

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
April 17, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., April 17, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, Fran McCarroll, Clerk of the Board; and Shirley Million, Administrative Coordinator. Absent: Mary Rose Wilcox. 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

Chaplain Mary Cordova, American Legion Auxiliary of Tony E. Soza #41, gave the invocation.

PLEDGE OF ALLEGIANCE

Lorraine Vasquez, Past President of American Legion Auxiliary of Tony E. Soza #41, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Ed Boks, Director of Animal Care and Control Services, introduced the "Pet of the Month," a Shiba Inu Japanese breed dog, that he said sells for as much as \$1,000 in pet stores and which will be up for adoption later today. Mr. Boks said he has received inquiries on what has happened to the other adoptable pets he has brought to former Board meetings and he reported that all had been adopted within 24 hours of the presentation.

Chairman Stapley said that these animal presentations by the Board at one of their meetings each month are to acquaint the public with a representative example of the wonderful animals that are available at the Animal Control Center for adoption by the public as more adoptions lead to fewer euthanasias.

REWARDING IDEAS AWARDS

Chuck Bryan, a member of the Maricopa County Suggestion Board team, announced that the 2002 annual awards to date have provided a tangible savings of \$26,000 and an intangible savings of \$3,000 bringing the fiscal year savings to a grand total of \$370,000 and the intangible savings to \$31,000. Those receiving cash awards and Certificates of Appreciation included: Ronald Gadberry from the Sheriff's Office who received \$2,500 for his suggestion on purchasing bulk office supplies from lower priced suppliers which should save \$12,000 a year, and once other Sheriff's facilities follow suit the savings will be even greater. Robert Collins, Environmental Services, whose tangible and intangible savings would total \$250, received \$147 for proposing an improved, environmentally safe replacement of vehicle I.D. permit numbers; Ron Stoneburner, Human Resources, received \$100 for an idea permitting the system to accept multiple payment vouchers online which will save labor hours and result in a savings of \$1,500. Joesette Frausto, Public Health Services, received \$2,500 for her proposal to put the administration's newsletter online instead of being printed resulting in a tangible savings of over \$14,000. (C31020167) (ADM3333-002)

POINT OF PERSONAL PRIVILEGE

Supervisor Brock recognized Eric Kemp and his 25 Government Affairs students from Desert Vista High School who were attending the meeting and would also tour the courts before a later meeting with Supervisor Brock.

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Supervisor Brock also recognized Sal DiCiccio with an award for his service on the Planning and Zoning Commission in 2001-2002. Mr. DiCiccio remarked that he considered his time on the Planning Commission an honor and a great opportunity to work with some wonderful people who are a part of that effort.

LIQUOR LICENSE APPLICATIONS

Fran McCarroll, Clerk of the Board, announced that applications a) and c) were withdrawn at the request of the applicants. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Kunasek and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications b. and d.:

- a) Application filed by Catherine E. Fisher for an Original, Series 12 License: (This case continued from meeting of April 3, 2002.) (F23021) **WITHDRAWN**

Business Name: Hassayampa Bar & Grill
Location: 42839 North Grand Avenue, Morristown

- b) Application filed by Kurt Vogt for an Original, Series 12 License: (F23025)

Business Name: LeRhone's Country Cupboard Restaurant and Bakery
Location: 15400 North 99th Avenue, Sun City

- c) Application filed by Charles E. Misfeldt for a Temporary Extension of Premises/Patio Permit: (ADM664) **WITHDRAWN**

Business Name: Arizona Pizza Company dba Topshelf
Location: 21910 North 83rd Avenue, Peoria
Date: Friday through Sunday, May 3, 4, and 5, 2002

- d) Application filed by Charles P. Brown for a Special Event Liquor License: (F22997)

Business Name: Franciscan Renewal Center
Location: 5802 East Lincoln Drive, Scottsdale
Date and Time: Friday, May 10, 2002; 6:00 p.m. – 10:00 p.m.

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

PUBLIC HEARING – STREET NAME CHANGE FROM COURAGE COURT TO ACADIA COURT

Item: This is the time scheduled for a public hearing to change a street name from Courage Court to Acadia Court in the plat of Anthem Unit 19 in Anthem, Maricopa County, Arizona. The request was made by Anthem Arizona LLC and the Maricopa County Addressing Official to correct a duplication error with the addresses on Courage Way in the Plat of Anthem Unit 6 in Anthem. (C44020060) (ADM2018)

Joy Rich, Director of Planning and Development, said that one letter of protest has been received on this name change request. Chairman Stapley asked if anyone wished to address the Board on this matter. Richard Scholz, citizen, came forward to speak in opposition.

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Mr. Scholz said that his home is on Courage Court and his preference would be to see no name change, with its resulting impact on 36 households, for that street. However, he stated that his goal was to minimize the impact of any change that may be deemed necessary. He presented a petition with names of 31 of the 36 residents living on Courage Court. He said that Courage Court in unit 19 continues north into unit 18 as Courage Trail. He indicated that this street is currently known by three different names as it is not the first time the name of this street has been changed, and the street signs have not kept pace with those changes. Courage Trail was the street's name on the original plat map approved by the Board of Supervisors on March 1, 2000. He explained that the name was shown as Courage Court on the corrective plat map that was recorded on September 28, 2000, and this is the name that most residents use even though it only appears on one of the five street signs in the neighborhood. He said that the Anthem maps actually show the street as Champlain Court and he doesn't know where that name came from. He summarized by saying that changing the name to Acadia Court would only add to the confusion and asked that the Courage Court street name be kept.

Joy Rich, Director of Planning and Development, spoke of the original alignment convention by which the streets in Anthem were named. Unfortunately the mistake of using the same name, Courage Court and Courage Trail, twice was not caught before the approval process was completed. She said that "Acadia" is the name that matches up with the original alignment for the street in question. She also indicated there was a duplication of numbers as well as of street names and that requests have been received from emergency service providers (Rural Metro and 911) to rectify this mistake for safety purposes.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously approved (4-0-1) to approve the name change of this street from Courage Court to Acadia Court.

ORGANIZE CASITAS BONITAS SANITARY SEWER IMPROVEMENT DISTRICT --- CONTINUED

Item: This is the time scheduled for a public hearing 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. (Fran McCarroll, Clerk of the Board, announced that the improvement district office requested this hearing be continued to May 1, 2002, to meet statutory notification requirements.) (C64022277) (ADM4302)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried to continue this item to the May 15, 2002, meeting.

ORGANIZE STREET LIGHTING IMPROVEMENT DISTRICTS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to organize the following districts for the purpose of establishing street lighting facilities and purchasing electric services for the lighting of public streets and parks within the areas listed below. Also appoint the Superintendent of Streets as District Engineer of each of the districts. Petitions representing 100% of the property owners of each subdivision has been presented requesting the formation of the following street lighting improvement districts. Inasmuch as these are 100% districts, the hearings to organize will be held on this date.

**ORDER ESTABLISHING
WIGWAM CREEK SOUTH STREET LIGHTING IMPROVEMENT DISTRICT**

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A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Wigwam Creek South Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 17th day of April, 2002, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows: (C64021837) (ADM4302)

Final Plat of the Wigwam Creek South Subdivision, as recorded in Book 570, Page 10, of the Maricopa County Records, Maricopa County, Arizona

And further declares that said district is now established under the name of Wigwam Creek South Street Light Improvement District, by which name it shall be known in all proceedings hereafter.

DATED this 17th day of April 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**ORDER ESTABLISHING
MCGAVIN RANCH STREET LIGHTING IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, praying for the establishment of Mc Gavin Ranch Street Lighting Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on the 17th day of April, 2002 at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows: (C64021897) (ADM4302)

The North half of the Southeast quarter of Section 28, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

EXCEPT any part lying within DESERT DAWN ESTATES UNIT ONE, according to Book 131 of Maps, page 50, records of Maricopa County, Arizona

And further declares that said district is now established under the name of Mc Gavin Ranch Street Lighting Improvement District, by which name it shall be known in all proceedings hereafter.

