

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., December 4, 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, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; 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

Bill Scalzo, Chief Community Services Officer and Director of Parks and Recreation, delivered the invocation.

PLEDGE OF ALLEGIANCE

Joy Rich, Director of Planning and Development, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Diane Mueller, from Maricopa County Animal Care & Control, introduced BoBo, the pet of the month for December. BoBo is an eight-year old male cairn terrier-mix who is neutered and housebroken. She said that BoBo is only one of many pets that are available as part of the department's "Home for the Holidays" activity which is designed to put every healthy adoptable pet in their center in a new home for the holiday season. Dial 506-PETS for more information.

SEVENTH ANNUAL ACHIEVEMENT OF EXCELLENCE IN PROCUREMENT AWARD

The 2002 National Purchasing Institute's Seventh Annual Achievement of Excellence in Procurement Award was presented to Wes Baysinger and the Maricopa County Department of Materials Management, one of only 74 procurement offices in the nation to receive the award this year. The award is given to those organizations that demonstrate excellence by obtaining a high score based on standardized evaluation criteria designed to measure innovation, professionalism, productivity and leadership. Chairman Stapley presented Mr. Baysinger with the award. (ADM3000) (ADM650)

Mr. Baysinger said he accepted this award on behalf of 39 employees who work in Materials Management each day trying to draw up the best contracts for the county. He said they all appreciate the recognition given in this award. He remarked that after appearing before the Board on many occasions, it was nice to be there to receive an award as opposed to being asked questions on a contract.

RECOGNITION OF ALFRED BROWN, JR.

Chairman Stapley recognized Alfred Brown, Jr., Protective Services Officer, for his efforts in apprehending a man who has been sexually assaulting women on the west side since June of this year. On September 19, 2002, Officer Brown recognized the suspect's vehicle as it drove into an empty field on South 27th Avenue. He radioed for backup and then decided to approach the suspect. He found the man molesting a victim and stopped him from completing the attack. The Phoenix police believe this suspect is the man responsible for numerous sexual assaults. The suspect is now being held on multiple charges for sexual assault and kidnapping. Additional charges could be filed against him later.

Jordan Dacquisto, Director of Protective Services, said that Officer Al Brown exemplifies the professionalism exhibited by all members of Protective Services. He thanked Officer Brown for being

FORMAL SESSION
December 4, 2002

alert, brave and observant in spotting and apprehending this suspect. Chairman Stapley and Mr. Dacquisto both presented Officer Brown with plaques honoring his commendable service. (ADM650)

LIQUOR LICENSE APPLICATIONS

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

- a) Application filed by Steven J. Bielewics for an Original, Series 10 Liquor License: (LL6071)

Business Name: Eckerd Drugs No. 5300
Location: 9901-B West Thunderbird Boulevard, Sun City

- b) Application filed by Jason Jamil Shabilla for an Original, Series 10 Liquor License: (LL6070)

Business Name: A & M Market
Location: 8601 East Apache Trail, Mesa

Motion carried by majority vote (4-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

PUBLIC HEARING – TEMPORARY ACCESS EASEMENT – RUSSELL BOWERS

No protests having been received and no speakers in opposition to the matter having come forth at the Chairman's call, motion for approval was made by Supervisor Brock and seconded by Supervisor Wilson. This is reconsideration of an agenda item dated November 1, 2000. Mr. Bowers has asked that the matter be brought before the Board again at this time. The Parks and Recreation Commission, through the Parks and Recreation Department Director, has issued a memorandum (dated October 13, 1999) as to the results of the Commission hearing and is recommending that Mr. Bowers' request for access be denied. (C3003007M) (ADM3236)

Supervisor Kunasek asked how long this temporary easement would last. Chairman Stapley said there was a finite number of years, either 10 or 20, and there was also a condition that the use permit is only valid until development to the south opens up a public access to the property. At that time the temporary use permit becomes invalid. Supervisor Kunasek said upon consideration he believed the time was for 10 years and Members were in agreement.

Motion unanimously carried (5-0).

Clerk of the Board, Fran McCarroll, asked for clarification on whether the vote was for approval or denial of access. Supervisor Brock affirmed that his motion had been for approval of access and Supervisor Wilson affirmed that his second had also been for approval of access.

PUBLIC HEARING – STREET NAME CHANGE

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve changing a

FORMAL SESSION
December 4, 2002

street name from Palm Lane to Roosevelt Street, said alignment beginning one-half mile south of the intersection of McDowell Road and South 359th Avenue continuing west to South 363rd Avenue in the plat of Valley View Ranchettes Unit Two, Maricopa County, Arizona. The request is made to correct a platting error. (C44030070) (ADM2018)

ROAD DECLARED (ROAD FILE NO. A241)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64031025) (F23096)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 6th day of November, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest quarter of the Northeast quarter (NW4 NE4) of Section Eleven (11), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 25 feet of the West half of the Northwest quarter of the Northeast quarter (W2 NW4NE4) of said Section 11; and,

The West 25 feet of the East half of the Northwest quarter of the Northeast quarter (E2 NW4NE4) of said Section 11.

(Said alignment is also known as 105th Street, from Jensen Street to McKellips Road, lying in Supervisor District No. 2)

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

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

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

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

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

FORMAL SESSION
December 4, 2002

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

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

DATED this 4th day of December 2002.

ROAD DECLARED (ROAD FILE NO. A243)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64031035) (F23097)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 6th day of November, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest quarter (NW4) of Section Four (4), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway lies 25 feet on each side of the following described centerline:

Beginning at the Southwest corner of Northeast quarter of the Northwest quarter (NE4 NW4) of said Section 7, said corner also being the intersection of the centerlines for Waterbury Road and Culver Street;

THENCE, Easterly along the south line of said NE4 NW4, a distance of 495 feet more or less to the terminus at the intersection of centerline for 87th Street.

(Said alignment is also known as Culver Street, from Waterbury Street to 87th Street, lying in Supervisor District No. 2)

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

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

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

NOW, THEREFORE, BE IT RESOLVED that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

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

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

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

DATED this 4th day of December 2002.

EXPENDITURE BUDGET TRANSFER

Having found that such transfer is in the public interest and based upon a demonstrated need, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the expenditure budget transfer of \$50,719, representing three (3) clerk positions, from Justice Courts General Fund 100 and \$86,855, representing five (5) clerks positions from Justice Courts Fill the Gap Fund 246 to the Clerk of the Superior Court General Fund 100 and Fill the Gap Fund 218 in support of the Direct Filing Program. This represents the cost of eight (8) Justice Court clerk positions to be transferred to the Clerk of the Superior Court. (C16030038) (ADM1000)

SETTLEMENT AGREEMENT WITH TOWN OF GILBERT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Settlement Agreement with the Town of Gilbert in the amount of \$25,124.98. This settlement resolves a dispute between Maricopa County, dba Maricopa Integrated Health System, and the Town of Gilbert, regarding the City's obligation to reimburse MIHS for special medical care incurred by Gilbert City Prisoners, between January 1, 1998 and March 30, 2002. (Discussed in Executive Session on November 18, 2002.) (C19030250) (ADM409)

AMENDMENT TO NOVEMBER 5, 2002, GENERAL ELECTION CANVASS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept amendment to November 5, 2002, general election canvass on file with the Office of the Clerk of the Board of Supervisors, to update record of ballots cast in Rodeo Park, Western Skies, and Higley precincts. (C21030080) (ADM1710)

EXPENDITURE AND TRANSFER FROM APPROPRIATED FUND BALANCE RESERVED CONTINGENCY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an expenditure and transfer of \$40,000 from appropriated fund balance reserved contingency

**FORMAL SESSION
December 4, 2002**

to a new appropriated fund balance program - Sheriff Central Service Complex Voice System so that consulting services to assist with preparation of an RFP can be obtained. (C5003045M) (ADM3900)

FY 2002-2003 GRANTS FOR JUSTICE COURT ADMINISTRATION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the FY 2002-2003 grants for the Justice Court Administration Department of the Judicial Branch in the amount of \$291,112.30 total. The indirect costs (based upon a rate of 4.2% calculated by the Department of Finance) of \$11,850.82 are not fully recoverable from the funding, as most of the grants for FY 2002-2003 do not allow for indirect cost recovery. By approving this agenda item, the Board will be authorizing the increase of grant funding that was budgeted, thus causing a budget adjustment to be authorized. This adjustment will increase the Justice Court Services revenue and expenditure levels for FY 2002-2003 by \$39,612 for Fund 246. (C24030023)

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

GAINSHARING PROGRAM FOR THE PUBLIC FIDUCIARY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the "Gainsharing Program" for the Public Fiduciary per the Employee Gainsharing Programs Policy (HR2419). (C35030106) (ADM3500)

**MARICOPA COUNTY
COMMUNITY SERVICES AGENCIES
PUBLIC FIDUCIARY GAINSHARING PROGRAM**

WHAT?

Public Fiduciary employees will be eligible to receive a goal results incentive award if the departmental strategic goals are achieved.

WHY?

Maricopa County Public Fiduciary is using a results-oriented compensation tool to facilitate the achievement of five specific/strategic targets to enhance revenues and improve productivity and efficiencies which are derived from the department's Managing for Results (MFR) Strategic Plan.

WHO?

All employees (excluding temporary and initial probationary employees) who have been employed for at least six months are eligible (employment must occur on or before December 31, 2002) and working for the Public Fiduciary on the date of award distribution. In addition, the individual employee's performance must meet or exceed Departmental standards during the Measurement Period and must have actively contributed toward the goals of the plan for at least one half of the Measurement Period.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

HOW?

The Program requires attainment of the following objectives (both objectives must be achieved in order for any gainshare to occur):

1. Departmental revenue increases above the budgeted amount of \$850,000.
2. Achieve four out of the five Managing for Results (MFR) targets and achieve at least a 75% on five out of the five Managing for Results (MFR) targets. The targets are listed below.

MFR Measurements and Targets:

#	MFR Measurements	Target
1.	Court accountings shall be timely filed on or before the statutory or Court ordered date	98%
2.	Annual guardian reports shall be timely on or before the statutory or Court ordered date	98%
3.	Mental health mandate and court investigation reports shall be timely filed on or before the statutory or Court ordered date	96%
4.	All court inventories shall be timely filed on or before the statutory or Court ordered date	94%
5.	All indigent burial determinations shall be made within five business days	95%

The formula for the target percents for measures 1 through 4 is:

- The number of filings on time divided by the total number of filings for the measurement period

The formula for the target percent for measure 5 is:

- Burials determined eligible within 5 days divided by the total number of burial determinations

The 1st objective (revenue increases) must be achieved in order for any gainshare to occur.

