

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., September 7, 2005, in the Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Juanita Garza, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Jeff Taylor, Phoenix Rescue Mission, delivered the invocation.

PLEDGE OF ALLEGIANCE

Barbara Hofmann, County Administrative Office, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced "Astro" as the pet of the month. Ms. Banks described Astro as a two-year-old male puppy that "loves to cuddle" and indicated that Astro would be available for adoption today. Ms. Banks reported that the number of displaced animals that come to the shelter increased as a result of the Hurricane disaster. She also added that there are many cats and dogs at the facility waiting to be adopted.

PROCLAMATION – SEPTEMBER AS EMERGENCY PREPAREDNESS MONTH

In conjunction with the national proclamation, the Maricopa County Board of Supervisors is proclaiming September as Emergency Preparedness Month.

Joy Rich, Planning and Development, spoke on emergency preparedness and encouraged everyone to participate and visit some websites with helpful information about emergency preparedness. Ms. Rich also added that families are urged to follow a few basic steps to become better prepared for a disaster:

- Get a kit
- Make a plan
- Be informed
- Get involved

Ms. Rich encouraged families to get trained on emergency preparedness and request a free copy of Are You Ready? An In-depth Guide to Citizen Preparedness. Ms. Rich said, "What better time than now for families to take the opportunity of the Proclamation of September as Emergency Preparedness month to start preparing."

Chairman Wilson commented on the importance for everyone in the State of Arizona to be prepared for any disaster.

Supervisor Stapley read the Proclamation for Emergency Preparedness Month for the record.

FORMAL SESSION
September 7, 2005

PROCLAMATION

**September 2005
EMERGENCY PREPAREDNESS MONTH**

Whereas the mission of the Maricopa County Department of Emergency Management is to provide community-wide education, planning, coordination, and continuity of government for the people of Maricopa County in order to protect lives, property and the environment in the event of a major emergency, and

Whereas Maricopa County has experienced major fires and local floods which have led to loss of life, and

Whereas September is National Preparedness Month, Maricopa County along with the State of Arizona, U.S. Department of Homeland Security and the American Red Cross urge all Maricopa County resident to take some simple steps to become better prepared for emergencies, and

Whereas the U.S. Department of Homeland Security and the American Red Cross state that in order for a community to be prepared for a disaster, every person in the community needs to take steps to become disaster ready.

Now Therefore The Maricopa County Board of Supervisors proclaims September 2005 as Emergency Preparedness month and urges all Maricopa County residents to prepare and plan for emergencies.

DATED this 7th Day of September 2005.

/s/ Chairman Max W. Wilson, District 4
/s/ Supervisor Don Stapley, District 2
/s/ Supervisor Andy Kunasek, District 3
/s/ Supervisor Fulton Brock, District 1
/s/ Supervisor Mary Rose Wilcox, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to proclaim September as Emergency Preparedness Month.

AMENDMENT TO URBAN COUNTY FIVE-YEAR CONSOLIDATED PLAN AND ANNUAL ACTION PLAN TO ASSIST HURRICANE KATRINA VICTIMS

Item: Authorize Community Development staff to take the appropriate steps to amend the Urban County FY 2005-09 Five-Year Consolidated Plan and FY 2005-06 Annual Action Plan to allow the reprogramming of up to \$450,000 from Community Development Block Grant (CDBG) contingency funds to eligible CDBG public services activities to assist the victims of Hurricane Katrina. (C1706001001) (ADM 1500) (ADM 904-001) (Addendum item A-1)

David Smith, County Manager, stepped forward to address the Board on the amendment to the Urban County five-year consolidated plan, brought forth, pursuant to A.R.S. §38-431.02(J), as an emergency item, in an effort to assist Hurricane Katrina victims. Mr. Smith was joined by a team of staff as part of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

county response team to Hurricane Katrina; Bill Scalzo, Parks and Recreation, Al Patrick, Housing Authority, Annette Stein, Human Services, Osman Aloyo, Emergency Management, and Jim Prante, Community Development.

Mr. Smith distributed a handout for the Supervisors to refer to as he spoke about the Maricopa County response efforts for the Hurricane Katrina disaster. He reported that 100 of the Sheriff's Search and Rescue team were on site along with Public Health and Environmental Services. Mr. Smith said that county departments were ready to assist and provide transportation services for the victims at the coliseum to get out into the community and seek jobs.

Bill Scalzo stated that different departments (i.e. Community Development, Housing, Human Services, and Emergency Management) came together and identified resources and services that could be made available immediately to assist hurricane victims and other agencies involved in the hurricane relief effort. Some of the services identified included: transportation, housing units, eligibility for section 8 application transfers, and Workforce Development.

Jim Prante reported that 15% of the annual grant from the Community Development Block Grant was made available for public service activities. Mr. Prante also indicated that the required 30-day public commentary period was reduced to 3-days.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox to amend the Urban County Five-Year Consolidated Plan and Annual Action Plan to assist Hurricane Katrina victims.

In response to a question from Supervisor Stapley it was ascertained that it was required by statute that the motion go through a 3-day public comment period before moving forward with any of the actions discussed.

Annette Stein asserted that some of the services such as transportation and deployment of Workforce Development staff had already been implemented, but the funding was not on hand.

Al Partrick said "it is our commitment to continue to work closely on behalf of the residents of the county and with the Board of Supervisors" and informed the Supervisors that a family from New Orleans had already been placed in a housing unit and more families were lined-up to be placed in homes. He added that many were also seeking employment.

Supervisor Wilcox commented that St. Vincent de Paul was providing evacuees with bus tokens to go to near-by relatives and asked Ms. Stein if a van and driver could be provided to help transport people from the coliseum to the airport and bus terminal.

Mr. Scalzo said that the Arizona Diamondbacks had agreed to donate tickets and provide transportation to the evacuees. He indicated that the tickets were paid for by the Diamondbacks and all proceeds would go to the Red Cross.

In response to a question from Supervisor Kunasek, Ms. Stein replied that Workforce Development was connected to all job postings, even those available in the county system. Ms. Stein added that Workforce Development also provided any additional training necessary to prepare them for a job and purchased tools for those interested in construction work.

Supervisor Stapley commented on the importance of considering the National Association of Counties' (NACo) program to help county employees that lost their homes and jobs. Supervisor Stapley stated that

FORMAL SESSION
September 7, 2005

NACo established the Parish and County Family Fund, in an effort to collect money to help parishes and counties in the states hit hardest by the hurricane. Mr. Stapley questioned the prospect of asking county employees to contribute to the NACo fund. Mr. Smith said that Maricopa County already had a program in place called "EASE" (Employees Assisting and Supporting other Employees), that would be used to assist parishes and displaced county employees.

Paul Golab, County Attorney, informed the Chairman that the posting being considered for action required public pronouncement stating that it was an emergency and the reasons for that.

Chairman Wilson read the posting of the addendum for the record as follows:

**Addendum
Posted at 4:45 pm on September 6, 2005
as an emergency item, pursuant to A.R.S. §38-431-02(J)**

The motion made earlier by Supervisor Stapley carried unanimously (5-0).

