

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 9, 2008**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., April 9, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1; Don Stapley, District 2 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Phil MacDonnell, Chief Deputy County Attorney, delivered the invocation.

PLEDGE OF ALLEGIANCE

Terry Eckhardt, Deputy County Attorney, led the assemblage in the Pledge of Allegiance.

1. PET SHOWCASE

Karen Moffett brought Lucy, a three-month old Australian puppy to introduce in the pet showcase by the Maricopa County Animal Care & Control. She said that Lucy will be available for adoption for the special lower TV showcase cost of \$85 at the newly opened west-facility located at 2500 South 27th Avenue in Phoenix.

STATUTORY HEARINGS

Clerk of the Board

2. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Kunasek called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

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

- a. Application filed by Charles P Brown for a Special Event Liquor License: (SELL832) (F23249)

Business Name:	Franciscan Renewal Center
Location:	5802 E. Lincoln Drive, Scottsdale, 85253
Date/Time:	May 9, 2008, 6:00 p.m. to 9:00 p.m.

- b. Application filed by Teodomiro Perez Guzman for a Person-to-Person Transfer of a Series 7 Liquor License from Hilario Najera Vega: (MCLL6263) (AZ#07070585)

Business Name:	Lighthouse
Location:	51391 Hwy 60, Aguila, 85320

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- c. Application filed by Suchada Tirakul for a New Series 12 Liquor License: (MCLL6262)
(AZ#12077494)

Business Name: Dara Thai Café
Location: 3655 W. Anthem Way, B127 Anthem, 85086

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "nay."

3. BINGO APPLICATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application filed by Linda Schmid for a Bingo License Permit. (ADM657-023):

Business Name: Velda Rose Estates HOA
Location: 5770 E. Colby, Mesa, 85205
Date/Time: Tuesdays, from 6:30 p.m. to 8:30 p.m.

Transportation

4. ROAD FILE DECLARATIONS – ROAD FILE NO. A392

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408136000)

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. A392)**

WHEREAS, pursuant to A.R.S. §28-6701, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 200 foot roadway, together with all appurtenances and easements of record, lying within Sections 25 through 36 - T5N, R6E; and within Sections 30 and 31 - T5N, R7E of the G&SRB&M, Maricopa County, said roadway being more particularly described as follows:

A 200 foot wide strip being 100 feet measured at right angles on each side of the following described centerline:

BEGINNING at the Southwest corner of Section 30 – T5N, R6E; thence Easterly along the common lines between said Sections 30 and 31, Sections 29 and 32, Sections 28 and 33, Sections 27 and 34, Sections 26 and 35, and Sections 25 and 36 all in T5N, R6E; and BEGINNING at the Southwest corner of Section 30 – T5N, R7E; thence along the common line between said Sections 30 and 31 all in T5N, R7E to the intersection of Forest Road and Needle Rock Road;

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EXCEPT: therefrom that portion of said Sections 30 and 31 – T5N, R6E annexed by the City of Scottsdale, Arizona by Ordinance Number 2205; described as follows:

Parcel No. 1: The South 55.00 feet of said Section 30– T5N, R6E;

EXCEPT: the West 55.00 feet thereof and except the East 3/8 of the Southeast ¼ of said Section 30.

Parcel No. 2: All of Lot 1 of Section 31 and the East 329.02 feet of Lot 2 of Section 31 and the East ½ of the Northwest ¼ of Section 31 and the West ½ of the Northeast ¼ of Section 31, and the West ½ of the West ½ of the East ½ of the Northeast ¼ of Section 31, and the North ½ of the Northwest ¼ of the Southeast ¼ of Section 31, and the North ½ of the Northeast ¼ of the Southwest ¼ of said Section 31, and the West ½ of the West ½ of the North ½ of the Northwest ¼ of the Southeast ¼ of Section 31, all being within said T5N, R6E, G&SRB&M, Maricopa County, Arizona;

EXCEPT: The West 55.00 feet of Lot 1 and except any portion lying East of the West line of the property described in instrument recorded at Docket 15824, Page 869, Maricopa County Records. Arizona.

(Said alignment is also known as Rio Verde Drive from 136th Street to the Intersection of Forest Road and Needle Rock Road, in Supervisor District No. 2)

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

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

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

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

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

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

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

DATED this 9th day of April 2008.

/s/ Andrew Kunasek, Chairman of the Board

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ATTEST:
/s/ Fran McCarroll, Clerk of the Board

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS
Sheriff

5. AMENDMENT TO IGA FOR LAW ENFORCEMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 2 to the Intergovernmental Agreement for Law Enforcement Services between the Town of Queen Creek and Maricopa County Sheriff's Office to delay implementation of increased service, with the exception of the full time Captain position and associated one-time costs including one vehicle, to be effective July 1, 2008.

Also, to approve a reduction in Sheriff's FY 2007-08 General Fund (100) revenue and expenditure of \$346,199 in operating costs and \$187,721 in one-time costs for an FY 2007-08 total reduction of \$533,920. This amendment is effective retroactive January 1, 2008, and does not alter the duly adopted county budget for purposes of A.R.S. §42-17105, but rather reflects internal structural adjustments necessitated by the delay in providing IGA services. (C5008010202)

6. SALE AND TRANSFER OF CUSTODY OF ANIMALS

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the sale and custody of three mules that are no longer of use to the Sheriff's Office and too costly to maintain to Sergeant Wes Ellison #752 in consideration of \$1 each. Sergeant Ellison has been the primary handler, trainer and care provider of all three animals for several years. The mules are Vicky, a 30-year old; Lucille, a 9-year old with behavioral issues; and Rex, an 8-year old. If auctioned, these mules have a combined potential total value of \$1,650; however, the process to do so could become cumbersome and costly. The Sheriff's Office recommends releasing the mules to Sergeant Ellison's custody thus relieving the County of any further financial obligation. This item was continued from the March 26, 2008 meeting. (C5008043M00) (ADM119)

7. ACCEPT DONATION FROM THE KACHINA KENNEL CLUB

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the acceptance of a monetary donation totaling \$750 to the Sheriff's Office from the Kachina Kennel Club for designated use by the MCSO Canine Unit. Approval of this item will allow the Sheriff's Office to accept and use \$750 in donated funds designated to support the Sheriff's canine activities. (C5008046M00) (ADM3900-006)

8. ONE TIME ADDITION TO FLEET OF RICO VEHICLES AND ISSUE UNDERCOVER REGISTRATIONS AND NON-GOVERNMENTAL LICENSE PLATES, AND EXEMPT FROM MARKINGS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the one time additions to fleet of two RICO vehicles with a 2003 Land Rover and 2005 Dodge

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valued at approximately \$50,000 seized under DR #07-43698. The annual estimated operating cost is \$5,000 per vehicle, which will be supported with RICO funds. Two current RICO vehicles are being retired in conjunction with these acquisitions, thus there is no increase to the RICO fleet. These vehicles will automatically be removed from MCSO fleet at the end of their useful life with no replacement from the general fund.

