

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
February 5, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., February 5, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Max W. Wilson, and Mary Rose Wilcox. Absent: Don Stapley. 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**

Susan Schuerman, District 2, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Saul Larson, led the assemblage in the Pledge of Allegiance.

**PRESENTATION OF THE PET OF THE MONTH**

Introduction of the "Pet of the Month," Fred, a "pure-bred mutt" from Maricopa County Animal Care & Control center. The animals at the center are there because people have not had them neutered. This can be done at the County's centers including the center on 35<sup>th</sup> Avenue, north of Camelback.

**RECOGNITION TO THE INTERNAL AUDIT DEPARTMENT**

Recognition to the Internal Audit Department for earning the Local Government Leadership Award. (ADM650) (ADM2600)

Chairman Brock said that Maricopa County's Internal Audit Department had received the Local Government Leadership Award for consistently fine performance. He added they would also receive an award from the County. He said that performance measurement certification in Maricopa County is "alive and well" and he was pleased to announce that the County has received several national awards. He said that the County's audit department works with fewer employees and many fewer budget dollars than counties comparable in size across the country and he congratulated Mr. Tate and his staff on their accomplishment.

**CODE ENFORCEMENT REVIEWS - DONALD HUTMAN – CONTINUED**

This is the time scheduled for oral arguments in the review of Hearing Officer's Orders of Judgement in the zoning code violation case of Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Case No. V2001-0718. (Continued from meetings of September 18, 2002, January 8, and 22, 2003.) (Supervisory District No. 5) (ADM3417-12)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this matter to the February 19, 2003, meeting.

**CODE ENFORCEMENT REVIEWS – LEO R. LEROY - CONTINUED**

This is the time scheduled for oral arguments in the review of Hearing Officer's Orders of Judgement in the zoning code violation case of Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F

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(east half), Case No. V2001-0041. (Continued from meetings of September 18, 2002, January 8, and 22, 2003.) (ADM3417-13)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this matter to the February 19, 2003, meeting.

**DEANNEXATION FROM CITY OF SCOTTSDALE, ANNEXATION TO CITY OF PHOENIX APPROVED**

A public hearing was held on ordinances filed by the City of Scottsdale, Ordinance No. 3473, and the City of Phoenix, Ordinance No. G-4479, concurrently deannexing and annexing certain territory more particularly described as a portion of 64<sup>th</sup> Street right-of-way roughly on the east half of 64<sup>th</sup> Street from Camelback Road to the Arizona Canal, containing 3.29 acres or 0.0051 square miles, more or less. (ADM4213)

No protests having been received, motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (4-0-1) that the following resolution deannexing certain territory from the City of Scottsdale and annexing that same territory to the City of Phoenix be approved.

**RESOLUTION**

**WHEREAS**, the City Council of the City of Scottsdale, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 3473, deannexing from the City of Scottsdale, the territory described as follows:

That part of the Southwest quarter of Section 22 and the Northwest quarter of Section 27, Township 2 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at a point on the west line of said southwest quarter of Section 22 that lies 100.00 feet South of the west quarter corner of said Section 22; thence Easterly 33.00 feet, parallel with and 100.00 feet south of the north line of the southwest quarter of said Section 22 to the east line of Invergordon Road, a roadway having a width of 33.00 feet, according to Lombardi Estates, Book 44 of Maps, Page 18, records of said County; thence Southerly along said east line, 1,992.38 feet (record) to the north line of Hidden Village 15, Book 91, of Maps, Page 9, records of said County; thence Easterly along said north line 7.00 feet to the east line of 64<sup>th</sup> Street (Invergordon Road), a roadway having a width of 40.00 feet according to said Hidden Village 15; thence Southerly along said east line, 652.50 feet (record) to a point on the north line of the northwest quarter of said Section 27, said line also being the center line of Lafayette Boulevard, a roadway having a width of 40.00 feet according to said Hidden Village 15; thence departing said north line Southerly along the east line of 64<sup>th</sup> Street, a roadway having a width of 40.00 feet, according to Hidden Village 10, Book 76 of Maps, Page 46, records of said County 1,156.68 feet (record) to the north line of Lot 9, Arcadia Acres, Book 16 of Maps, Page 49, records of said County; thence West along said north line 7.00 feet to the east line of Eitah Avenue (also known as 64<sup>th</sup> Street), a roadway having a width of 33.00 feet according to Arcadia Acres, Book 16 of Maps, Page 49, records of said County; thence Southerly along said east line 265.15 feet (record) to a point on the northerly right-of-way line of the Arizona Canal as shown on said Arcadia Acres; thence Southwesterly along said right-of-way line, 38.08 feet (record) to the west line of the northwest quarter of said Section 27; thence Northerly along said west line 1,440.70 feet (record) to the northwest corner of said Section 27; thence Northerly along

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the west line of the southwest quarter of said Section 22 a distance of 2,544.38 feet (record) to the Point of Beginning.

Containing 3.29 acres or 0.0051 square miles, more or less.

**WHEREAS**, the City Council of the City of Phoenix, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. G-4479, annexing to the City of Phoenix, the territory described above; and

**WHEREAS**, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

**WHEREAS**, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., February 5, 2003; and

**WHEREAS**, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

**WHEREAS**, no protests were filed,

**NOW, THEREFORE, BE IT RESOLVED** that the deannexation of that territory described above in the City of Scottsdale and annexing said territory to the City of Phoenix is hereby ordered; and

**BE IT FURTHER RESOLVED** that a copy of this order be certified by the Clerk of the Court and filed with the Recorder's Office of Maricopa County.

**DATED** this 5<sup>th</sup> day of February 2003.

**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:

Application filed by Kenneth J. Smithee for a Special Event Liquor License: (F23105)

Business Name:	Pioneer Living History
Location:	3901 West Pioneer Road, Phoenix
Dates/Times:	Friday, February 14, 2003; 5:00 p.m. to 10:00 p.m. Saturday, February 15, 2003; 9:00 a.m. to 11:00 p.m. Sunday, February 16, 2003; 10:00 a.m. to 6:00 p.m.

Application filed by John H. Broadbent for a Special Event Liquor License: (F23105)

Business Name:	Buckeye Rotary Club
Location:	12100 South Dean Road, Buckeye
Dates:	Friday, Saturday, and Sunday February 28, March 1 and March 2, 2003
Time:	10:00 a.m. to 6: p.m.

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Application filed by Terry L. Davis for a Temporary Extension of Premises/Patio Permit: (ADM664)

Business Name: Long Branch  
Location: 10600 West Buckeye Road  
Date: February 16, 2003

Applications filed by Fay Louise Stewart for Temporary Extension of Premises/Patio Permits: (ADM664)

Business Name: Desert Rose  
Location: 18300 South U.S. Highway 80, Arlington  
Dates: February 22, and March 15, 2003

Application filed by Sharon Solvay Middlebrook for an Original, Series 10 Liquor License: (LL6077)

Business Name: Cook's Ware  
Location: 13509 Camino Del Sol, Sun City

Application filed by Richard Eugene Floyd for an Original, Series 10 Liquor License: (LL6076)

Business Name: Thunder Pass, Inc.  
Location: 9303 East Apache Trail, Mesa

Motion carried by majority vote (3-1-1) with Supervisors Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no." (Supervisor Stapley was not present at this meeting.)

**ROAD DECLARED (ROAD FILE NO. A211)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64031375)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 8<sup>th</sup> day of January, 2003, 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 roadway of a width of 50 feet, together with all appurtenances and easements of record, lying within Section Six (6), Five (5), Township Five (5) South, Range Ten (10) West, and Section Thirty-two (32), Thirty-three (33), Thirty-four (34), Twenty-seven (27) Township Four (4) South, Range Ten (10) West, 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:

Commencing at the center of Section 6, T.5S.,R.10W.; Thence, along the East-West mid-section line, N88°47'10"W, a distance of 580 feet to the West line of the East 580 feet of the Southeast quarter of the Northwest quarter (SE4 NW4); THENCE, along said West line, N00°27'41"E, a distance of 312 feet, to the Point of Beginning of the herein described centerline; THENCE, leaving said West line and along said centerline the following courses, N63°24'42"E, a distance of 163.22 feet; THENCE, N62°15'07"E, a distance of

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493.21 feet, to a point on the north-south mid-section line of said Section 6, which bears N00°27'41"E, a distance of 616.48 feet from the center of said Section 6; THENCE, N62°45'38"E, a distance of 690.54 feet; THENCE, N61°47'22"E, a distance of 830.12 feet; THENCE, N60°47'33"E, a distance of 399.24 feet; THENCE, N61°57'51"E, a distance of 313.65 feet; THENCE, N61°14'29"E, a distance of 472.79 feet; THENCE, N62°28'52"E, a distance of 280.71 feet, to a point on the East line of said Section 6, which bears S00°27'41"W, a distance of 629.22 feet along the West line of said Section 5, T.5S,R.10W.; THENCE, N61°28'19"E, a distance of 262.77 feet; THENCE, N61°45'14"E, a distance of 402.81 feet; THENCE, N61°51'26"E, a distance of 640.98 feet, to a point on the North line of said Section 5, also being on the South line of Section 32, T.4S.,R.10W., said point bears N89°27'55"W, a distance of 1378.02 feet, from the South quarter (S4) corner of said Section 32; THENCE, continuing along said centerline, N61°53'12"E, a distance of 586.39 feet; THENCE, N61°44'04"E, a distance of 977.15 feet, to a point on the North-South mid-section line of said Section 32; THENCE, N61°23'03"E, a distance of 764.90 feet; THENCE, N62°07'36"E, a distance of 402.81 feet; THENCE, N62°03'17"E, a distance of 339.12 feet; THENCE, N61°32'18"E, a distance of 969.68 feet; THENCE, N61°54'55"E, a distance of 551.36 feet, to the East line of said Section 32, also being the West line of said Section 33, said point bears S00°43'18"W, a distance of 360.31 feet from the West quarter (W4) corner of said Section 33; THENCE, continuing along said centerline, N61°28'10"E, a distance of 457.90 feet; THENCE, N62°06'52"E, a distance of 279.64 feet, to the East-West mid-section line, of said Section 33; THENCE, N61°55'18"E, a distance of 761.29 feet; THENCE, N62°07'18"E, a distance of 470.12 feet; THENCE, N61°44'37"E, a distance of 582.49 feet; THENCE, N61°20'22"E, a distance of 466.35 feet, to a point on the North-South mid-section line of said Section 33; THENCE, N62°11'57"E, a distance of 512.11 feet; THENCE, N61°51'54"E, a distance of 992.51 feet; THENCE, N61°27'42"E, a distance of 769.47 feet; THENCE, N61°42'22"E, a distance of 740.84 feet, to a point on the East line of said Section 33, also being the West line of said Section 34, which bears S00°41'39"W, a distance of 59.24 feet, from the Northwest corner of said Section 34; THENCE, continuing along said centerline, N60°35'25"E, a distance of 121.67 feet, to a point on the North line of said Section 34, also being the South line of said Section 27, said point bears N89°09'32"W, a distance of 106.43 feet, from the Southwest corner of said Section 27; THENCE, continuing, along said centerline, N61°33'45"E, a distance of 1381.61 feet; THENCE, N61°38'07"E, a distance of 1520.18 feet, to the North-South mid-section line of said Section 27; THENCE, N62°27'32"E, a distance of 905.06 feet, to a tangent curve to the left, having a radius of 1525 feet and a central angle of 17°40'23"; THENCE, northeasterly, along said curve, a distance of 470.39 feet, to a point of curve of a curve to the right, with a local tangent bearing of N44°49'02"E, a radius of 1525 feet and central angle of 16°44'52"; THENCE, northeasterly along said curve, a distance of 444.16 feet, to a point of tangency; THENCE, N61°33'54"E, a distance of 493.75 feet to a East-West mid-section line; THENCE, N62°00'40"E, a distance of 467.04 feet; THENCE, N65°24'01"E, a distance of 315.57 feet, to the East line of said Section 27 and the terminus of this herein described centerline.

