



"The mission of Maricopa County is to provide regional leadership and fiscally responsible, necessary public services to its residents so they can enjoy living in healthy and safe communities"

**Board Members**

Andrew Kunasek, District 3, Chairman  
Max Wilson, District 4, Vice Chairman  
Fulton Brock, District 1  
Don Stapley, District 2  
Mary Rose Wilcox, District 5

**County Manager**

David Smith

**Clerk of the Board**

Fran McCarroll

**Meeting Location**

Supervisors' Auditorium  
205 W. Jefferson  
Phoenix, AZ 85003

# FORMAL MEETING MINUTES

## BOARD OF SUPERVISORS Maricopa County, Arizona

(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts and/or Board of Deposit)

**Wednesday, August 20, 2008  
9:00 AM**

**1. INVOCATION**

David Smith, County Manager, delivered the invocation.

**2. PLEDGE OF ALLEGIANCE**

Anna Gaines, American Citizens United (ACU), led the assemblage in the Pledge of Allegiance.

**NOTE:** Chairman Kunasek took Chairman's Prerogative to remember Stacey Pawlowski who recently lost her fight with cancer, saying that she touched this community in many ways and was a long-time friend to many in the County. He said she was active in many County projects over the years, and had been a significant fund raiser for the Human Services Campus and the Arizona Meth Project. The Chairman expressed the Board's condolences to her family in their loss.

### **3. ROLL CALL**

The Board of Supervisors of Maricopa County Arizona convened in Formal Session at 9:00 AM on Wednesday, August 20, 2008, in the Supervisors Auditorium with the following members present: Andrew Kunasek, Chairman, District 3; Fulton Brock, District 1; Max Wilson, District 4; Mary Rose Wilcox, District 5. Absent: Don Stapley, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes Coordinator; David Smith, County Manager and Victoria Mangiapane, Deputy County Attorney.

## **BOARD OF SUPERVISORS**

### **4. Pet Showcase by Maricopa County Animal Care and Control.**

Aprille Hollis introduced Brutus, a fully grown, 8-inch tall, black, long haired Chihuahua mix, a year-old. Despite his small size, Brutus likes to take walks and also loves to be cuddled. Call 602-506-PETS for more information on Brutus.

**NOTE: Chairman Kunasek announced he would take agenda item A-67, to fill a vacancy at the Arizona State Legislature House of Representatives, at this time.**

### **A-67. APPOINTMENT, ARIZONA HOUSE OF REPRESENTATIVES, LEGISLATIVE DISTRICT 11**

Pursuant to ARS 41-1202, vote to appoint a person from the list of nominees to fill the vacancy in Legislative District 11 created by the resignation of Representative Mark DeSimone. The Precinct Committeemen in Legislative District 11 have met and forwarded three names to the Board of Supervisors as nominees for this vacancy. If an appointment is made, the Board directs the Clerk of the Board to send the documents regarding this action to the appropriate state offices for notification purposes. The appointee shall be sworn in by the appropriate state official. (C-03-09-001-9-00)

Chairman Kunasek said the Board of Supervisors is delegated to fill any vacancy and appoint a replacement for the State Legislature when a vacancy occurs. He said he had reviewed three names forwarded by the State Democrat Party for District 11 and had interviewed the three people and felt that each one would be well-qualified to fill the position.

Supervisor Wilson nominated David E. Funkhouser III to replace Representative Mark DeSimone, who resigned his seat in the Arizona House of Representatives. Supervisor Brock seconded this nomination.

Supervisor Wilcox added her support for this nomination saying she had met him and felt he was very qualified to do an excellent job in the House.

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

David Funkhouser came to the podium to thank the District 11 Precinct Committee members for selecting him as one of the three candidates for the position. He thanked the Board of Supervisors for putting their faith and confidence in him to represent constituents in District 11 in the Arizona House of Representatives.

## **STATUTORY HEARINGS**

### **Public Works**

#### **5. ROAD FILE DECLARATIONS**

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.

##### **a. ROAD FILE NO. A408**

Approve and adopt resolution on Road File No. A408, said alignment is also known as Banff Lane from 71st Avenue to 68th Drive, lying within Supervisorial District 4. (C-91-09-007-M-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

##### **b. ROAD FILE NO. A411**

Approve and adopt resolution on Road File No. A411, said alignment is also known as Planada Lane, from 87th Avenue to 83rd Avenue, lying within Supervisorial District 4. (C-91-09-011-M-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

##### **c. ROAD FILE NO. A412**

Approve and adopt resolution on Road File No. 412, said alignment is also known as Burnt Water Road from State Route 87, North approximately 765.5 (alignment), lying within Supervisorial District 2. (C-91-09-008-M-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**AGENCY ITEMS AND STATUTORY MATTERS**  
**COUNTY OFFICERS**

**Sheriff**

**6. AGREEMENT WITH GOODYEAR POLICE DEPARTMENT FOR PARTICIPATION WITH MCNNET**

Approve the Agreement between the Maricopa County Sheriff's Office and the Goodyear Police Department to reimburse \$11,000 for overtime expenses for the Officer assigned to the Maricopa County Neighborhood Narcotics Enforcement Team (MCNNET). The Sheriff's Office indirect cost rate for FY 2009 is 12.2%. The unrecoverable indirect costs are estimated to be \$1,342. The term for this Agreement is July 1, 2008 through June 30, 2009.

Maricopa County Juvenile Probation is the administrating agency for the MCNNET grant, funded through the Bureau of Justice Assistance, which was approved by the Board of Supervisors on July 23, 2008 (C-20-09-006-G-00). The Goodyear Police Department has participated in the MCNNET Program for approximately fourteen years. These efforts reduce violent crime within the unincorporated areas of the County and west valley communities. (C-50-09-010-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**7. COST REIMBURSEMENT AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION--MORTGAGE FRAUD TASK FORCE**

Approve the Cost Reimbursement Agreement between the Maricopa Sheriff's Office and the Federal Bureau of Investigation (FBI) and acceptance of up to \$15,855 for participation in the Mortgage Fraud Task Force. This Agreement will become effective upon signatures of the parties and may be terminated at any time upon mutual consent, or unilaterally upon written notice from the terminating party to the other party at least 30 days prior to the termination date. The Sheriff's indirect cost rate for FY2009 is 12.2%, the unrecoverable indirect costs are estimated to be \$1,934.31. The FBI will notify the Sheriff's Office of the applicable annual limits prior to October 1st each year. Also approve an increase to the Sheriff's Office grant fund (251) revenue and expenditure appropriations for FY 2008-09 not-to-exceed by \$15,855. These revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105.

Approval of this item will allow the Sheriff's Office to recover overtime expenses incurred while participating in the FBI Mortgage Fraud Task Force (MFTF). MFTF is a joint cooperative effort among the FBI and local law enforcement agencies creating an efficient and cohesive unit capable of detecting, investigating and prosecuting organized groups and individuals involved in Federal/State/Local financial crimes. (C-50-09-011-G-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**8. FEDERAL ANNUAL CERTIFICATION REPORT FOR FY 2008 AND AMENDED REPORT FOR FY 2007**

Approve the Federal Annual Certification report for submission to the U.S. Department of Justice and the U.S. Department of the Treasury that covers the period July 1, 2007 through June 30, 2008. Also approve the amended Federal Annual Certification report that covers the period July 1, 2006 through June 30, 2007.

The annual certification report is a requisite of the Federal Equitable Sharing Agreement. The current agreement continues through September 30, 2008. (C-50-07-003-2-02)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**9. WARRANTY REPLACEMENT OF ONE-TIME ADDITION TO FLEET**

Approve the one-time addition to fleet of a warranty replacement vehicle, a 2007 LDV/Freightliner MT-55 with custom Utilimaster body, VIN 4UZAASBV17CY85948. This vehicle replaces a 2006 LDV/Freightliner MT-55 with custom Utilimaster body, VIN 4UZAASBV96CW80182, fleet number 45604, originally approved as a one-time addition to fleet by the Board in January 2006.

The original vehicle, a command post, purchased with Homeland Security funds arrived with structural damage that is irreparable and the vendor has agreed to replace it through the warranty. Functional equipment from the original command post will be transferred to the replacement command post. When the transfer is complete, vehicle 45604 will be removed from the fleet. There will be no additional cost to the Sheriff's Office or the County. (C-50-06-516-3-03)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**10. SALE AND TRANSFER OF CONTROLLERS FOR LIGHTS AND SIRENS TO POSSE**

Pursuant to A.R.S. §11-251(9), approve the sale and transfer of three obsolete, surplus Unitrol Light and Siren Controllers for \$1.00 per unit to the Tactical Vehicle Posse group.

The Sheriff's Office has switched the siren and light controller units for patrol vehicles to TouchMaster Delta from Unitrol. (C-50-09-008-M-00)

Citizens not wishing to speak but indicating they are in favor of this item, included Lawrrie Fitzhugh, Montebello Block Watch; JoAnn Labate, West Plaza Neighborhood Association in District 5; Andrew Presnell, District 1 - Westtown (WBW); Anna Gaines, American Citizens United (ACU).

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**11. CONTINUATION OF EXEMPTION FROM MARKINGS FOR REPLACEMENT UNDERCOVER SHERIFF'S VEHICLES**

Pursuant to A.R.S. §38-538.03, approve the continuation of an exemption from county markings for eight Sheriff's fleet undercover replacement vehicles as follows: 2008 Chevy Impala (white); 2008 Dodge Charger (white); 2008 Dodge Charger (silver); 2008 Ford Expedition (black); 2008 Ford Expedition (tan); 2008 Ford Expedition (black); 2008 Ford 250 (white); and 2008 Ford F250 (white), with Maricopa County Identification Numbers: 52825, 13827, 13828, 31839, 31897, 31883, 31815, and 31816.

The replacement vehicles will be used in law enforcement situations involving felony investigations or activities of a confidential nature where personnel safety and enforcement is better accomplished without noticeable law enforcement insignia. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. (C-50-09-009-M-00)

Those registering in favor of this item but not wishing to speak included Anna Gaines, American Citizens United (ACU); Lawrie Fitzhugh, Montebello Ave. Block Watch; and JoAnn Labate, West Plaza N.A. District 5.

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**12. AMENDMENT TO ANTHEM SPACE LEASE**

Approve and execute Amendment No. 5 to Lease No. L-7361 with Anthem Community Council, INS., Sub-Landlord, as successor in interest to Del Webb Corporation for the property located at 3701 W. Anthem Way, Anthem, Arizona 85086. The purpose of this amendment is to extend the term through June 30, 2009, and to implement monthly rental payments of \$3,120.38 for months one through seven and of \$3,179.25 for months eight through twelve for a fiscal year total of \$37,738.91. This amendment is effective from July 1, 2008 to June 30, 2009.

The County has occupied office space in Anthem for use by the Sheriff's Office since November of 2004 and has paid nominal rent during this term of this agreement. An amendment to the sublease is now required to bring the rent to a market level and to extend the term of the sublease through the end of the current fiscal year. This item has been reviewed and approved by the County Facilities Review Committee. (C-50-05-029-M-05)

Chairman Kunasek thanked the Sheriff's Office for moving ahead in their plan for an Anthem Substation and in preparing this lease. He felt the reduction in response times would please residents of Anthem, New River and Desert Hills, because of having this new coverage in the northern part of the County.

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**13. RED-LINED VEHICLE USE FOR 2008 HOLIDAY SEASON MALL PATROL**

Approve the temporary use of 24 red-lined vehicles to be assigned for Sheriff's Office holiday season mall patrol beginning Friday, November 28 through midnight, Wednesday, December 31, 2008.

