

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
July 6, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., July 6, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Max W. Wilson, Chairman, District 4. Also present: Fran McCarroll, Clerk of the Board; Juanita Garza, Minutes Coordinator; Sandi Wilson, Deputy County Manager, and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

~ **Supervisor Stapley was acting chairman for this meeting** ~

**INVOCATION**

Bill Scalzo, Deputy County Manager, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Eve Murillo, Internal Audit, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Bank, Maricopa County Animal Care & Control, introduced "Honey" as the pet of the month and described Honey as a small terrier, approximately one year old, and full of energy, "a great agility dog." Ms. Banks said Honey came to the Animal Control facility on the 4<sup>th</sup> of July and the number of animals that came to the facility doubled, as a result of the 4<sup>th</sup> of July, celebration. Honey and many homeless animals are waiting to be adopted. "Honey" will be available for adoption later today at the facility on 35<sup>th</sup> Avenue between Camelback and Missouri.

**NATIONAL WEATHER SERVICE FOR STORM READINESS PRESENTATION**

Tony Haffer representing the National Weather Service in Phoenix, presented an award to Osman Aloyo, Director of Maricopa County Emergency Management, recognizing Maricopa County as being "StormReady." Mr. Haffer specifically acknowledged Osman Aloyo and his staff for their efforts in collaborating with the weather service to help better prepare communities from the onset of severe weather through better planning, education, and awareness.

Mr. Haffer said Mr. Aloyo and his group have recruited Sky-Warn volunteers to work with the national weather services in reporting any severe weather conditions. Mr. Aloyo will also deploy 1200 NOAA Weather Radios that will broadcast weather warnings 24/7; every school in Maricopa County will have a receiver that will automatically issue any weather warnings. Mr. Haffer indicated that Maricopa County is the second county in Arizona, amongst 910 other counties across the nation, to become "StormReady" certified. (C1505013900) (ADM650)

**CAVE CREEK COMPLEX FIRE PRESENTATION**

Item: Presentation on the Cave Creek Complex Fire as it relates to Spur Cross Ranch Conservation Area, a Maricopa County Park, and adjacent areas. (C3005051M00) (ADM3242)

Bill Scalzo, Director of Parks and Recreation, came forward to briefly comment on the Cave Creek Complex fire and highlighted the areas damaged by the fire. Mr. Scalzo commented that through the

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support and effort of many individuals and organizations this piece of land was protected. He reported that the fire came very close to the park and many people feared the loss of this precious land.

John Gunn, Park Supervisor of Spur Cross Ranch, narrated the slide presentation that showed photos of the fire and areas damaged by the fire. Mr. Gunn explained how the fire came to be known as the Cave Creek Complex Fire as it sparked from two small fires that merged. Mr. Gunn reported that the size of this fire was immense; it burned approximately 250,000 acres costing millions of dollars. Mr. Gunn explained how the dry and hot weather, years of fuel accumulation, and lightning were the main factors for the quick spread of the fire. Mr. Gunn indicated that the fire started in an area where firefighters could not use ground tools, it had to be tackled from the air and the fire spread quickly. Eleven homes were destroyed by the fire and thirty homes were saved due to the efforts of firefighters. Mr. Gunn also showed pictures of areas spared from the fire, and photos of areas affected by previous fires and explained how a healthy vegetation recovery is possible. He also informed the Supervisors of an experiment in process with native grasses that can help prevent fire from spreading.

Chairman Stapley asked if the fire affected any areas of the conservation, the response was "no, the fire came within 3 miles of the conservation area."

Supervisor Wilcox asked if the southwest valley fire reached Estrella Mountain Park. Mr. Scalzo responded that the fire did not reach Estrella Park, it was in the river valley where it burned most of the vegetation north of the park. Mr. Scalzo reported that July 9<sup>th</sup> will mark the 10-year anniversary of the last major fire at the McDowell Mountain. The fire destroyed 17,000 acres of vegetation and all the saguaros. He indicated that a celebration will be held at Estrella Park with various activities for the public such as; educational programs about fire, a presentation on vegetation recovery, and a hike.

Discussion ensued as to the status of the Cave Creek fire. It was reported that the fire was still burning but no more communities were at risk. Firefighters were hoping for full containment of this fire by Friday.

Chairman Stapley thanked Mr. Scalzo and Mr. Gunn for their presentation.

#### **PUBLIC HEARING – LIQUOR LICENSE APPLICATION**

Chairman Stapley called for a public hearing on 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 application:

Application filed by Thomas Francis Engelhardt for a Special Event Liquor License: (F23164) (SELL681)

Business Name:	St. Clement of Rome Catholic Church
Location:	15800 Del Webb Boulevard, Sun City 85351
Date/Time:	July 31, 2005, 4:00 p.m. to 6:00 p.m.

Motion carried by a majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilcox voting "aye" and Supervisor Brock voting "no." Supervisor Wilson was absent.

#### **ROAD DECLARED (ROAD FILE NO. A282-R)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following Resolution be passed and adopted: (C6405311B)

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**WHEREAS**, on the 4<sup>th</sup> day of June, 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 a County Highway; and

**WHEREAS**, on the 2<sup>nd</sup> day of July, 2003, the Board adopted a Resolution designating Road File Number A282 declaring said road into the County Highway system; and

**WHEREAS**, that said petition and Resolution is being revised to amend the legal description approved on the 2<sup>nd</sup> day of July, 2003;

**NOW, THEREFORE, BE IT RESOLVED**, that the legal description be amended to read as follows:

A roadway with a varying width, together with all appurtenances and easements of record, lying within Section Eight (8) and Section Five (5) in Township Two (2) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

BEGINNING, at the South quarter corner (S $\frac{1}{4}$ ) of said Section 8, with a width of 95 feet, being 40 feet west and 55 feet East of the North-South mid-section line; THENCE, Northerly along said North-South mid-section line to the Center of said section being terminus of said 95 foot width and the beginning of an 80 foot width, lying 40 feet west and 40 feet east of said North-South mid-section line; THENCE, continuing along said North-South mid-section line with width of 80 feet, North to the North quarter corner (N $\frac{1}{4}$ ) of said Section 8, said corner being common with the South quarter corner (S $\frac{1}{4}$ ) of said Section 5; THENCE, continuing, Northerly, along the North-South mid-section line of said Section 5, with a width of 80 feet, lying 40 feet west and 40 feet east of said North-South mid-section line , to the terminus at the North quarter corner (N $\frac{1}{4}$ ) of said Section 5.

Said alignment is also known as Tuthill Road (203<sup>rd</sup> Ave) from Queen Creek Road to Pecos Road.

**DATED** this 6<sup>th</sup> day of July 2005.

**ACCIPITER COMMUNICATIONS, INC., PUBLIC SERVICE FRANCHISE EXTENSION - APPROVED**

Chairman Stapley called for a public hearing to solicit comments on the application filed by Accipiter Communications, Inc., for a public service franchise extension to construct, maintain and operate a full service public utility telephone system for a period of 25 years beginning June 7, 1995, or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the supplying of this service along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State Highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit:

Beginning at a point in Maricopa County, Arizona being at the north quarter corner of Section 15, T-6-N, R-4-W;

Thence south along the Hassayampa River approximately 11 miles to the northern section line of Section 8, T-4-N, R-4-W;

Thence east along the section line approximately 10 ½ miles to northeast corner of Section 12, T-4-N, R-3-W;

Thence south along the section line approximately 1 mile to the southeast corner of Section 12, T-4-N, R-3-W;

Thence east along the section line approximately 1 mile to the northeast corner of Section 18, T-4-N, R-2-W;

Thence south along the section line approximately 2 miles to the southeast corner of Section 19, T-4-N, R-2-W;

Thence east along the section line approximately 2 ½ miles to the north half section line of Section 27, T-4-N, R-2-W;

Thence south along the half section line approximately 1 ½ miles to a center line point of the Beardsley Canal in Section 34, T-4-N, R-2-W;

Thence south along the centerline of the Beardsley Canal approximately 5 ½ miles to the south section line of Section 28, T-3-N, R-2-W;

Thence west along the section line approximately ½ mile to the southwest corner of Section 28, T-3-N, R-2-W;

Thence south along the section line approximately 1 mile to the southeast corner of Section 32, T-3-N, R-2-W;

Thence west along the section line approximately 1 ½ miles to the south half section line of Section 31, T-3-N, R-2-W;

Thence north along the half section line approximately ½ mile to the center point of Section 31, T-3-N, R-2-W;

Thence east along the center line approximately ½ mile to the east half section line of Section 31, T-3-N, R-2-W;

Thence north along the section line approximately 5 ½ miles to the northwest corner of Section 5, T-3-N, R-2-W;

Thence west along the section line approximately 1 mile to the southwest corner of Section 31, T-4-N, R-2-W;

Thence north along the section line approximately 1 mile to the northwest corner of Section 31, T-4-N, R-2-W;

Thence west along the section line approximately 1 mile to the southwest corner of Section 25, T-4-N, R-3-W;

Thence south along the section line approximately 1 mile to the southeast corner of Section 35, T-4-N, R-3-W;

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Thence west along the section line approximately 2 miles to the southwest corner of Section 34, T-4-N, R-3-W;

Thence north along the section line approximately 1 mile to the northwest corner of Section 34, T-4-N, R-3-W;

Thence west along the section line approximately 2 miles to the northeast corner of Section 31, T-4-N, R-3-W;

Thence south along the section line approximately 1 mile to the southeast corner of Section 31, T-4-N, R-3-W;

Thence west along the section line approximately ½ miles to the northeast corner of Section 1, T-3-N, R-4-W;

Thence south along the section line approximately 6 miles to the southeast corner of Section 36, T-3-N, R-4-W;

Thence west along the section line approximately 18 miles to the southwest corner of Section 31, T-3-N, R-6-W;

Thence north along the section line approximately 12 miles to the northwest corner of Section 6, T-4-N, R-6-W;

Thence west along the section line approximately ¾ miles to the southwest corner of Section 31, T-5-N, R-6-W;

Thence north along the section line approximately 10 miles to the northwest corner of Section 18, T-6-N, R-6-W;

Thence east along the section line approximately 15 ½ miles to the point of beginning, being the north quarter corner of Section 15, T-6-N, R-4-W.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to grant the said franchise extension as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified. (F22179)

#### **SANTAN VISTA IMPROVEMENT DISTRICT ORGANIZATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the recommendation of the Superintendent of Streets that the Board of Supervisors organize the Santan Vista Unit III, Phases 3, 4, and 5 Street Lighting Improvement District, located in the vicinity of Hunt Highway and McQueen Road and appoint the Superintendent of Streets as District Engineer. The district's purpose is establishing street lighting facilities and purchasing electric service for the lighting of the public streets and parks within the area. A petition representing 100% of the property owners within

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the proposed district has been presented, requesting approval of Santan Vista Unit III, Phases 3, 4, and 5 Street Lighting Improvement District. (C6405355000) (ADM4302)

**ORDER ESTABLISHING  
SANTAN VISTA UNIT III, PHASES 3, 4, AND 5  
STREET LIGHTING IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Santan Vista Unit III, Phase 3, 4, and 5 Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 6<sup>th</sup> day of July, 2005 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows:

Santan Vista Unit III, Phase 3, a subdivision as shown in Book 690 of Maps, Page 18, M.C.R. and Santan Vista Unit III, Phase 4 and 5, a subdivision as shown in Book 690 of Maps, Page 16, M.C.R. both are situated in Section 34, Township 2 South, Range 5 East of the Gilas and Salt River Base and Meridian, Maricopa County, Arizona.

And further declares that said district is now established under the name of Santa Vista Unit III, Phases 3, 4, and 5 Street Lighting Improvement District, by which name it shall be known in all proceedings hereafter.

**DATED** this 6<sup>th</sup> day of July 2005.

/s/ Don Stapley, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**LEASE WITH AVONDALE CORPORATE CENTER I, LLC FOR OFFICE SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute new Lease No. L-7378 with Avondale Corporate Center I, LLC, lessor, for approximately 6,173 square feet of office space located at the Avondale Corporate Center, 125 S. Avondale Boulevard, Avondale, AZ. The lease term is for five years plus three months free rent valued at \$33,000. The term begins on October 1, 2005 and terminates on January 31, 2011, with two options to renew at current market rent. The rental rate is as follows, plus rental tax:

<b>Months</b>	<b>Cost Per Square Foot</b>	<b>Annual Cost</b>
4-15	\$22.00	\$135,806.00
16-27	\$22.50	\$138,892.50
28-39	\$23.00	\$141,979.00
40-51	\$23.50	\$145,065.50
52-63	\$24.00	\$148,152.00

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Operating expense increases will be capped at 4% of controllable expenses with a base year of 2006. The landlord will provide a "turn-key build out". One-time expenses will include:

- o Voice/data cost, estimated at \$20,000;
- o Moving cost, estimated at \$18,000 (\$3.00 per square foot);
- o Security, estimated at \$5,000;
- o Supplemental air conditioning, estimated at \$5,000;
- o Signage, estimated at \$6,000; and
- o New furniture, estimated at \$19,121.