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DATED this 17th day of April 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

APRIL REINER, et vir. v. MARICOPA COUNTY

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the prosecution of appeal from judgment and denial of motion for new trial by Maricopa County Attorney in April Reiner, et vir. v. Maricopa County Superior Court No. CV 2000-008859. (Discussed in Executive Session on December 3, 2001.) (C19020450) (ADM412)

PURCHASE OF LAPTOP COMPUTER AND PRINTER

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of laptop computer and printer equipment items for the County Attorney Victim Services Division using grant funds provided by the Governor's Community Policy Office, in accordance with Budget Administrative Memo No. 8. The cost of the equipment is \$4,400. (C19020465) (ADM400-002)

DONATIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the acceptance of a \$3,000 donation from the Pinnacle Peak Lions Club to be used specifically by the Sheriff's Office Canine Unit. (C5002082M) (ADM3900)

EXCEPTION TO LEAVE PLAN

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an exception to the Maricopa County Leave Plan for extenuating circumstances that permits a carryover balance of personal leave in excess of 240 hours. This request specifically restores 50.8 hours of personal leave in excess of the 240 hour accrual maximum to Deputy Kenneth Lignoski that had been automatically converted to FMLA at year end. Human Resources has been consulted and is supportive of this request. (C5002083M) (ADM3320)

FUNDING FROM BUREAU OF JUSTICE ASSISTANCE, STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve acceptance of \$5,522,709 in funding from the Bureau of Justice Assistance, State Criminal Alien Assistance Program. The purpose of this grant program is to reimburse agencies for the cost to incarcerate undocumented criminal aliens and will be used to reimburse the General Fund. Also, approve an increase to the FY 2001-2002 General Government Fund Grant Revenue Budget by \$5,522,709. (C50020843)

PERMANENT WAIVER TO COMPENSATION PLAN

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a permanent waiver of the Maricopa County Human Resources Compensation Plan, which prohibits salary advancements during an initial probationary period for Telecommunications Operators (TCOs) and Detention Officers. These two working titles currently require an initial

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probationary period of one year and no advancements are permitted during that time. (C5002086M) (ADM3308)

FUND ALLOCATION AND TRANSFER

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the allocation of not-to-exceed \$100,000 of FY 2001-2002 General Government Contingency Funds and transfer to a new General Government Program-Special Master. The Sheriff's Office inmate phone system has had a software failure by which legal calls of the inmates may have been intercepted and recorded. As a result, the Presiding Judge of Superior Court has appointed a Special Master to verify what calls, if any, were intercepted by the phone system. (ADM3900)

LETTER OF INTENT ON FUNDING OFFICERS HIRED UNDER THE UNIVERSAL HIRING AND COPS IN SCHOOLS PROGRAMS

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Letter of Intent to the Department of Justice, Office of Community Oriented Policing Services (COPS) that indicates Maricopa County's intention to retain and fund the officers hired under the Universal Hiring Program and the COPS in Schools Program. (This was addendum item A-1.) (C5002073M) (ADM3900-001)

PURCHASE OF EQUIPMENT

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

- a) Scanner equipment, (4 base stations and 14 portable) in the amount of \$400. (C1602008M01) (ADM1000-002)
- b) Two Minolta 605Z Reader Printers to support the ability to provide copies of court records currently maintained on microfilm for a total cost not-to-exceed \$15,350. (C16020148) (ADM1000-002)

PURCHASE OF REPLACEMENT ICE MACHINE

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of a replacement ice machine for the Juvenile Probation Department's Durango Detention facility, as prescribed in Budget Administration Memo No. 8. The machine supplies the ice necessary to keep detainees' food at proper temperatures. The cost of the replacement ice machine is \$3,850. (C2702006M) (ADM1400-002))

PURCHASE OF LAPTOP COMPUTER

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of a laptop computer to be used to train security guards. A laptop computer is the most effective and efficient method to train security guards. It provides mobility and flexibility on the part of the trainer and facilitates consistent, ongoing training at specific sites and posts. The computer also offers the most effective method of training any number of guards at one time. It will be purchased under the County's three-year capital lease program. Total cost: \$2,250. (C38020198) (ADM1001-002)

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PURCHASE OF IT REPLACEMENT EQUIPMENT FOR PRE-SENTENCE INVESTIGATION DIVISION

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of IT replacement equipment for the Pre-sentence Investigation division, specifically 110 laptops, 41 desktops and one server. The Pre-sentence Investigation division provides sentencing reports and recommendations to the Court. This replacement equipment will help insure that the reports are complete and timely. The purchase of this equipment is available and budgeted within County General Funds and totals a principal amount of \$263,235 and interest amount of \$20,782 for a grand total of \$284,018 over 36 months. It will be purchased using the Technology Finance Program at a monthly cost of \$7,889.39. (This was addendum item A-2.) (C1102005M) (ADM200)

CHANGE ORDER TO CONTRACT WITH HAYDON BUILDING CORP.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 5 to Contract JE01-03 in the amount of \$393,747. This contract is for the construction of the Durango parking structure. This change order incorporates City of Phoenix permit requirements issued after award of the contract to Haydon Building Corp. The increase is within the project's budget. This change order incorporates miscellaneous code changes to meet City of Phoenix building permit requirements. Permit review and requirements were received after bid and award of contract. (C4001028101)

EASEMENT AGREEMENT WITH ARIZONA PUBLIC SERVICE COMPANY

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the execution of an Easement Agreement in consideration of one dollar (\$1.00) with the Arizona Public Service Company, its successors and assigns, an easement 8 feet in width, to construct, operate and maintain underground electric lines and appurtenant facilities up, across, over, and under the surface of Block 28, also referred to as 701 West Jefferson Street. This block is the site of the Forensic Science Center and Parking Structure, located between 7th and 8th Avenues and Jefferson and Madison Streets. (C40020140) (ADM2009)

PURCHASE OF COMPUTERS

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of computers (9 Dell "Standard 2" Computers) for use by the Felony Trial and Sexually Violent Predators staff. This purchase is due to expansion of offices and is necessary to provide computers for staff members. The computers will be paid for within the existing Office of the Legal Advocate (OLA) General Fund appropriations beginning in FY 2002 and continuing each year through FY 2005. This computer purchase totals \$10,627, and will be made through the technology finance program. (C33020090) (ADM503-002)

PERSONNEL AGENDA

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Personnel Agenda (Judicial Branch and Maricopa County). A correction was read by Fran McCarroll, Clerk of the Board, to remove one name from the list, Sharon T. Callahan, Adult Probation, at the request of Human Resources. (List on file in the Clerk of the Board's Office.)

REJECT CLAIM DEMANDS

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Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reject claim demands (March 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$904,142.06 and ARS §11-622 \$109,624.21) (C39020147) (ADM1804)

**Monthly Summary Report
March 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
American Physicians Inc	234.49	354.23
Ami-Open Mri Of Phoenix	0.00	257.00
Arizona Pulmonary Specialists	847.00	0.00
Arrowhead Community Hospital	80,577.80	0.00
Associated Radiologists, Ltd	2,442.00	1,000.00
Az Digestive & Liver Disease	225.00	0.00
Barlingay, Bhagyashree C. Md Pc	240.39	159.51
Butzine, P. Dr. & Damecour, C. Md Pc	147.00	0.00
Canyon State Anesthesiologists	0.00	660.00
Center For Neurology & Stroke	0.00	725.00
Chandler Radiology Associates	1,098.00	38.00
Chandler Regional Hospital	28,504.82	11,372.07
City Of Phoenix Ambulance	4,293.84	0.00
Clark, Robert J. Md Pc	2,150.00	0.00
Desert Hospitalists Pc	0.00	1,035.00
Desert Kidney Associates, Plc	300.00	0.00
Desert Sam Med Ctr	24,318.80	0.00
Drs Sein & Ohn Pc	0.00	505.00
Emcare Pnx Emerg Physicians	0.00	276.00
Emergency Assoc Of Arizona	381.00	0.00
Emergency Professional Svcs Pc	64.48	0.00
Galen, Neal Do	1,085.00	0.00
Gill, Satpreet Md	0.00	241.00
Good Samaritan Reg Med Ctr	38,843.40	8,764.45
Goodell, Richard W. Md	465.00	0.00
Holland, William T. Md	0.00	925.00
Hospital Radiologists, Ltd	4,555.00	0.00
Hospitalists Of Arizona	519.00	0.00
Hubley, Kristin A. Rnfa	900.00	0.00
Infectious Disease Consult Ltd	220.00	0.00
John C Lincoln Hospital	11,454.85	0.00
Kahlon, Maninder S Md	1,540.00	6,485.00
Long, Michael M. Md	560.00	0.00
Maricopa Health Systems	135,510.29	1,037.28
Maryvale Hospital Med Ctr	86,936.60	0.00
Medical Diagnostic Imaging Grp	379.00	0.00
Mesa Emergency Services Llc	1,382.00	593.00
Miller, Ian D. Md	445.50	0.00

