

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 3, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., April 3, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Max W. Wilson, Mary Rose Wilcox, Fran McCarroll, Clerk of the Board; and Shirley Million, Administrative Coordinator. Absent: Andy Kunasek. Also present: David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Betty Colwell, Clerk of the Board's Office, offered the invocation.

PLEDGE OF ALLEGIANCE

Tom Manos, Chief Financial Officer, led the assemblage in the Pledge of Allegiance.

CODE ENFORCEMENT REVIEW

This is the time scheduled for oral argument in the review of Hearing Officer's Order of Judgement in the zoning code violation case of JNC Carefree, LLC, Case No. V2001-00376. (This hearing continued from meeting of March 20, 2002.) (ADM3417-09)

No written protests having been received, Chairman Stapley asked if anyone wished to address the Board on this matter and Joy Rich, Director of Planning and Development, came forward to speak. She said the Planning Department has been working to get this property cleaned up for a year. She stated that the hearing officer on this case had set a compliance date for the owner of a 60 acre tract at 14th Street and the Carefree Highway to clear out litter, inoperable vehicles, single-wide trailers and to clean-up the property or pay a fine of \$500 plus \$30 for every day of non-compliance with an extended deadline of April 29, 2002. The property owner declined this extended date offer, preferring to have this hearing today.

Joe Contadino, owner of the rental property, said he had not understood the meaning of the extended compliance date or that the removable of the trailers was part of the order. He indicated that he had been working on the clean-up portion but is hindered in the removal because so many of the people living there are either old, infirm or have horses, and the six months they were given to vacate the premises was not long enough for them to find alternative places to stay. Mr. Contadino requested that these elderly owners be given additional time, even several year, to clear the property. He said that many have an agricultural exemption for a singlewide trailer and feel they have valid permits which should be grandfathered.

Chairman Stapley asked if they understood that the zoning has changed since they received their Agricultural Exemption and singlewide trailers are no longer compliant with the current zoning of the area. He reported that according to section 2302 of the zoning ordinance, as stated under exempted uses, there is no grandfathering rights once an Agricultural Exemption runs out. Requirements of the ordinance cannot be waived by the Board of Supervisors.

Mr. Contadino said that he has a court hearing on April 8, 2002 to get an eviction notice. He reiterated that the residents needed more time in which to relocate after so many years of residence.

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Discussion ensued on extending the time for the property owner's compliance and when asked for a date specific Chairman Stapley replied, "May 20." Supervisor Wilcox suggested that any of the renters who found themselves "in dire straits" contact the Human Services Department for special aid to help them relocate.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to affirm the Hearing Officer's decision but to modify the compliance date by extending it to May 20, 2002.

PUBLIC HEARING - ENVIRONMENTAL SERVICES

No protests having been received, a public hearing for the adoption of the amended Foreword, Chapter I, and Chapter VIII of the Maricopa County Environmental Health Code was called. The proposed amendments clarify the code, enhance the Environmental Services Department's ability to permit responsible parties and modify the permit fee schedule. The proposed amendments meet the goals established in the County's economic improvement program of full cost recovery. The amended code becomes effective upon the date of Board of Supervisors' approval. (C88020327) (C88020337) (ADM2102)

Al Brown, Director of Environmental Services, spoke in support of this measure saying the modifications were necessary to the County's Environmental Health Code to modernize the food safety regulations and to enhance the County's national award-winning Consumer Protection Program. He said that this proposal would adopt Arizona State rules passed earlier this year, which include prohibiting hand contact with ready to eat foods by wearing gloves or using utensils, shelf-life provisions for perishable foods, discarding leftovers after a certain period of storage time and a provision that food managers must demonstrate a level of knowledge on food safety principles and practices.

Gary Maughan, representing ARHA (Arizona Restaurant Hospitality Association), said his organization enthusiastically supports the adoption of Chapter 8 of the Maricopa County Environmental Health Code. He said they have participated in the task force committee and taken part in the workshops and meetings on this subject for several years statewide. He expressed appreciation for the working relationship established between the ARHA and the County's health services which has resulted in better understanding and cooperation.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this amended code.

LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson and seconded by Supervisor Wilcox to recommend approval of liquor license applications a, b, d, and e and to continue application c, Hassayampa Bar & Grill, to the April 17, 2002, meeting.

- a) Application filed by David Edward Leonard, Jr., for an Original, Series 12 License: (F23022)

Business Name: Liguori's Restaurant
Location: 10746 West Bell Road, Sun City

- b) Application filed by James Theron Erwin for an Original, Series 10 License: (F23023)

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Business Name: Hitchin Post Food Mart
Location: 46639 North Black Canyon Highway, Suite 5, New River

- c) Application filed by Catherine E. Fisher for an Original, Series 12 License: (F23021)

Business Name: Hassayampa Bar & Grill – **CONTINUED TO APRIL 17, 2002.**
Location: 42839 North Grand Avenue, Morristown

- d) Application filed by Michael Joseph Basha for a Transfer-of-Location, Series 9, License: (F23020)

Business Name: Bashas' 43
Location: 10325 Riggs Road, Sun Lakes
Former Location: 13226 North 7th Street, Phoenix

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

Business Name: Desert Rose
Location: 18300 South U.S. Highway 80, Arlington
Date: Saturday, April 13, 2002

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

PUBLIC HEARING - SPECTRUM IWDD NO. I-C-02-003 (PROPOSED)

No protests having been received and no speakers coming forth at the Chairman's call, at this public hearing regarding the proposed Spectrum IWDD No. I-C-02-003, motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the district impact statement and authorize the persons proposing the district to circulate petitions as provided by ARS §48-261 and ARS §48-3422. This district is located in the vicinity of southeast Gilbert (Williams Field Road on the north, Lindsay Road on the west, Queen Creek Road on the south, and the half-mile alignment between Val Vista and Greenfield Roads on the east). (ADM4387)

CONTAMINATED PROPERTY TAX REDUCTION PROGRAM

Item: Approve the procedures and forms for the Contaminated Property Tax Reduction Program. These procedures set forth a process to evaluate requests for tax reduction based on the fact that the property is contaminated. Included in the program are an application, sample affidavits and a description of guidelines for various reviewers to facilitate the evaluation of each request. (C06020056) (ADM2158)

Supervisor Wilcox remarked that this program has been two years in the making, with the City of Phoenix having made the first overtures that eventually led to legislative action on this much-needed tax reduction program. She congratulated the committee, headed by Fran McCarroll, Clerk of the Board, for creating the policy that will be used to evaluate and process tax requests on contaminated properties in the County. She thanked Mrs. McCarroll and the other members of the committee for setting parameters that could allow many areas in Maricopa County to be cleaned up and reclaimed. She cited an area around

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9th Street and Buckeye in particular and said it will be revived because of this program and this should create new jobs for the community and benefit many residents in various ways.

Clerk of the Board, Fran McCarroll, responded and said that all of the members of the committee had worked long and hard to review the legislation, evaluate options and produce these guidelines. She indicated that both she and Al Brown, Director of Environmental Services, would attend a Brownfield's Conference on April 30 where they will be co-speakers on this subject.

Chairman Stapley also extended his thanks, saying that the policies being adopted today were very well thought-out, functional and productive.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the procedures and forms for the Contaminated Property Tax Reduction Program.