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license applications a) b) c) and d). No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications:

- a. Application filed by Roger J. Scharenbroich for a Special Event Liquor License: (F23164) (SELL688)

Business Name: Knights of Columbus #12144
Location: 9728 Palmeras, Sun City, 85373
Date/Time: October 29, 2005; 4:00 p.m. – 11:30 p.m.

- b. Application filed by Shana E. Rebilas Bousard for a Special Event Liquor License: (F23164) (SELL689)

Business Name: Theatre Maxim, LLC
Location: 40404 N. Gavilan Peak Parkway, Anthem 85086
Dates: October 14, 2005, October 15, 2005,
October 20, 2005, October 21, 2005, and
October 22, 2005
Time: 7:00 p.m. – 9:00 p.m.

- c. Application filed by Christopher Matthew Hall for an Original, Series 10 Liquor License: (LL6154)

Business Name: Riverside Food Mart
Location: 46639 N. Black Canyon Highway, New River
85087

- d. Application filed by Stephen Michael McKinney for a Transfer-of-Location, Series 9 Liquor License: (LL6155)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

Business Name: Fry's Signature Store #78
Location: NEC Daisy Mountain Drive and Gavilan Peak
Parkway, Anthem 85086
Former Location: Fry's Food and Drug #136
4329 W. Northern Avenue, Glendale 85301

Motion carried by a majority vote (4-1) with Supervisors Wilson, Stapley, Kunasek and Wilcox voting "aye" and Supervisor Brock voting "nay."

TEMPORARY ADDITION TO FLEET

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the use and the temporary addition to the Assessor's fleet, of one redlined 2000 Chevrolet C10 ½ ton pickup 4X2, vehicle number 32060, VIN number 1GCEC14V5YE02233, through June 30, 2006, or until such time it becomes a financial burden. It shall be utilized by the Personal Property Division in accordance with duties as prescribed in Title 42 of Arizona Revised Statute. The estimated FY 2005-06 expenses are \$5,000. (C1206002800) (ADM3104)

AMENDMENT WITH DEL WEBB CORPORATION FOR OFFICE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to extend the sub-lease agreement (L-7361) between Del Webb Corporation and the Maricopa County Sheriff's Office for 630 square feet of office space in the Anthem Administration Building, 3701 W. Anthem Way, Anthem, Arizona through June 30, 2006. The cost of this lease is \$1.00. (C5005029M01)

TEMPORARY ADDITION TO FLEET FOR SKY WATCH MOBILE SECURITY TOWER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a one-time addition to the Sheriff's Office equipment fleet of a 24-foot, self-contained Sky Watch Mobile Security Tower, valued at \$58,234. This tower was purchased with Jail Enhancement Funds (JEF) and will be used to increase security at the southwest corner of the Durango Complex. The annual cost to operate this item is estimated to be \$1,000. This item is a temporary addition to fleet with no funding from the detention fund for its replacement. (C5006012M00) (ADM3104)

RENEWAL OF SPECIAL USE PERMIT WITH U.S. DEPARTMENT OF AGRICULTURE SERVICE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the renewal of a special use permit between the U.S. Department of Agriculture, Forest Service and Maricopa County that will allow the Sheriff's Office to continue maintaining a multi-agency boat storage facility/garage at Horseshoe Lake. The term of this permit is from January 1, 2005 through December 31, 2025. (C5006013000)

VEHICLE EXEMPTION FROM MARKINGS AND GOVERNMENTAL PLATES

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the exemption from marking including Maricopa County seals and government plates from this vehicle. This new vehicle, which replaces vehicle number 82402, will be used by Adult Probation officers on a full time basis for the supervision of convicted felons

FORMAL SESSION
September 7, 2005

and misdemeanants who reside in jail while working in the community. The vehicle identification number for this vehicle is on file in the Clerk of the Board's office. (C1106001M00) (ADM3101V)

TERMINATION OF LEASE WITH M.R.S. LLC FOR THE NORTHEAST PHOENIX JUSTICE COURT FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve termination of Lease No. L7044 with M.R.S. LLC, successor in interest to Jerome S. Gutkin, for the Northeast Phoenix Justice Court facility located at 10255 N. 32nd Street, Phoenix, Arizona. The lease provides an early termination option with no penalty, by giving written advance notice. The termination will be effective on October 31, 2005. This approval will formally exercise the termination option. (C24960014YY)

FUNDS TRANSFER FOR CARLA CARTER & ASSOCIATES CONSULTANT SERVICES

Pursuant to A.R.S. §42-17106 and as an amendment to Agenda No. C2005007800, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of contingency funds in the amount of \$39,400 from FY 2005-06 General Government (470) General Fund (100) Contingency (4711) to an existing line item in General Fund Consultants (4724) entitled "Carla Carter & Associates." These funds will be used for consultant services to further assist Maricopa County in its process improvement plan and pursuit of excellence. (C2005019101) (ADM1600-003)

IGA WITH CITY OF CHANDLER FOR FIRE AND EMERGENCY SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County and the City of Chandler (City) for the City to provide fire and emergency services to Maricopa County island residents living within the City's municipal planning area. Under this agreement, the City will provide these services to Maricopa County island residents for a fee directly payable by the residents who opt for these services. The County will assist in providing residential information. The budgetary impact to the county is zero. This item was discussed in Executive Session on August 8, 2005 and September 6, 2005. This item is continued from the Formal Meeting of August 10, 2005. (C2006005200)

APPLY AND ACCEPT GRANT FROM NACO FOR SMI COMMISSION PROGRAMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to:

- Approve the application for, and acceptance of, grant funding from the National Association of Counties (NACo) in the total amount of \$5,000 to support the efforts of the Maricopa County Commission of Justice System Intervention for the Seriously Mentally Ill (SMI).
- Approve a revenue and expenditure appropriation adjustment of \$5,000 for FY 2005-06 in the General Government Grant Fund (249). Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, 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. (C2006007000)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to reject claim demands (July 2005) for emergency medical services from private medical providers to

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$912,085.16 and A.R.S. §11-622 \$0.00). (C3906002700) (ADM1804)

**BOARD OF SUPERVISORS REPORT
July 2005**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Advanced Cardiac Specialists	1,215.00	0.00
Allure Plastic Surgery Pc	22,084.00	0.00
American Physicians Inc	375.99	0.00
Arizona Arrhythmia Consultant	5,293.00	0.00
Arizona Grand Medical	83.00	0.00
Arizona Medical Imaging	28.00	0.00
Arizona Oncology Services	5,492.00	0.00
Associated Opthlmologists	80.00	0.00
Banner Baywood Heart	53,082.30	0.00
Banner Estrella Medcial	16,925.41	0.00
Banner Good Samaritan Reg Med	62,484.47	0.00
Casa Grande Er Phy	358.00	0.00
Child Neurology	309.75	0.00
Clinical Diagnostic Radiology	1,105.00	0.00
Copper State Orthopedics	282.00	0.00
Eacmc Arizona	2,662.13	0.00
Emergency Physicians Prof Asso	1,657.00	0.00
Emergency Professional Svcs Pc	1,107.00	0.00
Hanger Prosthetics & Orthotics	2,324.00	0.00
Hospitalists Of Arizona	217.00	0.00
Maricopa Health Systems	337,665.12	0.00
Medpro	81,705.39	0.00
Nestor N Nazareno Md Pc	381.00	0.00
Neurosurgical Associates	9,700.00	0.00
North Phoenix Heart Center	160.00	0.00
North Valley Emergency Special	223.00	0.00
Paradise Valley Hosptial	5,785.00	0.00
Paradise Valley Pathology PI	190.81	0.00
Pathology Associates Ltd	1,090.00	0.00
Phoenix Baptist Hospital	5,166.24	0.00
Phoenix Memorial Hospital	319.02	0.00
Radiology Services	592.82	0.00
Rural Metro Ambulance	2,231.18	0.00
Sjh Trauma Billing	374.08	0.00
Sonora Behavioral Health	3,116.48	0.00
Southwest Ambulance	5,691.18	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