Eleven valley malls will be patrolled. Fuel costs, estimated to be \$7,500, will be funded within the Sheriff's Office appropriation. (C-50-09-012-M-00)

Those registering in favor of this item but not wishing to speak included Anna Gaines, American Citizens United; and Lawrrie Fitzhugh, Montebello Block Watch.

Martha E. Payan, citizen; spoke to ask the Board to vote approval for any agenda item that provides resources to the Sheriff's Office as the Sheriff is doing a good job for the County.

Michael DeHayne said, "We have a sheriff that does take his job seriously" and he added that citizens can now shop during the holidays with little fear of being robbed or otherwise hurt. He said Sheriff Arpaio has his full support.

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **TRIAL COURTS**

### **Justice Courts**

#### **14. TRANSFER EXPENDITURE APPROPRIATION FOR EVIDENCE PRESENTATION SYSTEMS**

Pursuant to A.R.S. § 42-17106, transfer expenditure appropriation in the amount of \$269,118 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to Justice Courts (240) Justice Courts Judicial Enhancement Fund (204) Non-Recurring (0001). Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line by \$269,118. Approval of this action will support one-time expenditures to implement the Evidence Presentation System in the Justice Courts.

According to the Justice Courts' Strategic Plan, "A recently completed analysis looking at the long-term trends of growth in court filings and revenue completed by Justice Court Administration indicated that filings have increased at an annual rate of 2.4% over the eighteen year period from Fiscal Year (FY) 1988 through Fiscal Year (FY) 2006. The aggregate increase in filings over that period was 44%. Increases in case filings and litigant appearances in the Maricopa County Justice Courts call for new and effective ways to convey both statutory and procedurally instructive information to citizens. The courts, mindful of their Vision Statement "to provide community-based, user-friendly, efficient and professional justice" also see the need to enhance efficiencies in the conduct of trials and other courtroom appearances. New applications for technology in the courtroom can assist in the conveyance of information and in the conduct of court trials. The Maricopa County Justice Courts wish to purchase Evidence Presentation Systems for seventeen (17) courtrooms (total cost \$115,730) and four (4) Video/Electronic Presentation Evidence Carts (individual cost of \$13,240, total cost \$52,959) for each regional facility (which would be shared by the co-located courts). Contractor labor and travel costs are calculated at \$85,115 and \$1,650, respectively. Sales tax calculated at \$13,664. Total costs of \$269,118. (C-24-09-001-2-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Juvenile Probation and Detention**

**15. FAMILY COUNSELING GRANT**

1. Participate, by resolution, in the State of Arizona Family Counseling Program for FY 2008-09, administered by the Juvenile Court pursuant to A.R.S. 8-261 through 8-265 for the purpose of strengthening family relationships and prevention of juvenile delinquency. 2. Authorize the use \$91,513 in matching General Funds for FY 2008-09, which is included in the Department's FY 2008-09 General Fund (100) appropriated budget.

The Juvenile Probation Department in Maricopa County has participated in the Family Counseling Program provided by the Arizona State Legislature, A.R.S. 8-261 through 8-265 for the past 35 years. The objective of the program is to divert delinquent or incorrigible offenders from the court process by providing counseling until the family can mobilize its own resources for meeting its problems. In addition, the counseling is provided to reduce referral frequency to the Juvenile Probation Department. The allocation to Maricopa County for FY 2008-09 is \$366,050 which will be retained by the Administrative Office of the Supreme Court. A 4 to 1 ratio County match is required in the amount of \$91,513 and is included in the Juvenile Probation Department's FY 2008-09 budget. A resolution by the Board of Supervisors will make it possible for approximately 1,500 families to participate in the Family Counseling Program during the next fiscal year. (C-27-09-001-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Superior Court Judges and Commissioners**

**16. TRANSFER EXPENDITURE APPROPRIATION RELATED TO INFORMATION TECHNOLOGY SERVICES ENHANCEMENT**

Pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$200,000 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to the Superior Court (800) Judicial Enhancement Fund (208) Non-Recurring (0001). Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line by \$200,000. Approval of this action will support one-time expenditures for consulting services to enhance IT services within Superior Court.

Increase the level of budgeted expenditures by \$200,000 will allow the Court Technology Services (CTS) Department of the Maricopa County Judicial Branch to enlist IT consulting services (Two FTE's - Web Developer Specialists) to address the deficiencies and enhancements in key functionality and data exchanges in the areas of: Justice Court financials, Juvenile Financials, Juvenile Court, Juvenile Probation and Criminal. Expected benefits of this project are: Increased efficiencies at both the court and other justice and law enforcement agencies, increased shared data across agencies and reduce overall workload required, increased availability of court statistical data will be obtained allowing for court staff to produce various ad-hoc statistical requests and increased ability to track capital cases. (C-38-09-002-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **COUNTY MANAGER**

### **Government Relations**

#### **17. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR SUN LAKES FIRE DISTRICT'S PROTECTIVE COATS AND PANTS**

Pursuant to A.R.S. §5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Sun Lakes Fire District's (SLFD) Protective coats and protective pants in an amount not-to-exceed \$69,192 for FY2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel. If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249), increasing the FY 2008-09 revenue and expenditure budgets not to exceed \$69,192, function code 0000. The grant period would be October 1, 2008 -September 30, 2009. Indirect costs are not applicable to Tribal Gaming Grants. 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. 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.

This grant funding will enhance public safety by obtaining protective coats and pants for Sun Lakes firefighters to help minimize exposure to the toxic chemicals, carcinogens, and bodily fluids that contaminate the protective clothing worn by firefighters while performing their duties. (C-20-09-012-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **18. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR SUN LAKES FIRE DISTRICT'S SELF-CONTAINED BREATHING APPARATUS**

Pursuant to A.R.S. §5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Sun Lakes Fire District's (SLFD) self-contained breathing apparatus (SCBA) in an amount not-to-exceed \$173,085 for FY 2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel. If funds are awarded, pursuant to A.R.S. §42-17106(b), approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249) function code 0000, increasing the FY 2008-09 revenue and expenditure budgets not-to-exceed \$173,085. The grant period would be October 1, 2008 - September 30, 2009. Indirect costs are not applicable to Tribal Gaming Grants. 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. 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.

Grant funding will go to protect the lives and safety of Sun Lakes firefighters and the citizens they serve by purchasing self-contained breathing apparatus (SCBA's) for Sun Lakes firefighters. (C-20-09-011-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**19. RESOLUTION TO APPLY AND ACCEPT TRIBAL GAMING FUNDS FOR THE BUCKEYE VALLEY FIRE DISTRICT**

Pursuant to A.R.S. §5-601.02, authorize by Resolution, the application to, acceptance and pass-through of 12% Indian Gaming Funds (Proposition 202 (2002)) from the Gila River Indian Community for the Buckeye Valley Fire District for thermal imaging cameras in an amount not to exceed \$20,000 for FY 2008-09. Authorize the execution of all acceptance documents, including entering into any necessary Intergovernmental Agreements (IGA) between the Gila River Indian Community and Maricopa County solely for the purposes of acceptance and distribution of funds, upon review and approval of assigned legal counsel. If funds are awarded, pursuant to A.R.S. § 42-17106(b), approve an appropriation adjustment to Non-Departmental (470), Non-Departmental Grant Fund (249) function code 0000, increasing the FY 2008-09 revenue and expenditure budgets not-to-exceed \$20,000. The grant period would be October 1, 2008 - June 1, 2009. Indirect costs are not applicable to Tribal Gaming Grants. 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. 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.

This grant would enable the Buckeye Valley Fire District to purchase thermal imaging cameras to reduce the chance of civilian injury or death from smoke or fire. These tools would be new equipment to replaced aged and outdated equipment in an effort to provide for continuous quality improvement. (C-20-09-014-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Office of the County Manager**

**20. ADDITION OF SHERIFF'S VEHICLE FOR HUMAN SERVICES CAMPUS PATROL**

Approve the temporary addition of one fully equipped Sheriff's patrol vehicle to the county fleet. The one-time purchase of this vehicle will be funded by the "Crime Prevention Grants" line in Non-Departmental (470) General Fund (100) and will be removed from the fleet at the end of its useful life. This vehicle will be used by a MCSO Sheriff's Deputy to patrol the Human Services Campus as approved in C-20-08-047-0-00.

The vehicle will provide for the Sheriff's Office deputy to patrol the Maricopa County Human Services Campus and the surrounding area to assist with security and deter activities that threaten clients of the campus. (C-20-08-047-0-01)

Anna Gaines, American Citizens United (ACU), said, "I am here in full support of anything the Sheriff is requesting from this Board." She felt that with the increase of crime the Sheriff needs to be fully funded for whatever he needs to do. She said, "Americans are tired of the double standards applied to people who come here to

deliberately break the laws," adding, "We cannot allow our laws to be enforced only against American citizens." She said they come here illegally and demand to be protected under the laws that they have broken.

Martha E. Payan, U.S. Citizens (and) Its Laws, said she is a long-time advocate of the homeless and realizes the Sheriff's need to patrol it. She said she was sad to have to have a campus and addressed the public housing, federal, state and county, and said that federal housing is now being occupied by the illegals and because of this, we have to have this homeless shelter.

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**21. SECURITY BUILDING DEVELOPMENT AND BUILD-OUT**

Authorize the cancelation of the auction to lease retail space at the Security Building.

Due to revised plans for utilization of retail space in the Security Building, it is necessary to cancel the auction for leasing retail space in the Security Building which was previously authorized under C-20-08-019-0-00. The Facilities Review Committee recommends the cancelation of the retail space lease auction. (C-20-08-019-0-01)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**DEPUTY COUNTY MANAGER**

**Management and Budget**

**22. TRANSFER EXPENDITURE AUTHORITY FOR REPORT AND SURVEYS ON PHOENIX PROPERTIES LOCATED AT 355 AND 358 N. 5TH AVENUES**

Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$20,000 from FY 2008-09 Non-Departmental (470) General Fund (100) General Fund Contingency (4711) Operating (0000) to an existing line item in Non-Departmental (470) General Fund (100) Other Programs (4712) Operating (0000) entitled "Pappas Security and Utilities". Approval of this action will provide funding for the Phase I report, Asbestos and Lead-based paint surveys and Misc supplies. These adjustments will result in a net impact of zero to the County budget. (C-49-09-017-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**23. COUNTY SUPERVISORS ASSOCIATION DUES INCREASE**

Pursuant to A.R.S. §42-17106(b), the Office of Management and Budget (OMB) requests the approval to transfer \$14,801 from Non-Departmental (470) Operating (0000) General Fund (100) Contingency (4711) to the line item in General Fund Dues and Memberships; County Supervisors Association (100-470-4721-0000) and expend these funds on the invoice received from the County Supervisors Association.

The County has received an invoice from the County Supervisors Association in the amount of \$162,816 for County Supervisors Association Service Fees. This is an unexpected increase of 10% to the annual dues that were paid by the County in FY 2007-08. Since the actual annual dues are more than anticipated or budgeted in the FY 2008-09 budget, there is a remaining balance of \$14,801 in the line item. OMB requests authority to transfer \$14,801 from Non-Departmental Contingency to the Dues and Memberships org to allow OMB to process and pay the invoice received. (C-49-09-014-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **Workforce Management and Development**

### **24. EXECUTIVE COMPENSATION PACKAGE – ADDITIONAL ACCRUAL RATE SCHEDULE**

Approve an Executive Compensation Package (ECP) for Helen Dusick, an unclassified Project Manager in Workforce Management & Development, awarding a Schedule 6 Leave Accrual Rate effective June 30, 2008. (C-31-08-011-2-01)

Motion to approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **ASSISTANT COUNTY MANAGER - COMMUNITY COLLABORATION**

### **Animal Care & Control Services**

### **25. DONATIONS**

Accept the monetary donation from Vernice Windus of Chandler, AZ in the amount of \$250; Francine Osborn of Chandler, AZ in the amount of \$400; and a monetary donation from Richard Schwartz of Tempe, AZ in the amount of \$249 for the care of the animals. The total for these donations received is \$899. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C-79-09-010-D-00)

Supervisor Brock thanked those making these donations.

