

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., November 3, 2004, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3, Don Stapley, District 2, Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1. 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**

Deborah Saint, Desert Lotus Zen, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Michael Mallette, Water Systems Investigator Environmental Service Department, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Bank brought a two-year old black Lab-mix "Tiny" to introduce as the "Pet of the Month" from Maricopa County Animal Care & Control. Tiny will be available for adoption today at the animal shelter on 35<sup>th</sup> Avenue and Durango.

**PRESENTATION TO THE MARICOPA COUNTY PARKS AND RECREATION DEPARTMENT**

The Arizona Game and Fish Department's 25<sup>th</sup> Anniversary of the Arizona Bald Eagle Nestwatch Program 2003 Award to the Maricopa County Parks and Recreation Department was presented to the Board by Bill Scalzo. (C30050139) (ADM650)

Bill Scalzo, Chief Community Services Officer, and Director of Parks and Recreation said that the Bald Eagle has been recorded as nesting in Arizona since the 1890's. He added that the Arizona Bald Eagle Nestwatch Program is one of the most popular programs at Lake Pleasant or for any of the County's parks, and always has an impressive number of people who like to volunteer time to the preservation of the Bald Eagle as nest watchers and in other ways. He introduced Dorsey Kinsman who has been with the department for 17 years. By 1998 she had worked her way up to the position of Park Supervisor at Lake Pleasant and Mr. Scalzo said she was a "great example of a staff person who worked hard and achieved great things."

Terry Gerber has been with the department nine years, has worked as the interpretative ranger at a number of sites and has expanded many of the outdoor activities in the parks' system. Mr. Gerber gave a slide presentation covering the Arizona Bald Eagle Management Program. He said that when the Bald Eagle was listed under the Endangered Species Act in 1978 the State of Arizona had only eleven known breeding areas – mostly along the Salt and Verde Rivers. By 1995 these had increased to 36 documented breeding areas and it was determined that the management programs devised to improve the safety and preservation of the Bald Eagle in Arizona were working. The greatest danger to nestlings is falling out of the nest as they are prey to many predators when on the ground. Nest watchers return them to the nest after giving them food and water and determining that there are no injuries. Man is another hazard facing the Bald Eagle and monofilament fishing line has been found impacting nests and nestlings in half of the breeding areas in Arizona. However, fish line incidents at Lake Pleasant have gone

from 7% to 4% the last two years because of the safety programs and the dedication of the nest watchers.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

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

- a) Application filed by Carol G. Rockwood for a Special Event Liquor License: (F23132)  

Business Name: Chandler-Ocotillo Rotary Club  
Location: Northern Trust Bank, 23714 W. Alma School, Sun Lakes, 85248  
Date/Time: November 6, 2004 – 6:00 to 11:00 PM
- b) Application filed by Karen E. Alexander for a Permanent Extension of Premises/Patio Permit: (A664-79)  

Business Name: Alexanders Restaurant  
Location: 46639 N. Black Canyon Hwy, #4, New River, 85087
- c) Application filed by Ray L. Hollenstein for a Temporary Extension of Premises/Patio Permit: (A664-77) **WITHDRAWN**  

Business Name: Tin Top Bar & Grill  
Location: 37901 W. Salome Hwy, Tonopah, 85354  
Date/Time: November 13, 2004
- d) Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F23132)  

Business Name: St. Steven's Catholic Church  
Location: 24827 S. Dobson Road, Sun Lakes, 85248  
Date/Time: January 28, 2005 – 5:00 to 11:00 PM
- e) Application filed by Robert H. Shoup for a Special Event Liquor License: (F23132)  

Business Name: St. Clement's Men's Club  
Location: Church Hall, 15800 Del Webb Blvd., Sun City, 85351  
Date/Time: December 31, 2004 0 5:00 to 11:30 PM
- f) Application filed by John C. Lackey for an Original, Series 10 Liquor License: (LL6132)  

Business Name: ARCO am/pm  
Location: 10303 W. Grand Ave., Sun City, 85351

Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye." Supervisor Brock was not in attendance at this meeting.

FORMAL SESSION  
November 3, 2004

**PUBLIC HEARING NEW COUNTY ORDINANCE**

Chairman Kunasek called for a public hearing, as required by ARS §49-479(b), to solicit comments on the adoption of an Ordinance entitled: "Maricopa County Hours of Construction Ordinance." (P-22). This ordinance is in regard to the hours allowable for construction work in residential and non-residential areas.

No written protests have been filed. Motion was made by Supervisor Stapley, seconded by Supervisor Wilson and unanimously carried (4-0-1) to adopt the Maricopa County Hours of Construction Ordinance (P-22), with the effective date changed to December ~~November~~ 3, 2004. (C4405004000) (ADM156)

**Maricopa County Hours of Construction Ordinance**

- (a) General provisions. It shall be unlawful for any person to pour concrete or perform construction work in the County, except within the time periods specified herein. As used in this section, "construction work" shall include (1) pouring concrete and idling of concrete mixing trucks, (2) operating construction-related equipment, (3) performing outside construction work for the purposes of erection (including excavating), demolition, alteration or repair of any building, structure or project, (4) operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device, and (5) loading and unloading of construction materials or idling of delivery trucks. For the purposes of this ordinance, "occupied" shall mean a habitable residential dwelling receiving electrical service. The distance to an occupied residence shall be measured from the exterior walls of the building or portions thereof.
- (b) Start/stop times.
  - (1) Construction work (residential): From April 15th to October 15th, inclusive, all construction work in or within 500 feet of Rural or Residential zones as per the Maricopa County Zoning Ordinance, and within 1,500 feet of an occupied residence, shall not begin prior to 5:00 a.m. and must stop by 7:00 p.m. each day. From October 16th to April 14th, inclusive, all other construction work in or within 500 feet of Rural or Residential zones as per the Maricopa County Zoning Ordinance, and within 1,500 feet of an occupied residence, shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. each day.
  - (2) Construction work (non-residential): All construction work in Commercial and Industrial zones not within 500 feet of Rural or Residential zones as per the Maricopa County Zoning Ordinance, or within any zone but not within 1,500 feet of an occupied residence, shall not begin prior to 5:00 a.m. and must stop by 10:00 p.m.
  - (3) Weekends and holidays excluded: Notwithstanding the foregoing, construction work subject to paragraph b.1 above shall not begin prior to 6:00 a.m. and must stop by 7:00 p.m. on any Saturday, Sunday or federal holiday.
  - (4) Landscaping, sod work and termite pre-treatment exempted: Landscaping and sod work, including delivery vehicles, and termite pre-treatment for pouring of concrete is exempt from the provisions of this ordinance.
- (c) Permit. All construction work is subject to a permit to be obtained from the Planning and Development Department.

FORMAL SESSION  
November 3, 2004

- (d) Stop orders: Whenever any work on a construction project is in violation of the provisions of this ordinance, the Director or his designee, or an officer of the Maricopa County Sheriff's Office, may order the construction project stopped by notice in writing served on any persons responsible for the project, and any such persons shall forthwith stop work on the project until a permit is obtained, and/or comply with the provisions of paragraph b above, as may be applicable.
- (e) Revocation of permits; appeal: Permits may be revoked upon determination of a violation of this ordinance. Revocation may be appealed to the Board of Supervisors within 30 days of the date of permit revocation.
- (f) Government and utility exemption: Any construction project performed or funded by a government agency, or a utility provider recognized by the Arizona Corporation Commission, is exempt from the provisions of paragraph b above.

**Maricopa County Hours of Construction Ordinance Fact Sheet**

- "Construction work" includes the pouring of concrete and idling of concrete mixing trucks; operating construction-related equipment; performing outside construction work for the purposes of erection, excavation, demolition, alteration or repair of any building, structure or project; operating a pile driver, power shovel, pneumatic hammer, derrick, power hoist or other construction-type device; and the loading and unloading of construction materials or idling of delivery trucks. It does not include landscaping or sod work, and termite pre-treatment.
- All construction work is subject to a permit to be obtained from the Planning & Development Department.
- Stop work orders may be issued on construction projects violating the provisions of this ordinance by either the Maricopa County Planning & Development Department or the Maricopa County Sheriff's Office.
- Permits may be revoked by the Maricopa County Planning & Development Department upon determination of a violation of this ordinance. Permit revocations may be appealed to the Maricopa County Board of Supervisors.
- Construction work by government agencies and utility companies is exempt from the provisions of this ordinance.

**ROAD DECLARED (ROAD FILE NO. A017)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64050885)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

Those streets as shown in Chaparral Rancheros, Unit 2, being a subdivision of the West half of the Southeast quarter (W2SE4) and part of the Northeast quarter (NE4) of Section Thirty-one (31), Township Five (5) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona as recorded in Book 159, page 33, M.C.R., said streets being described as follows;

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

203<sup>rd</sup> Avenue  
204<sup>th</sup> Place  
207<sup>th</sup> Avenue  
Morning Star Lane  
Bunker Peak Road  
Tip Top Mine Road  
Grant Mine Lane  
204<sup>th</sup> Avenue  
205<sup>th</sup> Avenue  
206<sup>th</sup> Avenue  
Jomax Road

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A141)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051075)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadways, known as El Mirage Road having varying widths, together with all appurtenant rights, and interests lying within Sections Thirty-six (36), Twenty-five (25), Twenty-four (24), Twenty-three (23), Fourteen (14) and Thirteen (13) all in Township Four (4) North, Range One (1) West, Gila and Salt River Base and Meridian, Maricopa County, Arizona, said El Mirage Road, begins on the South line of Section 36 and proceeds northerly, thru Section 25, 24, 23, to the North line of said Section 14. Said roadways are shown on Exhibits "A-1 thru A-10" attached here to also being shown at Maricopa County Department of Transportation under Project No.'s 68893 and 68895. The intention of these exhibits is to facilitate in describing by showing the location of said roadways and it's appurtenances.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

FORMAL SESSION  
November 3, 2004

**ROAD DECLARED (ROAD FILE NO. A168-R)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (F22871) (C6401243B01)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway, together with all appurtenant rights, being those certain areas lying within the Northeast quarter (NE4) of Section Twenty-three (23) and the Southeast quarter (SE4) of Section Fourteen (14) in Township Four (4) North, Range One (1) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

Area within Section 23

Beginning at the Northeast corner of said Section 23, Township 4 North, Range 1 East; Thence, Westerly along the North section line to the North quarter corner (N4) of said section; Thence, South along the North-South mid-section line of said section a distance of 55 feet to a point on the South line of the North 55 feet of said section; Thence, Easterly along said South line, to a point, 55 feet West and 55 feet South, from the Northeast corner of the Northwest quarter of the Northwest quarter of the Northeast quarter (NW4 NW4 NE4); Thence, southeasterly to a point 85 feet South and 25 feet West from said Northeast corner; Thence, Easterly along the South line of the North 85 feet a distance of 50 feet; Thence, Northeast to a point 55 feet South and 55 feet East from the Northwest corner of the Northeast quarter of the Northwest quarter of the Northeast quarter (NE4 NW4 NE4); Thence, Easterly along the South line of the North 55 feet to a point, 55 feet South and 100 feet West from the Northeast corner of West half of the Northwest quarter of the Northeast quarter of the Northeast quarter (W2 NW4 NE4 NE4) of said section; Thence, Southeasterly to a point 170 feet South from the Northeast corner of said W2 NW4 NE4 NE4; Thence, Easterly along the South line of the North 170 feet, to a point, 170 feet South from the Northwest corner of the East half of the Northeast quarter of the Northeast quarter Northeast quarter (E2 NE4 NE4 NE4) of said section; Thence, Northeasterly to a point 65 feet East and 55 feet South from said Northwest corner; Thence, Easterly along the South line of the North 55 feet to a point 95 feet West and 55 feet South from the Northeast corner of said Section 23; Thence, Southeasterly to a point 95 feet South and 55 feet West from said northeast corner; Thence, South along the West line of the East 55 feet to the South line of said NE4 NE4 NE4; Thence, East along said line 55 feet to the East line of said section; Thence North along said East line to the Point of Beginning.