Southwest Neuro-Imaging	746.00	0.00
St Josephs Hosp Arizona	270,762.00	0.00
St Lukes Medical Center	918.07	0.00
Tempe St Lukes	1,410.72	0.00
Urology Associates Ltd	147.00	0.00
Valley Anesth Consultants Ltd	6,545.00	0.00
Grand Totals:	912,085.16	0.00
Restitution	0.00	
Totals Denials:	912,085.16	

MMCS PROVIDER PANEL APPOINTMENTS/REAPPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the recommendations of Maricopa Managed Care Systems (MMCS) Health Plan Provider Panel appointments and reappointments as discussed in Executive Session on September 6, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (C9004171M) (ADM2100-005)

Initial Appointment

Jay Shechter, MD	Internal Medicine/Cardiology	Contract
Amy Koler, MD	Surgery	Contract

Reappointment

Marcia Brickson, NP	Nurse Practitioner	Contract
Joseph Klag, DO	Internal Medicine/Cardiology	Contract
Vijay Kumar, MD	Nephrology	Contract
Dharminder Marwah, MD	Internal Medicine/Nephrology	Contract
Joseph Sun, MD	Family Practice	Contract
Natividad Verdejo-Perez	Family Practice	Contract

Denied

Jeffrey Levine, MD	Orthopedic Surgery	Contract
Grant Shapiro, DC	Chiropractic	Contract

PERSONNEL AGENDAS

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibit A and B will be found at the end of this set of minutes.

TRANSFER AND EXPENDITURE OF FUNDS FOR SPECIAL HEALTH CARE DISTRICT IGA

In accordance with A.R.S. §42-17106B, motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve:

- o The transfer and expenditure of \$2,625,000 from Appropriated Fund Balance (480) General Fund (Fund 100) General Contingency (4811) to a new line item "Maricopa County Special Health Care District IGA: Task Order" in Appropriated Fund Balance (480) General Fund (Fund 100) Other Programs (4812). This amount represents the balance of funding that was authorized by a previous Board approval of agenda number C3905034800 in FY 2004-05, authorizing the County Manager to provide a package of

FORMAL SESSION
September 7, 2005

- measures designed to assist the Maricopa County Special Health Care District Board of Directors, including revenue enhancement and expense control expertise provided through consulting services, and
- o The transfer and expenditure of \$100,000 from General Government (470) General Fund (Fund 100) General Contingency (4711) to a new line item "Maricopa County Special Health Care District IGA: Performance Bond" in General Government (470) General Fund (Fund 100) Other Programs (4712).

Approval of these actions will satisfy the requirements of Maricopa County Special Health Care District IGA Section 4 Task Order Sub Section 4.1 Payment, and Section 8 Health Plans Sub Section 8.2.2 Performance. These actions will have a countywide net impact of zero. (C4906008800) (ADM2100-005) (ADM4496)

AMENDMENTS FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to retroactively approve and sign Amendments No. 1 to extend the term of the non-financial affiliation agreements between Maricopa County, through its Department of Public Health, and the following entities to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreements are non-financial and the terms are retroactive from July 1, 2004 through June 30, 2008:

- a. Chandler Unified School District, (C8600021001)
- b. City of Phoenix through its Human Services Department (C8697040201)

AMENDMENT WITH ADHS FOR LEARNING EXPERIENCES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 1 to a non-financial affiliation agreement with the Arizona Department of Health Services (ADHS), to allow ADHS residents to participate in learning experiences at the Maricopa County Department of Public Health. The term of the amendment is retroactive from July 1, 2005 through June 30, 2010, and includes a 30-day termination clause. (C8601033201)

AMENDMENT WITH MEDPRO FOR PROFESSIONAL MEDICAL SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to retroactively approve Amendment No. 5 to Contract No. C86020841 with Medical Professional Associates of Arizona, P.C., (MedPro) for the provision of professional medical services to the Maricopa County Department of Public Health and its clientele. This amendment is retroactive from October 1, 2004, and extends the term of the contract through September 30, 2006, and provides not-to-exceed \$589,010 in funding for the additional two years. (C8602084105)

GRANT APPLICATION FOR EARLY CHILDHOOD HEALTH AND DEVELOPMENT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a grant application to the U.S. Department of Health and Human Services for early childhood health and development services due September 12, 2005. The term of the contract, if awarded, will be from March 1, 2006 to February 28, 2011, with funding, if awarded, of not-to-exceed \$250,000 over the five years. Maricopa County Department of Public Health's indirect rate for FY 2005-06 is 16.67%. All indirect costs, which are estimated to be \$35,721, are fully recoverable at this rate. By approving this agenda item, the Board will be authorizing the Department Director (or designee) to sign all continuation

FORMAL SESSION
September 7, 2005

applications and associated documents. If any funds are awarded, the Department of Public Health will return to the Board for approval of acceptance of these funds and any subsequent amendments. (C8606015300)

AGREEMENT WITH MERCY CARE PLAN FOR THE HOMELESS PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a participating health provider agreement with Mercy Care Plan for the Maricopa County Public Health's Healthcare for the Homeless Program. The term of the agreement shall begin upon Board of Supervisors' approval for a period of one year, with automatic one-year renewals and a 90-day termination clause. The estimated revenue amount is \$30,000 per year, and may change based on the number of clients actually served. There is no cap. (C8606016100)

AGREEMENT WITH ARIZONA CULINARY INSTITUTE FOR CLINICAL DIETETIC EXPERIENCE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and Arizona Culinary Institute to provide clinical dietetic experience for graduate students in the dietetic internship. The agreement is non-financial, and the term of the agreement starts upon Board of Supervisors' approval through June 30, 2010. (C8606017000)

CONTRACT WITH CLINICA ADELANTE, INC. FOR WELL WOMEN HEALTH CHECK SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Clinica Adelante, Inc. to provide well women health check services to uninsured or underinsured women. The contract term is retroactive from August 1, 2005 and continues through July 31, 2008, for not-to-exceed amount of \$20,000 per year. Clinica Adelante, Inc. was a successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on June 10, 2005 (PH ROQ 05-008). (C8606018100)

IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. Arlington School District, for a contract dollar amount not-to-exceed \$1,500. (C8606408200)
- b. Isaac School District, for a contract dollar amount not-to-exceed \$14,500. (C8606410200)
- c. Gilbert Unified School District, for a contract dollar amount not-to-exceed \$46,000. (C8606411200)
- d. Paradise Valley School District #69, for a contract dollar amount not-to-exceed \$45,500. (C8606414200)

Blue Crowley, citizen, stepped forward to comment on the deaths that occurred among the homeless due to the heat and emphasized on the need to address the heat exposure issue and allocate some funding for this cause here in the Southwest Valley.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