The county may terminate the new lease, pursuant to A.R.S. §38-511 and for non-appropriations of funds. FY 2005-06 costs related to the Westside Office include \$29,571 in rent for July through October at the current location, one-time costs of \$73,121, and five months rent in the new location totaling \$57,944. FY 2005-06 total expenses equal \$160,636.

The Assessor's Office budgeted \$88,716 for rental expenses for the Westside Office for the year. This leaves the Assessor's Office with a shortfall of expenditure authority of \$71,920 for FY 2005-06. The full-year (FY 2006-07) of this action is \$141,268 of which the Assessor's Office FY 2006-07 budget will be adjusted (decreased) by \$19,368 due to annualization of one time costs. Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Assessor's Office (120) General Fund (100). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (Department 470, Fund 100) Contingency by \$71,920 and increasing the FY 2005-06 Assessor's Office (120) General Fund (100) by \$71,920. These adjustments will result in a countywide net impact of zero. (C1205003100)

#### **TRANSFER EXPENDITURE AUTHORITY FOR RESULTS INITIATIVE REQUESTS**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Assessor's Office (120) General Fund (100). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (Department 470, Fund 100) Contingency by \$866,817 and increasing the FY 2005-06 Assessor's Office (120) General Fund (100) by \$866,817. These adjustments will result in a countywide net impact of zero. Approval of this action will allow the Assessor's Office to improve timeliness in processing deeds and splits, real estate sales transactions, and property valuation per the submitted Results Initiative Requests. The Assessor's Office further agrees that as a condition to this supplemental funding, data is collected for the Office of Management and Budget's Budgeting for Results analysis and the Assessor's Office strategic planning efforts, in order to support further requests for additional staffing. (C1205004800)(ADM 300-003)

#### **BID FOR PARCEL FROM TAX DEEDED LAND SALE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to consider the bid of \$500 from Mr. Charles Harris for Parcel #122-21-108E. This property was the last piece of land in the Tax Deeded Land Auction held June 21, 2004. (C0605019B00)(ADM 656)

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**GRANT FROM ARIZONA AUTOMOBILE THEFT AUTHORITY FOR ARIZONA VEHICLE THEFT TASK FORCE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to:

- Approve the receipt of grant funds from the Arizona Automobile Theft Authority in the amount of \$142,133.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of Arizona Vehicle Theft Task Force auto theft cases. This grant agreement commences on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$22,741.28.
- Approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$8,128.00 for FY 2005-06, which will be authorized after the FY 2005-06 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, 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 A.R.S. §42-17105. (C1906001300)

**GRANT AND AMENDMENT FROM GOHS FOR VEHICULAR CRIMES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to:

- Approve the receipt of grant funds from the Governor's Office of Highway Safety (GOHS) in the amount of \$44,710.00. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of vehicular crimes involving driving and the misuse of alcohol and/or other drugs. This grant agreement commences on June 1, 2005, and will terminate on September 20, 2005. Operationally, this grant commences July 1, 2005. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$7,153.60. Approve revenue and expenditure appropriation reduction adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$1,290.00 for FY 2005-06, the latter of which will be authorized after the FY 2005-06 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, 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 A.R.S. §42-17105.
- Approve Revision No. 1 to the above agreement, extending the termination to May 31, 2006. (C1906002300)

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**GRANT FROM ARIZONA CRIMINAL COMMISSION FOR CRIME VICTIM COMPENSATION PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the receipt of grant funds from the Arizona Criminal Commission for FY 2005-06 for the Crime Victim Compensation Program, in the amount of \$1,534,700. The Arizona Criminal Justice Commission certification number VC-06-056 funding shall commence on July 1, 2005, and will terminate on June 30, 2006. The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.0%. The non-recoverable indirect cost of administering this grant is \$245,552. Approve revenue and expenditure appropriation reduction adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$148,625 for FY 2005-06, the latter of which will be authorized after the FY 2005-06 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, 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 A.R.S. §42-17105. (C1906003300)

**DONATION**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the donation of 125 ballot boxes from Pierce County, Washington to the Maricopa County Elections Department. Pierce County, Washington has purchased a new voting system and is offering the Maricopa County Elections Department 125 surplus ballot boxes from their old optical scan system. The value of each ballot box is estimated to be at least \$125. Maricopa County Elections will pay for shipping, which is estimated to be \$1,700. (C2105009M00) (ADM 2100)

**APPLY AND ACCEPT FUNDS FROM ACJC FOR SUBSTANCE ABUSE TREATMENT PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the application and acceptance of continued funding, up to \$53,477, from the Arizona Criminal Justice Commission (ACJC) for the Residential Substance Abuse Treatment Aftercare Program. The award period for this grant is July 1, 2005 through June 30, 2006. This is a reimbursement grant. The Sheriff's Office indirect cost rate for FY 2004-05 is 14%. Unrecoverable indirect costs associated with this grant is estimated at \$7,487. The Sheriff's Office Inmate Services Fund will cover the 25% match requirement, estimated to be \$13,369. (C5005557300)

**APPLY AND ACCEPT FUNDS FROM U.S. DEPARTMENT OF JUSTICE FOR METHAMPHETAMINE PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the application and acceptance of continued funding, up to \$394,657, from the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance for continuation of the Arizona Methamphetamine Program. The estimated term of this grant is January 1, 2006 through December 31, 2006. This is a reimbursement grant. The Sheriff's Office is the administrating agency for this grant. This funding will provide training opportunities and certification for methamphetamine lab investigators throughout Arizona and will provide them with personal protective gear. This grant will also fund related expenses for four officers and one records examiner/analyst (Phoenix Police Department, Mesa Police Department, Chandler Police Department, the Department of Public Safety, and the Drug Enforcement Administration). The Sheriff's Office indirect cost rate for FY 2004-05 is 14%. The Sheriff's

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Office is currently negotiating with the grantor regarding the permissibility of indirect cost recovery. In the event the indirect costs are unrecoverable, the Sheriff's Office portion (\$39,932) is estimated to be \$5,590. (C5005558300)

**APPLY AND ACCEPT FUNDS FROM DEPARTMENT OF JUSTICE FOR GANG RESISTANCE EDUCATION AND TRAINING PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the application and acceptance of continued funding, up to \$67,123.00, from the Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, for the "Gang Resistance Education and Training (G.R.E.A.T.) Program." The grant award period is May 1, 2005 through April 30, 2006, for this reimbursement grant. Because future funding is uncertain, approve an exception to the Technology Financing Program for the outright purchase of two laptop computers. These two laptop computers will be compatible with the county's current technology platform and will not be included in the three-year refresh program. The Sheriff's Office indirect cost rate for FY 2004-05 is 14%. The Sheriff's Office is currently negotiating with the grantor concerning recovering any allowable indirect costs. In the event the indirect costs are unrecoverable, the estimated amount is \$9,397.22. (C5005559300)

**RESOLUTION FOR FAMILY COUNSELING PROGRAM AND MATCHING FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to:

- Participate, by resolution, in the State of Arizona Family Counseling Program for FY 2005-06, administered by the Juvenile Court, pursuant to A.R.S. §8-261 through §8-265, for the purpose of strengthening family relationships and prevention of juvenile delinquency.
- Authorize \$86,050 of (budgeted) matching general funds for FY 2005-06. (C2705009100) (ADM1400)

**APPLY AND ACCEPT FUNDS FROM TOHONO O'ODHAM NATION FOR ASU INDIAN LEGAL PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to authorize Maricopa County, ~~Manager's Office~~ via a partnership resolution with Arizona State University (change was announced by the Clerk) to apply to the Tohono O'odham Nation for Proposition 202 Indian Gaming Funds in the amount of \$101,350 in FY 2005-06, \$101,350 in FY 2006-07, and \$101,350 in FY 2007-08, for a three-year total of \$304,050. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application, approve the grant funds if awarded, and authorize the pass-through of these funds to the Arizona State University College of Law, Indian Legal Program. This action will require an appropriation adjustment, increasing the General Government Grant Fund (249) FY 2005-06 revenue and expenditure budgets by \$101,350. The FY 2006-07 and FY 2007-08 grant budgets will be budgeted for accordingly. Maricopa County will act as the pass-through agency for the ASU College of Law and will pass-through the entire amount of the grant over the three fiscal years. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues 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 A.R.S. §42-17105. The grant award period is from the date of award to June 15, 2008. (C2005021300)

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**RESOLUTION**

To enter into a partnership between Maricopa County and Arizona State University College of Law to apply for funding from the Tohono O'odham Nation's Proposition 202, 12% set-aside Indian gaming funds.

**Whereas**, the Maricopa County Board of Supervisors ("BOS") is the governing body of Maricopa County ("County");

**Whereas**, Arizona State University College of Law is the only accredited law school located within the County;

**Whereas**, Proposition 202 specifies that only counties, cities, and town may submit grant applications for 12% set-aside funds and education is a top priority for funding;

**Whereas**, the American Indian Policy Development and Leadership Center of Arizona State University College of Law, Indian Legal Program requires funding for its American Indian Policy Colloquia Series, which will establish a much-needed forum for in-depth discussions of current issues in Indian affairs, and will gather tribal, state, and federal policy makers, scholars in Federal Indian Law and Policy, experts in fields such as natural resource management, public administration, and community planning, and opinion leaders in the field of Indian Affairs. The Center also will produce a vibrant website and published proceedings that will be distributed nationally to tribal, state, and federal decision makers, and will make Maricopa County a primary locale for gatherings of professionals in the field of Federal Indian Law and Policy;

**Whereas**, the education of all citizens of the County and the State of Arizona in the area of Indian affairs is of great importance;

**Whereas**, it is of great importance to create good working relations with the Tohono O'odham Nation and establish an on-going relationship that benefits all persons in the County;

**Whereas**, the amount of funding requested from the Tohono O'odham Nation is \$304,050.00, to be spent in equal parts of \$101,350.00 over each of three years, from the date of award to 2008;

**Whereas**, this action will require an appropriation adjustment, increasing the General Government Grant Fund (249) FY 2005-2006, FY 2006-2007, and FY 2007-2008 revenue and expenditure budgets each by \$101,350.00;

**Whereas**, grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues is not prohibited by budget law;

**Whereas**, this budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board under ARS § 42-17105.

**Whereas**, the BOS resolution approval is needed to apply for the funds on behalf of Arizona State University College of Law; and

**Be it therefore resolved**, that the Maricopa County Board of Supervisors does hereby authorize the Chairman to sign the grant application; approve the grant funds if awarded; authorize the pass-through of

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these funds to the Arizona State University College of Law, Indian Legal Program over a three year period, and to adjust the General Government Grant Fund revenue and expenditure budgets accordingly.

**Dated** this 6th day of July, 2005.

/s/ Don Stapley, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**REIMBURSEMENT AGREEMENT FOR OUTSIDE TRAINING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to authorize the Public Defender's Office to require attorneys with less than five years of experience in the office to execute a reimbursement agreement or promissory note, as a condition of participation in any outside training opportunities where costs exceed \$1,999. The agreement would include a stipulation that the attorney reimburse the Public Defender's Office for the full cost of attending the event should the attorney be terminated or resign from employment less than 24 months following completion of the training. (C5205010M00) (ADM 500)

**IGA WITH ADHS FOR BEHAVIORAL HEALTH SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between Maricopa County and the Arizona Department of Health Services, which in effect, extends the existing arrangement for the county's funding of behavioral health services for a term of one year. County funding for services to the seriously mentally ill (SMI) under this IGA will be \$35,792,929 for FY 2005-06. This increases the level of county funding based on medical inflation for services to the seriously mentally ill by \$1,473,159 over the funding paid under the previous IGA in FY 2004-05. The FY 2005-06 IGA also requires the county to fund non-SMI services in the amount of \$3,366,705 and substance abuse services in the amount of \$1,489,871 for the one-year term, which is equal to the FY 2004-05 level. The IGA will be in effect until June 30, 2006 (change was announced by the Clerk). The IGA may be amended, further extended, or terminated pursuant to the IGA provisions, including a 90-day termination without cause provision. Total county funding for behavioral health services in FY 2005-06 under the IGA will be \$35,792,929 for a one-year term. (C3905040200)

**PERSONNEL AGENDAS**

Motion was made to Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B can be found at the end to this set of minutes.

**AMENDMENTS TO RYAN WHITE TITLE 1 SUBCONTRACTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the amendments to the contracts listed below. The amendment revises the Budget; Section 3, Article 4, regarding Work Statement Objectives; and Section 2, Article 3, regarding Changes. These revisions are in accordance with HRSA guidelines and the corrective action plan submitted by Ralph Anderson and Associates on May 10, 2005, for all Ryan White Title 1 subcontracts for the FY 2005-06 grant.