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North Phoenix Heart Center	85.00	220.00
Northwest Cvt Surgeons	3,028.00	0.00
Oak Creek Imaging	50.00	0.00
Oconnor, Arthur J Iii Md	5,867.00	0.00
Orthopaedic Trauma Alliance	0.00	256.00
Patel, U.C. Md	485.00	0.00
Pathology Associates, Ltd	300.00	0.00
Pathology Specialists Az	822.00	0.00
Payson Regional Med Ctr	16,247.48	0.00
Phoenix Heart Center, Pc	0.00	411.00
Price, Ronald L. Md	240.00	0.00
Professional Medical Transport	4,271.65	0.00
Progressive Medical Assoc, Pll	0.00	586.00
Pulmonary Internists, Ltd	205.00	721.00
Riaz-Ul-Haq, Amjad Md	1,900.00	0.00
Rural Metro Ambulance	1,239.62	0.00
Scottsdale Healthcare Fp	1,565.00	0.00
Scottsdale Healthcare Osborn	120,310.30	63,072.86
Scottsdale Healthcare Shea	24,883.98	4,074.41
Scottsdale Medical Specialists	250.00	0.00
Scottsdale Nephrology Pc	70.00	0.00
Scottsdale Orthopedic Speciali	0.00	9.90
Southwest Ambulance	30,097.81	333.90
Southwest Heart & Lung	26,677.70	3,970.00
Spreecharana, Thimmavajjhala	173.35	0.00
St Josephs Hosp Arizona	24,623.38	0.00
St Lukes Medical Center	174,844.58	0.00
Thunderbird Sam Med Ctr	20,035.95	0.00
Trauma Physicians Billing	2,700.00	0.00
Valley Anesth Consultants Ltd	9,555.00	845.00
Valley Radiologists Ltd	209.00	0.00
Valley Radiologists Ltd.	368.00	0.00
Vanderslice, Duane E. Md	150.00	0.00
Voss, Peter Md Pc	1,767.00	0.00
Whitten, George B. Md	500.00	0.00
Wickenburg Regional Med Ctr	0.00	696.60
Grand Totals:	904,142.06	109,624.21
Restitution	0.00	
Totals Denials:	1,013,766.27	

FUNDING ALLOCATIONS AND AMENDMENT TO MANAGEMENT & IMPLEMENTATION AGREEMENT WITH TOWN OF WICKENBURG

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve funding allocations from the Community Development Block Grant (CDBG) Contingency Fund for \$22,345 and Amendment No. 1 to the Management & Implementation Agreement (MIA) between Maricopa County and the Town of Wickenburg for the Wickenburg Sidewalks Project (DG0017). The CDBG Contingency Fund is for those costs exceeding the original subrecipient grant amount for cost overruns that could not have been anticipated at the time of grant award. (C1701068201)

DISPOSITION OF SITE-HOUSING UNITS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt a resolution authorizing the disposition of 56 scattered site-housing units by the Maricopa County Housing Department and the submission of a demolition/disposition application to the U.S. Department of Housing and Urban Development (HUD) requesting HUD's approval of such disposition, and authorizing the Housing Director to take all actions necessary to implement and complete the activities outlined in such application. The Housing Department owns certain single-family dwelling housing units throughout the County that were purchased by and operated with HUD funds. The Housing Department desires to maintain the units in a manner suitable for habitation by low-income residents of the County and to preserve the units as affordable housing for the benefit of residents of the County. The units are currently in need of significant repair and renovation. The disposition of the 56 units to a public/private joint venture entity between the Housing Department and Community Services of Arizona, Inc., a 501©(3) nonprofit corporation will allow for the issuance of low-income housing tax credits to generate the necessary funds to repair and renovate the units. After the fifteen year tax credit program, the units will be available to public housing residents under a homeownership program. (C6602004M) (ADM2403)

CONTRACT WITH CAROLLO ENGINEERS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and execute consultant services contract with Carollo Engineers for the professional engineering design services to be performed in connection with the "Buckeye Hills Recreation Area Water System Design" in the amount of \$153,700. (C30020455)

FUND TRANSFERS

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

APPROPRIATION ADJUSTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Office of Management and Budget to implement an appropriation adjustment at the end of FY 2001-2002 between the Department of Finance and the Materials Management Department in an amount agreed to by both departments, but not-to-exceed \$81,000. The Finance Department has agreed to reduce its FY 2001-2002 appropriation from the General Fund by a sufficient amount to cover the shortfall in the Materials Management budget. (C18020058) (ADM1800) (ADM1825) (ADM3000)

ANNUAL ADJUSTMENT TO INMATE BOOKING AND HOUSING FEES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2002. The inmate booking fee will increase from \$98.53 to \$100.51 per inmate booked; the inmate housing fee will increase from \$41.86 to \$42.41 per day. (C18020060) (ADM3911)

SOLICITATION SERIALS

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

Award of Solicitation Serials:

- 01163-S INTERIOR PLANT SERVICES** (\$105,000 est./three (3) years, with two (2), one-year renewal options)
Recommendation for award of pricing agreement for interior plant services for various County agencies.
- . The Potted Plant
- 02009-C AGGREGATE MATERIALS** (\$1,430,000 est./two (2) years, with three (3), one-year renewal options)
Pricing agreement to purchase aggregate materials for use by MCDOT and Flood Control. Using departments to determine least expensive, most advantageous contractor based on the geographic location of the construction site.
- . **Alleco Stone LLC**
 - . Hayward Corporation
 - . Mesa Materials
 - . **Sun State Rock And Material**
 - . Vulcan Materials-Western Division

Increase in the contract amount for the following contract(s). This request is due to an increased usage by County departments:

- 98206-X DISPOSABLE KITCHENWARE**
Increase contract value from \$515,000 to \$615,000 due to the increased need for disposable kitchenware because of the failure of the boiler unit used to run the cook/chill pump and dishwasher located at the Food Services Division of the MCSO. This additional amount will provide required services through the end of the current contract, which expires on June 30, 2002. The original pricing agreement was approved by the BOS on June 2, 1999, in the amount of \$145,000. On March 16, 2000, the Department of Materials Management approved an extension in the amount of \$235,000. A subsequent extension was approved by Materials Management on June 21, 2001, in the amount of \$135,000. Unisource, one of the original vendors on this contract, chose not to renew, and were removed as of March 16, 2000. DPI Taylor, also on the original contract, merged and became DPI Epicurean Fine Foods in May 2000. Silverstar Foodservice went out of business in March 2002, and therefore should be removed from this pricing agreement.
- . Custom Food Services
 - . DPI Epicurean Fine Foods
 - . U.S. Food Service
 - . Western Paper Distributors

- 00090-M LAUNDRY EQUIPMENT MAINTENANCE AND REPAIR**

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Increase contract value from \$110,000 to \$160,000 due to continued maintenance and repair of MCSO Laundry Equipment. The original contract dollar amount was \$100,000 approved on September 7, 2000, by Materials Management. On February 21, 2002, there was a \$10,000 increase granted, also by Materials Management. This additional amount will provide required services through the end of current contract, which expires on September 30, 2002.

- . Astro Distributing & Leasing Co.
- . Laundry & Cleaners Supply, Inc.

SETTLEMENT AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Settlement Agreement of Gila River Indian Community and Insurance Company of the West v. Maricopa County, CIV98-1407 PHX SMM and Maricopa County v. Insurance Company of the West, CIV99-2067 SMM. Settlement Agreement for \$0.00. (Discussed in Executive Session of April 15, 2002.) (C75020100) (ADM409)

RENEWAL OF KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve kennel permit renewals, as follows, for the term of April 17, 2002, through April 16, 2003. (C7902073C) (ADM2304)

- . Janet Sproles, dba Tortilla Flat, 25210 North 17th Avenue, Phoenix, Permit No. 305
- . Silvia Onak, dba Remarkabulls, 4138 North 74th Avenue, Phoenix, Permit No. 336

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Intergovernmental Agreement, Contract No. 052011, STD Control Services, between Maricopa County Correctional Health Services and Arizona Department of Health Services. The term of the amendment is from January 1, 2002, through December 31, 2002, for an amount not-to-exceed \$65,150.04. (C2601006002)

PURCHASE OF MODULAR FURNITURE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of modular furniture for the Environmental Health Services Western Regional Office (WRO) at 8910 North 43rd Avenue, Suite 101, Glendale. The new modular furniture will provide a safer and more efficient workplace. The cost for the Food Handler Clerk workstation is \$7,000. (C88020518) (ADM2350-002)

SETTLEMENT OF MARICOPA vs. SAM'S CAFÉ

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the proposed settlement of Maricopa vs. Sam's Café in the amount of \$7,000. Sam's Café was in violation of Maricopa County's Trip Reduction Ordinance. (Discussed in Executive Session on March 7, 2001.) (C88020527) (ADM2355)

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RENEWAL OF LEASE AGREEMENT WITH BOYS AND GIRLS CLUB OF THE EAST VALLEY, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve renewal of Lease Agreement No. L7201 with Boys and Girls Club of the East Valley, Inc., Lessor, for the continued use of the 740 square foot Head Start classroom located at 22 West Washington Street, Gilbert, AZ. This renewal will extend the term of the lease agreement from July 1, 2002, through June 30, 2003. The annual rental cost will remain at the current rate of \$4,800. This lease contains a 90-day cancellation clause and does not include any County General Funds. (C2297077408)

AMENDMENTS TO EXPENSE CONTRACTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve amendments to the following expense contracts to increase the reimbursable budgets and increase the number of youths to be serviced. Funding for these contracts are federal grant funding under the Workforce Investment Act (WIA) provided to Maricopa County by the Arizona Department of Economic Security (ADES). These amendments are effective upon approval of the Board of Supervisors through June 30, 2002. The agreements do not contain any County general funds.