Also, to approve the issuance of undercover registrations and non-governmental license plates, including exemptions from markings pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511. The vehicles will be used to conduct undercover law enforcement investigations. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. (C5008047M00) (ADM3104V)

9. WAIVER TO THE MARICOPA COUNTY EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a waiver to the Maricopa County Employee Leave Plan V & VI, for Detective Mark Cockerham, who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while on duty September 18, 1999. The Industrial Injury case has been re-opened due to additional problems. Allow the payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective April 28, 2008. Any workers' compensation to this employee will be returned. (C5008048M00) (ADM3320-001)

Superintendent of Schools

10. ACCEPT MONETARY DONATIONS OF EXHIBITORS' FEES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to accept monetary donations of exhibitors' fees for the purpose of exhibiting educational materials and services and accept sponsor donations (monetary and/or in-kind) for the purpose of providing prizes, refreshments, and materials at an Educational Expo sponsored by the Maricopa County Superintendent of Schools Office on June 6, 2008. The planned venue for this Expo is the Glendale Civic Center at a cost of \$4,199. The monetary donations will fund the costs associated with the venue and marketing of the Educational Expo. Revenues from donations are anticipated to offset the cost of the expenses. Funds will be deposited and expended in the Superintendent of Schools Grant Fund (715) with a reporting category to ensure expenses are accounted for. (C3708020M00)

Treasurer

11. COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Pursuant to A.R.S. §11-501, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to receive the Treasurer's Statement of Collections and Investment summary reports for February 2008, as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (C4308018700) (ADM4006)

**TRIAL COURTS
Juvenile Probation**

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12. **CANCELLATION OF LEASE FOR THE JUVENILE PROBATION COMMUNITY JUSTICE CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize cancellation of Lease No. L7353 (C2706002400) for the Juvenile Probation Community Justice Center located at 7017 North 56th Avenue, Glendale, AZ. Further, authorize Real Estate Services staff to give notice of said lease cancellation to The Holland Estate Limited Partnership, an Arizona limited partnership, as Lessor. It is necessary to cancel the subject lease at the end of the current fiscal year due to non-appropriation of funds. The effective date of the lease cancellation is June 30, 2008. (C2706002400) (C2708010400)

Adult Probation

13. **ISSUE NON-GOVERNMENTAL LICENSE PLATES AND EXEMPT VEHICLES FROM MARKINGS**

Pursuant to A.R.S. §38-538.03 and A.R.S. §28.2511, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the issuance of non-governmental license plates and exemption from markings, for three 2008 Chevrolet Impalas asset numbers 52822, 52823, and 52824 which will be used on a full time basis for the supervision and surveillance of convicted sex offenders who reside in the community and are sentenced by the court to adult probation supervision. Exemptions granted remain in effect for a period of one year. A detailed cross-referenced list of vehicle identification numbers is kept on file with the Clerk of the Board. (C11080080000) (ADM3101V)

Superior Court Judges and Commissioners

14. **EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN SECTION IV.A. SALARY ADVANCEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancements to be effective retroactively from June 4, 2007 to December 3, 2007 for seven Superior Court Human Resources staff, listed below, as a result of a Market Range Study. The cost associated with the approval of this retroactive salary advancement request is \$16,020.80.

Anderson, Michelle M.
Baca, Janet Denise
Lund, Kari A.
Marturana, Peter David
Novak, Jason E.
Rodriguezcrespo, Georgiana M.
Sneddon, Heather Yvonne

Also, request approval of pay rate corrections for the same seven staff from December 3, 2007 to March 9, 2008. The cost for the corrections is \$1,993.60. The total amount requested is \$18,014.40 and will be fully funded within the department's current budget. Due to some unresolved issues, the market study was not implemented for the seven staff until December 3, 2007. The market increases for most other Maricopa County departmental human resources staff were implemented on June 4, 2007. These

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payments represent the difference from June 4, 2007 until the actual implementation date of December 3, 2007 and correct the pay rates from that date forward. (C3808015800) (ADM3308-001)

COUNTY MANAGER
Office of the County Manager

15. ECONOMIC DEVELOPMENT CONTRACT FOR THE GREATER PHOENIX CONVENTION AND VISITORS BUREAU

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the FY 2007-08 nonprofit economic development contract with the Greater Phoenix Convention and Visitors Bureau for \$250,000 for purposes to include conducting familiarization trips for meeting planners considering booking conventions in the metro area; conducting sales missions to major cities to familiarize the selected markets; focusing on attracting "express" meetings market and multi-cultural organization meetings and conventions; developing and conducting a marketing campaign; highlighting the Maricopa County Events Center, Chase Field, or other county-owned sites in the Meeting Professional Guide; and other related activities. (C2008048000)

16. ECONOMIC DEVELOPMENT CONTRACT FOR THE EAST VALLEY PARTNERSHIP

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the FY2007-08 nonprofit economic development contract with the East Valley Partnership for \$15,000 for purposes to include collaboration with local and regional economic development agencies; support for foundational improvements in areas that highly impact the region; leadership and oversight for the East Valley; and promotion of a connection between economic development, workforce development, and training and education. (C2008049000)

DEPUTY COUNTY MANAGER
Management and Budget

17. ADMINISTRATIVE CORRECTION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an administrative correction to action taken on January 16, 2008 (C4908024800) regarding amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2007 (440) Fund by:

Amending sections 1b and 2 from:

- 1.b) Decrease the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,238,031 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,146,863, which is the amount that has already been spent on the project.
2. Reduce the FY 2007-08 Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" expenditure appropriation by \$8,065,660, thereby reducing the County's overall General Fund budget.

To be replaced by:

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- 1.b) Decrease the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,070,250 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,314,644, which is the amount that has already been spent on the project.
2. Transfer FY 2007-08 expenditure appropriation of \$8,053,755 from Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" to Non-Departmental (470) Non-Departmental Grant Fund (249) "Potential Fee Increases".

This adjustment does not alter the duly adopted budget for purposes of A.R.S. § 42-17105, but rather reflects internal adjustments necessitated by a forecasted reduction in revenues. (C4908024801) (ADM1820)

Public Health

18. AMENDMENT TO CONTRACT FOR THE REFUGEE SCREENING MEDICAL ASSISTANCE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 5 to Contract No. E6305001 between the Arizona Department of Economic Security (DES) and the Department of Public Health to provide grant funding for the Refugee Screening Medical Assistance Program. This amendment extends the term of this contract to June 30, 2009. The amendment also provides for an itemized service budget in the amount of \$138,563 for the budget term July 1, 2008 through June 30, 2009. This amendment also provides for Health Assessment services and states that payments rates shall remain the same as indicated on the Contract Information page of the first year of the contract. The fee-based reimbursement is estimated to be \$811,437 bringing the total budget amount for this term to \$950,000. Maricopa County Department of Public Health's FY 2008-09 indirect rate is currently 18.0%. This grant allows for full indirect; therefore, the estimated amount of \$144,915 is recoverable.

Also, to approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$950,000 for fiscal year 2008-09. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. 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. (C8604064208)

19. AMENDMENT TO IGA WITH THE ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to Intergovernmental Agreement (IGA), grant award No. HR761070-004, between the Arizona Department of Health Services (ADHS) and the Department of Public Health, Women, Infants and Children (WIC) Nutritional Services. Amendment No. 3 will replace existing Price Sheet, page 15 with revised Price Sheet, in Amendment No. 3, page 2, deducting \$41,196 from indirect, and adding it to Professional and Outside Services. The Department of Public Health's FY 2007-08 indirect rate is 18%. The grant allows full indirect, estimated at \$3240. (\$268,696 are pass-through costs and are not eligible for indirect charges.) All other provisions shall remain unchanged. (C8608014303)

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20. RESCIND PREVIOUS ACTION RELATED TO TRANSFER OF EXPENDITURE AUTHORITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to rescind the action taken on January 16, 2008 under C8608049M00 which approved the transfer of expenditure authority, from Non-Departmental (470) Grant Fund (249), Expenditure Authority Reserve (4711) Line Item Potential Fee Increases to Public Health (860) Public Health Fee Fund (265). The previous action required an expenditure appropriation adjustment decreasing FY2007-2008 Non-Departmental (470) Grant Fund (249) by \$832,952 and increasing the FY 2007-08 Public Health (860) Public Health Fee Fund (265) by \$832,952.