APPOINTMENTS FOR COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following appointments and alternates to the Community Development Advisory Committee (CDAC) to serve a one-year term from July 1, 2005 through June 30, 2006. All CDAC appointments expire on June 30 of each year and positions remain vacant until such time as the Board of Supervisors appoints representatives to serve for the coming year. (C1705109901) (ADM1501)

Primary	Alternate	Representation
Daniel Birchfield	James Turner	Town of Gila Bend
Betty Lynch	Al Carroll	City of Avondale

Supervisorial District	Appointee
District 2	James Warner
District 5	Veronica Flores

AMENDMENT TO CONTRACT WITH ARIZONA CALL A TEEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an administrative change to correct an error on agenda number C2204098105 that was approved by the Board on July 6, 2005. The agenda requests that the Board approve "Amendment No. 4". The agenda item should read "Amendment No. 5". Nothing else in the agenda is changed and the terms, period of performance, and contract value remain the same. (C2204098107)

IGA WITH DES FOR WORKFORCE INVESTMENT SYSTEM ACTIVITIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between Maricopa County Human Services Department and the Arizona Department of Economic Security (DES), Rehabilitation Services of Arizona in the amount of \$24,700. This agreement provides for workforce investment system activities that increase the employment, retention and earnings of participants and increases the occupational skill attainment by disabled participants through a satellite office located at the Arizona Industries for the Blind at 3012 W. Lincoln, Phoenix, Arizona 85009, and an Assistive Technology Center at the Gilbert One-Stop Center at 735 N. Gilbert Road, Gilbert Arizona 85234. This contract does not contain any county general funds. (C2206102000)

CONTRACT WITH AREA AGENCY ON AGING FOR SAIL PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the contract between the Human Services Department, Senior Adult Independent Living (SAIL) Program, and the Area Agency on Aging to obtain funding in the amount of \$1,273,174. The funding will allow for the operation of the SAIL program to provide services during FY 2005-06. The effective date of the contract is from July 1, 2005 to June 30, 2006. There are no county funds involved with this contract. (C2206137100)

APPOINTMENT TO MARICOPA COUNTY'S HEAD START ZERO-FIVE POLICY COUNCIL

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to re-appoint Ms. Molly Buchanan as the Board of Supervisors' representative to Maricopa County's Head Start Zero-Five Policy Council. The Board of Supervisors appoints a representative from among their

**FORMAL SESSION
September 7, 2005**

members, or a representative from the community, to serve on its behalf, as its designee to the Maricopa County Head Start Zero-Five Policy Council. This representative serves a one-year term, from September through September of each year. Federal regulations stipulate that no member of the Policy Council, including the Board's representative, may serve more than three one-year terms on the Policy Council. (C2206140M00) (ADM2502-001)

BOATING ACCESS GRANT FROM ARIZONA GAME AND FISH DEPARTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to:

- Accept a Boating Access Grant awarded by the Arizona Game and Fish Department. The grant award is for \$21,000, and will be used to provide construction and maintenance of boating access facilities on public waters for Lake Pleasant Regional Park.
- Approve an appropriation adjustment increasing the FY 2005-06 Parks and Recreation Department (300), Agency (301), Fund (230) revenue and expenditure budgets by \$21,000. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105.
- Authorize the Parks and Recreation Department (Department 300) to sign necessary reporting and reimbursement paperwork to administer the grant. (C3006007200)

FUND TRANSFERS

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

AMENDMENT WITH HUMAN SERVICES CAMPUS, LLC, FOR WAREHOUSE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to retroactively approve and execute amendment to Lease No. MC10144 with Human Services Campus, LLC, lessee, for 7,687 square feet of warehouse space located at 1214 W. Madison, Phoenix, AZ. This amendment will extend the term of the existing lease 18 months, commencing March 18, 2005 to September 17, 2006, with an option to renew for one additional year. The annual rental rate is \$1.00 per year. The lessee also wishes to utilize this facility as a "Low Demand" shelter. This lease contains a 90-day termination provision and a six-month holdover provision. (C1804027401)

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

FORMAL SESSION
September 7, 2005

Contract Renewal/Extension:

Renew/extend the following contract (these were recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

Until June 30, 2007

- 01178-RFP Employee Health Benefits Plan (\$120,000,000 estimate/18 months).** Contract renewal to provide Employee Health Benefits as required. This includes General Medical (Cigna), Behavioral Health Benefits (United Behavioral Health) and Pharmacy Services (Walgreens Health Initiatives). This is an 18-month renewal to align the benefit year with the county fiscal year.
- o Cigna Healthcare Of Arizona
 - o United Behavioral Health
 - o Walgreens Health Initiatives

Increase in the price agreement amount for the following contracts. This request was due to an increased usage by county departments.

- 01012-RFP Outside Audit, Accounting and Consulting Services (\$1,200,000 increase).** Increase contract value from \$4,200,000 to \$5,400,000. This \$1,200,000 increase to this contract value is requested by Health Care Mandates to provide on-going consulting services for the newly created Hospital District and other related projects throughout the county. Though this contract was originally awarded for use by the Health Care Mandates Agency, three other county agencies have purchased services totaling over \$1,000,000. There is no increase to contract rates. This contract was renewed by the Board of Supervisors on June 8, 2005, and has an expiration date of June 30, 2006.

- 02072-RFP Substance Abuse Treatment Program (\$4,000,000 increase).** Increase contract value from \$5,000,000 to \$9,000,000. This \$4,000,000 is requested by the Juvenile Probation Department. A new female facility, scheduled for operation in September 2005, was not considered in the initial estimated contract renewal value. Juvenile has submitted and had approved a Results Initiative Request related to this effort. This contract was renewed by the Board of Supervisors on March 9, 2005, and has an expiration date of March 31, 2008.

SETTLEMENT WITH GINA PICCOLI

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve final settlement of the Gina Piccoli, et al. v. Maricopa County, et al. CV2005-004380 for \$300,000. This item was discussed in Executive Session on August 8, 2005. (C7506001100) (ADM409)

SETTLEMENT OF AVILES V. DENHAM V. MARICOPA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve payment of the County's Self Insured Retention in the amount of \$965,583.45 as part of the settlement in the Aviles v. Carla Denham, M.D. et al. v. Maricopa County, CV2000-011675. This item was discussed in BOS Executive Session on August 8, 2005. (C7506005100) (ADM409)

**FORMAL SESSION
September 7, 2005**

APPOINT MEMBER TO THE VVR&R PROGRAM ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to re-appoint Mr. Alex Studham, representing the Arizona Department of Environmental Quality, to the Voluntary Vehicle Repair and Retrofit (VVR&R) Program Advisory Committee. The appointment shall be a two-year term which expires January 19, 2008. (C8506003000) (ADM2360-001)