When the 1st objective (revenue increases) associated is achieved, up to 50% of the savings is considered funding for the employee gainsharing pool and 50% of funding will be remain in the General Fund. The employee gainsharing pool is to be shared equally among all eligible employees. The maximum distribution per eligible employee is \$2,000 per the measurement period.

If the target is not achieved on four out of the five Managing for Results (MFR) and a 75% of the target is not achieved on five out of the five Managing for Results (MFR) targets, gainsharing will not occur. All monies will remain in the General Fund.

If both of the objectives are achieved (a) revenue increases above the budgeted amount of \$850,000 and (b) the target is achieved on four out of the five Managing for Results (MFR) targets and 75% is achieved on five out of the five Managing for Results (MFR) target), during the measurement period, the revenue to award the eligible employees will be properly budgeted through an increased expenditure authority in the following fiscal year through an action by the Board of Supervisors. In addition, the total revenue savings (gain) will increase the revenue projection for the following fiscal year.

FORMAL SESSION
December 4, 2002

Savings/Revenue:

The fees are not collected until after the approval of the final accounting by the Court in probate cases or at the time of approval of the annual accounting in conservatorship cases. The Public Fiduciary does not collect fees in advance nor do they collect fees if it already impedes the financial circumstances of the client or protected person. All fiduciary fees collected by the Public Fiduciary must first be approved and determined just and reasonable by the Superior Court. The enhanced revenues will be achieved by a reduction in the closing time of probate or decedent cases.

Incentive Distribution

Individual gainshare awards are applied equally to all employees in the department (subject to eligibility requirements). The distribution per eligible employee would be a one-time payment of up to \$2,000.

WHEN?

The measurement period for the Gainsharing Program is from July 1, 2002 and ends on June 30, 2003. All eligible employees will receive any Gainshare Program award as soon as possible after the close of the fiscal year and no later than September 30, 2003.

AMENDMENT TO MANAGEMENT AND IMPLEMENTATION AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Management & Implementation Agreement (MIA) for the Community Development Block Grant (CDBG) Project No. DG0203, Countywide/Transitional Redevelopment Center, East Valley Addiction Center (EVAC), for an extension from October 15, 2002, to April 30, 2003, for all funding to be in place and the project to move forward to construction. The amendment also calls for changing the name of the project from Countywide/Transitional Redevelopment Center/EVAC to Countywide/Community Bridges/EVAC. (C1703004001) (

REPLACE COUNTY VEHICLE WITH NEW 8-PASSENGER VAN - CONTINUED

Item: Approve and authorize Community Development to retire and replace County Vehicle No. 81336 (1993 Ford Tempo) with the purchase of a 2003 Chevrolet 8-passenger Astro Van. The Tempo has approximately 50,000 miles and is no longer under warranty. Community Development has need of a reliable vehicle that can carry more than 5 or 6 passengers when conducting field trips for clients at remote sites, or when all of the staff attends training classes or meetings. The purchase of the van will not increase the County fleet, nor increase Community Development's fleet of vehicles. Sufficient grant funds are available for the purchase of the vehicle this fiscal/budget year. No general funds will be used. (C17030790) (ADM3100)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this item to the December 18, 2002, meeting.

DEVELOPMENT AGREEMENT WITH SOUTHPPOINT ENVIRONMENTAL SERVICES, LLC

Chairman Stapley declared that this item would be considered after the Planning and Zoning portion at the end of the meeting. (see below)

FORMAL SESSION
December 4, 2002

Supervisor Kunasek declared a conflict of interest and had left the meeting prior to the introduction of this item.

Item: Approve a Development Agreement between Southpoint Environmental Services, L.L.C. and Maricopa County, contingent upon issuance of a Special Use Permit for a landfill in the Rural-43 and Rural-190 zoning districts as requested under Z2002069 and with approval from County Counsel. This Development Agreement and the Special Use Permit are separate matters and not interdependent. If the Special Use Permit is not approved, then this Development Agreement becomes null and void. Any revenue anticipated by this agreement for the remainder of FY 2003 will be deposited but can not be spent before June 30, 2003. Appropriate expenditure appropriation will be included in the FY 2004 General Government budget for the purposes stated in this agreement. (C44030090)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) 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:

- 02014-RFP FOOD SERVICES MANAGEMENT SYSTEM-SHERIFFS OFFICE** (\$650,000 est/five (5) years).
The system which will be purchased under this contract will be used to eliminate duplicate data entry, and provide inventory control menu design and information to optimize the control and delivery of food for inmates.
 - Vision Software Technologies

- 02077-RFP EMPLOYEE ASSISTANCE PROGRAM/SERVICES** (\$715,000 est/three (3) years w/ two (2) one year renewal options).
This contract is to provide various employee assistance services to Maricopa County employees.
 - Compsych Corporation

- 02080-RFP LANDSCAPING SERVICES** (\$760,000 est/three (3) years w/two (2) one (1) year renewal options).
Pricing agreement for landscaping services to be performed at various County sites on both a scheduled and as required basis. This is a Performance Based Contract.
 - Handyman Maintenance Inc. (HMI)

FORMAL SESSION
December 4, 2002

Contract Extensions:

Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

Until December 31, 2003

- 98166-E AIRCRAFT AND AIRPORT OPERATIONS SERVICES (AKA-AIRCRAFT PARTS, ACCESSORIES, AND REPAIR SERVICES) (\$150,000 est/one (1) year).**
One-year extension of pricing agreement to purchase additional aircraft parts, accessories and repair services for the Maricopa County Sheriff's Aviation Division.
- Aviall Services Inc.
 - Cutter Aviation
 - Jet Source Management Inc
 - Seaside Helicopters

Until February 28, 2005

- 99222-SC TRAFFIC BARRICADE SERVICES (\$1,000,000 est/two (2) years)**
Contract extension to provide barricade and traffic control services as required for county road and other projects.
- United Rentals Northwest Inc., Highway Technologies Group (Formerly Starlight Barricade)

CAPA

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

Facilities Management

Jeff Fitzner
Matthew Forest
James Laureta
Richard Ostler
Thomas Ramirez
Christian Trinitapoli
Tom Wilson

Public Health

Carolina Daniel
Shannon Eubanks
Jennifer Palmer

Flood Control

Ivan Byington
Thomas Kiefer

Parks and Recreation

Don Harris
Terry McLemore

Total Compensation

Daniel Miller

INTERGOVERNMENTAL AGREEMENT WITH CITY OF TOLLESON

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement between the City of Tolleson and Maricopa County Animal Care and Control. The contract is to provide the City of Tolleson with animal control field services as

FORMAL SESSION
December 4, 2002

determined in the contract. The City agrees to pay an estimated \$16,958 for enforcement of rabies/animal control in accordance with City Rabies/Animal Ordinance with Leash Law based on enhanced cost recovery for actual level of service. The term of the contract is from July 1, 2002, through June 30, 2003. This is an enhanced service, one-year contract based on historical levels of service for this jurisdiction. (C79030232)

ACCEPTANCE OF RESTRICTED GRANT MONIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of \$1,000 restricted grant monies made by PETsMART Charities, Phoenix, Arizona through the Business Office of Animal Care & Control (AC&C) for costs associated with the participation in the PETsMART Adoptions/New Pet Pilot. The PETsMART Adoptions/New Pet Pilot is an innovative pet adoption process for AC&C pets placed through the local PETsMART stores. Additionally, approve an increase in Animal Care & Control's FY 2003 Agency 792, Fund 572 Revenue and Expenditure budgets in the amount of \$1,000. (C79030240)

INTERGOVERNMENTAL AGREEMENT WITH HIGLEY UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with Higley Unified School District to provide food-catering services for Maricopa County Head Start participants. The IGA represents a fixed price agreement for \$898. The IGA requires Higley Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U. S. Department of Health and Human Services provide funding for the IGA. The term of the IGA is August 1, 2002, through June 30, 2003. This agreement does not include any County General Funds. (C22030992)

COLLABORATIVE AGREEMENT WITH CENTRAL ARIZONA SHELTER SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a collaborative agreement between the Central Arizona Shelter Services (CASS) and the Human Services Department Special Transportation Services (STS) Program to provide refurbished bicycles to STS clients. CASS will provide a refurbished bicycle, a bicycle helmet, a security lock and bicycle pump to each client referred by the STS Program and the STS program will make a cash contribution of \$58 to CASS to offset the cost of refurbishing the bicycle and providing the safety and security gear. The total expenditures under this collaborative effort will not exceed \$10,000 during FY 2003 and \$15,000 during FY 2004. The term of the agreement is from December 31, 2002, to November 30, 2003, with an option to renew for two additional, one-year periods. (C2303104M)

TRANSFER OF ONE AUTOPSY TABLE AND ONE FLOOR SCALE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve transfer of one autopsy table and one floor scale no longer required by the Medical Examiner to Yavapai County for \$1.00. These items represent surplus equipment from the old Medical Examiner facility. It will be the responsibility of Yavapai County to arrange for the removal and transport of these items and there will be no costs to Maricopa County. (Required unanimous approval of the Board.) (C29030060) (ADM119)

FORMAL SESSION
December 4, 2002

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to Intergovernmental Agreement No. 152071 with the Arizona Department of Health Services (ADHS) to provide TB/HIV control services. The amendment increases the FY 2003 funding level by \$45,942. Funding for the budget term ending December 31, 2002, will increase from \$175,519 to \$221,461. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$45,942. (C8601056203)

AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 5 to Intergovernmental Agreement No. 152043 with the Arizona Department of Health Services (ADHS) to provide immunization services. The amendment increases the FY 2003 funding level by \$522,962. Funding for the budget term ending December 31, 2002, will increase from \$823,075 to \$1,346,037. MCDPH's indirect cost rate is 16.2%. Indirect costs are fully recoverable and are estimated at \$72,909. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2003 by \$552,962. (C8601069205)

AMENDMENT TO CONTRACT WITH CLINICA ADELANTE, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Clinica Adelante, Inc., to provide Well Women Health Check services to uninsured or underinsured women. The amendment decreases the contract dollar amount by \$10,574. Total funding for the contract term ending December 31, 2002, will decrease from \$42,296 to \$31,722. All other terms and conditions remain unchanged. (C8602061101)

INCREASE TO THE FLEET OF ONE CHEVROLET CAVALIAR

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a fleet increase for the Department of Public Health by adding a 1993 Chevrolet Cavalier. Annual operating and maintenance costs for this vehicle will be absorbed into the Department's FY 2003 operating budget. Future replacement and maintenance of this vehicle will be assumed by the Healthy Start Grant and will not require the use of any County general funds. (C8602165202) (ADM3100)

PRIMARY CARE FEE-FOR-SERVICE AGREEMENT WITH SOUTHWEST CATHOLIC HEALTH NETWORK dba MERCY CARE PLAN AND MERCY HEALTH CARE GROUP

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize a Primary Care Fee-For-Service Agreement with Southwest Catholic Health Network dba Mercy Care Plan and Mercy Health Care Group. This agreement will allow the Maricopa County Department of Public Health's (MCDPH) Healthcare for the Homeless Program to bill for services provided to Mercy Care Plan and Mercy Health Care Group clients. (C8603069M)

FULL SERVICE LEASE WITH CENTER CITY INVESTMENTS

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve new modified full service lease No. L7328, with Center City Investments, Lessor, for 1,500 square feet of office space at 423 North Country Club Drive, Suites 28, 29, 31, 32, Mesa, Arizona. The 60-month lease term commences on January 1, 2003, and expires on December 31, 2007. The annual cost is \$21,600, plus rental tax, for the full term of the lease. In addition, Maricopa County will be responsible for janitorial service. The facility will be used to conduct a child immunization clinic for school age children in the east valley area. (C86031004)

INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement with the following school districts to provide school-based tobacco use prevention and education services.