The previous action was not required as expenditure authority and did not need to be transferred from department (470) fund (249) because the source of the funding for the increased expenditures in Public Health (860) Public Health Fee Fund (265) is grant funding. The only action required is an appropriations adjustment which will be put forth for Board approval in the corresponding agenda item C8608070M00. (C8608049M01)

21. EXPENDITURE APPROPRIATION FOR IMPROVEMENT OF THE PUBLIC HEALTH'S INFORMATION TECHNOLOGY AND TRANSITION OF PHIT FUNCTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an expenditure appropriation of Grant Fund Balance in the Public Health Fee Fund (Department 860, Fund 265) to support the improvement of the Public Health's Information Technology (PHIT) and transition of PHIT functions to the Maricopa County's Office of Enterprise Technology.

Pursuant to A.R.S. §42-17106(b), also approve an expenditure appropriation adjustment to the Public Health Fee Fund (Department 860, Fund 265) in an amount of \$832,952. The funding to be expended from fund balance is grant funding. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. 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 a corresponding agenda item is found under C8608049M01. (C8608070M00) (ADM2150-003)

22. STUDENT ROTATION TRAINING AGREEMENT WITH SODEXHO AMERICA, LLC FOR TRAINING EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Affiliation Agreement entitled "Student Rotation Training Agreement" between Sodexho America, LLC and the Department of Public Health to provide training experience for Sodexho students in the Department of Public Health Office of Nutrition Services. The agreement is non-financial, and is effective from April 1, 2008 until June 30, 2012. (C8608068000)

23. IGA WITH ARIZONA BOARD OF REGENTS FOR AND ON BEHALF OF ARIZONA STATE UNIVERSITY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement (IGA) between Arizona Board of Regents for and on behalf of Arizona State University (ASU) and Maricopa County Department of Public Health's Emergency Management Program (PHEM). This IGA will provide funding to ASU to develop a prototype multi-agenda simulation modeling environment that will enable PHEM to model the spatial aspects of the outbreak

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region, resource availability-attribute-behaviors, and the population characteristics. This IGA in the amount not-to-exceed \$50,000 will begin upon board approval to September 20, 2008. (C8608072200)

ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION
Justice System Planning

24. DONATIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the following donations for the AZ METH PROJECT:

- a. Donation of \$1,000 from Salt River Project for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item titled "Meth Project," increasing the FY 2007-08 revenue and expenditure budgets by \$1,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C4208017M00) (ADM639-006)
- b. Donation of \$10,000 from Arizona Public Service for the AZ METH PROJECT. This action will require an appropriation adjustment to General Fund (100) Appropriated Fund Balance (480) Other Programs (4812) line item titled "Meth Project," increasing the FY 2007-08 revenue and expenditure budgets by \$10,000. Donation revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C4208019M00) (ADM639-006)

ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION
Human Services

25. AMENDMENT TO CONTRACT FOR SERVICES WITH COMTRANS, INC

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve amendment No. 5 to contract between COMTRANS, Inc. and Maricopa County Human Services Department Special Transportation Program to increase the total contract value from \$500,000 to \$750,000. Funding for this contract is provided from a variety of Federal, State and private sources. All other terms remain the same. This contract does not contain any County general funds. (C2206141105)

26. CANCEL CONTRACT WITH AREA AGENCY ON AGING FOR VEHICLE LEASES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to cancel Contract C2208127100, between Area Agency on Aging and Maricopa County Human Services Department, for three vehicle leases in the amount of \$3.00. This contract cancellation is effective March 31, 2008. (C2208127101)

27. APPLY TO VARIOUS FEDERAL, STATE AND PRIVATE SECTOR SOURCES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department Community Services Program to submit

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ten (10) funding applications to various federal, state and private sector sources as detailed on Attachment B on file in the office of the Clerk of the Board.

Also, authorize the Chairman to approve the receipt of all such funds awarded during FY 2008-09 as a result of the corresponding grant requests. Attachment B provides details on indirect cost recovery and, unless otherwise indicated on Attachment B, all overhead/indirect costs are allowable and the FY 2009 authorized rate will be applied to the respective grants. The funding requested will not exceed \$8,945,000 in total. The Department's FY 2008-09 authorized indirect cost rate of 15.2% will be applied and total estimated indirect costs are \$379,339. Programs to be supported by the funding include:

1. Low-Income Home Weatherization and Utility Related Repair/Replacement Program - This program will increase the energy efficiency and safeguard the health and safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2009.
2. Utility Assistance – Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 4,600 households will benefit from these services in FY 2009.
3. Homeless Prevention Services and Homeless Support Services – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month rent and deposit payments. Over 1,100 households will be assisted in FY 2009.
4. Community Action Program Operations – Funding will be provided to twelve Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as information and referral services, operation of emergency food pantries, health fairs, and senior citizen meal programs.
5. Senior Adult Independent Living Program Case Management - through the provision of case management services, elderly and/or disabled clients will remain in their homes, keeping them out of the more costly program of ALTCS (Arizona Long Term Care System). (C22090183ZZ)

**CHIEF FINANCIAL OFFICER
Animal Care & Control**

28. KENNEL PERMIT

Pursuant to A.R.S. §11-1009, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following kennel permits for the term of April 9, 2008 through April 8, 2009. The cost of each kennel permit is \$328:

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- a. Patricia Clark, d.b.a. Clark Kennels, located at 6422 S. 35th Avenue, Phoenix AZ 85009. Permit #350. (C7908081C00) (ADM2304)
- b. Linda Herr, d.b.a. Herr Kennels, located at 2544 E. Via De Palmas, Gilbert AZ 85297. Permit #404. (C7908081C00) (ADM2304)
- c. Sharon Brown, d.b.a. Brown Kennels, located at 6328 E. Halifax, Mesa AZ 85205. Permit #425. (C7908081C00) (ADM2304)

Finance

29. FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are 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 are incorporated herein by this reference.

30. AMENDMENT TO LEASE WITH DAVID B. GRUBLER, DDS, P.C.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend previous action on March 12, 2008 (C1808042B00) for Lease No. MC10174 to include previously unavailable information. The lease is with David B. Grubler, DDS, P.C. in a County-owned building located at 333 W. Hatcher Road, Phoenix, Arizona. This amendment will stipulate the area under lease, confirm the commencement date, revise the lease term and adjust the financial impact (revenue) statement as follows: 1) the area under lease is 990 square feet; 2) the lease term commences on May 1, 2008 through April 30, 2009; 3) the initial lease term is for one-year and provides four one-year renewal options; 4) rental rate is \$18.00 per square foot per year; and 5) the FY 2008 anticipated revenue is \$2,970.00, the FY 2009 anticipated revenue is \$14,850.00 and the FY 2010 revenue is not applicable. (C1808042B01)

31. LEASE WITH AMARE STOUDEMIRE ENTERPRISES FOR SECURITY BUILDING SPACE – WITHDRAWN

Item: Authorize a new lease, Lease MC10178, between Maricopa County, as landlord, and Amare Stoudemire Enterprises, Inc., an Arizona corporation, as tenant, for approximately 8,470 rentable square feet of space in Suite 1000 of the Security Building located at 234 N. Central Avenue, Phoenix, AZ, and authorize the Chairman to execute all necessary documents approved by County Counsel to complete this new revenue lease. The initial term of the lease is five years with one five-year renewal option and one additional three-year renewal option. Both renewal options are at tenant's discretion. The triple net (NNN) lease rate during the first term of the lease is \$18.00 per rentable square foot. The NNN rental rate during the first five-year renewal option term is \$23.19 per rentable square foot and the NNN rental rate during the second three-year renewal option term is \$26.88 per rentable square foot. The County is required to prepare the premises to vanilla shell condition or provide the tenant with an equivalent. (C1808043400)

The Clerk announced that this item was withdrawn by the department.