(Said roadway also known as Hyder Road from westerly boundary of Maricopa County to 555th Avenue, in Supervisor District No. 5)

**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

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

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

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

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

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

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

**DATED** this 5<sup>th</sup> day of February 2003.

**ROAD DECLARED (ROAD FILE NO. A297)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C64031385)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 8<sup>th</sup> day of January, 2003, 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 roadway of a variable width, together with all appurtenances and easements of record, lying within the Southwest quarter (SW4) of Section Twenty-Five (25), Township Two North, Range Two West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said roadway is more particularly described as follows:

COMMENCING at the Southwest corner of said Section 25; THENCE, North 00°15'23" East along the West line of said Section 25, a distance of 257.71 feet; THENCE, South 89°44'37" East, perpendicular to said West Section line, a distance of 33.00 feet to THE POINT OF BEGINNING; THENCE, North 00°15'23" East, a distance of 175.31 feet; THENCE, South 86°07'47" East, a distance of 718.04 feet to a point on the Westerly Right-of-Way (R/W) line of State Route 303 Loop as recorded in Doc. No. 90-0180719, Maricopa

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County Records (MCR); THENCE, South 10°17'25" West along said Westerly R/W line, a distance of 344.23 feet; THENCE, North 64°08'27" West, a distance of 478.63 feet to the Northwest corner of the property described in Doc. No. 86-0768396, MCR; THENCE, North 89°12'50" West along the North line of said property, a distance of 225.01 feet to THE POINT OF BEGINNING.

Said roadway also known as Thomas Road, from Cotton Lane to Loop 303 (Estrella Parkway), in Supervisor District No. 4.

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

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

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

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

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

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

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

**DATED** this 5<sup>th</sup> day of February 2003.

**ORDER ESTABLISHING MORRISON RANCH IRRIGATION WATER DELIVERY DISTRICT NO. 49**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt the following order: (ADM4380)

**BEFORE THE BOARD OF SUPERVISORS  
OF  
MARICOPA COUNTY, ARIZONA**

IN THE MATTER OF THE ORGANIZATION )

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of )  
 )  
 )  
MORRISON RANCH IRRIGATION WATER )  
DELIVERY DISTRICT NO. 49 )

The petition for the organization of an irrigation water delivery district was presented for hearing at 9:00 a.m., on the 5<sup>th</sup> day of February, 2003, before the Board of Supervisors of Maricopa County, Arizona, and it appearing that the signatures thereon represented all of the acreage in the proposed District, and no appearances, either in writing or in person, having been made in protest of such organization, the said Board being fully informed,

**IT IS THEREFORE ORDERED** That pursuant to the provisions of A.R.S. §48-3425 an irrigation water delivery district be and the same is hereby organized, which said district shall include lands described as follows:

The entirety of Section 14, T1S, R6E, of the Gila and Salt River Base and Meridian.

The Southwest ¼ and the East ½ of the SE ¼ of Section 12, T1S, R6E of the Gila and Salt River Base and Meridian.

The Southeast ¼ and the North 100 acres of the NE ¼ of Section 15, T1S, R6E, of the Gila and Salt River Base and Meridian.

Section 13, T1S, R6E, of the Gila and Salt River Base and Meridian, excepting the Southwest ¼ thereof.

That said irrigation water delivery district be and the same is hereby designated as MORRISON RANCH IRRIGATION WATER DELIVERY DISTRICT NO. 49

That Dawnie Sue Stewart, Howard C. Morrison, and Scott C. Morrison be and they are hereby appointed trustees of said district, to serve until the first biennial election and until their successors are elected and qualify.

**IT IS FURTHER ORDERED** that the maps of said District submitted at this said hearing be and the same are hereby approved as the official maps designating the lands included in the boundaries of said district.

**IT IS FURTHER ORDERED** that prior to the installation of any pipes, ducts or other means of carrying water over, under, or across Maricopa County highways or designated streets, that a permit be obtained from the County Engineer.

**DATED** this 5<sup>th</sup> day February 2003.

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Norma Risch, Deputy Clerk of the Board

**GRANT FUNDING FROM THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve receipt of grant funds from the Governor's Office of Highway Safety in the amount of \$46,000. This contract, 2003-410-009, shall begin when funds are authorized by the Board of Supervisors and the Governor's Office of Highway Safety. This contract will end September 30, 2003. These funds are to enhance efforts to prosecute vehicular crimes and DUI cases. By approving this agenda item, the Board will be authorizing an increase in grant funding for FY 2002-2003 of \$19,456 in the revenue and expenditure appropriation of the County Attorney's Grants Fund for FY 2002-2003. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S - §42-17105. (C19030363)

**GRANT FUNDING FROM THE GOVERNOR'S OFFICE OF COMMUNITY POLICY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve receipt of grant funds from the Governor's Office of Community Policy for the STOP Violence Against Women Grant Program in the amount of \$44,640. This grant also requires a match of \$42,308. This contract, AD010270-005, shall be for the period of February 1, 2003, to January 31, 2004. By approving this agenda item, the Board will be authorizing the acceptance of grant funding that has been budgeted for FY 2002-2003. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S - §42-17105. [Clerk's Note: This is not a new grant. This agenda item simply adds funding to the current program approved on December 15, 2001. (C19020253)] (C19030373)

**CRITICAL MARKET SALARY INCREASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve critical market salary increases for the following positions. Approval of this item allows the Recorder's Office to avoid critical delays in recording documents. Employee turnover problems have been at a high rate in the past, especially with new employees. With reduced staff and burgeoning workload, vacancies will result in delays in processing from which there is no prospect for recovery. Every time an employee leaves, approximately 320 hours of productivity is lost which means that 24,000 documents are not mailed. This delays the return of documents to taxpayers by eight days. (C36030070) (ADM3321) (ADM3600)

- 1 Administrative Assistant, from \$10.08 to \$11.00, effective January 6, 2003;
- 1 Records Processor, from \$7.75 to \$10.09, effective January 6, 2003;
- 6 Records Processors, from \$10.09 to \$10.44, effective January 6, 2003;
- 6 Records Processors, from \$10.34 to \$10.70, effective January 6, 2003;
- 2 Records Processors, from \$10.60 to \$10.70, effective January 6, 2003; and
- 1 Team Leader – Doc OPTS, from \$14.09 to \$14.80, effective November 25, 2002.

**TEMPORARY ADDITION TO THE FLEET AND EXEMPT FROM MARKINGS - ONE PICKUP TRUCK**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a temporary addition to the Sheriff's Office fleet of one RICO forfeited pickup truck, and exempt from governmental markings, including non-governmental license plates, pursuant to A.R.S. §38-538.03. This vehicle has been forfeited through the County Attorney and is Sheriff's Office property.

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RICO funds will support its operation, maintenance and fuel costs. No vehicle replacement cost is associated with this vehicle since it is a temporary addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired. Vehicle information will be provided to the Office of the Clerk of the Board of Supervisors. (C5003051M) (ADM3101)

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**WAIVER TO MARICOPA COUNTY EMPLOYEE LEAVE PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Waiver to the Maricopa County Employee Leave Plan V & VI, for Deputy Glen Powe, a motorcycle officer, who was seriously injured as a result of a three-vehicle collision that occurred while assigned to the East Valley DUI Task Force on December 29, 2002. Authorize payment of normal base salary and benefits to the employee for duration of up to one year or return to full duty, whichever is earlier, to begin December 29, 2002. (C50030520) (ADM3320)

**PERSONNEL AGENDA**

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

**GAINSHARING PROGRAM FOR MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the "Gainsharing Program" for MCDOT per the Employee Gainsharing Programs Policy (HR2419). This program is a results-oriented compensation tool to facilitate the achievement of specific targets such as completing capital improvement projects, improving safety and maintaining the high quality of County roads. Measurements are derived from the department's MFR Strategic and Operation Plan. Funding is obtained by reducing costs and/or increasing revenues associated with the department's operation budget. Funding for this gainsharing program is subject to change based on the final State budget. Proposed FY 2003-2004 State budget reductions in Highway User Revenue Funds (HURF) to Maricopa County may result in reductions in MCDOT's operating budget. This may affect the total savings available to fund Gainshare distributions. (C35030166) (ADM2000-005)

**INCREASE IN FY 2002-2003 EXPENDITURE BUDGET FOR THE SOUVENIR FUND**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize an increase in the FY 2002-2003 expenditure budget for the Souvenir Fund in the amount of \$31,000. This amount reflects a \$14,000 increase in expenditures due to increased revenue and a \$17,000 fund transfer from the Souvenir Fund to the Enhancement Fund. Also authorize three corresponding actions which offset this increase. Countywide, these adjustments will have a net impact of zero. (C30030148) (ADM3200)

- a) A reduction in the FY 2002-2003 expenditure budget for the Donations Fund in the amount of \$14,000;
- b) An increase in the FY 2002-2003 revenue budget for the Parks Enhancement Fund in the amount of \$17,000 to reflect the fund transfer; and
- c) \$17,000 reduction to the FY 2002-2003 revenue and expenditure budgets for the Eliminations Fund.

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been

recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

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

**Award of Solicitation Serials:**

- 02070-RFP JAIL SURVEILLANCE SYSTEM** (\$3,400,000 est./three (3) years with two (2) one (1) year renewal option)  
Pricing agreement for digital media recording equipment and software that will be used for the Sheriff's jails to monitor inmate activity.
- ASSI Security of Arizona
- 02107-S ELEVATOR SERVICE** (\$1,500,000 est. three (3) years with Three (3) one (1) year renewal options)  
The purpose of the contract is to provide elevator service at county facilities as required.
- AMELCO Elevator
  - AMTECH Elevator Services
  - Centric Elevator Corporation
  - Kone Inc.
  - Otic Elevator Company
  - Thyssenkrupp Elevator Company
- 02126-C ROAD & HIGHWAY EQUIPMENT: EARTH HANDLING, GRADING, MOVING, PACKING, ETC.: BACKHOE/LOADER COMBINATION** (\$232,697 est./one (1) year)  
Pricing agreement for the one-time purchase of two 115 HP and two 93 HP Backhoe/Loaders. In addition, it is recommended that approval be given for the trade-in of the following Backhoe/Loaders:
- No. 468, 1996 John Deere 710D Loader/Backhoe, Serial No. T0710DJ82380514 - \$50,000
  - No. 470, 1996 John Deere 710D Loader/Backhoe, Serial No. T0710DJ822957 - \$50,000
  - No. 471, 1996 John Deere 710D Loader/Backhoe, Serial No. T0710DJ822729 - \$50,000
  - No. 462, 1997 CAT. 426C Loader/Backhoe, Serial No. 6XN00314 - \$32,000
  - No. 475, 1997 CAT. 426C Loader/Backhoe, Serial No. 6XN00313 - \$32,000
  - No. 480, 1997 CAT. 426C Loader/Backhoe, Serial No. 6XN00315 - \$32,000
  - No. 484, 1997 CAT. 426C Loader/Backhoe, Serial No. 6XN00240 - \$32,000
  - RDO Equipment Co.
  - Empire Machinery

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

- 02066-C      AUTOMOTIVE BODIES, ACCESSORIES & PARTS: WATER TANK BODIES**  
[AKA TANKER BODY, WATER, 3500 GALLON, STAINLESS STEEL]  
Increase contract value by \$49,100 to permit the purchase of two additional tanker bodies which will be installed on County Transportation Department trucks. The Materials Management Director approved the initial award on September 2, 2002, for three units at a cost of \$68,100. New award value will be \$117,200.
- United Truck & Equipment, Inc.