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- a. Amendment No. 1 to Contract No. C8605800100 with the Phoenix Shanti Group for the provision of behavioral health. (C8605800101)
- b. Amendment No. 1 to Contract No. C8605801100 with Catholic Social Services for the provision of behavioral health. (C8605801101)
- c. Amendment No. 1 to Contract No. C8605802100 with Body Positive for the provision of psychosocial support services. (C8605802101)
- d. Amendment No. 1 to Contract No. C8605803100 with Chicanos Por La Causa, for the provision of behavioral health. (C8605803101)
- e. Amendment No. 1 to Contract No. C8605804100 with Phoenix Children's Hospital for the provision of behavioral health. (C8605804101)
- f. Amendment No. 1 to Contract No. C8605805100 with Jewish Family & Children's Services for the provision of behavioral health. (C8605805101)
- g. Amendment No. 1 to Contract No. C8605806100 with Area Agency On Aging, Region One, Inc. for the provision of case management. (C8605806101)
- h. Amendment No. 1 to Contract No. C8605807100 with Phoenix Shanti Group for the provision of case management. (C8605807101)
- i. Amendment No. 1 to Contract No. C8605813100 with Area Agency on Aging, Region One, Inc. for the provision of home health care. (C8605813101)
- j. Amendment No. 1 to Contract No. C8605814100 with Community Legal Services, HIV/AIDS Law Project for the provision of benefits/legal assistance. (C8605814101)
- k. Amendment No. 1 to Contract No. C8605816100 with Body Positive for the provision of nutrition. (C8605816101)
- l. Amendment No. 1 to Contract No. C8605820100 with Chicanos Por La Causa for the provision of targeted outreach – Hispanic (C8605820101)
- m. Amendment No. 1 to Contract No. C8605823100 with Phoenix Indian Medical Center, Indian Health Services for the provision of targeted outreach – Native American. (C8605823101)
- n. Amendment No. 1 to Contract No. C8605824100 with Area Agency On Aging, Region One, Inc. for the provision of transportation. (C8605824101)
- o. Amendment No. 2 to Contract No. C8605825101 with Body Positive for the provision of alternative/complementary services. (C8605825102)
- p. Amendment No. 1 to Contract No. C8605832100 with Phoenix Indian Medical Center, Indian Health Services for the provision of case management. (C8605832101)

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- q. Amendment No. 1 to Contract No. C8605837100 with Body Positive for the provision of food services. (C8605837101)
- r. Amendment No. 1 to Contract No. C8605840100 with Arizona Opportunities Industrialization Center, Inc. for the provision of targeted outreach. (C8605840101)

**IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the following intergovernmental agreements (IGA):

- a. **Ambulatory Substance Abuse Services.** IGA between the Maricopa County Department of Public Health (C86058382) and the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C90050802) in partial fulfillment of the requirements under the Ryan White Title I Grant. Total funding for this retroactive period between March 1, 2005 and February 28, 2006, is \$7,680. The goal of this agreement is for the Maricopa County Department of Public Health to pay the Special Health Care District to provide a full range of ambulatory substance abuse services to people infected with HIV. (C8605838200)
- b. **Medication Adherence Counseling and Education One-on-One.** IGA between the Maricopa County Department of Public Health (C86058392) and the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C90050792) in partial fulfillment of the requirements under the Ryan White Title I Grant. Total funding for this retroactive period between March 1, 2005 and February 28, 2006, is \$1,424,771. The goal of this agreement is for the Maricopa County Department of Public Health to pay the Special Health Care District to improve medication adherence for McDowell Clinic and other Title I funded clinic patients through medication adherence counseling and education one-on-one. (C8605839200)
- c. **Ambulatory Mental Health Services.** IGA between the Maricopa County Department of Public Health (C86059182) and the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C90051112) in partial fulfillment of the requirements under the Ryan White Title I Grant. Total funding for this retroactive period between March 1, 2005 and February 28, 2006, is \$56,320. The goal of this agreement is for the Maricopa County Department of Public Health to pay the Special Health Care District to provide a wide range of ambulatory mental health services to people infected with HIV. Services include providing care/processes of a medical and/or non-medical nature which assists persons and families with HIV. (C8605918200)
- d. **Medication Adherence Counseling and Education One-on-One in the MAI.** IGA between the Maricopa County Department of Public Health (C86059192) and the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (C90050812) in partial fulfillment of the requirements under the Ryan White Title I Grant. Total funding for this retroactive period between March 1, 2005 and February 28, 2006, is \$175,229. The goal of this agreement is for the Maricopa County Department of Public Health to pay the Special Health Care District to improve medication adherence for McDowell Clinic and other Title I funded clinic patients through medication adherence counseling and education one-on-one in the Minority Aids Initiative (MAI). (C8605919200)

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**ACCEPT GRANT FROM AZSTA FOR YOUTH SPORTS PROGRAMS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the acceptance of a grant from the Arizona Sports and Tourism Authority (AZSTA) to provide needed materials for youth sports programs within the Maricopa County Department of Public Health's Office of Health Promotion and Education. The grant provides \$2,400.00 in funding to be spent anytime around August 2005. AZSTA will not allow indirect costs. Estimated unrecoverable indirect costs are \$342.92. The Department of Public Health's indirect cost rate is 16.67%. This revenue and expense can be absorbed within the current appropriation level. Grant revenues are not local revenues for the purpose of constitutional expenditure limitation, therefore, expenditure of these revenues are not prohibited by the budget law. (C8605910300)

**LEASE AND EXPENDITURES WITH PARK 16 ENTERPRISES, INC. FOR OFFICE SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve and execute a new full service Lease No. L-7379, and associated expenditures, with Park 16 Enterprises, Inc., a Nevada Corporation, lessor, for 6,817 square feet of office space located at 3221 N. 16th Street, Suites 100, 104, 105 and 106, Phoenix, AZ. It is necessary for the Vital Records Division of the Department of Public Health to relocate due to the demolition of their current facility at 18th Street and Roosevelt. The term of the lease is from October 1, 2005 to September 30, 2010, with a right to holdover for six months. The annual rental rate is as follows, plus rental tax:

<b>Months</b>	<b>Cost Per Square Foot</b>	<b>Annual Cost</b>
1-12	\$13.00	\$88,621.00
13-24	\$14.00	\$95,438.00
25-36	\$15.00	\$102,255.00
37-48	\$14.25	\$97,142.25
49-60	\$15.25	\$103,959.25

Rent also includes additional rent in the form of an annual "Operating Expense Component" equal to the amount of the lessee's share of operating expenses in excess of the operating expenses established for the base year 2005. The county's cost for tenant improvements is not-to-exceed \$100,000 and the county's cost for furniture, fixtures and equipment (including voice/data and security system installations) and moving expenses is \$267,218.00. The lease contains an option to renew for one additional five-year term. The county has the right to terminate this agreement after the 36th month of the agreement by giving the owner 180 days written notice. (C8605913400)

**CONTRACT WITH GEOFF WANDRY, M.D. FOR PSYCHIATRIC PHYSICIAN SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to retroactively approve a contract with Geoff Wandry, M.D., in order to provide professional Psychiatric Physician Services. The initial contract term is for one year, beginning July 1, 2005 through June 30, 2006, with the option of renewing for three additional one-year terms. The estimated expenditure amount is \$65,000 per year. (C8605914100)

**LEASE WITH POLLACK PLAZA FOR OFFICE SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to retroactively approve Lease Agreement No. L-7251 with Pollack Plaza, lessor, for 2,500 square feet of

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office space located at 3002 N. Arizona Avenue, Suites 14-16, Chandler, Arizona. This office will continue to accommodate a WIC & Nutrition Services office, which will serve the Chandler area and the southeast valley. The term of the lease commences on April 1, 2005 through March 31, 2010, for a 60-month term, at an annual cost of \$41,580, payable in monthly payments of \$3,465 plus rental tax. The lease has been changed to a limited service lease with the lessee paying the cost of the utilities and janitorial service. The lease contains the option to renew for one additional three-year term and a six-month holdover clause. (C8605915400)

**AMENDMENT WITH TRANSCORP, LLC FOR OFFICE SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve and execute amendment to Lease No. L-7295 with Transcorp, LLC, lessor, for 2,560 square feet of office space located at 4419 E. Main Street, Suites 101 and 103 Mesa, AZ. This amendment will extend the term of the existing lease from July 7, 2005 to July 6, 2010. The annual rental rate is as follows, plus rental tax:

<b>Year</b>	<b>Price Per Square Foot</b>	<b>Annual Cost</b>
2005-06	\$13.07	\$33,464.45
2006-07	\$13.53	\$34,636.80
2007-08	\$14.00	\$35,840.00
2008-09	\$14.49	\$37,094.40
2009-10	\$15.00	\$38,400.00

The lease contains a 180-day termination provision and a 6-month holdover provision. (C8605916400)

**APPROPRIATION ADJUSTMENT AND REPAYMENT OF OVERCHARGES TO RYAN WHITE TITLE I GRANT**

Motion was made Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the repayment of overcharges by the Department of Public Health to the Ryan White Title I Grant due to a reduction in the amount of administrative costs allowed to be charged to the grant. The grant stipulated that indirect costs are limited to 10%. The Public Health Department's indirect rate is 19.3% for FY 2004-05 and 16.67% for FY 2005-06. Grant indirect costs are reimbursable at a rate of 10%. In accordance with A.R.S. §42-17106, approve the following:

- o Transfer expenditure authority of \$487,846 from General Government (470) Grant Fund (249) Potential Fee Increases (4711) to the Public Health (860) Grant Fund (532).
- o Payment from Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) Line Item "Unfunded Liabilities" to the Ryan White Title I grant in the amount of \$707,628.

Approval of these actions will require an appropriation adjustment decreasing General Government (470) Grant Fund (249) and increasing Public Health (860) Grant Fund (532) for an amount of \$487,846. Approval of these actions will repay the grantor for \$1,195,474 of overcharges, of which \$487,846 will come from a positive carry-forward balance of a previous Ryan White Grant, reporting category (A103). The balance of \$707,628 will come from the Unfunded Liabilities line item in the Appropriated Fund Balance General Fund. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law.

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The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8605917800) (ADM2150-003)

**DONATION OF HIV/AIDS PHARMACEUTICALS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to retroactively accept the donation of additional HIV/AIDS pharmaceuticals, at no cost to Maricopa County, from the Arizona Department of Health Services for use in the Maricopa County Department of Public Health's HIV/AIDS Program. The value of the additional federally-funded FY 2004-05 pharmaceuticals is \$1,100,000.00, and the value of the additional state-funded FY 2004-05 pharmaceuticals is \$300,000.00. These grant-like items are awarded in-kind and the value of which will be booked as a revenue and expenditure in the finance system. The total estimated value of the pharmaceuticals received in FY 2004-05 will increase from \$4,500,000.00 to \$5,600,000.00 from federal funds and from \$1,000,000.00 to \$1,300,000.00 from state funds for a total of \$6,900,000.00. Public Health's indirect rate is 19.3%, but due to this being a non-cash transaction, there is no indirect to be charged. The total unrecoverable amount is \$226,487.85. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8605920M00) (ADM2150)

**AMENDMENTS FOR IN-SCHOOL YOUTH PROGRAMS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Amendment No. 4, to exercise option year 2 (of three one-year options to renew), to the following contracts:

- a. Contract with Goodwill Industries of Central Arizona, Inc., to retain a qualified provider for a year-round Workforce Investment Act In-School Youth Program, in accordance with state and federal negotiated performance measures. Funding for this contract, in the amount of \$362,500, is provided for FY 2005-06 by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security. This contract renewal is effective July 1, 2005 through June 30, 2006. This agreement does not contain any county general funds. (C2204095104)
- b. Contract with Arizona Call-A-Teen, to retain a qualified provider for a year-round Workforce Investment Act In-School Youth Program, in accordance with state and federal negotiated performance measures. This effort is structured as a pay-for-performance contract. A minimum of 125 in-school youth program participants will be served by this contract. Funding for this contract, in the amount of \$362,500, is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security. The term of this contract is from July 1, 2005 through June 30, 2006. This agreement does not contain any county general funds. (C2204096104)

**AMENDMENTS FOR OUT-OF-SCHOOL YOUTH PROGRAMS**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Amendment No. 4, to exercise option year 2 (of three one-year options to renew), to the following contracts:

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- a. Contract with Goodwill Industries of Central Arizona, Inc., to retain a qualified provider for a year-round Workforce Investment Act Out-of-School Youth Program in accordance with state and federal negotiated performance measures. Funding for this contract, in the amount of \$362,500, is provided for FY 2005-06 by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security. This contract renewal is effective July 1, 2005 through June 30, 2006. This agreement does not contain any county general funds. (C2204097104)
- b. Contract with Arizona Call-A-Teen, to retain a qualified provider for a year-round Workforce Investment Act Out-of-School Youth Program in accordance with state and federal negotiated performance measures. This effort is structured as a pay-for-performance contract. Funding for this contract, in the amount of \$362,500, is provided by the Workforce Investment Act of 1998 through the Arizona Department of Economic Security. The term of this contract is from July 1, 2005 through June 30, 2006. This agreement does not contain any county general funds. (C2204098105)