Roadway within Section 14

Beginning at the Southeast of said Section 14, Township 4 North, Range 1 East; Thence, Westerly, along the South section line, to the South-quarter (S4) corner of said Section 14; Thence, Northerly along the North-South mid-section line of said section to a

FORMAL SESSION  
November 3, 2004

point on the North line of the South 55 feet also being the South line of Tract D, Fletcher Heights, Phase 2B-1 and 2B-2 according to Book 535 of Maps, page 14; Thence, Easterly along said north line to a point on the West line of the East 34 feet of said Tract D; Thence, along said west line North 40 feet; Thence, East along the North line of the South 95 feet a distance of 34 feet to a point; Thence, North 01°30'38" East, a distance of 144.36 feet; Thence, North 51°17'51" East, a distance of 52.37 feet; thence North 89°38'53" East, a distance of 318.31 feet to a point on the West line of the property described in Document No. 97-0483626, MCR; Thence, North 13°36'06" West, a distance of 8.60 feet; Thence North 01°07'09" West, a distance of 26.83 feet; Thence North 01°07'09" West, a distance of 139.58 feet; Thence North 04°02'03" East, a distance of 155.25 feet; Thence North 05°31'07" East; a distance of 275.42 feet; Thence South 00°21'07" East, a distance of 615.80 feet; Thence South 39°09'38" East, a distance of 81.92 feet; Thence South 24°16'13" East, a distance of 178.84 feet to a point on a line that is 55 feet North of and parallel with the South line of said Section 14; Thence, North 89°38'53" East along said parallel line, a distance of 275.56; Thence, North 44°48'02" East, a distance of 56.72 feet; Thence North 89°38'53" East, a distance of 55.00 feet to a point on the East line of said section; Thence, South along said East line to the Point of Beginning.

Together with that part of Fletcher Heights Phase 2B-3 Mcr 604-39 Tract M lying within property described as Permanent Maintenance Easement per Document No. 01-0906771.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A289)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051095)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 80 foot roadway, together with all appurtenances and easements of record, lying within Section Twenty-seven (27), in Township Five (5) North, Range Four (4) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 40 feet on each side of the following described centerline:

BEGINNING, at the West quarter corner of said Section 27; THENCE, East along the East-West Mid-section line of said Section 27, to the terminus at the Center Section corner of said Section 27.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 4991R)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (F22521) (C6498307001)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

Two roadways of a width consistent with the right of way lying within Sections Nineteen (19) and Eighteen (18) of Township Four (4) North, Range One (1) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, whose centerlines are more particularly described as follows:

Roadway No. 1 COMMENCING at the Northwest corner of said Section Nineteen (19): THENCE South 89°30' 28" East along the North line of said Section a distance of 888.75 feet to the Westerly right of way line of Grand Avenue (a.k.a. US 60, 70 & 89): THENCE South 46°38'35" East along said Westerly right of way line a distance of 1012.68 feet to the POINT OF BEGINNING of said centerline: THENCE leaving said Westerly right of way line North 42°26'40" East to the North line of said Section Nineteen (19) a distance of 926.31 feet (the Southeast corner of said Section Eighteen (18) bears South 89°30'28" East a distance of 2313.91 feet): THENCE continuing North 42°26'40" East to a point called "A" (for this description only) a distance of 2588.93 feet: THENCE continuing North 42°26'40" East to a point on the East line of said Section 18 a distance of 837.65 feet from which the East quarter corner bears North 00°01'46" West a distance of 90.68 feet and the POINT OF TERMINUS.

Roadway No. 2: COMMENCING from the aforementioned point A, also the POINT OF BEGINNING of said centerline: THENCE South 47°33' 20" East to the Southeast corner of the Northeast quarter of the Southeast quarter (NE4 SE4) of said Section 18 a distance of 766.86 feet to the POINT OF TERMINUS.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5308)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405102)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of way, as depicted in the Map of Dedication for All streets consistent with the rights-of-way, as depicted in the Map of Dedication for Gavilan Peak Parkway, Navigation Way, and Triumph Court, as shown in Book 551 of Maps, Page 33, M.C.R., in the general vicinity of Anthem Way and I-17.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5309)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405101)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of way, as depicted in the Map of Dedication for Navigation Way, as shown in Book 555 of Maps, Page 29, M.C.R., in the general vicinity of Anthem Way and I-17 Freeway.

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

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

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

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

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5310)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405100)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Apache Peak II Amended, a subdivision as shown in Book 605 of Maps, Page 03, M.C.R., in the general vicinity of 7<sup>th</sup> Street and Joy Ranch Road.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5316)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405092)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 7 Amended, a subdivision as shown in Book 525 of Maps, Page 02, M.C. R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

FORMAL SESSION  
November 3, 2004

**ROAD DECLARED (ROAD FILE NO. 5317)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted:(C6405093)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 3 Amended, a subdivision as shown in Book 484 of Maps, Page 24, M.C.R., in the general vicinity of Anthem Way and Gavilan Peak Parkway.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5318)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405094)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 4 Amended, a subdivision as shown in Book 484 of Maps, Page 25, M.C.R., in the general vicinity of Anthem Way and Gavilan Peak Parkway.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5319)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405099)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

All streets consistent with the rights-of-way, as depicted in Anthem Unit 6, a subdivision as shown in Book 509 of Maps, Page 10, M.C.R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5320)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405098)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 21B, a subdivision as shown in Book 555 of Maps, Page 39, M.C.R., in the general vicinity of Anthem Way and Gavilan Peak Parkway.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5321)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405095)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 11 Amended, a subdivision as shown in Book 530 of Maps, Page 46, M.C.R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5322)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405097)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 10 Amended, a subdivision as shown in Book 535 of Maps, Page 08, M.C.R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

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

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5323)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405091)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All Streets consistent with the rights-of-way, as depicted in Anthem Unit 9 Amended, a subdivision as shown in Book 519 of Maps, Page 05, M.C.R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5324)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405096)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 6<sup>th</sup> day of October, 2004, 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:

All streets consistent with the rights-of-way, as depicted in Anthem Unit 8 Replat, a subdivision as shown in Book 525 of Maps, Page 28, M.C.R., in the general vicinity of Daisy Mountain Drive and Gavilan Peak Parkway.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**CONTRACT WITH SUSAN LINDLEY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment #1 to a contract with Susan Lindley to gather and collect evidence, conduct forensic interviews, provide courtroom testimony and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving minors. The contract term is from the date of Board approval until June 30, 2006. Susan Lindley will be reimbursed \$300 per interviewee per case for interviews and \$120 per hour for expert testimony. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C19050181) (C19040161)

**TRANSFER OF EXPENDITURE AUTHORITY AND ADDITIONS TO THE FLEET**

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve transfer expenditure authority in the amount of \$159,688 from FY 2004-05 Appropriated Fund Balance (482) Detention Fund (255) Reserved Contingency (4811) for "New Facility Start-Up" to an existing line in Appropriated Fund Balance (482) Detention Fund (255) Other Programs (4812) entitled, "Sheriff's Office new Detention Facility Start-up." Please note that these are estimated amounts and could change depending on the outcome of the bidding. (C50050158) (ADM3900-003)

Also, approve the following permanent additions to fleet: (ADM3104)

- 2 - Scissor lifts, one for the laundry; and one for the food factory, valued at \$22,241 each.
- 1 - Equipped pickup for Technician, valued at \$39,654.
- 2 - Telecommunication vans, valued at \$22,154 each.
- 1 - Pool pickup for the Retherm Supervisor, valued at \$31,244

**TRANSFER OF EXPENDITURE AUTHORITY AND ADDITIONS TO THE FLEET**

Per A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve transfer expenditure authority of \$362,100 from FY 2004-05 General Government (470) Detention Fund (255) Reserved Contingency (4711) for "Sheriff Vehicles" to the existing line in General Government (470) Detention Fund (255) Other Programs (4712) entitled, "Vehicle Replacement." Also approve of the above will allow the Sheriff's Office to purchase vehicles

FORMAL SESSION  
November 3, 2004

required for the current jail operations. Please note that these are estimated amounts and could change based on the outcome of the bidding. (C50050168) (ADM3900-003)

Also, approve the following permanent additions to fleet: (ADM3104)

- 4- Crew Cab Pickups with Lift gates for FMO's, valued at \$43,400 each
- 2 - Vans for the Special Response Team, valued at \$39,500 each
- 1 - 30-Passenger Van for Transport Working Inmates, valued at \$70,000
- 1 - Handicapped Accessible Van, valued at \$39,500

#### **RETAIN TWENTY-FIVE SERVICEABLE VEHICLES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve authorization for Equipment Services to retain twenty-five (25) serviceable vehicles scheduled to be redlined out of the Sheriff's Office Fleet and allow them to remain as part of a temporary addition to the Sheriff's Office Fleet to be used from November 26, 2004 through December 26, 2004. Fuel costs are estimated to be \$5,000 and will come from Sheriff's Office budgeted funds. (C5005019M) (ADM3104)

#### **PERMANENT ADDITION TO THE SHERIFF'S OFFICE FLEET**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the following permanent additions to the Sheriff's Office Fleet: two "Bread Wagons," for use as inmate release vehicles for the entire Durango Jail complex, valued at \$164,000 each; one full-size, one-ton, two-wheel drive, four-door truck with high lift tailgate, valued at \$45,920; three golf carts, valued at 8,797, each; and two Crown Victoria's, valued at \$27,500, each. These vehicles were originally funded from FY 2003-04 detention fund appropriated fund balance as part of the new detention facilities start up costs and were approved as carry over items in FY 2004-05. (C5005020M) (ADM3104)

#### **TEMPORARY ONE-TIME ADDITION TO THE FLEET**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a temporary, one-time addition to the Sheriff's Office fleet for use by Lake Patrol (5037) of a 1995 GMC 3500 with a 4x4 crew cab, and an odometer reading of 77,444. This vehicle was obtained through the DOD procurement process and would be used to replace a one-time addition to fleet, vehicle #32946, that was red-lined and authorized by the BOS on June 2, 2004 for extension of service through October 15, 2004 (C5004068M00). The estimated annual operating costs for this vehicle are approximately \$4,000 and its blue book value is \$11,965. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. (C5005021M) (ADM3104)

#### **ACCEPTANCE OF CASH DONATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the acceptance nine cash donations from various individuals per the list on file in the Clerk's Office totaling \$722 for the Sheriff's Animal Safe Hospice (MASH) Unit. These donations were collected in the months of August and September and will be used to enhance current operations including helping offset veterinary costs and equipment needs. (C5005022M) (ADM3900)

**FORMAL SESSION  
November 3, 2004**

**ONE-TIME ADDITION TO THE FLEET OF ONE RICO FORFEITED TRUCK - WITHDRAWN**

Item: Approve a one-time addition to the Sheriff's Office Fleet of one RICO forfeited truck. The vehicle will be designated deep undercover and will be licensed through the OMEGA program. Therefore, approval is also requested that this vehicle be exempt from governmental markings, pursuant to A.R.S. §38-538.03. RICO funds will support its operation, maintenance and fuel costs. No vehicle replacement cost is associated with this vehicle since it is a one-time addition to the County fleet and will automatically be removed from MCSO fleet when its useful life has expired with no funding from the General Fund for its replacement. Vehicle information will be provided to the Clerk of the Board's Office with the annual update of the list of 50 vehicles approved for special undercover licensing. (C5005023M) (ADM3104V)

This item was withdrawn by the department.

**TEMPORARY ONE-TIME ADDITION TO THE FLEET FROM THE DEPARTMENT OF DEFENSE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a temporary, one-time addition to the Sheriff's Office fleet for use by the Intelligence Division (5112 ) of a 1997 Chevrolet Corsica Sedan, with an odometer reading of 60,687. This vehicle was obtained through the DOD procurement process and would be used by a new detective in the division to perform assigned duties. Also approve an exemption from police markings and governmental plates because this vehicle will be used in performing surveillance requests. The estimated annual operating costs for this vehicle are approximately \$3,500 and estimated value is \$3,800. This is a temporary addition to the fleet and will be removed at the end of its useful life with no funding from the General Fund for replacement. VIN#1G1LT53G6MY200875. (C5005024M) (ADM3104V)

**INTERGOVERNMENTAL AGREEMENT REGARDING PARTICIPATION IN THE STATE OF ARIZONA COUNTER TERRORISM INFORMATION CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement regarding participation in the State of Arizona Counter Terrorism Information Center (ACTIC). The purpose of this IGA is to enhance federal, state, and local law enforcement services concerning the collection, evaluation, analysis, dissemination of intelligence, intelligence products regarding terrorism and criminal related incidents both foreign and domestic, through the cooperative efforts of the parties to this Agreement. This Agreement shall become effective upon the approval and filing with the Secretary of State three originals, signed by both parties, and will terminate upon 30-day written notice by either party. (C50050252)

**PURCHASE OF COMPACT CAR**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to the Maricopa County Public Defender's Office requests approval to purchase a compact car for the Vehicular Crimes unit, at a cost not to exceed \$18,000. After the specific vehicle is identified and purchased, an agenda item will be submitted requesting unmarked status for the vehicle in accordance with ARS § 38-538.03. The Maricopa Public Defender's Office further requests that the vehicle be added to the Maricopa County fleet. The funding to purchase this vehicle will be from the Public Defender's existing general fund (100) operating budget. Expenditures required to operate this vehicle will also come from the same funding. (C52050048) (ADM3104V)