- a) Murphy School District No. 21 - The term of the agreement is from November 6, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$6,000. (C86032072)
- b) Mobile Elementary School District - The term of the agreement is from November 20, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032182)
- c) Riverside Elementary School District - The term of the agreement is from November 20, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032202)
- d) Phoenix Elementary School District No. 1 - The term of the agreement is from November 20, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$14,000. (C86032212)

CALL FOR BIDS AND AWARD – DURANGO JAIL RE-ROOF PODS D-1, D-3, D-4, D-5, D-6, AND D-7

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for the project "Durango Jail Re-roof Pods D-1, D-3, D-4, D-5, D-6, and D-7". Project No. 2002301633 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 255, Agency 472, Org. 4732, Object Code 0825.02 and Project No. 2002313607 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 255, Agency 482, Org. 4832, Object Code 0825.02. The completion of this work is necessary to replace severely deteriorated roofs of the Durango Jail housing units. (C70030295)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

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

A095.014 Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement
(AC) for Highway Purposes - Parcel No. 200-08-475 - Gregory L. Stern - for the sum of
\$6,693.00.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

- A095.014 (AC) Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-475 - Gregory L. Stern.
- A095.019 (AC) Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) – Easement and Agreement for Highway Purposes - Parcel No. 200-08-052 - Wesley Patrick Koenig - for the sum of \$11,178.00.
- A095.019 (AC) Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) – Purchase Agreement and Escrow Instructions - Parcel No. 200-08-052 - Wesley Patrick Koenig.
- A095.024 (AC) Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Easement and Agreement for Highway Purposes - Parcel No. 200-08-213, 214A – Michael Edwin Cooper and Carolyn Kay Cooper - for the sum of \$3,663.00.
- A095.024 (AC) Project No: 69010 - Daley Lane (89th Avenue - 87th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No. 200-08-213, 214A - Michael Edwin Cooper and Carolyn Kay Cooper.
- A117.010 (AC) Project No: 69010 - Cheyenne Road (207th Avenue Alignment - Tuthill Road) - Slope Easement – Parcel No. 400-52-916J - David E. Young and Raebeth Young - for the sum of \$400.00.
- A195.002 (AC) Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Easement and Agreement for Highway Purposes - Parcel No. 202-21-007B - Douglas K. McPherson, Trustee - for the sum of \$3,387.00.
- A195.002 (AC) Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Purchase Agreement and Escrow Instructions - Parcel No. 202-21-007B - Douglas K. McPherson, Trustee.
- A195.009 (AC) Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Easement and Agreement for Highway Purposes – Parcel No. 202-21-055B - Heather T. Fowler - for the sum of \$8,559.00.
- A195.009 (AC) Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) - Purchase Agreement and Escrow Instructions- Parcel No. 202-21-055B - Heather T. Fowler.
- DD-9388 (TS) R/W Dedication - Special Warranty Deed - Parcel No. 203-01-001X - Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints - for the sum of \$10.00.
- DD-9388 (TS) R/W Dedication – Purchase Agreement and Escrow Instructions - Parcel No. 203-01-001X – Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints.
- DD-9396 (TS) R/W Dedication - Warranty Deed - Parcel No. 210-12-018A - Steve Marinca - for the sum of \$10.00.
- DD-9396 R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 210-12-018A

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

- (TS) - Steve Marinca.
- DD-9399 R/W Dedication - Warranty Deed - Parcel No. 304-30-008G - Western Organics, Inc., an
(TS) Arizona corporation - for the sum of \$10.00.
- DD-9399 R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 304-30-008G
(TS) - Western Organics, Inc., an Arizona corporation.
- X-0298 Project No: 68840 - Estrella Roadway Phase IIB (El Mirage Road to Lake Pleasant Road)
(LJS) - Warranty Deed - Parcel No. 201-21-042 - Anna Christina Peralta Lopez - for the sum of
\$275,000.00.
- X-0298 Project No: 68840 - Estrella Roadway Phase IIB (El Mirage Road to Lake Pleasant Road)
(LJS) - Purchase Agreement and Escrow Instructions - Parcel No. 201-21-042 - Anna Christina
Peralta Lopez.
- Z1-042A Project No: 68383 - Skunk Creek Bridge (Row Extension) - Amendment to Right of Way -
State Land Department State of Arizona.

ROAD ABANDONMENT (ROAD FILE NO. 5256)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6403126B) (F23101)

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

The East 55 feet of that part of the Southeast quarter of Section 10, Township 3 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

Commencing at the Southeast corner of said Section 10, THENCE, North 439.26 feet to the True Point of Beginning; THENCE, West 580 feet; THENCE, North 148.67 feet; THENCE, East 580 feet; THENCE, South 148.67 feet to the True Point of Beginning;

EXCEPT, that part of the Southeast quarter of said Section 10, described as follows:

Commencing, at the Southeast corner of said Section 10, THENCE, North 439.26 feet: THENCE, West 290 feet; THENCE, West 290 feet to the True Point of Beginning; THENCE, North 148.67 feet; THENCE, East 290 feet; THENCE, South 148.67 feet to the True Point of Beginning.

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

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

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the

**FORMAL SESSION
December 4, 2002**

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 4th day of December 2002.

GENERAL WARRANTY DEED TO BUREAU OF RECLAMATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve General Warranty Deed from Maricopa County, a political subdivision of the State of Arizona to the United States of America as part of an exchange with the United States of America by and through its Bureau of Reclamation. Said General Warranty Deed contains two parcels of land, one being 3.1005 acres located along Baseline Road between 43rd Avenue and 35th Avenue and another 1.3380 acres along Baseline Road between 15th Avenue and 7th Avenue. McDOT was required by prior right law to relocate irrigation facilities owned by the Bureau of Reclamation. The land being conveyed is a square foot for square foot replacement for the existing rights. (C64031045) (ADM2005)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

DENTAL SERVICE CONTRACTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve six new dental services contract slots under the following contract numbers: C60030191 through C60030241. The initial contract term will be two years with options to extend for additional periods, not-to-exceed a total term of five years. Each dentist approved under a dedicated slot will have an initial two-year term; this term will run from individual contract execution. These dentist contracts will provide dentistry services and/or Oral/Maxillofacial Surgery Services to Maricopa Integrated Health System-Health Plan (MIHS-HP) members in the dentists' personal offices. The not-to-exceed amount is a percentage of the total not-to-exceed dental pool of \$14,438,370, approved June 26, 2002, by the Board on Agenda Item No. C60021061. Either party may terminate the contract with 90-days written notice. (C60030181ZZ) (C60030191 through C60030241)

SETTLEMENT AGREEMENTS WITH NURSING FACILITIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Settlement Agreements (38) with the nursing facilities listed below. These individual agreements release the nursing facilities from repayment of alleged risk pool overpayment amounts, in exchange for releasing MIHS from payment of certain alleged co-insurance amounts payable to the nursing facilities. During the time period October 1995 through September 1997, contracts with nursing facilities contained provisions for payment of additional sums based upon a risk pool provision. Payment of such additional sums resulted in potential overpayments to the nursing facilities. There is no financial impact to this settlement as the alleged amounts offset one another. (Discussed in Executive Sessions on April 15, 2002, May 13, 2002, and August 19, 2002.) (C6003082001) (ADM409) (ADM2100)

Apache Junction Care Center
Arizona Veterans Home
Beatitudes Campus of Care

Archstone Nursing Center
Banner Health System
Beverly Health Care-Scottsdale

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

Bryans Extended Care Center	Capri Care Center
Chandler Health Care Center	Christian Care Center
Chula Vista	Citadel
Cook Health Care	Desert Cove
Desert Samaritan	Glencroft
Glendale Care Center	Good Shepherd Retirement
Good Shepherd Villa	Heather Glen
Kivel Care Center	Lifecare Center of North Glendale
Lifecare Center of Paradise Valley	Lifecare Center of South Mountain
Maryland Gardens Care Center	Mi Casa Nursing Center
Orangewood Retirement Community	Phoenix Mountain Nursing Center
Plaza Del Rio Care Center	Plaza Health Care
Scottsdale Heritage Court	Sonoran Rehab Care Center
Springdale Village	Springdale West
Sungrove Village Care Center	Sunwest Nursing and Rehabilitation Center
Westchester	Wickenburg Regional Medical Center

INCREASE TO NURSING FACILITY SERVICES CONTRACTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase of \$125,066,233 to the not-to-exceed amount of \$469,084,277 to fund Nursing Facility Services Contracts for Maricopa Integrated Health System-Health Plan (MIHS-HP) Members for the fourth year of the contract, October 1, 2002 - September 30, 2003. This increase will create a new aggregate not-to-exceed of \$594,150,510 and will fulfill the obligation to Arizona Health Care Cost Containment System/Arizona Long Term Care System (AHCCCS/ALTCS) to pass on a mandated increase to the nursing homes. (C60034541)

CONTRACT SPECIFIC AMENDMENT TO NURSING FACILITY SERVICES CONTRACTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract-specific amendment to the 41 nursing facility services contracts. This amendment extends the term of the contracts for an additional twelve months, through September 30, 2003, and increases the rates for the contract term. These contracts provide Nursing Facility Services for MIHS-HP members residing in 65 nursing facilities in Maricopa County. A separate request to increase the not-to-exceed amount by \$125,066,233 is being submitted to the Board under C60034541. If approved, the aggregate not-to-exceed for the Nursing Facility Services contracts will be increased from the current not-to-exceed amount of \$469,084,277 to a new aggregate not-to-exceed amount of \$594,150,510. (C60034551)

ADOPT 2003 BOARD MEETING SCHEDULE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the 2003 meeting schedule as presented. (ADM601)

REAPPOINT JIM COOK TO THE ARIZONA PUBLIC SAFETY PERSONNEL RETIREMENT BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint Jim Cook to the Arizona Public Safety Personnel Retirement System Local Board as the Chairman's designee. The term of the appointment is January 1, 2003, through December 31, 2003. (C02030097) (ADM3904)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

REAPPOINT SUSAN E. SCHUERMAN TO THE CORRECTIONS OFFICER RETIREMENT BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint Susan E. Schuerman as the Chairman's designee to the Corrections Officer Retirement Board representing the Board County Board of Supervisors Chairman. The term of the appointment will be from January 1, 2003, through December 31, 2003. (C02030107) (ADM3332)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 18, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows.