**IGA WITH QUEEN CREEK UNIFIED SCHOOL DISTRICT FOR HEAD START FOOD CATERING**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) with the Queen Creek Unified School District for the provision of food catering to participants in Maricopa County Head Start. The IGA represents a fixed price agreement for \$13,699. The IGA requires Queen Creek Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U. S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is July 1, 2005 through June 30, 2006. This agreement does not include any county general funds. (C2206084200)

**REVISED BYLAWS FOR HEAD START POLICY COUNCIL**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the revised bylaws for Head Start Policy Council. These bylaws define the composition of the Policy Council and the method that members are selected, which requires the Board of Supervisors' approval. (C2206099M00) (ADM2502)

**MOU WITH HEAD START POLICY COUNCIL**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve a revised Memorandum of Understanding (MOU) between the Board of Supervisors and the Head Start Policy Council. This MOU outlines how the Board of Supervisors and the Policy Council work together within the requirements of the Head Start Program and participate in shared program governance. (C2206100M00) (ADM 2502)

**IGA WITH ARIZONA BOARD OF REGENTS FOR PARK VISITOR SURVEY**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve and execute an intergovernmental agreement (IGA) between Maricopa County, through its Parks and Recreation Department, and the Arizona Board of Regents, acting for, and on behalf of, Arizona State University. Under this agreement, Arizona State University will develop and administer for the Parks Department, a year long, on-site park visitor survey to determine user perceptions and

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preferences in regards to county park services and facilities. This agreement shall begin on the date ~~executed by the Board~~ filed with the Secretary of the State (change was announced by the Clerk) and shall terminate December 31, 2006. The Parks Department shall reimburse Arizona State University the amount of \$45,008, for completion of the scope of work as outlined in the agreement. (C3005043200)

**BIDS AND AWARD CONTRACT FOR MCDOWELL MOUNTAIN REGIONAL PARK COMPETITIVE TRACK RESTROOM GRANT**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (4-0-1) to authorize a call for bids and award a contract to the lowest responsible bidder if the bid does not exceed the engineer's estimate by more than 10% in connection with the "McDowell Mountain Regional Park Competitive Track Restroom Grant." (C3005045500)

**DONATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1-) to approve the acceptance of the following donations to Animal Care and Control:

- a. Ms. Lynn Bennetti, 10320 N. Scottsdale Road #9, Scottsdale, AZ 85254, in the amount of \$500. Donation revenue funds are deposited into Fund (573) as they are received. (C7905095700) (ADM 2300)
- b. Third Grade Students in Ms. Christine Gregory's class at the Settler's Point Elementary School, 423 E. Settler's Point Drive, Gilbert, AZ 85296, in the amount of \$406.75 to purchase food and toys for the homeless pets. Donation revenue funds are deposited into Fund (573) as they are received. (C7905096700) (ADM 2300)
- c. Best Western International, Inc., 6201 N. 24th Parkway, Phoenix, AZ 85016, in the amount of \$500. Donation revenue funds are deposited into Fund (573) as they are received. (C7905098700) (ADM2300)
- d. PETCO Foundation in the amount of \$794. (C7905101700) (ADM 2300)

**IGA WITH CITY OF MESA FOR ANIMAL SHELTER SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between the City of Mesa and Maricopa County Animal Care & Control (MCACC). Under the agreement, MCACC provides the City of Mesa with animal shelter services. The city agrees to pay for shelter services, plus additional costs incurred for court ordered animal holds, impounded feral cats, and any animal other than a dog or cat as determined in the contract. The term of agreement is from July 1, 2005 through June 30, 2007. (C7905097200)

**AGREEMENT WITH CITY OF PEORIA FOR SCRATCH & SNIFF PETMOBILE AT EVENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the non-financial agreement with the City of Peoria to provide the Animal Care & Control Scratch & Sniff Petmobile at:

- o Oldtown Holiday Event, December 2, 2005, from 5:00 pm to 9:00 pm, at Osuna Park, 10510 N. 83 Avenue, Peoria;

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- o Pioneer Days Event, April 1, 2006, from 8:00 am to 12:00 pm, at Osuna Park, 10510 N. 83rd Avenue, Peoria; and,
- o Easter Event, April 15, 2006, from 8:00 am to 12:00 pm, at the Peoria Sports Complex 16101 N. 83rd Avenue, Peoria.

The purpose is to provide dogs and cats for adoption that are housed in the Scratch & Sniff Petmobile during these Peoria events. There are no direct participant costs; all indirect costs associated with providing the Scratch & Sniff Petmobile at the three events will be absorbed by the budget. (C7905099200)

**GRANT AGREEMENT AND ACCEPTANCE FROM PETSMART CHARITIES FOR VETERINARIAN**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve a restricted grant agreement and accept the grant, in the amount of \$70,000, from PETSMART Charities, to be used to fund a contract hourly veterinarian to vaccinate dogs and cats for rabies and communicable diseases. The grant restricts the award to a maximum of 1,167 hours of veterinary service. The term of the restricted grant is January 27, 2005 through January 26, 2006. PETSMART Charities may allow an extension of the grant term if unspent grant funds remain. Animal Care & Control will absorb all other direct and indirect costs associated with this grant into their budget including vaccine, medical supplies, staffing, vehicle expenses, and operational overhead. Approve an increase in revenue and expenditure authority of \$70,000 for Dept (790) Fund (573). (C7905100300)

**KENNEL PERMIT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the issuance of Kennel Permit #417 to Stephen Fowler, d.b.a. Fowler Kennels, 227 E. Mano Drive, New River, AZ 85087. The permit is for the term of July 6, 2005 through July 5, 2006. The cost of a kennel permit is \$90. (C7905102C00) (ADM2304)

**AGREEMENTS FOR RESCUING NON-ADOPTABLE ANIMALS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the following agreements with Maricopa County under the New Hope Program to rescue animals that have been deemed not adoptable. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older. The term of these agreements is from July 6, 2005 through July 5, 2006.

- a. Diane Dalton, d.b.a. Small K-9 Res-Q, HC5 Box 62G, Payson, AZ 85541. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 35 dogs rescued over the term of the agreement, for lost revenue of \$945. (C7905103100)
- b. Melinda Nelson, d.b.a. K-911 Animal Rescue, 14625 N. 2nd Drive, Phoenix, AZ 85023. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 35 dogs rescued over the term of the agreement, for lost revenue of \$945. (C7905104100)
- c. Carol Harris, d.b.a. Squaw Peak Akita Rescue & Club, 7341 W. Libby Street, Glendale, AZ 85308. Maricopa County will incur a \$27 loss of revenue for each dog rescued.

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Animal Care & Control estimates 20 dogs rescued over the term of the agreement, for lost revenue of \$540. (C7905105100)

- d. Lisa Maturo, d.b.a. Phoenix Dalmatian Station, 1614 N. Fraser Drive, Mesa, AZ 85203. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 60 dogs rescued over the term of the agreement, for lost revenue of \$1,620. (C7905106100)
- e. Sharon Sturm, d.b.a. Dane Savers Rescue, 15047 S. 45th Place, Phoenix, AZ 85044. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 10 dogs rescued over the term of the agreement, for lost revenue of \$270. (C7905107100)
- f. New Hope Cattle Dogs, Rescue and Re-homing, Inc, a 501 (c) 3 non-profit corporation, P.O. Box 2014, Gilbert, AZ 85296. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 15 dogs rescued over the term of the agreement, for lost revenue of \$405. (C7905108100)

**FUND TRANSFERS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) 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.

**INCREASE EXPENDITURE BUDGET AUTHORITY FOR MEDICAL CENTER CHC**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve an increase in the expenditure budget authority in the Lease Revenue Fund (Fund 320) to allow the county to place an amount not-to-exceed \$12,000,000 with a trustee for the defeasance of bonds relating to the Medical Center Comprehensive Health Center (CHC) project financed by the Lease Revenue Bonds, Series 2001. (C1805034100) (ADM2100) (ADM 1800) (F22891)

**IGA WITH ARIZONA STATE BOARD OF REGENTS FOR OFFICE AND DESIGN LABORATORY SPACE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to:

- Approve and execute Intergovernmental Agreement (IGA) No. MC10151 with the Arizona State Board of Regents, for and on behalf of, the Arizona State University and its College of Architecture and Environmental Design (ASU), for approximately 9,900 square feet of office space and design laboratory space located at 234 N. Central, county-owned Security Building, Phoenix. ASU will be responsible for its own parking and security requirements. ASU may also, from time-to-time, request use of the Rooftop Garden above the 9th Floor. The county shall provide base building utilities and ASU shall pay for telephone, voice-data and cable services. The term of this agreement will commence on the effective date and expire 60 months thereafter. Either party may terminate this

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agreement by providing a 180-day written notice. ASU shall pay annually the following facility use fees:

<b>Months</b>	<b>Cost Per Square Foot</b>	<b>Annual Cost</b>
1-12	\$8.42	\$83,358.00
13-24	\$8.63	\$85,437.00
25-36	\$8.86	\$87,714.00
37-48	\$9.09	\$89,991.00
49-60	\$9.32	\$92,268.00

- Approve an increase in revenues for FY 2005-06 of \$76,411. This lease is subject to and conditioned upon compliance with the provisions of A.R.S. §11-256.01 requiring publication of notice of the proposed lease. (C1805035200)

**CAPITAL LEASE FOR ACQUISITION OF DEPARTMENTAL COMPUTER EQUIPMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to authorize the Chairman to execute all capital lease documents, including the "Declaration of Official Intent," required for the acquisition of county departmental computer equipment approved per the FY 2005-06 budget process. The county has determined a need to provide updated technology equipment on a three-year "refresh" basis. Therefore, most departments will not purchase computer equipment outright, but will enter into a three-year capital lease for computer equipment facilitated by the Office of the Chief Information Officer. The county intends to enter into reimbursement capital lease financing for the purchase of departmental computer equipment not-to-exceed the approved budget amount of \$8,000,216 for FY 2005-06. The county will be reimbursed for the expenditures with the proceeds of the lease obligation. (C1806001800) (ADM1831-003)

**DEPOSIT AND INVESTMENT RISK DISCLOSURES POLICY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to adopt a new policy, A2509 Deposit and Investment Risk Disclosures Policy, as a countywide policy to comply with Governmental Accounting Standards Board Statement No. 40, Deposit and Investment Risk Disclosures. (C1806002600) (ADM632)

**RELOCATION PAYMENTS AND BENEFITS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve and authorize the Chairman of the Board to sign all necessary documents to accept relocation payments and relocation benefits for the relocation of county departments from the 411 N. Central building located in downtown Phoenix, Arizona as a result of the City of Phoenix acquiring the building for a "public project" known as the Arizona State University Downtown Campus. Authorize the following:

- o The Chairman to assign relocation payments directly to vendors when necessary,
- o Real Estate Services to negotiate and appeal relocation payments or relocation benefits necessary to relocate all county departments from the 411 N. Central building, and
- o The County Attorney's Office to take legal action, if necessary, to obtain all necessary relocation payments and relocation benefits that are not approved through the City of Phoenix relocation appeal process. (C1806006M00) (ADM810)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the following solicitation serial items. 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)

**Award of Solicitation Serials**

- 04161-RFP     Dental Services Plan Administration** (\$26,000,000 estimate/three years with three one-year renewal options). Contract to provide employee dental benefits as an ASO (self-insured plan) and an optional (employees option) fully-insured plan. This includes dental claim administration and a dental PPO network for the employee benefit program commencing January 1, 2006.
- o Cigna Dental
  - o Delta Dental Of Arizona

**[Clerk's Note: Not part of the official minutes.** Cigna is also known as Connecticut General Life Insurance Co. Also, a correction was approved on September 21, 2005 to correct the contract expiration date from December 31, 2008 to June 30, 2009.]

- 05041-ROQ     Specialty Legal Services Providers-County Attorney** (\$8,400,000 estimate/three years with three one-year renewal options). Contract to provide outside specialty legal services as requested by the Office of the County Attorney.