**FORMAL SESSION  
November 3, 2004**

**AMENDMENT THREE TO LEASE WITH JEFFERSON SQUARE LTD.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the Third amendment to Lease Number L-7308 with Jefferson Square Ltd., Lessor for 72,282 square feet of office space for the Public Defender located at 11 W. Jefferson, Phoenix. This Amendment will extend the lease for an additional 21-months beyond the current expiration date of March 31, 2005 and will provide an option to extend the term on a month to month basis beyond December 31, 2006, as required to coincide with the completion date of the new justice/superior court facility to be constructed at Jackson Street and Fifth Avenue in downtown Phoenix. Ninety days (90-days) notice will be required prior to the commencement of any option period. Quarterly rent for the extension period commencing April 1, 2005, is \$292,742.10, plus 2.4% tax (Annual \$1,170,968.40, plus tax). Rent for any subsequent option period will be negotiated on terms mutually acceptable to both parties with further approval by the Board of Supervisors. (C52050034) (C52040054)

**REJECT CLAIM DEMANDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to reject the claim demands (on file in the Clerk of the Board's Office) in regard to the statutes ARS 11-629 \$265,840.96 and ARS 11-622 \$0.00 for the month of September 2004. (C39050187) (ADM1804)

**MONTHLY REPORT  
September 2004**

<b>Vendor</b>	<b>Amb., Doctors, Hosp. Ars 11-629</b>	<b>Over Six Months Ars 11-622</b>
Arizona Medical Imaging	47.00	0.00
Az Cardiovascular Perfusion	4,478.00	0.00
Az Tech Radiology	129.00	0.00
Banner Good Samaritan Reg Med	27,023.10	0.00
Bna Neurosurgical Associates	9,325.00	0.00
Canyon State Anes Pc	300.00	0.00
Chandler Emergency Medical	284.00	0.00
Clinical Diagnostic Radiology	78.00	0.00
Diagnostic Radiology Ltd	18.00	0.00
Eller, Evan B. Md Plc	350.00	0.00
Emergency Professional Svcs Pc	515.00	0.00
Emmi, Pc	380.00	0.00
Hospitalists Of Arizona	3,050.00	0.00
Mayo Clinic Arizona	17,177.75	0.00
Medical Professional Assoc Of	4,143.00	0.00
Medpro	78,085.06	0.00
Pch Outpatient Specialty	194.00	0.00
Phoenix Memorial Hospital	57,434.16	0.00
Professional Medical Transport	10,252.51	0.00
Rural Metro Ambulance	1,429.27	0.00
Southwest Ambulance	8,746.50	0.00

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

Southwest Neuro-Imaging	405.00	0.00
St Joesphs Hosp Arizona	9,743.00	0.00
St Luke's Medical Center	15,144.19	0.00
Tempe St. Luke's Med Ctr	5,652.42	0.00
Valley Anesth Consultants Ltd	1,500.00	0.00
Valley Radiation Oncology	9,957.00	0.00
<b>Grand Totals:</b>	<b>265,840.96</b>	<b>0.00</b>
Restitution	0.00	
<b>Totals Denials:</b>	<b>265,840.96</b>	

**PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

**MEMORANDUM OF UNDERSTANDING WITH THE ARIZONA GAME AND FISH DEPARTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the request from Maricopa County Parks and Recreation to sign a Memorandum of Understanding (MOU) with the Arizona Game and Fish Department. The MOU will allow the Parks Department to apply for funding from the Arizona Boating Access Program for construction and maintenance of boating access facilities. If a grant award is made, authority to accept the funds will remain with the Board of Supervisors. This will simplify the process of applying for grants since the department will not require a Board action for the application. (C30050152)

**LETTER OF SUPPORT TO ARIZONA PUBLIC SERVICE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and authorize the Chairman to sign a letter of support to Arizona Public Service (APS) and the Arizona Corporation Commission Line Sitting Committee regarding the APS West Valley-North Power Line and Substation Project Preferred System Option. (C3005008M01) (ADM4915)

**DISSOLUTION OF MARICOPA COUNTY TRAIL COMMISSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to dissolve the Maricopa County Trail Commission, effective with the adjournment of the November 10, 2004 Maricopa County Trail Commission meeting. (C3000008M01) (ADM3244)

**UTILITY EASEMENT WITH ARIZONA PUBLIC SERVICE – NORTHEAST REGIONAL CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and authorize the Chairman of the Board to execute a Utility Easement in consideration of one dollars (\$1.00) with Arizona Public Service Company (APS), its successors and assigns, to construct, operate and maintain underground electric lines and appurtenant facilities up, across, over and under the surface of the Northeast Regional Center (currently under construction), located south of Union Hills Drive and west of 40th Street, Phoenix Arizona. Also, authorize the Chairman to execute all future easements

FORMAL SESSION  
November 3, 2004

necessary to complete the construction and development of the Northeast Regional Center. (C1805012B) (ADM2009)

**SOLICITATION SERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM 3005)

**Award of Solicitation Serials**

~~04056-RFP — FACILITY ASSESSMENT SERVICES, BANK ONE BALLPARK (\$240,000.00 est. one year with four one-year renewal options) Pricing agreement to conduct a Facility Assessment of Bank One Ballpark to benchmark facility maintenance and develop a long term capital expenditure plan for the Maricopa County Stadium District.~~

- ~~• International Facilities Group LLC~~

This item was withdrawn by the Clerk to the Stadium District.)

**04092-RFP PLAN REVIEW SERVICES** (\$3,000,000.00 est. three years with three one-year renewal options) Pricing agreement for the review of construction drawings to assure compliance with County adopted building codes, related Zoning Ordinance requirements and the review of drainage plans as required.

- Stantec Consulting Inc

**04093-ROQ LEGISLATIVE SERVICE PROVIDERS** (\$982,632.00 est. three years with three one-year renewal options) Pricing agreement to provide legislative services to the County to assist in achieving County objectives at the State Legislature.

- Miller LaSota & Peters PLC
- Public Policy Partners
- Rory C Hays, Attorney At Law
- SRW Consulting

**04125-S ROOFING REPAIRS AND MAINTENANCE** (\$2,000,000.00 est. five years) Pricing agreement for roofing repairs and maintenance for County buildings as requested by the Facilities Management Department.

- Pioneer Roofing Company

**04167-S FORENSIC LAB TESTING FOR DRUGS AND METABOLITES – MEDICAL EXAMINER'S OFFICE** (\$140,000.00 est. four years with two one-year renewal options) Pricing agreement to provide forensic lab testing for drugs and metabolites as requested by the Medical Examiner's Office.

- Aegis Sciences Corporation Inc

**Contract Renewals:**

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

FORMAL SESSION  
November 3, 2004

Until October 31, 2005

**00147-E QUALIFYING BID, PICKUPS, SUV'S, SUBURBAN TYPE VEHICLES** (\$4,505,000.00 est. / 1 year) Pricing agreement renewal for the purchase of Pick-Up Trucks, SUVs and Suburban type vehicles. Add Mel Clayton Ford in accordance with contract provisions.

- Bill Luke Chrysler Jeep Dodge
- Courtesy Chevrolet
- Five Star Ford
- Lou Grubb Ford Inc
- Mel Clayton Ford
- Midway Chevrolet-Isuzu
- Sanderson Ford Inc
- Thorobred Chevrolet Inc
- Tom Jones Ford Inc

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

**00134-RFP FOOD RETHERMALIZATION SYSTEM** (\$2,500,000.00 Increase)  
Increase price agreement value from \$10,210,000.00 to \$12,710,000.00. This \$2,500,000.00 increase is being requested by the Sheriff's office to pay for the purchase and installation of rethermalization units at the Estrella Support Building. The Board of Supervisors approved the initial price agreement on June 26, 2002 in the amount of \$7,400,000.00. Subsequently the Board approved an increase of \$2,810,000.00 on May 7, 2003. This price agreement has an expiration of June 30, 2007.

- Burlodge USA Inc

#### **AMENDMENT TO AFFILIATION AGREEMENT WITH UNIVERSITY OF PHOENIX**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve Amendment #3 to the Affiliation Agreement between Correctional Health Services and University of Phoenix to continue maintaining and operating a clinical externship program for Nurse Practitioners in the area of Correctional Health. This Amendment will extend the Affiliation Agreement for a period of two (2) years from September 1, 2004 through August 31, 2006. There are no renewable options remaining. There is no financial impact associated with this Affiliation Agreement. (C2602001003)

#### **AMENDMENT TO US ENVIRONMENTAL PROTECTION AGENCY COOPERATIVE AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve an amendment to the US Environmental Protection Agency (EPA) Cooperative Agreement #BW-97972101-01. The duration of the grant-funding period will be extended from July 31, 2005 to October 31, 2005. Funding will be reduced from \$1,004,000 to \$956,350 (a reduction of 47,650).

This EPA grant enhances the existing monitoring activities of the air quality program. This contract may be terminated at any time with 90 days written notice to the other party. No matching County funds are required. The grantor will provide reimbursement funding for the grant.

**FORMAL SESSION  
November 3, 2004**

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of this fund are not prohibited by the budget law. (C8804008301)

**US ENVIRONMENTAL PROTECTION AGENCY COOPERATIVE AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the US Environmental Protection Agency (EPA) Cooperative Agreement and accept grant funding not to exceed \$990,800. The duration of the grant-funding period will be retro-active to October 1, 2004 through September 30, 2005. This EPA grant supports the existing Maricopa County Air Pollution Control Program activities.

Cash matching funds are not required. In-kind matching funds of 40% (\$396,320) and Maintenance of Effort are required. The matching funds will come from existing budgeted expenditures within the Air Quality Program. This contract may be terminated at any time with 90 days written notice to the other party.

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of this fund are not prohibited by the budget law. Funding for this Cooperative Agreement will be done through reimbursements. (C88050213)

**CHANGE ORDER WITH DLR GROUP INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 20 to Contract JE99-03 with DLR Group, Inc. in the amount not to exceed \$60,000. This contract is for architectural design and construction administration in the construction of the Lower Buckeye Jail Adult Detention Facility. Change Order No. 20 incorporates additional design and construction administration related services required from August 1, 2004 to November 30, 2004 to complete construction and allow occupancy. Change Order No. 20 is budgeted in FY 2005 Detention Capital Projects, Fund 455, Agency 709, Org. 7099, Object 0915, Function Class LLBJ. (C7004083502)

**TRANSFER AND EXPENDITURE**

Per ARS §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer and expenditure of \$43,200 from FY 2004-05 General Government (470) General Fund (100) Reserved Contingency-Unfunded Liabilities (4711) to a new line item in General Fund Other Programs (4712) entitled "Purchase of 32nd St. & Van Buren Property". These funds will be used to provide additional maintenance and security requirements for the 32nd Street & Van Buren property transferred from the State of Arizona to the County of Maricopa. Approval of the funding will provide for limited services at the 32nd Street & Van Buren location. Maricopa County will work with the existing utility, security and maintenance providers to provide these services and will issue purchase orders through Materials Management. In the event that new services are required or that the existing State of Arizona providers do not wish to continue services for Maricopa County at the same rate as was provided to the State of Arizona, Facilities Management will use existing County contract vendors or will obtain quotes for the necessary services to facilitate the completion of these services. This request is for an estimated additional four months of funding, until the end of February 2005. (C70050238) (ADM800-003)

FORMAL SESSION  
November 3, 2004

**CHANGE ORDER WITH HUNT JACOBS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 7 to Contract JE98-01 with Hunt Jacobs, A Joint Venture for Program Management Services to the Maricopa County Jail Expansion Program. Change Order No. 7, in the not to exceed amount of \$346,691, for program management services from October 1, 2004 – April 30, 2005, is necessary to assist the County in claims and program closeout in the Jail Expansion Program. Change Order No. 7 is budgeted in FY 2005 Detention Capital Projects, Fund 455, Agency 409, Org. 4091, Object 0915, Function Codes JJDR & LLBJ. (C70050245)

**TRANSFER OF VEHICLES FROM THE FLOOD CONTROL DISTRICT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of ten vehicles from the Flood Control District to the Planning and Development Department. The vehicles currently assigned to District Drainage Administration staff will be transferred to Planning and Development effective November 8, 2004 and are listed below: Capital Asset Number Description M0031001 2000 Ford Expedition, M0131046 2000 Ford F-150, M0131054 2000 Ford F-150, M0231203 2002 Ford F-150, M0132122 2001 Chevy 1500, M0132143 2001 Chevy 1500, M0432409 2004 Chevy Silverado, M0033902 1999 Dodge Ram 1500, M0072332 1993 Chevy T10 Blazer, M0033903 1999 Dodge Ram 1500. (C4405007) (ADM3104)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

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

A078.026 (CS) Project No: TT028 – PM10 / 11th Avenue (Galvin to Cloud) – Easement and Agreement for Highway Purposes – Parcel No.: 211-54-021N – William E. Mytty and Sandra F. Mytty – for the sum of \$27,000.00.

A078.026 (CS) Project No: TT028 – PM10 / 11th Avenue (Galvin to Cloud) – Purchase Agreement and Escrow Instructions – Parcel No.: 211-54-021N – William E. Mytty and Sandra F. Mytty.