**Z97-009; Z2002-025; Z2002-030; Z2002-077; Z2002-079; Z2002-080; Z2002-091; Z2002-2100;
DMP 2002-004**

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held October 16, 31, and November 4, 2002.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7130	7136	\$5,873.36
2000	9835	9920	-\$209,476.96
2000	9921	9994	-\$31,835.38
2001	34383	34465	\$203,607.12
2001	34466	34495	-\$17,808.68
2001	34496	34566	-\$108,949.50
2002	6073	6107	-\$22,316.62
2002	6110	6384	-\$174,460.90
2002	6578	6692	-\$438,104.00

AUTHORIZE THE OFFICIAL APPOINTMENT AND OATH OF OFFICE – CLERK OF THE SUPERIOR COURT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Official Appointment and Oath of Office of Desiree Arroyo as special deputy clerk in the Office of the Clerk of the Superior Court.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

CANVASS OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS

Pursuant to A.R.S. §16-642(B), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the canvasses of elections submitted by special districts listed below, and on file in the Office of the Clerk of the Board.

- Adaman IWDD No. 36 (ADM4373)
- Harquahala Valley Irrigation District (ADM4329)
- McMicken Water Conservation Irrigation District (ADM4316)
- New Magma Irrigation & Drainage District (ADM4330)
- Queen Creek Irrigation District (ADM4318)
- Roosevelt Irrigation District (ADM4319)
- Roosevelt Water Conservation District (ADM4397)
- Sunburst Farms Irrigation District (ADM4323)
- Sun Lakes Fire Department (ADM4422)
- Whitcomb's Roundup Ranchos IWDD No. 42 (ADM4378)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

SCHOOL

Name	School	Warrant	Amount
Nicholas Alvarado	Mesa	73-0023663	\$24.46
Snehlata Bagai	Isaac #5	13-0061765	\$1,428.46
Black Box	Queen Creek #95	430017822	\$14,664.31
Rosa E. Santiago De Boyd	Liberty #25	13-0056964	\$140.06
Melinda J. Buckey	Laveen	13-0012333	\$915.01
Flinn Scientific Inc.	Litchfield #79	43-0010016	\$15.01
Vicky Friedenthal	Alhambra #68	13-0059660	\$577.44
Balsz #31/Cissy LaPorte	Balsz #31	43-0031681	\$21.38
Debbie Rankin	Buckeye #033	43-0036379	\$200.00
Jeffrey J. Rattay	Mesa	73-0022846	\$73.88
Andrea Stouder	Roosevelt #66	13-0063057	\$773.50
Dan Wallace	Riverside #2	43-0040294	\$140.00
Troy R. Watson	Mesa	73-00024764	\$125.10
Patricia Zajac	Dysart #89	13-0043027	\$1,203.30

STALE DATED WARRANTS

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

Dept. of Med. Elig. \$1,407.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

Stephen D. Burton	\$14.90
Bryan W. Hamblin	\$20.00
Daniel V. Koshy	\$13.80
Lito Landas	\$15.00
Stephen M. Quetsehenbach	\$14.06
Louis Vu	\$20.00

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list dated December 4, 2002. (ADM704)

2000/2001
TX 00-000723
2001
2002
2002/2003
2003

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Assessor's recommended changes to classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NO.	YEAR	OWNER	FROM	TO
102-82-316	2000	David Grantham	LC/4	LC/3
102-82-316	2001	David Grantham	LC/4	LC/3
102-82-316	2002	David Grantham	LC/4	LC/3
107-24-001	2000	Clarence Hill	LC/4	LC/3
107-24-001	2001	Clarence Hill	LC/4	LC/3
107-24-001	2002	Clarence Hill	LC/4	LC/3
131-06-296A	2000	Maureen Curran	LC/4	LC/3
131-06-296A	2001	Maureen Curran	LC/4	LC/3
131-06-296A	2002	Maureen Curran	LC/4	LC/3
132-68-101	2002	William G Raymond	LC/4	LC/3
132-70-092	2000	Guadalupe Valdez	LC/4	LC/3
132-70-092	2001	Guadalupe Valdez	LC/4	LC/3
132-70-092	2002	Guadalupe Valdez	LC/4	LC/3
135-39-142	2000	Regis Meintel	LC/4	LC/3
135-39-142	2001	Regis Meintel	LC/4	LC/3
135-39-142	2002	Regis Meintel	LC/4	LC/3
139-20-001B	2000	Shirley Anderson	LC/4	LC/3
139-20-001B	2001	Shirley Anderson	LC/4	LC/3
139-20-001B	2002	Shirley Anderson	LC/4	LC/3
139-28-043	2002	Dorothy Ashley	LC/4	LC/3
140-01-571	2000	Betty M Barger	LC/4	LC/3
140-01-571	2001	Betty M Barger	LC/4	LC/3
140-01-571	2002	Betty M Barger	LC/4	LC/3

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

141-74-056	2000	Betty J Fleck	LC/4	LC/3
141-74-056	2001	Betty J Fleck	LC/4	LC/3
141-74-056	2002	Betty J Fleck	LC/4	LC/3
141-75-071	2000	Helen Stewart	LC/4	LC/3
141-75-071	2001	Helen Stewart	LC/4	LC/3
141-75-071	2002	Helen Stewart	LC/4	LC/3
142-40-087A	2000	W. C. Allen	LC/4	LC/3
142-40-087A	2001	W. C. Allen	LC/4	LC/3
142-40-087A	2002	W. C. Allen	LC/4	LC/3
149-34-395	2000	Susan Carlson	LC/4	LC3/
149-34-395	2001	Susan Carlson	LC/4	LC3/
149-34-395	2002	Susan Carlson	LC/4	LC3/
170-27-015A	2000	Jack Warner	LC/4	LC/3
170-27-015A	2001	Jack Warner	LC/4	LC/3
170-27-015A	2002	Jack Warner	LC/4	LC/3
173-35-065A	2000	Bryant Malcolm	LC/4	LC/3
173-35-065A	2001	Bryant Malcolm	LC/4	LC/3
173-35-065A	2002	Bryant Malcolm	LC/4	LC/3
173-35-085A	2000	Holidaysburg Tr	LC/4	LC/3
173-35-085A	2001	Holidaysburg Tr	LC/4	LC/3
173-35-085A	2002	Holidaysburg Tr	LC/4	LC/3
173-35-099A	2000	Hanauer Philip	LC/4	LC/3
173-35-099A	2001	Hanauer Philip	LC/4	LC/3
173-35-099A	2002	Hanauer Philip	LC/4	LC/3
300-48-019A	2000	Gilbert Cardenas	LC/4	LC/3
300-48-019A	2001	Gilbert Cardenas	LC/4	LC/3
300-48-019A	2002	Gilbert Cardenas	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held November 18, 2002.) (ADM407)

Carmen Garza	\$ 455.00
Marlesha Herny	400.00
Mercedes Misquez	3,000.00
Katherine Pacheco	2,000.00
Tricia Pasquelone	2,200.00
Shirley Trump	7,500.00
Rodney Villemarie	1,100.00

SAGEWOOD UNIT TWO STREET LIGHTING IMPROVEMENT DISTRICT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (5-0) to correct the legal description of Sagewood Unit Two Street Lighting Improvement District to read as follows. The district is , located in the vicinity of University Avenue and 102nd Street, which was organized on April 17, 2002. The district's purpose is establishing street lighting facilities and purchasing electric service for the lighting of public streets and parks within the area. (C6402163701) (ADM4302)

FORMAL SESSION
December 4, 2002

The east half of the southeast quarter of the southwest quarter of the southwest quarter and the west half of the southwest quarter of the southeast quarter of the southwest quarter of Section 14, Township 1 North, Range 7 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

Except the south 40 feet; and also

Except the east 25 feet; and also

Except the west 25 feet; and also

Except the north 25 feet; and also

Except that part of the south 266.00 feet of the east 316.00 feet of the said west half lying south of and east of the following described line:

Commencing at the south quarter corner of said Section 14;

Thence north 89°50'03" west along the south line of the said southwest quarter of Section 14, a distance of 992.40 feet to the east line of the said west half;

Thence north 00°10'37" east along said east line, a distance of 266.00 feet to the north line of the south 266.00 feet of said west half, being the true point of the beginning of the exception line;

Thence north 89°50'03" west along the north line of the south 266.00 feet, a distance of 286.00 feet;

Thence south 45°10'50" west, a distance of 42.42 feet to the west line of the east 316.00 feet of said west half;

Thence south 00°10'37" west along said west line, a distance of 236.00 feet to the south line of the southwest quarter of said section 14 and the terminus of said exception line.

(Containing 7.198 acres more or less)

20TH STREET IMPROVEMENT DISTRICT

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock and unanimously carried (5-0) to adopt Resolution No. 3, ordering the paving improvement and call for sealed bids to be submitted on Wednesday, January 8, 2003, for the 20th Street Improvement District. The district was organized by the Board on July 25, 2001 for the installation of paving. The district is located in the vicinity of 20th Street and Circle Mountain Road. (C6402231701)

**RESOLUTION NO. 3
20TH STREET IMPROVEMENT DISTRICT**

WHEREAS, on the 6th day of November, 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

FORMAL SESSION
December 4, 2002

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.