Materials Management

32. SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 08009-S** **Real Estate Rezoning Services** (\$600,000 estimate/three years with three one-year renewal options) Price agreement to prepare and execute plans of action to maximize the value of County-owned parcels of excess land.
- Arizona Municipal Advisors
 - CMX, LLC
 - Community Sciences Corporation
 - Hoskin Ryan Consultants, Inc.

ASSISTANT COUNTY MANAGER – REGIONAL DEVELOPMENT SERVICES

Environmental Services

33. SOLE SOURCE CONTRACT TO REFURBISH ULV-FOGGING MACHINES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a sole source contract with Public Health Equipment & Supply Co. in the amount not-to-exceed \$75,000 to refurbish ULV-Fogging Machines used for vector control activities. An informal competitive solicitation process was conducted by the Department of Materials Management to obtain the service of a firm to refurbish ULV-Fogging Machines used by Environmental Services in its vector control activities. The only vendor who responded to this solicitation was Public Health Equipment and Supply Co. who is the sole distributor for Clarke Mosquito Products in Arizona, Texas, New Mexico, and Oklahoma. This request will permit 10 Grizzly ULV-Fogging Machines to be refurbished in preparation for the upcoming mosquito season. Ten new Grizzly ULV-Fogging Machines would cost approximately \$125,000. Refurbishing this equipment will result in cost savings versus buying new equipment. (C8808007100)

34. NOTICE OF INTENT TO DISCHARGE FOR A PHASE II SMALL MUNICIPAL SEPARATE STORMWATER SYSTEM INDIVIDUAL PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the submittal of a Notice of Intent to Discharge (NOI) to the Arizona Department of Environmental Quality (ADEQ) for a Phase II Small Municipal Separate Stormwater System Individual Permit and authorize the preparation of an application for an Individual Permit under provisions of the Federal Clean Water Act as adopted by the State of Arizona. The General Stormwater permit and subsequently the Individual Stormwater permit will provide Maricopa County as the permittee, coverage for stormwater discharges from portions of Maricopa County to the Waters of the United States. In accordance with the permit, the County will update its Stormwater Management Program designed to minimize surface water pollution caused by stormwater. The County has already provided a Stormwater

Management Plan to ADEQ on March 10, 2003 for their review. This matter was discussed in Executive Session on December 13, 2007. (C8808008000)

ASSISTANT COUNTY MANAGER – PUBLIC WORKS
Facilities Management

35. EXECUTIVE COMPENSATION PACKAGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Executive Compensation Package (ECP) for Janet E. Palacino as an unclassified Department Director in the Facilities Management Department. If approved, this ECP request will deposit 80 hours of PTO and 40 hours of FML in addition to awarding Janet E. Palacino with a Schedule 4 Leave Accrual Rate effective February 4, 2008. (C7008037600) (ADM3308-002)

Transportation

36. EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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

- A385.003 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed – Parcel No.: 200-08-029A – Michael J. Lawson and Debra K. Lawson – for the sum of \$3,434.00.
- A385.003 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Purchase Agreement & Escrow Instructions – Parcel No.: 200-08-029A - Michael J. Lawson and Debra K. Lawson.
- A385.007 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed – Parcel No.: 200-08-022Z – Roger E. Phelps and Doris Ann Phelps – for the sum of \$1,290.00.
- A385.007 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) –Purchase Agreement and Escrow Instructions – Parcel No.: 200-08-022Z – Roger E. Phelps and Doris Ann Phelps.
- A385.011 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed – Parcel No.: 200-08-507 – Sunrise Mountain Baptist Church – for the sum of \$1,716.00.
- A385.011 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 200-08-507 – Sunrise Mountain Baptist Church.
- A385.014-01 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 200-07-671 – Deer Valley Marketplace, L.L.C. – for the sum of \$637.00.

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- A385.010 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Warranty Deed - Parcel No.: 200-087-506H – Wheaton Development, Inc. – for the sum of \$948.00.
- A385.010 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue) – Purchase Agreement and Escrow Instructions - Parcel No.: 200-087-506H – Wheaton Development, Inc.
- A385.009 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue – Warranty Deed – Parcel No.: 200-08-020J – Manuel Jaquez and Aida Reyes – for the sum of \$849.00.
- A385.009 (LS) Project No.: TZ005 – Deer Valley Road (91st Avenue to 83rd Avenue – Purchase Agreement and Escrow Instructions – Parcel No.: 200-08-020J – Manuel Jaquez and Aida Reyes.
- DD-10738 & 39 (GL) Project No.: TT011 (7th St. and Carefree Highway) – Warranty Deed – Parcel No.: 211-74-017C and 018B – Tuscani Pointe of Arizona, L.L.C. – for the sum of \$10.00.
- DD-10738 & 39 (GL) Project No.: TT011 (7th St. and Carefree Highway) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-74-017C and 018B – Tuscani Pointe of Arizona, L.L.C.
- DD-9311 (GL) Project No.: TT011 – Southern Avenue West of Ellsworth Road – Warranty Deed – Parcel No.: 218-48-014C – Southern & Ellsworth, L.L.C. – for the sum of \$10.00.
- DD-9311 (GL) Project No.: TT011 – Southern Avenue West of Ellsworth Road – Purchase Agreement and Escrow Instructions – Parcel No.: 218-48-014C – Southern & Ellsworth, L.L.C.
- TT262.001-1 (DK) Project No.: TT262 – Riggs Road and Power Road – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No.: 304-88-083C, D (a portion of) – Hoffman Investments, L.L.C. – for the sum of \$3,873.00.
- TT262.001 (DK) Project No.: TT262 – Riggs Road and Power Road – Warranty Deed – Parcel No.: 304-88-083C, D (a portion of) – Hoffman Investments, L.L.C. – for the sum of \$5,204.00.
- TT262.001 (DK) Project No.: TT262 – Riggs Road and Power Road – Purchase Agreement and Escrow Instructions – Parcel No.: 304-88-083C, D (a portion of) – Hoffman Investments, L.L.C.
- X-1106-1 (LS) Project No.: TT104A – El Mirage Road (Deer Valley Road to Loop 303) – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No.: 503-53-035J – Mehrob, L.L.C. – for the sum of \$500.00.