A224.001 (EGA) Project No: 69010 – Dennis Street (EOM to Ellsworth Road) – Easement and Agreement for Highway Purposes – Parcel No.: 218-07-099 – Ann Jaskowiek Allie and Michael J. Jaskowiak – for the sum of \$14,513.00.

A224.001 (EGA) Project No: 69010 – Dennis Street (EOM to Ellsworth Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 218-07-099 – Ann Jaskowiek Allie and Michael J. Jaskowiak.

A237.008 (JPM) Project No: 69010 – 104th Street (Brown Road to MCFCD Canal) – Quit-claim Deed – Parcel No.: 220-05-013C - Jerome Imperial, Mary L. Imperial, William J. Skousen, and Joan T. Skousen – for the sum of \$10.00.

A310.004 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 400-80-002 – Tanger L. Whiting – for the sum of \$14,700.00.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

- A310.004 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 400-80-002 – Tanger L. Whiting.
- A310.005 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 400-53-146 – Saul T. Lerma – for the sum of \$6,100.00.
- A310.005 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 400-53-146 – Saul T. Lerma.
- A310.006 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 400-53-153 – Irwin M. Bromberek – for the sum of \$6,100.00.
- A310.006 (JPM) Project No: TT028 – Arlington Road (188th Avenue to 186th Avenue) – Purchase Agreement and Escrow Instructions – Parcel No.: 400-53-153 – Irwin M. Bromberek.
- DD-9455 (TS) Project No: 69010 – Dedication (N/E Corner of Ellsworth and Broadway) – Easement and Agreement for Highway Purposes – Parcel No.: 220-34-064 to 220-34-073 – Broadway Maricopa CVS, L.L.C. – for the sum of \$10.00.
- DD-9455 (TS) Project No: 69010 – Dedication (N/E Corner of Ellsworth and Broadway) – Purchase Agreement and Escrow Instructions – Parcel No.: 220-34-064 to 220-34-073 – Broadway Maricopa CVS, L.L.C.
- DD-9463 (GMS) Project No: Dedication – Warranty Deed – Parcel No.: 502-08-039B – Gregory A. Smith and Cindy S. Smith – for the sum of \$10.00. (1 of 2)
- DD-9463 (GMS) Project No: Dedication – Warranty Deed – Parcel No.: 502-08-039B – George T. Colletto and Antonia L. Colletto – for the sum of \$10.00. (2 of 2)
- DD-9485 Project No: 69010 – Dedication – Drainage Easement – Parcel No.: 203-05-001H – Anthem Arizona L.L.C.
- W-6301 (JPM) Project No: 68902 – Ellsworth Road – Warranty Deed – Parcel No.: 218-07-001G – Lester J. Hayt, Jr.; Suzanne Hayt; Nancy J. Lewis; and Michelle H. Grace – for the sum of \$25,935.00.
- W-6301 (JPM) Project No: 68902 – Ellsworth Road – Purchase Agreement and Escrow Instructions – Parcel No.: 218-07-001G – Lester J. Hayt, Jr.; Suzanne Hayt; Nancy J. Lewis; and Michelle H. Grace.
- X-1305 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Warranty Deed – Parcel No.: 303-40-013 – Dwayne E. Dobson and Carol M. Dobson – for the sum of \$266,454.00.
- X-1305 (JPM) Project No: 68966 – Queen Creek Road (Arizona Avenue to McQueen Road) – Purchase Agreement and Escrow Instructions – Parcel No.: 303-40-013 – Dwayne E. Dobson and Carol M. Dobson.

FORMAL SESSION  
November 3, 2004

**CHANGE ORDER WITH OZ ENGINEERING**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Change Order No. 1, a no cost change, to Contract No. CY 2004-45 with OZ Engineering for On Call Regional Archived Data Server services to incorporate a revised fee schedule dated August 19, 2004, which includes revised and new title classifications. Also, includes Hourly Fees for the participation of the following Subconsultants: Professional Network Consulting, LLC, Network Analyst/Designer; and Mangus Media, Inc., Graphics Designer. (C6404153501)

**ON-CALL CONTRACT WITH MTJ ENGINEERING, LLC.**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award On Call Contract No. 2004-125 with MTJ Engineering, LLC for pending and new projects requiring On Call Roundabout Services. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$75,000.00; whichever occurs first. (C64051195)

**CHANGES TO THE MARICOPA COUNTY PROCUREMENT CODE**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following change to the Maricopa County Procurement Code dated August 23, 2000: (ADM3001))

1. Add the following sentence to Paragraph MC1-503. "The provisions of this paragraph do not apply to Paragraph MC1-504 of this Code."
2. Add the following sentence to Paragraph MC1-504A.1. "The County Engineer may delegate this authority on an annual fiscal year basis to a Department Director."
3. Add the following sentence to Paragraph MC1-504A.2. "The County Engineer may delegate this authority on an annual fiscal year basis to a Department Director." The effective date of the change will be the date of the Board of Supervisors approval of this agenda item. (C64051275)

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

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award Contract No. 2004-126 with Parsons Brinckerhoff Quade & Douglas, Inc. for on call engineering design services, in an amount not to exceed \$250,000. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$250,000, whichever occurs first. (C64051285)

**ON-CALL CONTRACT WITH SOUTHWEST TRAFFIC ENGINEERING**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award On Call Contract No. 2004-119 with Southwest Traffic Engineering for pending and new projects requiring On Call Traffic Engineering services. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$125,000.00, whichever occurs first. (C64051315)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**ON-CALL CONTRACT WITH RITTOCH-POWELL & ASSOCIATES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award On Call Contract No. 2004-117 with Ritoch-Powell & Associates for pending and new projects requiring On Call Traffic Engineering services. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$125,000.00, whichever occurs first. (C64051325)

**ON-CALL CONTRACT WITH BOLDUC, SMILEY & ASSOCIATES, INC.**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to award On Call Contract No. 2004-118 with Bolduc, Smiley & Associates, Inc. for pending and new projects requiring On Call Traffic Engineering services. The contract is effective for seven hundred thirty (730) calendar days following the Board of Supervisors approval or until the expenditure of \$125,000.00, whichever occurs first. (C64051355)

**MARICOPA INTEGRATED HEALTH SYSTEM PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa Integrated Health Systems Personnel Agenda (Exhibit F).

<b>Name</b>	<b>Old Rate</b>	<b>New Rate</b>	<b>Class Title</b>	<b>Code</b>	<b>Effective Date</b>
<b>Dept: 60 Health Plans</b>					
Engdahl,Norma J	\$25.03	\$26.40	Utilization Mgmt Coord	Pro	10/11/2004
Lamb,Tara J	\$0.00	\$13.00	Claims Processor II	Nhc	10/18/2004
Maurer,Mary F	\$0.00	\$13.25	Claims Processor II	Nhc	10/18/2004
Vincent,Cynthia S	\$0.00	\$12.00	Claims Processor I	Nhc	10/18/2005
Weidler,Craig	\$0.00	\$13.00	Claims Processor I	Nhc	10/18/2004
Zett,Elizabeth A	\$0.00	\$11.96	Dept Admin Assistant	Nhr	10/13/2004
<b>Dept: 90 Maricopa Medical Center</b>					
Adamczyk,Tina M	\$11.54	\$12.45	Medical Records Clerk Roi	Pro	9/12/2004
Bejarano,Benjamin	\$11.82	\$12.41	Medical Records Clerk Roi	Pro	9/12/2004
Bellavance,Pamela J	\$44.42	\$42.30	Manager It Projects	Cor	8/29/2004
Bergren,Tracy L	\$30.15	\$32.85	Nursing Supervisor	Ct	10/11/2004
Berry,Saixi W	\$31.20	\$30.00	Cytotechnologist	Cor	8/29/2004
Bishop,Constance D	\$32.47	\$34.09	Foundation Fund Raiser	Cor	8/29/2004
Buchmelter,Larry E	\$20.60	\$19.81	General Maint. Worker	Cor	8/29/2004
Bystrom,Elaine M	\$10.42	\$10.84	Patient Care Assistant	Adv	10/10/2004
Calles,Enedina	\$0.00	\$16.93	Eligibility Specialist	Reh	10/15/2004
Campos,Iliana Z	\$0.00	\$7.23	Transporter	Nhr	10/12/2004
Capell,Carol E	\$13.06	\$13.93	Dental Assistant Certifie	Pro	9/26/2004
Carlile,Jennifer A	\$16.61	\$18.72	Technical Support Specia.	Pro	9/12/2004
Castaneda,Nohemi	\$13.08	\$10.76	Lab Assist/Phlebotomist	Cf	10/11/2004
Cayon,Lasandra M	\$0.00	\$11.79	Medical Records Clerk	Nhr	10/12/2004
Cooper,Leslie A	\$13.42	\$14.09	Medical Records Clerk Roi	Pro	9/12/2004
Cotton,Tracie A	\$0.00	\$29.51	Registered Nurse	Nhr	12/12/2004
Daniels,Kenneth A	\$0.00	\$25.66	Registered Nurse	Nhr	10/10/2004
Delgadillo,Trinidad A	\$13.16	\$16.45	Licensed Practical Nurse	Ct	10/10/2004
Donovan,Craig B	\$15.99	\$16.63	Supervisor Hosp Security	Adv	8/29/2004

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

Espinoza, Rebecca	\$8.99	\$8.60	Ltc Attendant (G)	Ic	10/1/2004
Flores, Frank F	\$19.31	\$18.57	General Maint. Worker	Cor	8/29/2004
Ford, Karen R	\$46.65	\$51.32	Chief Nursing Officer	Swa	9/1/2004
Friesen, Rosemary	\$23.49	\$24.43	Supervisor Patient Accts.	Adv	10/10/2004
Gleason, Jaime M	\$16.57	\$17.23	Registered Therapist Rrt	Adv	10/10/2004
Godfrey, Geoffrey L	\$26.44	\$27.50	Clinical Educator	Adv	8/29/2004
Gore, Jamie L	\$20.20	\$26.15	Supervisor Radiology Tech	Pro	8/15/2004
Hardie, Mary L	\$8.99	\$8.60	Ltc Attendant (G)	Ic	10/1/2004
Harold, Kelly M	\$0.00	\$25.00	Registered Nurse	Nhc	10/12/2004
Harris, Tracy	\$9.34	\$8.19	Ltc Attendant (F)	Ach	9/20/2004
Hernandez, Michelle M	\$13.05	\$13.57	Registration Specialist	Adv	10/10/2004
Hill, Angela L	\$25.17	\$33.00	Registered Nurse	Ct	10/10/2004
Huffman, Melanie J	\$0.00	\$12.21	Medical Assistant	Nhr	10/12/2005
Imhoff, Randy E	\$19.32	\$20.09	Certified Therapist II	Dem	9/12/2004
Johnson, Tracey L	\$0.00	\$7.88	Ltc Attendant (F)	Reh	10/12/2004
Jones, Jessie M	\$0.00	\$7.23	Transporter	Nhr	10/12/2005
Josey, Jeanette	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	10/12/2004
Juniel, Tiesha L	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	10/12/2004
Kemp, Evelyn K	\$0.00	\$19.41	Licensed Practical Nurse	Nhr	10/12/2004
Keown, Cassandra A	\$12.27	\$15.31	Dental Assistant Certifie	Pro	9/26/2004
King, Darren M	\$25.50	\$26.60	Ct Tech Pool	Cf	9/12/2004
Leatham, Brittany M	\$0.00	\$13.16	Licensed Practical Nurse	Nhr	10/12/2004
Long, Jacqueline N	\$25.94	\$36.00	Registered Nurse	Pro	10/11/2004
Lopez, Marcos A	\$0.00	\$10.59	Health Unit Coordinator	Nhr	10/12/2004
Luna, Lorena F	\$26.95	\$26.69	Technologist	Swa	5/4/2004
Manzano, Fidel A	\$15.16	\$14.58	Cardiology Tech	Cor	6/27/2004
Mares, Bernard O	\$16.69	\$16.70	Ophthalmology Technician	Pro	8/2/2004
Mauldin, Mary M	\$0.00	\$34.00	Research Assistant	Nht	10/4/2004
Mcavoy, Iris S	\$0.00	\$25.40	Psych Social Worker	Nhr	10/11/2004
Mcculloch, Sandra I	\$8.99	\$8.60	Ltc Attendant (G)	Ic	10/1/2004
Medina, Wanda J	\$0.00	\$34.26	Nurse Assistant Manager	Nhr	10/12/2005
Mendoza, Sylvia I	\$10.22	\$13.23	Dental Assistant Certifie	Pro	9/26/2004
Monge, Victor I	\$0.00	\$43.36	Pharmacist	Nhr	10/12/2004
Morales, Edgardo N	\$10.37	\$10.78	Evs Associate	Adv	10/10/2004
Moya, Raymond C	\$0.00	\$7.47	Food Service Worker	Nhr	10/21/2004
Murray, Derek O	\$33.52	\$33.81	Supervisor Rehab Services	Cor	8/29/2004
Myers, Susan G	\$29.08	\$31.91	Case Mgmt Coordinator Rn	Swa	10/4/2004
Naert, Michelle A	\$18.00	\$14.08	Licensed Practical Nurse	Dem	10/10/2004
Nash, Jacqueline L	\$29.05	\$29.51	Registered Nurse	Cf	10/10/2004
Orzabal, Patricia A	\$13.57	\$14.11	Registration Clerk	Cor	9/26/2004
Padilla, Lizeth H	\$0.00	\$7.88	Ltc Attendant (F)	Nhc	10/5/2004
Paulus, Kristie A	\$0.00	\$8.99	Ltc Attendant (G)	Reh	10/4/2004
Perez, Isabell R	\$11.41	\$11.30	Customer Service Rep	Cor	8/29/2004
Peru, Sammy A	\$13.47	\$16.44	Supervisor Hosp Security	Pro	10/11/2004
Reyes, Patricia	\$16.67	\$17.34	Help Desk Coordinator I	Adv	10/10/2004
Rodgers, Donna M	\$0.00	\$12.37	Dept Admin Assistant	Nhr	10/18/2004
Rodriguez, Carlos M	\$0.00	\$17.38	General Maint. Worker	Nhr	10/12/2004
Rosas, Julie V	\$0.00	\$7.73	Evs Associate	Nhr	10/10/2004
Ross, Melissa J	\$12.90	\$12.29	Medical Records Clerk	Cor	8/29/2004
Sabesan, Yaminikrishn	\$19.62	\$20.69	Resident	Pro	10/1/2004