Passed by the Board of Directors of the said Improvement District at a meeting held on the 4th day of December, 2002, at which meeting there was quorum of said Board of Directors present voting in favor of this Resolution.

APPROVED this 4th day of December, 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 to speak at this time. (ADM605)

SUPERVISORS' COMMENTS

Supervisor Kunasek spoke of the press conference held earlier this week at Bank One Ballpark and he reminded the public that entertainment was continuing at the Ballpark even though the baseball season had ended. He encouraged everyone to take advantage of the programs that will be brought in during the off-season. (ADM606)

Supervisor Wilson commented on the opening of San Tan Park, which he attended last weekend. The Park is located in Pinal County although infrastructure will be installed by Maricopa County to benefit the many residents in the southeast portion of the County. He laughed at remarks that had been made to him about whose park it really is and likened it to Yellowstone Park being claimed by Montana, Idaho and Wyoming. He observed that both parks really belong to those who use them and he encouraged everyone to explore the many different opportunities offered by this new park.

Supervisor Brock continued the discussion on San Tan saying that more than 1,000 had attended the opening ceremony and a number of civic organizations had contributed prizes and awards for the activities that took place. He said that San Tan Park is huge, as are all the parks in Maricopa County, and he urged those who enjoy the parks to take care of them and monitor the trails and campsites once they are established to keep "the public's" parks clean and attractive.

FORMAL SESSION
December 4, 2002

Chairman Stapley echoed the kudos on the San Tan opening and reminded residents that it had taken some time for this to come about and it would take more time for the man-made infrastructure to be in place but he hoped in the interim that they would take notice of the beautiful natural amenities and the gorgeous views and scenery. He said it had taken a great deal of effort, cooperation and dedication by many individuals and groups in both Pinal and Maricopa Counties to get San Tan this far and that with a little patience he believed that the park would soon become a model of what all parks should be.

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).

~Supervisor Kunasek left the meeting at this time ~

REGULAR AGENDA DETAIL:

1. **CPA2002-002 District 5 (Requires $\frac{3}{4}$ majority vote of the Board to approve, due to opposition from adjacent property owners.)**
- Applicant:** Biskund, Hunt & Taylor, P.L.C. for 113 Mobile, L.L.C., Hardy Properties, L.L.C., Bill Leinheiser, MRC Refining, L.L.C., Edwin & Cheryl White, J & A Land Investments #3, J & A Land Investments #4, et al
- Location:** Northeast of the northeast corner of SR238 and the 75th Ave. alignment (in the Mobile area)
- Request:** Plan Amendment to the Mobile Area Plan changing the land use designation of the site from Rural and Open Space to Industrial for Southpoint Environmental Services (690 acres)

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of CPA2002-002, subject to the following stipulation "a". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. The Plan Amendment shall change the land use designation of the subject property from Rural and Open Space to Industrial, subject to the stipulations of approval for the associated Special Use Permit, Z2002069, as may be applicable. The Plan Amendment is further subject to the narrative report entitled "SP - Southpoint Environmental Services – Narrative Report CPA 200202" consisting of 13 pages, preparer not indicated, dated revised October 22, 2002 and stamped received October 30, 2002.

Supervisor Kunasek declared a conflict of interest and had left the meeting prior to the introduction of this item.

Joy Rich, Director of Planning and Development, said she would present items one (CPA2002-002) and two (Z2002-069) together as they are closely related and testimony should apply to both. She asked for a separate vote on the items and explained that they both are part of a major plan amendment to the Mobile Area Plan, which requires a $\frac{3}{4}$ majority vote by the Board. She said the Comprehensive Plan Amendment would change the land-use designation from open space and rural to industrial. The Special Use Permit in item two (Z2002-069) addresses the landfill's coverage of 479 acres of the 690 acres in

FORMAL SESSION
December 4, 2002

question. The overall height of the landfill will be 185 feet above the surrounding grade. A total of 54 protests have been received in opposition. There are two other landfills already in the area and another that has been approved in Pinal County. There is also a refinery in the area. She indicated that the Planning Commission and staff recommend approval.

Chairman Stapley asked those present who wish to comment to limit their time and to avoid repetition as much as possible. Those present in opposition included J.D. Campbell, Cliff Ashley, Loren Vaughan, Bryan Turner, Greg Gearing, Bernard A. O'Neal, Edmund Miller, Loretta Hudson, Robert Hudson, Leonard Oppenheimer, Kevin Murray, Linda Santini, Alan Kaufman, Bart Bell, Calvin Bentley, Don Besler, Michael Pops, Hugh Jones, Walley L. Kelly, Calvin C. Goode, Charlie Johnson and Ron Montoya.

Those present who did not mark "pro or con" included Tom Kenney, Brian Gibsen, Mary Murray, Terry Hudson of Mobile AZ Family Homestead, Mike Lozsuski, Chuck Durrant and Rich Yike from Valley Waste.

Charlie Johnson, citizen, spoke in opposition and asked for a continuance due to irregularities, conflicts, lack of due process, non-compliance and environmental racism. She said she was totally opposed to a solid waste industrial landfill on property next to her 300 acres because it would restrict future highest and best use of her land and make it unsuitable for future residential, non-industrial or commercial development." Among other arguments, she cited hard-to-read and inadequate posting signs which she said were erected by Planning and Zoning in a violation of their own rules of publishing notification. She resented the fact that Mobile had been targeted as an ideal place to place future landfills and suggest that some of these garbage dumps be placed in "upscale developments in northeast Maricopa County" instead. She indicated that most of the residents affected are predominantly low to moderate income minority and indigent individuals who do not have the economic means to buy their way out of a polluted neighborhood. She said that additional sites in low and minority income communities are planned and this trend "presents a defacto case of environmental racism."

Calvin Goode, citizen, spoke in opposition and asked the Board "to hear the voices of the people in opposition and act favorably to their concerns."

Mike Lozsuski, citizen, said he had a long history of losing his property to progress and the 80 acres of property he now owns, ½ mile from the proposed plan, is all he has. He said he feels that he is in the process of losing his sole property for a second time. He asked for an extension of time and further deliberation before action is taken.

William Kelly, citizen, spoke in opposition and said that environmental justice with respect to development, implementation and enforcement of environmental laws, regulations and policies is the mission for all people. He said that a segment of the population, regardless of race, ethnicity or income should not be targeted or abused and he felt this was happening in this case. He asked for consideration of a moratorium until it is learned how this plant would impact the water and water tables in the community. He added that four water wells have already gone dry because of the amount of water usage on nearby landfill dumps. He asked if the Board had seen an environmental impact study on this question and asked for a continuance for members to take a better look in order to make an informed decision.

Hugh Jones, citizen, spoke in opposition and said he had looked at the "staff report" (Planning and Zoning) and couldn't find anything that mentioned a current need or demand for a new dump but only a reference to the Southpoint proposal and a 1991 MAG (Maricopa Association of Governments) report citing a possible future need. He said he had obtained a recent report from Brenda Gavin at MAG stating

FORMAL SESSION
December 4, 2002

that as of May 2001 there are nine operating facilities in the area. He referenced a statement from the "staff report" alleging that the Butterfield Landfill has recently received an amendment to increase the size and double its capacity as half of its capacity is already committed to the City of Chandler. He alleged misinformation, saying that Chandler's refuse only represents 3% of the landfill not 50%. He felt Southpoint had misled the Board on the issues. He said he had asked for something to support a need for another facility from Planning and Zoning and had received nothing. He asked for more time.

Michael Copps, south Phoenix community activist, spoke in opposition saying that he felt it was clear that procedural misdeeds have been done. He asked the Board to cease and desist and to give Maricopa County taxpayers their "rightful due process and allow them to have input under EPA law" and the Good Neighbor policy. He asked the Board to be a good neighbor to those petitioning them from Mobile.

Don Bessler, President of the Mobile School Board, spoke in opposition saying that in that capacity he must state his concern for the safety of the children in such an environment. He said that most people are familiar with the term, "well, not in our backyard - and we already have three landfills in our backyard and, frankly, enough is enough. We are not going to stand by and allow this to happen. If this passes there will be enormous political, ethical and environmental fallout." He indicated that people in Mobile fear their government and feel that they have no voice and no recourse, "Most have limited means and cannot do more than simply voice their opinions and in a true democracy this should be enough." He said that with a stroke of a pen the Board could alter the lives of the children and the community forever. He said, "Please think of this when you vote. As people approach our small community the first thing they see is a garbage dump and then another, and another, and another. Welcome to Mobile, the garbage dump capital of Arizona." He asked the Board to give them something that would enhance their community, not damage it.

Alan Kaufman, an attorney advocating for the Coalition to Save Mobile, accused the County of rushing this application through at the last minute, saying it had been filed on the last possible day and the Supervisors heard it at the earliest possible meeting. He indicted that he had asked the planning staff for documentation and information and had not received it. He said that staff told him they didn't have the information he wanted. He charged that this landfill is so large that it cannot be considered a routine proceeding. He stated that the landfill would be equal in area to 31 Bank One Ball Park complexes. He asked why the land use for the 690 acres needed for the landfill should be changed to Industrial when the property owners don't want that designation to be changed from the current Rural and Open Space designation. He added that the need for another city dump had not even been proven. He insisted that there was no emergency and the matter should be able to wait another 60 days to give the opposition time to learn pertinent information. He asked for a 60-day continuance.

Other points made by speakers in opposition were that the countryside that used to be pristine and beautiful has become littered with trash; more trash trucks would impact school children's safety; it is zoned for residential; conflicts of personal and business interest were alleged for several Supervisors who had not recused themselves. Most residents asked for a continuance to allow them more time.

Those present in favor of the request included Raymond Bill Olsen of Hogan & Associates, Ray Olsen, Karen Olsen, Erin Siefert, Wanda Tang, Gene Taylor, John A. Greenbank of AZ Clean Fuels MRC Refining, Shelly McTee of the Fort McDowell Yavapai Nation, A. Michael Berustein and Bill Hancock of the Town of Gilbert.

John Greenbank, Arizona Clean Fuels, spoke in support of the request. He said they have been buying land and working on this refinery project for a number of years and that changes in the Clean-Air Act had required several changes to the plan. He indicated that their studies indicate that there "are literally

FORMAL SESSION
December 4, 2002

hundreds of years of water supply for industry and/or residential use" in the area. He stated that Arizona Clean Fuels has had a long standing offer to buy any home within a two-mile radius of their plant site, for a minimum of twice the full cash assessed valuation, within six months of the refinery start-date of operation and they even offered to move the Mobile school (which is situated next door) if necessary.

