

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
June 12, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., June 12, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Absent: Don Stapley, Chairman; Fulton Brock, Vice Chairman. Chairman Stapley designated Supervisor Kunasek as acting chairman for this meeting. 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**

Wes Baysinger, Director, Materials Management, delivered the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Karen Osborne, Elections Director, led the assemblage in the Pledge of Allegiance.

**PUBLIC HEARING - ORGANIZATION OF CASITAS BONITAS SANITARY SEWER IMPROVEMENT DISTRICT**

Petitions with the requisite number of signatures having been presented, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox and unanimously carried (3-0-2) to approve the order establishing the Casitas Bonitas Sanitary Sewer Improvement District as follows. Richard Wallace, Maricopa County Department of Transportation was present to answer any questions but there were none.

**ORDER ESTABLISHING  
CASITAS BONITAS SANITARY SEWER IMPROVEMENT DISTRICT**

A petition having been filed with the Clerk of the Board of Supervisors of Maricopa County, Arizona, on March 8, 2002, praying for the establishment of Casitas Bonitas Sanitary Sewer Improvement District, under the provisions of Title 48, Chapter 6, Article 1, Arizona Revised Statutes, 1956, and said petition having been presented to the Board of Supervisors on April 17, 2002, and the said Board of Supervisors having set the hearing on said petition on the 12th day of June 2002, at the hour of 9:00 a.m., at the usual meeting place of said Board of Supervisors at 205 West Jefferson Street, in the City of Phoenix, as required by said Arizona Revised Statutes, 1956, and said Board having heard all interested property owners who appeared at said hearing on any matter relating to the establishment of the proposed District, or filed with the Clerk of the Board of Supervisors, before the date for said hearing, and after having heard all of said property owners, said Board of Supervisors finds that said petition is signed by the requisite number of owners of real property and further finds that the public convenience, necessity and welfare will be promoted by the establishment of said district, and hereby, by this formal order declares the findings aforesaid, and establishes the boundaries as follows: (This hearing continued from the meetings of April 17 and May 15, 2002.) (C64022277) (ADM4302)

Lots 1 through 137 inclusive of Casitas Bonitas, a subdivision of part of the South Half of the Northeast Quarter (S2, NE4) of Section 10, Township Two (2) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as shown in Book 151, Map 48 of Maricopa County Records.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
June 12, 2002**

To include:

Acquire the existing sanitary sewer system, make the necessary improvements to the system and the continued operation and maintenance of the system.

And further declares that said district is now established under the name of Casitas Bonitas Sanitary Sewer Street Improvement District, by which name it shall be known in all proceedings hereafter.

**DATED** this 12th day of June 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST

/s/ Fran McCarroll, Clerk of the Board

**FIREWORKS DISPLAY**

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603 motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve an application filed by Dan Nelson for Sunset Fireworks of Arizona for the following Fireworks Permit with the stipulation by Supervisor Wilcox that the local fire department, Rural Metro, sign-off on it because of the current fire hazard in the state: (ADM665)

Location:	Anthem Community Park, Anthem Between Anthem Way, Whitman Drive and Galvin Parkway
Date:	July 3, 2002

**LIQUOR LICENSES**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (3-0-2) to recommend approval of the following liquor license applications contingent on receipt of a favorable report from the Health Department on items "b" and "d":

- a) Application filed by Susan A. Kahil for a Special Event Liquor License: (F22997)

Business Name:	Wildhorse Ranch Rescue
Location:	11811 South Lindsay Road, Gilbert
Date and Time:	Saturday, June 15, 2002; 6:00 p.m. – 12:00 a.m.

- b) Application filed by Yean Wa Tum Kam for an Original, Series 12 Liquor License: (F23040)

Business Name:	Golden Star Chinese Restaurant
Location:	10050 West Bell Road, No. 889, Sun City

- c) Application filed by Raymond Leon Hollenstein for a Person-to-Person Transfer of a Series 6 Liquor License from Marilyn Fay Noel: (F23035)

Business Name:	Tin Top Bar & Grill
Location:	37901 West Salome Highway, Tonopah

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION  
June 12, 2002

d) Application filed by Randy D. Nations for an Original, Series 10 Liquor License: (F23036)

Business Name: Mobile on the Run  
Location: 3502 West Anthem Way, Anthem

**ROAD DECLARED (ROAD FILE NO. 5234)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson seconded by Supervisor Wilcox, and unanimously carried (3-0-2) that the following resolution be adopted: (C6402251B) (F23037)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 1<sup>st</sup> day of May, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Hermosa Vista Drive and Sossaman Road (76<sup>th</sup> Street), as depicted in Saguaro Vista Estates, a subdivision as shown in Book 517 of Maps, Page 46, M.C.R., in the general vicinity of McKellips Road and Sossaman Road.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and 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 12<sup>th</sup> day of June 2002.

FORMAL SESSION  
June 12, 2002

**FILING OF PROPERTY TAX APPEAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the filing of a property tax appeal to the Court of Appeals in the matter of Citizens Telecommunications Co., et al. v. Arizona Department of Revenue, Maricopa County, et al., No. TX 98-00716 (Consolidated). (Discussed in Executive Session on June 10, 2002.) (C1902056M) (ADM704)

**BOUNDARY LINE ADJUSTMENTS TO SIX VOTING PRECINCTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve boundary line adjustments to six voting precincts (0079 Calypso, 0621 Monroe, 0953 Viewpoint, 0982 Wier, 0581 Mesa 074, 0245 Edison), listed below and as reflected in the legal descriptions on file with the Office of the Clerk of the Board of Supervisors. These adjustments are necessitated by the adoption of final state Legislative District maps certified to the Secretary of State for the 2002 elections, all as approved by the U.S. District Court for the District of Arizona CIV 02-799 and CIV 02-807. (C21020067) (ADM1706)

Supervisors Wilcox and Wilson commended Ms. Osborne and her Election's staff for their efforts in processing the changes in boundary lines for the six voting precincts and in notifying all interested parties of the new designations in such a timely and helpful manner.