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

Salas,Dolores A	\$10.22	\$13.27	Dental Assistant Certifie	Pro	9/26/2004
Sammon,Robert	\$19.53	\$20.31	Certified Therapist li	Dem	9/12/2004
Sarmiento,Blesselda	\$9.53	\$9.91	Biller	Adv	10/10/2004
Selby,Phylliss P	\$31.66	\$33.24	Programmer Analyst	Adv	9/12/2004
Shepherd,Curtis W	\$0.00	\$23.40	Psych Social Worker	Nht	10/13/2004
Small,Matthew S	\$0.00	\$9.25	Materials Handling Spec	Nhr	10/18/2004
Smith,Daunn M	\$16.81	\$17.61	Office Manager	Swa	9/1/2004
Smith,Mary E	\$28.20	\$30.28	Registered Nurse	Adv	8/15/2004
Soto,Rosangela	\$7.88	\$7.22	Ltc Attendant (F)	Ic	10/1/2004
Stanley,Kimberly S	\$12.36	\$12.36	Nurse Extern	Pro	10/10/2004
Stephens,Emma M	\$13.16	\$16.45	Licensed Practical Nurse	Ct	8/30/2004
Thyne,Eunice R	\$8.99	\$8.60	Ltc Attendant (G)	Ic	10/1/2004
Tomlinson,Cheri K	\$35.10	\$36.50	Manager Grants Administra	Adv	10/10/2004
Tovar,Anna L	\$0.00	\$16.19	Licensed Practical Nurse	Nhr	10/17/2004
Walden,Marianne	\$32.17	\$30.28	Registered Nurse	Cf	9/27/2004
Webb,Elvira	\$11.65	\$13.82	Eligibility Specialist	Pro	8/29/2004
Weiss,Bethany A	\$30.28	\$33.30	Registered Nurse	Swa	9/1/2004
Whitney,Sharon F	\$0.00	\$14.21	Legal Support Assistant	Nhr	10/18/2004
Williams,Mary	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	10/4/2004
Wilson,Linda F	\$0.00	\$8.99	Ltc Attendant (G)	Nhc	10/12/2004
Woods,Thelma	\$7.88	\$7.22	Ltc Attendant (F)	Ic	10/1/2004
Zahl,Lisa Ann	\$40.86	\$42.90	Director Medical Records	Adv	10/10/2004
Zarkharidi,Kamela B	\$33.38	\$36.72	Nurse Assistant Manager	Swa	9/20/2004

**Key to Medical Codes**

Ach	Assignment Change	Adv	Salary Advancement	Asw	Sp. Work Assign Adj
Cnl	Cancel Appointment	Coa	Change Of Appointment	Cor	Correction
Crn	Contract Renewal	Dec	Deceased	Dem	Demotion
Dis	Dismissed	Exc	Expiration Of Contract	Exp	Expiration Of Appt
Lex	Leave Exp (Sep W/O Prej)	Nhc	New Hire Contract	Nhr	New Hire Regular
Nht	New Hire Temporary	Nhu	New Hire Unclass	O	Other Change
Pro	Promotion	Ras	Reassignment	Rcd	Rescind
Reh	Rehired	Rel	Released	Res	Resigned
Ret	Retired	Rif	Reduction In Force	Ris	Reinstatement
Rup	Ret Unsuc Comp/Prob	Sus	Suspension	Swa	Spcl Work Assgn
Ssc	Spcl Status Change	Swr	Ret Spcl Work Assign	Trn	Transfer From County
Ttc	Transfer To County				

**EXPLANATION OF INCREASES OVER 10%**

Name	Old Rate	New Rate	Inc %	Job Title	Code	Effective Date
Carlile,Jennifer A	\$16.61	\$18.72	12.70%	Tech Sup Spec	Pro	9/12/2004
Delgadillo,Trinidad	\$13.16	\$16.45	25.00%	LPN	Coa	10/10/2004
Ford,Karen R	\$46.65	\$51.32	10.01%	Chief Nursing Officer	Swa	9/1/2004
Gore,Jamie L	\$20.20	\$26.15	29.46%	Sup Radiology Tech	Pro	8/15/2004
Hill,Angela L	\$25.17	\$33.00	31.11%	RN	Coa	10/10/2004
Keown,Cassandra	\$12.27	\$15.31	24.78%	Dental Asst Cert	Pro	9/26/2004
Long,Jacqueline	\$25.94	\$36.00	38.78%	RN	Coa	10/11/2004
Mendoza,Sylvia I	\$10.22	\$13.23	29.45%	Dental Asst Cert	Pro.	9/26/2004
Myers,Susan G	\$29.08	\$31.91	9.73%	Case Mgmt Coord RN	Swa	10/4/2004

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

Peru, Sammy A	\$13.47	\$16.44	22.05%	Supr Hosp Security	Pro	10/11/2004
Salas, Dolores A	\$10.22	\$13.27	29.84%	Dental Asst Cert	Pro	9/26/2004
Stephens, Emma	\$13.16	\$16.45	25.00%	LPN	Coa	8/30/2004
Webb, Elvira	\$11.65	\$13.82	18.63%	Eligibility Specialist	Pro	8/29/2004
Weiss, Bethany A	\$30.28	\$33.30	9.97%	RN	Swa	9/1/2004
Zarkharidi, Kamela	\$33.38	\$36.72	10.01%	Nurse Asst Mgr	Swa	9/20/2004

**CONTRACT WITH AMETHYST SENIOR RETIREMENT, LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a Contract with Desert Amethyst Senior Retirement, LLC, for Assisted Living Facility Services through 10/31/05. The Not to Exceed amount was established in Agenda Item C60040991 and approved by the Board of Supervisors on November 19, 2003. Maricopa County may, upon ninety (90) days prior written notice, and without the consent of the other party hereto, assign this Agreement. (C60050741)

**CONTRACT WITH THE INN AT THE AMETHYST ASSISTED LIVING, LLC**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a Contract with Inn at the Amethyst Assisted Living, LLC, for Assisted Living Facility Services through 10/31/05. The Not to Exceed amount was established in Agenda Item C60040991 and approved by the Board of Supervisors on November 19, 2003. Maricopa County may, upon ninety (90) days prior written notice, and without the consent of the other party hereto, assign this Agreement. (C60050791)

**PHLEBOTOMIST SERVICES CONTRACTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve two new Phlebotomist Services contracts between Wanda Santiago (C90050211) and Michael J. Smith (C90050221) and Maricopa Integrated Health System (MIHS) for the period of upon Board of Supervisors approval through July 1, 2005 with four additional annual renewal options. The Contractor will be reimbursed from the not-to-exceed (NTE) pool established under agenda number C90040101ZZ as approved by the Board of Supervisors on July 2, 2003. Either party may terminate the contract with 90 days written notice to the other party. The contracts contain the most current Assignment language. (C90050201ZZ)

**SPONSORSHIP FEE FOR THE ARIZONA-MEXICO COMMISSION'S SUMMER PLENARY SESSION**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an expenditure from General Government-Non-Profit/Economic Development Funding in the amount of \$5,000.00 for a sponsorship fee for the Arizona-Mexico Commission's June 17-19th Summer Plenary Session. Also, per A.R.S. 42-17106, authorize transfer expenditure authority from FY 2004-05 General Government General Fund-Contingency (100-470-4711) in the amount of \$5,000 to General Government-Non-Profit/Economic Development Funding-Arizona-Mexico Commission (100-470-4774) for this purpose. The Countywide net impact of this transaction is zero. (C06050138) (ADM686)

**APPOINTMENT OF BEVERLY CHENAUSKY**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to appoint Beverly Chenausky to the Voluntary Vehicle Repair and Retrofit Program Advisory

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

Committee representing the Arizona Department of Transportation to finish the term vacated by Mark Wheaton. This term ends in January 2005. (C88050209) (ADM2360-001)

**APPOINTMENT OF KEN GORING - WITHDRAWN**

Appoint Mr. Ken Going to the Maricopa County Merit System Commission as the nominee from District 4. This appointment will fill the District 4 vacancy and commence on date of Board approval and expire on December 31, 2007. (Republican) (C06050149)

This item was withdrawn by the Chairman.

**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for December 1, 2004, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2004-003; Z2004-015; Z2004-021; Z2004-042;

**PUBLIC HEARING – ENVIRONMENTAL SERVICES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to schedule a public hearing, as required by Arizona Statutes (ARS) §4-479(b), for December 15, 2004, to solicit comments on proposed amendments to the Maricopa County Air Pollution Control Regulation, Rule 314, Open Outdoor Fires and to solicit comments on submitting the amended rule as a revision to the Arizona State Implementation Plan (SIP). Following the public hearing, the Board is expected to adopt proposed new rule 314 and to submit the rule as an amendment to the (Arizona) State Implementation Plan. (ADM2351-001) (C88050227) (ADM2354)

**MINUTES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve minutes of the Board of Supervisors meeting held September 22, 2004 and October 6, 2004.

**MIHS ARTICLE 13 CONTRACTS**

None were presented at this time. (ADM 2100-005)

**ASRS CLAIMS**

No claims were presented at this time. (ADM3309)

**MIHS-HP CLAIMS RESOLUTION**

No claims were presented at this time. (ADM409-001)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**2004 COMBINED CHARITABLE CAMPAIGN CONTRIBUTIONS**

No contributions were presented at this time. (C88040057) (ADM3311-002)

**2004 NACo CONFERENCE**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

<b>DONOR</b>	<b>AMOUNT</b>
Greenlee County	500.00
Apache County	1,500.00
Graham County	1,000.00
Navajo County	1,500.00
Mellon Bank	1,000.00
Gila County	1,500.00
Pinal County	5,000.00
Yuma County	5,000.00
La Paz County	500.00
Cochise County	2,000.00
Arizona Public Service	10,000.00
Arizona Public Service	25,000.00
Santa Cruz County	1,000.00
Stewart Geo Technologies	1,000.00
Pulice Construction	1,000.00
Ecorridor, Inc.	5,000.00
CIGNA	10,000.00
eCorridor, Inc.	5,000.00
ASAP Software	3,500.00
Bank One	15,000

**PRECINCT COMMITTEEMEN**

No requests were made to authorize the appointment or cancellation of appointment of Precinct Committeemen. (ADM1701)

**SECURED TAX ROLLS**

No tax roll changes were received at this time. (ADM705)

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**CANVASSES OF ELECTIONS FOR SPECIAL DISTRICTS**

Pursuant to A.R.S. §16-642(B), no canvasses of elections were submitted from special districts at this time.