**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.

**Parks and Recreation Department:**

Bill Longenbaugh	Perry Marsi
Corey Hartjen	Pete R. Hanigan
Eldon Heydenbeich	Ray Martin
Elizabeth-Anne Mabie	Tony Blanco
Ken Ludeman	

**SETTLEMENT OF BALL v. MARICOPA COUNTY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve settlement of Ball v. Maricopa County, et. al., CV99-18111 for \$200,000. (Discussed in Executive Session on February 3, 2003.) (C75030090) (ADM409)

**RENEWAL OF KENNEL PERMITS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of February 5, 2003, through February 4, 2004. (C7903033C) (ADM2304)

- Ruth Staggs, dba Ruth Staggs Kennels, 925 South 4th Street, Avondale, Permit No. 054
- Ann Tipton, dba Tipton's Kennels, 8442 North 99th Avenue, Peoria, Permit No. 052
- Rochelle Shreeve, dba Shreeve Kennels, 11225 North 49th Drive, Glendale, Permit No. 296

**DONATIONS**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept donations made by citizens of Maricopa County through the Business Office of Animal Care & Control (AC&C) in the amount of \$\$1,457.25 for August 2002 and \$1,976.79 for September 2002; and; \$13,053.50 for August and \$11,783.00 for September in donations that were made through the licensing process. Additionally, approve an increase in Animal Care & Control's Fiscal Year 2003 Agency 792, Fund 572 Expenditure budget in the amount of \$28,270.54. Donations were received and deposited in FY 2002-2003. (C79030347) (ADM2300)

**WAIVER TO COMPENSATION PLAN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Compensation Plan, Section VII.A to allow an increase in base salary of \$.24 per hour and retroactive pay based on the \$.24 per hour increase for Delores Canez: \$9.75 to \$9.99 per hour; and, Steven Scott: \$9.75 to \$9.99 per hour, with an effective date beginning May 27, 2002. Additionally, approve an increase in base salary of \$.29 per hour and retroactive pay based on the \$.29 increase for Nicholas Felix: \$11.75 to \$12.04 per hour with an effective date beginning May 27, 2002. The retroactive pay will come from budgeted funds and is not to exceed \$1,140.40 through January 19, 2003. Additional anticipated compensation may be necessary from January 20, 2003, until date of approval by the Board. On June 26, 2002, the Board Supervisors approved a departmental market adjustment for Animal Care & Control (AC&C). The base rate on entry-level employees was increased 2.5% with an effective date of May 27, 2002. Steven Scott and Delores Canez were hired April 29, 2002; and, Nicholas Felix was hired April 1, 2002. The approval process for the submitted departmental request had already begun by the dates of hire. AC&C could not offer the requested higher rate of pay until the Board approved the market adjustment. Since the approval process had begun, staff was hired at the lower rate. AC&C is asking the Board to approve the requested waiver to bring these employees in line with division staff. (C79030350) (ADM3308)

**AMENDMENT TO AFFILIATION AGREEMENTS WITH APOLLO COLLEGE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Affiliation Agreements between Correctional Health Services and Apollo College to continue maintaining and operating a clinical externship programs for the following. These amendments will extend the affiliation agreements for a period of one year from May 1, 2003, through April 30, 2004. There are two optional one-year renewals. There is no financial impact associated with these affiliation agreement amendments.

- a) Medical Administrative Assistants (C2601003002)
- b) Medical Assistants (C2601004002)
- c) Pharmacy Technicians (C2601005002)

**AMENDMENT TO NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH TEMPE ELEMENTARY SCHOOL DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment Number 1 to the non-financial Intergovernmental Agreement (IGA) with the Tempe Elementary School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in A.R.S. §15-761. This amendment clarifies the roles and responsibilities of the Tempe Elementary School District and Maricopa County Head Start Program to

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ensure all available resources are utilized in the most effective manner. Tempe Elementary School District will provide two classrooms with playgrounds for the Maricopa County Head Start program. This IGA terminates June 30, 2004. (C2202024201)

**BUDGET INCREASE FOR FY 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a budget increase for the Human Services Department's FY 2003 budget in the amount of \$4,222,259. This increase will raise the current Department Budget total from \$29,599,739 to \$33,821,998. This budget increase is needed because the U.S. Department of Health and Human Services increased the funding for the Department's Head Start Program after the Department had already submitted its final budget to OMB. (C22031098) (ADM2500)

**CRITICAL MARKET SALARY INCREASE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve critical market salary increase for Medical Examiner position in the Office of the Medical Examiner, retroactive to November 25, 2002, from \$48.08 to \$53.32. This increase is budgeted. Approval of this item will allow the Office of the Medical Examiner (OME) to raise the salary of a Medical Examiner, who has successfully completed her Forensic Pathology (FP) medical board, to the amount advertised and budgeted for this medical board certification level. The OME has had great difficulty recruiting and retaining experienced, board-certified medical examiners over the last four fiscal years. Lengthy national recruitments have yielded only one experienced candidate during this four-year period. In order to fill the three to four vacancies occurring each fiscal year, the OME has hired pathologists who have recently completed training in a one-year forensic pathology fellowship. All forensic pathology fellowships are completed in late June, which provides the one annual opportunity to fill positions that may have been vacant for almost one year. This year the OME hired Dr. Kohlmeier who completed her forensic pathology fellowship this past June 2002 and took her FP medical board last October. At the time an offer of employment was made, Dr. Kohlmeier was advised that, if she successfully passed her FP medical board, her salary would be raised to \$110,906 annually, which was the salary rate advertised for pathologists who had successfully attained this medical board certification. (C29030078) (ADM3321) (ADM2125)

**APPOINTMENTS TO CENTRAL ARIZONA RYAN WHITE TITLE I PLANNING COUNCIL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint six new members to the Central Arizona Ryan White Title I Planning Council, all for the term March 1, 2003, to February 28, 2005. Candidate list is as follows: (C86031049) (ADM2153)

<b><u>Name</u></b>	<b><u>Representation Category</u></b>
Erica Avery (Replaces Dan Free)	Institutional Member
Bob Baily (Replaces Feliciano Barrera)	General Public
Lucio De La Rosa (Replaces Sheree Denny)	General Public
Peggy Martin (Replaces Carlos Jorge)	Institutional Member
Garry Robinson (Replaces Peter Houle)	Service Provider
John Sapero (Replaces Juan Guevara)	Institutional Member

**INTERGOVERNMENTAL AGREEMENTS FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Intergovernmental Agreements with the following school districts to provide school-based tobacco use prevention and education services:

- a) Union Elementary School District, for a term from December 4, 2002, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032272)
- b) Maricopa County Regional School District for a term from January 8, 2003, to June 30, 2003, for a contract dollar amount not-to-exceed \$2,000. (C86032322)
- c) Littleton Elementary School District for a term from January 8, 2003, to June 30, 2003, for a contract dollar amount not-to-exceed \$6,000. (C86032332)
- d) Tempe Elementary School District for a term from February 5, 2003, to June 30, 2003, for a contract dollar amount not-to-exceed \$44,000. (C86032372)

**PALO VERDE EMERGENCY OPERATIONS PLAN**

Item: Approve the Maricopa County/State of Arizona, Palo Verde Emergency Operations Plan. The plan will be valid until superseded by an updated version. There is no cost to the county and no revenue will be generated. (C15030090) (ADM903)

Supervisor Kunasek asked for an update on the status of the Emergency Operations Plan from Mr. Spencer, Director of Emergency Operations for Maricopa County, who indicated that there had been many changes and a speed-up. The distribution of Potassium Iodide has been addressed in case of an accidental release of radioactive iodine at the plant. The evacuation plan remains the same except that new sirens have been added to warn the growing population in the area. He said that Buckeye has annexed an area within the 10-mile planning zone and it has been added to the evacuation plan. In response to another question, Mr. Spencer said that all homeowners buying within the 10-mile radius are notified through realtors, the Palo Verde Plant who takes a new census every year and issues information and training materials to each individual.

Supervisor Wilson asked if buyers are asked to sign a release of any kind that they have been informed of the close proximity to the plant before purchasing property. Mr. Spencer replied that he did not know the answer to that.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Maricopa County/State of Arizona, Palo Verde Emergency Operations Plan.

**CONTRACT WITH CLASSIC ROOFING, LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to award a construction contract to Classic Roofing LLC, the lowest responsive responsible bidder, in the amount not-to-exceed \$1,057,254 for the "Durango Jail Re-Roof Pods D-1, D-3, D-4, D-5, D-6, and D-7". Project Number 2002301633 is funded in FY2002/03 Major Maintenance Fund 255, Agency 472, Organization 4732, Object 0825.02 and Project Number 2002313607 is funded in the FY2002/03 Major Maintenance Program budget, Fund 255, Agency 482, Organization 4832, Object 0825.02. The

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completion of this work is necessary to replace severely deteriorated roofs of the Durango Jail housing units. (C7003029501)

**CALL FOR BIDS AND AWARD – ABATEMENT AND LIMITED DEMOLITION OF THE DURANGO JUVENILE PROBATION BUILDING NO. 1704**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsive responsible bidder provided that the bid is not more than 10% over the engineer's estimate for the "Abatement and Limited Demolition of the Durango Juvenile Probation Building No. 1704", Project Number 2001224724. This project is funded as part of FY 2002-2003 Major Maintenance Fund 100, Agency 480, Organization 4832, Object Code 0915.01. (C70030325)

**EASEMENTS AND RIGHT-OF-WAY**

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

- 23012578.001    Project No: Intersection Improvements at Rittenhouse Road and Power Road – Highway Grant - Parcel No. 304-60-NA - Union Pacific Railroad Company - for the sum of 2,500.00.
  
- A080.003        Project No: 69010 - Dove Valley Road (227th Avenue to Crozier Road) – Application for (HH)            Right-of-Way - State Land Department State of Arizona.
  
- A117.007 &      Project No: 69010 - Cheyenne Road (207th Avenue Alignment - Tuthill Road) – (A117.008      Agreement for Right of Entry - Parcel No. 400-52-014S & 015C - Edgar White – for the (AC)            sum of \$10.00.
  
- A138.001        Project No: 68991 - Intersection Williams Field Road & Higley Road - Warranty Deed - (TS)            Parcel No. 304-40-001F - Kathy K. Aleman, Trustee - for the sum of \$6,800.00.
  
- A138.001        Project No: 68991 - Intersection Williams Field Road & Higley Road – Purchase (TS)            Agreement and Escrow Instructions - Parcel No. 304-40-001F - Kathy K. Aleman, Trustee.
  
- A138.002        Project No: 68991 – Intersection Williams Field Road & Higley Road - Warranty Deed - (TS)            Parcel No. 304-40-001E - John M. Aleman, Jr., Trustee - for the sum of \$16,000.00.
  
- A138.002        Project No: 68991 – Intersection Williams Field Road & Higley Road – Purchase (TS)            Agreement and Escrow Instructions - Parcel No. 304-40-001E - John M. Aleman, Jr.
  