AMENDMENT TO INTERGOVERNMENTAL AGENCY AGREEMENT WITH PIMA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Amendment No. 2 to the Intergovernmental Agency Agreement between Pima County and the Maricopa County Sheriff's Office, which allows the pass through of funds for the High Intensity Drug Trafficking Area (HIDTA) program, extending the term of the agreement through September 30, 2002. The original term of the agreement was October 1, 2000, through December 31, 2001. (C5001086302)

PURCHASE OF EQUIPMENT FOR THE LAKE PATROL AND PROPERTY CRIMES/AUTO THEFT UNITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve two exemptions to Budget Memo No. 8 for grant-funded equipment items in the Lake Patrol (\$2,590) and in the Property Crimes/Auto Theft Units (\$6,026.58) totaling \$8,616.58. Approval of these exemptions will result in the acquisition of equipment items specific to two MCSO grants for which the Board approved acceptance. These items are: (C5002062M)

- Two (2) End Tidal CO2 SP02 Monitors that will be used in Lake Patrol emergency incidents. On February 6, 2002, the Board approved acceptance of grant funding from the Arizona Emergency Medical Systems to purchase medical supplies and equipment for the Sheriff's Office, Lake Patrol Division. The End Tidal Monitors will be used to determine the flow of oxygen to victims with breathing difficulties. (C50020503) (ADM3900-002)
- Two (2) VRM 650 800 Mhz 10-15 watt Private Datatac units with related connector accessories that will be used in Property Crimes/Auto Theft incidents. On April 4, 2001, the Board approved acceptance of grant funding from the Department of Public Safety to be used in part to purchase equipment for the Property Crimes/Auto Theft Unit. These components provide a data link interface between laptop computers in MCSO mobile units and the Phoenix Police Department's data base so that auto theft suspects who are also fugitives can be identified quickly and apprehended accordingly. (C50010773) (ADM3900-002)

PURCHASE OF THREE REPLACEMENT BOAT MOTORS FOR TWO BOATS

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve an exemption to Budget Memo No. 8 for the purchase of three replacement boat motors for two boats in the Maricopa County Sheriff's Office Lake Patrol Division at a cost not-to-exceed \$22,000 including tax. The Maricopa County Sheriff's Office requests authorization to replace three motors; two for the LP30, a 1995, 26-foot Ranger Patrol Boat, and one for the LP32, a 19-foot Ranger Patrol Boat. The new motors for the 26-foot ranger would be 225XL EFI saltwater standard rotation, and 225XL EFI saltwater counter rotation at a cost of \$14,534 plus tax. The new motor for the 19-foot ranger would be a 150L EFI 20" shaft outboard motor at a cost of \$5,749 plus tax. The port motor on the larger boat has been damaged internally due to a thrown rod, and the starboard is an old 1989 carburetor motor and should be replaced. The 175 horse Mercury outboard motor on the smaller boat has also been damaged because of a thrown rod. The prices were quoted last fall through Mercury's government purchase program, which saves approximately 60% from the retail cost. Replacement of these motors is necessary to the unit's operations. (C5002064M) (ADM3900-002)

WAIVER TO COMPENSATION PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A to allow a retroactive salary advancement for Detention Support Officer (DSO) Norman E. Nichol, from \$11.28 per hour to \$11.56 per hour, with an effective date of October 15, 2001. The retroactive pay will come from budgeted funds and will not exceed \$300. The Sheriff's Office currently allows for an employee who received a "meets standards" rating on his/her first annual or 12-month initial probationary performance appraisal to be considered for a salary advancement. DSO Nichol was hired on October 10, 2000. On April 2, 2001, he changed his status from FTE to PTE. Staff at Sheriff's Office Employment Services inadvertently changed his anniversary date in the database from a year from his hire date (October 10, 2001) to a year from his change in status (April 2, 2002). The retroactive pay will come from budgeted funds and will not exceed \$300. (C5002066M) (ADM3308)

SIX-MONTH WAIVER TO EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve a six-month waiver, from March 5, 2002, through September 5, 2002, to the Maricopa County Employee Leave Plan V & VI, for Deputy John Anderson, who was seriously injured as a result of an "Act of Violence" through no fault or negligence of his own, while serving in the line of duty. On March 5, 2002, Deputy John Anderson was seriously injured when the suspects he was pursuing on foot, ran over him with a vehicle, causing multiple serious injuries including a crushed pelvis. (C5002067M) (ADM3320)

FUNDING FROM U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE TONTO NATIONAL FOREST

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the acceptance of up to \$122,000 in funding from the U.S. Department of Agriculture, Forest Service Tonto National Forest to provide law enforcement and emergency medical response services to the areas of Maricopa County that are within the boundaries of the Tonto National Forest. The term of this funding is October 1, 2001, through September 30, 2002. Also, approve an increase in the Sheriff's Office FY 2001-2002 grant revenue and expenditure levels by \$91,500 and FY 2002-2003 revenue and expenditure levels by \$30,500. Funding to the Forest Service, Tonto National Forest is included in its Federal appropriation, therefore, funding to Maricopa County is not a grant and not subject to indirect costs (per Department of Finance). (C50991172) (C50020683)

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INTERGOVERNMENTAL SERVICE AGREEMENT WITH PIMA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve an Intergovernmental Service Agreement (ISA) between Pima County Sheriff's Department and the Maricopa County Sheriff's Office accepting \$394,872 in High Intensity Drug Trafficking Area (HIDTA) Grant funds from Pima County. The term of this ISA is October 1, 2001, through December 31, 2002. Acceptance of this grant will allow the Sheriff's Office to continue the work on the Methamphetamine Task Force (\$333,739) and the Joint Drug Intelligence Group (\$61,133). Also approve an increase in the Sheriff's Office FY 2002-2003 grant revenue and expenditure levels by \$394,872. (C50020693)

AGREEMENT WITH THE ATTORNEY GENERAL'S OFFICE, THE DEPARTMENT OF LAW, STATE OF ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve an agreement with the Attorney General's Office, The Department of Law, State of Arizona and the acceptance of up to \$12,825 in grant funding from the Attorney General's Youth Anti-Tobacco Program. The term of the agreement is March 25, 2001, through June 28, 2002. Also approve an increase in the Sheriff's Office FY 2001-2002 grant revenue and expenditure levels by \$12,825. (C50020703)

RENEWAL OF VEHICLE REGISTRATIONS AND EXEMPT FROM MARKINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve renewal of vehicle registration and exempt from markings a fleet of RICO vehicles used for deep undercover investigations per A.R.S. §38-538.03. Total number of vehicles not-to-exceed 50. (C5002071M) (ADM3101)

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the acceptance of a \$1,000 donation from Mrs. Elizabeth Lopez for the sole use of the Sheriff's Office Animal Cruelty Unit for items deemed necessary by the Unit. Also approve acceptance of four animal cages valued at \$25 each from Mrs. Elizabeth Lopez to be used by the Animal Cruelty Unit. (C5002077M) (ADM3900)

PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the purchase of the following equipment as prescribed in Budget Adjustment Memo No. 8:

- a) Three PC's with monitors and three printers to support the Maricopa County Automation Project (MCAP). This major automation effort when completed will bring an integrated case/financial management system to the Maricopa Superior Court. Cost is approximately \$2,600 per PC, with printer, for a total not-to-exceed \$7,800. In compliance with the IT Equipment Capital Leasing Program, this cost will be spread over 36-months. (C16020118) (ADM1000-002)
- b) Canon Microfilm Reader Printer at a cost not-to-exceed \$10,500. This printer is used to process motions to open adoption files, confidential intermediary file reviews for

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adoption reunification, customer and/or court requests to review or copy individual documents or complete legal files for informational purposes and/or court hearings and rulings. This is a replacement for a current microfilm reader printer that can no longer be repaired, as parts are no longer available. The total cost for purchase will not exceed \$10,500, with a three-year maintenance agreement of \$6,810, which will be paid at \$2,270 each year. This is funded through Document Storage and Retrieval Funds. (C16020128) (ADM1000-002)

WAIVER TO COMPENSATION PLAN – RETROACTIVE SALARY ADVANCE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a waiver from the Maricopa County Compensation Plan, Section VI.Z., to allow retroactive salary advancements, effective November 26, 2001, to January 21, 2002, for Lynne Chapman (\$14.44 to \$15.60). This is a total of 320 hours for a cost of \$371.20 plus 10.14% benefits for a grand total of \$408.83. On October 1, 2001, a market adjustment was implemented for Courtroom Clerk positions. Lynne Chapman, a courtroom clerk, was on a performance Corrective Action Plan at this time, therefore, she was ineligible to receive the market adjustment. Ms. Chapman was informed by memo on November 23, 2001, of the successful completion of all performance objectives identified on a Corrective Action Plan. Due to some confusion with Ms. Chapman's eligibility status, her paperwork for market adjustment implementation was not processed until January 2002. (C16020138) (ADM3308)

CLARIFY ACTION TAKEN REGARDING INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to clarify the action taken on August 22, 2001, to include the approval of an Intergovernmental Agreement between the City of Phoenix and Maricopa County for approved expenditures associated with FY 2001 Juvenile Accountability Incentive Block Grant (JAIBG), Year 4, for the term of October 1, 2001, through June 30, 2003. Previously, IGA's with the City of Phoenix for Years 1, 2, & 3 of the grant were approved and executed by the respective parties. The IGA restates the allocation accountability for the block grant based on the formal application submitted to the State of Arizona, Governor's Division for Children. It has been agreed that the City of Phoenix will submit invoices for recovery of approved expenditures. Maricopa County Juvenile Probation Department will act as the fiscal agent and project administrator of a partnership involving the County and the cities of Avondale, Chandler, Glendale, Phoenix and Paradise Valley with contributing city allotments from Affiliated Member Cities of Goodyear and Peoria. Overall fiscal administration of the pooled funds totaling \$1,805,306.67 for Year 4 will be the responsibility of Maricopa County Juvenile Probation Department. (C2702003301)