APPLY AND ACCEPT GRANT FROM EPA FOR PM 2.5 MONITORING NETWORK

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

- Approve the application and acceptance of \$47,600 from the U.S. Environmental Protection Agency (EPA) for the continued implementation and enhancement of the PM 2.5 monitoring network operation designed to attain the PM 2.5 standard. The term of the contract is July 1, 2005 to September 30, 2005. All indirect costs are allowed and fully recoverable. The Department's FY 2005-06 authorized indirect cost rate of 13.63% will be applied and total estimated indirect costs are \$2,711.
- Approve, upon award of the grant funds, an appropriation adjustment to Air Quality Department Grant Fund (Agency 853, Fund 503) of revenues and expenditures in the amount of the funds awarded by the EPA, which is \$47,760. The appropriations adjustment is necessary because these funds were not included in the FY 2005-06 budget. This grant is a reimbursement grant and does not require matching funds. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8506004300)

ONE-TIME ADDITION TO THE FLEET

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

- Approve a one-time addition to the Air Quality Department fleet of four two-wheel drive, four-door, mid-size sport utility vehicles with power windows, door locks, tilt and cruise control at a cost of \$97,300.
- Approve an increase to revenue and expenditure authority to the Air Quality Grant Fund (Agency 853, Fund 503). This increase is for reimbursement funding from the BW-97972101-01 Environmental Protection Agency Cooperative Agreement and will be used to purchase the requested vehicles. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This grant does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8506005M00) (ADM3104)

ADDITION TO THE FLEET AND TRANSFER EXPENDITURE AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the addition to the county fleet of eight cargo vans and/or eight gas and/or electric carts.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

- Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority in the amount of \$72,000 from FY 2005-06 Appropriated Fund Balance (480) General Fund (100) Contingency (4811) to the line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "FMD - Vehicle Replacement".
- Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority of \$192,000 from FY 2005-06 Appropriated Fund Balance (480) Detention Fund (255) Contingency (4811) to the line item in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled "FMD - Vehicle Replacement". (C7006002800) (ADM3104)

TRANSFER EXPENDITURE AUTHORITY FOR ONE-TIME FLOOR CARE

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$71,773 from FY 2005-06 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to the line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "FMD – Floor Care". (C7006003800) (ADM800-003)

TERMINATE IGA AND LEASE WITH MARICOPA COUNTY LIBRARY DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the termination of an intergovernmental agreement (IGA) and lease, approved January 21, 2004, between the Maricopa County Library District, as lessor, and Maricopa County, as lessee, effective September 15, 2005. (C6706002200) (C67040032YY)

EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS

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

- | | |
|--------------------|---|
| A326.002
(JPM) | Project No: TE191 - 105th Avenue at Thunderbird Boulevard - Warranty Deed - Parcel No.: 200-84-026M - Roskamp- Sun Health Management Services, L.L.P., an Arizona limited liability partnership - for the sum of \$2,553.00. |
| A326.002
(JPM) | Project No: TE191 - 105th Avenue at Thunderbird Boulevard - Purchase Agreement and Escrow Instructions - Parcel No.: 200-84-026M - Roskamp- Sun Health Management Services, L.L.P., an Arizona limited liability partnership. |
| A339.007
(JPM) | Project No: TE 188 - RH Johnson Boulevard at Stardust Boulevard - Agreement for Right of Entry - Parcel No.: 232-16-869 - Recreation Centers of Sun City West, Inc., an Arizona non-profit corporation - for the sum of \$500.00. |
| A339.053-4
(LS) | Project No: TR098 - Mingus Road (Box Culvert East of 26th Avenue) - Agreement for Right of Entry - Parcel No.: 202-26-037 - Dennis R. Freeman and Marilyn S. Freeman - for the sum of \$100.00. |

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

MI-14- Project No: TT011 - Gilbert Drive at Mary Street - Warranty Deed - Parcel
1N4E.001 No.: 132-19-009N - Gene C. Howard - for the sum of \$24,000.00.
(DWM)

MI-14- Project No: TT011 - Gilbert Drive at Mary Street - Purchase Agreement
1N4E.001 and Escrow Instructions - Parcel No.: 132-19-009N - Gene C. Howard.
(DWM)

X-0261B Project No: 68840 - Estrella Roadway, Phase II (Reems Road to Lake
(LS) Pleasant Road) - Special Warranty Deed - Parcel No.: 201-17-002G -
Grantees: Parmesh M. Khamre and LaDonna K. Khamre - for the sum of
\$10.00. (per agenda item C6404287500)

ACCEPT BID FOR RIGGS ROAD AND STATE ROUTE 347 INTERSECTION PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept the low bid of \$218,692 from Combs Construction for the Riggs Road and State Route 347 Intersection Improvement Project (Project No. TT157), Contract No. 2005-37. A review of the bids indicated that the higher than expected bid was due to the difference in the cost of traffic control, which can be justified due to the amount of current construction activity in the valley along with the increasing cost of traffic control and barricade rental. The low bid amount was 18% higher than the engineer's estimate. (C6405291501)

ON-CALL CONTRACTS FOR TRAFFIC ENGINEERING SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to award four on-call contracts for pending and new projects requiring on-call traffic engineering services. Each contract is effective for 730 calendar days following the Board of Supervisors' approval or until the expenditure of \$125,000, whichever occurs first. The funding requirement for FY 2006-07 is contingent upon the Board's approval of the recommended FY 2006-07 budget. Contracts are as follows: (C64060215ZZ)

- o AZTEC Engineering, Contract No. 2005-60 (C6406022500)
- o CK Engineering, Inc., Contract No. 2005-61 (C6406023500)
- o Carter & Burgess, Contract No. 2005-63 (C6406024500)
- o Lee Engineering, LLC, Contract No. 2005-62 (C6406025500)

BIDS AND AWARD FOR WILLIAMS FIELD AND HIGLEY INTERSECTION PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the solicitation of bids for Williams Field and Higley Intersection Improvement Project, Work Order No. TT102. Approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. Approve the FY 2005-06 budget transfer of \$250,000 from Department (640), Fund (234), Project No. T002, Project Reserves Account, to Project No. T102, Williams Field at Higley Road, to fund the intersection improvement. (C6406026500)

TRAFFIC CONTROL CHANGE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following traffic control changes:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

- a. **Four-Way Stop** – Northern Avenue and Cotton Lane (from a two-way east/west stop). This partially rescinds the Through Street Resolution on Cotton Lane dated May 21, 1957. (C6406028000) (F23166)
- b. **Four-Way Stop** – Olive Avenue and Sarival Avenue (from a two-way north/south stop). (C6406029000) (F23166)
- c. **Three-Way Stop** – Elliot Road and Mountain Road (from a one-way north stop). (C6406030000) (F23166)

ANNEXATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following annexations of county right-of-ways pursuant to A.R.S.9-471.N:

- a. **By the City of Peoria** of county right-of-way within the south 55' of Bell Road from 91st Avenue then east 1320' and legally described as follows: ALL COUNTY RIGHT-OF-WAY WITHIN: THE NORTH 55' OF THE EAST ½ OF THE NE4 OF SAID SECTION 4, T3N-R1E and in accordance with City of Peoria Ordinance No. 05-30. (C6406031700) (ADM4212)
- b. **By the Town of Gilbert** of county right-of-way within the east 40' of Val Vista Road from Frye Road, north approx. ¼ mile (Boston Road), together with the west 40' of Val Vista Road from Frye north approx. ½ mile (Williams Field Road), and legally described as follows: ALL COUNTY RIGHT-OF-WAY WITHIN THE WEST 40' OF THE SOUTH ½ OF THE NW4 OF SECTION 33, TOGETHER WITH THE EAST 40' OF THE NE4 OF SECTION 32, EXCEPT THE NORTH 55'. SAID SECTIONS 32 & 33 ARE LOCATED IN T1S-R6E and in accordance with Ordinance No. 1651. (C6406035700) (ADM4206)
- c. **By the Town of Gilbert** of county right-of-way within the north right-of-way of Ocotillo Road from Lindsay Road then east approx. ½ mile, and generally described as all county right-of-way within: The South 75' of the East 33' of the SE4 of Section 18, Together with the South 75' of the West 380.41' and the South 65' of the East 2247' of the SW4 of Section 17. Both Section lying within T2S-R6E. and legally described as follows: A PORTION OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, AND A PORTION OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 18, T2S, R6E OF THE GILA & SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY ARIZONA MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST QUARTER OF SECTION 17; THENCE WESTERLY 33'; THENCE NORTHERLY ALONG A LINE 33' WEST OF AND PARALLEL WITH THE WEST LINE OF SAID SOUTHWEST QUARTER OF SECTION 17, A DISTANCE OF 75.01'; THENCE EASTERLY 33' TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 17; THENCE SOUTH 89 DEGREES 00 MINUTES 05 SECONDS EAST, PARALLEL WITH THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 17, A DISTANCE OF 380.41'; THENCE SOUTH 00 DEGREES 59 MINUTES 55 SECONDS WEST, A DISTANCE OF 10' TO A POINT ON THE NORTH LINE OF THE SOUTH 65' OF SAID SOUTHWEST QUARTER OF SECTION 17; THENCE SOUTH 89 DEGREES 00 MINUTES 05 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 2247.26'; THENCE SOUTH 00 DEGREES 02 MINUTES 29 SECONDS EAST, ALONG

FORMAL SESSION
September 7, 2005

THE EAST LINE OF SAID SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 17, A DISTANCE OF 65.01' TO THE SOUTH QUARTER CORNER OF SECTION 17; THENCE NORTH 89 DEGREES 00 MINUTES 05 SECONDS WEST ALONG SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 17, A DISTANCE OF 2627.36' TO THE TRUE POINT OF THE BEGINNING and in accordance with Town of Gilbert Ordinance No. 1609. (C6406036700) (ADM4206)

- d. **By the City of Avondale** of county right-of-way within the west right-of-way of El Mirage Road from El Wood Street, to 215' south of Lower Buckeye Road, together with the east right-of-way of El Mirage Road from 90' south of Buckeye Road then south approx. 2510', and legally described as THE WEST 15' OF THE EAST 55' OF THE SOUTH 49' OF THE NORTH 264' OF SAID NORTHEAST QUARTER; THE WEST 15' OF THE EAST 55' OF THE SOUTH 312' OF SAID NORTHEAST QUARTER; THE WEST 15' OF THE EAST 55' OF THE SOUTH 110' OF THE NORTH 286' OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER. THE EAST 40' OF THE NORTH 110' OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER. THE EAST 40' OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER. SECTION 23, T1N-R1W. EXCEPT THE NORTH 264'. ALSO THE WEST 33' OF THE NORTHWEST QUARTER OF SECTION 13, T1N-R1W. EXCEPT THE NORTH 90' AND THE SOUTH 30' and in accordance with City of Avondale Ordinance No. 1088-05. (C6406037700) (ADM4201)

REIMBURSE SRP FOR ENGINEERING AND CONSTRUCTION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Salt River Project (SRP) in the amount of \$837 for engineering services and construction by SRP contracted forces for the relocation and associated costs of 12kV power line in conflict with the Maricopa County Department of Transportation, (MCDOT) Project #T062 (68902), Ellsworth, University to McLellan. MCDOT acknowledges that the electrical facility has prior rights. The cost may not exceed the estimated amount of \$837 by more than 10%. Approve and execute the SRP Design and Construction Contract for the installation and modification of the above referenced electrical facilities. (C6406032100)

BIDS AND AWARD FOR MC 85 EXTENSION, SR 85 TO TURNER ROAD

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to:

- Approve the solicitation of bids for MC 85 Extension, SR 85 to Turner Road, Work Order No. 69075 (TT171).
- Approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. (C6406033500)

APPOINTMENTS – BUILDING CODE ADVISORY BOARD

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to re-appoint the following members whose terms are effective from Board of Supervisors' approval through March 30, 2009 (ADM3414-001):

- o Mr. Arthur Luera, representing General Contractors, and
- o Mr. Tracy Finley, as the Public Member Representative.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

HEARING SET – ROAD FILE DECLARATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to set a public hearing to declare the following road into the county highway system for 9:00 a.m., Wednesday, October 5, 2005. All hearings will be held at 301 W. Jefferson, 10th Floor, Phoenix, unless otherwise noted:

Road File No. A309. In the vicinity of Monte Vista Road and Jackrabbit Trail. (Supervisorial District 4) (C6406027B00)

HEARING SET – PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule a public hearing on Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for Wednesday, October 5, 2005, at 9:00 a.m. in the Board of Supervisors Conference Room, as follows:

Z2005053: Z2003091: Z2005040

ASRS CLAIMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (Amounts stated here may be recalculated employer payments to show accrued interest payments.) (ADM3309-001)

Employee Name	Total Employer Payment
Connye Peterson	\$209.40
Gary Drake	\$759.69

CANVASS OF ELECTIONS

There were no canvass of elections presented at this meeting.

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the recommendations from the Assessor for the Board to change classification and/or reduce the valuation of certain properties which are now owner-occupied. (ADM723)

<u>PARCEL NUMBER</u>	<u>YEAR</u>	<u>OWNER</u>	<u>CLASS FROM:</u>	<u>CLASS TO:</u>
110-39-030	2002	Rodriguez Fidelia S	CL/4	CL/3
110-39-030	2003	Rodriguez Fidelia S	CL/4	CL/3
110-39-030	2004	Rodriguez Fidelia S	CL/4	CL/3
143-01-001N	2002	John Munoz	CL/4	CL/3
143-01-001N	2003	John Munoz	CL/4	CL/3
143-01-001N	2004	John Munoz	CL/4	CL/3
143-01-001N	2005	John Munoz	CL/4	CL/3

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

152-27-204	2002	Leonard, Joyce	CL/4	CL/3
152-27-004	2003	Leonard, Joyce	CL/4	CL/3
152-27-004	2004	Leonard, Joyce	CL/4	CL/3
152-27-004	2005	Leonard, Joyce	CL/4	CL/3
156-43-002	2002	Michael Baker	CL/4	CL/3
156-43-002	2003	Michael Baker	CL/4	CL/3
156-43-002	2004	Michael Baker	CL/4	CL/3
156-43-002	2005	Michael Baker	CL/4	CL/3
202-20-028Z	2002	Michael Kellogg	CL/4	CL/3
202-20-028Z	2003	Michael Kellogg	CL/4	CL/3
202-20-028Z	2004	Michael Kellogg	CL/4	CL/3
202-20-028Z	2005	Michael Kellogg	CL/4	CL/3
207-40-014	2002	William Black	CL/4	CL/3
207-20-014	2003	William Black	CL/4	CL/3
207-40-014	2004	William Black	CL/4	CL/3
207-40-014	2005	William Black	CL/4	CL/3
214-55-029	2002	William Riley	CL/4	CL/3
214-55-029	2003	William Riley	CL/4	CL/3
214-55-029	2004	William Riley	CL/4	CL/3
214-55-029	2005	William Riley	CL/4	CL/3
232-33-039	2002	Delbert Jordan	CL/4	CL/3
232-33-039	2003	Delbert Jordan	CL/4	CL/3
232-33-03-	2004	Delbert Jordan	CL/4	CL/3
232-33-039	2005	Delbert Jordan	CL/4	CL/3
403-01-032	2002	Patricia Vasquez	CL/4	CL/3
403-01-032	2003	Patricia Vasquez	CL/4	CL/3
403-01-032	2004	Patricia Vasquez	CL/4	CL/3
403-01-032	2005	Patricia Vasquez	CL/4	CL/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on August 22, 2005. (ADM407)