**VOTING PRECINCT BOUNDARY LINE ADJUSTMENTS**

**0079 CALYPSO LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Hawes Road and the City of Mesa boundary (near Broadway Road); thence west along the City of Mesa boundary to 80th Street; thence southerly along 80th Street and 80th Street extended to Southern Avenue; thence east along Southern Avenue to Hawes Road; thence north along Hawes Road to the intersection of Hawes Road and the City of Mesa boundary (near Broadway Road), the place of beginning.

**0621 MONROE LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Interstate 10 and Van Buren Street; thence west along Van Buren Street to Central Avenue; thence south along Central Avenue to Jackson Street; thence east along Jackson Street to 16th Street; thence south along 16th Street to Interstate 17; thence east along Interstate 17 to the intersection of Interstate 17 and Interstate 10; thence north along Interstate 10 to the intersection of Interstate 10 and Van Buren Street, the place of beginning.

**0953 VIEWPOINT LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Brown Rd and Ellsworth Rd; thence west along Brown Rd to Hawes Rd alignment; thence south along Hawes Rd and Hawes Rd alignment to the City of Mesa boundary (near Broadway Rd); thence east along the City of Mesa boundary to Glenmar Rd; thence north along Glenmar Rd to Apache Trl; thence east along Apache Trl to Ellsworth Rd; thence north along Ellsworth Rd and Ellsworth Rd alignment to the intersection of Brown Rd and Ellsworth Rd, the place of beginning.

FORMAL SESSION  
June 12, 2002

**0982 WIER LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Apache Trl and Ellsworth Rd; thence west along Apache Trl to Glenmar Rd; thence south along Glenmar Rd to the City of Mesa boundary (near Broadway Rd); thence west along the City of Mesa boundary to Hawes Rd; thence south along Hawes Rd and Hawes Rd alignment to Southern Ave; thence east along Southern Ave to Ellsworth Rd; thence north along Ellsworth Rd to the intersection of Apache Trl and Ellsworth Rd, the place of beginning.

**0581 MESA 074 LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Hawes Road and Apache Trail; thence west along Apache Trail to Power Road; thence south along Power Road to Broadway Road; thence east along Broadway Road the City of Mesa boundary at 80th St; thence east along the City of Mesa boundary to Hawes Road; thence north along Hawes Road to Apache Trail, the place of beginning.

History: Old Mesa 135 and 136.

**0245 EDISON LEGAL PRECINCT DESCRIPTION**

Beginning at the intersection of Interstate 10 and State Route 202; thence northwest and west along Interstate 10 to 12th St; thence south along 12th St to Van Buren St; thence east along Van Buren St to Interstate 10; thence north along Interstate 10 to the intersection of Interstate 10 and State Route 202, the place of beginning.

**UNDERPAYMENTS FROM MEDI-CAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to authorize the preparation for and prosecution of a lawsuit against appropriate California entities seeking recovery for alleged underpayments from Medi-Cal for services provided by Maricopa Integrated Health Systems to Medi-Cal patients, and take all further actions related thereto. In addition, authorize the retention of the Law Offices of Dean L. Johnson, a California Professional Corporation, to prosecute such action under a fee proposal set forth in the letter of engagement. (Discussed in Executive Session on June 10, 2002.) (C9002115M) (ADM413)

**ADDENDUM**

**PURCHASE OF ELECTRICAL RECORDING EQUIPMENT - JUDICIAL BRANCH, SUPERIOR COURT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the purchase of electronic recording equipment for three courtrooms in the East Court Building. This equipment will produce audio or visual records of all hearings in these courtrooms as statutorily required, and reduce expenses associated with conducting hearings. Total cost of the purchase is \$123,015.42. (C38020268) (ADM1100-002)

**SOUTH MOUNTAIN COMMUNICATIONS SITE LICENSE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve City of Phoenix Parks and Recreation Board South Mountain Communications Site License, the purpose of which is to provide the County with a license for the operation of public safety radio transmit/receive facilities at Phoenix South Mountain Park. Initiated in 1992, the license agreement was signed by the Board of Supervisors in September of that year but never executed by Phoenix City

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
June 12, 2002**

Council, and is therefore resubmitted. The license is in effect through June 30, 2012. There are no costs or revenues to the County associated with this license. (C76020212)

**PURCHASE OF A PORTABLE PLASMA CUTTING TOOL – EQUIPMENT SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (3-0-2) to approve the purchase of a portable plasma cutting tool at a cost of approximately \$2,851.68. This tool will be used for welding and fine cutting of various metals in 75-80% of the daily tasks required of the welder, replacing an old unit that requires in excess of \$1,500 in repairs and cannot provide the same quality of work as the newer equipment. (C74020128) (ADM3100-002)

**PUBLIC COMMENT**

Tom Ryan, of Ryan Information Technology Associates, a California Company handling computer hardware and software, said he had submitted a bid on IBM software to the County in the Spring which was rejected. The circumstances under which it was rejected led him to protest the rejection to Materials Management and he made a trip to this meeting to deliver a copy of the protest to the Board members. (ADM605)

**SUPERVISORS' COMMENTS**

There were no comments from the Supervisors at this time. (ADM606)

**MEETING ADJOURNED**

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

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Andy Kunasek, Acting Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board