- |                                |                              |
|--------------------------------|------------------------------|
| Bonnett Fairbourn              | Klein, Lundmark, Barberich   |
| Bryan Cave, LLP                | Kutak Rock                   |
| Burch & Cracchiolo, PA         | Law Offices of R. Strohm, PC |
| Calderon Law Offices           | Lewis Brisbois               |
| Charles W. Whetstine, PC       | Littler Mendelson            |
| Copple, Boehm & Murphy, PC     | Mariscal, Weeks, et al       |
| Dean M. Wolcott                | Martin Hart & Fullerton, PC  |
| Fadell, Cheney & Burt, PLLC    | Meagher & Geer               |
| Frazer, Ryan, Goldberg, Arnold | Miller LaSota & Peters, PLC  |
| Grant Woods, PC                | Moyes Storey, LTD            |
| Gray & Fassold, PC             | Meyer Hendricks & Bivens, PA |
| Green & Baker                  | Olson, Jantsch & Bakker, PA  |
| Greenberg Traurig, LLP         | O. R. Colan Associates       |
| Gust Rosenfeld, PLC            | Paul F. Lazarus, PC          |
| Helm & Kyle                    | Quarles & Brady              |
| Barbara Lee Caldwell, PC       | Ridenour, Hienton, Kelhoffer |
| Hopkins & Kreamer, LLP         | Ryan Rapp & Underwood, PLC   |
| lafrate & Associates           | Ryley Carlock & Applewhite   |
| Irvine Law Firm, PA            | Sacs Tierney, PA             |
| Jardine, Baker, Hickman & Hous | Squire, Sanders & Dempsey    |
| Jennings, Haug & Cunnigham     | Swenson Storer Andrews       |
| Jennings, Strouss & Salmon     | Thomas, Thomas & Appel, PC   |
| Jones, Skelton & Hochuli, PLC  | Wilenchik & Bartness, PC     |
| Jorden Bishoff McGuire & Hise  | Zwillinger & Georgelos, PC   |

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Kenneth S. Countryman, PC

- 05052-C Plastic Sack Lunch Bags (\$500,000 estimate/three years with three one-year options).** Price agreement to purchase plastic sack lunch bags for MCSO Sheriff's Food Services.
- o B & S Supply Co., Inc.
- 05059-S Private Investigator Services – Office of Contract Counsel (\$1,000,000 estimate/three years with three one-year renewal options).** Price agreement to provide private investigator services for indigent representation as requested by the Office of Contract Counsel.
- o Craig and Associates, LLC
  - o Hanratty Investigations
  - o Benny Lucero
  - o Outback Adjusting and Investigative
  - o Salinas Investigations

**Renewals/Extensions**

**Renewal/extension of the following contracts** (these are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

**Until April 30, 2007**

- 01195-C Telephone, Radio and Data Communication Supplies** (\$1,400,000 estimate/two years). Price agreement renewal for miscellaneous telephone, radio, and data communication supplies.
- o Call One, Inc.
  - o Communications Supply Corporation
  - o Interstate All Battery Center
  - o Native Tele-Data Solutions, Inc.
  - o Talley Communications Corporation

**Increase the price agreement amount for the following contracts.** This is due to an increased usage by county departments.

- 01016-S Overhead Garage Door Repair and Replacement** (\$200,000 increase). Increase price agreement value from \$200,000 to \$400,000. This \$200,000 increase is requested by the Facilities Management Department to support its newly initiated overhead garage door maintenance program. This agreement was initially approved by the Board on May 2, 2001, and subsequently renewed by the Materials Management Director on March 3, 2004. The price agreement expiration date is May 31, 2006.

- 02027-C Promotion/Incentive Items II** (\$350,000 increase). Increase price agreement value from \$350,000 to \$665,000. This \$315,000 increase is being requested by the Sheriff's Office, Parks & Recreation, Public Works, and County Attorney to purchase additional promotional items for the remaining term of the contract. The Board of Supervisors approved the initial price agreement on August 21,

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2002, in the amount of \$350,000. This price agreement has an expiration date of August 31, 2007.

**AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT WITH CHASE/BANK ONE, ARIZONA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize the Maricopa County Treasurer to execute an amendment to the existing Irrevocable Standby Letter of Credit with Chase/Bank One, Arizona. The amended amount of the Letter of Credit is to be \$8,031,435.00, with the Industrial Commission of Arizona as beneficiary. The Letter of Credit will serve as the security for the county's projected liability for workers compensation claims for FY 2005-06. The Letter of Credit will be secured by the county's existing \$35,000,000.00 line of credit with Chase/Bank One dated May 18, 2005. The line of credit will be restricted by the amount of the Letter of Credit. The cost of the Letter of Credit for FY 2005-06 is projected to be approximately \$52,929.38, not to exceed \$60,000.00, which has been budgeted in FY 2005-06. It is not expected that there will be reason for the Letter of Credit to be drawn on; however, the Industrial Commission of Arizona requires the negotiable security. (C7505021100) (ADM4000)(ADM3712)

**AMENDMENT OF RESTATED DECLARATION OF TRUST FOR SELF-INSURED TRUST FUND**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize and approve the amendment of the Restated Declaration of Trust for Maricopa County, Arizona Self-Insured Trust Fund, dated September 5, 2001. This amendment will strike the words "and agents" from the third line of Section I.G.7 (page 4 of the document), which is the definition of the term "Employees", and add the following sentence after the first sentence in this paragraph:

Additionally, agents of the "County" shall be deemed to be "employees" for purposes of this "Trust" if and to the extent coverage under the "Trust" is expressly promised to an agent (including contractors) by written agreement approved by the "Board". (C7505022000) (ADM3703)

**DISPOSAL AND RECYCLING OF SURPLUS COMPUTER EQUIPMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve, through the end of the fiscal year 2006, shipments for the secure disposal and recycling of county surplus computer equipment under the intergovernmental cooperative purchasing agreement between Maricopa County and UNICOR Federal Prison Facilities, Inc. Disposal and recycling will be accomplished by means of periodic shipments of truckloads of surplus equipment from county warehouses in the Durango complex to UNICOR facilities in California. Under terms of the purchasing agreement, the county, at its own expense, prepares all shipments for transport. UNICOR, at its own expense, provides hauling, recycling, and disposal services. These shipments will occur periodically year-round, as enough equipment is collected for delivery of a full truckload to UNICOR. (C4105006800) (ADM119)

**GRANT FROM ADEQ FOR VOLUNTARY VEHICLE REPAIR AND RETROFIT PROGRAM**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve acceptance of a grant from the Arizona Department of Environmental Quality (ADEQ), in the amount of \$725,000. Acceptance of the grant approves Contract No. EV06-0008, for the Voluntary Vehicle Repair and Retrofit Program with ADEQ. After Board of Supervisors' approval, this contract will

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become effective on the date signed by the ADEQ Director or his/her designated representative. The contract will remain in effect until June 30, 2006. This contract may be terminated at any time with 90 days written notice to the other party. The Air Quality Department indirect cost rate for FY 2005-06 is 13.63%. Grant indirect costs are reimbursable at a rate of 13.63%. Indirect costs are estimated to be \$86,964, of which \$86,964 are recoverable and \$0 are unrecoverable. No matching county funds are required. The grantor will provide reimbursement funding for the grant. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This grant does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8505023300)

**AGREEMENT WITH ADEQ FOR TRIP REDUCTION PROGRAM AND THE CLEAN AIR CAMPAIGN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve agreement EV06-0006 in the amount of \$948,575, with the Arizona Department of Environmental Quality (ADEQ) to fund the Maricopa County Trip Reduction Program and the Clean Air Campaign for the period of July 1, 2005 through June 30, 2006. The grant will partially fund 13 FTE positions (wages and benefits for 12 FTE at 50% and 1 FTE at 25%) and will support an intergovernmental agreement in the amount of \$400,000 with the Regional Public Transportation Authority/Valley Metro. This grant represents the 17th consecutive year that Maricopa County has participated in this program. Approval of this grant authorizes the county to receive advance quarterly payments from ADEQ. This is a reimbursement-based grant and no matching county funds are required. All indirect costs are allowable and fully recoverable. The department's FY 2005-06 authorized indirect cost rate of 13.63% will be applied and total estimated indirect costs are \$65,802. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. (C8505024300)

**ADDITION TO THE FLEET**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the addition of one vehicle to the Environmental Services Fleet at a cost of \$27,000. The vehicle is a full-size, extended cab, four-wheel drive with a beacon, bed box and towing hitch. The purchase and annual operating costs will come from budgeted expenditure authority. The approval of this item will allow the Environmental Services Stormwater Program staff to use this vehicle to do construction site inspections related to stormwater runoff; to get into the river bottom to identify and map county outfalls into waters of the US; to respond to citizen complaints regarding the county's storm sewer system; and to attend numerous meetings. The county will be required to perform all of these functions in order to meet the proposed Minimum Control Measures to be established by the Arizona Department of Environmental Quality Stormwater Program. (C8805033M00) (ADM3104)

**TRANSFER EXPENDITURE AUTHORITY FOR ARSENIC RESULTS INITIATIVE REQUEST**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the transfer of revenue and expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and the Department of Environmental Services Fees Fund (Department 880, Fund 506) to fund the Arsenic Results Initiative Request. Approval of this action would allow Environmental Services to review the plans for water systems to ensure that they are in compliance with the EPA's Arsenic Rule by the end of FY 2005-06. The department anticipates reviewing the plans for all water systems that request reviews. This action will require revenue and expenditure appropriation adjustments decreasing the FY 2005-06 General Government Grants Fund (Department 470, Fund 249) revenues by \$440,000 and expenditures by \$235,817, and increasing the FY 2005-06 Environmental

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Services Fees Fund (Department 880, Fund 506) revenues by \$440,000 and expenditures by \$235,817. For FY 2006-07, increase revenue authority by \$234,400 and expenditure authority by \$167,069, in the Environmental Services Fees Fund (Department 880, Fund 506), for the annualized amount of the Results Initiative Request. (C8805036M00)

**TRANSFER EXPENDITURE AUTHORITY FOR STAFF**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the addition of two FTE Administrative Specialists to the Department of Environmental Services Fees Fund in the Financial Services Activity for a total cost of \$75,575 (annualized \$75,575). Pursuant to A.R.S. §42-17106(B), authorize the transfer of revenue and expenditure authority between the General Government Grants Fund (Department 470, Fund 249) and the Environmental Services Department Fund (Department 880, Fund 506) to provide funding for two FTEs. This action will require revenue and expenditure appropriation adjustments decreasing the FY 2005-06 General Government Grants Fund revenues and expenditures by \$75,575 and increasing the FY 2005-06 Environmental Services Fund 506 revenues and expenditures by \$75,575. (C8806001800) (ADM2350-003)

**CHANGE ORDER WITH CONCORD GENERAL CONTRACTING FOR SECURITY BUILDING**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Change Order No. 2 to Contract C7004039800, Concord General Contracting, in the amount of \$4,643,606. This contract is for the continued design, build and related professional services for the renovation of the security building. (C7004039801)

**IGA WITH TOWN OF GILBERT FOR RECLAIMED WATER RESERVOIR AND PUMP STATION PERMIT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an IGA with the Town of Gilbert to permit the plan review, permitting and inspections for a five million gallon reclaimed water reservoir and pump station on City of Mesa property, subject to County Counsel approving the final non-substantive language of the IGA. (C4405021000)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) 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)

A078.030 Project No: TT028 – PM10 – 11th Avenue (Cloud Road to Maddock Road) –  
(CS) Easement and Agreement for Highway Purposes – Parcel No.: 211-51-033B – Nancy B. Rosinski Trustee of the Mary R. Robson Family Living Trust – for the sum of \$52,900.00.

A078.030 Project No: TT028 – PM10 – 11th Avenue (Cloud Road to Maddock Road) –  
(CS) Purchase Agreement and Escrow Instructions – Parcel No.: 211-51-033B – Nancy B. Rosinski Trustee of the Mary R. Robson Family Living Trust.

A311.001 Project No: TT163 – MC85 at Miller Road – Quit Claim Deed - Parcel No.: 400-35-  
(JPM) 001S – United States Postal Service - for the sum of \$8,400.00.

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- A326.002            Project No: TE191 – 105<sup>th</sup> Avenue (at Thunderbird Blvd.) - Agreement for Right of  
(JPM)                    Entry - Parcel No.: 200-84-026L – Roskamp-Sun Health Management Services,  
L.L.P. - for the sum of \$500.00.
- A329.002            Project No: TD015 – 31<sup>st</sup> Avenue Improvement Dist. (Cloud Road to Maddock Road) -  
(JPM)                    Easement and Agreement for Highway Purposes - Parcel No.: 203-38-035 – Jon S.  
Baker - for the sum of \$10.00.
- X-0522,  
X-0522-2            Project No: 68927 - Ellsworth Road (Germann Road to Guadalupe Road) -  
(DWM)                    Agreement for Right of Entry - Parcel No.: See Exhibit "A" – Whane of Mesa Limited  
Partnership, L.L.L.P.- for the sum of \$1.00.