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

### **26. IGA WITH TOWN OF BUCKEYE FOR ANIMAL CONTROL FIELD SERVICES**

Approve an Intergovernmental Agreement (IGA) between Maricopa County through Maricopa County Animal Care & Control and the Town of Buckeye, for Animal Control Field Services. This IGA is effective from September 1, 2008, through June 30, 2013. The Town of Buckeye agrees to pay full cost recovery for field services for FY 2008-09 estimated to be \$56,000 for 10 months of service based on historical levels of service for this jurisdiction. In accordance with A.R.S. 42-17106(B), approve the transfer of revenue and expenditure

authority between Non-Departmental (470), Non-Departmental Grants Fund (249) and the Animal Care and Control Department (790) Animal Care and Control Field Operation Fund (574). This action will require a revenue and expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470), Non-Departmental Grants Fund (249) Operating (0000) by \$56,000 and increasing the FY 2008-09 Animal Care and Control Department (790) Animal Care and Control Field Operation Fund (574) Operating (0000) by \$56,000. Also, authorize the Office of Management and Budget to adjust the revenue and expenditures for FY 2009-10, FY 2010-11, 2011-12, and FY 2012-13 based on 12-month service levels estimated to be at least \$67,200 annually. (C-79-09-011-3-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**NOTE: The following items were misnumbered in the agenda and the Minutes reflect the same misnumbering of items.**

#### **Human Services**

#### **29. IGA WITH KYRENE SCHOOL DISTRICT NO. 28 FOR FOOD SERVICE FOR HEAD START**

Approve an Intergovernmental Agreement between Kyrene School District No.28 and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$5,686. This Intergovernmental Agreement is funded by a grant from Department of Health and Human Services, (C-22-09-001-3-ZZ). The purpose of this Intergovernmental Agreement is to provide food service to Head Start. This Intergovernmental Agreement is effective from October 1, 2008 until September 30, 2009. (C-22-09-091-3-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **30. IGA WITH MESA PUBLIC SCHOOLS FOR HEAD START FOOD SERVICE**

Approve an Intergovernmental Agreement between Mesa Public Schools and Maricopa County through the Human Services Department, in the not-to-exceed amount of \$230,626. This Intergovernmental Agreement is funded by a grant from Department of Health and Human Services, (C-22-09-001-3-ZZ). The purpose of this Intergovernmental Agreement is to provide food to Head Start participants. This Intergovernmental Agreement is effective from October 1, 2008 until September 30, 2009. (C-22-09-089-3-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **28. ACCEPT FUNDS FOR WORKFORCE DEVELOPMENT SUMMER YOUTH PROGRAM**

Authorize the Human Service Department Workforce Development Division to accept funding from the Arizona State Department of Economic Security in the amount of \$131,250. The indirect cost rate for Human Services for FY 2008-09 is 15.2%. Indirect costs of \$17,317.71 are fully recoverable. Also, approve revenue and expenditure appropriation adjustments to the HSD Fund (222), associated with the grant in the amount of not-to-exceed \$131,250 for FY 2009. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited

by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The Joint Legislative Budget Committee (JLBC) enacted the FY 2009 Budget on July 2, 2008. Pursuant to A.R.S. section 41-1966.01 the summer youth education and training program is established to be funded by monies appropriated from the state general fund. These funds are targeted for youth involved in the juvenile justice system, at-risk of dropping out of school, and/or involved in activities that will limit opportunities for success. (C-22-09-094-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**27. AMENDMENT TO THE BOYS AND GIRLS CLUB EAST VALLEY LEASE FOR HEAD START**

Approve and execute Amendment No. 2 to Lease No. C-22-04-107-4-02 with The Boys and Girls Club of the East Valley for the property located at 44 North Oak, Gilbert, AZ. The purpose of this amendment is to extend the term and set the rental rate. This amendment is effective from September 1, 2008 to August 31, 2013. (C-22-04-107-4-02)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**31. AMENDMENT TO IGA WITH CITY OF PHOENIX FOR JOINT SERVICES AGREEMENT**

Approve Amendment No. 3 to an Intergovernmental Agreement between City of Phoenix and Maricopa County through the Human Services Department in the not-to-exceed amount of \$125,000. This amendment is funded by a grant from WIA, C-22-09-008-3-00. The purpose of this amendment is to extend the term for one more year and the funding of this agreement. This amendment is effective from July 1, 2008 to June 30, 2009. All other terms and conditions of the Intergovernmental Agreement remain in full force and effect. (C-22-07-065-2-04)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**32. MOU WITH ARIZONA PROJECT CHALLENGE**

Approve a Memorandum of Understanding between Arizona Project ChalleNGe, and Maricopa County through the Human Services Department, for the purpose of providing assistance to Project ChalleNGe participants in career development. This Memorandum of Understanding is non-financial and is effective from August 6, 2008 until June 30, 2009. (C-22-09-092-3-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**33. MOU WITH VALLEY CHRISTIAN CENTERS FOR PRODUCING LEADERS OF TOMORROW PROGRAM ACTIVITIES**

Approve a Memorandum of Understanding between Valley Christian Centers, Inc., and Maricopa County through the Human Services Department, for the purpose of providing PLOT (Producing Leaders of Tomorrow) program activities to Valley Christian Center's participants. This Memorandum of Understanding is non-financial and is effective from August 6, 2008 until June 30, 2009. (C-22-09-093-3-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**34. AMENDMENT TO VALLEY OF THE SUN YMCA**

Approve Amendment No. 2 to a Contract between Valley of the Sun YMCA (Las Artes Program) and Maricopa County through the Human Services Department in the not-to-exceed amount of \$450,000. This contract is funded by a grant from the Department of Economic Security IGA C-22-09-008-3-00 (which is approved under C-22-09-007-3-ZZ). The purpose of this amendment is to renew the contract for year two of the three one-year options and to add funds to the contract. This amendment is effective from September 1, 2008 to August 31, 2009. All other terms and conditions of the Contract remain in full force and effect. (C-22-08-097-1-02)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**CHIEF FINANCIAL OFFICER**

**Finance**

**35. FUNDS TRANSFERS; WARRANTS**

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.

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**36. RIGHT OF ENTRY WITH THE CITY OF AVONDALE**

Authorize the Chairman of the Board to execute a Right of Entry, with the City of Avondale, for the use of county property (30' X 30' triangle = 450 square feet), at the Avondale Family Health Clinic located at the northwest corner of Van Buren and Eliseo Felix Jr. Way.

Granting the Right of Entry will allow the City of Avondale to begin the installation of a traffic signal and street improvements before negotiations to determine the value of the property to be acquired by the City are completed. The Facilities Review Committee supports the

granting of the Right of Entry. (C-18-09-012-8-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **Materials Management**

### **37. SOLICITATION SERIALS**

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.

**a. RECOMMENDATION FOR RENEWAL: 05084-RFP, INMATE ANGER MANAGEMENT GROUPS - MCSO**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)05084-RFP, Inmate Anger management Groups - MCSO

Contract renewal to provide anger management training/counseling to MCSO inmates. Grant funded. Serial: 05084-RFPItem: Inmate Anger management Groups - MCSO Estimate: \$1,650,000/three years to cover period ending September 30, 2011. Awardees: Concepts For Change Inc, Sage Counseling, Inc. (C-73-09-017-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**b. RECOMMENDATION FOR RENEWAL: 05099-C, ASPHALT ACRYLIC SEAL AND PETROLEUM RESIN**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)Serial - 05099-C, Asphalt Acrylic Seal And Petroleum Resin

Serial - 05099-C Item - Asphalt Acrylic Seal And Petroleum Resin Estimate - \$1,200,000.00To cover contract period ending October 31, 2011Ergon Asphalt Products. (C-73-09-014-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**c. RECOMMENDATION FOR RENEWAL: 05097-C, BULK FUEL, PURCHASE & DELIVERY – UNLEADED GASOLINE & DIESEL FUEL**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)  
Serial: 05097-C Bulk Fuel, Purchase & Delivery – Unleaded Gasoline & Diesel Fuel

Pricing agreement renewal to purchase unleaded gasoline for use by Equipment Services for fuel storage tanks and vehicles. Serial: 05097-C Item: Bulk Fuel, Purchase & Delivery – Unleaded Gasoline & Diesel Fuel Estimate: \$20,000,000.00 /3 Years To cover period ending November 30, 2011 Awardee(s): Union Distributing Company (C-73-09-015-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**d. RECOMMENDATION FOR RENEWAL: 05083-C, FLOUR, BULK**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)  
05083-C, Flour, Bulk

Contract renewal for the purchase and delivery of bulk flour for the Sheriff's Food Factory. Vendor renewed at same price. Serial: 05083-C Item: Flour, Bulk Estimate: \$632,000/one year To cover period ending August 31, 2009 Awardee: Food Source International (C-73-09-016-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**e. RECOMMENDATION FOR RENEWAL: 05095-S, EMPLOYMENT CLASSIFIED ADVERTISEMENTS AND DISPLAY PUBLISHING SERVICES**

Approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.)  
05095-S, Employment Classified Advertisements and Display Publishing Services

This action is taken to renew this contract for three years. Estimated, not to exceed amount is established at \$2,000,000, based on expenditures of the initial three years of the contract. All County departments have access to and use the contract. Serial: 05095-S Item: Employment Classified Advertisements and Display Publishing Services Estimate: \$2,000,000.00 / 3 Years To cover period ending August 31, 2011 (C-73-09-018-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**f. RECOMMENDATION FOR AWARD: 08036-S, EXPEDITED MOVING SERVICES AND SYSTEMS RECONFIGURATION**

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. 08036-S, Expedited Moving Services And Systems Reconfiguration

Price agreement for expedited moving and modular furniture system reconfiguration services for all County agencies. This is a multiple award contract. Serial: 08036-S Item: Expedited Moving Services And Systems Reconfiguration Estimate: \$900,000/three years Terms: three years with three one-year renewal options Awardee (s): KC Installation & Moving, Pancom Southwest Inc., Interior Solutions, Goodmans Interior Structures, Arizona Office Solutions LLC (C-73-09-019-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**g. RECOMMENDATION FOR AWARD: 08066-RFP, ENERGY SAVING SERVICES, MARICOPA COUNTY FACILITIES**

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. 08066-RFP, Energy Saving Services, Maricopa County Facilities Value of Award: \$700,000 estimate/three years with three one-year renewal option To cover period ending August 31, 2011

The purpose of the contract is to contract with an Energy Services Company to perform an investment grade energy audit on County Facilities and determine energy saving improvements for the County to implement. The second phase will be determined after the audit is complete and the County determines if any of the suggested improvements should be implemented. If the County chooses to implement the recommendations the County may have the ESCO do the work or the County may have the improvements made under a separate contract. (C-73-09-020-3-00)

Supervisor Wilcox explained that this is a big-interest item for Maricopa County because Supervisor Stapley, currently president of the National Association of Counties (NACo), has waged a continuing effort to emphasize "going green" in Maricopa County and, since his NACo Presidency, in all counties across America. She said there is an article in today's Arizona Republic on easy ways Arizona households can "go green." She explained that Arizona Public Service (APS) is the designated winner of this award and they will comb Maricopa County buildings to make sure everything possible is being done to conserve energy. She asked for a monthly update to learn what was found.

Bob Georgeoff, Managing Director of APS Energy Services (Awardee), said they will conduct an audit over the next six months that will cover eight-million square feet of County space to create a program that is self-funding and addresses the County's concerns and objectives.