- a) Amendment No. 2 to contract with Arizona Call-A-Teen to increase the reimbursable budget by \$124,000 (from \$1,187,572 to \$1,311,572) and increase the number of youth to be served by 65 (from 214 to 279). The WIA requires the provision of youth services to eligible individuals, ages 14 through 21. Services include: mentoring, leadership skill development, tutoring, comprehensive guidance and counseling, work experience, occupational skill training, supportive services, alternative secondary school services, and summer component activities. (C2201118102)
- b) Amendment No. 1 with Chandler Public Schools to increase the reimbursable budget by \$40,000 (from \$87,033 to \$127,033) and increase the number of youths to be served by 25 (from 54 to 79). (C2202118201)
- c) Amendment No. 1 with Gilbert Public Schools to increase the reimbursable budget by \$40,000 (from \$87,033 to \$127,033) and increase the number of youths to be served by 25 (from 54 to 79). (C2202119001)
- d) Amendment No. 1 with Mesa Public Schools to increase the reimbursable budget by \$40,000 (from \$116,044 to \$156,044) and increase the number of youths to be served by 25 (from 71 to 96). (C2202121201)
- e) Amendment No. 1 to with City of Tempe to increase the reimbursable budget by \$40,000 (from \$92,835 to \$132,835) and increase the number of youths to be served by 25 (from 57 to 82). (C2202123201)

PURCHASE OF CONSTRUCTION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of construction services to provide for installation of a soft surface play area for the Head Start Program playgrounds at the Tempe and Salvation Army site classroom locations. The total estimated cost of the two projects is \$32,000 (\$16,000 for each site). The funding to be used comes from the Federal Head Start Classroom Expansion Fund provided to the County by the U.S. Department of Health and Human Services specifically for this type of project. (C22021560)

CASH DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the receipt by the Human Services Department's Education Division (Head Start/Early Head Start programs) of unsolicited cash donations totaling \$120 from the following donors. These funds will be credited as local matching funds as required by the U.S. Department of Health and Human Services. (C2202159M) (ADM2500)

- . Janet Lewis, in the amount of \$50
- . Erin Bradley, in the amount of \$20
- . Zona Lorig, in the amount of \$50

INTERGOVERNMENTAL AGREEMENT WITH KYRENE ELEMENTARY SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement with Kyrene Elementary School District for the provision of food catering to participants in Maricopa County Head Start. The IGA represents a fixed price agreement for \$13,794. The IGA requires Kyrene Elementary School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is July 1, 2002, through September 30, 2003. This agreement does not include any County General Funds. (C22030132)

RENEWAL OF LEASE AGREEMENT WITH CITY OF CHANDLER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve renewal of Lease Agreement No. C6552 with the City of Chandler, Lessor, for the continued use of a Head Start classroom located at 130 North Hamilton Street, Chandler, AZ. This renewal will extend the lease from July 1, 2002, through June 30, 2003, at an annual cost of \$1.00. This lease contains a 120-day cancellation clause. There will be no expenditure of County General Funds. Approval of this lease contract is contingent on approval of the FY 2002-2003 budget. (C22030584) (C2298207408) (C22982074)

GRANT APPLICATION TO NATIONAL SAFE KIDS CAMPAIGN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve County participation as Lead Agency regarding the successful application (the grant has been awarded) to the National Safe Kids Campaign for Mobile Car Seat Check Up Van Program by the Maricopa County Department of Public Health (MCDPH), subject to the Addendum to be attached to, and incorporated in, the Application/Contract. (C86020913)

CONTRACT WITH SMITH'S FOOD & DRUG CENTERS, INC., dba FRY'S FOOD & DRUG STORES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a contract with Smith's Food & Drug Centers, Inc., dba Fry's Food & Drug Stores, to provide nicotine replacement therapy services for the Maricopa County Department of Public Health's Tobacco Use Prevention and Education Program. The term of the contract is from January 1, 2002, to June 30, 2002, for a contract dollar amount not-to-exceed \$400,000. (C86021241)

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PURCHASE OF 3 DELL OPTIPLEX GX240 PENTIUM 4 SMALL MINI-TOWER COMPUTERS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the purchase of three (3) Dell OptiPlex GX240 Pentium 4 Small Mini-Tower computers to be used by the Department of Public Health's STD field services program. Total expenditure for these computers, including tax, will be \$4,717.02. The computers will allow record searches to confirm treatment, which avoids duplication of treatment while conducting outreach services in the field. (C8602137M) (ADM2150-002)

AMENDMENT TO LEASE WITH POLLACK PLAZA

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 1 to existing full service lease No. L7251 with Pollack Plaza, Lessor, for 2,500 square feet of WIC & Nutrition Services office space located at 3002 North Arizona Avenue, Suites 14-16, Chandler, Arizona. The amendment has a new lease term of April 1, 2002, through March 31, 2005, for a 36-month term at an annual cost of \$41,580, payable in monthly payments of \$3,460 plus 2.4% rental tax. (C8697072401)

TERMINATION OF LEASE WITH LAND ENTITLEMENT AND DEVELOPMENT SERVICES, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the early termination of a lease with Land Entitlement and Development Services, Inc. (LEADS), as lessee, in the County-owned Security Center Building located at 234 North Central Avenue. This termination is effective as of February 28, 2002. LEADS had made security deposits in the amount of \$7,801 and those monies will be credited to the February rent rather than be refunded. (C70020924) (ADM811-002)

SUPPLEMENTAL LEASE AGREEMENT WITH FEDERAL BUREAU OF LAND MANAGEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a Supplemental Lease Agreement to lease no. GS-09B-95867 with the Federal Bureau of Land Management in the County-owned Security Building located at 234 North Central reducing their square footage by 5,929 square feet. This reduction of space will be effective as of January 1, 2002. This lease was initiated in October of 1996 and runs through October of 2011. This action will reduce the total rentable square footage to 50,095 and annual rent to \$568,578.25. (C70020934) (ADM811-002)

PURCHASE OF FIVE DESKTOP COMPUTERS AND MONITORS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the purchase of five desktop computers and monitors at an estimated cost of \$5,000. Two workstations are needed for emergency replacement of existing workstations, one is necessary to provide a workstation for a new employee and two workstations are necessary for an upgrade of the two presently used in the preventive maintenance program. The estimated cost for the equipment is \$5,000. Funding for this purchase is allocated within the FMD operating budget. (C70020948) (ADM800-002)

REALLOCATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following reallocations: (C70020968) (ADM800)

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- a) \$6,000 from FY 2001-2002 Special Revenue (Detention Fund) Major Maintenance Project No. 2000143529 Durango Juvenile Building Infrastructure Improvements to Project No. 2000143539 MCSO Substation (Mesa) Building Infrastructure Improvements
- b) \$40,000 from FY 2001-2002 General Fund Major Maintenance Project No. 2000143500 East Courts Building Infrastructure Improvements to Project No. 2000143522 MCSO/Substation Improvements.
- c) \$55,000 from FY 2001-2002 General Fund Major Maintenance Project No. 2000143500 East Courts Building Infrastructure Improvements to Project No. 2001226781 Remodel Building 1916.
- d) \$60,000 from FY 2001-2002 General Fund Major Maintenance Project No. 2000143577 East Courts Building Infrastructure Improvements to Project No. 2000143581 - 2001202650 Sealant Repairs and Flooring.

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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)

- (LJS) Project No: 68931 and 80408 - Alma School Road Bridge Widening (South Channel) and Alma School Road Bridge Grade Control Structure (North Channel) - Application for Right-of-Way - Salt River Pima-Maricopa Indian Community - for the sum of \$413,800.00.
- A118.008 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Agreement for Right of Entry - Parcel No. 400-01-063B - Christopher C. Ellis, trustee - \$100.00.
- A118.008 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Easement and Agreement for Highway Purposes - Parcel No. 400-01-063B – Christopher C. Ellis, trustee - for the sum of \$3,362.00.
- A118.008 (AC) Project No: 69010 - 133rd Avenue (South Mountain Avenue - Indian Springs Road) – Purchase Agreement and Escrow Instructions - Parcel No. 400-01-063B - Christopher C. Ellis, trustee.
- A138.003 (TS) Project No: 68991 - Intersection Williams Field Road & Higley Road - Warranty Deed – Parcel No. 304-40-009A - Roosevelt Water Conservation District - for the sum of \$17,346.00.
- A138.003 (TS) Project No: 68991 - Intersection Williams Field Road & Higley Road - Purchase Agreement and Escrow Instructions - Parcel No. 304-40-009A - Roosevelt Water Conservation District.
- Z4-0107 (LJS) Project No: 69005 - Estrella Roadway (Beardsley Road to Reems Road) - Waterline Easement - Parcel No. 503-58-013 - Recreation Centers of Sun City West, Inc., an Arizona corporation - for the sum of \$1.00.