- A211.008        Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) – Easement (EGA)            and Agreement for Highway Purposes - Parcel No. 403-29-007 - Joe D. and Dianna L. Collins - for the sum of \$599.00.
  
- A211.008        Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) – Purchase (EGA)            Agreement and Escrow Instructions - Parcel No. 403-29-007 - Joe D. and Dianna L.

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- A215.002 (AC) Project No: 69010 – Stacey Road (164th - Higley Road) – Easement and Agreement for Highway Purposes - Parcel No. 304-86-043D & 043E - KEM Homes, Inc. - for the sum of \$16,503.00.
- A215.002 (AC) Project No: 69010 – Stacey Road (164th - Higley Road) – Purchase Agreement and Escrow Instructions - Parcel No. 304-86-043D & 043E - KEM Homes, Inc.
- A225.001 (AC) Project No: 69010 - Elmont Dr. (4th Avenue - Apache Trail) – Easement and Agreement for Highway Purposes - Parcel No. 220-66-034P - Don E. Beck and Teresa G. Beck - for the sum of \$5,631.00.
- A225.001 (AC) Project No: 69010 - Elmont Dr. (4th Avenue - Apache Trail) – Purchase Agreement and Escrow Instructions - Parcel No. 220-66-034P - Don E. Beck and Teresa G. Beck.
- A225.003 (AC) Project No: 69010 – Elmont Dr. (4th Avenue - Apache Trail) – Easement and Agreement for Highway Purposes - Parcel No. 220-66-034M - Lorena Gonzales Becerra - for the sum of \$5,300.00.
- A225.003 (AC) Project No: 69010 – Elmont Dr. (4th Avenue - Apache Trail) – Purchase Agreement and Escrow Instructions - Parcel No. 220-66-034M - Lorena Gonzales Becerra.
- A248.003 (AC) Project No: 69010 - Waterbury Road (Culver St. McDowell Road) - Easement and Agreement for Highway Purposes - Parcel No. 219-31-001D - James B. Cunningham and Sarah Cunningham - for the sum of \$29,820.00.
- A248.003 (AC) Project No: 69010 - Waterbury Road (Culver St. McDowell Road) – Purchase Agreement and Escrow Instructions - Parcel No. 219-31-001D - James B. Cunningham and Sarah Cunningham.
- DD-9404 (TS) R/W Dedication - Warranty Deed - Parcel No. 202-22-016A & 457 - John G. Pingitore and Patricia A. Pingitore, trustees – for the sum of \$10.00.
- DD-9404 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 202-22-016A & 457 - John G. Pingitore and Patricia A. Pingitore, trustees.
- DD-9407 (TS) R/W Dedication - Easement and Agreement for Highway Purposes – Parcel No. 219-31-012D - Lawrence E. Kaiser and Luann E. Dahlman - for the sum of \$10.00.
- DD-9407 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 219-31-012D - Lawrence E. Kaiser and Luann E. Dahlman.
- X-0299 (LJS) Project No: 68840 - Estrella Roadway Phase IIB (El Mirage Road to Lake Pleasant Road) - Warranty Deed - Parcel No. - 201-21-041B - Lynd L. Fitzgerald and Kathryn A. Fitzgerald - for the sum of \$5,800.00.
- X-0299 (LJS) Project No: 68840 - Estrella Roadway Phase IIB (El Mirage Road to Lake Pleasant Road) - Purchase Agreement and Escrow Instructions – Parcel No. 201-21-041B –

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Lynd L. Fitzgerald and Kathryn A. Fitzgerald - for the sum of \$5,800.00.

**TRAFFIC CONTROLS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic controls: (F23107)

A FOUR-WAY STOP (from a two-way north/south stop) at Riggs Road and Hawes Road. (C64031570)

**ROAD ABANDONMENT (ROAD FILE NO. 5260)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C6403159B)

**WHEREAS**, pursuant to A.R.S. §28-7202, §28-7210, and §28-7211, 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 West Ten (10) feet of the East Forty (40) feet of the North 187.63 feet of the Southeast one-quarter of the Northeast one-quarter of the Southwest one-quarter (SE4 NE4 SW4) of Section Twelve (12), Township, Three (3) North, Range One (1) East of the G&SRB&M, Maricopa County, Arizona, said East 40 feet is described in Docket 9862, page 1, Maricopa County Records, in the general vicinity of Thunderbird Road and 75th Avenue. (Supervisorial District No. 4)

**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 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 5<sup>th</sup> day of February 2003.

**ROAD ABANDONMENT (ROAD FILE NO. 5261)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) that the following resolution be adopted: (C6403162B)

**WHEREAS**, pursuant to A.R.S. §28-7202, §28-7210, and §28-7211, it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

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Commencing at the north quarter corner of Section 24, T1N, R1E, of the Gila and Salt River Base and Meridian, Phoenix, Maricopa County, Arizona, as shown on ALTA survey by Land Survey Services and sealed by Thomas L. Rope on July 13, 1999;

Thence south 00°00'00" east along the north-south center line of said Section 24 a distance of 913.34 feet to a non-tangent curve concave to the Northwest, who's center bears North 69°38'09" west a distance of 480.00 feet and the Point of Beginning;

Thence continuing along said north-south center line south 00°00'00" east a distance of 403.42 feet to the southwest corner of Santa Marie Townsite as recorded in Book 30 of Maps, Page 12 of Maricopa County Records;

Thence south 90°00'00" east along the south line of a 30 foot right-of-way and the south line of said map a distance of 30.00 feet to the southwest corner of Lot 63 of said map;

Thence north 00°00'00" west along the east line of said 30 foot right-of-way a distance of 570.45 feet to the beginning of a tangent curve concave to the northwest who's center bears North 90°00'00" West a distance of 480.00 feet;

Thence along said curve in a southwesterly direction a distance of 170.60 feet through a central angle of 20°21'51" and having a radius of 480.00 feet to the 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 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 5<sup>th</sup> day of February 2003.

**CALL FOR BIDS AND AWARDS - VARIOUS PROJECTS**

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

- a) Channel Repair Project, Spring 2003, Work Order No. 30461032 (C64031425)
- b) Reconstruction Project, Spring 2003, Work Order No. 30460508 (C64031565)
- c) Construction of Riggs Road from I-10 to Price Road (PRRP), McDOT Job No. 68450 (C64031585)

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**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT WITH CITY OF GOODYEAR AND AMEND FY 2003 (YEAR 1) CIP BUDGET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Amendment No. 2 to the Intergovernmental Agreement between Maricopa County and the City of Goodyear for the Estrella Parkway, BID Canal to 1/4 mile north of McDowell Road (W.O. No. 68877, 68947 & 68950). The City of Goodyear will now function as the lead agency for the final segment of this project and reimburse the County \$153,151 for expenses incurred for this final segment of the project. Also approve amending the Department of Transportation's FY 2003 (year 1) CIP budget for this final segment of the project, Estrella Pkwy from Yuma to McDowell (SEYM), MCDOT No. 68950, to reflect \$153,151 in revenue; and amending FY 2004 (year 2) by reducing the revenue and expenditure each, from \$3,817,000 to \$0. (C6498273202) (C64031442)

**CONTRACT WITH PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve consultant services contract No. CY 2003-40 with Parsons Brinckerhoff Quade & Douglas, Inc. in an amount not-to-exceed \$328,168 for the preparation of a Design Concept Report for the MC 85, 91st Avenue to 75th Avenue project, Work Order No. 69025. (C64031455)

**CONTRACT WITH STANLEY CONSULTANTS, INC., AND TRANSFER OF FUNDS FROM PROJECT RESERVES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve consultant services contract No. CY 2003-43 with Stanley Consultants, Inc. in an amount not-to-exceed \$319,113.03 to perform design services for the 75th Avenue, MC 85 to Van Buren Street project (VUBN), Work Order No. 68986. Also approve the transfer of \$110,000 (year 1) (FY 2003) funds from the Department's Project Reserves (PRSA), MCDOT No. 69998, to increase the FY 2003 budget for this project to \$320,000. (C64031515)

**ADD TRAFFIC SAFETY IMPROVEMENT PROJECTS TO FY 2003 TIP (CIP) BUDGET AND TRANSFER OF FY 2003 BUDGETED FUNDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to add the following Traffic Safety Improvement projects to the Department of Transportation's FY 2003 TIP (CIP) budget, and establish their budgets as identified:

- No. 12578, Rittenhouse Rd at Power Rd.; \$300,000
- No. 12585, Beardsley Rd at 99th Ave.; \$175,000

Also approve the transfer of FY 2003 budgeted funds from Project No. 68890, Warranted Traffic Improvements (WWTF), in the amount of \$300,000, and \$175,000 from Project Reserves (PRSA), MCDOT Project No. 69998, to offset the sum of the amounts referenced for these added projects. This results in a zero impact reallocation of the Department's TIP (CIP) FY 2003 budget. (C64031528) (ADM2000)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Peoria. This agreement is regarding the AZTech Smart Corridors Program, and requires the city to assume operations and maintenance of all smart corridor equipment that will be constructed within the city by the county. (C64031552)

**CONTRACT WITH AMEC INFRASTRUCTURE, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Consultant Services Contract No. CY 2003-46 with AMEC Infrastructure, Inc. in an amount not-to-exceed \$386,580 for the preparation of a Design Concept Report for the Jackrabbit Trail, Yuma Road to Thomas Road project (KJYT), MCDOT No. 69039. (C64031605)

**IRRIGATION EASEMENT TO SALT RIVER PROJECT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an Irrigation Easement from Maricopa County to Salt River Project Agricultural Improvement and Power District for the granting of an easement to allow for the relocation of their irrigation facilities. The current facilities are in conflict with MCDOT Project 68957 – Gilbert Road from McDowell Road to SR 87. Said Irrigation Easement contains approximately 1,350 square feet of land. (C64031615) (ADM2013)

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

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

**ADDITION OF FOUR NEW DIAGNOSTIC RADIOLOGY CONTRACTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the addition of four new Diagnostic Radiology Contracts, as follows, to the existing Radiology Pool (C60020901ZZ). Term of the contracts is upon execution through October 31, 2004, with options to renew up to three additional years. The contract not-to-exceed amount is a percentage of the established not-to-exceed Radiology Pool of \$900,000 that was approved by the Board on May 1, 2002. These contracts may be cancelled by either party with 90-day written notice. (C60030260ZZ)

- AZ-Tech Radiology (C60030271)
- Valley Radiology (C60030281)
- TMC Advanced Imaging (C60030291)
- MRI of Arizona (C60030301)

**CONTRACT WITH SENIOR MANAGEMENT RESOURCES, INC., dba MARYLAND GARDENS CARE CENTER**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a new contract with Senior Management Resources, Inc., dba Maryland Gardens Care Center for the provision of Assisted Living Services for Behavioral Problems for the term February 1, 2003, through January 31, 2005, at a rate of \$130 per diem for a not-to-exceed amount of \$570,000. This contract contains a 90-day Termination-For-Convenience provision. (C60030841)

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**AMEND POOL OF FUNDS FOR SPECIALTY CARE SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to amend the pool of funds for Specialty Care Services established under Agenda Item C60021111ZZ with an initial not-to-exceed of \$4,233,109.65 to: (C60034581)

- a) Extend the term of the pool by one additional year from February 1, 2003, through January 31, 2004, making the new term of the pool February 1, 2002, to January 31, 2004;
- b) Identify the pool by a new Agenda No. C60034581; and
- c) To increase the not-to-exceed amount by \$3,418,480 for a total not-to-exceed amount of \$7,651,590.

**AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 8 to the revenue contract with the Arizona Department of Health Services (ADHS No. 056020) for medical and dental primary care services to add reimbursement for a dental sealant assessment program provided at valley schools. Maricopa Integrated Health System will be reimbursed \$593.00 each assessment session, for one dentist and dental assistant to assess children for dental sealants. The reimbursement is a reallocation of funds from money already established in the grant. Term of the contract remains the same July 1, 2000, through June 30, 2003, and may be renewed for two additional one-year periods. This contract may be terminated by MIHS with mutual consent of both parties with 60-days written notice; ADHS may terminate this contract for cause with 10-days written notice. There is no change in the contract not-to-exceed amount. (C9000062308)

**AMENDMENT TO REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 6 to the revenue contract between Arizona Department of Health Services (ADHS Contract No. 156007) and Maricopa Integrated Health System for medical and dental primary care services. This amendment will add reimbursement for a dental sealant assessment program provided at valley schools. Maricopa Integrated Health System will be reimbursed \$593 each assessment session, for one dentist and dental assistant to assess children for dental sealants. The reimbursement is a reallocation of funds from money already established in the grant. Term of this contract remains the same July 1, 2002, through June 30, 2003, and may be renewed for two additional one-year periods. This contract may be terminated by MIHS with mutual consent of both parties with 60-days written notice. ADHS may terminate this contract for cause with 10-days written notice. There is no change in the contract not-to-exceed amount. (C9001005107)

**AMENDMENT CONTRACT WITH THE 6253<sup>RD</sup> UNITED STATES ARMY HOSPITAL FOR CLINICAL TRAINING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Amendment No. 2 to the Clinical Training Agreement between the 6253rd United States Army Hospital and Maricopa Integrated Health System to extend the agreement for an additional twelve months, from January 1, 2003, through December 31, 2003. This is a non-financial intergovernmental agreement. (C90000332) (C9000033201) (C9003027202)

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**CANCELLATION OF LEASE - MARICOPA HEALTH SYSTEMS - CONTINUED**

Clerk of the Board, Fran McCarroll, amended the agenda item as follows:

Item: Approve cancellation of the lease between Maricopa Integrated Health Systems and the City of Scottsdale for the MIHS Family Health Center (FHC) facility located at 6535 East Osborn Road, Building 8, Scottsdale, Arizona 85251. Authorize MIHS to waive \$28,384.31 in unused depreciable value of construction improvements in consideration for early termination of the lease and authorize ~~MIHS~~ THE REAL ESTATE DIVISION DEALING WITH LEASES to notify the City of Scottsdale thereof. Approve the closure of the Maricopa Integrated Health System Family Health Center (FHC) effective ON OR BEFORE MARCH 28 ~~March 7~~, 2003. Lease specifies a termination notice of 180 days; lease amount is \$0 per month. (Discussed in Executive Session on February 3, 2003.) (This was Addendum item #1) (C90970262) (C90030332YY)

Bill Exham, Community Services General Manager for Scottsdale, said that this item had been added to the agenda so late that neither the Scottsdale Mayor nor City Manager were able to adjust their schedules in order to attend. He said their lease on the clinic provides for a 180 day cancellation notice and they would appreciate some extra time to evaluate this matter and look at alternatives as this closing will greatly impact some of their residents who are clients of the clinic. He asked the Board to delay their vote.

Chairman Brock asked if Mr. Exham had a specific date they would like the matter extended to and he also mentioned that any financial remuneration the City could provide towards expenses of the clinic would be welcome.

Mr. Exham replied that there is no rent or lease monies charged for the facility and the City also covers utilities. He said the County only has to pay for its staff and custodial services. They are asking for the full 180 days notice and understand that by this action the City would not have to reimburse the County for any remaining monies that have been spent on improvements to the facility. He said the money is not as important as the clients and their continued health care and since there was no previous notification, additional time is needed to hear suggestions and make arrangements.

The Chairman said, "It has been no secret since approximately late last summer from regular articles in the newspapers about losses from the County's Health Care and Delivery System. "We have to weigh the enormous decisions that impact the County, not only from the State budget cuts but also from an internal operating standpoint." He noted that the County has spent "a six-figure amount improving that facility, \$25,000 of which remains unamortized and which would be forfeited."

Mark Hillard, Director of Maricopa Integrated Health System, said, "The decision to close the Scottsdale Health Center was not made hastily but has been long in coming and is one that we have tried to avoid." He said that significant strides have been made in recent years to improve the financial performance of the County's health centers. The Scottsdale center is a small center and loses a significant amount of money each year, and the County does have the ability to close the center in lieu of the 180-day notice. He said, "This center is losing approximately \$168,000 a year and this is an improved performance, but it is probably as good as we're going to get."

He agreed that patient care is the important thing but he asked citizens to take a look at the funding stream for the County's health care clinics. He said that the County does not get dispro share monies (federal disproportionate share reimbursement) and there is no taxing stream solely for MIHS from the

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County, the cities or the state. Because of this, he said, "To continue to serve all parts of the County without a dedicated revenue stream has been and will continue to be very difficult if not impossible." He said that the cuts being passed to the County from the State will affect MIHS in the future, and the losses that are being incurred "are something we can no longer absorb."

He said that two of the doctors will remain in the system, transferring to the Chandler Health Center, which will continue to operate as will the Phoenix Comprehensive Health Center, which is only six miles from the Scottsdale Center.

Supervisor Kunasek asked if the patients who go to the Scottsdale Clinic are predominantly health plan members, self-pay or in other categories.

Brett McLain, Vice President of the MIHS Ambulatory Care Service, responded that about 60% are members of the County's health plan. Others are on Medicare, HMOs, the self-pay sliding fee schedule, or a plan funded from the Tobacco Tax monies.

Supervisor Kunasek said he had seen figures indicating that much of the problem in the Scottsdale clinic was because of a low patient volume, which affected both the physicians and the system.

Mr. McLain said that of all of the MIHS Health Plan members living in the Scottsdale area, less than 25% have chosen a primary care provider from the Scottsdale Center. The other 75-78% choose a network provider, or attend a different Family Health Care Center.

Supervisor Kunasek asked if the other health care providers in the area could service the Scottsdale patients who may not be able to travel to one of the other County health centers. Mr. McLain responded that the Scottsdale Center has been successful in contracting with approximately 75 other primary care providers in that area, many of which are on the same street and within walking distance of the MIHS center's location.

Discussion ensued on canceling the lease with Scottsdale; the 180-day requirement options and the March closure date. Also discussed was the informative talks already held with patients about transitioning their care to another provider and advising on their most appropriate choices, as well as the talks that have already been held with the City of Scottsdale on the lease and depreciation issues. It was brought out that the City of Scottsdale has submitted an application to develop and open a FQHC (Federally Qualified Health Center) within the next year in the same general area, which has been designated as a medically underserved area.

Supervisor Kunasek asked what the impact would be to extend the date farther out from the March 23<sup>rd</sup> designated closure that has been set.

Mark Hillard said that losses run approximately \$15,000 a month and for 180 additional days it would be approximately another \$83,000 that the system has to absorb. He indicated that the cost would depend on the length of the time extension.

Supervisor Wilcox asked to continue this item for two weeks to consult further on transition matters and try to smooth it with patients and the City.

Mr. McLain said continuing the closure for very long would make staffing difficult because some of the staff have already set their transition date to move to the Chandler and other Centers. "It could cause us

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to contract with registry and other outside providers to fill some interim positions and this would be far more costly and increase the losses already being incurred.”

Mary Novak, citizen, spoke to oppose the closing and said she uses the center as her lifeline. She asked what the price tag was on human life and said that euthanasia would be cheaper for the County. She indicated that beside herself, there were mothers and young children who would also be deprived of their health care if the center closes. She said she had seen no efforts to notify the City or the patients.

Supervisor Kunasek explained that no notification of closure could be given until the action by the Board of Supervisors was taken to actually approve the closure. He acknowledged the issue as being one of great emotional substance for some and assured her that the Board doesn't take this decision lightly. He added that he, “somewhat resents the euthanasia issue because if you are serious about it, for the record, I am adamantly opposed to that on religious grounds, and it is chilling when people discuss (those topics).” He indicated that the Board is looking at all the margins of the issue to try to preserve and provide medical service as best it can. He continued that \$168,000 may not seem like a large sum but, “The State has hit us for \$71 million and we have some very tough decisions to make if that comes to pass as there is no way we can absorb that amount.”

Chairman Brock explained that the County's health system collectively is losing millions of dollars and the Board is reviewing every clinic and their continued operation. “We are dismayed, concerned and alarmed about federal and state cutbacks and the lack of a revenue stream, which would allow this system to even come close to paying for itself.” He said that communication efforts with the patients and Scottsdale will continue.

St. Janie Baird, citizen, said she echoes the remarks made by Ms. Novak and that the center has served the lower income and handicapped of the community well. She said she stood outside the Center and petitioned against the closure for two weeks. She saw those who depend on vouchers to get to the clinic as having an increased hardship by having to travel even further for their health care. She said, “It is very unfair.”

Amanda Baird, citizen, asked if another clinic was going to open for those who are insured because having to drive to another clinic would be a real hardship. She hoped that a reconsideration of the matter would be taken.

Supervisor Wilcox suggested that Rich Marshall, Human Services Director, review this matter and act as liaison to calm any fears that the County plans to close all the Health Care Clinics. She appealed to the Scottsdale representative to talk to the city council and inform them of the discussion held at this meeting.

Motion was made by Supervisor Kunasek and seconded by Supervisor Wilson to approve this item, including the above agenda changes. Supervisor Kunasek later amended his motion to a continuance of the item to the February 19, 2003, meeting. The amendment was agreed to by the second and the motion carried unanimously (4-0-1).

**APPOINTMENT OF SAUL LARSEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to appoint Saul Larsen to the Merit System Commission, representing District 1. The term of the appointment will be from the date of Board approval through January 31, 2005. (C01030087) (ADM3315)

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**RESIGNATION OF CLIFFORD W. KLIMA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the resignation of Clifford W. Klima, effective January 23, 2003, from the Hospital and Health System Advisory Board of Directors. (ADM2203)

**RESIGNATION OF BLAKE ASHLEY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the resignation of Blake Ashley, effective January 17, 2003, from the Air Pollution Control Hearing Board. (ADM2353)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on any Planning and Zoning and Building Code cases in the unincorporated areas of Maricopa County for February 19, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows.