Bill Hancock, Gilbert Public Works Department, said that the Town of Gilbert has been in discussions with Southpoint Environmental for a considerable period of time regarding ways to meet future needs for trash disposal. He said that this new landfill would offer additional options to the towns in the County and will increase competition, which is now practically non-existent in local trash disposal. He said this proposal is an appropriate one for the area and encouraged the Board to approve the request.

Chuck Durant, co-owner of Valley Waste, a privately owned disposal company, with Brian Gibson, read a letter of support from Mr. Gibson. They contend that increased competition would create a much fairer base for small companies to dispose of waste in a cost-effective way as they compete with the large companies. He explained that the two large companies are now in a position to dictate unfair contractual conditions for customers in what should be competitive bidding and pricing for old and new business.

Others speaking in favor of this request referenced a lowering of cost through competition; an aid to the small business waste companies; more equitable contracts with customers; and a need for a new landfill for Maricopa County to fulfill future needs.

Joy Rich, Director of Planning and Development, commented on several points made. She said that adjacent jurisdictions had not responded on this matter although they had been informed and the planning department had affidavits to prove the correctness of the postings on file. She indicated that Mr. Kaufman was told he could come and explore the file but staff could not do the research for him other than to make the file available.

Chairman Stapley asked about the question of groundwater and an environmental issue on seepage.

Ms. Rich said this oversight is provided by ADEQ (Arizona Department of Environmental Quality) and not the County, whose Department of Environmental Services has already signed-off on it. She indicated that ADEQ would be involved in a very rigorous process when they review the application.

Karen Taylor, representing Southpoint Environmental Services, offered to answer any questions. Supervisor Brock asked if there had been any violations of the notification process in this application as has been charged.

Ms. Taylor said she wasn't aware of any violations. She said that the requirements of the County's Citizens Notification Plan requires notification of all residents within 1,000 feet of the property and Southpoint had gone far beyond that area and had done so on four different occasions. She presented the certification receipts from the mailings and reported on the open meetings that were held.

Discussion ensued on protests received and the company's response to them and further efforts made by Southpoint to comply with resident's requests.

Supervisor Wilcox said that everyone has a right to present an application for these projects to the County. She indicated that when Southpoint presented an application for a project in Mobile she had worked to bring them into contact with appropriate members of that community. She said it was unfortunate that residents had not focused on the issue when it first presented many months ago and had not mobilized until recently. She indicated that she believed the applicant had put a lot of effort into

FORMAL SESSION
December 4, 2002

dealing with any concerns presented to them in a conscientious manner. Supervisor Wilcox stated that the community has some valid concerns and she has recently been made aware of some of them, such as the homesteads and historical objects in the area. She stated that she had to agree that “enough is enough” and explained that she could not support this new request for the Mobile area because they already have four landfills and the Mobile Refinery.

Supervisor Brock remarked that Maricopa County is one of the fastest growing counties in the country and he realized that landfills, waste disposal plants, dairies and jails aren’t desirable objects to have in most neighborhoods and everyone understood that, but there was a greater need that had to be considered in making these decisions. He indicated that one of the criteria to be considered is density and the West Valley is now growing faster than any other area of the Valley. He also felt that competition was an important issue to consider since so many small businesses have gone out of business in the past few years and “there are really only two major players left.” He felt that healthy competition in the Valley should be a concern to all elected officials.

Motion was made by Supervisor Brock and seconded by Supervisor Wilson to concur with the Planning Commission’s recommendation for approval of this plan amendment subject to Stipulation “a.” In a roll call vote, Supervisors Brock, Wilson and Stapley voted “aye” and Supervisor Wilcox voted “no.” The motion carried by majority vote (3-1-0-1). (Supervisor Kunasek recused himself because of a conflict of interest and did not vote.)

**RESOLUTION OF AMENDMENT
Maricopa County 2020, Eye to the Future
Amending the Maricopa County Comprehensive Plan
Case Number: CPA 200202
Southpoint Environmental Services Waste Disposal Facility**

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

WHEREAS, Maricopa County has adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes in order to bring about coordinated physical development in harmony with the present and future needs of the county; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that the plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process whereby specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA 200202 met the requirements for a major comprehensive plan amendment, and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that any amendment to the Comprehensive Plan be approved by resolution of the Board of Supervisors, and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
December 4, 2002**

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment, and finds that this comprehensive plan amendment constitutes an overall improvement to the Comprehensive Plan and to Maricopa County.

NOW, THEREFORE, BE IT RESOLVED that the comprehensive plan amendment application for the Southpoint Environmental Services Waste Disposal Facility, known as case number CPA 2002002, is hereby approved.

DATED this 4th day of December 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 2. Z2002-069 District 5 (Requires ¾ majority vote of the Board to approve, due to opposition from adjacent property owners.)**
- Applicant:** Biskund, Hunt & Taylor, P.L.C. for 113 Mobile, L.L.C., Hardy Properties, L.L.C., Bill Leinheiser, MRC Refining, L.L.C., Edwin & Cheryl White, J & A Land Investments #3, J & A Land Investments #4, et al
- Location:** Northeast of the northeast corner of SR238 and the 75th Ave. alignment (in the Mobile area)
- Request:** Special Use Permit for a landfill in the Rural-190 and Rural-43 zoning districts for Southpoint Environmental Services (690 acres)

COMMISSION ACTION: Commissioner Munoz moved to recommend approval of Z2002-069, subject to the following stipulation “a” through “bb”. Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in accordance with the site plan entitled “Site Plan for Southpoint Environmental Services Waste Facility” consisting of seven full-size sheets prepared by HEC Engineering, L.L.C., dated revised October 1, 2002, date-stamped by the project engineer October 7, 2002, and stamped received October 30, 2002, except as modified by the following stipulations.
- b. Development of the site shall be in accordance with the narrative report entitled “SP - Southpoint Environmental Services – Narrative Report...” consisting of 52 pages, preparer not indicated, dated revised October 22, 2002 and stamped received October 30, 2002, except as modified by the following stipulations.
- c. Prior to zoning clearance, the applicant shall provide half-width right-of-way dedication of 55’ on 75th Avenue (west boundary of the site) and shall reserve 55’ right-of-way for future Pierpoint Road (north boundary of the site).
- d. Prior to zoning clearance, applicant shall apply with Arizona Department (ADOT) of Transportation for access approval to S.R. 238 and comply with ADOT requirements.
- e. All channels and channel berms to be located outside future public right-of-way.

- f. Access onto any perimeter roadway other than the access road identified on the site plan referenced in stipulation 'a' above, will require an amendment to the Special Use Permit.
- g. The Special Use Permit shall expire in 50 years or upon closure of the landfill and completion of all monitoring requirements associated with the closure.
- h. The applicant shall submit a status report to the Planning and Development Department outlining the status of the development at the end of five (5) years following approval of this request by the Board of Supervisors. The report shall address the status of the project, compliance with stipulations of approval. Additional status report may be required.
- i. The applicant shall submit a second status report to the Planning and Development Department outlining the status of the development at the end of 20 years following approval of this request by the Board of Supervisors. The report shall outline the status of the development, indicate compliance with all stipulations of approval, and shall work to ensure record retention with regard to State mandated record destruction after 25 years. The Department may accept the report, request additional reports, carry the matter forward to the Planning and Zoning Commission or take other action as deemed appropriate at that time.
- j. Major changes to this Special Use Permit 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 Permit may be administratively approved by the Planning and Development Department.
- k. The applicant shall remain in compliance with all rules and regulations of the Arizona Department of Environmental Quality, and shall submit copies of the approved Arizona Department of Environmental Quality Solid Waste Facility Plan, and any subsequent plan changes, to the Planning and Development Department.
- l. Prior to zoning clearance, final grading, drainage and paving plans in conjunction with a final drainage shall be submitted to the Flood Control District for approval.
- m. All drinking water must meet the Safe Drinking Water Act Standards.
- n. Prior to zoning clearance, the applicant shall enter into an agreement with Maricopa County to hold the County harmless should any environmental damage occur caused by the operator or operations at the landfill facility.
- o. All heavy equipment used in the landfill operation shall be stored inside the bermed area.
- p. The operator shall obtain either a post-closure bond or a letter of credit if a bond is not available in accordance with State and/or federal requirements.
- q. A security fence shall be provided around the entire facility but may be phased as per sequential development and excavation of landfill disposal cells.
- r. The maximum overall height of the landfill shall be 185' above grade.

- s. The maximum depth of the landfill shall be 50' below grade.
- t. The maximum finished, external slope of the landfill shall be 4:1. The Planning & Development Department may, in review of the revegetation plan required under stipulation 'u', determine that less of a slope is required to support adequate revegetation efforts. Sloping should try to maintain a mound effect rather than the appearance of a sharp wall.
- u. As each disposal cell is closed it shall be covered with hardscape or live landscaping such as native desert grasses and wildflowers to the greatest extent possible, in an effort to mitigate soil loss and dust due to water and air erosion and to mitigate the visual impact of the facility's mass and height. A revegetation plan shall be submitted to and approved by the Planning & Development Department prior to zoning clearance.
- v. The perimeter berms may be built in phases but shall be constructed so as to effectively screen the active landfill operations. The berms, upon construction, shall be immediately landscaped with an emphases placed upon the use indigenous species of trees, shrubs, grasses and wildflowers. This landscaped buffer shall be continuously maintained by the applicant to ensure successful and relatively lush growth of trees and plants.
- w. The applicant shall employ two (2) full-time equivalent persons to mitigate fugitive trash along area roadways, S.R. 238 and S.R. 347. Trash pick-up shall be conducted in two-person teams to ensure personnel safety.
- x. That applicant shall seek counsel from the State Historic Preservation Office in regard to preserving the northernmost branch of the Butterfield Overland Trail Site (AZ T:14:61 ASM), further documenting the southern branch of this trail, and conducting data recovery investigations at Sites AZ T:16:146 & 148 (ASM).
- y. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- z. 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.
- aa. 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.
- bb. Hours of operation shall be limited to 6:00 A.M. – 6:00 P.M. daily

Supervisor Kunasek declared a conflict of interest and had left the meeting prior to the introduction of this item.

