indicates that over half the people buying property there would also house horses and this is the market they favor, therefore, it was nebulous trail details and not any restriction of use that led to the problem.

Supervisor Kunasek remarked that the County is struggling with the liability issue for the Regional Trail System that is being developed and the Board could understand his concern.

Nina Henry, Rio Verde Horseman's Association (RVHA), said that some of their concerns had been answered today but despite what was said, no one from the developer's team had ever approached anyone from their organization for discussion of the matter and they were easily accessible with 470 members. She said that the answers she had received on beginning the construction "don't hold water." She stated that the developer started work at the end of September without final approval and "we do not understand how that is 'law' and can be done. When we've asked Planning and Zoning they said, 'the bigger construction going on was the road and putting in the water line from 152nd Street to 144th Street.' How could this construction be overlooked?" She added that neighbors had asked construction workers to see their permits and they did not have them, and added that when asked, Planning and Zoning said the permits had not been issued. She also said, "We disagree totally with the developer on the lot sites on the plan." She added that a well-known architect living in Scottsdale had put together a drawing of one site showing that a septic line won't work in the available space. She stated that the trail issue is very important to all of their members and any trail needs to be established now because of all the new development going into the area. Regarding liability, she said that state law states that if land is turned over for public access for trails any liability is not on the owner of the land. She also listed several other problems with the site.

George Iddings, citizen, explained his objections to the Board and distributed a handout with an explanation and computer photos. He said he felt the proposed concrete culvert is "way over-designed" and "doesn't need to be anything like it is" and the explanation he was given is that the large size is easier to maintain. He would like "to see some reason put into the design of this culvert so that I have access to the road (152nd Street) from my property."

Supervisor Stapley advised Mr. Iddings to consult with MCDOT to learn about the design and approval process used for this project and to get his questions answered.

Sam West, RVHA member and a Scottsdale architect also owns property in the area in question and said he has been involved in development planning for both custom and tract homes and corresponding drainage issues since 1968. He has been interested in the area in question for the past several years. He

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contested the statement that engineers have determined that certain lots are buildable, saying that some don't meet the County's setback requirements on septic systems or the state requirement, which is a minimum of 50 feet from the edge of any drainage way that has a drainage watershed in excess of five acres. He said this means, "If there is five acres upstream of where you are building you have to stay 50 feet from the maximum 100 year water elevation." He referenced a map he had drawn of a site and said that after all the 'take-outs' of land for setbacks/easements and septic systems you end up with 2,906 square feet of available land area on which to build a residence and garage. He said his objections go back to aquifer protection regulations issued by the ADEQ (Arizona Department of Environmental Quality). He contended "anyone who buys a lot there will find out, after they've bought the lot, that they can't build anything on it without breaking the rules." He stated that in his experience he has run across builders who are conscientious and "go the extra mile when building and developing to make sure that everything is correct and the way it is supposed to be." He recommended that this request be denied and the contractor be instructed to "fix it" so the buyer will be better protected.

Supervisor Kunasek asked if the County gave any warranties that these are buildable lots when the Board approves a final plat.

Mr. Gerard said that there is one final step after Board approval, which is the Environmental Service Department's release to sell lots. Before they give this to the Department of Real Estate they must determine that the lots are buildable for septic subdivisions.

Nick Wood responded to several things. He said it had been made clear that residents in the area do not want a new subdivision, "but those discussions should have been made back when this was zoned." He said that his client had spent several years working with the Flood Control District and others and has complied with everything asked of them. He explained that they'd had a pre-construction meeting with County staff and thought they had obtained the necessary permits and when they were informed that they had the wrong permits they had ceased construction. He said the culverts are outside the parameters of this plat and are designed according to directions from MCDOT and his client would be happy to comply with any changes as directed by MCDOT. With regards to the septic systems, he indicated that a great deal of time had been spent working with Environmental Services and outside experts on septic tanks and he was "offended that an architect had gone, this morning, to look up some rules and then misquoted them to the Board." He said they could not sell a lot until it had been looked at by Environmental Services and approved for a septic system using a system that they would designate as workable on the specific lot. "If there is a lot that does not meet their standards it will end up being open space because we will never get permits to sell any lots until Environmental Services has designated the kind of system suitable for each one." He said that septic system questions have been resolved.

Supervisor Stapley asked Mr. Wood to meet with Nina Henry and the RVHA Board to discuss resolution of the problems for a master equestrian plan in the washes and open spaces, and Mr. Wood said he would do so.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this final plat. Applicant went on record indicating that he would allow equestrian access across the subdivision through open space Tracts C and D.