Z99-97 (Z84-103A); Z2001-029; Z2002-066; Z2002-117; DMP2002-003

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and removal of precinct committeemen due to disqualification in accordance with lists dated February 5, 2003, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

**SECURED TAX ROLLS**

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

<b>Tax Roll</b>	<b>From</b>	<b>To</b>	<b>Net Result</b>
1999	7172	7173	+\$1,220.56
1999	7174	7174	-\$154.78
2000	10142	10179	-\$687,012.86
2001	34901	34928	-\$345,101.64
2001	34995	35039	-\$38,911.76
2002	7514	7615	-\$469,905.64
2002	7955	8020	-\$401,133.98
2002	8021	8107	-\$467,267.22
2002	8108	8385	-\$4,073.56
2002	8534	8590	-\$87,779.86

**CANVASSES OF ELECTIONS SUBMITTED BY SPECIAL DISTRICTS**

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

Electrical District No. 5 (ADM4468)  
 Electrical District No. 6 (ADM4469)  
 Electrical District No. 8 (ADM4475)

**DUPLICATE WARRANTS**

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

**COUNTY**

<b>Name</b>	<b>Warrant</b>	<b>Fund</b>	<b>Amount</b>
Louise Aroz	C026162	Payroll	\$85.00
James Ballard	C026248	General	\$90.00
Vineta Ballard	C026249	General	\$75.00
Lisa Ocejo	933011148	MIHS	\$65.55
Donald Mathews/G&K Serv.	00330501453	Expense	\$129.93
G & K Services	330501189	Expense	\$33.51

**SCHOOL**

<b>Name</b>	<b>School</b>	<b>Warrant</b>	<b>Amount</b>
Cindy K. Cambell	Mesa	73-36734	\$517.03
George R. Carrillo	Mesa	73-32027	\$147.76
Charles D. Chiaramonte	Mesa	73-32502	\$20.61
Thomas G. Clark	Madison #38	43-0064334	\$1058.31
Tabitha B. Crank	Mesa	83-0036672	\$401.99
Jarad J. Curtis	Mesa	73-0038051	\$885.95
Teacher's Discovery	Osborn	42-0111626	\$1,904.17
Jean Fleming	Issac	43-0062067	\$18.50
Sofia Martinez	Pendergast	12-0153649	\$25.31
Malynda McClellan	Dysart #089	130077116	\$1030.13
Ernestine Moore	Roosevelt #66	13-89812	\$752.39
Josefina Morales	Palo Verde	13-0079994	\$366.72
Manuel Rodriquez	Isaac #5	13-79216	\$323.04
K-12 Software	Litchfield #	43-0035068	\$385.00

**STALE DATED WARRANTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have

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demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>Name</b>	<b>Amount</b>
Shelly Atkins	\$106.78
Deborah A. Gorombe	\$348.27
Raymond & Lorraine McPherson	\$79.36
Phong H. Pham	\$2320.13
Jill Preston	\$96.21
Gilbert R. Rogers	\$677.22
Peter J. Salazar	\$1306.68
Mary E. Smith	\$62.97

**TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) approve the settlement of tax cases on file in the Office of the Clerk of the Board of Supervisors, list dated February 5, 2003. (ADM704)

**2000**

**2001**

TX 00-000696

**2002**

TX 01-000389

**2002/2003**

CV 01-021823

**2003**

ST 02-000136

TX 02-000269

**2003/2004**

**OUTSIDE COUNSEL**

TX 01-000663

**CLASSIFICATION CHANGES**

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

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
103-19-401	2000	Barbara Brooks	LC/4	LC/3
103-19-401	2001	Barbara Brooks	LC/4	LC/3
103-19-401	2002	Barbara Brooks	LC/4	LC/3
111-08-042	2000	Richard Mahoney	LC/4	LC/3
111-08-042	2001	Richard Mahoney	LC/4	LC/3
111-08-042	2002	Richard Mahoney	LC/4	LC/3
144-70-087	2000	Joseph Terranova	LC/4	LC/3
144-70-087	2001	Joseph Terranova	LC/4	LC/3
144-70-087	2002	Joseph Terranova	LC/4	LC/3

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155-45-203	2000	Joanne P Walsh	LC/4	LC/3
155-45-203	2001	Joanne P Walsh	LC/4	LC/3
155-45-203	2002	Joanne P Walsh	LC/4	LC/3
174-27-060	2000	Murray Perotin	LC/4	LC/3
174-27-060	2001	Murray Perotin	LC/4	LC/3
174-27-060	2002	Murray Perotin	LC/4	LC/3
174-27-124	2000	Carolyn Richardson	LC/4	LC/3
174-27-124	2001	Carolyn Richardson	LC/4	LC/3
174-27-124	2002	Carolyn Richardson	LC/4	LC/3
200-24-320	2000	Micheal Shipman	LC/4	LC/3
200-24-320	2001	Micheal Shipman	LC/4	LC/3
200-24-320	2002	Micheal Shipman	LC/4	LC/3
200-35-030	2000	Janet Higgs	LC/4	LC/3
200-35-030	2001	Janet Higgs	LC/4	LC/3
200-35-030	2002	Janet Higgs	LC/4	LC/3
202-25-024B	2002	Bobby Grigsby	LC/4	LC/3
207-39-249	2000	Randy Ingram	LC/4	LC/3
207-39-249	2001	Randy Ingram	LC/4	LC/3
207-39-249	2002	Randy Ingram	LC/4	LC/3
211-71-020E	2002	Douglas Lawson	LC/4	LC/3
304-22-116	2000	Freda McClure	LC/4	LC/3
304-22-116	2001	Freda McClure	LC/4	LC/3
304-22-116	2002	Freda McClure	LC/4	LC/3
305-05-759A	2000	June Gilmore	LC/4	LC/3
305-05-759A	2001	June Gilmore	LC/4	LC/3
305-05-759A	2002	June Gilmore	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held January 22, 2003.) (ADM407)

Peter Paul Caronna	\$ 841.78	Juan C. Cruz	\$ 750.00
Danny Cryer	3,000.00	Jose Luis Estrada	1,250.00
Lydia Flores	1,660.50	Pedro Flores, Jr.	3,061.78
Stanley Grooms	12,500.00	Liliana Hernandez	2,800.00
Felicita Herrera	1,700.00	Joel Holquin	4,925.00
Julia Juarez	500.00	Jeffrey Kehoe	2,000.00
Linda Light	4,000.00	Javier Munoz	3,500.00
Diana Navarro	2,500.00	Guadalupe Ordonez	14,500.00
Catherine Rivera	1,200.00	Ramon Encinas-Sierra	1,500.00
Brenda Snow	4,000.00	Roberto Mendez-Tirado	2,700.00
Joshua Turner	5,000.00		

**PUBLIC COMMENTS**

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

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**SUPERVISORS' COMMENTS**

Chairman Brock announced that Supervisor Stapley was in Washington D.C. on County business and one item on his agenda was to meet with Tom Ridge, Director of Homeland Security, to discuss volunteerism and steps the County can take to react to any major events that may be staged in Maricopa County.

Supervisor Wilcox spoke of the County's work on the transportation bill and the budget cuts at the State Legislature and complimented the County's legislative staff who has networked effectively on these and other issues on the County's behalf. (ADM606)

Supervisor Wilson congratulated Sun City West on their 25<sup>th</sup> Birthday Anniversary celebration.

Chairman Brock commented on the Columbia Space Shuttle tragedy that occurred this past Saturday. He said that one of the astronauts, Payload Specialist Michael Anderson, had roots on the west side of Phoenix and had attended Avondale Elementary School. He expressed the shock and grief felt by all to his family and friends.

Chairman Brock declared a two-minute recess.

**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).

**REGULAR AGENDA DETAIL:**

- 1.     **Z 97-009**         **District 5** (This case continued from meeting of January 22, 2003.)  
      **Applicant:**     Greg Loper for Spencer Shumway  
      **Location:**     The northwest and the northeast corners of 43rd Ave. and Broadway Rd. (in the Laveen area)  
      **Request:**        Rezone from Rural-43 to IND-3 I.U.P.D. with a Plan of Development for industrial storage for Shumway (40 acres)

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z 97-009, subject to the following stipulations "a" through "m". Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

- a.     Development of the site shall be in conformance with the site plan consisting of six 11" x 17" sheets entitled "Shumway Industrial Storage – Zoning Exhibit/Plan of Development" prepared by Greg Loper, AICP, dated October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Narrative Report for the Shumway Industrial Storage... Z-97-9" preparer not indicated, consisting of nine (9) pages, dated revised October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations.

- c. Prior to development of any new construction or placement of any new structures, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- d. Access on Weir Avenue shall be for emergency use only, with truck traffic prohibited except for emergency vehicles.
- e. Driveways shall be asphalt concrete or better within the County right-of-way and designed to accommodate the appropriate design vehicle.
- f. The applicant shall provide a six-foot (6') tall C.M.U. wall along the frontage of Broadway Road and Weir Avenue. The applicant shall further install landscaping along the road frontages to soften the appearance of said walls. Landscaping shall be of an xeriphytic nature with an emphasis on indigenous and near-native plant species. Any landscaping within County right-of-way will require a permit from the Maricopa County Department of Transportation, and must comply with Chapter 9 of the MCDOT Roadway Design Manual. The applicant shall also provide landscaping along the northern property line to provide a semi-opaque screen for the industrial uses from the Salt River at the time recreational/open space development occurs within the river.
- g. Sewer service shall be extended to all structures needing such service existing or proposed) upon approval of a Precise Plan of Development for any structure(s). Existing septic systems shall be eliminated at that time.
- h. All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- i. All industrial storage shall observe a minimum 10' setback from the property lines, public rights-of-way, and on-site building/structures. Further, no storage materials shall be stacked higher than 10', and any such material shall be adequately screened from the Salt River, Broadway Rd. and Weir Ave. as indicated in stipulation 'f' above.
- j. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.
- k. As per the narrative report referenced in stipulation 'b' above, the following uses/materials are prohibited from the site:
  - i. Any use which by its nature or operation shall cause to occur noise, dust, traffic, glare, and/or vibrations which may be deemed a nuisance or harmful;
  - ii. Any use not considered to be in keeping with the intent and character of the proposed use, as an outdoor (open) storage of items and materials;
  - iii. Cemetery or Crematories;
  - iv. Commercial dairy or feed lot operations;
  - v. Kilns or similar operations;
  - vi. Landfill or waste dump;

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- vii. Manufacturing, treatment, refining, rendering or compounding of pharmaceuticals, fats, gases or oils;
  - viii. Mulching or contaminated soil recovery/processing;
  - ix. Packing houses for meats, fruits or vegetables;
  - x. Refinery;
  - xi. Sand and gravel extraction operations; and the.
  - xii. Storage of any materials that are deemed to be harmful to the environment and/or adjacent properties, including the storage of flammable liquids, noxious or hazardous materials.
- i. All freestanding signs are limited to a maximum height of six-feet (6') and a maximum sign face area of 48 square feet.
- m. Any change (major amendment) to the Plan of Development must be presented to the Laveen Village Planning Committee for review and comment prior to presentation to the Planning and Zoning Commission at a public hearing.

Joy Rich, Director of Planning and Development, said the City of Phoenix has submitted a letter of opposition saying this rezoning does not comport with their general plan or the southwest Laveen growth study. Both the Planning Commission and staff recommended approval of the rezoning. She said that considerable work had been done by Supervisor Wilcox with the City and the Laveen neighborhood groups.

Supervisor Wilcox said that both Laveen and several citizen's groups had worked with her on and that some of the concerns had stemmed from a proposed Rio Salado Parkway, which Phoenix desires to extend and which would lie north of the site. The City of Phoenix is involved in a long term project to bring about the restoration of the river, which will eventually reach this point. She said that additional stipulations "n" and "o" were added to address this matter and copies of proposed new stipulations had been distributed to Board members earlier.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and carried unanimously (4-0-1) to concur with the Planning Commissions recommendation for approval of this rezoning subject to modified stipulations "a" through "m," and the addition of stipulations "n" and "o," the final version of which is shown below:

- a. Development of the site shall be in conformance with the site plan consisting of six 11" x 17" sheets entitled "Shumway Industrial Storage - Zoning Exhibit/Plan of Development" prepared by Greg Loper, AICP, dated October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations. A REVISED SITE PLAN SHALL BE SUBMITTED WITHIN 30 DAYS OF APPROVAL BY THE BOARD OF SUPERVISORS THAT ADDRESSES THE PROJECT MODIFICATIONS NOTED IN STIPULATION 'N' BELOW.
- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report for the Shumway Industrial Storage... Z-97-9" preparer not indicated, consisting of nine (9) pages, dated revised October 15, 2002 and stamped received October 15, 2002, except as modified by the following stipulations. A REVISED NARRATIVE REPORT SHALL BE SUBMITTED WITHIN 30 DAYS OF APPROVAL BY THE BOARD OF

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SUPERVISORS THAT ADDRESSES THE PROJECT MODIFICATIONS NOTED IN STIPULATION 'N' BELOW.