Supervisor Brock said he knew if Supervisor Stapley was in town he would comment on this because one of his main platforms as President of NACo is to have Maricopa County lead the country in going green and in energy savings. He added that Maricopa County welcomes this audit, believing it will result in significant energy savings in the

future. He encouraged other government entities to join the County in finding ways to save energy.

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**h. RECOMMENDATION FOR INCREASE: 04058-C, PLASTIC AND STYROFOAM PRODUCTS AND UTENSILS**

Approve an increase in the price agreement for the following contract: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed). 04058-C, Plastic And Styrofoam Products And Utensils

Previous Award: \$175,000.00 Value of Increase: \$800,000.00 Total Value: \$975,000.00 Contract Period: To cover period ending July 31, 2010 (C-73-09-013-3-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Parks and Recreation**

**38. SPOT AWARD PROGRAM FOR PARKS AND RECREATION DEPARTMENT**

In accordance with Section X of the Maricopa County Compensation Plan, approve the continuation of a Spot Award Token Program as an employee recognition program for FY 2008-09, in addition to the American Express Performa Card Peak Performer Program for Parks and Recreation Department. Estimated annual cost of the Spot Award Token Program is under \$350.00 and will be absorbed from non-general fund sources within the Department (Fund 241 and Fund 240). The Program will cover the period from July 1, 2008 through June 30, 2009. (C-30-09-003-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**39. DONATION POLICY WAIVER FOR PARKS AND RECREATION**

Approve a waiver for the Parks and Recreation Department to section C.2 of Policy A2508 Policy for Receiving Donations, requiring a monthly report of donated funds to the Board of Supervisors for FY 2008-09. According to section C.3 the Parks & Recreation department maintains a segregated Donation Fund approved annually by the Board during the budget cycle and therefore requests a waiver to the monthly reporting policy. (C-30-09-004-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**40. AGREEMENT WITH HARVEST FAMILY ENTERTAINMENT-ARIZONA AND FLOOD CONTROL DISTRICT FOR ADOBE DAM REGIONAL PARK CONCESSION SITE**

Approve a Non-Disturbance and Attornment Agreement between Harvest Family Entertainment-Arizona, LLC (“Concessionaire”), a Missouri limited liability company; the County of Maricopa (“County”), a political subdivision of the State of Arizona; and the Flood Control District of Maricopa County (“FCD”), a political subdivision of the State of Arizona. By this Agreement, FCD agrees that the rights of the Use Management Agreement between County and Concessionaire (C-30-08-034-1-00) shall not be disturbed except as stipulated in the Non-Disturbance and Attornment Agreement. The Use Management Agreement between the County and Concessionaire is for the management, operation and maintenance of Adobe Dam Regional Park Aquatic and Amusement Park Concession. The term of the Agreement shall correspond with the Use Management Agreement (twenty five years) beginning October 1, 2008 and ending September 30, 2033, with a twenty-five year renewal option. (C-30-09-005-3-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**41. AMEND FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM**

Pursuant to A.R.S. 42-17106(B), approve the following: 1. Amend the FY 2008-09 Five-Year Capital Improvement Program in the Non-Departmental (470) General Fund County Improvement Fund (445): a. Decrease the Park System Master Plan Project (PSMP) project expenditure budget by \$80,000 in Year 1 (FY 2008-09) to \$132,344. b. Increase the Visitor Centers and Amphitheaters (VAMP) project expenditure budget by \$80,000 in Year 1 (FY 2008-09) to \$ 4,386,859. The net impact to the overall county budget is zero. (C-30-09-006-2-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES**

**Environmental Services**

**42. JOINT RESOLUTION AMENDING THE ONE STOP SHOP PROGRAM**

Approve an amended joint resolution between the Board of Supervisors and the Flood Control District of Maricopa County regarding the Maricopa County One Stop Shop Program. The amended resolution updates authorities, includes additional departments and programs and restates the mission and responsibilities related to the One Stop Shop Program. The original joint resolution was adopted by both Boards on April 21, 1999 under C#3299028.

The revised mission of the Maricopa County One Stop Shop Program shall be to coordinate and integrate the application and review process from previous enumerated clearances, permits or approvals from Maricopa County Planning and Development Department, Maricopa County Department of Transportation, Maricopa County Assessor’s Office, Maricopa County Environmental Services Department, Maricopa County Air Quality Department and the Flood Control District of Maricopa County so as to minimize duplication of effort and cost on the part of applicants, and likewise promote the efficiency of the review process. The Maricopa County Board of Supervisors and the Board of Directors of the Flood

Control District of Maricopa County may from time to time designate additional agencies, departments, and districts to participate in the One-Stop Shop Program. Specifically, information is to be shared to the extent practicable among the various agencies, departments, and districts. Planning and Development Department, as lead agency shall have overall authority to coordinate, facilitate and provide oversight to the Maricopa County One Stop Shop Program. Specifically, the Director of the Planning and Development Department, or his/her designee shall have the responsibility to grant final approval for issuance of a Final Permit Clearance. A corresponding agenda item is found under the Flood Control District Agenda under item C-69-09-003-00. This item was continued from the August 6, 2008 meeting. (Supervisorial Districts 1, 2, 3, 4, and 5) (C-88-08-012-2-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**43. EXPENDITURE INCREASE FOR PURCHASE OF LAPTOP COMPUTERS**

Approve an expenditure budget increase to the Environmental Services (880) Environmental Health Fee Fund (506) in the amount of \$320,000 for the one time purchase of 105 laptop computers for Environmental Health Department inspection and enforcement staff. Approve an expenditure budget increase to the Environmental Services (880) Environmental Health Fee Fund (506) in the amount of \$320,000. This action will require an expenditure appropriation adjustment decreasing the FY 2008-09 Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) line item "Potential Expenditures from Fund Balance" in the amount of \$320,000 and increasing the FY 2008-09 Environmental Services (880) Environmental Health Fee Fund (506) Non-Recurring (0001) in the amount of \$320,000. Also, this action requires a decrease in the FY 2008-09 Revenue budget for Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001). This action will fund a one-time purchase of 105 laptop computers for Environmental Health Department inspection and enforcement staff. (C-88-09-001-2-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**ASSISTANT COUNTY MANAGER - PUBLIC WORKS**

**Public Works**

- 44.** 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. The list is on file in the Clerk of the Board's Office. (C-06-09-066-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**45. RIGHT-OF-WAY ACQUISITION AGREEMENT WITH SIERRA NEGRA RANCH FOR SILVER SPRINGS RANCH**

Approve a Right-of-Way Acquisition Agreement between Sierra Negra Ranch L.L.C., a Nevada limited liability company and Maricopa County, a political subdivision of the State of Arizona.

Right-of-Way Acquisition Agreement allows Maricopa County to apply for right of way from the Arizona State Land Department on behalf of the developer of Silver Springs Ranch, as requested by the State Land Department. The developer of Silver Springs Ranch is Sierra Negra Ranch L.L.C. All fees and costs are borne by Sierra Negra Ranch L.L.C. Upon completion of construction, the roadway will be incorporated into the Maricopa County Highway System. (Supervisorial District 4) (C-91-09-013-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**46. IGA FOR PRELIMINARY ENGINEERING DESIGN OF THE AGUA FRIA BOULEVARD (HAPPY VALLEY ROAD) SCOUR PROTECTION PROJECT**

Approve an Intergovernmental Agreement with the Maricopa County Department of Transportation (MCDOT) and Flood Control District (FCD) 2008A007 to cost share the preliminary engineering design (Project Design Concept) of the Agua Fria Boulevard (Happy Valley Road) Scour Protection Project. FCD will act as the lead agency for the project. The estimated cost for the project is \$300,000 and MCDOT is responsible for 50% of the estimated total cost, not-to-exceed \$150,000.

The agreement allows MCDOT and FCD to cost share a design study for the drop/grade control structure and related channelization between Agua Fria Boulevard and Deer Valley Road. The project will be funded through MCDOT's Bridge Preservation Project (BRIG) budget, Job Number T300, Happy Valley Road at Agua Fria Grade Control Structure. The study will refine the design concept and cost estimate of the drop/grade control structure to protect the Agua Fria Boulevard bridge, establish the northern end of a channel segment at a logical starting point and facilitate economical construction of the Deer Valley Road bridge. (Supervisorial District 4) (C-91-09-019-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**47. BIDS AND AWARD FOR SUN VALLEY PARKWAY MICRO SURFACE**

Approve the solicitation of bids for the Maricopa County Department of Transportation's Micro Seal Project at Sun Valley Parkway, MCDOT Pavement Preservation (PAVE) Project , Job No. T286, and approve the award to the lowest responsive bidder, provided that the lowest responsive bidder does not exceed the Engineer's estimate by more than ten percent.

This project consists of laying down approx. a 1" thick mat of Micro Seal material. A Micro Seal will help this road by covering the cracks that were sealed earlier, and will provide a smoother ride. This will also assist in a safer road for bike riders using this route. In addition, replacement or installation of pavement delineation and other miscellaneous work items are required to complete the project. The project consists of approximately 170 lane miles of road. This project is located in Supervisorial District 4. (C-91-09-023-5-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**48. BIDS AND AWARD FOR QUEEN CREEK LANDFILL CLOSURE CONSTRUCTION PROJECT**

Approve the solicitation of bids for construction for Queen Creek Landfill Closure Project, Maricopa County Solid Waste Management Department (SWMD) Project No. QU001, and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10 percent. Approval of this agenda item will meet the Arizona Department of Environmental Quality (ADEQ) and EPA/RCRA SubTitle D requirements for landfill closure to start within 180 days of last acceptance of garbage.

This project will provide the final placement of soil and grading of the total landfill acreage to comply with the ADEQ approved closure plan. The project will also provide the necessary grading and gas collection system for an overflow parking area located on the Southeast area of the closed landfill for use by the Town of Queen creek. Grading and landscaping of certain additional areas for use by the Town of Queen Creek will be included in the closure project. Any additional costs for requested grading and landscaping will be funded by the Town of Queen Creek. This project will also include grading and installation of retention basins to meet applicable Storm Water Pollution Prevention Plan requirements and for Post-Closure maintenance and monitoring. An IGA will be negotiated with the Town of Queen Creek for on-going maintenance requirements and funding for those areas on the landfill specifically designed for use by the Town of Queen Creek. This project will be procured in accordance with the mandate set forth in the Maricopa County Procurement Code, Article 5, and Section 504. This project is located in Supervisorial District 1. (C-91-09-024-5-00)

Supervisor Brock thanked Bill Thornton for his leadership activities in the Solid Waste Department that helped to bring this about. He said he is looking forward to working with Queen Creek to help make this landfill, which will become a new city park, into one of the premier parks in the East Valley.

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**49. APPLY AND ACCEPT GRANT FUNDS FROM USDA UTILITIES PROGRAMS**

Approve the application and acceptance of grant funds from the United States Department of Agriculture (USDA) Utilities Programs in the amount of \$205,000. These grant funds are to fund an illegal dumping outreach campaign and to train and certify 12 Maricopa County Solid Waste Management (MCSWM) employees on hazardous materials (Hazmat). Authorize the Solid Waste Director to sign necessary reporting and reimbursement paperwork to administer the grant. The term of the grant is from October 1, 2008, through August 31, 2009. This grant is non-renewable. Also, if the grant award is made, approve a revenue and expenditure budget increase in the amount of \$205,000 in FY 2008-09 to the Public Works (910) Solid Waste Fund (581). The Maricopa County Department of Finance has calculated MCSWM's indirect cost rate at 5.8% of the total direct cost equal to \$193,761.81. The recoverable indirect cost of administering this grant is \$11,238.19. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.