37. IGA FOR GUADALUPE STREET IMPROVEMENT PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Guadalupe for the Guadalupe Street Improvement Project (Small Cities Transportation Assistance Program - SCTAP.) The County will provide SCTAP funding in FY 2007-08 in the amount of \$500,000 to

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Guadalupe for needed improvements to the following streets: North of Guadalupe Road, East of Avenida del Yaqui and West of the Highline Canal. (Supervisorial District 5) (C6408161200)

BOARD OF SUPERVISORS

Clerk of the Board

38. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

No vouchers or warrants were presented for approval by Regional School District #509 for this meeting. (ADM3814-003) (ADM3814-003) (ADM3814-005)

SETTING OF HEARINGS

* All hearings will be held at 9:00 am, 205 W. Jefferson, Phoenix, unless otherwise noted *

Planning and Development

39. CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule Planning and Development public hearings on zoning cases and other matters for the April 23, 2008 meeting, as follows: (F23255)

Z2007147

CONSENT AGENDA

Clerk of the Board

40. ASRS CLAIMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) 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 may be recalculated employer payments to show accrued interest payments. (ADM3309-001)

Johansen, Kelley	\$7,305.99
Smith, Shelia	\$12,146.56
Castro, Danielle	\$7,602.49
Bowser, Joann	\$2,827.65
Oberman, B	\$15,617.59
Merkley, Philip	\$10,509.76
Johnson, Patricia	\$3,107.70

41. CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting. (ADM4300)

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42. CLASSIFICATION CHANGES

No request for classification changes were received for this meeting. (ADM723)

43. DUPLICATE WARRANTS

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

COUNTY

NAME	WARRANT	FUND	AMOUNT
Gregory Himkel	380030203	Expense	\$75.00
The Wickenburg Sun	380020492	Expense	\$584.78
Evangeline Armen Vincent	280027469	Expense	\$115.00
Linda Lee Silas	280027234	Expense	\$210.00
Ruthie Mae Johnson	280026362	Expense	\$115.00
Ryan Steven Voight	280029525	Payroll	\$216.44

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
AZ Dept. of Revenue	Morristown Elem SD #75	470123644	\$1,477.65
Adralyn Wendel	Roosevelt SD #66	117414	\$939.18
Lul Mohamed	Roosevelt SD #66	66569369	\$512.04
Maria Guadalupe Quintana	Isaac SD #5	180079034	\$284.99
Carol Frazier	Roosevelt SD #66	66569379	\$829.78
Alicia Herrera	Roosevelt SD #66	66569406	\$552.33
Carrabbas Restaurant	Agua Fria Union High SD #216	480067961	\$375.00
Ronnie Slan	Treasurer	180151416	\$639.21
Cheryl Blackwell	Liberty SD #25	480093788	\$226.96
Lonny Holmes	Queen Creek Unified SD #95	480053806	\$83.58
Alberto Bautista	Treasurer	180151230	\$329.19
Guitar Center	Higley Unified SD #60	470099936	\$1,438.65
Melody Ann Griffith	Higley Unified SD #60	180067081	\$639.96
Academic Innovations	Agua Fria Union High SD #216	480016452	\$8,381.85
Emmarie Mioni	Treasurer	180151360	\$482.26
Maressa Gutierrez	Isaac SD #5	180083306	\$732.36
Creekside Entertainment	Queen Creek Unified SD #95	480010859	\$350.00
Kirsten Kay Potter	Queen Creek Unified SD #95	180084690	\$184.70
Raul Hinojos	Tolleson Union High SD #214	17547392	\$49.65

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44. MARKET RANGES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the addition and/or replacement of Market Ranges to the authorized comprehensive listing of employee compensation Market Ranges previously approved by the Board of Supervisors. (ADM3308-006)

TITLE	MINIMUM	MID-RANGE	MAXIMUM
Director - Air Quality	\$103,875	\$134,888	\$165,901

45. MINUTES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held February 26, 2007, June 18, 2007, June 20, 2007, June 21, 2007, September 19, 2007, October 31, 2007, December 3, 2007, December 9, 2007, December 13, 2007, December 17, 2007, January 2, 2008, January 14, 2008, January 22, 2008 and January 23, 2008.

46. PRECINCT COMMITTEEMEN

Pursuant to A.R.S. §16-821, motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated April 9, 2008, 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)

47. SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

YEAR	FROM	TO	AMOUNT
2004	16531	16630	-\$2,063.52
2005	20153	20592	-\$1,739.58
2006	15158	15975	-\$37,185.56
2007	31636	34064	\$1,030,242.56
2005	20572	20608	-\$2,326.76
2006	15363	15998	-\$3,042.90
2007	31378	34129	-\$220,233.16

48. SETTLEMENT OF PROPERTY TAX CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases dated April 9, 2008. (ADM704)

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2006	2008
TX2005-050299	ST 2007-000015
TX2005-050301	ST 2007-000052
TX2005-050302	ST 2007-000053
TX2005-050368	ST 2007-000057
2007	ST 2007-000062
TX2006-000194	ST 2007-000103
TX2006-000314	ST 2007-000115
TX2006-000315	ST 2007-000116
TX2006-000316	ST 2007-000119
TX2006-000414	ST 2007-000221
2006/2007	ST 2007-000270
TX2005-050326	

49. STALE DATED WARRANTS

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

Wade Voeltz	\$2,491.76
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50. TAX ABATEMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
924-75-924	1996	\$610.03	500-69-006H	2007	\$102.30
500-69-006H	1983	\$637.48	101-38-009N	1996	\$282.02
500-69-006H	1984	\$114.04	101-38-009N	1997	\$283.04
500-69-006H	1985	\$114.97	101-38-009N	1998	\$192.54
500-69-006H	1986	\$112.49	101-38-009N	1999	\$179.96
500-69-006H	1987	\$110.81	101-38-009N	2000	\$280.02
500-69-006H	1988	\$134.30	101-38-009N	2001	\$361.56
500-69-006H	1989	\$165.62	101-38-009N	2002	\$505.34
500-69-006H	1990	\$159.69	101-38-009N	2003	\$618.16
500-69-006H	1991	\$152.18	101-38-009N	2004	\$521.32
500-69-006H	1992	\$142.71	101-38-009N	2005	\$574.52
500-69-006H	1993	\$139.77	142-87-298	1990	\$162.50
500-69-006H	1994	\$135.65	142-87-298	1991	\$103.27
500-69-006H	1995	\$130.11	142-87-298	1992	\$95.71
500-69-006H	1996	\$120.94	142-87-298	1993	\$88.69
500-69-006H	1997	\$112.99	142-87-298	1994	\$86.42
500-69-006H	1998	\$101.29	142-87-298	1995	\$78.93

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PARCEL NO.	YEAR	AMOUNT	PARCEL NO.	YEAR	AMOUNT
500-69-006H	1999	\$93.05	142-87-298	1996	\$71.00
500-69-006H	2000	\$88.92	142-87-298	1997	\$65.04
500-69-006H	2001	\$84.53	142-87-298	1998	\$57.95
500-69-006H	2002	\$98.46	142-87-298	1999	\$6.56
500-69-006H	2003	\$98.86	142-87-298	2000	\$6.38
500-69-006H	2004	\$106.96	102-21-024Y	2002	\$27,946.35
500-69-006H	2005	\$107.16			
500-69-006H	2006	\$115.94			

SUPPLEMENTAL

S-1. CORRECTION TO PREVIOUSLY APPROVED SPECIAL EVENT LIQUOR LICENSE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a correction to the application filed by Fr. Pierre Hissey for a Special Event Liquor License previously approved by the Board on March 23, 2008:

Business Name: St. Stevens Catholic Church
Location: 24827 S. Dobson Road, Sun Lakes 85248

This action is requested to correct a typographical error to the event date listed on both the application and the March 23, 2008 Formal Agenda. The correction changes the date from April 1, 2008 to April 7, 2008, 5:00 pm to 9:00 pm. (SELL829) (F23249)

S-2. RESCIND ACTION AND APPROVE REVISED IGA AND BUDGET APPLICATION FOR THE JUVENILE DETENTION CENTER EDUCATION PROGRAM FUNDING