MEETING RECESSED

Chairman Brock recessed the meeting to reconvene in the Tom Sullivan Conference Room, 301 West Jefferson, where an executive session would be held pursuant to A.R.S. §38-431.03(A)(3), to obtain legal

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advice from County Counsel on items 13, 14 and 15 from this agenda, and where this meeting would reconvene for action.

CONTRACT AMENDMENT FOR PLAN YEAR 2004 (JANUARY 1, 2004, THROUGH DECEMBER 31, 2004) FOR CIGNA HEALTHCARE OF ARIZONA (C35040210) – CONTINUED TO EXECUTIVE SESSION (13)

Item: Approve a contract amendment for Plan Year 2004 (01/01/04 through 12/31/04), for CIGNA HealthCare of Arizona to provide administration for the HealthSelect general medical benefits. This is in accordance with Agenda Item # C-35-04-011-0-00, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. The general medical benefit designs and employer/employee contribution strategy will not change. The full year administrative fees associated with this contract amendment will be \$1,769,820. The FY 2004 administrative fees of \$884,910 for the period (January 1, 2004-June 30, 2004) will be paid from the proceeds received from the FY04 premium revenue projection of \$7,044,590 January 1, 2004-June 30, 2004). The FY 2005 administrative fees of \$884,910 for the period (July 1, 2004-December 31, 2004) will be paid from the FY 2005 premium revenue (July 1, 2004-December 31, 2004). The FY 2005 premium revenue is to be determined in accordance with FY 2005 budget process which is not complete yet. (Approval of the contract (01178-RFP) was originally submitted by Materials Management under Agenda Item C73030011 August 19, 2002). (C35040210)

CREATION OF HEALTH SELECT SELF-INSURED TRUST – CONTINUED TO EXECUTIVE SESSION (14)

Item: Approve the following actions: (C35040220)

- e) Creation of HS Self-Insured Trust Fund (652), which will be part of the Self-Insured Trust and used to administer the HealthSelect Program for Maricopa County employees in accordance with Agenda Item C35040110, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. Per ARS §42-17106(b), approve the transfer of revenue and expenditure authority from the Health Plans Department (600) HealthSelect Fund (561) to the Total Compensation Department (350) HS Self-Insured Trust Fund (652) in the amount of ~~\$7,044,590~~ \$6,000,000 (correction was made by the Clerk). These adjustments will result in a countywide net impact of zero. Approval of this action will allow the HealthSelect Program to be administered by the Employee Health Initiatives Division of Total Compensation for January 1, 2004 - June 30, 2004.
- f) Per ARS §42-17106, reduce the General Fund (100) designation for MIHS Potential Losses by \$2,374,000 and increase the expenditure appropriation for Appropriated Fund Balance (480) General Fund (100) by \$2,374,000 in a separate item designated "Establish Employee Health Plan Reserve", and increase estimated revenue for the Total Compensation Department 350 HS Self-Insured Trust Fund (652) by \$2,374,000, in order to establish the required medical and pharmacy reserves to administer the HealthSelect by the Employee Health Initiatives Division of Total Compensation. This will be accomplished via a fund transfer and offset with corresponding adjustments to the Eliminations Fund Department 980 Fund 900 for a countywide net impact of zero.
- g) Per ARS §41-17106, transfer expenditure authority from General Government (470) General Fund (100) "General Contingency" line to the Total Compensation Department (350) General Fund (100) the amount of \$270,317. These adjustments will result in a countywide net impact of zero. This action will allow the HealthSelect Insurance Program

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- to be administered by the Employee Health Initiatives Division of Total Compensation for January 1, 2004, through June 30, 2004.
- h) Designate the Professional Practices Committee of the Board of Supervisors to perform credentialing and other related recommendations to the Board of Supervisors with respect to the provider network for the HealthSelect Program.