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ABANDONMENT OF SUBDIVISION PLAT (FILE NO. 5150)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C6402234B) (F23031)

RESOLUTION

WHEREAS, pursuant to A.R.S. §28-6701 and 016728-7202 et seq., it appears to the Board that the abandonment of the following-described property may be affected without damage to the public or adjacent landowners:

“La Siesta Condominiums” subdivision plat as recorded in Map 277, Page 7 in the Office of the County Recorder, 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 subdivision plat be abandoned and no rights or privileges to existing public utilities are affected by this abandonment, 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 17th day of April 2002.

PURCHASES OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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) Trimble Trimmark 3 Base Radio Set with 25W for GPS base station \$3,792, to develop integrated Global Positioning System (GPS) system for rapid deployment of personnel and security of base units, Work Order Number 30900001. (C64022025) (ADM2000-002)
- b) Three Mobil Data Terminals (MDT), at a cost of \$30,000 (\$10,000 each). This safety and support equipment is a critical element to both public safety and the phase II expansion to unincorporated areas of Maricopa County. This equipment will be instrumental in the dissemination of safety and response data while providing interoperability with public safety. The efficiency of data communication reduces costs - both in the field and at the office. Status updates and other information provided by the mobile data system will generate a variety of reports to monitor REACT operations more thoroughly. Essential information transported, accurately and instantaneously. The MDTs will be installed in the REACT vehicles. (C64022035) (ADM2000-002)

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- c) Three Compaq Proliant DL-580 Clustered Server Systems from Compaq Computer Corporation. The purchase price per Server System is \$80,855.00 for a total of \$242,565, which will be financed over three years following Maricopa County's Technology Financing program. This will allow Maricopa County Department of Transportation to meet its commitment made to the Board and Internal Audit for implementing a disaster recovery plan and system. (C64022185) (ADM2000-002)
- d) CD Replicator and Imprinter in the amount of \$7,550. If approved, the cost to provide the public with copies of the Transportation System Plan, various area and corridor studies, press release packets, etc. will be reduced by more than 80%. It will also save a considerable amount of staff time now being spent to produce CD's one at a time. (C64022205) (ADM2000-002)
- e) Two HP LaserJet 4100dt,. The purchase price is \$2,268 per each for a total of \$4,536, which will be financed over three years following Maricopa County's Technology Financing program. These printers are necessary to the support the Vision and Mission of the Maricopa County Department of Transportation Strategic Plan, the Build Transportation Systems Program and the Support Transportation Systems Program. (C64022215) (ADM2000-002)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH CITY OF TOLLESON

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment to Intergovernmental Agreement between MCDOT and the City of Tolleson to add two additional traffic signals to the existing IGA for operation and maintenance by the County for the City. The original IGA was signed and executed on Dec. 6, 1995. The County billed the City for actual services rendered and/or equipment replaced. The billing includes normal County overhead, labor burden, equipment, labor and material costs, with no provision for profit. The amendment also states that when the City reaches seven traffic signals under contract with the County via an IGA, an 18-month notification period for termination of services commences. With the addition of these two signals, the County is now agreeing to operate and maintain a total of six traffic signals for the City. (C64022172)

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

Item: 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. (C64022230) (ADM2000)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this item to the May 1, 2002, meeting.

CONSULTANT SERVICES CONTRACT WITH SIEMENS ENERGY & AUTOMATION, INC.,

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Consultant Services Contract Number CY 2002-43 with Siemens Energy & Automation, Inc., Gardner Transportation Systems Business Unit for a not-to-exceed amount of \$272,348.52, to design and install an advance traffic management system for the Signal Modernization Project, Work Order Number 69033. (C64022245)

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CONTRACT WITH OZ ENGINEERING

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Contract No. CY 2002-49 with OZ Engineering in an amount not-to-exceed \$150,000 for the AZTech TM Phase III Information Service Provider; for estimating travel time, under Work Order No. 82560. (C64022265)

REIMBURSEMENTS

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

- a) Burlington Northern and Santa Fe Railway Company in the amount of \$60,930, for the design and equipment improvements to the BNSF railway crossing at Olive Avenue and Loop 303. The cost may not exceed the current estimate amount of \$60,930 by more than 10%, under Work Order No. 69030, Loop 303 Intersection Improvements. (C64022275) (ADM2000-006)
- b) Arizona Public Service in the amount of \$148,000 for costs incurred for the design, relocation, and installation of their electrical facilities that are in conflict with the Maricopa County Department of Transportation Project No. 69005, Estrella/Grand Avenue, Estrella Roadway and Grade Separation. MCDOT acknowledges that APS has prior rights for these facilities. The cost may not exceed the current estimated amount of \$148,000 by more than 10%. (C64022295) (ADM2000-006)

ADVANCEMENT OF ROAD PROJECT AND TRANSFER OF FUNDS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the advancing of Project No. 68952, Thomas Road from 99th Avenue to 91st Avenue, in the Department of Transportation's Capital Improvement Program, from FY 2004 to the current FY 2002. Also approve the transfer of \$1,948,000 from the Department's Project Reserves, No. 69998, to this project No. 68952, and establish the Project's FY 2002 budget at \$1,948,000. On October 30, 2000, the Board approved an amendment to an IGA with the City of Phoenix for improvements to Thomas Road from 99th Avenue to 83rd Avenue. As part of the action taken, the Board also approved advancing the funds in the amount of \$1,948,000, from FY 2004 to FY 2002, to participate in the project. This was overlooked during the preparation of the FY 2002 Capital Improvement Budget. The City has completed construction on the County portion of the project from 99th Avenue to 91st Avenue, and has submitted an invoice for payment. The City portion from 91st Avenue to 83rd Avenue is still under construction. (C64022308) (ADM 2000)

ACCEPT PUBLIC RIGHT-OF-WAY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and accept Public Right-of-Way as conveyed in the Map of Dedication for Venture Drive. The roadway is in the vicinity of Anthem Way, East of Interstate 17. Venture Drive will be improved to County standards, at no expense to Maricopa County, as part of the arterial and collector roadway system for the Anthem Development. This alignment is consistent with the amended development master plan for Anthem (DMP 200008), as approved by the Board on October 18, 2000. (C6402232B) (ADM2007)

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CALL FOR BIDS AND AWARD – INTERSECTIONS OF NORTHERN AND OLIVE AVENUES AND LOOP 303

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the solicitation of bids for the improvements to the intersections of Loop 303 and Northern Avenue, and Loop 303 and Olive Avenue, under Work Order Number 69030. These projects have been designed to be constructed separately, or as a combined project. Also approve the award of a contract to the lowest responsive bidder, if advertised and bid separately, providing the lowest responsive bid does not exceed the Engineer's Estimate by more than 10%. (C64022335)

ANNEXATIONS OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following annexations by the Town of Buckeye of County right-of-way: (ADM4202)

- a) Baseline Road, from Rooks Road east to Miller Road, in accordance with Ordinance No. 26-01. (C64022385)
- b) Portions of the east half of Central Boulevard, to include portions of 2nd Avenue East, 3rd Avenue East, 4th Avenue East and Maricopa Road, in accordance with Ordinance No. 09-02. (C64022395)

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 HANGER PROSTHETICS AND ORTHOTICS

Item: Approve Amendment No. 1 to the contract between Maricopa Integrated Health System and Hanger Prosthetics and Orthotics. This amendment will exercise the first of two renewal options of the contract to extend the term an additional twelve months from March 1, 2002, to February 28, 2003, update language in the General Provisions, Special Provision, Work Statement, Compensation Sections of the contract and add an additional \$800,000 to the contract not-to-exceed amount, making the aggregate not-to-exceed amount \$1,880,000. This contract may be terminated by either party with 30-days written notice. (C9099052101)

Supervisor Brock asked for clarification on the \$2 million cost for prosthetics and orthotics, which he felt is an excessive amount of money. He asked how many people would be enrolled under this program, how many prospects per week.

Mary Kelly, Contracts Administrator for Maricopa Integrated Health Systems, said that patients from all four of the health plans would be covered, Medicare, ALTCS, Health Select and Maricopa Health Plan for Medicaid or approximately 60,000 members in all. She explained that the contract for the aggregate amount was for the period of years between 1999 through 2003 and that the additional \$800,000 would be for the 12 month extension applied for.

Supervisor Brock speculated on the monthly expense of this program and reiterated his claim that the cost seemed excessive.

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Supervisor Kunasek commented that it had been difficult for him to grasp the huge amounts of dollars spent on some government projects even though, intellectually, he realizes there is also a huge number of people who are being serviced on an individual basis by those dollars. He said that even when costs are broken down spending can still be difficult to assimilate.

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 Hanger Prosthetics and Orthotics.