**CONTRACT WITH ASPHALT BUSTERS FOR STABILIZATION AND RECLAMATION SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Job Order Contract No. 2004-112 with Asphalt Busters, in an amount not-to-exceed \$250,000, to perform stabilization and reclamation services on an as-needed basis. The contract is effective for 365 calendar days following the Board of Supervisors' approval, with an option to renew for two additional one-year periods. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 budget. (C6405337500)

**TRAFFIC CONTROL CHANGE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following traffic control changes:

- a.     **Indian School Road and Perryville Road** – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. (C6405338000) (F23166)
- b.     **Indian School Road and Citrus Road** – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. (C6405339000) (F23166)
- c.     **Hunt Highway and Dobson Road** – Approve a change in traffic controls to a four-way stop (from a one-way east stop) on unincorporated right-of-way. This rescinds the One-Way Stop Resolution on Hunt Highway dated February 4, 1998. (C6405340000) (F23166)
- d.     **Hunt Highway and Alma School Road** – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. (C6405341000) (F23166)
- e.     **107th Avenue and Mountain View Road** – Approve a change in traffic controls to a four-way stop (from a two-way north/south stop) on unincorporated right-of-way. This partially rescinds the Through Street Resolution on Mountain View Road dated December 12, 1969. (C6405342000) (F23166)

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**AWARD ON-CALL CONTRACTS FOR CANDIDATE ASSESSMENT REPORT SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to award three on-call contracts for pending and new projects requiring candidate assessment report services. Each contract is effective for 730 calendar days following the Board of Supervisors' approval, or until the expenditure of \$250,000, whichever occurs first. The total cost for the three contracts is \$750,000. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2005-06 and FY 2006-07 budgets. (C64053445ZZ)

**REIMBURSE QWEST FOR DESIGN AND RELOCATION OF COMMUNICATION FACILITIES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and carried unanimously (4-0-1) to approve the reimbursement of \$26,850 to Qwest in FY 2004-05 for costs incurred in the design and relocation of their communication facilities that were in conflict with the Maricopa County Department of Transportation Project No. T082 (68959).

On March 17, 2004, the Board approved Agenda Item No. C6404189500, which authorized reimbursement of \$26,850 to Qwest in FY 2003-04. However, the relocation was not completed until FY 2004-05. Therefore, this agenda item is to request authorization to disburse the funds in FY 2004-05. Funds are available in Project No. T007, Previous Year's Back Charges. (C6405348100) (ADM2000-006)

**BUDGET ADJUSTMENT TO CAPITAL PROJECTS FUND**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and carried unanimously (4-0-1) to:

- Approve a revenue budget adjustment to the Transportation Department's Capital Projects Fund (Department 640, Fund 234) by reducing transfers-in by \$103,646.
- Approve a corresponding increase to the revenue and expenditure budget in the department's Eliminations Fund (900). The net effect to the department's total expenditure budget is an increase of \$103,646. Approve a decrease to the expenditure budget of the General Government Grant Fund (249), Department (470) in the amount of \$103,646, which will result in a countywide net impact of zero.

This adjustment is due to an increase in workload resulting in the need for four additional positions. (C6405354000) (ADM2000-003)

**STATUTORY AND ADMINISTRATIVE CHANGES TO ARTICLE 5, PROCUREMENT CODE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the statutory and administrative changes to Article 5 of the Maricopa County Procurement Code. The statutory changes were enacted into law by House Bill 2579 and signed by the Governor on April 28, 2005. The administrative changes correct inconsistencies and clarify specific parts of the Procurement Code. (C6405357700) (ADM3001)

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**HEARINGS SET**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following setting of hearings. All hearings will be held at 9:00 a.m. at 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix, unless otherwise noted:

- a. **Road File Declaration** – A public hearing was set to declare the following road into the county highway system for 9:00 a.m., Wednesday, August 10, 2005.  
  
**Road File No. 5339.** In the vicinity of McDowell Road and Johnson Road. (C6405343000)
- b. **Easement for APS for Electrical Service to New River Senior Center.** Set a public hearing for 9:00 a.m., Wednesday, August 10, 2005, to approve the execution of a 0.21 acre easement for Arizona Public Service (APS) that allows for electrical service to New River Senior Center at the New River Community Park at no cost to the County or APS. (C3005046M00) (ADM2009)
- c. **Easement for SRP for Electrical Service at San Tan Mountains Regional Park.** Set a public hearing for 9:00 a.m., Wednesday, August 10, 2005, to approve the execution of a 0.08 acre easement for Salt River Project (SRP) that allows for electrical service to the Entrance Station at San Tan Mountains Regional Park at no cost to the county or SRP. (C3005049M00) (ADM2013)
- d. **Air Pollution Control Regulation Rule 325, Brick and Structural Clay Products.** Set a public hearing, as required by A.R.S. §49-479(b), for 9:00 am, Wednesday, August 10, 2005, to solicit comments on proposed new rule, Maricopa County Air Pollution Control Regulation Rule 325, Brick and Structural Clay Products Manufacturing. (C8505025M00) (ADM2354)
- e. **Rio Verde Foothills Fire District (Proposed).** Set a public hearing for 9:00 a.m., Wednesday, August 10, 2005, regarding the impact statement for the proposed Rio Verde Foothills Fire District, to be located in the community of Rio Verde, all as specifically described in the legal description submitted and on file in the Clerk of the Board's office. At the hearing, the Board will hear those who appear for and against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the above criteria and related requirements outlined in the statutes are met, it shall authorize the persons proposing the district to circulate and submit petitions containing signatures of more than one-half of the qualified electors within the boundaries of the proposed district, and more than one-half of the property owners in the area of the proposed district, and by persons owning collectively more than one-half of the assessed valuation of the property in the area of the proposed district, in the manner provided by law (A.R.S. §§48-261, 48-265, 48-266), and set the amount of the bond identified in A.R.S. §48-261(C) to cover the projected expenses incurred by the county. Said bond is due and payable to the county by July 8, 2005. (ADM4435)

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**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on the following Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for August 24, 2005, at 9:00 a.m. in the Board of Supervisors Conference Room, 301 W. Jefferson, 10<sup>th</sup> Floor, Phoenix as follows:

Z2004114: Z2005016: Z2004130

**ASRS CLAIMS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (Amounts stated here may be recalculated employer amounts to show accrued interest payments.) (ADM3309-001)

<b>Employee Name</b>	<b>Total Employer Payment</b>
Cynthia Duran	\$54,475.79
Cecilia Villareal	\$802.53
Colleen Wakley	\$26,052.06
David Biles	\$67,376.03
Samantha Brees	\$3,882.78
Connie Bryant	\$6,893.18
Ann Gausden	\$31,686.65
Evelyn Jensen	\$92,852.09
Margaret Nowak	\$27,731.54
Mary Ezell	\$8,686.19
Julia Vilalobos	\$27,404.30
George Zaplatosch	\$21,630.72

**CANVASS OF ELECTIONS**

No canvasses were reported at this time.

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Assessor's recommendation to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
101-17-151	2003	Rendondo Silverio	LC/4	LC/3
101-17-151	2004	Rendondo Silverio	LC/4	LC/3
101-20-064A	2002	Randy Stauth	LC/4	LC/3
101-20-064A	2003	Randy Stauth	LC/4	LC/3
101-20-064A	2004	Randy Stauth	LC/4	LC/3
130-20-071A	2002	Gordon Jenner	LC/4	LC/3
130-20-071A	2003	Gordon Jenner	LC/4	LC/3
130-20-071A	2004	Gordon Jenner	LC/4	LC/3

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130-20-120A	2002	Charles Davis	LC/4	LC/3
130-20-120A	2003	Charles Davis	LC/4	LC/3
130-20-120A	2004	Charles Davis	LC/4	LC/3
137-28-057	2004	John E Conner	LC/4	LC/3
145-23-175	2002	Abraham Mendoza	LC/4	LC/3
145-23-175	2003	Abraham Mendoza	LC/4	LC/3
145-23-175	2004	Abraham Mendoza	LC/4	LC/3
146-26-090	2002	Margaret Miller	LC/4	LC/3
146-26-090	2003	Margaret Miller	LC/4	LC/3
146-26-090	2004	Margaret Miller	LC/4	LC/3
153-03-066	2004	Alberto Guzman	LC/4	LC/3
154-26-035	2002	Kelly Cook	LC/4	LC/3
154-26-035	2003	Kelly Cook	LC/4	LC/3
154-26-035	2004	Kelly Cook	LC/4	LC/3
156-33-025	2002	Janet Hatcher	LC/4	LC/3
156-33-025	2003	Janet Hatcher	LC/4	LC/3
156-33-025	2004	Janet Hatcher	LC/4	LC/3
207-07-167	2002	Ileen McNeillie	LC/4	LC/3
207-07-167	2003	Ileen McNeillie	LC/4	LC/3
207-07-167	2004	Ileen McNeillie	LC/4	LC/3
232-01-010	2004	Maxine Holland	LC/4	LC/3
304-13-978	2003	Luis Ortiz	LC/4	LC/Mixed
304-13-978	2004	Luis Ortiz	LC/4	LC/3
303-25-064	2004	Swant Singh Sanhu	LC/4	LC/3
508-04-206	2004	Arthur Goetz	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session on June 20, 2005). (ADM407)

Almora, Joel Martinez	\$800.00	Rosales, Luis	\$3,016.89
Espinosa, Sarah	\$4,800.00	Solis, Maria	\$625.00
Ortiz, Zoyla	\$4,680.33	Sowinski, Ailene	\$2,800.00
Perone, William	\$10,000.00	Valerio, David	\$1,215.00

**DUPLICATE WARRANTS**

Pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a request that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Margie Ann Hessler	250062027	Expense	\$90.00
Hugh Iseman	250062718	Payroll	\$1,010.71
Maria Aguirre	250066540	General	\$859.99

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**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Floyd Grende	Phoenix Elem SD #1	450129928	\$3,588.31
Erika Torres	Treasurer	150127088	\$239.13
Bonnie Perkins	Fountain Hills USD	450137237	\$216.21
Don Gilboe	Fountain Hills USD	450125695	\$500.00
Wilson Electric	Isaac SD #5	450066139	\$60.00
Ana Macav High School	Higley Schools	450008533	\$2,125.01
Ana Macav High School	Higley Schools	450009924	\$8,405.88
Lindsay Mead	Littleton SD	150122497	\$406.21
Ryan Asher	Madison SD	15127920	\$206.34
Jaime Soto	Isaac SD	150124740	\$5,263.45
Victoria Salcido	Litchfield Elem SD #79	150128642	\$302.30
Joann Valdez	Isaac Elem SD #5	450136399	\$300.00

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held March 28, 2005, March 29, 2005, May 2, 2005, May 16, 2005, May 18, 2005, June 3, 2005 and June 6, 2005.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) 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 July 6, 2005, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM705)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
2001	39822	39825	-\$10,722.82
2002	18103	18133	-\$18,691.62
2003	23000	23032	-\$13,855.24
2003	22945	22999	-\$105,331.08
2004	7023	7141	-\$87,352.82
2001	39814	39821	-\$14,297.82
2002	18072	181102	-\$107,771.32
2001	39813	39813	\$5,780.68
2002	18042	18071	\$811.94
2003	22910	22944	-\$243,072.86
2004	6946	7020	-\$286,678.42
2004	6694	6880	-\$183,052.92

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2003	22732	22749	-\$6,762.26
2004	6631	6693	-\$145,220.48
2001	39776	39783	-\$2,586.00
2002	17889	17899	-\$1,276.12
2000	13035	13035	-\$1,910,336.46
2001	39784	39784	-\$3,468.06
2002	17900	18005	-\$25,870.74
2003	22751	22866	\$1,202,084.14
2004	6512	6495	-\$2,371,835.80
2000	13027	13027	-\$1,159.86
2000	13028	13029	-\$1,996.42
2002	17844	17888	-\$137,312.12
2003	22670	22731	-\$1,320,655.56
2001	39583	39615	-\$26,634.30
2002	17244	17294	-\$30,702.04
2003	21749	21902	-\$99,564.18
2004	4453	4648	-\$260,210.52
2000	12974	12985	-\$3,242.76
2003	21999	22027	-\$77,813.40
2004	4837	4917	-\$78,325.46
2002	17342	17359	-\$240,120.14
2001	39621	39621	-\$114,423.52
2004	5207	5399	-\$152,342.88
2002	17415	17486	-\$5,914.58
2003	22121	22213	-\$24,824.18
2001	39663	39664	-\$1,201.00
2004	5406	5460	\$76,685.80
2000	13005	13005	-\$5,094.24
2002	17487	17540	-\$860.04
2003	22214	22243	-\$125,629.60
2001	39665	39680	-\$17,813.12
2004	5461	5704	-\$411,111.90
2003	22244	22287	-\$28,347.62
2001	39684	39686	-\$2,342.36
2004	5750	6144	-\$714,917.48
2000	13008	13008	-\$35,861.06
2002	17543	17608	-\$58,349.90
2002	17609	17738	-\$157,024.60
2003	22316	22474	-\$447,722.96
2001	39740	39733	-\$79,785.44
2000	13027	13027	-\$1,159.86
2001	39766	39768	-\$14,033.58
2002	17213	17243	-\$6,038.82
2000	12959	12959	-\$266.66
2004	1583	1820	-\$670,852.50
2000	12960	12960	-\$1,358.28
2002	16863	16881	-\$5,821.18
2001	39458	39460	-\$18,487.96
2004	1821	2008	-\$1,641,801.66
2003	21092	21165	-\$91,768.66