CONTRACT AMENDMENT FOR PLAN YEAR 2004 (JANUARY 1, 2004, THROUGH DECEMBER 31, 2004) FOR WALGREENS HEALTH INITIATIVES (WHI) – CONTINUED TO EXECUTIVE SESSION (15)

Item: Approve a contract amendment for Plan Year 2004 (January 1, 2004, through December 31, 2004), for Walgreen's Health Initiatives (WHI) to provide administration for the HealthSelect pharmacy benefits. This is in accordance with Agenda Item C35040110, whereby the ownership of the HealthSelect plan will remain with Maricopa County since voters approved a Special Health Care District on November 4, 2003. The pharmacy benefit designs and employer/employee contribution strategy will not change. The full year administrative fees associated with this contract amendment will be \$68,000. The FY 2004 administrative fees of \$34,000 for the period (January 1, 2004 – June 30, 2004) will be paid from the proceeds received from the FY 2004 premium revenue projection of \$7,044,590 (January 1, 2004 – June 30, 2004). The FY 2005 administrative fees of \$34,000 for the period (January 1, 2004-December 31, 2004) will be paid from the FY 2005 premium revenue (January 1, 2004-December 31, 2004). The FY 2005 premium revenue is to be determined in accordance with FY 2005 budget process which is not complete yet. Approval of the contract (01178-RFP) was originally submitted by Materials Management under Agenda Item C73030011 (08/19/02). (C35040230)

MEETING RECONVENED

Chairman Brock reconvened in open session at 12:35 P.M. in the Tom Sullivan Conference Room with all members in attendance.

Mike Schaiberger said a team had been working on these contracts and the self-insured trust since September. He spoke of ongoing problems in processing claims with the recently acquired OAO accounting system that are still unresolved. He recommended approval of the contract amendment, saying that Cigna is well equipped to process the HealthSelect claims by providing better service and that turning it over to them would remove a heavy burden from MIHS (Maricopa Integrated Health Systems) and all employees involved in the process.

Mark Hillard, CEO of MIHS, said that the OAO system had been problematic at best but a considerable amount of money had been spent on it and recent sample-runs had been successful and the errors may have been corrected. He felt that the system was being customized and would eventually work out. He said that the important question was who could best provide administrative services for the HealthSelect Plan.

Mr. Schaiberger said that County Counsel had cautioned against making a mid-year contract change. He said that the newly negotiated Cigna Contract would be go into effect on January 1, 2004 and the best time to amend that contract would be before the beginning of the new benefit year, which is only 28 days from now. He added that trying to implement it in the middle of the year could hamper their ability to get as good a value as is provided in their current agreement for 2004 benefits. He indicated that both the service and claims records of MIHS using the OAO system were "dismal" and he could not recommend continuing with them.

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Chris Keller clarified that counsel's caution related only to mid-year plan changes. He explained that the action before the Board related to administrative matters only, not to plan changes.

Discussion ensued with Supervisor Wilcox maintaining that it would be abandoning OAO when it was on the verge of success and would waste the \$1.8 million being paid for OAO processing. Supervisor Kunasek said, "We've been paying the \$1.8 million for services that we haven't gotten." He said there had been billing problems from the beginning and neither employee claims nor providers are being paid resulting in the accumulation of long-standing bills.

David Smith said he has been dissatisfied with the entire OAO system from the beginning. He said, "This is about business and about service that does not meet Maricopa County standards and we have the opportunity to change it for the better." He added that when the OAO technical people can prove that they have fixed the problems we could go back to it since this isn't permanent but only a one-year deal. He said that employees and providers both need to be protected and have their claims paid in a timely manner. He added that it was also important to protect the transition process to the new Health Care District.

Discussion ensued on estimated costs of Cigna vs. OAO, the need of having strong assurances of performance standards over the long term prior to trusting OAO fully, and the importance of making a decision today.

Motion was made by Supervisor Wilcox to continue to use the current OAO system with HealthSelect while holding them to their promise to eliminate problems and thereby keep MIHS intact for the transfer to the District.

Motion died for lack of a second.

Supervisor Stapley said this could be the most difficult decision the Board has ever had to make because of the long-term implications. He agreed that he would like to leave the claims administration with MIHS but he felt the risk was too great to trust that OAO could fulfill their promises before the delays escalate to a dangerous level. He said that even if it cost more money there was far less risk in contracting with Cigna to administer the Health Select Plan and hoped it could be transferred to the District next year. Because of the need to take the least risk possible prior to the transition, he would accept the recommendation made by David Smith.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilson to approve agenda items 13, 14 and 15 as given above.

Supervisor Wilcox said she could not support the motion feeling that it went against the voter's mandate and "opens an avenue we don't want to go down." She asked Mark Hillard to send her a report on what this does to the rest of the system.

Chairman Brock said he would support the motion, adding that he would like to have senior programmers from OAO certify that the system has been fixed before administration was shifted back from Cigna.

Supervisor Stapley's motion for approval carried by a majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Brock voting "aye" and Supervisor Wilcox voting "no."

MEETING ADJOURNED

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There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

Fulton Brock, Chairman of the Board

Fran McCarroll, Clerk of the Board