- c. Prior to development of any new construction or placement of any new structures, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- d. Access on Weir Avenue shall be for emergency use only, with truck traffic prohibited except for emergency vehicles.
- e. Driveways shall be asphalt concrete or better within the County right-of-way and designed to accommodate the appropriate design vehicle.
- f. The applicant shall provide a six-foot (6') tall C.M.U. wall along the frontage of Broadway Road and Weir Avenue. THE WALLS SHALL CONTINUE NORTHWARD AND/OR SOUTHWARD FROM SAID FRONTAGES A DISTANCE OF AT LEAST 40 FEET. The applicant shall further install landscaping along the road frontages to soften the appearance of said walls. Landscaping shall be of an xeriphytic nature with an emphasis on indigenous and near-native plant species. Any landscaping within County right-of-way will require a permit from the Maricopa County Department of Transportation, and must comply with Chapter 9 of the MCDOT Roadway Design Manual. The applicant shall also provide landscaping along the northern property line to provide a semi-opaque screen for the industrial uses from the Salt River ~~at the time recreational/open space development occurs within the river.~~ THE WALLS SHALL BE COMPLETED WITHIN THREE YEARS FROM APPROVAL BY THE BOARD OF SUPERVISORS. IN THE INTERIM, THE EXISTING WALLS SHALL ALL BE IMMEDIATELY PAINTED A SINGLE BEIGE COLOR.
- g. Sewer service shall be extended to all structures needing such service existing or proposed) upon approval of a Precise Plan of Development for any structure(s). Existing septic systems shall be eliminated at that time.
- h. All outdoor lighting fixtures must comply with Section 1112 of the Maricopa County Zoning Ordinance.
- i. All industrial storage shall observe a minimum 10' setback from the property lines, public rights-of-way, and on-site building/structures. Further, no storage materials shall be stacked higher than 10', and any such material shall be adequately screened from the Salt River, Broadway Rd. and Weir Ave. as indicated in stipulation 'f' above.
- j. Major changes to this site plan will require review and approval by the Board of Supervisors, upon recommendation of the Planning and Zoning Commission. Staff of the Planning and Development Department, Project Management Division may administratively approve minor changes.
- k. As per the narrative report referenced in stipulation 'b' above, the following uses/materials are prohibited from the site:
  - i. Any use which by its nature or operation shall cause to occur noise, dust, traffic, glare, and/or vibrations which may be deemed a nuisance or harmful;

- ii. Any use not considered to be in keeping with the intent and character of the proposed use, as an outdoor (open) storage of items and materials;
  - iii. Cemetery or Crematories;
  - iv. Commercial dairy or feed lot operations;
  - v. Kilns or similar operations;
  - vi. Landfill or waste dump;
  - vii. Manufacturing, treatment, refining, rendering or compounding of pharmaceuticals, fats, gases or oils;
  - viii. Mulching or contaminated soil recovery/processing;
  - ix. Packing houses for meats, fruits or vegetables;
  - x. Refinery;
  - xi. Sand and gravel extraction operations; and the.
  - xii. Storage of any materials that are deemed to be harmful to the environment and/or adjacent properties, including the storage of flammable liquids, noxious or hazardous materials.
- l. All free-standing signs are limited to a maximum height of six-feet (6') and a maximum sign face area of 48 square feet.
- m. Any change (major amendment) to the Plan of Development must be presented to the Laveen Village Planning Committee for review and comment prior to presentation to the Planning and Zoning Commission at a public hearing.
- n. THE SITE PLAN AND NARRATIVE REPORT SHALL BE REVISED TO REFLECT A QUADRALATERAL SHAPED PIECE OF LAND ALONG THE NORTHERN BOUNDARY OF THE SITE THAT SHALL NOT BE REZONED BUT SHALL REMAIN IN THE RURAL-43 ZONING DISTRICT. IT SHALL BE INCLUDED IN THIS PLAN OF DEVELOPMENT (SITE PLAN AND NARRATIVE REPORT) AS AN OPEN SPACE/LANDSCAPE BUFFER. THIS BUFFER SHALL GENERALLY PARALLEL BROADWAY ROAD BUT SKEWED SO THAT IT IS AT LEAST 40 FEET DEEP FROM THE NORTHEAST CORNER OF THE SITE AND 120 FEET DEEP FROM THE NORTHWEST CORNER OF THE SITE. THERE SHALL BE A LANDSCAPED BERM ALONG THE SOUTHERN PERIMETER OF THIS OPEN SPACE/LANDSCAPE BUFFER. THE BERM SHALL CONTINUE SOUTHWARD ALONG THE WESTERN BOUNDARY OF THE SITE. THE BERM SHALL BE DESIGNED AFTER CONSULTATION WITH THE FLOOD CONTROL DISTRICT TO ENSURE THAT DRAINAGE FLOWS ARE NOT NEGATIVELY AFFECTED, AND WILL BE SUBJECT TO A DRAINAGE CLEARANCE AT THE TIME OF GRADING/BUILDING PERMIT. THE BERM SHALL BE SIX-FOOT TALL. LANDSCAPING SHALL BE PROVIDED ON THE OUTSIDE OF THE BERM TO SOFTEN THE APPEARANCE OF THE SITE AS SEEN FROM ADJACENT PROPERTIES TO THE NORTH AND WEST. THE BERM AND LANDSCAPING SHALL BE COMPLETED SEQUENTIALLY SO THAT AT LEAST ONE-THIRD IS COMPLETED EACH SUCCESSIVE YEAR AND THE ENTIRE BUFFERING IS COMPLETED WITHIN THREE YEARS OF APPROVAL BY THE BOARD OF SUPERVISORS.
- o. THIS REZONING IS CONDITIONAL UPON COMPLIANCE WITH THE TIMING REQUIREMENTS AS OUTLINED IN THE LISTED STIPULATIONS. IF IT IS DETERMINED THAT THE APPLICANT HAS FAILED TO REMAIN IN COMPLIANCE WITH THE TIMING REQUIREMENTS OF SAID STIPULATIONS - PARTICULARLY

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COMPLETION OF BUFFERING, SCREENING AND LANDSCAPING IMPROVEMENTS WITHIN THREE YEARS - THE IND-3 I.U.P.D. ZONING CAN BE REVISITED FOR CONSIDERATION OF REVERSION BACK TO RURAL-43 ZONING.

2. **DMP2000-06 District 4**

**Applicant:** Earl, Curley & Lagarde, P.C. for FGR Property Investments, V, L.L.C.  
**Location:** Northeast corner of 163rd Ave. (Sarival Rd.) & Lone Mountain Rd. (in the Surprise/northwest Peoria area)  
**Request:** Development Master Plan (D.M.P.) for Marisol Ranch (634.1 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of DMP2000-06, subject to the following stipulations "a" through "aa". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Development Master Plan document entitled "Development Master Plan and Protected Development Rights Plan for Marisol Ranch...", prepared by Earl, Curley & Lagarde, P.C., et al, consisting of 57 pages including color and or large-size exhibits, dated revised October 31, 2002 and stamped received November 1, 2002, except as modified by the following stipulations.
- b. Major changes to the Marisol Ranch 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 Marisol Ranch Development Master Plan.
- c. Prior to approval of any subsequent preliminary subdivision plats for Marisol Ranch, the applicant shall provide a signed and recorded pre-annexation agreement with the City of Surprise that indicates annexation will occur prior to development.
- d. The Development Master Plan for Marisol Ranch is granted Protected Development Rights status, but is subject to expiration as per stipulation 'v' listed below.
- e. The following Department of Transportation stipulations shall apply to development of Marisol Ranch:
  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 offsite 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 offsite regional roadway improvements is based upon 1,882 total residential units @ \$4,600 per unit or 11.3 land miles, whichever is the greatest value. 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.
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 item 2 above.
  4. All identified offsite alignments must be consistent with a County approved transportation plan.
  5. All-weather access shall be provided to all parcels and on all arterial roadways.
  6. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
  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. Schools (Pre-High School) 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 shall be accommodated in this development. Routes and other design features shall be established, as necessary, 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 shall be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site, (e.g., bus bays, park-and-ride lots, internal trail systems).
  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.

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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.
  17. Offsite alignments where only two lanes are constructed, the minimum half-width right-of-way shall be acquired. Once a phase requires additional widening of the roadway beyond two lanes, the minimum full-width right-of-way shall be acquired. These widths are minimums and wider rights-of-way may be necessary due to existing terrain.
  18. No median improvements, curb and gutter, sidewalk, landscaping or signalization is required on access roads unless otherwise specified herein or in the agreement referenced in item 23, below.
  19. A construction traffic circulation plan for shall be provided for approval by the Maricopa County Department of Transportation prior to commencing construction.
  20. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
  21. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. The Applicant is responsible for complying with these requirements.
  22. Private streets are required to meet minimum County standards, including right-of-way, unless waived by the Board of Supervisors at time of subdivision platting.
  23. 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.
- f. This Development Master Plan includes a road waiver to the provision of an arterial route along the 155th Avenue alignment, an arterial route along the eastern half of the Dove Valley Road alignment, and of collector routes along mid-section line alignments. Therefore, said road waiver requests will not be required as part of subsequent subdivision plats.
  - g. A master plan for the water and wastewater infrastructure and associated treatment facilities that will serve the entire project shall be submitted for approval to the Maricopa County Environmental Services Department. Approval from the Department will be required prior to approval of the first preliminary subdivision plat and/or the first precise plan of development.
  - h. Comprehensive water and wastewater master plans, prepared in accordance with the appropriate Arizona Department of Environmental Quality engineering bulletins, will be required for review and approval by the Maricopa County Environmental Services

Department prior to subdivision final plat and/or water and sewer improvement plan submittals.

- i. The final Master Drainage Report shall be completed by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of the first preliminary plat. The report shall address the following:
  - i. The Best Technical Information, currently available, identifies significant portions of the site to be within the 100-year floodplain of the Padelford Wash. Prior to approval of any preliminary plat for any parcel within the development, the Flood Control District must review and approve an overall drainage plan which addresses all drainage issues including safely passing the 100-year flood, maintaining the sediment transport regime, and managing flood flow velocities within drainage corridors and at the downstream boundary. Such drainage solutions may result in realignment of roadways, as depicted on the project's illustrative site plan, and may also result in adjustment to land use boundaries.
  - ii. Due to the uncertain nature of flood flow distribution across the 100-year floodplain, the drainage corridor identified as the main stem of the Padelford Wash, which crosses 163rd Avenue south of the Dove Valley Road alignment, must be utilized as part of the overall drainage system in order to maintain adequate conveyance for the 100-year flood, in addition to the proposed drainage corridor adjacent to 163rd Avenue.
  - iii. Prior to any development, the developer 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).
  - iv. 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 such building lots requiring a Floodplain Use Permit must be specifically identified on the Final Plat.
  - v. 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.
  - vi. The Preliminary Master Drainage Report indicates that stormwater from the site will be detained, rather than retained on-site, subject to maintaining peak flows from the site at or below pre-development conditions. The Drainage Regulations for Maricopa County require developments to have a retention system that receives and retains the volume generated from the 100-year, 2-hour runoff event falling over the entire development site, including all rights-of-way, excluding off-site flows. A variance from the drainage regulations must be obtained in order to retain a volume less than the 100-year, 2-hour event.
- j. An archaeological survey of the subject property shall be conducted, prior to Planning and Zoning Commission approval 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. If prehistoric or historic sites are identified within the subject area, it may be necessary to have archaeological testing performed at the sites to evaluate their eligibility 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.