**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office. (ADM708)

**DUPLICATE WARRANTS**

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

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Biltmore Evaluation and Treatment	350514804	Expense	\$1,050.00
James J Kanellos	250016138	Expense	\$90.00
Leann Bethel	250000772		\$263.42
Viola Jones Salcido	250018112	General	\$90.00

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Laura Jacques	Alhambra SD	15-8392	\$1,533.41
Sandra Helton	Roosevelt SD #66	15-15978	\$550.31
Hilton New Orleans Riverside	Buckeye Elem SD #33	45-0036689	\$324.27
Cindy Wiste	Avondale Elem SD	450031075	\$100.00
Thom Leudemann	Balsz SD #31	15-0036656	\$942.66

**STALE DATED WARRANTS**

No claims were presented for approval at this time. (ADM1816)

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated November 3, 2004. (ADM704)

**2000/2001/2002/2003/2004**

TX 04-000425

**2001**

TX 03-000235

**2003**

CV 03-023637

**2004**

CV 04-001888

ST 03-000195

TX 03-000701

**2004/2005**

ST 04-000054

TX 04-000029

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**CLASSIFICATION CHANGES**

No change of classification and/or reduction in the valuation of certain properties which are now owner occupied were received at this time. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held October 20, 2004.) (ADM407)

Eduviges Padilla	\$9,831.98	Gisela Vanluven	\$5,000.00
Jorge Zarate-Ponce	\$7,639.30	Maria Zarate-Guzman	\$6,460.17
Jennifer Equihua	\$4,247.77	Joy Bandera	\$1,125.00
Jo Sandoval	\$3,299.73	Larry Hobbs	\$313,639.90
Felipa Damian	\$500.00	Darrell Cramer	\$30,000.00
Tara Slatter	\$2,000.00	Richard Zikmanis	\$3,500.00

**WRITE-OFFS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the requested write-offs as payment in full for the following cases. (Discussed in executive session held October 20, 2004) (ADM 407)

Jessica Kidwell	\$2,667.75	Isabelle Bautista	\$8,261.27
Durrell Carroll	\$3,961.84		

**PLANNING AND DEVELOPMENT – IGA WITH GILBERT UNIFIED SCHOOL DISTRICT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an IGA with Gilbert Unified School District No. 41 regarding the school's intent to build a school and the related permits and inspections subject to County Counsel approving the final non-substantive language of the IGA. (Addendum item A-1) (C44050090)

**PUBLIC HEALTH – AMENDMENT #1 TO THE IGA WITH ARIZONA BOARD OF REGENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment #1 to an Intergovernmental Agreement with the Arizona Board of Regents by and on behalf of the University of Arizona, College of Medicine to establish a partnership for education and research in preventative medicine. This contract is for the not to exceed amount of \$150,211. Retroactively extend the original term of 01/01/04 to 06/30/04 to 07/01/04 through 6/30/05. The amendment increases the amount of the contract from \$53,335 to \$203,546. This will allow Public Health to hire one part-time faculty member and one full-time program coordinator to develop a Preventive Medicine Physician Residency program with the University of Arizona. (Addendum item A-2) (C8604023201)

**BOARD OF SUPERVISORS – APPOINTMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following Board and Commission appointments. (Addendum item A-3)

FORMAL SESSION  
November 3, 2004

- a) **Board of Adjustment**  
David Fischbeck to the Board of Adjustment as the District 2 nominee replacing Rodney Q. Jarvis. The term of the appointment is from November 3, 2004 through April 17, 2007. (ADM3410)
- b) **Merit Commission**  
Charles Goodwin to the Merit System Commission as the nominee from District 4. Term of the appointment shall be from November 3, 2004 through December 31, 2007. (ADM3315-001)
- c) **Merit Commission**  
Dustin Jones to the Merit System Commission as the nominee from District 1. Term of the appointment shall be from November 3, 2004, through December 31, 2005. (ADM3315-001)

**SETTING OF HEARING: DEANNEXATION/ANNEXATION**

Pursuant to ARS §9-471.02, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to schedule a public hearing for 9:00 a.m., Wednesday, December 8, 2004, regarding ordinances filed by the City of Chandler and the Town of Gilbert deannexing and annexing certain territory within their present corporate limits. The City of Chandler (Ord. # 3544) will deannex and the Town of Gilbert (Ord. # 1542) will annex approximately 2 acres of the future Lindsay Road right-of-way between Queen Creek Road and Ocotillo Road. (Addendum item A-4) (Clerk's Note: The hearing date was changed to December 15 and this is noted in the November 17 minutes.) (ADM4206)

**ROAD DECLARED (ROAD FILE NO. A286)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051115) (Addendum item A-5)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within Section Thirty-four (34), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 30 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the North half of the Northeast quarter of the Southeast quarter (N½NE¼ SE¼) of said Section 34; THENCE, North along the West line of said N½NE¼ SE¼ and along the West line of the East half of the Northeast quarter (E½NE¼) of said Section 34, to the terminus at the Northeast corner of said E½NE¼ of said Section 34.

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A287)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051125)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 80 foot roadway, together with all appurtenances and easements of record, lying within Section Seven (7) and Section Eighteen (18), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 40 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the East half of the East half (E½E½) of said Section 7; THENCE, East along the South line of said E½E½, common with the North line of the East half of the East half (E½E½) of said Section 18, to the terminus at the Southeast corner of said Section 7 common with the Northeast corner of said Section 18.

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A290)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051135)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A Fifty (50) foot roadway, being Mano Drive, together with all appurtenances and easements of record, as shown in "SABROSA II" a Subdivision of a Portion of Section Five (5), in Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, recorded in Book 150 of Maps, Page 36, Maricopa County Records, said roadway is described as follows:

BEGINNING, at the intersection of the centerlines for Mano Drive and New River Road, as shown on said subdivision, Easterly along the center line of said Mano Drive, to the terminus, at the intersection of the centerlines of said Mano Drive and 6<sup>th</sup> Street.

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

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A263)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051155)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 60 foot roadway, together with all appurtenances and easements of record, lying within Section Twenty-six (26), in Township Six (6) North, Range Two (2) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 30 feet on each side of the following described centerline:

BEGINNING, at the Southwest corner of the East half of the Northwest quarter (E½NW¼) of said Section 34; THENCE, North along the West line of said E½NW¼ of said Section 34, N00°14'14"E, a distance of 2440.00 feet, to the beginning of a tangent curve to the right, having a radius of 150.00 feet; thence along said curve an arc length of 175.08 feet through a central angle of 66°52'31"; thence North 67° 06' 45" East a distance of 283.62 feet, to the terminus at a point on the South line of the North 65 feet line of said Section 26.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A271)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051165)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 80 feet, together with all appurtenances and easements of record, said roadway lying within the East half (E½) of Section Eighteen (18), Township One (1) South, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The South 40 feet of the Northeast quarter (NE¼) and the North 40 feet Southeast quarter (SE¼) of said Section 18.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Record Reporter; 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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. A268)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C64051185)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, 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:

That certain 80 foot roadway, shown as 175<sup>th</sup> Drive, together with all appurtenances and easements of record, lying within "SWEETWATER ESTATES UNIT TWO" a subdivision of part of the Northwest quarter (NW¼) of Section Fourteen (14) in Township One (1) North, Range Two (2) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, recorded in Book 139 of Maps, page 3, Maricopa County Recorder.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5327)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405124)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, 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:

7<sup>th</sup> Street from Carefree Highway to Paint Your Wagon Trail.

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

FORMAL SESSION  
November 3, 2004

**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 3<sup>rd</sup> day of November 2004.

**ROAD DECLARED (ROAD FILE NO. 5328)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405125)

**WHEREAS**, pursuant to A.R.S. §28-6701, on the 20<sup>th</sup> day of October, 2004, 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:

20<sup>th</sup> Street from Circle Mountain Road to 1320 feet north.

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

**FORMAL SESSION  
November 3, 2004**

**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 3<sup>rd</sup> day of November 2004.

**PUBLIC COMMENT**

Ted Shaw, CEO of MIHS, reported that the Joint Commission on the Accreditation of Health Care Organizations (JCAHO) has awarded Maricopa Integrated Health Systems its official accreditation report. He said that this independent, non-profit organization sets the standards by which health care quality is measured in America and around the world. A team of JCAHO representatives surveyed MIHS from October 4 – 7 and evaluated staff and the facility for quality of care, patient safety, organizational structure and information management and MIHS was awarded an unconditional accreditation. He said this includes Maricopa Medical Center, The Arizona Burn Center, the Comprehensive Healthcare Center, The McDowell Healthcare Clinic and ten community oriented family healthcare centers. He added that there were still some conditions that need to be recognized and addressed within the next 90 days to meet all standards but the accreditation was unconditional. In response to a question from Supervisor Wilson Mr. Shaw said that to date these investigations had been done every three years but starting in 2005 they can be done at any time and without prior notification. (ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox congratulated Helen Purcell and Karen Osborne for producing another timely and smooth-running election in Maricopa County. (ADM606)

Supervisor Wilson contrasted the lines at some of the voting precincts that kept some people standing in line for 3-4 hours – mostly without complaints being voiced – with the line he recently stood in at the Motor Vehicle Department where almost every one was complaining. He commented on the higher than normal voter turnout and thanked all for participating. He said election day had made him proud to be an American.

Supervisor Stapley said this election was an historic event in Maricopa County for all those running and also because for the first time in the history of the County a Special Health Care District Board of Directors had been elected. He congratulated those who "won" and offered any support that the Board of Supervisors could give to them as they begin their "awesome task." He said, "The Board has worked very hard to make sure that the handoff is a clean handoff, that the District is as debt-free as possible and that it has every opportunity to succeed." Those who ran and did not win were also thanked for their public interest and hard work.

FORMAL SESSION  
November 3, 2004

Mr. Stapley also cited the Elections Department personnel saying, "For the kind of turnout we had I'm just amazed at how well it was handled. All across this county we had lines in most of the polling places and it was handled professionally and so well – thank you to Helen, Karen and all of their professional staff."

Chairman Kunasek agreed that for such an election to come off as smoothly as it did was a testament to the Election Department's hard work and preparation over the years. "It was very impressive."

Supervisor Wilson's last word was to thank Secretary of State Jan Brewer (a former Supervisor) for her staff's excellent job in polling places across the state.

### PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

#### CONSENT AGENDA DETAIL:

1.     **Z2004-079**     **District 1**  
      **Applicant:**   Barry & Nancy Boyd  
      **Location:**   Northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area)  
      **Request:**     Rezone from R-4 to Rural-43 - Boyd Woodworking Shop (1.25 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2004079. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve this rezoning.

2.     **Z2004078**     **District 1**  
      **Applicant:**   Barry & Nancy Boyd  
      **Location:**   Northeast corner of Recker Rd. & Hunt Hwy. (in the Chandler Heights area)  
      **Request:**     Special Use Permit (SUP) for a cottage industry, home-based woodworking shop  
                      - Boyd Woodworking Shop (1.25 ac.)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2004078, subject to the following stipulations "a" through "l". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall be in substantial conformance with the site plan entitled "Boyd Custom Woodworking Shop", consisting of one (1) full- size sheet, dated July 2004 and stamped received September 2, 2004, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Custom Woodworking Shop – Barry Boyd", consisting of four (4) pages, stamped received September 2, 2004, except as modified by the following stipulations.

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Hunt Highway and 40' for Recker Road shall occur within six (6) months of approval of this request by the Board of supervisors, and prior to zoning clearance
- d. The applicant shall discontinue use of the 12' dirt access road paralleling the south property line as shown on the site plan.
- e. The applicant shall pave the portion of the driveway leading to Hunt Highway within County right-of-way.
- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Only sanitary sewage may be discharged into any on-site wastewater disposal system. Waste paints, solvents, lacquers and similar woodworking materials must be appropriately disposed of in accordance with applicable federal, state and local regulations.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- j. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation 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.
- k. Major changes to this Special Use Permit (site plan and narrative report), or the conditions of approval, shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

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

**REGULAR AGENDA DETAIL:**

- 3. **DMP2004-002 District 4**  
**Applicant:** Gallagher & Kennedy, P.A. for TDR, LLC  
**Location:** West of 99<sup>th</sup> Ave. on both sides of Jomax Rd. (in the Peoria area)

FORMAL SESSION  
November 3, 2004

**Request:** Major Amendment to a Development Master Plan (DMP 99-05) - Tierra del Rio (1,041 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2004002, subject to the following stipulations "a" through "ii". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Development Master Plan document entitled "Tierra del Rio Development Master Plan...", prepared by CML, Inc., et al, consisting of a number of pages including large-size and color exhibits all spiral-bound, dated revised August 23, 2002 and stamped received August 29, 2002, except as modified by the narrative report titled "Tierra del Rio Development Master Plan; A Planned Community in Maricopa County, Arizona" consisting of all pages, figures, exhibits, and attachments, 7<sup>th</sup> Revision dated July 22, 2004, and except as modified by the following stipulations. The request has been revised to include status as a Protected Development Rights Plan as per stipulation 'aa' below. At the time of preliminary plat, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with those agencies.
- b. Major changes to the Tierra del Rio Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Tierra del Rio Development Master Plan as outlined in the Maricopa County Development Master Plan Guidelines.
- c. Unless annexed by the city of Peoria, residential development shall be prohibited on hillside slopes of 15% or greater slope, except in limited areas of parcels 9, 10, and 13 as depicted on Exhibit I, Proposed Land Use Map, dated April, 2004. Limited wall encroachment will be allowed on specific lots identified in parcels 1, 19A, 23, 24, 25, and 27. Such lots shall be determined at preliminary plat, and the amount of encroachment allowed on such lots will be subject to approval by Maricopa County.
- d. The following Maricopa County Department of Transportation stipulations shall apply to development of Tierra del Rio:
  1. An approved traffic impact study (ITS) shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect existing conditions and any changes to the development plan. The development must comply with all recommendations in MCDOT approved TIS.
  2. The Developer shall contribute their proportionate share for off-site regional roadway improvements, based upon the number of residential units @ \$4,600 per unit with additional contribution for commercial areas based on use and intensity. The amount in this paragraph is based on contributions made in fiscal year 2003-2004. Contributions made each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP Price Deflator as defined in Section 41-563, Subsection E of the Arizona Revised Statutes. Roadways shall meet County standards in effect at the time they are improved.