PURCHASE OF SECURITY SERVER EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the purchase of security server equipment consisting of four servers and a server rack for the ICJIS DPS Interface/Security Project at a cost of \$59,000 and approve the purchase of one server rack for the Convergent Technology Lab at a cost of \$3,700 in accordance with the Board of Supervisors Budget Balancing Policy Guidelines and Plan. Funding is in the ICJIS budget (Jail Tax funds) and will be paid for using the County's Technology financing program with monthly payments of approximately \$1,880 for 36 months for a total of \$67,680. (C42020068) (ADM417)

PERSONNEL AGENDA

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

REWARDING IDEAS EMPLOYEE AWARDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize employee awards from the Rewarding Ideas Program in the amount of \$5,115 and present awards on April 17, 2002. (C31020167) (ADM3333-002)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Arizona Department of Economic Security and the Office of Research and Reporting, in the amount of \$58,482 for funds to conduct research related to a Child Care Market Rate Survey in the State of Arizona. The term of the IGA is March 1, 2002, through June 30, 2002. (C46020012)

REASSIGNMENT OF RESPONSIBILITY OF SUBRECIPIENT AUDIT MANAGEMENT SYSTEM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve reassigning responsibility of maintaining the subrecipient audit management system for all County Community Development Block Grant (CDBG) and HOME Subrecipients from the Internal Audit Department (IAD) to the Community Development Department (CDD) beginning July 1, 2002. Internal Audit concurs with this reassignment. (C17020628)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Bids:

- 01195-C TELEPHONE, RADIO AND DATA COMMUNICATION SUPPLIES** (\$750,000 est./three (3) years, with two (2), one-year renewal options)
Pricing agreement for telephone, radio and data communication supplies to be used by Telecommunications, Flood, Control, MCDOT, and Wireless Systems.
- . Call One, Inc
 - . Communications Supply Corporation
 - . Interstate All Battery Center

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- . Native Tele-Data Solutions, Inc
- . Talley Communications Corporation

02001-S DEMO, CLEARING, GRUBBING, REMOVAL/DISPOSAL OF NON-HAZARDOUS WASTE (\$800,000 est./two (2) years, with three (3), one year renewal options)

Pricing agreement for demolition, clearing, grubbing, removal and disposal of non-hazardous waste to be use by Flood Control and MCDOT.

- . ACR Contracting, Inc
- . BCS Enterprises, Inc
- . Boss Grading And Construction Cleanup, Inc
- . Breinholt Contracting Co., Inc
- . Clauss Construction
- . Contractors Abatement Services, Inc
- . C & W Sons Enterprise, Inc
- . Dickens Quality Demolition
- . Phoenix Demolition Company and Salvage, Inc
- . Rainbow Company A

02010-S INSURANCE BROKER SERVICES – RISK MANAGEMENT (\$36,390,000 est./three (3) years, with two (2), one-year renewal options)

Pricing agreement for insurance broker services as requested by Risk Management. Contract provides broker representation for the County for its insurance needs. Insurance coverage includes General Liability, Workers Compensation, Property and other miscellaneous coverage as required.

- . Marsh USA, Inc.

KENNEL PERMITS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the issuance of kennel permits for the following, for the term of April 3, 2002, through April 2, 2003. (ADM2304)

- a) Sue Collins, dba Puppy Love, 10639 West Carlota Way, Peoria (C7902068C)
- b) Catherine Whipple, dba Howling Wolf Kennels, 20519 Rainbow Trail, Buckeye (C7902071C)

RENEWAL OF KENNEL PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following renewal for a kennel permit for Carla Rohrman, dba Carelle Kennels, 7008 West Sierra Street, Peoria, Permit No. 118 for the term of April 3, 2002 through April 2, 2003. (C7902069C) (ADM2304)

DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the acceptance of donations made by citizens of Maricopa County through the Business Office of Animal Care & Control (AC&C) in the amount of \$4,879.50 for the month of January 2002. Additionally,

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approve an increase in Animal Care and Control's FY 2002 Agency 792, Fund 572 Revenue and Expenditure budgets in the amount of \$12,577.50. (C79020707) (ADM2300)

NON-FINANCIAL AGREEMENT WITH CITY OF PEORIA

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the non-financial agreement with the City of Peoria to provide the Animal Care & Control (AC&C) Scratch & Sniff Petmobile at the Pioneer Days Event, April 6, 2002, from 10:00 am to 4:00 pm at Osuna Park, 10510 North 83rd Avenue, Peoria, and to provide dogs and cats for adoption that are housed in the Scratch & Sniff Petmobile during the Pioneer Days Event. (C79020720)

PURCHASE OF 10 REPLACEMENT PANASONIC TOUGHBOOK COMPUTERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the purchase of 10 replacement Panasonic Toughbook computers totaling \$33,200. The computers will be used by Air Quality field monitoring inspectors and have been budgeted for replacement during FY 2002. Funding for this purchase will come from the Environmental Services Special Revenue Fund. No General Fund money will be used. (C88020458) (ADM2350-002)

PURCHASE OF 45 REPLACEMENT DESKTOP COMPUTERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the purchase of 45 replacement desktop computers totaling \$41,000. The computers have been budgeted for replacement during FY 2002. Funding for this purchase will come from the Environmental Services Air Quality Special Revenue Fund. No General Fund money will be used. (C88020468) (ADM2350-002)

PURCHASE OF THREE REPLACEMENT DATA LOGGERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the purchase of three replacement data loggers totaling \$22,400. The data loggers will be used by Air Quality program for replacing older Air Quality Monitoring data loggers. This equipment has been budgeted for replacement during FY 2002. Funding for this purchase will come from the Environmental Health Services Ozone Mapping Grant. No General Fund money will be used. (C88020488) (ADM2350-002)

FUNDING APPLICATIONS (6) FOR VARIOUS GRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department to submit six funding applications to various federal, state and private sector sources as detailed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2003 as a result of the corresponding grant requests. Unless otherwise indicated on Attachment B, all overhead/indirect costs are allowable and the FY 2003 authorized rate will be applied to the respective grants. The funds will be administered by the Department's Community Services Division to support various anti-poverty and homeless prevention programs for low-income and special needs populations in Maricopa County (outside the City of Mesa and the City of Phoenix), including: (C22030183LI)

- a) Low-Income Home Weatherization and Utility Related Repair/Replacement Program
 - This program will increase the energy efficiency and safeguard the health and

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safety of low-income homeowners. Priority will be given to elderly individuals, individuals with disabilities and families with children. Over 200 low-income households will benefit from these services in FY 2003.

- b) Utility Assistance – Federal Low-Income Home Energy Assistance funds will be used to assist low-income households with home heating and cooling costs. Lack of adequate heating and cooling can lead to illness, fires, homelessness and loss of life. This program works to prevent these outcomes. Over 6,000 households will benefit from these services in FY 2003.
- c) Homeless Prevention Services and Homeless Support Services – This program will assist families threatened with eviction. Emergency assistance to prevent homelessness will be provided. Homeless households will be assisted with first month's rent and deposit payments. Over 1,000 households will be assisted in FY 2003.
- d) Community Action Program Operations – Funding will be provided to 13 Community Action Programs located throughout Maricopa County to support operating and case management costs. In addition to providing direct assistance to families, the Community Action Programs provide an array of community services such as health fairs, information and referral services, operation of emergency food pantries, and senior citizen meal programs.