LAST NAME	FIRST NAME	AMOUNT
Alvidrez	Isiah	\$1,510.00
Alvidrez	Sariah	\$1,800.00
Boen	Monty	\$28,870.00
Evans	Michael	\$7,500.00
Godfrey	Alora	\$17,500.00
Gonzalez	Daniel	\$400.00
Guerrero	Herlinda	\$7,500.00
Liss	Roberta	\$5,200.00
Molina	Alma	\$1,000.00
Molina	Dominga	\$3,000.00
Piro	Valerie	\$7,072.74
Rusing	Terry	\$1,100.00
Theirbach	Amy	\$6,250.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

Williams	April	\$600.00
Williams	Tionna	\$500.00
Wright	Russell	\$1,000.00

DUPLICATE WARRANTS

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

COUNTY

NAME	WARRANT	FUND	AMOUNT
Cactus Transport	360500991	Expense	\$564,125.23
Presbytery of Grand Canyon	350560472	Expense	\$301.00
Ronnie Sims	260004569		\$1,811.93
Manuela Alvarez	260008383	General	\$829.30
Quennie Lucas	260007997		\$796.04
Milton McGee	260008850	General	\$906.28
Jacqueline Beckett	260000437	Payroll	\$520.34
Donna Steadman	650009068	Jury	\$75.33
Donna Steadman	350010997	Jury	\$50.22
Barbara Wyllie	650006496	Jury	\$60.84

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Melissa Mirendino	Roosevelt SD	16008578	\$888.12
Charlotte Norwitz	Isaac SD	160003432	\$1,570.11
Tlizza Jaurique	Roosevelt SD #66	460001294	\$1,995.00
Nathan Paul Easter	Pendergast SD	150128877	\$57.47
Unisource Worldwide	Phoenix Elem SD #1	450104999	\$894.53
Secretary of State	Phoenix Elem SD #1	450118704	\$25.00
Wells Fargo Bank	Murphy Elem SD #21	460007264	\$2,591.40
Janet Cox	EVIT #401	150060768	\$378.58
Olasupo Alfred	Isaac SD	0129737	\$447.31
Sandra Cano	Isaac SD	0005549	\$131.66
Edward Penkins	Isaac SD	15011828	\$364.79
Clark Security Products	Roosevelt SD #66	450128339	\$144.21
Washington High School	Phoenix Elem SD #1	450144109	\$150.00
Barnes & Noble Booksellers	Isaac SD #5	450137585	\$565.80
Guitar Center	Agua Fria Union High SD #21	460010494	\$983.67
Angela Hansen	Gila Bend Unified SD #24	160009441	\$665.32
ASPAA	Littleton SD	450074094	\$250.00
Fairfield Language Technologies	Isaac SD #5	450128912	\$11,449.58
Boise Cascade Office Products Corp	Phoenix Elem SD #1	460011880	\$2,557.88
Kathy Scheck	Balsz SD #31	15129941	\$1,837.76
Verizon Wireless	Agua Fria Union High SD	460010511	\$2,353.35

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with the ASLAPR approved retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

There were no requests from the Assessor for corrections of the secured tax rolls presented at this meeting. (ADM705)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated September 7, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

2003	2005
TX 02-000606	CV 02-023825
	TX 04-000816
2004	
TX 04-000087	

STALE DATED WARRANTS

No claims were presented at this meeting. (ADM1816)

TAX ABATEMENTS

There were no requests for tax abatements presented at this meeting. (ADM708)

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held August 22, 2005. (ADM407)

LAST NAME	FIRST NAME	AMOUNT
Morales	David	\$45,025.67

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Blue Crowley, citizen, stepped forward to address the Board. Mr. Crowley distributed a copy of the annual transit report to the Supervisors to refer to as he commented on the need for more covered shade structures and bathroom facilities at all the bus stops, as shelter to the homeless people during the summer seasons. (ADM605)

**FORMAL SESSION
September 7, 2005**

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS.

Supervisor Stapley took the opportunity to thank Mr. James Warner, whom was appointed to the Community Development Advisory Committee representing District 5 and acknowledged his professionalism and hard work.

Supervisor Brock expressed his gratitude to the Maricopa County Sheriff's deputies dispatched to the Gulf States to aid in the Hurricane Katrina crisis. He also took the opportunity to thank the State of Arizona for the quick reaction in assisting and housing hurricane victims in the coliseum. (ADM606)

Supervisor Wilcox commented on the ribbon cutting ceremony, she attended, for Value Options Triage Center and said she was very impressed with the layout of the facility and complimented Supervisor Stapley and Supervisor Kunasek for all their hard work as part of the committee that pushed this project forward.

Chairman Wilson called for a ten minute break. The meeting was recessed and was reconvened after the break.

CODE ENFORCEMENT REVIEW – Cara Steele

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00440, Cara Steele. This Hearing was continued from the meetings of June 16, 2004, January 5, 2005, February 16, 2005, and August 24, 2005. (ADM3417-023)

Darren Gerrard outlined the progression of the case listed above. Mr. Gerrard reported that no permits or variances were ever filed by the Steeles; per the hearing officers order a \$300 fine and \$30 per day was imposed. Mr. Gerard added that on August 30, 2005 a sales contract was provided by the Steeles with close of escrow listed as October 14, 2005, and Mr. Warren, buyer, did indicate his intentions to demolish the property for the development of medical offices. No zoning or annexations applications by the Town of Gilbert were pending. Mr. Warren was advised by staff about becoming the responsible party once the property was purchased. Mr. Gerrard indicated that staff recommended two ways to resolve the compliance issue; to demolish the portion of the property in violation (demolish permit would be required) or to obtain variances of the set back.

In response to a question from Supervisor Brock, Mr. Gerard replied that the photos seem to indicate that the majority of the additions to the property were done prior to the Steeles purchasing the property.

Tom Steele stepped forward to comment. Mr. Steele stated that the property was bought as is, no new structures were added to the property and that they had been working with Planning and Zoning officials to bring the property to compliance. He informed the Board that the complaint was brought forth by a neighbor who is no longer a resident in the area, and that the rest of the properties in the area were sold for commercial development. He also indicated that the property had been sold and they had purchased a new home. Ms. Steele said that he hoped for a resolution to bring this case to a close and requested that the property not be demolished until the family vacated, for safety issues.