RATIFY AND TERMINATE AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to ratify and terminate Amendment No. 2 to an Intergovernmental Agreement (formerly C5711, effective December 19, 1983) between the Arizona Board of Regents on behalf of the University of Arizona, College of Medicine and Maricopa County. Amendment No. 2 is the official document adding an Anesthesiology Rotation and Residents to the coordinated clinical training programs provided by both institutions. The Anesthesiology Rotation began July 1, 2000, through June 30, 2001. The Program was terminated December 31, 2001. Financial compensation to the resident was the sole responsibility of the University of Arizona. (C9099013202)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment No. 1 to the Intergovernmental Agreement with the Arizona Board of Regents, for and on behalf of, Arizona State University, Student Health and Wellness Center, for HIV outreach, education, and HIV testing referral services to:

- a) Extend the IGA for one year, from March 1, 2002, through February 28, 2003, making the aggregate term June 1, 2001, through February 28, 2003;
- b) Increase the not-to-exceed amount by \$39,390, from \$39,390 to \$78,780.

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. (C9002039201)

APPOINTMENT OF DENNIS BARNEY

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Dennis Barney to the Planning and Zoning Commission, representing District 1, from the date of approval through December 17, 2005. (C01020077) (ADM3408)

APPOINTMENT OF DR. WILLIAM C. BRAINARD

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to appoint Dr. William C. Brainard to the Maricopa County Board of Health representing District 4, from the date of approval through April 8, 2005. (C04020117) (ADM2101)

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SETTING OF HEARINGS

- a) **Code Enforcement Review** – Determine if oral argument will be permitted in the review of Hearing Officer’s Order of Judgement in the zoning code violation case of Raven Rock Construction, LLC, Case No. V2001-00479, and schedule a public hearing for 9:00 a.m., Wednesday, May 1, 2002. (ADM3417-10)

- b) **Deannexation/Annexation** – Pursuant to A.R.S. §9-471.02, schedule a public hearing for 9:00 a.m., Wednesday, May 15, 2002, regarding Ordinances filed by the City of Tempe deannexing a small portion of land, described as Lot 1B Paye-Elliot/I-10 Amended, which borders the Town of Guadalupe. The Town of Guadalupe will annex that certain land within their present town limits. The area contains 13,576 square feet or 0.3117 acres, more or less. (ADM4209)

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE SENIOR BOND (STEEPLECHASE APARTMENTS PROJECT)

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued." (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE SENIOR BOND (STEEPLECHASE APARTMENTS PROJECT) SERIES 2002A (THE “SENIOR BOND”) AND ITS MULTIFAMILY HOUSING REVENUE SUBORDINATE BONDS (STEEPLECHASE APARTMENTS PROJECT) SERIES 2002B (THE “SUBORDINATE BONDS” AND TOGETHER WITH THE SENIOR BOND, THE “BONDS”), IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$8,000,000.

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REFUNDING BONDS (SAN MARTIN APARTMENTS PROJECT)

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued."

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (SAN MARTIN APARTMENTS PROJECT), SERIES 2002A-1 (THE “SERIES 2002A-1 BONDS”) AND

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THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS (SAN MARTIN APARTMENTS PROJECT), SERIES 2002A-2 (THE "SERIES 2002A-2 BONDS" AND TOGETHER WITH THE SERIES 2002A-1 BONDS, JOINTLY, THE "BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$20,000,000.

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (GRANDVIEW APARTMENTS PROJECT)

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued."

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA OF MULTIFAMILY HOUSING REVENUE BONDS (GRANDVIEW APARTMENTS PROJECT) SERIES 2002, TO BE ISSUED IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT OF NOT-TO-EXCEED \$12,000,000.

INDUSTRIAL DEVELOPMENT AUTHORITY PHOENIX/MARICOPA COUNTY, SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM)

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued."

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, APPROVING AND AUTHORIZING THE EXECUTION, DELIVERY AND PERFORMANCE OF A COOPERATIVE/INTERGOVERNMENTAL AGREEMENT (PHOENIX/MARICOPA COUNTY, ARIZONA, SINGLE FAMILY MORTGAGE REVENUE BOND PROGRAM OF 2002).

MINUTES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meetings held February 4, 7, and March 20, 2002.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to to authorize the appointment of precinct committeemen to fill vacancies in various precincts,

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pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated April 17, 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

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From Resolution No.	To Resolution No.	Net Result
1999	6397	6607	- \$88,707.92
2000	8247	8388	- \$379,966.12
2001	20429	30693	\$158,171.98
2001	30848	31379	\$2,843,475.48

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

Hyder Valley IWDD No. 35 (ADM4372)
Salt River Project (ADM4306)

REQUEST FOR COMPROMISE OF PROPERTY TAXES

Item: Deny the request filed by Souman Enterprises requesting a compromise of property taxes pursuant to ARS §42-18124. (Discussed in Executive Session of April 1, 2002.) (ADM709)

Mark Manoil, attorney for Souman Enterprises on their abatement request, expressed his concern that the Board may be applying the statute in an overly restrictive manner in denying this application. He explained that his client's independent appraisal set the value at \$41,000, the Assessor's valuation is \$37,000 and the back taxes due are \$85,000. He added that the taxes have now risen to \$92,000 since the time of the compromise request.

Mr. Manoil stated that the Board has the legal authority to compromise the taxes with the current owner if they deem the property is not worth the amount of taxes, interest, cost or penalties due. His impression is that the Board has been advised that it was not the County's problem any more if the tax liens have been sold because they become the problem of the purchaser of the tax liens. He said that it is an accepted fact that if any major catastrophe happens to a property the amount of taxes existing on the property at the time of destruction may not be paid but the owner could take the insurance proceeds and abandon the property. He explained that property taxes may continue to accrue until the Assessor becomes aware of this destruction, and when this happens the taxes will very quickly exceed the value of the property.

Supervisor Kunasek asked what destruction occurred on this property and why the owner was in arrears on paying his taxes.

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Mr. Manoil said that a concrete pad had been destroyed in 1994-1995 and that the former owner accrued tax liabilities that go back to the late 1980's. He indicated that he could not speak as to why the original owner had not kept his tax payments current. He said his client was "attempting to rescue this property from the dead and bring it back on the tax roll but is being asked to pay approximately \$100,000 that is owed in back taxes and yet the property is only appraised at \$40,000." He indicated that this makes it difficult to sell the property and gain any profit.

Sandor Shuch, County Counsel, said that the applicant is really asking for the taxpayer to pay approximately \$70,000 in back property taxes on property that he now owns. He said that apparently Souman Enterprises decided to buy this property, knowing full well what the tax liability was at the time, because they believed they could sell it for a profit.

Chairman Stapley said this matter and the existing statute had been considered in Executive Session very carefully and he had drawn the conclusion that "we are not in the business of repaying investors who make an investment in tax liens to get a high rate of return. There is a risk involved. The taxpayers are not here to repay an investor for taking a risk that he knew was there, so he could get a high rate of return, and then losing."

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to deny the request filed by Souman Enterprises for a property tax compromise.

DUPLICATE WARRANTS

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

COUNTY

Name	Warrant	Fund	Amount
Quarles & Brady	AD00320521948	Expense	\$1,904.90
Pamela A. Celske	320537501	Expense	\$150.00
Cindy Peterson	00320528483	Expense	\$46.80
Bijan Pournadian	AD00320539351	Expense	\$70.95
Mesa Cold Storage	00320535894	Expense	\$1,160.00
Donna Terrell	00320529671	Expense	\$1,419.00
Carolyn M. Winslow	88267947	General	\$646.30

SCHOOL

Name	School	Warrant	Amount
Pu Chen	Queen Creek	1-1-0143107	\$1,075.47
Kathleen Doncer	Supt. of Schools	12-0075259	\$998.47
Martha Estrada	Tolleson #17	12-0111513	\$286.26
Kinkos	Queen Creek #95	95521184	\$517.42
Marsha/Imcor	FHUSD #98	420088544	\$1,900.54
Patricia E. Loftus	Mesa	72-45216	\$512.58
Rosemary Loza	Avondale	12-0110674	\$375.12

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Debora Meza	Mesa	72-0052214	\$397.14
Erilus S. Sauveur	Mesa	72-0053058	\$664.09
United Parcel Service	Madison #38	420067296	\$261.39
Amy Stewart	Buckeye #033	42-0099098	\$89.67
Linda Thomas	District #089	410124513	\$113.57
Touchstone Community	Alhambra	42-0051357	\$180.00

STALE DATED WARRANTS

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, 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)

William J. Nastasiak	\$ 1,085.80	Robert Louis Kistner	\$ 787.40
William J. Nastasiak	1,085.82	Nora A. Bernal	450.87
Melanie Howells	661.81		

OFF-TRACK PARI-MUTUEL WAGERING PERMIT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the application filed by Yavapai County Fair Association, dba Yavapai Downs at Prescott Valley (formerly Prescott Downs), for an Off-Track Pari-mutuel Wagering Permit for telecasting at New River Station, 47020 North Black Canyon Highway, New River, covering race dates May 25, 2002 through September 3, 2002 and May 24, 2003 through September 2, 2003. (ADM151)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated April 17, 2002. (ADM704)

- 2000**
- TX 99-000408
- 2001**
- TX 00-000418
- 2001/2002**
- ST 01-000156
- TX 01-000477
- 2002**
- ST 01-000127
- ST 01-000129
- ST 01-000185
- ST 01-000228
- TX 01-000471
- TX 01-000512