CANCELLATION OF RESEARCH SERVICES AGREEMENT WITH BIOGNOSIS U.S. INC. AND APPROVE NEW AGREEMENT WITH HUMAN BRAIN SCIENCE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve cancellation of Research Services Agreement with Biognosis U.S. Inc., and approve a new Research services agreement between Human Brain Science (HBS) and Office of the Medical Examiner. The new agreement provides for the Office of the Medical Examiner to assist in scientific research of neuropsychiatric illnesses and, in return for the assistance, HBS will reimburse \$185,000 for the additional time and materials expended by the Medical Examiner for a period of one year with an automatic renewal of up to two consecutive one-year terms. (C29010021)

LEASE/LICENSE AGREEMENT WITH PHOENIX SPECTRUM MALL, LLC (FORMER CHRISTOWN MALL)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve limited service Lease/License Agreement No. L7320, with Phoenix Spectrum Mall LLC, an Arizona limited liability company, for 4,373 square feet of space located at Spectrum Mall (19th Avenue and Bethany Home Road), the former Christown Mall. The agreement is for a four-month period from June 1, 2002, through September 30, 2002. The premises will be used to conduct a child immunization clinic for school age children. The cost will be \$5,000 per month, plus 2.4% rental tax and cost of utilities on a prorated basis (\$2.50 per square foot). In addition, the agreement requires a \$50 per month payment to the Phoenix Spectrum Mall Merchants Association. This lease is funded by a state grant and will not affect the County general fund. (C86021384)

DONATION

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to accept the donation of 156 vials of influenza serum, at no cost to Maricopa County, from Health Logic Immunization Services for use in the Maricopa County Department of Public Health's (MCDPH) Healthcare for the Homeless Program. The value of each vial is \$65, for a total donation value of \$10,140. (C8602139M) (ADM2150)

CONTRACT WITH CHICANOS POR LA CAUSA, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a contract with Chicanos Por La Causa, Inc., for the provision of HIV targeted outreach services (MAI) to Hispanic individuals and families affected by HIV/AIDS. The term of the contract is from March 1, 2002, to February 28, 2003, for a contract amount of not-to-exceed \$179,998. (C86026271)

ALLOCATE, TRANSFER AND PURCHASE OF RELATED TELECOMMUNICATIONS EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to allocate and transfer \$340,000 of General Government Appropriated Fund Balance Contingency Funds-Technology to General Government Appropriated Fund Balance Other Programs-Forensic Science Center Telecommunications to fund the expenditure of telephone and data cabling and equipment for the Forensic Science Building. Also approve the purchase of the related telecommunications equipment per Budget Administration Memo No. 8, dated October 29, 2001. (C76020168) (ADM5300)

COMMUNICATIONS USE LEASE WITH U.S. DEPARTMENT OF AGRICULTURE – FOREST SERVICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Communications Use Lease with the U.S. Department of Agriculture - Forest Service authorizing Maricopa County to maintain and operate a communication site in Lot No. 8 on Mount Ord in the Mesa Ranger District of the Tonto National Forest. This site is the location of a public safety radio transmit/receive site maintained and operated by Maricopa County Wireless Systems. The term of the lease is 10 years with an expiration date of December 31, 2011. There are no costs associated with this lease. (C76020172)

INCREASE IN EXPENDITURE BUDGET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an increase in the Telecommunications FY 2001-2002 expenditure budget in the amount of \$166,000, and approve the expenditure from Telecommunications fund balance to purchase equipment to facilitate relocation of frequencies on the County's 800MHz SmartZone Infrastructure System. This "frequency repack" is part of a valley-wide reallocation of public safety frequencies approved by the FCC in October 2001. By eliminating adjacent-channel interference, this project will allow the County's public safety radio system to coexist with the system being built by Phoenix and Mesa. It is integral to the successful implementation of that system. The County gains twelve 800MHz frequencies for its sole use. (Implementation of those additional frequencies is not part of this funding request.) Equipment needed includes frequency combiners and antennas to replace outmoded hardware currently in use. Twelve of the County's 13 radio transmit/receive sites will be affected, as will all of the nearly 6,500 mobile and portable radios on the SmartZone. (C76020180) (ADM5300)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve City of Phoenix Intergovernmental Agreement No. 90036, for sharing of telecommunications facilities and two site-specific supplemental agreements. IGA No. 90036 is an "umbrella" agreement that declares the intention of Maricopa County and City of Phoenix to share, without usage fees, "those (telecommunications) facilities that serve the common good." Site-specific supplemental agreements will make reference and become supplements to this umbrella agreement. Supplement Agreement No. 1 grants City of Phoenix access to building and tower space at the County's White Tanks West facility. Supplement Agreement No. 2 grants Maricopa County access to building and tower space at the City's property at the Goodyear Police Station. The umbrella agreement and all supplements are valid for a coterminous ten-year period, and may be renewed by either party for an additional ten years. (C76020192)

ADMINISTRATIVE POLICY 1921 – NAMING OF COUNTY REAL PROPERTY ASSETS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve new Administrative Policy 1921 - Naming of County Real Property Assets. The new Administrative Policy 1921 establishes a clear and consistent procedure for the naming of Maricopa County Real Property Assets (County-owned real property, buildings, structures, improvements, and fixtures). (This item continued from meeting of March 20, 2002.) (C70020786) (ADM631-001)

GRAPHIC GUIDELINE FOR NEW COUNTY BUILDING PLAQUE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to adopt a graphic guideline for a new "County Building Plaque" which will be added to the "Maricopa County Graphics Standard Manual". All County departments and agencies shall adhere to this guideline. The plaques are to be made of cast bronze material. The Facilities Review Committee recommends approval of this guideline, although the Board reserves the right to make any modifications to proposed plaques for new buildings. Under the guideline, a new building plaque will contain the following: (This item continued from meeting of March 20, 2002.) (C7002086M) (ADM148)

- County Seal
- Name of Facility
- Names of County Supervisors listed by District in numerical order as determined by the sitting Board of Supervisors
- Name of County Administrative Officer (when the building is completed)
- Name of Architect
- Name of Contractor (construction, design-build, or CM or risk)
- Program Manager (when applicable)
- Year facility is completed
- Plaques are to be made of cast bronze material

INTERGOVERNMENTAL AGREEMENT WITH CITY OF AVONDALE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement with the City of Avondale that provides for joint funding for a consultant study to develop a master plan and co-development feasibility study for a government center site in the City of Avondale on South 115th Avenue, one-quarter mile South of Van Buren Street. This agreement provides for Maricopa County to contribute one-half of the \$80,000 cost of the study. Maricopa County's share will not exceed \$40,000. (C70020892)

REALLOCATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve reallocations, as follows: (C70020908) (ADM800)

- a) \$21,000 from FY 2001-2002 Special Revenue (Detention Fund) Major Maintenance Project No. 2000143534 Madison Street Jail Building Infrastructure Improvements to Project No. 2000143531 Estrella Jail Building Infrastructure Improvements.
- b) \$118,000.00 from FY 2001-2002 Special Revenue (Detention Fund) Major Maintenance Project No. 2000143528 Durango Jail Building Infrastructure Improvements to Project No. 2000143541 Southeast Juvenile Building Infrastructure Improvements.

PURCHASE OF THREE REPLACEMENT GOODWAY CONDENSER TUBE CLEANING MACHINES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the purchase of three replacement Goodway Condenser Tube Cleaning Machines, model number RAM-6-60, for use by the Operations and Maintenance Division of the Facilities Management Department at an estimated total cost of \$8,000. This equipment is needed in order to keep chilled water machines operational for cooling County buildings. If the condenser tubes are not cleaned on a regular basis, the tubes become scaled and in turn shut down the cooling system in that facility. If this should happen, then the cost of condenser tube replacement becomes enormously expensive, in addition to the cost to the occupant departments of possibility shutting down a building because of an air conditioning equipment failure. (C7002091M) (ADM800-002)

EASEMENTS, RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

- A118.007 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Easement and Agreement for Highway Purposes - Parcel No. 400-01-010A - Paul T. Cook and Rhonda A. Cook - for the sum of \$4,028.00.
- A118.007 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Purchase Agreement and Escrow Instructions - Parcel No. 400-01-010A - Paul T. Cook and Rhonda A. Cook.
- A118.007 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Agreement for Right of Entry - Parcel No. 400-01-010A - Paul T. Cook and Rhonda A. Cook - for the sum of \$100.00.
- DD-9199 (TS) R/W Dedication - Warranty Deed - Parcel No. 505-05-028J - Wickenburg Country Club, Inc. – for the sum of \$10.00.
- DD-9199 (TS) R/W Dedication - Escrow Instructions - Parcel No. 505-05-028J - Wickenburg Country Club, Inc.