Supervisor Brock asked Mr. Steele what portion of the home was in question and if the addition was part of the home, Mr. Steele responded that the addition was part of the home that it was not a separate structure or garage.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

In response to a question from Supervisor Brock, Mr. Steele replied that the title company did not want to take any responsibility or do anything on their part until the case was settled with the County.

Supervisor Stapley asked if the Steeles were aware of the violation when they purchased the home in 1999 and why it had taken them so long to resolve the issue. Mr. Steele responded that they were not aware of any violations until the complaint. He assured Supervisor Stapley that once they became aware of the complaint they had followed the advice from the planning and zoning officials to submit a variance and request a continuation of the set backs until the sale of the property.

Supervisor Stapley asked if the Steeles had an alternative plan if the sale did not close. Mr. Steele replied that three buyers were in line to purchase the property if the pending sale contract was unsuccessful.

Supervisor Stapley's concern was that the specifics regarding the demolition were not in writing and the resolution of this case had already been prolonged. He recommended upholding the hearing officer's order of judgment, to pay the fines at close of escrow.

Mr. Steele asked the Board for leniency due to the fact that they did abide by the recommendations of Planning and Zoning; to continue the variance until the sale of the property.

Denise Quinn, Real Estate Agent, stepped forward to address the Board. Ms. Quinn stated that Frank Warren's intentions were to purchase the property. Ms. Quinn indicated that the property was in the process of been annexed by the Town of Gilbert, once the annexation and rezoning was complete the property would be demolished for construction of medical offices.

Chairman Wilson commented that the Supervisors' main concern was that the property was never brought to compliance even after the violation was enforced and penalties were imposed.

Supervisor Brock commented that even though there was no evidence of the annexation to Town of Gilbert, it was in process. Supervisor Brock followed by suggesting a two-step process to bring this case to a close; impose the \$300 fine and if by January 1, 2006 the property was in compliance the \$30/day accrued fees, approximately \$18,000, would be waived; if the property was not in compliance by such date, all fines would have to be paid in full.

Supervisor Kunasek reiterated Supervisor Brock's recommendation and agreed to it, said that his only concern was that if on the day of closing in October the Steeles took the money and didn't pay the penalty fees; it would be difficult to locate them to collect the fees.

Supervisor Stapley clarified Supervisor Brock's recommendation which would mean to modify the hearing officer's order to state that the \$300 fine would be collected now and \$18,000 would be held in escrow until the property was in compliance or the end of the year, whichever came first.

Chairman Wilson asked for the date to be modified due to the conflict of a holiday. The Supervisors agreed to set the compliance date for Friday, December 30, 2005.

Terry Eckhardt suggested including a modification stating that the real estate agent would need to draft documents that require signature by both the buyer and seller at close of escrow, in accordance with the motion.

Supervisor Kunasek requested a deadline for the amendments to bring certainty and finality to the prolonged case.

FORMAL SESSION
September 7, 2005

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Hearing Officer's recommendation with the following amendments:

- Must pay the \$300 fine now.
- Must amend the sales contract by September 12, 2005 to include the following provisions:
 - Hold \$18,000 plus the calculated accrued daily fine (approximately \$19,000) in escrow at the sale of the house.
 - If the property is brought into full compliance by December 30, 2005 the money will be released to the Steeles. If the property is not in full compliance by December 30, 2005 the money will be released to Maricopa County.

PLANNING AND ZONING AGENDA

CONSENT AGENDA DETAIL:

1. Z2005-060 District 2

Applicant: Layne Christensen Company for Oasis Arsenic Water Plant #11 & 13
Location: South of Broadway Road and west of Signal Butte Road (in the east Mesa area)
Request: Special Use Permit (SUP) for a water treatment (arsenic) plant in the R1-8 zoning district for Oasis Arsenic Water Plant (approx. 0.92 acres)

COMMISSION ACTION: Commissioner Porter moved to recommend approval of Z2005-060, subject to the following stipulations "a" through "n". Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "Arizona Water Company Oasis Well 11 and Well 13 Arsenic Treatment System Addition" consisting of two (2) full-size sheets dated modified July 15, 2005 and stamped received July 18, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Application Narrative Report for Arsenic Treatment System Addition" consisting of six (6) pages, dated May 23, 2005 and stamped received July 18, 2005 except as modified by the following stipulations:
- c. Prior to the first status report, the applicant shall provide a 10' high masonry block wall around the perimeter of the site along with a 10' wide landscape strip along the entire frontage of Palm Dr. in front of the block wall. The wall shall be a minimum of 10' from the right-of-way line and will be required to meet sight visibility triangle (SVT) requirements.
- d. All landscaping shall be maintained in good health until expiration of the Special Use Permit (SUP).
- e. The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
 - No construction can begin on the arsenic treatment system prior to the issuance of an Approval to Construct by the MCESD. Facility construction must be in conformance with the Approval to Construct.

- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- j. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and twenty (20) years from the date of approval by the Board of Supervisors. The applicant shall provide a revised site plan with the status report at the end of one (1) year; which should include evidence of a 10' masonry block wall and 10' wide landscape strip. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- k. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Special Use Permit with stipulations "a" through "n."

2. **S2004-051** District 4
- Applicant: D.R. Horton, a Dietz Crane Series on behalf of M.T. Peyzack
Location: Northeast corner of Pinnacle Peak Road and the proposed El Mirage Road align.
 (in the Surprise/Peoria area)
Request: Final Plat in the R1-6 RUPD zoning district for Dos Rios, Unit 2 (approx. 47.81 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the final plat.

3. **S2004-101** District 4
- Applicant: Coe 7 Van Loo on behalf of Citrus and Northern LLC
Location: Southwest corner of Olive Avenue and Citrus Road (in the Surprise/west Glendale area)
Request: Final Plat in the Rural-43, R1-18 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, C-2 PD, and C-1 PD zoning districts with a PAD overlay for White Tank Foothills Master Infrastructure (approx. 250 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the final plat.

4. **S2004-109** District 3
- Applicant: Stanley Consultants for Anthem Arizona, LLC
Location: North of Anthem Club Drive (in the Anthem area)
Request: Final Plat in the R1-35 RUPD and R1-18 RUPD zoning districts for Anthem Country Club Unit 18B (approx. 85.05 ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the final plat.

REGULAR AGENDA DETAIL:

5. **Z2005-041** District 4
- Applicant: Damon S. Williams Associates, LLC for Sun City West Water Plant #1
Location: South of Meeker Boulevard and east of Allepo Boulevard. (in the Sun City West area)
Request: Special Use Permit (SUP) for a water treatment (arsenic) plant in the C-2 zoning district for Sun City West Water Plan #1 (approx. 3.42 acres)

FORMAL SESSION
September 7, 2005

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-041, subject to the following stipulations “a” through “i”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled “Sun City West Water Plant No. 1 – Arsenic Removal Facility” consisting of eight (8) full-size sheets dated April 2005 and stamped received August 1, 2005 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Sun City West Arsenic Removal Facility Narrative Report” consisting of five (5) pages, dated July 22, 2005 and stamped received July 22, 2005 except as modified by the following stipulations.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
 - Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permit from the Maricopa County Department of Transportation for off-site improvements driveway within the public right-of-way.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and twenty (20) years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- i. This Special Use Permit shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
September 7, 2005**

- j. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of the Special Use Permit with stipulations "a" through "l."

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board