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2004	2009	2717	-\$692,877.26
2000	12961	12963	-\$552.84
2002	16882	16943	-\$35,632.88
2003	21167	21283	-\$134,380.50
2001	39461	39466	-\$11,292.60
2004	2718	2801	-\$744,055.00
2000	12970	12970	-\$127.16
2002	16944	16953	-\$332,838.46
2003	21287	21312	-\$241,127.30
2001	39476	39478	-\$1,698.26
2004	3006	3122	-\$7,861.50
2002	16972	17010	-\$89,016.24
2003	21348	21406	-\$91,594.28
2000	39504	39492	-\$18,692.16
2004	3124	3298	-\$2,666,117.06
2004	3299	3525	-\$1,362,529.26
2002	17011	17054	-\$39,851.26
2003	21475	21419	-\$491,865.44
2001	39505	39516	-\$29,152.62
2001	39517	39537	-\$31,397.50
2004	3526	3864	-\$371,031.26
2004	3865	4058	-\$23,712.28
2002	17505	17083	-\$29,031.36
2003	21478	21523	-\$108,256.14
2004	4059	4151	-\$702,094.70
2002	17087	17109	-\$6,461.94
2003	21524	21561	-\$51,106.28
2001	39538	39545	-\$3,865.82
2004	4152	4290	-\$378,972.36
2002	17110	17172	-\$156,879.32
2003	21562	21678	-\$301,092.90
2001	39546	39575	-\$75,976.34
2004	4291	4367	-\$352,886.60
2000	12973	12973	-\$11,933.90
2002	17173	17212	-\$109,710.66
2003	21679	21708	-\$158,883.10
2001	39576	39578	-\$62,502.94
2004	4374	4400	-\$103,636.82
2002	17213	17243	-\$6,038.82
2003	21709	21748	-\$44,014.52
2001	39579	39581	-\$9,254.66
2001	39107	39126	-\$4,473.12
2002	16299	16323	-\$6,604.82
2003	10734	10774	-\$9,242.36
2000	12939	12939	-\$51.50
2001	39193	39252	-\$15,687.60
2002	16450	16530	-\$84,641.42
2003	14968	20585	-\$260,345.12
2001	39253	39278	-\$8,289.36
2002	16531	16579	-\$62,652.58

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2001	39279	39306	-\$136,311.06
2000	12940	12948	-\$1,877.56
2003	20637	20682	-\$251,186.48
2002	16580	16611	-\$71,219.96
2002	18163	18184	-\$110,459.26
2003	23069	23089	-\$54,541.56
2004	7142	7210	-\$125,835.02
2004	7259	7374	-\$685,646.04
2001	39849	39853	-\$43,875.08

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated July 6, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

**2003**

CV 03-001244

**2004**

CV 03-023636

CV 04-000673

TX 04-000291

**2004/2005**

ST 04-000247

TX 04-000718

**2005**

ST 04-000117

ST 04-000137

ST 04-000138

ST 04-000235

CV 04-024041

TX 04-000609

TX 04-000661

**STALE DATED WARRANTS**

No stale-dated warrants were presented at this time.

**TAX ABATEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM708)

<b><u>Parcel #</u></b>	<b><u>Year</u></b>	<b><u>Proposed Abatement</u></b>
148-25-628	1991	\$42.36
148-25-628	1992	\$38.47
148-25-628	1993	\$35.95
148-25-628	1994	\$35.78
148-25-628	1995	\$35.09
148-25-628	1996	\$32.22
148-25-628	1997	\$31.62
148-25-628	1998	\$25.13
148-25-628	1999	\$22.65
148-25-628	2000	\$20.37
148-25-628	2001	\$17.42
148-25-628	2002	\$15.61

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148-25-628	2003	\$13.76
148-25-628	2004	\$11.69

**WRITE-OFFS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only for the following cases: (Discussed in Executive Session held June 20, 2005). (ADM407)

Kisto, Dean	\$12,447.00
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**CONTRACT WITH CHRIS SCHOPEN**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a contract with Chris Schopen to gather and collect evidence, conduct forensic interviews, provide courtroom testimony and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving minors. The contract term is from June 10, 2005 to August 12, 2005. Chris Schopen will be reimbursed \$300 per interviewee per case for interviews and \$120 per hour for expert testimony. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C1906004100) (Addendum item # A-1)

**INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENTS**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following agreements: (Addendum item # A-2)

- a. Approved and executed an Intergovernmental Cooperative Purchasing Agreement with Arizona Western College. Term of the agreement is from date approved by the Board of Supervisors until cancelled by either party with 30 days notice. (C7305007200)
- b. Approved and executed an Intergovernmental Cooperative Purchasing Agreement with the State of Arizona, Department of Administration - Enterprise Procurement Services. Term of agreement is from date approved by the Board of Supervisors until cancelled by either party with 30 days notice. (C7305008000)

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

No member of the public came forward to comment at this time.

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox welcomed Supervisor Kunasek back from his vacation and commented on the kiosks' around the county. She also thanked Public information for placing the Maricopa County mission statement and an overview of Maricopa County's future with a lot of good feedback. Ms. Wilcox invited anyone interested to attend the El Rio master plan meeting at Estrella Community College to review the Rio master plan.

Supervisor Kunasek commented that he was glad to be back from his vacation.

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Supervisor Stapley took the opportunity to thank Supervisor Wilcox who chaired the commission intervention for SMI in criminal justice in his absence. Supervisor Stapley commented that he was very pleased with progress the commission is making.

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\***

**PLANNING AND ZONING**

Sandi Wilson left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Deputy County Manager, 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.     **S2005-035     District 4**  
      **Applicant:**    CMX , Inc. on behalf of Fire District of Sun City West  
      **Location:**     Southwest corner of Sandridge Drive and Spanish Garden Drive (in the Sun City West area)  
      **Request:**      Replat of Lot 29 of Sun City West Commercial Core subdivision, to abandon a drainage/public utility easement, in the C-2 zoning district (one gross acre)

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve Replat of lot 29.

**REGULAR AGENDA DETAIL:**

2.     **CPA2005-03     District 2**  
      **Location:**     Site bounded by the Tonto National Forest on the north, McDowell Mountain Regional Park on the south, the Tonto National Forest and Tonto Verde master-planned community on the east, and 136th Street on the west  
      **Request:**      Adopt the Rio Verde Foothills Area Plan

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of CPA2005-03. Commissioner Porter seconded the motion, which passed with a unanimous vote of 7-0.

Darren Gerard outlined the Commission action on this item and read the resolution adopting the Rio Verde Foothills Area Plan.

Supervisor Stapley said, "This marks a landmark date for this area and couldn't be more pleased to approve."

Nina Henry representing the Rio Verde Horseman's Association stepped forward to speak in favor. Ms. Henry reminded everyone that the goal was to keep this area rural and equestrian. She thanked all those involved in putting this plan together to help preserve this area. She also commented that Fire District was very important to this area, as well.

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Fran McCarroll, Clerk of the Board, read a letter from the Rio Verde Foothills Alliance for the record in support of the Rio Verde Foothills area plan.

Supervisor Stapley read a copy of a letter from the Arizona Department of Water Resources outlining the process for receiving the assured water supply for this area.

Supervisor Kunasek commented that he was pleased with the outlay of this plan and acknowledged the need to preserve this beautiful area and asked Mr. Gerard if there were any guidelines in place that would help preserve the scenic views.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval to adopt the Rio Verde Foothills Area Plan as stated below:

**RESOLUTION**

**BE IT RESOLVED** by the Maricopa County Board of Supervisors as follows:

**WHEREAS**, the Rio Verde Foothills Area Plan helps implement Eye to the Future 2020, the Maricopa County Comprehensive Plan, and helps Maricopa County fulfill its responsibilities under Title 11, Section 806 of the Arizona Revised Statutes to coordinate physical development in accordance with present and future needs; and

**WHEREAS**, this Board acknowledges the responsibility to exercise its power in establishing land use patterns and development requirements which mitigate adverse impacts to the environment and ensure compatible land uses while enhancing individual freedom and opportunity, respecting private property rights, and facilitating competition and operation of a free marketplace; and

**WHEREAS**, growth in accordance with sound planning can produce a stronger economy, more efficient use of infrastructure, compatible development patterns, a decrease in pollution, protect natural resources, and improve the region's quality of life; and

**WHEREAS**, consideration of development issues requires a regional perspective to ensure coordinated development and preservation of the quality of life in the county; and

**WHEREAS**, this area plan will provide the Board of Supervisors and other decision makers in the county, both public and private, with proper long range guidelines to make decisions based on clear regional policies; and

**WHEREAS**, the general plans of nearby cities and towns have been carefully considered as they relate to the Rio Verde Foothills area and associated unincorporated lands; and

**WHEREAS**, citizens and concerned interests in the planning area have contributed significantly to preparation of the Rio Verde Foothills Area Plan; and

**WHEREAS**, members of the Board of Supervisors and the Planning and Zoning Commission have provided guidance and strategic direction in the preparation of this area plan; and

**WHEREAS**, this area plan is intended to be periodically reviewed and, if necessary, changed by the Board of Supervisors; and

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**WHEREAS**, the Maricopa County Planning and Zoning Commission, after careful consideration and a public hearing, has recommended adoption of the Rio Verde Foothills Area Plan to the Board of Supervisors; and

**WHEREAS**, the Board of Supervisors has carefully considered the Rio Verde Foothills Area Plan, has held a public hearing, and finds that this area plan constitutes a suitable, logical, and timely document to guide the future development of the Rio Verde Foothills area.

**NOW, THEREFORE, BE IT RESOLVED**, that the document consisting of the text, maps, and supporting materials entitled "Rio Verde Foothills Area Plan" and dated July 6, 2005, is hereby adopted in accordance with *Eye to the Future 2020*, the Maricopa County Comprehensive Plan, on this 6th day of July, 2005; and

**RESOLVED FURTHER**, that the goals, objectives, and policies contained in the Land Use, Transportation, Environment, Environmental Effects, Economic Development, Open Space, Growth Areas, Water Resources, and Cost of Development Elements and the recommended Agenda for Action be implemented as policy; and

**RESOLVED FURTHER**, that this area plan may be amended periodically to reflect changing community needs or desires, and to represent the best judgment of the Board of Supervisors and the Planning and Zoning Commission; and

**RESOLVED FURTHER**, that all matters affecting the rezoning or physical development of lands in the unincorporated county submitted to the Planning and Zoning Commission for consideration, shall generally conform to the goals, objectives, and policies of the Rio Verde Foothills Area Plan, the Maricopa County Comprehensive Plan, or an approved development master plan.

**Dated** this 6<sup>th</sup> day of July, 2005

/s/ Don Stapley, Acting Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 3.     **Z2003-123     District 4**  
**Applicant:**     Doug Pike of Morrison Maierle, Inc. for Russell Ranch VI  
**Location:**     Northeast corner of Camelback Road and Perryville Road (in the west Glendale area)  
**Request:**     Rezone from Rural-43 to R1-18 RUPD (approx. gross 67.5 acres) and C-1 CUPD with Concept Plan of Development for Russell Ranch Phase VI (approx. 12.2 gross acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2003-123, subject to the following stipulations "a" through "z". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 7-0.

- a.     The development and use of the site shall be generally consistent with the preliminary plat entitled "Preliminary Plat & Rezoning Site Plan for Russell Ranch VI", consisting of three (3) full-size sheets prepared by Morrison Maierle, Inc., date stamped by the project

engineer May 31, 2005, and stamped received May 31, 2005, except as modified by the following stipulations.

- b. The final plat shall be generally consistent with the narrative report entitled "Russell Ranch VI", consisting of a bound document containing eleven (11) pages and five (5) exhibits, dated revised May 31, 2005 and stamped received May 31, 2005, except as modified by the following stipulations.
- c. Development of the commercial parcel shall be generally consistent with the Conceptual Site Plan entitled, "Conceptual Plan of Development C-1 CUPD Russell Ranch Phase VI", consisting of one (1) 11' by 17' sheet, said sheet included within the project narrative referenced in stipulation "b" above.
- d. Prior to development of the commercial parcel, the developers shall submit an application for a Precise Plan of Development to the Planning and Development Department, said Plan of Development to be approved by the Board of Supervisors prior to the commencement of any construction.
- e. Development of the commercial parcel is subject to three (3) year Conditional Zoning as allowed by Maricopa County Zoning Ordinance Article 304.6.
- f. Development of the commercial parcel shall abide by the C-1 CUPD development standards as indicated in the project narrative and site plan except that the 40-foot building height shall only apply to the façade of the anchor tenant portion of the building identified as "Major Grocery" as shown on the conceptual site plan identified under stipulation "c" above.
- g. Access to the commercial parcel from Camelback Road shall be aligned such that it respects the City of Goodyear's requirement for ¼-mile turning movements, as deemed necessary by MCDOT.
- h. Prior to final plat approval, the existing well located on the site of the future Lot 7, shall be abandoned in accordance with Arizona Department of Water Resources (ADWR) requirements. The developer shall provide written evidence from ADWR indicating compliance with this stipulation. The final plat shall indicate the location of said well and shall include a plat note stating the well has been abandoned in accordance with ADWR requirements.
- i. Prior to final plat approval, the developer shall submit a final landscape and amenity package to the One Stop Shop for review. Landscaping within the interior of the residential portion of the subdivision shall not occur within the shoulder of the street unless it can be shown to the satisfaction of the Planning and Development Department that such landscaping will not interfere with on-street parking.
- j. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the "vicinity of a military airport" as described by State of Arizona statute A.R.S. §28-8481. Your house should include "sound attenuation" measures as directed by State law. You will be

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subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

“Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights a day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range, and other flight training areas.

“Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

“Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

“For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department.”

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8 ½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&R's) as well as the public report and conveyance documents.

- k. Prior to final plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The final plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- l. Prior to zoning clearance, the following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - i. Provide total half-width of 65 feet of right-of-way on both Camelback Road and Perryville Road.
  - ii. Ultimate half-width improvements on perimeter roads with pavement, curb, gutter and sidewalk.
- m. The final plat shall include dedication of right-of-way as deemed necessary by the Maricopa County Department of Transportation unless the required dedication has been completed by Map of Dedication prior to the final plat approval.

- n. All interior streets within the proposed development are to be constructed to minimum County standards.
- o. 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.
- p. Prior to submittal of the final plat, the developer shall schedule and attend a pre-submittal meeting with the Plan Review Division of the Planning and Development Department.
- q. The final plat will not be approved until the LPSCO master plan has been issued a Certificate of Approval of Master Plan, and that Approvals to Construct have been issued for the on-site water and sewer lines, and for any required off-site water and sewer lines.
- r. The following Flood Control stipulations shall be met:
  - i. Prior to any construction, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
  - ii. A letter of map revision (LOMR) will be required to be approved by the Federal Emergency Management Agency prior to approval of any lots in the current effective floodway on the Final Plat.
  - iii. Both the effective floodplain and floodway shall be shown on the Final Plat.
  - iv. As part of the Final Plat submittal, a Final Drainage Report shall show how the flow will be directed around the two (2) 90-degree bends on 183rd Avenue.
- s. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- t. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- u. 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.
- v. 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.
- w. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted

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- x. Major changes shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes plan may require a new Citizen Participation Process as determined by the Planning and Development Department.
- y. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 7 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Article XXVII, Section 2806 (Conditional Zoning).
- z. The following Drainage Review stipulations shall be met:
  - i. Prior to final plat approval, final grading, drainage and paving plans, in conjunction with a final drainage report is required to be reviewed and approved by our office to ensure consistency with the preliminary drainage report and preliminary grading and paving plans. The final drainage report shall include computed water surface elevations for the runoff on-site. The grading and drainage plans are required to include typical lot details in plan and profile view reflecting high and low outfall points, pad elevations, finished floor elevations, and local on-lot drainage conditions.
  - ii. Drainage improvements are considered to be part of the required infrastructure for this development. These features are required to be fully operational prior to the release of any final drainage clearance.
  - iii. Use a runoff coefficient of 0.60 or calculate said coefficient for the largest house on the smallest lot.
  - iv. Design the retention basin with a maximum 4:1 side slope for earth slopes or 3:1 side slope for riprap slopes.
  - v. Obtain an agreement from adjacent property owners at the southwest corner of the subdivision to accept concentrated flows and record against each deed prior to final plat approval.
  - vi. Obtain a drainage easement from adjacent property owner at the northwest corner to divert the 722 CFS flow eastward along the northern boundary.

Darren Gerard outlined the Commission action on this item. Mr. Gerard read two recommended revised stipulations ("e" and "y") and also recommended an additional stipulation ("aa") as outlined below. There were no speakers.

- e. Development of the commercial parcel is subject to ~~three (3)~~ seven (7) year Conditional Zoning as allowed by Maricopa County Zoning Ordinance Article 304.6.
- y. Noncompliance with the conditions of approval will be treated as a violation in accordance with ~~Chapter 7 (Violation and Penalty)~~ of the Maricopa County Zoning Ordinance. Further,

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noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with ~~Article XXVII, Section 2806 (Conditional Zoning)~~ the Maricopa County Zoning Ordinance.

- aa. In the event that the 38-foot wide drainage way along the north boundary is determined by Maricopa County to be no longer needed for drainage purposes or a critical component of the subdivision's open space system, said acreage or a portion thereof may be incorporated into the depths of Lots 90 - 110 and shown as such on the Final Plat. However, if a drainage way is needed it shall be delineated as a separate tract within the subdivision rather than as a drainage easement across the back of the affected lots.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "z" as given above, with revised language to stipulations "e" and "y" and the addition of new stipulation "aa" as recommended above.

- 4. **Z2004-100 District 3**  
**Applicant:** DFD Cornoyer Hedrick for Anthem Office Plaza  
**Location:** Southwest corner of Anthem Way and Venture Drive (in the Anthem area)  
**Request:** Precise Plan of Development in the C-2 CUPD zoning district (approx. 6.6 gross acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2004-100, subject to the following stipulations "a" through "l". Commissioner Masel seconded the motion, which passed with a unanimous vote of 7-0.

- a. The final plat shall be generally consistent with the site plan entitled "Anthem Office Plaza" consisting of three (3) full size sheets, dated revised May 9, 2005, and stamped received May 11, 2005, except as modified by the following stipulations.
- b. The final plat shall be generally consistent with the narrative report entitled "Narrative Report for Anthem Office Plaza", consisting of six (6) pages, dated revised February 10, 2005, and stamped received February 10, 2005, except as modified by the following stipulations.
- c. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- d. 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.
- e. The following Flood Control District (FCD) stipulation shall be met:

Prior to any development, a drainage clearance must be obtained in conjunction with the necessary building permits. A final grading and drainage plan, along with a final drainage report must be submitted for review and approval via the One-Stop-Shop.

- f. The following Maricopa County Dept. of Transportation (MCDOT) stipulations shall be met:
  - o Install right turn deceleration lanes at each access point with development of the site (per approved Traffic Impact Statement).
  - o Ensure ADA-compatible crossings of driveways with development of the site.
  - o Prior to zoning clearance, address MCDOT Traffic Engineering comments, including updating TIS. Traffic signal plans for Anthem Way/Venture Drive intersection must be approved by MCDOT.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible.
- i. Landscaping consistent with the approved Anthem Plan of Development shall be planted to partially screen from view the unretained side of retaining walls identified on the site plan at areas where the walls exceed six (6) feet in height.
- j. All trees shall be double-staked when installed.
- k. Major changes to this CUPD site 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 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.
- l. 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.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "l" as given above.

- 5. Z2004-102 District 2 1**  
**Applicant:** Jennifer Papp for Jennifer's Side Door Party Supplies  
**Location:** Southeast corner of Gilbert Road and Water Tank Road (in the central Gilbert area)  
**Request:** Rezone from Rural-43 to C-1 PD (approx. 1.12 net acres)

**COMMISSION ACTION:** Commissioner Porter moved to recommend approval of Z2004-102, subject to the following stipulations "a" through "l". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

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- a. Development of the site shall be in general conformance with the site plan entitled, "Jennifer's Party Pad" consisting of one (1) full-size sheet, dated revised April 27, 2005 and stamped received May 9, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled, "Narrative Report – Jennifer's Party Pad & Side Door Supplies Rezone Request", consisting of six (6) pages, stamped received March 17, 2005, as it applies to the commercial rezone, except as modified by the following stipulations.
- c. A Right-of-Way Encroachment Permit shall be obtained for any landscaping located within the public right-of-way unless the right-of-way is annexed into the Town of Gilbert, at which time, the Town of Gilbert standards shall apply.
- d. The applicant shall obtain the appropriate building permit to retrofit the existing single-family residence and shop building to meet current commercial building code requirements as applicable. Prior conducting business on the site, the applicant shall obtain a Certificate of Occupancy for the retrofitted buildings. At no time shall the buildings exceed the number of occupants allowed by the applicable commercial building code.
- e. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department or other certified fire provider has been properly apprised of the development on the subject property and that an offer to extend fire protection services has been made with regard to the subject property and the proposed use as a reception center.
- f. Prior to any construction, a Drainage Clearance in conjunction with a Building Permit must be obtained from the Drainage Review Division of the Planning and Development Department.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Major changes to this Plan of Development (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.
- i. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "i" as given above.

6. **Z2004-103**      **District 2 1**  
**Applicant:** Jennifer Papp for Jennifer's Party Pad  
**Location:** Southeast corner of Gilbert Road and Water Tank Road (in the central Gilbert area)  
**Request:** Special Use Permit (SUP) for an outdoor party venue in the C-1 PD zoning district (approx. 1.12 net acres)

**COMMISSION ACTION:** Commissioner Porter moved to recommend approval of Z2004-103, subject to the following stipulations "a" through "m". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall be in general conformance with the site plan entitled, "Jennifer's Party Pad" consisting of one (1) full-size sheet, dated revised April 27, 2005 and stamped received May 9, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled, "Narrative Report – Jennifer's Party Pad & Side Door Supplies Rezone Request", consisting of six (6) pages, stamped received March 17, 2005, as it applies to the Special Use Permit, except as modified by the following stipulations.
- c. A Right-of-Way Encroachment Permit shall be obtained for any landscaping located within the public right-of-way unless the right-of-way is annexed into the Town of Gilbert, at which time, the Town of Gilbert standards shall apply.
- d. The applicant shall obtain the appropriate building permit to retrofit the existing single-family residence and shop building to meet current commercial building code requirements as applicable. Prior to hosting any events on site, the applicant shall obtain a Certificate of Occupancy for the retrofitted buildings. At no time shall the buildings exceed the number of occupants allowed by the applicable commercial building code.
- e. Prior to zoning clearance, the applicant shall provide satisfactory evidence that Rural/Metro Fire Department or other certified fire provider has been properly apprised of the development on the subject property and that an offer to extend fire protection services has been made with regard to the subject property and the proposed use as a reception center.
- f. Prior to any construction, a Drainage Clearance in conjunction with a Building Permit must be obtained from the Drainage Review Division of the Planning and Development Department.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. This Special Use Permit (SUP) shall expire upon the fifth anniversary of the original approval of the SUP by the Board of Supervisors. Any time extensions shall be treated a Major Amendment.
- i. The applicant shall submit a written status report to the Planning and Development within 30 days of the second anniversary date of the approval of this Special Use Permit by the Board of Supervisors. This Status Report shall be reviewed by staff to determine whether the property is in compliance with the stipulations of approval and to ensure

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compatibility with the neighborhood. The Status Report may be approved by staff or, if in the opinion of staff the stipulations have not been met, or the facility is not compatible with the neighborhood, the Status Report may be forwarded to the Planning and Zoning Commission for further action, including initiating action for a possible revocation of the Special Use Permit.

- j. Major changes to this Plan of Development (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.
- k. Noncompliance with the Plan of Development (the site plan and narrative report) and conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- l. No more than two (2) parties shall be held on site at any given time. The number of children in attendance at any particular party shall not exceed fourteen (14) with no less than two (2) parents and two (2) staff in attendance per party. The hours of operation shall be as indicated in the following table:

	<b>Mommy Groups</b>	<b>Party Availability</b>
<b>Monday</b>	Closed	Closed
<b>Tues – Fri</b>	9:00 am to 10:00 am	11:00 am to 7:00 pm
<b>Sat</b>	None	11:00 am to 7:00 pm
<b>Sun</b>	None	11:00 am to 2:00 pm

- m. Any music or musical acts associated with the children’s parties shall not exceed the 70 dba level as measured from the property line.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations “a” through “m” as given above.

- 7. **Z2005-004 District 5**  
**Applicant:** Salt River Project (SRP) for SRP RUDD Receiving Station Cellular Site  
**Location:** East of the northeast corner of El Mirage Road and Broadway Road (in the Avondale area)  
**Request:** Special Use Permit (SUP) for a wireless communications facility in the Rural-43 zoning district, Cellular Use District 1 (approx. 0.113 acres)

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z2005-004, subject to the following stipulations “a” through “k”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled “Special Use Permit for RUDD Substation Nextel Wireless Site”, consisting of one (1) full size sheets, dated May 9, 2005, and stamped received May 11, 2005, except as modified by the following stipulations.

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- b. Development and use of the site shall comply with the narrative report entitled "Rudd Receiving Station Special Use Permit Application Narrative Report", consisting of twenty-three (23) pages, dated revised May 11, 2005 and stamped received May 11, 2005, except as modified by the following stipulations.
- c. After installation of the subject wireless communications facility, the applicant shall provide evidence that the existing wireless communications facility permitted with B200410816 is removed from the site.
- d. A Floodplain Use Permit will be required at the building permit stage of this project.
- e. The lowest finished floor elevation of the equipment buildings will have to be elevated above the regulatory flood elevation or be flood proofed.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. The monopole will be a galvanized steel (non-shiny) finish.
- h. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements associated with the use including the monopole, shall be removed within 60 days of such termination or expiration.
- i. The applicants shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.
- j. Major changes to this Special Use Permit 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. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- k. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Commenting that the City of Avondale was not in support of the proposed SUP, but had no objection, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "k" as given above.

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**MEETING ADJOURNED**

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

ATTEST:

\_\_\_\_\_  
Don Stapley, Chairman of the Board

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board