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- DD-9371 (TS) R/W Dedication - Warranty Deed - Parcel No. 303-41-020B - Gene S. Minchuk and Jackie J. Minchuk - for the sum of \$10.00.
- DD-9371 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 303-41-020B – Gene S. Minchuk and Jackie J. Minchuk.
- DD-9372 (TS) R/W Dedication - Warranty Deed - Parcel No. 303-41-020B - Jamie J. Rabago and Sandra M. Rabago - for the sum of \$10.00.
- DD-9372 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 303-41-020B – Jamie J. Rabago and Sandra M. Rabago.
- DD-9375 (LJS) R/W Dedication - Special Warranty Deed - Parcel No. 401-66-015D - 620 West Pima LLC – for the sum of \$10.00.
- W-5409 (AC) Project No: 68634 - Ocotillo Road Bridge at Queen Creek Wash - Warranty Deed - Parcel No. 304-66-013D, 013E - Victoria Lund Investment Group L.L.C. - for the sum of \$23,880.00.
- W-5409 (AC) Project No: 68634 - Ocotillo Road Bridge at Queen Creek Wash - Purchase Agreement and Escrow Instructions - Parcel No. 304-66-013D, 013E - Victoria Lund Investment Group L.L.C.
- W-6264 (LJS) Project No: 16100 - 27th Avenue (Twin Peaks Lane to New River Road) - Warranty Deed – Parcel No. 202-10-001J - Rebecca J. Tussey - for the sum of \$845.00.
- W-6264 (LJS) Project No: 16100 - 27th Avenue (Twin Peaks Lane to New River Road) - Purchase Agreement and Escrow Instructions - Parcel No. 202-10-001J - Rebecca J. Tussey.
- X-1207 (DWM) Project No: 68976 - Power Road Bridge @ Queen Creek - Warranty Deed - Parcel No. 304-61-024D, 024G - Safeway Inc. - for the sum of \$6,881.00.
- X-1207-1 (DWM) Project No: 68976 - Power Road Bridge @ Queen Creek – Temporary Construction Easement and Agreement for Highway Purposes - Parcel No. 304-61-024D, 024G – Safeway Inc. - for the sum of \$28,836.00.
- X-1207 (DWM) Project No: 68976 - Power Road Bridge @ Queen Creek - Purchase Agreement and Escrow Instructions - Parcel No. 304-61-024D, 024G - Safeway Inc.

ROAD ABANDONMENT (ROAD FILE NO. 5227)

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution be adopted: (C6402200B) (F23034)

WHEREAS, pursuant to A.R.S. §18-201 and 28-1902, it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

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The west 25 feet of the south 264 feet of the north 804 feet of the east 165 feet of the west 990 feet of the south half of the southeast quarter of Section 13, Township 1 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 3rd day of April 2002.

SOLE SOURCE PROCUREMENT WITH PULICE CONSTRUCTION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve sole source procurement with Pulice Construction in an amount not to exceed \$85,617, to complete a portion of storm drain at Val Vista Drive, which Pulice Construction will be paving for ADOT as a part of the Red Mountain Freeway construction. Also, request that a transfer of funds in the amount of \$85,617 from project reserves Work Order No. 69998 be moved to Work Order No. 69031 to cover the contract costs. (C64022055)

CALL FOR BIDS AND AWARD – VARIOUS PROJECTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the solicitation of bids for the following projects, and award contracts to the lowest responsive bidders, providing the lowest responsive bids do not exceed the engineer's estimate by more than 10%.

- a) 27th Avenue, Twin Peaks Lane to New River Road, Work Order No. 16100. The proposed work includes grading, draining, and paving the existing gravel roadway to provide two travel lanes, installation of pipe culverts, headwalls, erosion protection, and other related improvements. (C64022065)
- b) Valley Gutter Project, Spring 2002, Work Order Nos. 30460505 and 30470503. The project consists of constructing concrete valley gutters in the center of inverted-crown roads and replacing the asphalt concrete at the edges. (C64022165)

REIMBURSEMENTS

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

- a) Roosevelt Irrigation District (RID) in the amount of \$63,000 for costs incurred for the design of the relocation and installation of their irrigation facilities that are in conflict with the Maricopa County Department of Transportation (MCDOT) project 68950, Estrella Parkway, Yuma to McDowell Rd. MCDOT acknowledges that RID has prior rights for these facilities. The cost may not exceed the current estimated amount of

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\$63,000 by more than 10%. Also approve the addition of this project to the Department's list of FY 2002 CIP projects, and the transfer of \$63,000 from Project No. 68719, "Previous Year's Projects" to establish the FY 2002 budget for No. 68950 at \$63,000. (C64022115) (ADM2000-006)

- b) Arizona Public Service (APS) in the estimated amount of \$193,000 for costs to be incurred for the relocation and installation of their electrical facilities that are in conflict with the Maricopa County Department of Transportation (MCDOT), under Work Order Number 68965, Loop 303, McDowell to 3/4 mile North of Thomas. MCDOT acknowledges that APS has prior rights for these facilities. The cost may not exceed the current estimated amount of \$193,000 by more than 10%. (C64022125) (ADM2000-006)

RESOLUTION – AUTHORIZING A DIVISION OF UNIMPROVED LAND AT THE DURANGO COUNTY COMPLEX -- CONTINUED

Adopt Resolution MCDOT 02-04 authorizing a division of unimproved land at the Durango County Complex, based upon the proportionate contribution to the purchase price by the Highway User Revenue Fund (HURF) fund and the general fund. The division is to be approved as reflected in Exhibits A and B. In 1989, Maricopa County purchased 85.8 acres for a total price of \$6,167,000. The purchase price consisted of 4.6 million of HURF money and \$1.567 million of general fund money. Much of the area to the north of Esterbrooks Boulevard has been developed for various county uses. The area to the south is vacant and a division of this land is now appropriate so that development can proceed for HURF and non-HURF uses in a manner consistent with the original funding for the site. (C64022230)

This item was continued to the April 17, 2002, meeting.

PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the expenditures for the purchase of the following equipment, as required by Budget Administration Memo No. 8:

- a) Six Panasonic Toughbook 72 Laptop Computers in the amount of \$26,400. The purchase of these Laptops would allow each inspector to work in the field and download digital cameras and send photos and data into office to allow timely decisions on critical construction items by the Construction Engineer. Contract plans, specifications and standard drawings are now available electronically and access to these vital documents can be retrieved in a timely manner on the job site where they are needed, saving the contractor time, the County money and having a positive impact on the safety of the public. (C64021925) (ADM2000-002)
- b) Hewlett Packard Color Laser Jet 8550DN Printer in the amount of \$11,600, for utilization by the Construction and Operations staff's mapping and printing needs, Work Order Number 30900001. (C64022015) (ADM2000-002)
- c) One upgraded CODEC set (Coder/Decoder) for the AZTech Traffic Management System at the City of Phoenix partner location. The entire cost of \$25,000 will be reimbursed from the approved AZTech Model Deployment Initiative federal grant. An

- upgrade is necessary because current hardware, now more than six years old, is no longer compliant with current networking technology. (C64022085) (ADM2000-002)
- d) Four AZTech System variable message sign controllers (purchase and installation) for the Mesa portion of the AZTech Traffic Management and Traffic Information System. The purchase price is \$3,844 per each for a total of \$15,376. The entire cost of \$15,376 will be reimbursed from the approved AZTech Model Deployment Initiative Federal Grant. (C64022095) (ADM2000-002)
 - e) Multi-channel fiber modem and connectors, and install modem, connectors and existing camera to provide ITS Video Monitoring System for the AZTech Traffic Management System. The entire cost of \$8,648 will be reimbursed from the approved AZTech Model Deployment Initiative federal grant. The equipment would be installed at the Paradise Valley site of the AZTech partnership. (C64022105) (ADM2000-002)
 - f) 15 AZTech work stations in order to upgrade the AZTech Traffic Management and Traveler Information System. The entire cost of \$42,000 will be reimbursed from the approved AZTech Model Deployment Initiative federal grant. An upgrade is necessary because current hardware, now more than six years old, is no longer compliant with current operating technology. (C64022135) (ADM2000-002)
 - g) Leased communication line (T1), Internet Addresses, and associated connection equipment. The entire cost of \$43,000 will be reimbursed from the approved AZTech Model Deployment Initiative federal grant. The purchase will allow MCDOT to transfer its existing higher cost DS3 communication line to another AZTech System partner, and thus reduce the MCDOT cost of AZTech System data connections. The purchase will also facilitate the ability of mobile devices to access the AZTech Traffic Management System. The entire cost of \$43,000 (to include both equipment and 3-year leased line cost) will be reimbursed from the approved AZTech Model Deployment Initiative federal grant. This is a no cost to the County item. (C64022155) (ADM2000-002)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH TOTAL TRANSIT, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve Amendment No. 6 to the contract with Total Transit, Inc. for medically necessary taxi transportation services to extend the contract for one year, from April 1, 2002, through March 31, 2003, making the aggregate term April 7, 1999, through March 31, 2003. There are no changes in contract rates. The contract may be extended up to a total term of five years and may be terminated with 90-days written notice by either party. Increase the total taxi transportation pool not-to-exceed amount by \$3,500,000, from \$4,050,000 to \$7,550,000 for the period April 7, 1999, through March 31, 2003. (C6099143106)