Motion was made by Supervisor Brock and seconded by Supervisor Wilson to concur with the Planning Commission's recommendation for approval of this Special Use Permit subject to Stipulations "a" through "bb." On a roll call vote, Supervisors Brock, Wilson and Stapley voted "aye" and Supervisor Wilcox voted

“no.” Motion passed with a majority vote (3-1-0-1). Please refer to the above item, CPA2002-002 which is related to Z2002-069 and was considered with it, for remarks pertaining to both items. (Supervisor Kunasek recused himself because of a conflict of interest and did not vote.)

~ Supervisor Wilcox left the meeting ~

3. **DMP 99-05** District 4
Applicant: CML, Inc.
Location: West of Lake Pleasant Rd., and immediately west of the 99th Ave. alignment, on both sides of the Jomax Rd. crossing of the Agua Fria River (in the north Peoria area)
Request: Development Master Plan (D.M.P.), with Protected Development Rights status for Tierra del Rio (1,041.8 acres)

COMMISSION ACTION: Commissioner Hubbs moved to recommend approval of DMP 99-05, subject to the following stipulations “a” through “ee”. Commissioner Clayburg seconded the motion, which passed with a majority vote of 7-1, with Commissioner Beckley dissenting.

- a. Development shall comply with the Development Master Plan document entitled “Tierra del Rio Development Master Plan...”, prepared by CML, Inc., et al, consisting of a number of pages including large-size and color exhibits all spiral-bound, dated revised August 23, 2002 and stamped received August 29, 2002, except as modified by the following stipulations. The request has been revised to include status as a Protected Development Rights Plan as per stipulation ‘cc’ below. Prior to the Board of Supervisors hearing, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff’s Office and Rural/Metro Fire Department after consultation with those agencies.
- b. Major changes to the Tierra del Rio Development Master 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. The Maricopa County Planning and Development Department may administratively approve minor changes to the Tierra del Rio Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines.
- c. Unless annexed by the City of Peoria, residential development shall be prohibited on hillside slopes of 15% or greater slope.
- d. The following Maricopa County Department of Transportation stipulations shall apply to development of Tierra del Rio:
 1. An approved Traffic Impact Analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the off-site improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect existing conditions and any changes to the development plan.
 2. Developer contribution for proportionate share of off-site regional roadway improvements is based upon total residential units @ \$4,500 per lot with additional contribution for commercial areas based on use and intensity. The amount in this paragraph is based on contributions made in fiscal year 2002-

FORMAL SESSION
December 4, 2002

2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet County standards in effect at the time they are improved.

3. Maricopa County does not guarantee timing of regional roadway improvements. Developer is responsible for assuring paved access to their site at the time of the first final plat. Any improvements to the regional system necessary to provide paved access shall be credited to the developer's contribution referred to in stipulation 'e.2' above.
4. All-weather access shall be provided to all lots and on all arterial roadways except the Jomax Road river crossing.
5. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
6. Private streets are required to meet minimum County standards, including rights-of-way, unless waived by the Planning and Zoning Commission at time of preliminary subdivision plats.
7. Loop 303 is a limited access roadway. The location of any connections shall be reviewed and approved by the Maricopa County Department of Transportation.
8. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
9. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
10. If pre-high school site is required it shall not be located on arterial roads.
11. Provide neighborhood access to commercial areas by means other than using the arterial street network.
12. Use of neighborhood electric vehicles should be considered in this development to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
13. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
14. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, shared accommodations, internal trail systems, etc.)

15. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
 16. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant, except Loop 303.
 17. A construction traffic circulation plan shall be provided for acceptance by the Maricopa County Department of Transportation prior to commencing construction.
 18. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
 19. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Storm water requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. The Applicant is responsible for complying with these requirements.
 20. A development agreement or comparable document shall be executed within 90 days of DMP approval or prior to any rezoning or preliminary plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite regional roadway improvements. This stipulation will help address regional transportation issues regardless of annexation into the City of Peoria.
 21. Acceptable Noise attenuation, in compliance with County noise policy shall be provided along the Loop 303 corridor, at the discretion of the Maricopa County Department of Transportation.
 22. The intersection of 107th Avenue and Loop 303 will be an at-grade intersection.
 23. Dedication requirements for the half-width of perimeter arterial and collector alignments and full-width for internal arterial and collector alignments will be determined by the Traffic Impact Analysis. Dedication must occur prior to or concurrent with recordation of final subdivision plats for residential parcels, and prior to zoning clearance for commercial parcels.
- e. The Tierra del Rio Development Master Plan includes a blanket road waiver to the provision of arterial routes along section line alignments and collector routes along mid-section line alignments as per the circulation element of the Development Master Plan referenced in stipulation 'a' above. Therefore, said road waiver requests will not be required as part of subsequent subdivision plats.
- f. The following Flood Control District of Maricopa County stipulations shall apply to development of Tierra del Rio:

**FORMAL SESSION
December 4, 2002**

1. A final Master Drainage Report/Plan must be submitted by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of any preliminary plat for any parcel within the development.
2. Tierra del Rio shall be compatible with the Agua Fria Watercourse Master Plan.
3. A detailed design of the proposed hard-bank along the Agua Fria River must be determined and approved by the Flood Control District prior to preliminary plat approval.
4. Prior to any development, the applicant must contact the Flood Control District concerning a Floodplain Use Permit for any development within the 100-year floodplain and appropriate submittals to the Federal Emergency Management Agency (FEMA).
5. Prior to issuance of any building permits within the 100-year floodplain, the requirements for Floodplain Use Permits and FEMA submittals and approvals must be satisfied.
6. Prior to issuance of building permits for individual buildings within the 100-year floodplain, individual Floodplain Use Permits must be obtained for each such building. Any building lots requiring a Floodplain Use Permit must be specifically identified on the Final Plat.
7. Modification of the storm water retention requirements will require a grant of variance from the Drainage Regulations for Maricopa County. The request for variance must support a finding that all the following criteria specified in Section 503 of the Drainage Regulations are met:
 - i. The grant will not result in an increase in the 100-year peak flow or discharge; and
 - ii. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulations would deprive the property of privileges enjoyed by similar property; and
 - iii. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property; and
 - iv. The variance request is the minimum necessary, considering the flood hazard, to afford relief; and
 - v. There is a showing of good and sufficient cause; and
 - vi. Failure to grant the variance would result in exceptional hardship to the applicant; and
 - vii. Granting the variance will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the

FORMAL SESSION
December 4, 2002

victimization of or fraud on the public and that the variance does not conflict with existing local laws or ordinances.

8. The proposed hard-bank along the Agua Fria River must be completed prior to occupancy of any residences or other buildings, at the discretion of the Flood Control District. The applicant may be required to post bonds or other appropriate financial assurances to guarantee completion of necessary drainage infrastructure.
- g. Unless annexed by the City of Peoria, prior to any preliminary plat being approved, a water and sewer master plan shall be submitted by the applicant for acceptance by the Maricopa County Environmental Services Department.
- h. An archaeological survey of the subject property shall be conducted, prior to the filing of the first preliminary plat, to locate and evaluate cultural resources that might be present. Once the survey is complete, a report of the results shall be sent to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to development are initiated. Since cultural resource sites are known to exist within the subject area, the applicant shall perform archaeological to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. Further, if Register eligible properties cannot be avoided by project activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the provisions of Section 106 of the National Historic Preservation Act.
- i. The identified Indian ruins located in the northeastern portion of the site shall be preserved and incorporated into the project's open space and trails system. The intent of this stipulation is specifically to preserve the cultural resource itself and not to prohibit development within the northeastern portion of the site.
- j. The total number of dwelling units for Tierra del Rio shall not exceed -2,455 unless modification approval is provided by the Maricopa County Board of Supervisors. The number of dwelling units (single-family and multi-family) shall be tracked on subdivision plats.
- k. The developer shall be responsible for construction of all public and private on-site roadways within the designated Tierra del Rio boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, trails, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways.
- l. All water for construction purposes and irrigation supplied to common areas and water used to fill or refill lakes and other types of water features shall be provided entirely by a renewable supply of water, such as treated effluent, surface water or CAP water, upon completion of 2,000 units or within five (5) years after commencement of on-site development whichever comes first. Water for construction purposes and irrigation of common areas may be supplied by groundwater and shall be in direct compliance with

prevailing ADWR and Active Management Area rules and regulations. However, groundwater shall not be used to fill lakes or other types of water features.

- m. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of potable water services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- n. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of liquid waste disposal services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- o. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of electric power services from Arizona Public Service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- p. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of fire protection services from the Rural/Metro Fire Department. Developer may submit a "will serve" letter from a different qualified public or private fire service in place of the Rural/Metro Fire Department upon approval by the Maricopa County Planning and Development Department.
- q. Unless annexed by the City of Peoria, prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Maricopa County Sheriff's Office addressing the items listed in the memorandum prepared by Ken Colbert #794, Deputy District Commander, District III to Chief L. Black, Enforcement Bureau Commander consisting of two pages dated June 10, 2002.
- r. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for telephone services from Qwest Communications. Developer may submit a "will serve" letter from a different qualified public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.
- s. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for cable television services from Cox Communications. Developer may submit a "will serve" letter from a different qualified public or private cable television company in place of Cox Communications upon approval by the Maricopa County Planning and Development Department.
- t. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for refuse collection services from a qualified public or private rubbish/trash/refuse removal company.

- u. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
- v. Unless annexed by the City of Peoria, should the developer elect to develop with natural gas service, then prior to the submittal of each preliminary plat, developer will provide a "will serve" letter for natural gas services from Southwest Gas Corporation. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Southwest Gas Corporation upon approval by the Maricopa County Planning and Development Department.
- w. Prior to approval of each preliminary plat, the developer will submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the development parcel, and which determines the preservation/disposition for each of the selected native trees and cacti to the Planning and Development Department. The project shall comply with all Arizona native plant laws.
- x. Unless annexed by the City of Peoria, a quality of life assessment of \$377 per unit shall be made available to the Maricopa County Library District to be used for operational purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units.
- y. A quality of life assessment of \$100 per unit shall be made available to the Maricopa County Parks and Recreation Department to be used for park enhancement and capital improvement purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units. The Maricopa County Parks and Recreation Department will provide each residential dwelling unit in Tierra del Rio with a seventy-five dollar (\$75) voucher, good for one (1) year, for entrance into any regional park administered by the County, except Lake Pleasant Regional Park.
- z. The Tierra del Rio Development Master Plan shall expire in seven (7) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved, in accordance with the Maricopa County Development Master Plan Guidelines. Any request for a time extension must be received at least six months prior to the expiration date.
- aa. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.
- bb. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- cc. Subsequent final plats shall contain a note indicating that the site is in the region of a military airbase and will likely be subject to military aircraft overflights and sound events. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.