**FORMAL SESSION  
November 3, 2004**

3. Maricopa County does not guarantee timing of regional roadway improvements. The developer is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be credited to the developer's contribution referred to in item 2 above.
4. All-weather access shall be provided to all lots and on all arterial roadways.
5. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.
6. Private streets are required to meet minimum County standards, including rights-of-way, unless waived by the Planning and Zoning Commission at time of preliminary subdivision plats.
7. Happy Valley Parkway is a limited access roadway. The location of any connections shall be reviewed and approved by the Maricopa County Department of Transportation.
8. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
9. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
10. If pre-high school site is required it shall not be located on arterial roads.
11. Provide neighborhood access to commercial areas by means other than using the arterial street network.
12. Use of neighborhood electric vehicles should be considered in this development to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
13. Bike lanes shall be included on all arterial and major collector alignments and meet county standards. A bicycle circulation plan shall be provided with each phase of development.
14. The development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site (i.e. bus bays, shared accommodations, internal trail systems, etc.)
15. If streetlights are provided, installation shall be at the Developer's expense. If streetlights are within public rights-of-way, a Street Light Improvement District or comparable authority must be established to provide operation and maintenance. Developer should contact the Office of the Superintendent of Streets to initiate Improvement District process (602) 506-8797. If the development is a private subdivision, operation and maintenance of streetlights will be the responsibility of the Home Owners Association.

**FORMAL SESSION  
November 3, 2004**

16. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
17. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
18. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
19. This project is subject to the Arizona Pollutant Discharge Elimination System (AZPDES) requirements administered by the Arizona Department of Environmental Quality (ADEQ).
20. A development agreement shall be executed prior to any preliminary plat approval. This agreement shall further detail transportation issues, including improvement phasing and cost share contributions for offsite roadway improvements. This stipulation will help address regional transportation issues regardless of annexation into the City of Peoria.
21. Acceptable noise attenuation, in compliance with County noise policy shall be provided along the Happy Valley Parkway, at the discretion of the Maricopa County Department of Transportation.
22. The intersection of 107<sup>th</sup> Avenue and Happy Valley Parkway will be an at-grade intersection.
23. Dedication requirements for the half-width of perimeter arterial and collector alignments, and full-width for internal arterial and collector alignments, will be determined at the time of zoning. Dedication must occur prior to or concurrent with recordation of final subdivision plats for residential parcels, and prior to zoning clearance for commercial parcels.
24. The Developer shall be responsible for the cost of constructing Jomax Road as a minor arterial from 107<sup>th</sup> Avenue northwesterly, to the project's property line. However, due to part of the roadway being within the Agua Fria riverbed, the construction of that portion of Jomax Road west of the western most street connection for Parcel 12 (the Jomax Road Crossing) will not be required to be constructed until such time as the balance of the Agua Fria River crossing is to be completed by MCDOT or other parties. As a financial guarantee for the Developer's contribution for the Jomax Road Crossing, no building permits shall be issued for Parcel 15 until such time as the Jomax Road Crossing is completed. At such time as the Developer wishes to proceed with construction of Parcel 15, the Developer may provide financial assurance in a form and amount acceptable to the Maricopa County Department of Transportation in lieu of a hold on building permits. The financial obligation shall be limited to that required for constructing a "wet crossing" minor arterial road, 73 feet of pavement (face of curb to face of curb), curbing and 5 foot wide sidewalks on each side of the roadway.

- e. The Tierra del Rio Development Master Plan includes a blanket road waiver to the provision of arterial routes along section line alignments and collector routes along mid-section line alignments as per the circulation element of the Development Master Plan referenced in stipulation 'a' above. Therefore, said road waiver requests will not be required as part of subsequent subdivision plats.
- f. The following Flood Control District of Maricopa County stipulations shall apply to development of Tierra del Rio:
  - 1. A final Master Drainage Report/Plan must be submitted by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of any preliminary plat for any parcel within the development.
  - 2. Tierra del Rio shall be compatible with the Agua Fria Watercourse Master Plan.
  - 3. A detailed design of the proposed hard-bank along the Agua Fria River must be determined and approved by the Flood Control District prior to preliminary plat approval.
  - 4. Prior to any development, the applicant must contact the Flood Control District concerning a Floodplain Use Permit for any development within the 100-year floodplain and appropriate submittals to the Federal Emergency Management Agency (FEMA).
  - 5. Prior to issuance of any building permits within the 100-year floodplain, the requirements for Floodplain Use Permits and FEMA submittals and approvals must be satisfied.
  - 6. Prior to issuance of building permits for individual buildings within the 100-year floodplain, individual Floodplain Use Permits must be obtained for each such building. Any building lots requiring a Floodplain Use Permit must be specifically identified on the Final Plat.
  - 7. A Conditional Letter of Map Revision (CLOMR) shall be prepared and submitted to the Federal Emergency Management Agency (FEMA) prior to approval of any Final Plat. The Map Revision shall be concluded and accepted prior to occupancy of any residences or other buildings, unless flood insurance is paid.
  - 8. Modification of the storm water retention requirements will require a grant of variance from the Drainage Regulations for Maricopa County. The request for variance must support a finding that all the following criteria specified in Section 503 of the Drainage Regulations are met:
    - i. The grant will not result in an increase in the 100-year peak flow or discharge; and
    - ii. By reason of special physical circumstances, location or surroundings of the property, strict application of the Regulations would deprive the property of privileges enjoyed by similar property; and

FORMAL SESSION  
November 3, 2004

- iii. The variance would not constitute a grant of special privilege inconsistent with the limitations on similar property; and
  - iv. The variance request is the minimum necessary, considering the flood hazard, to afford relief; and
  - v. There is a showing of good and sufficient cause; and
  - vi. Failure to grant the variance would result in exceptional hardship to the applicant; and
  - vii. Granting the variance will not result in additional threats to public safety, health, welfare, or extraordinary public expense, create a nuisance, the victimization of or fraud on the public and that the variance does not conflict with existing local laws or ordinances.
9. Completed prior to occupancy of any residences or other buildings, at the discretion of the Flood Control District. The applicant may be required to post bonds or other appropriate financial assurances to guarantee completion of necessary drainage infrastructure.
- g. Master plans for the onsite and any required offsite water and sewer infrastructure must be approved by the Maricopa County Environmental Services Department (MCESD) prior to approval of any preliminary plat of Tierra del Rio. This will require satisfactory resolution of the issues raised in the MCESD letter dated May 26, 2004 to CMX, L.L.C.
  - h. An archaeological survey of the subject property shall be conducted, prior to the filing of the first preliminary plat, to locate and evaluate cultural resources that might be present. Once the survey is complete, a report of the results shall be sent to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to development are initiated. Since cultural resource sites are known to exist within the subject area, the applicant shall perform archaeological to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. Further, if Register eligible properties cannot be avoided by project activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the provisions of Section 106 of the National Historic Preservation Act.
  - i. The identified Indian ruins located in the northeastern portion of the site shall be preserved and incorporated into the project's open space and trails system. The intent of this stipulation is specifically to preserve the cultural resource itself and not to prohibit development within the northeastern portion of the site.
  - j. The total number of dwelling units for Tierra del Rio shall not exceed 2,102 unless modification approval is provided by the Maricopa County Board of Supervisors. The number of dwelling units (single-family and multi-family) shall be tracked on subdivision plats.

- k. The developer shall be responsible for construction of all public and private on-site roadways within the designated Tierra del Rio boundaries. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, trails, roadway median landscaping, landscaping within the public rights-of-way, and of pedestrian, bicycle, and multi-use pathways.
- l. All water for construction purposes and irrigation supplied to common areas and water used to fill or refill lakes and other types of water features shall be provided entirely by a renewable supply of water, such as treated effluent, surface water or CAP water, upon completion of 2,000 units or within five (5) years after commencement of on-site development whichever comes first. Water for construction purposes and irrigation of common areas may be supplied by groundwater and shall be in direct compliance with prevailing ADWR and Active Management Area rules and regulations. However, groundwater shall not be used to fill lakes or other types of water features.
- m. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of potable water services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- n. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of liquid waste disposal services from Arizona-American Water Company. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona-American Water Company upon approval by the Maricopa County Planning and Development Department.
- o. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of electric power services from Arizona Public Service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- p. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for the provision of fire protection services from the Rural/Metro Fire Department. Developer may submit a "will serve" letter from a different qualified public or private fire service in place of the Rural/Metro Fire Department upon approval by the Maricopa County Planning and Development Department.
- q. Unless annexed by the City of Peoria, prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Maricopa County Sheriff's Office addressing the items listed in the memorandum prepared by Ken Colbert #794, Deputy District Commander, District III to Chief L. Black, Enforcement Bureau Commander consisting of two pages dated June 10, 2002.
- r. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for telephone services from Qwest Communications. Developer may submit a "will serve" letter from a different qualified

public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.

- s. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for cable television services from Cox Communications. Developer may submit a "will serve" letter from a different qualified public or private cable television company in place of Cox Communications upon approval by the Maricopa County Planning and Development Department.
- t. Unless annexed by the City of Peoria, prior to the approval of each preliminary plat, developer will provide a "will serve" letter for refuse collection services from a qualified public or private rubbish/trash/refuse removal company.
- u. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
- v. Unless annexed by the City of Peoria, should the developer elect to develop with natural gas service, then prior to the submittal of each preliminary plat, developer will provide a "will serve" letter for natural gas services from Southwest Gas Corporation. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Southwest Gas Corporation upon approval by the Maricopa County Planning and Development Department.
- w. Prior to approval of each preliminary plat, the developer will submit a landscaping inventory and salvage plan which identifies and assesses the native trees and cacti within the development parcel, and which determines the preservation/disposition for each of the selected native trees and cacti to the Planning and Development Department. The project shall comply with all Arizona native plant laws.
- x. Unless annexed by the City of Peoria, a quality of life assessment of \$377 per unit shall be made available to the Maricopa County Library District to be used for operational purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units.
- y. A quality of life assessment of \$150 per unit shall be made available to the Maricopa County Parks and Recreation Department to be used for park enhancement and capital improvement purposes only. Arrangements can be made for this assessment to be paid on a per unit basis at the time of Building Permit for the individual units. The Maricopa County Parks and Recreation Department will provide each residential dwelling unit in Tierra del Rio with a seventy-five dollar (\$75) voucher, good for one (1) year, for entrance into any regional park administered by the County, except Lake Pleasant Regional Park.
- z. The Tierra del Rio Development Master Plan shall expire on December 4, 2009 if a final subdivision plat has not been approved, in accordance with the Maricopa County Development Master Plan Guidelines. Any request for a time extension must be received at least six months prior to the expiration date.
- aa. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.

FORMAL SESSION  
November 3, 2004

- bb. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- cc. The master developer shall notify future homeowners that they will be subjected to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base with the following language:

"You are buying a home that will be subject to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base. Your house should include sound attenuation measures as directed by state law.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please contact Luke Air Force Base or the Maricopa County Planning and Development Department."

Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- dd. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operations along the Agua Fria River and may be subject to the noise, vibrations, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.
- ee. The east 133' of parcels 10 and 13 will be limited to a maximum density of 2.2 dwelling units per acre.
- ff. The Public Participation Plan for any zoning parcel shall include notification of all property owners of record within a 300' radius of the entire Development Master Plan area for Tierra Del Rio.

FORMAL SESSION  
November 3, 2004

- gg. All stipulations of approval shall remain in effect in the event of a change in name of the Tierra del Rio Development Master Plan.
- hh. Prior to approval of any final plat, the master developer shall enter into a development agreement with Maricopa County that addresses short- and long-term service, infrastructure, operation, maintenance, and financial assurance needs of Maricopa County agencies necessary to provide adequate services and infrastructure to future residents of the Tierra del Rio Development Master Plan. Further, prior to approval of any final plat this development agreement shall be signed by both the master developer and the designated Maricopa County representative(s) and provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that such changes are necessary due to changing circumstances or conditions, although such modifications are subject to Board of Supervisors approval. The master developer may also petition for modifications, which are also subject to Maricopa County Board of Supervisors approval.
- ii. Until annexation of the Tierra del Rio Development Master Plan occurs, the master developer shall notify all future residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government of their choosing. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all homeowner association covenants, conditions, and restrictions (CC&Rs)

Joy Rich gave background information on this case and said it was a major amendment to the original Development Master Plan, DMP99-05.