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AMENDMENT TO CONTRACT WITH NEURO INSTITUTE OF AUSTIN, LP, dba TEXAS NEUROREHAB CENTER

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve an Amendment No. 2 to the contract with Neuro Institute of Austin, L.P. dba Texas Neurorehab Center for the provision of Behavioral Health Therapeutic Care and Counseling Services, effective April 1, 2002. This amendment changes the name and ownership from Healthcare Rehabilitation Center of Austin, Inc. dba The Brown Schools Rehabilitation Center to Neuro Institute of Austin, L.P. dba Texas Neurorehab Center. It updates the contract language, extends the contract for one year making the term of the contract November 27, 2000, through March 31, 2003, and increases the not-to-exceed amount by \$173,550 from \$247,450 to \$421,000. The rates remain the same at \$475 per diem and \$15 per hour for one-on-one treatment. The contract can be terminated with 90-days notice without cause. (C6001136102)

CONTRACT WITH SONORA QUEST LABORATORIES, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve contract with Sonora Quest Laboratories, Inc. to provide Outpatient/Reference Laboratory Services to Maricopa Integrated Health System (Laboratory and Family Health Centers) and Maricopa Integrated System-Health Plans (MIHS-HP) effective April 1, 2002, through March 31, 2004. The aggregate Contract not-to-exceed amount is \$400,000 (\$200,000 per year). This contract may be extended for additional periods, not-to-exceed a total term of five years. Either party can terminate this contract with 90-days written notice. (C60020851)

AMENDMENT TO CONTRACT WITH UNITED HEALTHCARE SERVICES, INC. dba EVERCARE

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve Amendment No. 2 to the contract with United HealthCare Services, Inc., dba Evercare, effective April 1, 2002, to extend the contract by two months through May 31, 2002, making the term January 18, 2000, through May 31, 2002, and add \$5,464,122, increasing the not-to-exceed amount to \$46,095,967. Payment remains 92.5% of capitation payments MSSP receives from The Centers for Medicare and Medicaid Services (CMS). There is a 90-day termination clause for convenience provision. (C6002095102)

AMENDMENT TO CONTRACT WITH JB DENTAL SUPPLY COMPANY

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve Amendment No. 1 to the contract between Maricopa Integrated Health System and JB Dental Supply Company for dental supplies and equipment services. This amendment will exercise the first of two options to renew this contract for an additional year, from April 21, 2002, to April 20, 2003, making the aggregate term of this contract is April 21, 1999, through April 20, 2003. This amendment will increase the contract not-to-exceed amount by \$800,000 from \$619,600 to \$1,419,600. This contract may be cancelled by either party with 30-days written notice. (C9099087101)

INCREASE TO COMBINED POOL FOR NURSE REGISTRY SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson and unanimously carried (4-0-1) to approve an increase to the not-to-exceed combined pool for Nurse Registry Services by \$10,500,000, from \$7,800,000 to \$18,300,000 for the period April 1, 2002, through March 31, 2003. This item will provide funds to continue using selected nurse registry contracts for an additional year. (C90020921)

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RESIGNATION AND APPOINTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to accept the resignation of William Jungerman, effective March 4, 2002, and appoint Kevin McKee to the Maricopa County Sports Commission Board of Directors, representing District 3. Term to expire December 15, 2004. (C03020127) (ADM3240)

PUBLIC HEARING SET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, May 1, 2002, to change a street name from Indian School Road Bypass to Indian School Road in Township 2 North, Range 1 West, Section 27 and Section 28, between Dysart Road and Litchfield Road. The request is made by the City Council of Litchfield Park. (C44020080) (ADM2018)

PUBLIC HEARING SET ON CASITAS BONITAS SANITARY SEWER IMPROVEMENT DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, April 17, 2002, as the time and date to hear the petition to organize the Casitas Bonitas Sanitary Sewer Improvement District. The district is located in the vicinity of Dysart Road and Maryland Avenue. Petitions with the requisite number of signatures have been presented requesting the formation of this district. (C64022277) (ADM4302)

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, on March 8, 2002, and presented to said Board of Supervisors on April 3, 2002, petitioning for the establishment of the Casitas Bonitas Sanitary Sewer Improvement District, in the County of Maricopa, State of Arizona, and said petition appearing to be in compliance with Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956. It is ordered that said petition be set for hearing before the Board of Supervisors, at its regular meeting place at 205 West Jefferson Street, in the City of Phoenix, County of Maricopa, State of Arizona, on the 17th day of April, 2002, at the hour of 9:00 a.m., (Clerk's Note: See April 17, 2002, minutes for continuation of this item to the May 15, 2002, meeting.) at which hearing all interested property owners may appear and be heard on any matter relating to the establishment of the proposed District, and, any person wishing to object to the establishment of the District, may, before the date set for hearing, file his objections with the Clerk of the Board of Supervisors. Notice of said hearing, stating the boundaries of the proposed District shall be published two (2) times in the Arizona Business Gazette, a newspaper published in Maricopa County and of general circulation published in the county within which the proposed District is located. Said publications shall be one (1) week apart and the first publication shall be not less than ten (10) days prior to the date of the hearing.

CORRECTION TO NOTICE OF PUBLIC HEARING - PLANNING AND DEVELOPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to correct an item approved March 6, 2002, to correct the hearing date to April 17, 2002. The item is corrected to read "schedule a public hearing for 9:00 a.m., Wednesday, April 17, 2002, to change a street name from Courage Court to Acadia Court in the plat of Anthem Unit 19 in Anthem, Maricopa County, Arizona." (C44020060) (ADM2018)

MINUTES

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held January 30 and March 6, 2002.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated April 3, 2002, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLLS

No tax roll changes were submitted at this time. (ADM705)

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - OFFICE OF THE CLERK OF THE BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to authorize the Official Appointments and Oaths of Office of Shirley Million and Shanna Spano as limited special deputy clerks in matters related to service of process, claims, and resolutions, in the Office of the Clerk of the Board of Supervisors. (ADM700)

CANVASS OF ELECTION SUBMITTED ELECTRICAL DISTRICT NO. 7

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the canvass of election submitted by Electrical District No. 7 and on file in the Office of the Clerk of the Board. (ADM4470)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
Claudia Escobar	C036300	Payroll	\$503.03
Kevin L. Glover	C361761Y	Salary	\$553.08
John W. Haehn	C36733	232	\$694.73
William M. Harnell PHD	00320536705	Expense	\$4,820.00
Patrick Hartfield	22037041	Payroll	\$494.49
Jamie McAlister	00320537508	Expense	\$744.52
Sunbelt Battery	320527981	Expense	\$3,722.11

SCHOOL

Name	School	Warrant	Amount
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Janett France	Supt. of Schools	12-0098254	\$180.00
Lori M. Lewis	Mesa	720031541	\$459.44
Lori M. Lewis	Mesa	72-42507	\$491.76
Dennis Polanco	Mesa	72-0045699	\$214.99
Radio Shack Corp.	Pendergast	42-32476	\$45.41
Mary Ann Rosehnal	Morristown #75	420070711	\$4,000.00
Elizabeth Valenzuela	Mesa	7246951	\$52.06

STALE DATED WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Franklin Covey Company	\$ 1,784.20	Gee Gee Berkowitz	\$ 75.00
Addye C. Edwards	136.23	Henry & Diana Grey	104.12
Margaret P. Rusynyk	85.00		

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated April 3, 2002. (ADM704)

- 2000**
- 2001**
- TX 00-000412
- TX 00-000737 – Outside Counsel
- TX 01-000381
- 2001/2002**
- 2002**
- ST 01-000119
- ST 01-000137
- ST 01-000172
- ST 01-000176
- ST 01-000191
- ST 01-000192
- ST 01-000261
- TX 01-000151
- TX 01-000360
- TX 01-000393 – Outside Counsel
- TX 01-000559

HEARING SET - PLANNING AND DEVELOPMENT CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for April 17, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2000025: Z2001156: Z2001162: Z2001164: Z2001166: Z2002012