HEARING SET - PLANNING AND DEVELOPMENT CASES

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Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for May 1, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2000-199; Z2001-120; Z2002-016

CLASSIFICATION CHANGES

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

PARCEL NUMBER	YEAR	OWNER	CLASS FROM	CLASS TO
131-48-149	1999	David Glassenhart	LC/6	LC/5
131-48-149	2000	David Glassenhart	LC/4	LC/3
131-48-149	2001	David Glassenhart	LC/4	LC/3
134-22-412A	1999	Ehrig, Greg	LC/6	LC/5
134-22-412A	2000	Ehrig, Greg	LC/4	LC/3
134-22-412A	2001	Ehrig, Greg	LC/4	LC/3
140-33-130A	2000	Calvin Walters	LC/4	LC/3
140-33-130A	2001	Calvin Walters	LC/4	LC/3
217-07-020A	1999	Carolyn Zelek	LC/6	LC/5
217-07-020A	2000	Carolyn Zelek	LC/4	LC/3
217-07-020A	2001	Carolyn Zelek	LC/4	LC/3
217-35-383	1999	Gary Mc Intosh	LC/6	LC/5
217-35-383	2000	Gary Mc Intosh	LC/4	LC/3
217-35-383	2001	Gary Mc Intosh	LC/4	LC/3
302-41-167	2000	Mary Maese	LC/4	Mixed
302-41-167	2001	Mary Maese	LC/4	LC/3

COMPROMISES

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

Dianne Atkinson	\$ 2,847.00
Martha Castillo	5,500.00
Steve Criscione	29,000.00
Maria Jacome	900.00
Chris Kaahanui	6,324.38
Jaythan Katoney	11,073.63
Edith Ortiz	3,600.00
Robert Salazar	1,000.00
Deanna Spenceer-Verdoza	1,620.69
Marcos Garcia Valenzuela	700.00

WRITE-OFF

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Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, 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 April 1, 2002.) (ADM407)

Celia Bornacelli	\$ 1,394.08
Leroy Young	14,814.42

GRANT TO CITY OF PHOENIX OF PERMANENT AND TEMPORARY EASEMENTS

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve and authorize a grant to the City of Phoenix of a permanent easement for water and sewer and a temporary easement for construction purposes and accept the City's offer letter of \$750 dollars in consideration thereof. The easements are needed to upgrade the existing sewer connection serving Bank One Ballpark. The easements are located east of 4th Street and North of the railroad tracks. (C7802010B) (ADM5500-007)

RESOLUTION NO. 3 – 20TH STREET IMPROVEMENT DISTRICT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt Resolution No. 3, ordering the paving improvement and call for sealed bids to be submitted on May 15, 2002, for the 20th Street Improvement District. The district is located in the vicinity of 20th Street and Circle Mountain Road and is for the installation of paving. The district was organized by the Board on July 25, 2001. (C64022317) (ADM4302)

**RESOLUTION NO. 3
ORDERING THE IMPROVEMENT**

WHEREAS, on the 20th day of March, 2002, the Board of Directors of the 20th Street Improvement District did pass and adopt a certain resolution, known as Resolution No. 2, declaring its intention to improve certain streets within the said Improvement District, determining that Improvement Bonds shall be issued to represent the costs and expenses thereof, declaring the said work to be of more than local or ordinary public benefit and that the costs and expenses thereof shall be assessed upon a certain district, providing that the proposed work or improvement shall be performed under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, (the said work or improvement, the district to be assessed and the improvement bonds to be issued being more fully described in said Resolution No. 2, to which reference is hereby made for such description), and

WHEREAS, any protest(s) to the proposed work or objections to the extent of the proposed assessment district having been filed within the period required by law, has/have been held insufficient and hence rejected or denied.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the said Improvement District: That, by virtue of the authority vested in Title 48, Chapter 6, Arizona Revised Statutes, 1956, the said Board of Directors does hereby order the work or improvement done as described in said Resolution No. 2.

DATED this 17th day of April 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

PUBLIC COMMENT

No member of the public came forward at this time. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Kunasek said he had been inspired by the pet of the month presentation earlier to make a personal report on his dog, Kipper, that he had gotten from Animal Control two months ago. He indicated that he and Kipper had just completed their fourth evening at the PetSmart Puppy School and that Kipper is their star student, and by far the smartest dog that he has ever owned. He encouraged everyone to visit their nearest Animal Control center or the mobile adoption van because "there is a great joy waiting in a kennel for you just down the street." (ADM606)

Supervisor Wilson expressed his empathy for those families on Skunk Creek whose homes are being disrupted but he said the real tragedy would be if nothing is done about this matter. "I don't care if a family lived there for 100 years or 200 years, if a flood comes down and wipes out that entire valley, and we knew we could do something about it, and we didn't do something about it, now we're talking about a tragedy."

Chairman Stapley said he had attended the House Appropriations Committee meeting yesterday and listened to the Chief Justice of the AZ Supreme Court, Charles Jones, who spoke on a bill that would raise many of the standards now used by the Justice of the Peace Court system. The Chairman indicated that the committee had approved the bill on a vote of 8 to 4, moving it to the House floor for a vote. A majority approval of the House bill would then send it to the State Senate for consideration.

PLANNING AND ZONING

David Smith 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).

CONSENT AGENDA DETAIL:

- | | | |
|-----------|-------------------|---|
| 1. | Z2001-156 | District 4 |
| | Applicant: | Lemme Engineering, Inc. for Kevin Schuck |
| | Location: | 55303 N. U.S. Highway 89 (in the Wickenburg area) |
| | Request: | Rezone from Rural-43 to C-3 P.D. for Schuck Property (1.26 acres) |

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-156, subject to the following stipulations "a" through "m". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall be in accordance with the site plan entitled "Site Plan, Shuck Property", consisting of two sheets dated revised February 1, 2002, date stamped by the civil engineer January 11, 2002 and stamped received February 26, 2002.
- b. Development shall be in accordance with the provisions in the Narrative Report entitled "Rezoning/Site Plan Shuck Property 1550 N. Tegner St. Wickenburg, Arizona" dated February 1, 2002 by the project engineer and stamped received February 1, 2002.

- c. The site shall be subject to a Plan of Development (P.D.) Overlay Zone.
- d. The staging area shall be limited to equipment and parts associated with the machine shop. At no time shall any vehicles be stored in the staging area.
- e. Prior to the issuance of any building permits, the applicant shall provide written approval of the request from ADOT to the Planning and Development Department.
- f. All outdoor lighting shall conform with Section 2318 of the Maricopa County Zoning Ordinance.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- h. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- i. Prior to the zoning clearance, the applicant shall obtain approval for the septic field location by the Maricopa County Environmental Services Department.
- j. Prior to any new development on the site, the applicant shall submit a drainage report and a grading and drainage plan to the Flood Control District. Said report and/or plan must include the following:
 - i. The drainage report must address off-site sheet flows from the west, across US 89, and how they impact the site.
 - ii. All existing structures must be noted as existing, including the pipes.
 - iii. The plan must show dimensions of the gravel/parking areas and the drive or entrance to the site.
 - iv. The plan shows a proposed block wall. The engineer must include wall details on the plan.
 - v. Drainage regulations require that the 100-year, 2-hour stormwater runoff generated on site be retained. The drainage report must show calculations justifying retention basin sizing. Show the retention basin location and dimensions on the plan. Off-site flows will not be allowed to co-mingle with on-site flows in the retention basin.
 - vi. Perpendicular cross sections from property line to property line indicating property lines, parking areas, finished floor, fencing, and retention basins in plan and profile view reflecting high and low outfall points must be incorporated into the grading and drainage plan.

- vii. The precise plan and drainage report must be signed and stamped by an Arizona Registered Professional Civil Engineer.
- k. Prior to zoning clearance, the shed located on the southeastern corner of the site shall either be removed or relocated at least 3' from southern and eastern property lines within 30 days of approval by the Board of Supervisors.
- l. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- m. Non-compliance with the plan of development (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.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "m."