The United States Department of Agriculture Utilities Program may grant Maricopa County Solid Waste Management \$205,000 to fund alternatives to illegal dumping educational campaign and the Hazmat tuition of 12 employees and 10 operations employees' hourly training. (Supervisorial Districts 1, 2, 3, 4, and 5) (C-91-09-014-G-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**50. ADMINISTRATIVE CORRECTION**

Approve an administrative correction to the action taken by the Board on August 6, 2008, that authorized the submission of a grant application in the amount of \$500,000 to the Arizona Department of Transportation (ADOT) for SAFETEA-LU Enhancement Program Round XVI funds for Phase 1 of the Historic Bridge Rehabilitation of the Old US-80 Gila River Bridge, aka Gillespie Dam Bridge (TT188). This administrative correction is necessary to include the Adoption of a Resolution as required by Federal Enhancement Grant Application. (C-64-08-228-3-02)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**51. ANNEXATION BY THE CITY OF EL MIRAGE**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of El Mirage of County right-of-way within: Northern Avenue from 125th Avenue (Alignment) to 115th Avenue (Alignment), in accordance with City of El Mirage Ordinance No. 008-04-06. (Supervisory District 4) (C-91-09-025-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**52. ANNEXATION BY THE CITY OF PHOENIX**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Phoenix of County right-of-way within: 51st Avenue and Dobbins Road and 51st Avenue and South Mountain Avenue, in accordance with the City of Phoenix Ordinance No. G-5189. (Supervisory District 5) (C-91-09-027-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent : Stapley

**53. ANNEXATION BY THE CITY OF SURPRISE**

Pursuant to A.R.S. §9-471(N), approve the annexation by the City of Surprise of County right-of-way within: Cotton Lane from Cactus Road to Acoma Road, in accordance with the City of Surprise Ordinance No. 08-21. (Supervisory District 4) (C-91-09-028-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**54. ANNEXATION BY THE TOWN OF BUCKEYE**

Pursuant to A.R.S. §9-471(N), approve the annexation by the Town of Buckeye of County right-of-way within: Airport Road from Van Buren Street to Interstate 10, in accordance with Town of Buckeye Ordinance No. 24-08. (Supervisorial District 4) (C-91-09-026-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**55. AMENDMENT TO ROAD ABANDONMENT AB-214R**

Adopt Resolution AB-214R to abandon a portion of Old Baseline Road in the vicinity of Old Baseline Road and 133rd Avenue, per A.R.S. §28-7214, by extinguishing the easement which was conveyed to Maricopa County by means of an Easement and Agreement for Highway Purposes on April 2, 1981, and recorded by the Maricopa County Recorder as Docket 15165 page 603.

Request that the Board of Supervisors resolve to abandon a portion of Old Baseline Road in the vicinity of Old Baseline Road and 133rd Avenue, Road File No. AB-214R which is recorded with the Maricopa County Recorder at Docket 15165 page 603 described as: The South 40 feet of the East one-half of the Southwest one-quarter of Southeast one-quarter of the Northeast one-quarter (E2 SW4 SE4 NE4) of Section 3 – T1S, R1W of the G&SRB&M, Maricopa County, Arizona. This action will authorize the abandonment of a County Easement/Right-of-way in accordance with Abandonment No. AB-214R according to A.R.S. §§28-6701, 6709, 7202 and 7214. (Supervisorial District 5) (C-64-08-210-0-01)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**BOARD OF SUPERVISORS**

**Clerk of the Board**

**56. REAPPOINTMENT TO THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF MARICOPA COUNTY**

Approve the reappointment of Gloria Munoz to a four-year term on the Board of Commissioners of the Housing Authority of Maricopa County, term to expire on June 30, 2012.

Pursuant to A.R.S. §36-1404 and the bylaws, the authority is governed by a seven member Board of Commissioners. The County Manager shall recommend one person to serve on the Board subject to the approval of the Board of Supervisors. Commissioners serve four year terms. (C-20-09-013-9-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **SETTING OF HEARINGS**

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

### **Public Works**

#### **57. ROAD FILE DECLARATION**

Set a public hearing to declare the following roads into the county highway system for Wednesday, September 17, 2008.

**Road File No. 5802.** In the general vicinity of Area bounded on the North by Camelback Road, on the South by Indian School Road, on the West by Dysart Road and on the East by El Mirage Road. (Supervisory District 4) (C-91-09-015-M-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

## **CONSENT AGENDA**

### **Clerk of the Board**

#### **58. CHECK ENFORCEMENT FUND QUARTERLY REPORT**

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, receive the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of April 2008 through June 2008. Report is on file in the Clerk of the Board's Office. (C-06-09-060-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **59. DONATIONS**

Accept the donation reports received from the Sheriff's department for July 2008. Donation reports are on file in the Clerk of the Board's Office. (C-06-09-062-D-00)

Anna Gaines, American Citizens United (ACU), wanted to make sure that the donations given to the Sheriff are accepted and he is able to use the funds as he wishes.

Jay Shownert, citizen, said it is clear that the \$36,000 is meant to help support the Sheriff in his crime-sweep operations and for no other purpose. He also addressed the funds that were stripped from the Sheriff's Office by the Governor, not the County that would have been used by the Sheriff to help support the extra burden on the jails for the sweeps he deemed necessary. Because of the cuts in funding, he said that citizens have had to take money from their personal funds to support this law-enforcement effort. He said these donated funds were meant to support the citizens of this state and asked that the donations be used as designated.

Jim Williams, citizen, also supported the Sheriff's use of the donations in ways that the Sheriff sees fit. He said that at this time, people's faith in their elected officials is at an all-time low and the Sheriff's Office is the one place supporters can see an elected

official standing up and doing something for the people. He added that Sheriff Arpaio is at an all-time high in his approval rating. He added, "Give him his funding and let him do his job."

Joanne Cramer, third generation resident of Maricopa County, said she has seen a lot of changes over the years and wished to express her support of the Sheriff and his use of the money donated to help him do his job. She added that people may not like the Sheriff and referenced the "bashing" actions the illegal community is using against him. She said gangs are operating in the County now and "it is a war out there" and citizens need the support that Sheriff Arpaio's enforcement of the laws provide. She feared if this continues, "America will soon become a third- world country."

Martha Payan, citizen, asked that this item be accepted with "no strings attached" to the Sheriff, the one County employee who is doing his job. She said communities south, north, east and west are being flooded by illegals and too much money is being spent on them by the county on things like translation causes and free defense in court. She said, "When they cross the border, which they choose to do, it is a crime" and anyone elected as a public servant is supposed to follow U.S. laws and fight crime.

Gary Rose, citizen, said Sheriff Arpaio is doing the job when it comes to illegals, "let's give him the money to do it with. If people don't like him they're either illegal, they have warrants on them, or they just don't want to assimilate to the laws of the United States. If they don't want to assimilate to the United States and be citizens, let them go back home."

Michael Duhaine thanked the Board for holding a budget meeting last month to explain the money crisis. He said he understood the Sheriff was only asked to decrease his budget by 4.9% and he did better than that and gave additional money back to the General Fund. He also understands the poor economy that has forced changes, and pointed out it was the Governor who rescinded the money that the Board of Supervisors had allocated for the Sheriff. His point was that many people locally and also from across the country have dipped into their pockets to donate money to the Sheriff for the express purpose of enforcing the Immigration Law. He felt the Sheriff, with the backing of the County Board of Supervisors, is the only law enforcement agency in this country that respects the people's will and enforces his job effectively.

Chairman Kunasek thanked everyone who made donations to the County and said "we appreciate your generosity."

Supervisor Wilson said that he, and his two sons-in-law, are volunteer Sheriff's Deputies and noted the thousands of hours that volunteers put in for the Sheriff and his work.

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilson  
Nays: Wilcox  
Absent: Stapley

**60. DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. Duplicate Warrants are on file in the Clerk of the Board's Office. (C-06-09-065-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**61. MARKET RANGES**

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. List of additional and/or replacement market ranges are on file in the Clerk of the Board's office. (C-06-09-063-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**62. MINUTES**

Approve the minutes of the Board of Supervisors' meetings held March 26, 2008; May 15, 2008; May 21, 2008; June 2, 2008; June 9, 2008; June 16, 2008; July 8, 2008; and July 25, 2008. (C-06-09-053-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**63. SECURED TAX ROLL CORRECTIONS**

Approve requests from the Assessor for corrections of the Secured Tax Rolls 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. Resolutions are on file in the Clerk of the Board's Office. (C-06-09-064-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**64. TAX ABATEMENTS**

Approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. List is on file in the Clerk of the Board's Office. (C-06-09-059-7-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**BOARD OF SUPERVISORS ADDENDUM**

**Clerk of the Board**

**A-65. ADMINISTRATIVE CORRECTION TO THE DONATIONS REPORT**

Accept the revised donations report received from the Sheriff's Department for June 2008. The original donations report for June 2008, was accepted by the Board on July 23, 2008, under agenda C-06-09-014-D-00. Donation reports are on file in the Clerk of the Board's

Office. (C-06-09-061-D-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilson  
Nays: Wilcox  
Absent: Stapley

**A-66. LIQUOR LICENSE - ST KATHERINE GREEK ORTHODOX CHURCH**

Approve an application filed by Athena Vasilatos for a Special Event Liquor License at 2716 N. Dobson Road, Chandler, AZ, for August 22 and 23, 2008, from 4:00 pm to midnight; and August 24, 2008 from 11:00 am to 4:00 pm. SELL 847. (C-06-09-058-L-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Wilcox, Wilson  
Nays: Brock  
Absent: Stapley

**NOTE: Chairman Kunasek took the following item, A-67, at the beginning of the meeting following Pet Showcase.**

**A-67. APPOINTMENT, ARIZONA HOUSE OF REPRESENTATIVES, LEGISLATIVE DISTRICT 11**

Pursuant to ARS 41-1202, vote to appoint a person from the list of nominees to fill the vacancy in Legislative District 11 created by the resignation of Representative Mark DeSimone. The Precinct Committeemen in Legislative District 11 have met and forwarded three names to the Board of Supervisors as nominees for this vacancy. If an appointment is made, the Board directs the Clerk of the Board to send the documents regarding this action to the appropriate state offices for notification purposes. The appointee shall be sworn in by the appropriate state official. (C-03-09-001-9-00)

Chairman Kunasek said the Board of Supervisors is delegated to fill any vacancy and appoint a replacement for the State Legislature when a vacancy occurs. He said he had reviewed three names forwarded by the State Democrat Party for District 11 and had interviewed the three people and felt that each one would be well-qualified to fill the position.

Supervisor Wilson nominated David E. Funkhouser III to replace Representative Mark DeSimone, who resigned his seat in the Arizona House of Representatives. Supervisor Brock seconded this nomination.

Supervisor Wilcox added her support for this nomination saying she had met him and felt he was very qualified to do an excellent job in the House.

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

David Funkhouser came to the podium to thank the District 11 Precinct Committeepersons for selecting him as one of the three candidates for the position. He thanked the Board of Supervisors for putting their faith and confidence in him to represent constituents in District 11 in the Arizona House of Representatives.

**A-68. TEMPORARY SUSPENSION OF ISSUANCE OF BUILDING PERMITS**

Approve a temporary suspension of the issuance of building permits in the "Clear Zone", "APZ 1", "APZ 2", and the "80 - 85 LDN Noise Contour" adjacent to Luke Air Force Base, Auxiliary Field One, and Auxiliary Field in Gila Bend.

This action is being taken to preserve the status quo while litigation is in process and will remain in effect throughout the duration of the litigation or until further action by the Board of Supervisors. (C-06-09-068-M-00)

Supervisor Wilson commented on the media and public input that has been received on this item, all with different solutions as to what should be done. He said that Maricopa County has always protected Luke Air Force Base and everyone on the Board supports the military. He explained that land owners who own land that Luke "needs" also must be protected from a "taking" of their land. He emphasized that the County wants the outcome to be a win-win situation.