- k. The total number of dwelling units for Marisol Ranch shall not exceed 1,882 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.
- l. The developer shall be responsible for construction of all public and private on-site roadways within the designated Marisol Ranch boundaries. Further, the homeowners/property owners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways.
- m. All water for construction purposes and irrigation supplied to common areas and water used to fill or refill lakes or water features in common areas shall be provided entirely by a renewable supply of water, such as treated effluent, surface water or CAP water, upon completion of 1,882 units or within five (5) years after commencement of on-site development whichever comes first. Interim water for construction purposes, irrigation of golf courses and common areas and filling or refilling lakes may be supplied by groundwater and shall be in direct compliance with prevailing ADWR and Active Management Area rules and regulations.
- n. Prior to Planning and Zoning Commission approval of each preliminary plat, developer will provide a "will serve" letter from Arizona-American Water Company for the provision of potable water. 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. Prior to Planning and Zoning Commission approval of each preliminary plat, developer will provide a "will serve" letter from Arizona Public Service for electric 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. Prior to Planning and Zoning Commission approval of each preliminary plat, developer will provide a "will serve" letter from Rural/Metro Fire Department for fire protection services. 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. Prior to Planning and Zoning Commission approval of each preliminary plat, developer will provide a "will serve" letter from Qwest Communications for telephone service. 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.
- r. Should the developer elect to develop with natural gas service, then prior to Planning and Zoning Commission approval of each preliminary plat, developer will provide a "will serve" letter from Southwest Gas. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Southwest Gas upon approval by the Maricopa County Planning and Development Department.
- s. Prior to Planning and Zoning Commission 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.
- t. Prior to Planning and Zoning Commission approval of the first preliminary plat, the developer shall enter in a development agreement with the Library District of Maricopa County. Said agreement shall detail whether the developer will provide a site and/or facility for a library branch, or provide a monetary contribution for public library services. Said development may include a quality of life assessment of \$377 per unit that shall be made available to the Maricopa County Library District to be used for operational purposes only.
- u. One hundred dollars (\$100) per house will be paid by the developer as each residential unit at the time the building permit is issued to a fund trails and park/recreational facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks enhancement fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund.
- v. The Development Master Plan shall expire in ten (10) 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.
- w. Development and related construction activity shall comply with the "Guidelines for Handling Sonoran Desert Tortoises Encountered on Development Projects", consisting of two pages dated revised January 17, 1997 and stamped received August 26, 2002.
- x. The developer shall provide trail access from the open space hillside area on the eastern edge of Marisol Ranch to the southern property line to allow for pedestrian access to the open space area by the adjacent property owners.

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- y. Salvageable native vegetation shall be tagged and relocated as part of the development of the Marisol Ranch master-planned community.
- z. Development will comply with City of Surprise requirements for the Scenic Corridor along 163rd Avenue (Sarival Road).
- aa. Unless annexed into the City of Surprise, prior to approval of a final plat by the Board of Supervisors, the applicant shall enter into a development agreement with the Maricopa County Sheriff's Office to ensure the adequate provision of police services to the site. A copy of the agreement shall be provided to the Planning and Development Department.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the March 5, 2003, meeting at the request of Planning.

- 3. Z2000-095 District 4**  
**Applicant:** Earl, Curley & Lagarde, P.C. for FGR Property Investments, V, L.L.C.  
**Location:** Northeast corner of 163rd Ave. (Sarival Rd.) & Lone Mountain Rd. (in the Surprise/northwest Peoria area)  
**Request:** Rezone from Rural-43 to Rural-43, R1-18 R.U.P.D., R1-10 R.U.P.D., R1-8 R.U.P.D., R1-7 R.U.P.D., R1-6 R.U.P.D., R-2 R.U.P.D., and C-1 P.D. with a P.A.D. overlay zone for the entire site for Marisol Ranch (634.1 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2000-095, subject to the following stipulations "a" through "p". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Zoning document entitled "Narrative Report for Marisol Ranch... Planned Area Development / Residential Unit Plan of Development – Application #: Z-2000-095...", prepared by Earl, Curley & Lagarde, P.C., et al, consisting of 25 pages including color and/or large-size exhibits, dated revised October 31, 2002 and stamped received November 1, 2002, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, the Zoning document (narrative report and site plan exhibits) shall be revised as follows:
  - i. To include street-side setbacks in the R.U.P.D. comparison chart;
  - ii. To incorporate typical lot illustrations for the R1-18 R.U.P.D., R1-10 R.U.P.D., R1-8 R.U.P.D., R1-7 R.U.P.D., R1-6 R.U.P.D. and R-2 R.U.P.D. zoning districts; and
  - iii. To clarify how zero lot lines will be accommodated in the R1-8 R.U.P.D., R1-7 R.U.P.D. and R1-6 R.U.P.D. zoning districts; and the proposed housing product for the R-2 R.U.P.D. zoning district.
- b. An R.U.P.D. comparison chart and typical lot illustrations shall be included on all subsequent preliminary and final subdivision plat documents.
- c. Prior to approval of any subsequent preliminary subdivision plats for Marisol Ranch, the applicant shall provide a signed and recorded pre-annexation agreement with the City of Surprise.

- d. The commercial zone, Parcel U, is subject to a P.D. overlay (C-1 P.D. zoning district), and a precise Plan of Development will be required prior to any development.
- e. The entire site shall be subject to a Planned Area Development (P.A.D.) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats.
- f. A precise plan of development (for Special Use Permit) will be required prior to development of any of the well sites if treatment is proposed.
- g. Prior to any final plat being approved, a water and sewer master plan shall be submitted by the applicant and approved by the Maricopa County Environmental Services Department.
- h. Residential development shall be prohibited on hillside slopes of 10% or greater slope.
- i. Major changes to this plan of development shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. The zoning for Marisol Ranch shall expire in ten (10) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- l. Zoning of Marisol Ranch shall remain in compliance with the following Department of Transportation stipulations:
  - 1. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
  - 2. All-weather access must be provided to all parcels.
  - 3. Provide the ultimate 70' half-width right-of-way on the east side of Sarival Road (163rd Avenue) adjacent to the site.
  - 4. Provide the ultimate 55' half-width right-of-way on the north side of Lone Mountain Road and on the south side of Dove Valley Road (except the east half) adjacent to site.
  - 5. Any landscaping in County right-of-way must meet MCDOT roadway design requirements and plant list.

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- m. If a perimeter wall is proposed, wrought-iron view fencing shall be maintained adjacent to all open space areas along the perimeter of Marisol Ranch in order to maintain vista corridors to adjacent residential communities.
- n. Landscaping in common areas shall emphasize indigenous or near-native plant species of a xeriphytic nature.
- o. All stipulations of DMP200006 shall remain in effect.
- p. The southern two rows of homes in parcel I shall be limited to one-story, 24 feet in height.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the March 5, 2003, meeting at the request of Planning.

- 4. Z2000-097 District 4**  
**Applicant:** Earl, Curley & Lagarde, P.C. for FGR Property Investments, V, L.L.C.  
**Location:** Northeast corner of 163rd Ave. (Sarival Rd.) & Lone Mountain Rd. (in the Surprise/northwest Peoria area)  
**Request:** Special Use Permit (S.U.P.) for a wastewater treatment plant in the R1-8 R.U.P.D. P.A.D. zoning district for Marisol Ranch (1.7 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2000-097, subject to the following stipulations “a” through “h”. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Special Use Permit document entitled “Narrative Report for Marisol Ranch... Special Use Permit for Wastewater Treatment Facility – Application #: Z-2000-097...”, prepared by Earl, Curley & Lagarde, P.C., et al, consisting of 25 pages including color and/or large-size exhibits, dated revised October 31, 2002 and stamped received November 1, 2002, except as modified by the following stipulations.
- b. A precise Plan of Development for the wastewater treatment plant facility shall be submitted for approval by the Board of Supervisors after recommendation by the Planning and Zoning Commission.
- c. An eight-foot (8’) tall solid wall shall enclose the perimeter of the wastewater treatment facility. The wall and any gates shall have a decorative treatment.
- d. Dense vegetation consistent with native desert palette shall be planted adjacent to the wastewater treatment facility building and external to the facility’s perimeter wall. The landscape plans shall be subject to neighborhood review prior to final approval of the precise plan referenced in stipulation ‘b’ above.
- e. The developer shall incorporate non-evasive odor control technology with the design and development of the wastewater treatment facility subject to precise plan approval as referenced in stipulation ‘b’ above.

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- f. The wastewater treatment facility shall be located at least one-half mile east of the edge of the ultimate right-of-way of 163rd Avenue, and at least 300 feet north of Lone Mountain Road, as shown on the Development Master Plan.
- g. The developer agrees to abandon the on-site wastewater treatment plant and hook-up to the City of Surprise sewer system when said system is constructed adjacent to the development.
- h. All stipulations of DMP2000-06 and Z2000-095 shall remain in effect.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to the March 5, 2003, meeting at the request of Planning.

5.     **Z2002126**     **District 4**  
   **Applicant:**     Yadira Munoz  
   **Location:**     8104 S. 348th Ave. – located southeast of the southeast corner of 351st Ave. & Baseline Rd. (in the Tonopah area)  
   **Request:**       Special Use Permit (S.U.P.) for a single-wide mobile home as a residence in the Rural-43 zoning district

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2002-126, subject to the following stipulations “a” through “k”. Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the site plan entitled “Special Use Permit for Single Wide Mobile Home” consisting of one (1) full-size sheet, dated November 12, 2002 and stamped received November 18, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Special Use Permit of Single Wide Mobile Home” consisting of two (2) pages, undated but stamped received December 16, 2002, except as modified by the following stipulations.
- c. A Building Permit must be obtained for the placement of the singlewide mobile home.
- d. A Septic Tank Permit must be obtained from the Maricopa County Environmental Services Department.
- e. A Floodplain Use Permit or a Floodplain clearance must be obtained from the Regulatory Division of the Flood Control District of Maricopa County.
- f. Major changes to this Special Use Permit must be processed as a revised application with approval by the B.O.S. upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes. Staff will determine the difference between minor and major changes.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors.

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- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Maricopa County Planning & Development Department or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. Non-compliance with the conditions of approval will be treated as a violation in accordance with The Maricopa County Zoning Ordinance (Violation and Penalty). Further, non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with The Maricopa County Zoning Ordinance.
- j. A Status Report is required five-years (5) from the date of Special Use Permit approval by the B.O.S. The purpose of the report is to ensure compliance with the listed stipulations.
- k. The mobile home shall remain occupied for the Special Use Permit to be valid.

Joy Rich, Director of Planning and Development, reported on the actions taken by the Planning Commission. She indicated that singlewide mobile homes are not approved for this area without a Special Use Permit and a number of these permits have been issued in previous years. She said that any major changes by the applicant that deviate from this permit would have to be approved by both the Planning Commission and the Board of Supervisors.

Yadira Munoz, the applicant, was present but did not comment.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval subject to stipulations "a" through "k" with revised language to stipulation "g," shown below, as requested by Supervisor Wilson.

- g. This Special Use Permit shall expire ~~20~~-10 years from the date of approval by the Board of Supervisors.

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board