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CLASSIFICATION CHANGES

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

PARCEL NUMBER	YEAR	OWNER	CLASS FROM	CLASS TO
102-19-233	1999	Alice Williams	LC/6	LC/5
102-19-233	2000	Alice Williams	LC/4	LC/3
102-19-233	2001	Alice Williams	LC/4	LC/3
114-06-026	1999	Jose Paredes	LC/6	LC/5
114-06-026	2000	Jose Paredes	LC/4	LC/3
114-06-026	2001	Jose Paredes	LC/4	LC/3
114-27-014	2001	Constance Gray	LC/4	LC/3
119-22-070	1999	Lucille Bassett	LC/6	LC/5
119-22-070	2000	Lucille Bassett	LC/4	LC/3
119-22-070	2001	Lucille Bassett	LC/4	LC/3
123-48-012	1999	Lawrence Watkins	LC/6	LC/5
123-48-012	2000	Lawrence Watkins	LC/4	LC/3
123-48-012	2001	Lawrence Watkins	LC/4	LC/3
131-36-127	1999	Tbarek Yohannes	LC/6	LC/5
131-36-127	199	Tbarek Yohannes	LC/4	LC/3
131-36-127	199	Tbarek Yohannes	LC/4	LC/3
136-26-205A	1999	Bodine Gary	LC/6	LC/5
136-26-205A	2000	Bodine Gary	LC/4	LC/3
136-26-205A	2001	Bodine Gary	LC/4	LC/3
155-11-071	2000	Harris Stephanie	LC/4	LC/3
155-11-071	2001	Harris Stephanie	LC/4	LC/3
160-49-118A	1999	Richard Robertson	LC/6	LC/5
160-49-118A	2000	Richard Robertson	LC/4	LC/3
160-49-118A	2001	Richard Robertson	LC/4	LC/3
161-04-045	1999	Michael J Miles	LC/6	LC/5
161-04-045	2000	Michael J Miles	LC/4	LC/3
161-04-045	2001	Michael J Miles	LC/4	LC/3
174-27-127	1999	Eugene Harris	LC/6	LC/5
174-27-127	2000	Eugene Harris	LC/4	LC/3
174-27-127	2001	Eugene Harris	LC/4	LC/3
214-51-058	1999	Truman Hidingier	LC/6	LC/5
214-51-058	2000	Truman Hidingier	LC/4	LC/3
214-51-058	2001	Truman Hidingier	LC/4	LC/3
215-60-009	1999	Charles Tegeler	LC/6	LC/5
215-60-009	2000	Charles Tegeler	LC/4	LC/3
215-60-009	2001	Charles Tegeler	LC/4	LC/3
217-48-708	2000	Lueder Ernst	LC/4	LC/3
217-48-708	2001	Lueder Ernst	LC/4	LC/3
302-47-376	1999	Walter Mc Glasson	LC/6	Mixed
302-47-376	2000	Walter Mc Glasson	LC/4	LC/3
302-47-376	2001	Walter Mc Glasson	LC/4	LC/3
303-67-386A	1999	Verlora Carlton	LC/6	LC/5

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303-67-386A	2000	Verlora Carlton	LC/4	LC/3
303-67-386A	2001	Verlora Carlton	LC/4	LC/3
304-98-436	2001	Warren Reed	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held March 18, 2002.) (ADM407)

Ting Chen	\$1,500.00
James Dryden	523.49
Teresa Hargrove	14,314.57
Randy Konoa	5,723.25
Jose Martinez	1,200.00
Jamie Munoz	10,938.70
Mark Pauley	5,000.00
Janell Santamaria	888.00
Shirlene Washington	1,900.00
David Westall	1,357.28
Curtis Williams	1,500.00
Eduardo Zuleta	4,500.00

WRITE-OFF CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to accept the requested write-off as payment in full for the following case: (Discussed in executive session held March 18, 2002.) (ADM407)

Walter Porter	\$5,435.63
Thomas Hendricks	1,290.08
John Vanderpoel	15,546.37
Steven Kaminski	3,064.25
Robert Douglas Jones	11,140.51

PUBLIC COMMENT

Anthony Abril, citizen, expressed a desire that airports, such as Williams Gateway in Mesa, be allowed to share in state initiatives regarding development of regional airports for international use. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Wilcox said that there was a discussion on homeless schools on national public radio programs earlier in the day and the Pappas Schools, funded by Sandra Dowling, Superintendent of Maricopa County Schools, were used as a national model. She said that the children attending these schools are well taken care of and their confidence level rises because of the opportunities they are exposed to there.

Supervisor Wilcox also congratulated Isabel McDougal and the Community Block Grant Program she heads, which was cited in a national publication for timely implementation and skilled guidance of the

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community block grant received by the County. She said these monies are essential for community building block projects which run the gamut from building Girls and Boys Clubs to providing equipment for parks in rural areas. (ADM606)

Supervisor Brock reported on a regional spelling bee recently held in Chandler whose winner later took first place in the state spelling contest competing against youths of all ages. His name is Varoon Majon and instead of spending time playing sports or music he reportedly prefers to spend time practicing spelling words from the dictionary. He is an 8th grader from Anderson Junior High School. He will compete in the National Spelling Bee Contest on May 26, 2002, in Washington D.C.

Supervisor Brock also reported that the Tempe Teen Court has been recognized as one of the four-best teen courts in the nation and will be cited as a model for national alternative-sentencing programs. These programs have proven effective for teens who don't have a record and who commit a minor offense.

PLANNING AND DEVELOPMENT

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

- 1. **S2002-003** **District 4 (This case continued from meeting of March 20, 2002.)**
 Applicant: Regal Homes, Inc. on behalf of Security Title Agency Trust #TR5786
 Location: West side of 195th Avenue between Indian School Road and Osborn Road (in the Goodyear area)
 Request: Amended Final Plat in the Rural-43 zoning district for Pasqualetti Mountain Ranch Phase I (98.62 acres)

Without discussion or presentation, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this amended final plat.

- 2. **Z2000-209** **District 2**
 Applicant: Starbridge Communications for Sprint PCS
 Location: North of State Route 87 and east of the Fort McDowell Indian Community (n the Goldfield Ranch area)
 Request: Special Use Permit for a wireless communication facility in the Rural-190 zoning district for Sprint Goldfield (0.05 acres)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2000-209, subject to the following stipulations "a" through "k". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Special Use Permit for Sprint PCS Goldfield Ranch", consisting of 10 full-size sheets, dated revised June 29, 2001 and stamped received July 6, 2001 except as modified by the following stipulations. Prior to zoning clearance, the site plan shall be modified to reflect stipulation 'c' below.

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- b. Development and use of the site shall comply with the narrative report entitled "Narrative Report for Sprint PCS Stealth Antenna", consisting of eight pages, dated July 5, 2001 and stamped received July 6, 2001 except as modified by the following stipulations.
- c. The height of the cellular communication facility, including any attachments, shall be limited to 30'.
- d. All antennas shall be fully enclosed and screened from view.
- e. Development of the site shall comply with the proposed landscape plan, which is contained within the applicant's site plan. The applicant shall provide suitable means for watering the landscaping until it is sufficiently established and said landscaping shall be maintained for the life of the proposed use.
- f. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- h. An administrative amendment shall be required to co-locate future carriers at the facility.
- i. Prior to zoning clearance, the applicant shall provide a letter from the State Historic Preservation Office (SHPO) confirming that the Section 106 process has been successfully completed and that no historic properties will be affected by their project.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- k. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.

Joy Rich, Director of Planning and Development, presented the Commission action and said there was some opposition to this application and speakers were present to address their concerns.

Four speakers came forward at the Chairman's call, Mike Cronin, for the applicant; Gerard A. Sheridan, a neighbor who is in opposition; Doug Reiner, representing Goldfield Ranch in opposition; and Ronald J. Roedel, citizen, also in opposition.

Michael Cronin said the applicant, Starbridge Communications for Sprint PCS, had searched for some time to find a site that would serve the eastern portion of Goldfield Ranch, the Highway 87 corridor and portions of

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Fountain Hills caused by a gap in coverage because of Mt. Ord. Sprint, in an endeavor to address concerns expressed by residents, revised their design, taking pains to create a unique design for the two-carrier tower that they shortened to 30 feet in height. Additionally, the base was reduced in size to cover a smaller area and a southwest design was incorporated to blend into the surroundings. He said they would use a durable fiberglass substance resembling stucco on the outside of the tower. He offered to allow the Planning Department to choose the color used to insure that it blended into the surrounding landscape, and suggested a stipulation be added to this effect.