Supervisor Wilcox said that a solution to this problem is long overdue and the hope is that it will be resolved by the court. She said that Luke provides many benefits to the County and to this country. She felt this item "goes a long way to sending a clear message that we want Luke to be saved."

Supervisor Brock supported what had been said and added that this item has been a little convoluted by politics but it is basically about support for Luke and the military, as well as trying to create a proper balance for those individuals who own property in that area.

Chairman Kunasek said he felt that the many different aspects surrounding issues with the statute would be best dealt with through action by the court, hopefully with a result that all can live with. He added that the County has to protect the mission of Luke Air Force Base who trains those protecting the rights of the people of the U.S.A. He added that this includes private property rights. He explained that many of the thousands of area landowners out there have invested their entire life savings for their retirement, or in the hope of producing a legacy for their children. He said he did not believe it was fair to ask any of them to give up the money, time and effort they have put into that property over this issue.

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Juvenile Probation**

**A-69. AMEND AGREEMENT WITH GOVERNOR'S OFFICE FOR CHILDREN, YOUTH AND FAMILIES FOR CONTINUED PROGRAM FUNDING**

Approve Amendment No. 1 to an agreement between Governor's Office for Children, Youth and Families, Division for Children (Amendment No. 4, Subgrantee Agreement #J1-CSG-07-7181-01Y2) and Maricopa County through the Juvenile Probation Department in the not-to-exceed amount of \$39,563. This amendment is funded by a grant from Governor's Office for Children, Youth and Families, Division for Children, Amendment No. 4, Subgrantee Agreement #J1-CSG-07-7181-01Y2. The purpose of this amendment is to extend date of grant and increase funding. This amendment is effective from July 1, 2008, to September 30, 2008. All other terms and conditions of this agreement remain in full force and effect. The 2008 Juvenile Probation indirect rate was 38.7% and the grantor capped the allowable

indirect rate at 10% cap. The total indirect costs are \$13,918.98, of which \$3,596.64 are allowable and \$10,322.34 are unallowable.

The Justice Involved Youth With Children (JIYWC)/Helping Others with Parenting Education (HOPE) Program offers pregnant and parenting teens the opportunity to participate in parenting and life skills training within each detention facility – Durango and SEF, as well as at community centers. Parenting Case Managers at each location are responsible for recruitment, facilitation of programming (by community partners and/or by the Case Managers themselves) and case management/aftercare services. Baby Camps for young mothers and young fathers are held in the spring and fall, to allow pregnant and parenting teens an opportunity to spend a weekend attending workshops designed to increase parenting skills, self-esteem and life skills – while interacting with their children and peers. Transportation, food and program expenses are provided as part of the program. This grant extension will provide continued funding for three Youth Parenting Case Manager positions, training, and collaboration with partners to provide additional training/participation in Baby Camp for Young Fathers/Mothers. This extension offers three-months time extension and three months (3/12 of prior year funding) for program expenses. It is anticipated that the Governor's Parents Commission will offer the opportunity to apply for full-year renewal funding prior to September 30, 2008. (C-27-08-008-3-01)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **County Attorney**

#### **A-70. APPEAL JUDGMENT ENTERED BY THE ARIZONA TAX COURT IN LIFE TIME FITNESS, INC. V. MARICOPA COUNTY**

Authorize the County Attorney's Office to appeal the Judgment entered by the Arizona Tax Court in Life Time Fitness, Inc. v. Maricopa County, TX 2005-050182 (consolidated). This item was discussed in Executive Session on August 18, 2008 under item E-19-09-028-3-00. (C-19-09-017-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **A-71. APPEAL JUDGMENT ENTERED BY ARIZONA TAX COURT IN PREMIERE RV V. MARICOPA COUNTY**

Authorize the County Attorney's Office to appeal the Judgment entered by the Arizona Tax Court in Premiere RV v. Maricopa County, TX 2007-000044. This item was discussed in Executive Session on August 18, 2008 under item E-19-09-026-3-00. (C-19-09-018-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **A-72. SETTLEMENT OF CLAIM SUBMITTED BY PACIFIC PROVING LLC AGAINST MARICOPA COUNTY**

Authorize settlement of claim submitted by Pacific Proving LLC against Maricopa County, as discussed in Executive Session on August 18, 2008. (E-19-09-025-6-00) (C-19-09-019-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**A-73. SETTLEMENT OF PARADISE PALMS MULTI-HOUSING LIMITED PARTNERSHIP V. MARICOPA COUNTY**

Authorize settlement of Paradise Palms Multi-Housing Limited Partnership v. Maricopa County, TX 2004-000063 and TX 2004-000857, as discussed in Executive Session August 18, 2008 under item E-19-09-027-3-00. (C-19-09-020-M-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**Trial Courts**

**A-74. IGA WITH TOWN OF GILBERT FOR JUSTICE COURT FACILITY**

Approve a new facility use Intergovernmental Agreement (IGA) with the Town of Gilbert for an 11,186 square foot Justice Court facility at the Gilbert Public Safety complex located at 55 East Civic Center Drive in Gilbert to accommodate the facility requirements of the new Highland growth court. The term of the IGA commences on January 1, 2009, and expires on December 31, 2013. The Lease provides two one-year renewal options beyond the initial five-year term. The annual facility use fee for the first three years of the agreement is \$201,348 per year plus tax. The annual facility use fee for the fourth year of the agreement is \$211,416 plus tax. The annual facility use fee for the fifth year of the agreement is \$217,800 plus tax. Either party may terminate the IGA after the third year by giving 180-day written notice. As part of the IGA, Gilbert shall provide to the County three secured parking spaces for the County use. The County shall reimburse Gilbert \$2,500 monthly for the building's on-going security costs. Pursuant to A.R.S. § 42-17106, transfer expenditure authority in the amount of \$118,566 from Non-Departmental (470) General Contingency (4711) Operating (0000) to Justice Courts (240) General Fund (100) Operating (0000). Also pursuant to A.R.S. §42-17106, transfer expenditure appropriation in the amount of \$419,892 from the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line to the Justice Courts (240) Justice Courts Enhancement Fund (245) Non-Recurring (0001). Also decrease the revenue appropriation in the Non-Departmental (470) Non-Departmental Grants Fund (249) Non-Recurring (0001) Potential Expenditures from Fund Balance line by \$419,892. Approval of this action will fund the one-time costs for move-in expenses and to equip the space with necessary security equipment, phones, computers, audio/video equipment, furniture, signs and fixtures. Approve the addition to the fleet for one Constable Vehicle. This vehicle will be funded from the Vehicle Replacement line in Non-Departmental with the accounting string 100-470-4712-FPRR-0930-AUTO. Funding of supplies and equipment for the new Constable was included in the FY 2008-09 Adopted budget. Additional information about the vehicle is as follows: Vehicle type / cost: Ford Crown Victoria / \$24,000 Expected maintenance: \$1,000 annually (C-24-09-002-3-00)

Motion to approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

### **Setting of Hearings**

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

#### **Planning and Development**

##### **A-75. ZONING CASES**

Schedule Planning and Development public hearings on zoning cases and other matters for the September 3, 2008 meeting. (C-44-09-024-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **Office of Enterprise Technology**

##### **A-76. SETTLEMENT BETWEEN MARICOPA COUNTY AND EMPIRE INTERNATIONAL TELECOMMUNICATIONS**

Approve settlement of the Notice of Claim filed by Empire International Telecommunications in the amount of \$14,510.00 for the repair work performed on a radio tower antenna atop the White Tank Mountain, and, if necessary, authorize the Chairman to execute all documents necessary to effectuate the settlement. This matter was discussed in Executive Session on August 18, 2008 under item E-19-09-021-6-00. (C-41-09-004-S-00)

Motion to Approve by: Supervisor Brock, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

#### **MEETING RECESSED**

Chairman Kunasek recessed the Board of Supervisors and convened as the Board of Directors of Various Districts.

#### **MEETING RECONVENED**

Chairman Kunasek reconvened the Board of Supervisors.

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

65. Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.)

Those registering to speak on this item included Jerry Sheridan, MCSO; Larry Black, MCSO; Martha E. Payan, U.S. Citizens; Manny Madrid, MCSO; Lisa Allen, MCSO; Teresa Castro; Loretta Barkell, MCSO; Jack MacIntyre, MCSO; Kevin Greathouse; Brady Bratchor; Lydia Navarro; Rev. Trina Zelle; Randy Parraz; Linda Brown, AZ Advocacy Network; Lydia Guzman; Raquel Teran; Joel Fox, MCSO; Steve Gallardo;

LaDawn Haglund; Irene Chavez and A. Flores.

Raquel Teran, Project Director for Maricopa Citizens for Safety and Accountability (MCSA), said she is here again to address the issue of how money is being spent and the lack of safety in our County. She said a meeting of 700 people the previous meeting had discussed such issues as lawsuits, civil rights violations, response time, etc. Different attendees will speak on separate subjects today.

Linda Brown expressed disappointment in the response of the Board to MCSA group comments on Sheriff Arpaio at previous Board meetings. She charged Chairman Kunasek with partiality regarding speakers. She said that after requesting personal meetings for two months Supervisor Brock had calendared one for August 11, and at the last minute had moved it to the auditorium where it was found the meeting was being recorded - which she considered to be a violation of the open meeting law. She wanted to know why this was done and who ordered it and who asked for copies of the taping.

Representative Gallardo, AZ House of Representatives, urged the Board to treat all citizens equally and to listen to all sides without bias before making a decision. He said it is 40% of the population who are upset and want their voices heard in a fair manner.

LaDawn Haglund returned to speak again about the fear generated by Sheriff Arpaio. She said, "I just want to make it clear that this Board has the right and the power to control an out-of-control sheriff. That is your responsibility, in part." She charged that civil rights and "international human rights norms are being violated in Maricopa County and I think it's the most patriotic thing we can do to protect our principals of American citizens."

Irene Chavez reported on jail conditions, use of force and listed the many lawsuits that have prevailed and that the County has lost, that taxpayers have had to pay for.

Capt. Joel Fox, Sheriff's Office, spoke of the lack of trust possible with today's media, who report selected, scattered items as fact, which they use to support conclusions indicating fault on the part of the Sheriff's Office. Such selective reporting changes the true story. This is then taken by protest groups and erroneous information is escalated. He said the Sheriff's Office has hundreds of people who work hard to serve the public to the best of their abilities. For the past ten years he has monitored response times. He said the response times for the Sheriff's Office have not been 16 minutes, as charged, but has been around seven-minutes for the last eight-years, and are steadily going down across the County. He said in certain isolated incidents in isolated portions of the County the response time could be higher because remote areas are not covered the same as the more populous areas. He added that in the more populous areas the response time approaches five-minutes.

Brady Bratchor spoke to voice his concern that the Board be able to listen to speakers who speak Spanish at the Board meetings. He also protested the stopping of Spanish persons to ask to see identification.

Lydia Navarro presented petitions signed at the previous night's meeting and read the petition, which depicted a "climate of fear that has been created by the Sheriff's Office." The petition asked the Board to take a specific course of action that included a public media apology to the people who have been unjustly victimized by the practices of the Sheriff's Office.

Randy Parraz spoke of dissatisfaction with a meeting held with the Sheriff's Office and

with actions of the Sheriff's Office against U.S. citizens who are being unjustly harassed and arrested. He called for a public apology.

Rev. Trina Zell, Presbyterian Minister, said Supervisors need to supervise, nobody's perfect.