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to rescind the action taken on March 12, 2008 regarding the IGA and Budget Application for the Juvenile Detention Center Education Program funding, (C4907059200B). And, approve the revised Intergovernmental Agreement (IGA) and Budget Application for FY08 among the Arizona Supreme Court through the Administrative Office of the Courts (AOC), the Maricopa County Board of Supervisors, Maricopa County Regional School District #509 through the Court Appointed Receiver Board, and the Maricopa County Superior Court through the Juvenile Court, for Title 1 grant funding for Juvenile Detention education. The effective date shall be the date of the final signatures pursuant to A.R.S. 11-952(G). The termination date is September 30, 2009. The allocation of funds for Maricopa County Juvenile Detention education totals \$289,509.72. This item is related to similar funding and amended funding agreements for prior fiscal years referenced in agenda items C0606067200 and C4907059200. (C0608080200)

County Attorney

S-3. SETTLEMENT IN TRANSWESTERN V. MARICOPA COUNTY

~ Chairman Kunasek recused himself from the following item because of a conflict of interest and handed the gavel to Vice Chairman Wilson ~

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-0-1) to authorize settlement in Transwestern v. Maricopa County, CV-07--2333-PHX-JWS (consolidated) for total compensation of \$700,000 to be paid to Maricopa County, as discussed in Executive Session on April 7, 2008. (C1908048M00) (ADM409)

~ Chairman Kunasek returned and received the gavel from Vice Chairman Wilson ~

Employee Health Initiatives

S-4. CHANGES TO THE BENEFIT PRODUCTS AND PLAN DESIGNS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve additional changes to the benefit products and plan designs originally approved by the Maricopa County Board of Supervisors on February 6, 2008 (C3508008000). These changes are effective for FY 2008-09 (July 1, 2008 - June 30, 2009).

These changes include the following:

Contract Employee Rate:

- o Charge contract employees "part-time" rates for medical and dental coverage rather than "full-time" rates.

Medical Waiver Payment:

- o Decrease the medical waiver payment for employees covered by other group health insurance and electing to waive Maricopa County's group medical insurance from \$125 per month to \$100 per month.

Part-time Employee Rates:

- o Charge employees who are considered to be working "part-time" the medical and dental benefit premium rates developed specifically for part-time, making them ineligible for "full-time" rates. (C3508008001)

51. CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Norma Carey referenced a Declaration on the Rights of Indigenous Peoples adopted by the UN General Assembly last year and thought the County should also adopt it. She asked the Board to request County law enforcement to "stand down the saturation sweeps until such time as local law and state law have been reviewed relative to federal and international law." (ADM605)

Salvador Reza said this is the third time he has asked for a line-item accounting of the Maricopa County Sheriff Office expenditures for the different sweeps that the Sheriff has been doing. He said he has received a billable accounting of these expenditures. He asked for specific, day-by-day accounting of the sweeps.

Margarito Blankas asked how much specifically was spent by the Maricopa County Sheriff's Office at the recent demonstrations at 32nd Street and Thomas (Pruitt's Furniture Store), Cave Creek and Bell Road, and the Town of Guadalupe. He wants the Sheriff to be held accountable for wasteful spending of tax dollars.

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51. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox asked that the spending documentation mentioned above be supplied to those asking for it.

Supervisor Stapley said the National Association of County's (NACo) Large Urban County Caucus will hold regional meetings here beginning this evening. Elected officials from large metropolitan counties will participate. He said the three presidential candidates' senior healthcare advisors will participate in a roundtable discussion on health care Thursday. A field trip will be taken to show the visitors the Human Services Campus, which has been nationally recognized as an innovative use of private-public funds in what has proven to be a very productive partnership.

Supervisor Brock showed a video of volunteers during the recent clean-up held along the river bed in south Scottsdale/Tempe last Saturday. He said they collected six tons of trash and two tons of old tires.

Sandi Wilson thanked Bob Kard for his three years of service as Director of Air Quality for the County. Dr. Kard will move to San Diego to head the San Diego Air Pollution Control District. She said that Dr. Kard assumed his position here at approximately the same time the County had received another sub-deficiency rating from the EPA and he has made significant changes in the department since that time. Chairman Kunasek thanked him for his work and said the Board appreciated the near impossibility of the task he had been given. (ADM606)

PLANNING AND DEVELOPMENT ITEMS

Sandi Wilson left the dais and Victoria Mangiapane left the meeting at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following planning and zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CODE ENFORCEMENT REVIEW

PLEASE NOTE: The following Code Enforcement Review is of a quasi-judicial nature. The Board will review the Hearing Officer's decision to determine if sufficient evidence was presented to the Hearing Officer to support his decision, or whether a procedural error may have occurred. New evidence is not considered at these hearings.

PZ-1. CODE ENFORCEMENT REVIEW – CHARLES DUNNING

Chairman Kunasek called for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2007-01710, Charles Dunning. This matter was continued from the March 12, 2008 and March 26, 2008 meetings. (ADM3417-057)

Darren Gerard said the violation was for parking/storage of non-accessory vehicles and construction without building permits or zoning clearance at the subject property owned by the respondent. The department received a citizen complaint on August 21, 2007. Mr. Dunning was given until February 29, 2008, to verify compliance to suspend the accruing per diem fines. The site remains non-compliant. Accrued fines total \$3,060.

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Mr. Dunning said he bought the property 10 years ago so he could park his trucks on his own property and has done so for 10 years. He has removed several of the school buses from his property since the complaint was filed and said he is a trucker and is gone most of the time and there was only one vehicle on-site when he was working. He asked the Board to allow him to park his equipment on his property.

Chairman Kunasek determined that the problem was with the zoning ordinance and said Mr. Dunning has the right to request a zoning change. Discussion ensued on other instances of trucks and trailers being parked on other nearby properties that are being used for storage.

Mr. Dunning said he had asked about a zoning change and was told it would cost \$3,000 to apply for it and there was no assurance he could even get it. He said that was not feasible for him to do at this time.

Supervisor Stapley said the zoning is for residential and neighbors have now moved into the area that weren't there ten years ago, and if Mr. Dunning is allowed to conduct a commercial activity it can have a financial impact on the property rights of those living nearby. Mr. Stapley said he understood the dilemma but this is about the entire neighborhood and not just Mr. Dunning's property. He added that the Board must enforce the zoning ordinances as they exist. The zoning laws exist and are enforced to provide fairness to all.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to uphold the Hearing Officer's Order of Judgment.

PLANNING AND DEVELOPMENT AGENDA

CONSENT AGENDA

1. **Z2007-085** **District 4**
Applicant: Michael Campbell for Alltel and Arizona State Land Department
Location: Northwest corner of Jomax Road and the 131st Avenue Alignment (in the Peoria area)
Request: Special Use Permit (SUP) for a Wireless Communication Facility (WCF) in the Rural-43 zoning district, WCF Use District 1 (approximately 0.13 acres) – Alltel Vistancia North

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-085, subject to stipulations "a" through "u". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "Vistancia North", consisting of two (2) sheets, dated revised December 11, 2007, and stamped received December 26, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Alltel Vistancia North", consisting of nine (9) pages, dated revised December 21, 2007, and stamped received December 26, 2007, except as modified by the following stipulations.
- c. The height of the two wireless communication facilities shall be limited to 75' and 80', respectively.

- d. The total number of antenna arrays for the two (2) monopalms shall be limited to three (3). Two (2) on the 80' (h) monopalm and one (1) on the 75' (h) monopalm.
- e. Equipment shelters, screening walls, and gates shall be painted to blend in with the surrounding landscape.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the surrounding area.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or zoning clearance for the site. 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.
- i. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- j. 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. 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.
- k. 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.
- l. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- m. A copy of the lease agreement from the State to access the site shall be provided to the Maricopa County Department of Transportation.
- n. A Minor Amendment shall be required to co-locate future carriers on the monopalm.
- o. This Special Use Permit shall expire fifteen (15) 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 shall be removed within 60 days of such termination or expiration.