Supervisor Brock addressed the fast-moving, communication industry's changing face by asking what happens when cell towers become obsolete and left untended. He wanted to know who would be the responsible party to remove this structure if it became obsolete.

Joy Rich replied that, by stipulation, the structure is required to be removed by the applicant within 60 days of disuse. She indicated that the Special Use Permit is for 20 years.

Chairman Stapley congratulated Sprint on their thoroughness in addressing the concerns of residents and in working with the Planning Department on so many different issues. He lauded their concern to make it fit aesthetically into the surrounding area. He said that if this was a private, single-family residence it could be built at the same height Sprint is requesting for the tower.

Ronald J. Roedel, a resident from Goldfield Ranch, spoke in opposition to the tower, saying that the area has cell service and is sufficiently covered now by Verizon. Additional coverage is not needed or necessary for residents of the Ranch. He stated that the Sprint service would also not be appropriate for the Beeline Highway because the Sprint PCS System is a line-of-sight system that is supposed to cover the area from the Beeline Highway to the Bush Highway. Only 30% to 40% of that highway is observable from the tower's site because the Beeline Hwy. has a large curve around a 2,000 foot high mountain which blocks virtually all of the northbound Beeline Hwy. lanes. He said, since the residents already have good and sufficient cell service that they are satisfied with, any additional towers for service to the area would be redundant and not necessary.

Gerard A. Sheridan has lived in Goldfield Ranch for seven years. He also spoke in opposition and reiterated the charge that the area already has adequate coverage. He said he has two different services that "work all through Goldfield and they work on the Beeline." He feels that this venture is commercially motivated and fueled by strong competition within the industry with an eye on future expansion at the site rather than by need or necessity. "We just don't want it. We're homeowners. We live there. We like what we have. You start something and you set a precedent." He charged, "You wouldn't want to live next to it."

Doug Reiner, representing residents from Goldfield Ranch in opposition to the installation, remarked that Chairman Stapley had stated the problem they face very well "since it seems that any opposition is an uphill struggle because a lot of folks have their minds already made up." He said, "I brought with me an 8-track cassette, one of a very large number that were produced and sold and which can no longer be used on any piece of equipment that I have which makes these cassettes obsolete. He charged that there is a rumor in the financial community that Sprint is seriously hurting. He said, "They're building more and more of a product that is less and less in demand." He continued, "You folks don't have a risk here but you're enforcing a risk upon us that is really inappropriate." He said that this tower will not be able to service a good number of people who already live there and the fact that it will not be effective along the Beeline is further evidence that the issue needs more study. He said, "The things that they gloss over are the effectiveness of the project and the stuff that we're talking about is the color! That's not what we're objecting to. But, this is a commercial venture in a rural area that doesn't have an application of need."

Supervisor Stapley asked David Benton about FCC rules and how they would apply as to the technology and competition aspects brought up by the opponents.

Mr. Benton said there were arguments on both sides and the County would have discretion to take any action they desired as to land-use and zoning authority with decisions having been handed down favoring both sides of these issues. He indicated that the FCC does restrict consideration based on health issues because there have been no definitive studies showing any ill effects on the health of residents living near telecommunication towers.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval with stipulations "a" through "k" and the addition of new stipulation "l" below:

- I. **The color of the facility shall be of a desert hue to be approved by staff of the Planning and Development Department.**

- 3. **Z2001-043 District 2**
Applicant: Daim Corporation
Location: Northeast corner of the Jomax Road and 136th Street alignments (in the Rio Verde area)
Request: Modification of a stipulation for a previously approved Special Use Permit for an equine and canine training and boarding facility in the Rural-43 zoning district for Rancho del Sur (5 acres)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2001-043, subject to the following stipulations "a" through "z". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Rancho del Sur - Daim Corp." drawn upon an A.L.T.A. - A.C.S.M. Land Title Survey as a base map, consisting of one full-size sheet, dated April 6, 2001 and stamped received October 1, 2001, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Daim Corporation Rancho Del Sur" consisting of four pages, dated revised September 28, 2001 and stamped received October 1, 2001, except as modified by the following stipulations.
- c. Prior to zoning clearance, the site plan shall be revised to indicate the redelineated property lines, the City of Scottsdale corporate limits, correct dimensions drawn to scale, and the relocated fencing.
- d. The internal driveways and parking spaces shall be surfaced with a form of dust-proofing deemed acceptable by Environmental Services at the time of zoning clearance.
- e. The site shall be monitored by the Maricopa County Department of Transportation for a period of one-year for area development and intensity of use for adequate dust control on the access road and circulation on-site. The applicant may be required to make further

improvements to the site or access roads to alleviate dust and comply with PM-10 requirements at the discretion of Maricopa County Department of Transportation.

- f. The site shall be in compliance with Chapter XI (Animals) of the Maricopa County Environmental Health Code.
- g. All refuse and animal wastes shall be stored within an enclosed and odor-proof container. Prior to the issuance of building permits the applicant shall submit evidence that containers have been provided for adequate storage of one weeks accumulation of manure. All manure shall be removed from the site at least once per week.
- h. The total number of horses (for commercial use) allowed on the property shall be limited to five (5) horses at any given time.
- i. The total number of dogs (for commercial use) allowed on the property shall be limited to 25 dogs at any given time.
- j. The total capacity of boarded animals on site shall not exceed 25.
- k. The kennel shall be fitted for noise abatement and dogs shall be kept inside the kennel from dusk to dawn.
- l. The days and hours of operation shall be limited to Monday through Friday 8 a.m. to 5 p.m. and Saturday from 9 a.m. to 12 p.m.
- m. All outdoor lighting shall comply with the Maricopa County Zoning Ordinance.
- n. Prior to zoning clearance, the applicant shall provide evidence of legal access from the site to Rio Verde Drive, to the Planning and Development Department and MCDOT.
- o. The applicant shall submit a written report outlining the status of the development at the end of one year from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Subsequent reports may be required by staff.
- p. This Special Use Permit shall expire 10 years from the date of approval by the Board of Supervisors or upon termination of the use, whichever occurs first.
- q. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- r. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- s. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or

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the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

- t. Boarded animals shall not be exercised outside the Special Use Permit area.
- u. All existing structures shall require evidence of an issued building permit or building permits on existing structures shall be obtained prior to zoning clearance for the proposed structures.
- v. The existing water tank located in the 136th Street alignment shall be removed by the applicant at the discretion of the City of Scottsdale.
- w. The existing fence along the northern boundary of the site and within the 20' ingress/egress easement shall be removed and/or relocated so that access to surrounding properties is not obstructed.
- x. All structures housing horses overnight shall be located at least 100' from any lot line. This shall not include the single-family dwelling unit which is shown on the site plan contiguous and attached to the structure proposed as a dog kennel. The applicant can apply for a Variance to the Board of Adjustment to waive this requirement.
- y. The applicant shall consolidate the area of the Special Use Permit, including the newly acquired areas of the ingress/egress easement along the northern boundary of the site, into one parcel with a single Assessor Parcel Number.
- z. All kenneled dogs shall be kept within a chain-link fenced area and/or kept on a leash.

Joy Rich, Director of Planning and Development, said this item deals with the modification of one stipulation in a previously approved Special Use Permit. Specifically, stipulation "x" regarding the setback for buildings from the property line (see above for amended version) which originally referred to "animals" with no differentiation between horses and dogs. She said that the implied inclusion of dogs in the original stipulation had been an oversight by the department which this modification addresses by changing the wording to "horses" (see above).

Noel J. Hebets, representing four landowners, spoke in opposition. Don Leitzen, representing the Daim Corporation, was present to answer questions, but was not called on to do so.

Mr. Hebets brought a list of revised stipulations that his clients would prefer to the original list and questioned the applicant's "good faith" in carrying out the required stipulations of the permit in a timely manner. Ms. Rich indicated that the applicant had a full year to achieve the necessary improvements with stipulated monitoring of the results by the County. If this is not done the permit would be subject to revocation. She indicated that several of Mr. Hebets' suggested stipulations would be difficult for the staff to monitor and administer.

Chairman Stapley explained that today's action was directed towards the modification of a single stipulation from a well-thought-out Special Use Permit that had been approved by the Board last December and it was this amended stipulation that was being considered by the Board at this time.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "z" with the suggested amended wording to stipulation "x" as given above and on the agenda.

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board