Rodney Jarvis, representing the applicant, agreed to all the changes and stipulations.

Supervisor Stapley commented on the challenging aspects of developing this piece of property and he complimented the owners and their workers plus the work done by those in the District 4 office. He said this is a major block of land that will be developed in a very smart way to enhance the environment and community.

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

- 4. **Z2004-025**      **District 4**  
**Applicant:**      CMX, LLC for TDR, LLC  
**Location:**      West of 99<sup>th</sup> Ave. on both sides of Jomax Rd. (in the Peoria area)  
**Request:**      Rezone from Rural-43 to R1-10 RUPD, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-4 RUPD, R-2 RUPD, C-2 CUPD, C-1 CUPD & Rural-43 with a PAD overlay - Tierra del Rio (1,041 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2004025, subject to the following stipulations "a" through "ff". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 9-0.

**FORMAL SESSION  
November 3, 2004**

- a. Development and use of the site shall comply with the site plan/zoning exhibit entitled "Zone Change from Rural-43 to RUPD/PAD R-2, R-4, R1-10, R1-8, R1-7, R1-6 & Rural-43 PAD, CUPD/PAD C-1 & C-2, Tierra del Rio" consisting of twelve (12) full-size sheets dated revised August 24, 2004 and stamped received September 8, 2004, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the applicant shall submit a revised Zoning Plan (Narrative Report with zoning exhibits) that revise the UPD Comparison Charts, primarily to eliminate the caveated variations, as follows:
  - Delete aggregate side setback requirements;
  - Delete requested sign variations;
  - Lot width measurement to be taken at the foremost front setback line;
  - Delete architectural pop-out variations; and
  - Delete caveats to the retaining wall variations.
- b. As part of the Tierra del Rio zoning approval, Case Z 72-14, a Special Use Permit for a gun club in northern part of the project, shall be removed from Maricopa County's zoning atlas.
- c. At the time of preliminary plat, the site plan shall be revised to reflect locations of facilities for the Maricopa County Sheriff's Office and Rural/Metro Fire Department after consultation with those agencies.
- d. Development and use of the site shall comply with the narrative report entitled "Tierra del Rio RUPD/CUPD - PAD" a bound document with 44 pages including exhibits, dated revised August 2004 and stamped received August 30, 2004, except as modified by the following stipulations.
- e. The zoning for Tierra del Rio shall expire in seven (7) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- f. Tierra del Rio shall be limited to a maximum of 2,102 dwelling units. The number of dwelling units (single-family and multifamily) shall be tracked on all subdivision plats.
- g. The applicant shall provide a minimum of 323 acres of open space (This amount shall not be deemed to include the additional 181 acres of open space planned within the residential parcels). The amount and percentage of open space (including the residential parcels) shall be tracked on all subdivision plats.
- h. A conceptual landscape and amenity (to include recreational amenities acceptable to the Planning and Development Department staff, such as trails, tot-lots, exercise stations, ball fields, and picnic ramadas with barbeque grills) plan shall be submitted concurrent with any preliminary plat for this development. Prior to or concurrent with the submittal of a final plat for any portion or phase of this development, a final landscape and amenity plan (including narrative description) is to be submitted. Landscaping in common areas shall largely limit turfed areas to active recreational areas. Passive recreational areas shall largely use plants listed on the Phoenix Active Management Area Low Water Use Plant List.

**FORMAL SESSION  
November 3, 2004**

- i. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- j. The Tierra del Rio Homeowners Association shall be responsible for the maintenance and upkeep of all public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- k. All signage and walls shall be consistent with the UPD standards as shown in the zoning exhibit. All signage and entry monumentation shall be included in the landscape plans as per stipulation 'g' above.
- l. Maricopa County Zoning Ordinance Hillside Regulations apply to the Tierra del Rio development unless varied in specific parcels as per DMP2004002 stipulations.
- m. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- n. Dedication of additional right-of-way to bring the ultimate half-width dedication to 65' or full-width of 130' for Jomax Road shall occur prior to zoning clearance.
- o. All interior streets within the proposed development are to be constructed to minimum County standards.
- p. A minimum of two access points shall be provided to each individual unit or phase of the development.
- q. All arterial and collector alignments shall be designed with bike lanes.
- r. The applicant shall meet the following Maricopa County Department of Transportation (MCDOT) requirements:
  - A development agreement shall be executed prior to a preliminary plat approval.
  - The developer shall contribute to off-site regional roadway improvements. The developer shall contribute \$4,600 per each residential dwelling unit, and a proportionate amount per commercial use, based upon type of commercial use.
  - Submit a revised Traffic Impact Study (TIS) to Maricopa County Department of Transportation for review prior to preliminary plat approval. Development must comply with all recommendations in MCDOT approved TIS.
- s. Master plans for the on-site and any required off-site water and sewer infrastructure must be approved by the MCESD prior to approval of any Preliminary Plat of Tierra del Rio. This will require satisfactory resolution of the issues raised in the MCESD letter dated May 26, 2004 to CMX, LLC.
- t. The applicant shall meet the following Flood Control District of Maricopa County (FCD) requirements:

FORMAL SESSION  
November 3, 2004

- A Floodplain Use Permit will be required prior to development.
  - A Conditional Letter of Map Revision (CLOMR) will need to be prepared and submitted to the Federal Emergency Management Agency (FEMA) prior to approval of any Final Plat. The Map Revision will need to be concluded and accepted prior to occupancy of any residences or other buildings, unless flood insurance is paid.
- u. The master developer shall notify future homeowners that they will be subjected to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base with the following language:
- “You are buying a home that will be subject to high noise and overflights from military aircraft on direct approach/departure to and from Luke Air Force Base. Your house should include sound attenuation measures as directed by state law.
- Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 over flights per day. Although Luke’s primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight areas.
- Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.
- Luke Air Force Base’s normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.
- For further information, please contact Luke Air Force Base or the Maricopa County Planning and Development Department.”
- Such notification shall be recorded on all final plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.
- v. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- w. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- x. 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.
- y. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any fissures that affect the site and that the report shall include suggested mitigation of those fissures. A note stating that earth fissures may be present on the site shall be included on the Final plat.

**FORMAL SESSION  
November 3, 2004**

- z. The applicant shall continue to work with the Arizona State Historic Preservation Office (SHPO). Required plans (i.e. comprehensive preservation plan and petroglyph protection plan) shall be reviewed and approved by SHPO prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- aa. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- bb. Major changes to the RUPD/PAD plan (site plan and narrative report) 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.
- cc. Noncompliance with the RUPD/PAD plan (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with the Maricopa County Zoning Ordinance.
- dd. The project shall be granted Protected Development Rights Plan status as per the letter of request authored by William F. Allison and dated September 20, 2002.
- ee. Subsequent final plats shall contain a note indicating that the site is in proximity to a Maricopa County Sheriff's Office firearms range and will be subject to the sounds of occasional gunfire. Similar note shall be placed in any required public disclosure reports to prospective homebuyers, and notice shall be prominently placed in any project sales offices.
- ff. Subsequent final plats shall contain a note indicating that the site is in proximity to a mining and related operation along the Agua Fria River and may be subject to the noise, vibration, dust, heavy truck traffic, etc. Similar note shall be placed in any required public disclosure reports to prospective homebuyers.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this rezoning to include stipulations "a" through "ff."

- 5. **S2003-053 District 4 (Continued from 10-06-04)**  
**Applicant:** Evan Crane, Crane Associates for Peak View Ranch, LLC  
**Location:** Southeast corner of 235<sup>th</sup> Ave. & Dixileta Dr. – approx. 1-mi. northwest of the LAFB Aux. 1 Airbase (in the Surprise/Wittmann area)  
**Request:** Preliminary Plat in the Rural-43 zoning district, with a waiver to provision of an arterial right-of-way dedication - Peak View Ranch Units 2 & 3 (334.2 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend denial of S2003053. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

FORMAL SESSION  
November 3, 2004

Joy Rich gave background information on this case. She said this item had been continued for one month to allow a meeting with the Attorney General's staff to confirm their interpretation of HB 2141 and their view on the application of the grandfathering clause. She said they had received verbal communication that approving this plat would not be in violation of the bill.

Joel Sannes, representing the applicant, said he was in agreement with Ms. Rich's summary in general although he did still have some reservations on the appropriateness of Board action on §307 suitability of land use. He discussed the land use in areas surrounding the Town of Surprise and Luke Air Force Base. He offered support for keeping Luke protected but said, "Luke shouldn't be the body that dictates the boundaries of zoning. By changing its flight plans and air corridors Luke Air Force Base is effectually becoming the zoning authority." He said that once they change their flight and noise contours the zoning also changes, which he said was the issue from his client's perspective.

**~ Supervisor Wilcox left the meeting ~**

Chairman Kunasek said he did not feel this is the time to get into a general discussion about development in that area. This is the time to discuss the preliminary plat that was posted for this meeting. He added that property rights, takings, etc., is not germane to the discussion of a preliminary plat.

Terry Eckhardt said that he and Mr. Sannes still disagree on the boundaries of the Board's discretionary powers when it comes to approving or disapproving a preliminary plat. He said that the stipulations are a condition of the approval of this plat, "Generally preliminary plats do not give vested rights, the reason this preliminary plat is up here is because it was disapproved at the Planning Commission level." He agreed with the Chairman that what is germane at this hearing is approval of the Peak View Ranch preliminary plat. He said that it is believed that "HB 2141 grandfathers-in Peak View" and the Board's vote would be discretionary and not have anything to do with statute.

Olga Tovar, citizen in opposition to this plat, said her family has owned property in this area since she was 16. She said she had not planned to sell the property or to have development take place and they were not told that this development would take place. She said this property was her retirement and her children's inheritance and she has concluded, "that people with power are changing people's lives and destroying dreams indiscriminately." She asked that this development be moved somewhere where people have not invested their money in homes and dreams.

**~ Supervisor Wilcox returned to the meeting ~**

Chairman Kunasek said that a number of people have signed to indicate their support and since this is only a preliminary plat and will probably be approved, he asked if those registering to speak still felt they needed to do so.

Charlie Harrison asked about the 1,900 property owners who are in the same situation regarding the interpretation of HB 2141. The Chairman responded that approval of the preliminary plat was not the time for input from those property owners. He felt that since this was what it was posted for, other topics should not be discussed. Mr. Harrison continued to make his point on depriving property owners of their rights. The Chairman asked Mr. Eckhardt if those wishing to speak on property rights could be allowed to do so under this posting.

Mr. Eckhardt responded that if the plat is approved they could have the opportunity to speak on the matter but if they wish to speak on anything that is not on this agenda that would not be allowed. He said

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
November 3, 2004**

they should each be asked if they wish to speak only on the agenda item. He added that this is not a public hearing and it is at the Chair's discretion whether or not to allow any speakers.

Those registering opinions or asking to speak included Olga Tovar, J.D. Tuggle, Nora Hodges, Phillip Arthur, Gary L. Byler, Michael Bauman, Roger J. Champagne, A.C.P.P.R., Rick Molera, Citizens of Arizona, Mert Pekrul, R. J. Springer Construction, Charlie Harrison and Joel Sannes, Peak View Ranch LLC.

Rick Molera said, "The people in the area are extremely afraid of what is happening because they have not been notified of the actions being taken to protect Luke. Denying this development effort is the next logical step, in our eyes, to limiting our potential prosperity, and subverts our constitutional rights by taking our property away without enough public discussion." He said they would not stand idly by and let this happen. He felt a denial of this development would be the next step.

Chairman Kunasek stated that members of the Board have a very sincere appreciation of private property rights but today's action is to approve the preliminary plat and not property rights.

Phillip Arthur said, "Peak View should go through. The zoning is appropriate for the area, it's always been Rural-43 and we hope to maintain a lot more of it as Rural-43." He said that Surprise has said they would not attempt to make Luke a regional airport if it is closed down by BRAC and so there is no need for any industrial zoning around it.

Nora Hodges spoke in support of Peak View and the continuation of Patton Place and future development by Springer. She said there has to be a better way of notifying people when government does things that will affect their lives and added that a notice in the Arizona Republic is not enough to allow them to protect their property rights. She asked what people are supposed to do to have their voice heard.

The Chairman said they could continue to do what the County is continuing to do – work with the State Attorney General's Office and the Legislature to try to get answers to questions on rights because all are obliged to follow the law that is set by the Legislature and Governor. Any change has to be done through the same process to resolve problems. He agreed that it was not fair that a very few people should have to shoulder a disproportionate share of the burden to keep Luke viable.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve this preliminary plat.

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Andrew Kunasek, Chairman of the Board

ATTEST:

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