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- p. The applicant shall submit a written report outlining the status of the development at the end of two (2) 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.
- q. Major changes to the Special Use Permit 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 to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- u. At time of construction permit, the applicant and engineer shall design the deficiency as noted in the comment review memo dated February 27, 2008 for the plan and report dated February 13, 2008.

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

2. **Z2007-102 District 4**
Applicant: Ideation Design Group for Terry and Concetta Hatton
Location: North of Glendale Road and east of Litchfield Road (in the west Glendale area)
Request: Precise Plan of Development for Automobile Sales with Outside Display in the C-2 zoning district, Westside Military Airbase Zone 3 overly zoning district (This site is also within the high noise and accident potential zone of Luke AFB) (approximately 0.52 acres site) – Auto Warehouse

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2007-102, subject to stipulations "a" through "o". Commissioner Brooks seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Auto Warehouse", consisting of two (2) full size sheets, dated revised February 28, 2008 and stamped received March 3, 2008, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for Precise Plan of Development", consisting of four (4) pages, dated February 4, 2008, and stamped received February 8, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Auto Warehouse", consisting of one (1) full-size sheet, dated revised February 4, 2008 and stamped received February 8, 2008, except as modified by the following stipulations.
- d. Development of the site shall comply with the following Maricopa County Department of Transportation (MCDOT) stipulations:
 - 1. All proposed improvements in existing R/W of Glendale Avenue per the City of Glendale.
 - 2. Driveway location per the City of Glendale.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All trees shall be double-staked when installed.
- h. A continuous parapet shall screen all roof-mounted equipment.
- i. 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 or screened.
- j. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- k. 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. 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.
- l. 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.
- m. Major changes to the Site Plan and narrative report 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 to the project may require a

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new Citizen Participation Process as determined by the Planning and Development Department.

- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 Chapter 3 (Conditional Zoning).
- o. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulation

Darren Gerard said that the proposed site is located within the 70 LDN noise contour at Luke Air Force Base, but LAFB has signed-off on the case. He said it was important to note that the zoning has been in place for many years. The recommendation is for approval.

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

- 3. Z2007-134 District 4**
Applicant: Earl, Curley, and Lagarde, PC for Trend Homes
Location: Bounded by 185th Avenue on the west, 183rd Drive on the east, Vogel Avenue on the south, and Cinnabar Avenue on the north (in the west Glendale area)
Request: Major Amendment to the R1-6 Residential Unit Plan of Development (RUPD) zoning district (approximately 24.8 acres) – Cortessa Parcel 7

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2007-134, subject to stipulations "a" through "n". Commissioner Johnson seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the Zoning Exhibit entitled "Zoning Exhibit for Cortessa Parcel 7" consisting of one (1) full-size sheet, dated revised November 5, 2007, and stamped received November 20, 2007, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the Narrative Report entitled "Narrative Report for Cortessa Parcel 7 consisting of fifteen (15) pages, dated revised November 7, 2007, and stamped received November 20, 2007 except as modified by the following stipulations.
- c. All other stipulations of DMP2003009, Z2003087, and S2003062 except as modified by the following stipulations.
- d. Within thirty (30) days of BOS approval, the applicant shall revise and resubmit the zoning exhibit and narrative report with the following RUPD table for Cortessa Parcel 7 as shown below. This amendment only applies to Parcel 7.

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R1-6 Development Standard	Base Zoning District	Approved RUPD (Z2007134)
Min. Lot Width	60'	48' *
Min. Lot Area	6,000 sq. ft.	5,450 sq. ft.
Avg. Lot Area/D.U.	6,000 sq. ft.	6,000 sq. ft.
Front Setback	20'	10' **
Street-Side Setback	10'	<u>13' (or 8') ***</u>
Side Setback	5'	5'
Rear Setback	25'	15'
Min. Distance Between Buildings (Same Lot)	10'	13'
Max. Lot Coverage	40%	47%
Max. Building Height	30' & 2 stories	31' & 3 stories
Sight Triangles (Key Lots)	N/A	10' x 10' ****
Off-Street Parking		

- * Flag lots are proposed that will have a min. "throat" width of 30' at the front setback line. Also note that the min. lot width requirement ranges from 48'-70' dependent upon the zoning parcel.
- ** Front setbacks are proposed at 10' for side-entry garages and forward living area, but front entry garages will be forced to meet a 15' setback (and 18' from the back of sidewalk).
- *** Street-side setback is proposed at 13' but an allowance of only 8' is afforded if the lot is adjacent to a landscape tract rather than the street.
- **** The M.C.Z.O. requires corner lots affected by key lots to keep all structures out of the required street-side yard. The applicant proposes a 10' x 10' key lot cut-out added onto the front yard of the key lot from the affected corner lot, thus ensuring an adequate clear-sight visibility triangle and allowing full use of the corner lot's street-side yard

- e. The applicable plan is 318 with Spanish or Tuscan elevations.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- i. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- 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:

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"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 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 overflights per 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".

- k. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- l. Major changes to the zoning exhibit and narrative report 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 to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 Chapter 3 (Conditional Zoning).
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

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

- 4. **S2005-034** **District 3**
Applicant: Bob Diez, et al
Location: Northeast corner of 7th Street and Joy Ranch Road (in the Desert Hills area)
Request: Amended Final Plat for Apache Peak II to change a plat note related to drainage (approximately 33 acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this amended final plat.

REGULAR AGENDA

5. **DMP2007-006 District 4** (Continued from 02/06/08)
Applicant: Leadermark Homes, LLC for El Mirage Camelback, LLC
Location: Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)
Request: Major Amendment to the Wigwam Creek Development Master Plan DMP to change the land use designation from Commercial to Medium Density Residential (5-15 d.u./ac.) (approximately 20.47 gross acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2007-006, subject to stipulations “a” through “g”. Commissioner Barney seconded the motion, which passed with a majority vote of 7-1, with Commissioner Brooks dissenting.

- a. Development and use of the site shall comply with the narrative report entitled, “Narrative Report for an amendment to the Wigwam Creek Development Master Plan”, a document dated revised November 2, 2007 consisting of nine pages plus figures including a 24”x36” land use plan dated October 2007, except as modified by the following stipulations.
- b. If the final plat for this proposed project has not been approved within five (5) years from the date of development master plan amendment approval, this development master plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Medium Density Residential (5-15 d.u./ac) designation back to the previous Commercial designation.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. The Applicant has provided a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and among other things, shall address driveway access onto El Mirage Road and the need for dual left turn lanes on southbound El Mirage Road. The TIS must be approved before the subsequent approval of any roadway improvement plans. The project must comply with all recommendations in the MCDOT-approved TIS.
 - 2. The Developer shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit. The Developer shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 - 3. The Developer shall be responsible for the design and construction of the ultimate full-width of all interior roadways and the ultimate half-width of all

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perimeter roadways. Roadways must meet all county standards. Roadway improvement plans must be approved and permitted by MCDOT.

4. If streetlights are provided, installation shall be provided by the Developer. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process (602) 506-8797 to initiate the SLID process.
 5. The Developer shall design landscaping to comply with all county requirements and to conform to the MCDOT Roadway Design Manual. The Developer (or as assigned to Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
- d. The following Drainage Review stipulations shall apply:
1. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
 2. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- e. A quality of life assessment of \$596.00 for each housing unit built shall be made available to the Maricopa County Library District at the time of building permit issuance.
- f. 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 subject to direct overflights 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 overflights per 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 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.

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For further information, please check the Luke Air Force Base website at 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 8 1/2 inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- g. All other stipulations approved by the Board of Supervisors for the Wigwam Creek Development Master Plan shall remain in effect.