- 2. Z2001-162 District 3**
Applicant: Jordan Rose of Jordan Bischoff P.L.C. and Brent Fuller of RNL Design for Qwest Communications
Location: 2428 W. New River Rd. (in the New River area)
Request: Special Use Permit for a telecommunications switching facility within the Rural-43 zoning district for Qwest New River Switching Facility Expansion (1.34 acres)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2001-162, subject to the following stipulations "a" through "j". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "New River C.O.", consisting of three full-size sheets, stamped received January 28, 2002, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "Qwest Communications Expansion New River, Arizona", consisting of four pages, stamped received November 29, 2001, except as modified by the following stipulations.
- c. The applicant shall submit a written report outlining the status of the development at the end of 20 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.
- d. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- e. The project shall be landscaped along the south side of the property as outlined on the landscape plan with the substitution of five (5) 24" – 26" boxed mesquite trees in place of the proposed five (5) five-gallon mesquite trees.
- f. The project shall be further landscaped along the east side of the property with a minimum of ten (10) five-gallon mesquite, or other low water use, trees.
- g. All chain link fencing used to surround and secure the facility shall have vinyl view obscuring slats, of a neutral color, attached and continually maintained to said fence in such a manner as to create a view obscuring buffer between the facility and surrounding properties.
- h. 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.
- i. 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.
- j. 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 Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "j"

REGULAR AGENDA DETAIL:

3. **Z2000-025** **District 4**
 Applicant: Glen Creighton
 Location: Two miles south of Highway 74 at milepost marker # 4 (in the Morristown area)
 Request: Modification of a Stipulation for a previously approved Special Use Permit (Z 93-56) for a private airstrip in the Rural-43 zoning district for Sun Valley Airpark (1.83 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2000-025, subject to the following stipulations "a" through "h". Commissioner Harris seconded the motion, which passed with a majority vote of 7-1, with Commissioner Munoz dissenting.

- a. Development in accordance with the Plan of Development entitled "Plan Development for Sun Valley Airpark, Inc." consisting of two sheets dated November 28, 1995 and stamped received November 29, 1995.
- b. Compliance with the provisions in the Narrative Report entitled "Plan of Development for Private Use Airport" dated March 21, 1994.

- c. The applicant shall submit a written report outlining the status of this development at the end of two (2) years following approval of this request by the Board of Supervisors. This status report shall be reviewed by staff to determine the development's compliance of the approved case. Should staff determine that the case is not in compliance, the Commission shall review the report, and may request additional information or take other action as deemed appropriate at that time.
- d. This Special Use Permit shall expire 15 years from the date of original approval under Z 93-56 by the Board of Supervisors, February 7, 2011.
- e. Major changes to this Special Use with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes to the Special Use may be administratively approved by the Planning and Development Department.
- f. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance if the conditions of approval may be grounds for the Commission to take action in accordance with Maricopa County Zoning Ordinance.
- g. The Special Use Permit shall be limited to the use of the owners and the guests of the 14 lots contiguous to the runway.
- h. Any future development within this area (roadway, runway or construction of a structure) will require a building permit or drainage clearance. Prior to any construction, the developer or their representative, must contact the Flood Control District and the Planning and Development Department for a building permit and drainage clearance.

Joy Rich, Director of Planning and Development, said this is a modification of a special use permit that had a stipulation making it subject to review if the number of property owners changed, and there has now been an increase from four to fourteen adjacent property owners. She indicated that there is no opposition to this from Luke Air Force Base.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "h."

- 4. Z2001-164 District 3**
Applicant: Starbridge Communications for Kathryn Williams and Maricopa County
Location: East of 56th Street and north of Dynamite Road (in the northeast Phoenix area)
Request: Special Use Permit for a wireless communication facility in the Rural-43 and Rural-43 R.U.P.D. zoning districts for Sprint Speer (0.03 acres)

COMMISSION ACTION: Commissioner Jayne moved to recommend approval of Z2001-164, subject to the following stipulations "a" through "o". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled "Speer Ph54xc120-D, Special Use Permit for Wireless Communication Facility, Outdoor Equipment and Replacement Power Pole, 5616 E. Desert Vista Trail, Cave Creek, Az 85331, Maricopa

County”, consisting of six full-size sheets, dated January 17, 2002 and stamped received January 23, 2002, except as modified by the following stipulations.

- b. Development and use of the site shall comply with the narrative report entitled “Narrative Report for Sprint PCS Antenna Attachment to APS Power Pole” consisting of five pages, dated January 8, 2002, and stamped received January 23, 2002 except as modified by the following stipulations.
- c. The height of the monopole, including any attachments, shall be limited to 65’4”.
- d. The access easement and parking space shall be surfaced with a form of dust proofing deemed acceptable by Environmental Services at the time of zoning clearance.
- e. An administrative amendment shall be required to co-locate future carriers on the monopole.
- f. Site improvements shall not obstruct the use of the eight-foot Public Utility Easement for other (longitudinal) utility purposes.
- g. The applicant shall provide proof of application for a permit to the Environmental Services Department for the emergency electrical generator prior to zoning clearance.
- h. This Special Use Permit shall expire 25 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 licensing agreement with Maricopa County, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- i. Major changes to this Special Use Permit must be processed as a revised application in the same manner with approval by the Board of Supervisors following recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department may administratively approve minor changes.
- 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 Department may be grounds for initiating a revocation of this special use permit as set forth in the Maricopa County Zoning Ordinance.
- k. Non-compliance with the condition of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- l. The applicant shall submit a written report outlining the status of this development at the end of five years from the date of approval by the Board of Supervisors. This status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- m. A second status report shall be submitted 20 years from the date of approval by the Board of Supervisors.

- n. The antenna array shall be of a stealth canister design not visible on the outside of the monopole.
- o. The monopole shall have a rustcore finish.

Joy Rich, Director of Planning and Development, gave the Planning Commission background on this matter. There were no speakers.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "o."

5. **Z2001-166** **District 2**
Applicant: Sunstone Homes
Location: East Camino Circle in the Superstition Heights subdivision, west of Signal Butte Road and north of University Drive (in the east Mesa area)
Request: Rezone from Rural-43 to R1-8 R.U.P.D. for Superstition Heights Exception (0.69 acres)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2001-166, subject to the following stipulations "a" through "g". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Rezoning Exhibit", consisting of one full-size sheet, date stamped by the land surveyor February 6, 2002, and stamped received March 7, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Superstition Heights Exception Narrative Report", consisting of 2 pages stamped received March 7, 2002, except as modified by the following stipulations.
- c. 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.
- d. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material
- e. Major changes to the R.U.P.D. plan 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.
- f. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- g. All-weather access to the subject site shall be provided by the applicant.

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Joy Rich, Director of Planning and Development, said this request is to restore R1-8 R.U.P.D. zoning to this parcel at the applicant's request.

Chairman Stapley asked if there were any speakers to this matter and Terry Johnson, citizen, came forward to speak in opposition. He lives on property that is adjacent to the parcel in question. He referred to a map he had brought from a rezoning hearing before the Board in 1998 and he said that this map had been presented by the developer. He contended that building homes as the developer had suggested would present many future problems because of a wash that runs through the site that can run a very heavy flow of water which could cause property damage. He indicated that there is "animal property" surrounding this site and contended that this parcel is more conducive to animals than to building a family residence on it. He contended that a residence would require a private road and/or bridge over the wash and either would end up being washed downstream at the first flood. He said, "Water in this wash runs knee deep, ten foot wide." Mr. Johnson expressed an ongoing interest in buying the parcel for his animals.

Chairman Stapley asked Mr. Johnson what he thought the owner should do with that piece of property. He asked if it wasn't the owner's right to try to develop that piece of land and sell it.

Mr. Johnson acknowledged that it was his right but felt that the Board should not approve a property that had so much potential for disaster to whoever bought it. He reiterated his interest in purchasing the parcel but said the owner wanted too much money for what it was worth.

Joy Rich remarked that Mr. Johnson's map had been presented by the property owner but the correct map was the one presented in 1998 by the Planning Department. She indicated that this parcel had been zoned R1-8 so long ago that their records didn't even record it. She said that in 1998 the Board had simply added the R.U.P.D. overlay on the parcel.

Chairman Stapley suggested that Mr. Johnson had perhaps not seen the information and maps that were given to the Supervisors and upon which their earlier decision had been made.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "g."

6. **Z2002-012** **District 1**
 Applicant: JMA Engineering Corporation
 Location: Northeast corner of Hunt Highway and Arizona Avenue (in the Sun Lakes/south Chandler area)
 Request: R.U.P.D. Overlay Zone for an existing single-family residential subdivision in the Rural-43 zoning district for Santan Vista Units 1A and 1B (46 acres)

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2002-012, subject to the following stipulations "a" through "e". Commissioner Gulbrandsen seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development in accordance with the zoning exhibit entitled "Site Exhibit for Rezoning, Santan Vista and Santan Vista Units 1A and 1B, Maricopa County, Arizona" consisting of one sheet dated January 2002 and stamped received January 30, 2002.

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- b. Compliance with the provisions in the Narrative Report entitled "Rezoning Narrative Report, Santan Vista and Santan Vista Unit 1A and 1B" dated January 29, 2002 by the project engineer and stamped received January 30, 2002.
- c. All other stipulations related to the Santan Vista subdivisions (S 98-13f, S2001-027 and S2001-028) shall remain intact.
- d. Major changes to the R.U.P.D. Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. Minor changes to the R.U.P.D. Plan may be administratively approved by the Planning Division of the Department of Planning and Infrastructure Development.
- e. Any future development within this subdivision will require a building permit or drainage clearance. Prior to any construction, the developer or their representative must contact the Flood Control District and the Department of Planning and Infrastructure Development for a building permit and drainage clearance.

Joy Rich, Director of Planning and Development, explained the Planning Commission action on this matter. There was no further discussion.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "e."

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