FORMAL SESSION
December 4, 2002

- dd. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operations along the Agua Fria River and may be subject to the noise, vibrations, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.
- ee. The east 133' of parcels 10 and 13 will be limited to a maximum density of 2.2 dwelling units per acre.

Joy Rich, Director of Planning and Development, presented background and action taken on this item from the Planning Commission meeting.

Rod Jarvis, for the applicant, outlined the reduction of 353 housing units originally proposed which equates to more than a 14% reduction from the 2,455 originally proposed. He said that this reduces the net density to 3.36. The reductions were made along parcels 13, 10 and 9 in accordance with neighborhood opposition.

~ Supervisor Wilcox returned to the meeting ~

Ron Montoya, Peoria citizen, asked about two water wells that would be used by inhabitants. He said that this area had been used by the Peoria Rod & Gun Club for many years and he felt there had to be a great deal of lead build-up in the grounds of that area that could have leached into the water table. He asked how a cleanup could impact the water rights of the residents buying houses built on that ground. He said he believed that this area has been and still is used by many more people as a recreation area than is realized by most.

Greg Gering, resident and a recreational user of this area, said there were many inconsistencies in the plan that needed to be addressed. He asserted that the planning report states that the Peoria Rod and Gun Club is no longer being used and he disputed that saying he believes it to be in daily use by recreational target shooters. He cited several other inconsistencies concerning the gun range and said, "who knows how much lead contamination there is in the dirt and water in that area." He felt the lead would leach into the water supply and could pose a long-term public health problem for children and adults living there. He stated that there were definite environmental impact problems that need to be addressed before this item is moved forward for approval.

Brian Turner asked for a continuance to give residents time to review the density, which is his biggest issue. He also alleged that he had spoken with "every single person up against that property and they're upset about it" and yet the planning outline said there is no opposition to it. He indicated that 40% of the project is not usable which makes the density numbers they quote lower and thereby, incorrect.

Others who spoke included Loren Vaughn, Cliff Ashley and J.D. Campbell. Issues they addressed included a consistent request for lower density – as low as one dwelling unit per acre and continuance of the matter for further consideration. Also expressed were concerns over increased traffic creating a hazard; the clustered housing effect that will result because of the layout and unbuildable portions of the land; probable clerical errors resulting in non-notification of those on the eastern portion and a few on the western side of the area; residents saying they moved there for the Rural-43 environment which high density destroys; requests to see a rumored "new proposal" by the developers so residents could review it; the possibility of an 8 ft. wall around the development – "the great wall of Peoria;" incompatibility with the White Tanks plan; charges that the Planning Department and the applicant have been involved in this for three years but the people haven't been involved; improper or lack of proper notification; allegations that the developer owns so much adjacent land that notification would only be required to himself; lack of attention paid to nearby

FORMAL SESSION
December 4, 2002

residents; and that 1,000 homes on 2,000 acres when 40% of the land can't be developed is too high a density.

Joy Rich, Director of Planning and Development, responded that the densities are in compliance with the area plan. Notification was not required on a Development Master Plan (which is a planning process) at the time of this submission, but this has been changed and notification will be required on DMP's in the future and when the zoning on this case is done they will be required to uphold notification guidelines. Regarding the environmental issue because of the shooting range and possible lead contamination, Ms. Rich said that any former special use permit for a shooting range is no longer in effect and there is no entitlement for anyone to shoot on that site. She added that there is no way to control whether spent shell casings are picked up or left on the ground. She said that those probably would cause an environmental problem but she thought the applicant had a plan to deal with that concern. She said, "We do not ban future development on a site because it's been littered upon."

Supervisor Wilson said he did not believe it was the casings that are a concern but the lead. "It may not be going on now, but I know myself that there have been people shooting out on that property for about as long as I can remember. There needs to be some notice of that in here so there is an environmental study done on that ground. We know what lead poisoning is, and we don't want to act like we don't know that people were shooting on that ground."

Mr. Jarvis said that he was glad to go on record and said, "We will address that issue prior to zoning. We obviously don't want to be building on something that's contaminated either." He said there had been discussions with the City of Peoria on annexation of that area in the past but those discussions have stopped. The applicant is interested in building in the County and they don't want to be forced to annex. He said that no wall was being considered and they don't want the County to tell them to build one, as it would be far too expensive. He said the developer has suggested a stipulation on the easternmost 130 feet of parcels 13 and 10 with a cap for dwelling units per acre of 2.2. He reported that public meetings had been held in advance of the Planning Commission hearing and protest information was given to residents. In response to a question on notification from Supervisor Wilson, Mr. Jarvis said they would stipulate that on properties that would not normally require notice, that they would make that notification in a 300-foot line around the DMP area.

Supervisor Wilson said that he had met with both sides on this issue and while compromises had been made by all, he believed that there are still some on both sides who are not 100% happy with the outcome. He has endeavored to keep the lines of communication open with residents living there to hear their concerns and that he then addressed those concerns with the developer. He said the developer has committed to reducing the number of building lots from 2455 to 2102.

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "ee" as amended and to new stipulation "ff" as shown below.

- a. Development shall comply with the Development Master Plan document entitled "Tierra del Rio Development Master Plan...", prepared by CML, Inc., et al, consisting of a number of pages including large-size and color exhibits all spiral-bound, dated revised August 23, 2002 and stamped received August 29, 2002, except as modified by the following stipulations. The request has been revised to include status as a Protected Development Rights Plan as per stipulation 'cc' below. AT THE TIME OF ZONING ~~prior to the Board of Supervisors hearing~~, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with

**FORMAL SESSION
December 4, 2002**

those agencies. THE REQUEST SHALL BE FURTHER REVISED IN ACCORDANCE WITH THE LETTER FROM STEVEN A. BETTS, GALLAGHER & KENNEDY, P.A., CONSISTING OF THREE PAGES INCLUDING EXHIBITS, DATED AND STAMPED RECEIVED DECEMBER 3, 2002.

- d.2. Developer contribution for proportionate share of off-site regional roadway improvements is based upon total residential units @ ~~\$4,500~~-\$4,600 per lot with additional contribution for commercial areas based on use and intensity. The amount in this paragraph is based on contributions made in fiscal year 2002-2003. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet County standards in effect at the time they are improved.

- j. The total number of dwelling units for Tierra del Rio shall not exceed ~~2,455~~-2,102 unless modification approval is provided by the Maricopa County Board of Supervisors. The number of dwelling units (single-family and multi-family) shall be tracked on subdivision plats. THE REQUEST SHALL BE FURTHER REVISED IN ACCORDANCE WITH THE LETTER FROM STEVEN A. BETTS, GALLAGHER & KENNEDY, P.A., CONSISTING OF THREE PAGES INCLUDING EXHIBITS, DATED AND STAMPED RECEIVED DECEMBER 3, 2002.

- ff. THE PUBLIC PARTICIPATION PLAN FOR ANY ZONING PARCEL SHALL INCLUDE NOTIFICATION OF ALL PROPERTY OWNERS OF RECORD WITHIN A 300' RADIUS OF THE ENTIRE DEVELOPMENT MASTER PLAN AREA FOR TIERRA DEL RIO.

- 4. Z2000-161 District 4 (This case continued from meeting of November 6, 2002.)**
- Applicant:** Rick Feldman for EVRO, L.L.C.
- Location:** Southeast corner of Jackrabbit Trail and the Camelback Rd. alignment (in the Buckeye/Goodyear area)
- Request:** Renewal of a Special Use Permit (Z81-73, Z71-45) for a landing strip in the Rural-43 zoning district for Coyner Air Strip (124 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend denial of Z2000-161. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

While the Commission moved for denial of this request, it was explained to the applicant that if he is able to obtain permission from neighboring property owners for flights or some type of aviation easement during the four weeks between the Planning Commission hearing and the Board of Supervisors meeting, staff would consider changing their recommendation and communicate to the Board of Supervisors that the concerns of the Planning Commission have been resolved.

Joy Rich, Director of Planning and Development, reviewed this case and gave input from the Planning Commission meeting. She said that while the Commission denied the renewal request they did advise the applicant that if neighborhood permission was received prior to today's Board meeting the staff might change their recommendation and so notify the Board of Supervisors. She explained that this Special Use Permit has been renewed several times for various lengths of time over a period of years, but the most recent renewal expired two years ago. Development has encroached on this airstrip. It is no longer isolated and development will continue to be a constant. Adjacent properties have height restrictions and no-build zones because of this special use and a navigation easement to continue the airstrip again will

FORMAL SESSION
December 4, 2002

require sign-off permission from all neighboring property owners. This has not been submitted by the applicant.

Robert Mosely and his brother own the airstrip. He said they would like a temporary extension so they can clean up the area and fly their planes out of there. They are asking for two more years but would settle for less if necessary. They have some aircraft that need to be repaired before they are air worthy.

Discussion ensued and Joy Rich recommended that they be permitted to fly their aircraft off the site and no action would be taken against them because of the expired use permit. David Benton interjected that the Code Enforcement Division would respond to any complaints received of continued flying in and out of that field.

Mr. Mosely asked if he could go before the Board of Adjustment to seek a variance and was told that anyone had the legal right to do that.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for denial of the renewal of a Special Use Permit for this landing strip, however, Mr. Mosely will be allowed to fly his aircraft off of the site.

DEVELOPMENT AGREEMENT WITH SOUTHPOINT ENVIRONMENTAL SERVICES, LLC

Chairman Stapley declared that this item, originally #17 on the Agenda, would be considered at this time.

Supervisor Kunasek declared a conflict of interest and had left the meeting prior to the introduction of this item.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-0-1) (Supervisor Kunasek was not present for the vote) to approve a Development Agreement between Southpoint Environmental Services, L.L.C. and Maricopa County, contingent upon issuance of a Special Use Permit for a landfill in the Rural-43 and Rural-190 zoning districts as requested under Z2002069 and with approval from County Counsel. This Development Agreement and the Special Use Permit are separate matters and not interdependent. If the Special Use Permit is not approved, then this Development Agreement becomes null and void. Any revenue anticipated by this agreement for the remainder of FY 2003 will be deposited but can not be spent before June 30, 2003. Appropriate expenditure appropriation will be included in the FY 2004 General Government budget for the purposes stated in this agreement. (C44030090)

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