Kevin Greyhouse, who introduced himself as a Jewish American, said he understands what is going on, having more than a dozen businesses in the Valley. He said it is important for any public body to hear both sides of an issue and that facts need to be corroborated. He said that numbers don't lie and spoke of an incident at a convenience store in Guadalupe that he said took 46 minutes response time with the owner held at gunpoint.

Corrine Widmer, a newcomer to the Valley from Chicago, said she is trying to understand both sides of the racial profiling that is being alleged. She was "shocked and disappointed" that only one Supervisor came to one of their meetings, as invited, and asked why more hadn't attended to hear them out. She said she had learned about the racial profiling of Joe Arpaio at a class she attended in Chicago.

Chairman Kunasek asked about representatives from the Sheriff's Office response to the public on personal charges.

Victoria Mangiapane said that this is "public comment only and these items are not on the agenda so it would not be appropriate for other officials to respond to the comments from the public."

Loretta Barkell, Sheriff's Office Director of Business Operations, said there have been many incorrect statements made by special interest groups and newspaper reporters over the past months. These groups have been given the correct information but have chosen not to use that data. Instead, she said, they have published inaccurate and misleading information, twisted to achieve outrageous sensationalism. She said the sheriff's office has been audited 40 times since 1993, contrary to reports, by the County Internal Audit Dept. She added that this does not include audits done by the Arizona Auditor General, the Justice Department, General Services Administration and the Government Accounting Office. She said the office is audited every fiscal year, often two or three audits occurring at the same time by different auditors. The office also does self-audits to make certain of compliance with policies and procedures. She said the Board of Supervisors provides a lump-sum budget appropriation to all County departments and all are expected to be within budget on June 30, the end of each fiscal year. The Sheriff's Office has consistently met this expectation since 1993. Last fiscal year the department returned \$5 million to the general fund.

Jack MacIntyre, Sheriff's Office, addressed the area of claim and litigation expenses of the Sheriff's Office to correct errors, saying the figures "bandied about even here today" were not based in reality. He said the "real figure for litigation expenses, total, for the last fifteen years is approximately \$30 million." He added that this is for the 3rd largest sheriff's department in the United States. He reiterated this is the total amount, not only involving the jails, but includes such things as workman's compensation claims, first-party injuries, automobile accidents, etc. He said this \$30 million figure comes from Risk Management for Maricopa County and not some political mailing. He felt the speakers should pursue a change in the law at the state or federal levels and not blame the Sheriff's Office for enforcing the laws that are on the books.

Teresa Castro felt that "brown-skinned people" are being targeted because of "how we

look" and not whether they are documented or not. She said they are trying to share the other side of the story, build a relationship and have the Board understand what really is going on.

Lisa Allen, Director of media and public relations for the Sheriff's Office, said she is here "to defend the Sheriff's Office and our Sheriff against the repeated misstatements being levied against us." She said Joe Arpaio believes in upholding all the laws of Arizona and not just the laws that the activists approve of. She said that Sheriff Arpaio insists that his deputies enforce all the laws of Arizona, treat all contacts with respect and dignity and never racially profile anyone. She said the activist activities are directed to defeating Sheriff Arpaio in the November election.

Sgt. Manny Madrid, Sheriff's Office Human Smuggling Unit, said his unit has been accused of racial profiling on several occasions. He works alongside his men and that no racial profiling has been done. He instructs his men to stop any and all violations they observe and a variety of people are brought into contact with them and a variety of crimes are found. He said they do contact illegal aliens but unlike other police agencies, Homeland Security has given them the authority to do something about it and can remove them back to their country. He said the Sheriff's Office works very closely with Immigration and Customs Enforcement (ICE) on a day-to-day basis and ICE oversees some of their operations and ICE has found nothing wrong with what they do or how they do it. He explained that ICE is actually using this Sheriff's Office program and modeling it to other agencies across the nation.

Martha Payan, community activist, said she went to the meeting of the MCSA group last night, thinking it was a public meeting, but was turned away from a meeting held in a public school. She was told she had to wear their MCSA badge before she could go in. She called on anyone wanting to be an American to follow American law.

A. Flores replied that private funds were used at last night's meeting, not public funds. He said that five lawsuits have been submitted against the Sheriff's Office on racial profiling. He asked the Board to bring the Sheriff to a meeting to have him meet with his group of people and asked why the Sheriff wasn't present today. He said the responsibility of the Board of Supervisors is to hold the Sheriff accountable and his responsibility is to hold the Board accountable.

Larry Black, Director of Special Operations for the Sheriff's Office, said he would give some facts on things that have been misconstrued during the past few weeks. First, he said 40,000 outstanding felony warrants is not correct. He said this is a contributed amount from 19 law enforcement agencies in Maricopa County and this is a reflective amount of what is carried over year-from-year. To date this year, the Sheriff's Office has arrested 7,000 people on felony warrants, so the charge that nothing is being done is ridiculous. He said you can't have "cafeteria style law enforcement," you either enforce all of the laws or none of them.

Jerry Sheridan, Chief of Custody over all the jails, said he has worked for the Sheriff's Office for more than 30 years and has worked for four sheriffs during that time. He explained the decision for the Sheriff's Office to become involved in the illegal immigration issue, saying it began several years ago with a ring of drug dealers selling drugs to Scottsdale High School students. When apprehended, it was found that all of the drug dealers were illegal aliens. This initiated discussion on what to do about the immigration problem. As a result, Sheriff Arpaio's department decided to get involved in the ICE Agreement 287G, which is active throughout the country. This federal program gives the operating power and authority to instigate and activate action according to the legal guidelines contained in the agreement. The program was started in early 2007

and those involved received five-weeks of intensive training from the federal government on how to conduct investigations for illegal aliens. Since the 287G Program began, investigators have booked more than 105 people into the County jail. He said that by the end of this week 16,000 detainers have been put on illegal aliens who will be deported. He added that on any given day around 20% of all those inmates in the County jail system will have illegal alien "holds" on them and eight out of ten, or about 1,700 of those with "holds," are felons.

66. Supervisors'/County Manager's summary of current events.

No Board Member commented at this meeting.

**NOTE:** The Chairman called for a five-minute break to allow the room to clear prior to the Planning and Zoning portion of the meeting.

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

## **PLANNING AND ZONING AGENDA**

### **CONSENT AGENDA**

**1. FINAL PLAT S2008010**

**Case Number:** S2008010 (C-44-09-015-7-00)  
**Supervisory District:** 3  
**Applicant:** Stanley Consultants for NSHE Winnebago, LLC  
**Location:** Northeast corner of Anthem Way & Gavilan Peak Pkwy. (in Anthem)  
**Request:** Final Plat for a 3-lot, 1-parcel mixed-use subdivision in the C-2 CUPD PAD zoning district (approx.7.9 ac.) - Anthem East Side Mixed Use Replat  
**Commission Action:** NA

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

### **REGULAR AGENDA**

**2. CAREFREE HIGHWAY SCENIC CORRIDOR STUDY**

**Case Number:** CPA200804 (C-44-09-008-7-00)  
**Supervisory District:** 3  
**Applicant:** Commission Initiative  
**Location:** Carefree Highway Scenic Corridor  
**Request:** Approval of proposed modifications  
**Commission Action:** Action based on 7/24 P&Z Hearing

**NOTE:** This item was deleted as it is a duplicate of item #5 below. See item #5 for action on this item.

**3. ARROYO NORTE UNIT 4 - FINAL PLAT**

**Case Number:** S2006015  
**Supervisory District:** 3

**Applicant:** Hoskin Ryan Engineering, on behalf of Pulte Homes  
**Location:** East of I-17 and south of Circle Mountain Road (in the Anthem / New River area) Request  
**Request:** Final Plat for a 100-lot, 4-tract, single-family residential subdivision in the R1-7 RUPD zoning district (approx. 39.0 ac.)  
**Commission Action:** N/A

Staff Recommendation is to continue indefinitely. (C-44-09-010-M-00)

**NOTE: This item was deleted as it is a duplicate of item #13. See results on item #13 below.**

**4. TEXT AMENDMENT: TA2007016**

**Case Number:** TA2007016  
**Supervisory District:** All Districts  
**Applicant:** Commission Initiative  
**Location:** County-wide  
**Request:** Text Amendment (TA) to the Maricopa County Zoning Ordinance (MCZO) regarding the Plan of Development process  
**Commission Action:** Motion to approve as written 7-0.

Lynn Favour said this text amendment applies to all Supervisor Districts and is designed to simplify and streamline the Plan of Development process currently in place. (C-44-09-016-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**5. COMPREHENSIVE PLAN AMENDMENT: CPA200804**

**Case Number:** CPA200804  
**Supervisory District:** 3  
**Applicant:** Commission-Initiated  
**Location:** ¼ mi. north and south of Carefree Hwy. between 7th Ave. and 28th St. alignment (in north Phoenix / Desert Hills area)  
**Request:** Comprehensive Plan Amendment (CPA) to adopt the Carefree Highway Scenic Corridor Study. [Note: CPA case approval is by Resolution.]  
**Commission Action:** Motion to approve as written 7-0.

Lynn Favour explained that the Board had sent this item back to the Planning Commission who has reviewed the three suggested changes and approved them. The item is now back before the Board for consideration. She said the recommendation is for approval by resolution. (C-44-09-017-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**6. DEVELOPMENT MASTER PLAN: DMP2008003**

**Case Number:** DMP2008003  
**Supervisory District:** 4  
**Applicant:** Coe & Van Loo Consultants, LLC for Danville Land Investments, LLC  
**Location:** Approx. between Peak View Rd., Lone Mountain Rd., 211th Ave. & Crozier Rd. (in the Wittmann/Surprise area)  
**Request:** Major Amendment to a Development Master Plan (DMP) (approx. 521 ac.) – Walden Ranch  
**Commission Action:** Motion to approve 7-0 subject to staff recommended stipulations 'a' through 'hh'

Lynn Favour said this is a major amendment to the Walden Ranch Comprehensive Master Plan. She said the recommendation is for approval with stipulations "a" through "hh." (C-44-09-018-7-00)

Andy Moore, for the applicant, explained several changes related to the water supplier for the project and said that last year the Corporation Commission granted the contract to the private supplier rather than the City of Surprise, and a new water storage site had to be added to the plan.

Another change involved the necessity of increasing the school site from 12 acres to 15 acres, eliminating some homes and requiring a major amendment. There was also several more minor changes involving a phasing change and changes to language on a development agreement with the City of Surprise who said they didn't want an agreement.

Supervisor Wilson mentioned the possibility that a new fighter plane could be flying over Luke Air Force Base, that it would cause a greater degree of noise and he asked if this information is being passed on to home buyers. Mr. Moore said when information is received on a new type of plane this will be included in the information packet.

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**7. SPECIAL USE PERMIT: Z 93-61**

**Case Number:** Z 93-61  
**Supervisory District:** 3  
**Applicant:** Martin Lantry and MCNJ Family Investments, LLC  
**Location:** Approx. 295' south of New River Rd. and approx. 240' east of 27th Ave. (in the New River area)  
**Request:** Removal of a Manufactured Housing Residential (MHR) Overlay Zoning District in the Rural-43 zoning district (approx. 1.0 ac.)  
**Commission Action:** Motion to remove the MHR overlay 7-0.

Prior to the vote, Lynn Favour announced a change that moved this item to the Consent Agenda. (C-44-09-013-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson

Absent: Stapley

**8. SPECIAL USE PERMIT: Z2004015**

**Case Number:** Z2004015  
**Supervisory District:** 1  
**Applicant:** Power QC4, LLC  
**Location:** Approx. 1,400 ft. south of Riggs Rd. and east of Power Rd. (in the Queen Creek area)  
**Request:** Removal of a Special Use Permit (SUP) for a kennel in the C-3 and R1-35 zoning districts (approx. 1.5 ac.) – Happy Tails Pet Resort  
**Commission Action:** Motion to remove the SUP overlay 7-0.