Darren Gerard reported on background information on this DMP’s major amendment and said Litchfield Park did not approve the zoning change that accompanies this case (see #6 below), however, the recommendation is for approval.

Mike Duffy, representing the applicant, gave a PowerPoint presentation on this gated, high-end home project and said there was neighborhood support for it and the diversification of housing it offers.

~ Supervisor Brock left the meeting ~

Mr. Duffy said that fees and taxes would provide contributions of \$2.45 million over the next ten years and the amendment has the support of all major approval entities.

Supervisor Wilson noted that the City of Litchfield Park was opposed to changing the zoning for it, and while he liked the creativity exhibited by the property, he had received complaints and protests on this item. He said he believed commercial entities would make a better transition from the nearby mining and industrial uses to the adjacent single-family residences than would the proposed multi-family residential units. He said he would not support this item. Discussion ensued on this and also on probable advantages of such units.

~ Supervisor Brock returned to the meeting ~

Mike Duffy said that Litchfield Park doesn’t supply anything to the residents in this area and cares only about the tax base provided by residents. He added that these residents don’t go to Litchfield Park when they need something, they go to Maricopa County or supply their own. He suggested that the Board not worry about Litchfield Park but listen to the neighbors, who support this project.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to deny this Development Master Plan Major Amendment.

- 6. Z2006-147 District 4** (Continued from 02/06/08)
 - Applicant:** Leadermark Homes, LLC for El Mirage Camelback, LLC
 - Location:** Northwest corner of Camelback Road and El Mirage Road (in the Litchfield Park area)
 - Request:** Rezone from C-2 to R-3 (approximately 17.3 net acres) – The Villas at Camelback West

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-147, subject to stipulations “a” through “o”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled, “The Villas at Camelback West – A Preliminary Plat and Precise Plan of Development for Rezoning”, consisting of fifteen (15) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled, “The Villas at Camelback West – A Preliminary Condominium Plat and a Zoning Change from C-2 to R-3”, consisting of twelve (12) pages, dated revised August 2, 2007, and stamped received September 5, 2007, except as modified by the following stipulations.
- c. Landscaping of the site shall be is in substantial conformance with the landscape plan entitled, “The Villas at Camelback West”, consisting of nine (9) full size sheets, stamped received November 7, 2007, except as modified by the following stipulations.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1) The developer shall provide ultimate half-width improvements with pavement, curb, gutter, and sidewalk to El Mirage Road and Camelback Road.
 - 2) Off-Site improvements shall accommodate the anticipated traffic demand for this project.
 - 3) The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$2,461.00 per residential dwelling unit.
 - 4) All landscaping in county right-of-way shall conform to Chapter 9 of the MCDOT Roadway Design Manual.
- e. 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 (MCDOT) for landscaping or other improvements in the right-of-way.
- f. 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 ARS §28-8481. Your residence should include sound attenuation measures as directed by State law. You will be 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 overflights per day. Although Luke's primary flight paths are located

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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 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 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- g. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- h. All trees shall be double-staked when installed.
- i. 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.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. 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. Prior to Final Plat approval, 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.
- l. Prior to Final Plat approval, the 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.
- m. Major changes to the zoning exhibit and narrative report 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 to the project may require a

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new Citizen Participation Process as determined by the Planning and Development Department.

- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 Chapter 3 (Conditional Zoning).
- o. The property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

This item is related to the above item #5, for a major amendment to the development master plan, and the denial is for the same reasons.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to deny this zoning change.

7. **Z2006-158 District 1**
 Applicant: Rose Law Group for San Tan Storage, LLC
 Location: Northwest corner of Mews Road & Power Road (in the Queen Creek area)
 Request: Major Amendment to an approved Special Use Permit (SUP) for a Mini-Storage facility in the C-3 zoning district (approximately 2.98 acres) – San Tan Storage

COMMISSION ACTION: Commissioner Brooks moved to recommend approval of Z2006-158, subject to stipulations “a” through “u”. Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “San Tan Storage”, consisting of two (2) full-size sheets, dated February 11, 2008, and stamped received February 12, 2008, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled “San Tan Self-Storage”, consisting of five (5) pages, dated revised September 4, 2007, and stamped received February 12, 2008, except as modified by the following stipulations.
- c. This Special Use Permit (SUP) shall expire 14 years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The mini-storage facility shall operate seven (7) days a week. The office hours of the facility shall be 8:30 a.m. to 5:30 p.m. Monday through Saturday and 10:00 a.m. to 2:00 p.m. on Sundays. Gate access will be available from 7:00 a.m. to 7:00 p.m. with a provision to allow twenty-four hour limited access to select clients (i.e. first responders, governmental agencies, etc).
- e. Dedication of additional right(s)-of-way to bring the total half-width dedication to 55’ for Power Road and shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.

- f. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Power Road along the perimeter of the site.
- g. The following Drainage Review stipulations shall apply:
 - 1. The new culvert/channel along the east side of the property should be sized for the capacity of the existing channel.
 - 2. The volume required and volume provided in the Grading and Drainage Plan are correct. Please correct the Drainage Report to show the same.
 - 3. Please submit a bound copy of the Drainage Report. The Drainage Report must be signed and sealed by an Arizona Registered Civil Engineer.
 - 4. "All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction."
 - 5. "Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards."
- h. All trees shall be double-staked when installed.
- i. A continuous parapet shall screen all roof-mounted equipment.
- j. 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 screened.
- k. 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 (MCDOT) for landscaping or other improvements in the right-of-way.
- l. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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.
- n. 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. 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.
- o. 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

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course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.

- p. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- q. The applicant shall submit a written report outlining the status of the development at the end of one (1) and ten (10) 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.
- r. Major changes to the Special Use Permit 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 to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 the Maricopa County Zoning Ordinance.
- t. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- u. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard gave background information on this proposed amendment to a Special Use Permit and said there is no public opposition and the recommendation is for approval. Carolyn Overholser was present in support of approval.

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

- 8. Z2000-124 District 1**
Applicant: CMX Engineering for 202 Industrial Park, LLC
Location: North of Gilbert Drive, approximately 1,750' east of Scottsdale Road (in the Tempe area)
Request: Precise Plan of Development for a Wireless Communication Facility in the Ind-2 zoning district (approximately 3.0 acres site) – PHO Marylee

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COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2000-124, subject to stipulations “a’ through “p”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Verizon Wireless PHO Marylee, Case Z2000124”, consisting of seven (7) sheets, dated revised January 10, 2008 and stamped received February 11, 2008, except as modified by the following stipulations.
- b. Development of the site shall be in substantial conformance with the narrative report entitled “Project Narrative Verizon Marylee”, consisting of three (3) pages, dated (revised) January 2, 2008, and stamped received February 11, 2008, except as modified by the following stipulations.
- c. Within 30 days of approval of this Plan of Development by the Board of Supervisors, the applicant shall submit “As built permits” for all structures on the site that do not have registered permit according to Maricopa County records.
- d. The maximum height of the monopole shall not exceed 59’-2” as shown on the approved site plan.
- e. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- f. 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 or screened.
- g. 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. 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.
- h. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- i. A Minor Amendment shall be required to co-locate future carriers on the monopole.
- j. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.

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- k. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- l. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- m. Major changes to the site plan and narrative report 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.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with 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 Chapter 3 (Conditional Zoning).
- o. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this entitlement as set forth in the Maricopa County Zoning Ordinance.
- p. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard reported on the background of this item and said the facility would help remedy a long standing violation and the recommendation was for approval.

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

MEETING ADJOURNED

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

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board