Prior to the vote, Lynn Favour announced a change that moved this item to the Consent Agenda. (C-44-09-014-7-00)

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**9. SPECIAL USE PERMIT: Z2007007**

**Case Number** Z2007007  
**Supervisory District:** 5  
**Applicant:** Superstition Builders, LLC for Felix Corona  
**Location:** Southeast corner of 29th Ave. & Baseline Rd. (in the south Phoenix/Laveen area)  
**Request:** Renewal of a Special Use Permit (SUP) for a rodeo arena and convention facility in the Rural-43 zoning district (approx. 11.4 ac.) – Corona Ranch  
**Commission Action:** Motion to approve 7-0 subject to staff recommended stipulations 'a' through 'w'.

Lynn Favour said this is to renew a Special Use Permit for an additional 20 years for a rodeo arena and convention facility. Laveen supports this request and staff requests approval with stipulations "a" through "v." Ms. Favour acknowledged a typo in the Commission action stipulation notation. It should be stipulations "a" through "v." (C-44-09-019-7-00)

Supervisor Wilcox said this rodeo facility has been there for years, long before houses were built nearby, and the owners have always maintained it and have worked very well with neighbors who moved in. She added that it is desirable and helps maintain the rural feeling that is desired in Laveen.

Motion to Approve by: Supervisor Wilcox, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**10. SPECIAL USE PERMIT: Z2008006**

**Case Number:** Z2008006  
**Supervisory District:** 1  
**Applicant:** Deborah Mullen

**Location:** North of Hunt Hwy. and west of Valencia Ave. (in the Chandler Heights area)

**Request:** Special Use Permit (SUP) for an animal boarding/grooming facility in the Rural-43 RUPD zoning district (approx. 1.2 ac.) – Holiday Hound House [Note: Super-majority vote of the BOS is required for approval.]

**Commission Action:** Motion to approve 5-2 subject to stipulations "a" through "bb"

Commission Action: Motion to approve 5-2 (Aster and Brooks dissenting) subject to alternative stipulations 'a' through 'bb' (C-44-09-020-7-00)

Lynn Favour said that 16 letters of opposition have been received and it is enough to trigger a super-majority vote for this item. Also received was a petition in support that also had 16 names, mostly from those living near the applicant's current business located in Gilbert, while the opposition is from the area the applicant is relocating to Ms. Favour reported on relevant details of the business at both sites. The SUP would be for 10 years. She said the applicant has already worked with neighbors and staff is recommending a continuance of the item to allow additional time to try to alleviate neighborhood apprehension and perhaps achieve resolution of the issues. Ms. Favour summed up the issues as being 1) noisy animals, 2) the impact on property values, 3) increased dust from the unpaved roads, and 4) from increased traffic related to a business.

Supervisor Brock said the Board is always sensitive to neighborhood complaints when a Special Use Permit is involved.

Chairman Kunasek referenced a letter received from current neighbors of the applicant's facility expressing satisfaction and affirming the absence of noisy animals.

Christian Andersen, citizen, expressed opposition to the "venture and not to the person" on the animal boarding facility. She said the petitions she submitted contain names of persons living both within and without the 300 foot barrier adding that there are nine lots within 300 feet of the proposed facility, one of which is a business, the rest residential. Seven of the nine are in opposition. She noted some unanswered questions on who will live at the facility and said she needs some details on several things. She responded to a question from Supervisor Brock to say her husband had attended the Planning Commission hearing but she had not been able to leave work. He had expressed their opposition at that time.

Mrs. Deborah Mullin, applicant, said their business was designed to give dogs a fun, caring place to stay while their owners were away. She added that it has been important to them to blend into the neighborhood and not provide any nuisance to their neighbors. They keep their animals in a soundproof building and take them outside on controlled, supervised trips during the day. She outlined a typical daily schedule of activity and the daily yard clean-up regimen. She said she visited with neighbors at the new site before purchasing it and at that time only two out of eleven voiced any objection to a dog boarding facility, so she bought the property. She addressed the concerns that have been voiced on traffic, residency and grooming. She explained that she has had her current dog boarding facility for four years and has not had complaints from any of her neighbors, and alluded to the signed petitions from current neighbors asking for approval of this SUP.

Charles Warner said his property adjoins the Mullin property and he had told her prior to her purchase that he was in opposition to the facility, primarily because she will not be living there as a neighbor to residents. He said everyone would drive by his property to get to this business. Realtors have told him that whenever a commercial business goes

into a residential area property values are adversely affected. He felt that Ms. Mullin is currently a good neighbor to her neighbors but she won't be his neighbor because she won't be living there.

Yvonne Warner spoke to say only a block wall separates her property from the proposed Holiday Hounds property. She listed the issues over which she remains "vehemently opposed" to the business locating in their residential neighborhood. She spoke with Mrs. Mullin's daughter, who is supposed to live at the house and who indicated she would not be living there as it is a dog kennel. She added that Mrs. Mullin had also informed her that she would continue to live in Gilbert and the new facility is just a dog facility. She added that she did not want to reside next to a dog facility. She felt that would not be fair to those living there and asked that the Board deny the request.

Elizabeth Johnson felt the San Tan Mountains act as an amphitheater and exaggerate neighboring sounds. She does not want a commercial property and/or "dark skies" to open up in "their little bit of heaven."

Elizabeth Fulgem endorsed the Mullins' current facility. She said she has show dogs who require specific care and Ms. Mullin has cared for them for years. She vouched for her integrity and that she keeps her word. She said there are many different wild and tame animals in this new location and a lot of animal noises, including those from approximately 60 goats that are two lots from her place. She said that many property owners have dogs, adding, "I don't see noise as an issue."

Anthony Kulotta spoke to the character of Deborah and Mike Mullen, saying he hoped they would be able to continue to run their business, which provides a great service to their clients. He said they take care of his animals as if they are their own and he has great trust in them and their business practices. He felt their home business could not impose upon or provide any inconvenience to a neighbor.

Supervisor Brock said he often tended to be more on the property owner's side but cautioned that there are 16 letters of opposition in this matter. He said if this is continued he would urge Mrs. Mullin to try to get neighborhood support for the facility before the super majority vote is taken.

Motion to Continue two weeks to the September 3, 2008, meeting, when only new testimony will be heard, by: Supervisor Brock, Seconded by: Supervisor Wilson  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**11. MODIFICATION OF STIPULATION: Z2008050**

**Case Number:** Z2008050  
**Supervisory District:** 4  
**Applicant:** Gallagher & Kennedy, PA for MEHROB, LLC  
**Location:** Southeast of El Mirage Road and the Pinnacle Peak Road alignment (in the northeast Surprise/northwest Peoria area)  
**Request:** Modification of Stipulation "d" from Z2002140, a Concept Plan of Development for a shopping center in the C-S PD zoning district (approx. 20.0 ac.) – Sundero Plaza  
**Commission Action:** Motion to approve 7-0 subject to modified stipulations 'a' through 'w'.

Lynn Favour said this is a modification of stipulations in a previously approved zoning case, Z2002140, a concept plan of development for a shopping center. These changes have been approved by the Planning Commission and all other parties and there is no known opposition. The applicant has been given three years to complete a precise plan of development. The recommendation is for approval with stipulations "a" through "w." (C-44-09-021-7-00)

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**12. PLAN OF DEVELOPMENT: Z2007125**

**Case Number:** Z2007125  
**Supervisorial District:**  
**Applicant:** Withey Morris, PLC for Armstrong Olive Citrus, LLC  
**Location:** Northwest corner of Citrus Rd. and Olive Ave. (in the west Glendale area)  
**Request:** Precise Plan of Development for a retail shopping center in the C-2 PD PAD zoning district (approx. 16.0 ac.) – Shoppes at Cortessa  
**Commission Action:** Motion to approve 7-0 subject to modified stipulations 'a' through 'x'.

Lynn Favour said this is a Plan of Development for a retail shopping center. The City of Glendale is opposed to this project. There is no known public opposition. She said the recommendation is for approval, subject to modified language in stipulation "b" and new stipulation "y" which clarifies the original language. The final version of the stipulations are listed below in their entirety. (C-44-09-022-7-00)

a. Development and use of the site shall comply with the Site Plan entitled "Shoppes at Cortessa" consisting of four (4) full-size sheets, dated (revised) June 19, 2008, and stamped received June 26, 2008, except as modified by the following stipulations.

b. Development and use of the site shall comply with the Narrative Report and exhibits entitled "Shoppes at Cortessa", consisting of 70 pages, dated June 26, 2008 and stamped received June 26, 2008, except as modified by the following stipulations.

c. Development of the site shall be generally consistent with the Landscape Plan, entitled "Shoppes at Cortessa", consisting of two (2) full-size sheets, dated (revised) March 19, 2008 except as modified by the following stipulations.

d. The developer shall comply with the following Maricopa County Department of Transportation stipulations:

Perimeter off-site improvements per approved Traffic Impact Report.  
The first and third driveways on Olive Avenue to be right-in and right-out.  
The sidewalk to be installed on perimeter roads.

e. Prior to building permit issuance, onsite water and sewer plans must be submitted to Maricopa County Environmental Services Division (MCESD) for review and approval. MCESD will not support the Final Plat prior to issuance of the Approvals to Construct for this infrastructure.

- f. All signage shall conform to the MCZO sign regulations.
- g. Lot 2 Pad A and Lot 7 shall conform to the standards of the Olive Avenue Scenic Corridor (OASC) guidelines.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened with a continuous parapet.
- i. 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.
- j. 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. Prior to any zoning clearance for building permits, the applicant shall obtain a final Grading and Drainage and Infrastructure permit from Maricopa County.
- 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 to the Maricopa County Zoning Ordinance. All site lighting must be fully shielded.
- m. 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 or 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.
- n. Prior to zoning clearance, 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.
- o. Concurrent with submittal of Final Plat and prior to any building permit application, Improvement Plans shall be submitted to the Planning and Development Department.
- p. Prior to an building permit issuance, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.

q. 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. Provide fire hydrants on 450' centers.

r. Submit plans for fuel system to the Office of the State Fire Marshal for approval and installation permits.

s. The master developer shall notify future property owners/lessors that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying or leasing property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your building 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.

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

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

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all sales offices, be permanently posted on the front door of all 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.

t. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS 28-8482 (B).

u. Major changes to the Precise Plan of Development 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.

v. 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).

w. 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 Plan of Development as set forth in the Maricopa County Zoning Ordinance.

x. The property owner/s and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

y. At such time as Maricopa County allows electronic monument signs, the property owner shall remove the electronic sign from the gas canopy and apply for a permit to allow an electronic monument sign.

Motion to Approve by: Supervisor Wilson, Seconded by: Supervisor Wilcox  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**13. FINAL PLAT: S2006015**

**Case Number:** S2006015  
**Supervisory District:** 3  
**Applicant:** Hoskin Ryan Engineering, on behalf of Pulte Homes  
**Location:** East of I-17 and south of Circle Mountain Rd. (in the Anthem / New River area)  
**Request:** Final Plat for a 100-lot, 4-tract, single-family residential subdivision in the R1-7 RUPD zoning district (approx. 39.0 ac.) – Arroyo Norte Unit 4  
**Commission Action:** N/A

Lynn Favour said a request has been received to continue this item for two weeks to resolve some outstanding drainage concerns. (C-44-09-023-7-00)

Motion to Continue to the September 3, 2008, meeting by: Supervisor Wilcox, Seconded by: Supervisor Brock  
Ayes: Kunasek, Brock, Wilcox, Wilson  
Absent: Stapley

**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