

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., May 3, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1 (entered late); Andrew Kunasek, District 3 and Mary Rose Wilcox, District 5. Absent: Max W. Wilson, District 4. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Supervisor Mary Rose Wilcox, District 5, delivered the invocation.

PLEDGE OF ALLEGIANCE

Terri Leija, District 5, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Julie Bank, Maricopa County Animal Care & Control, introduced Sadie, a young, high-energy cattle dog as the pet of the month. Ms. Bank said that Sadie is smart, energetic and "needs a job" but to be at her best she would need to be trained. Sadie will await her new owner at the West Valley facility at 35th Avenue and Durango.

EMPLOYEE RECOGNITION OF SERVICE

Mike Rubino introduced the following employees who have provided 30 years or more of public service to Maricopa County residents for recognition by the Board of Supervisors. Chairman Stapley presented each with a service award plaque commemorating their dedication to service. (C3506010900) (ADM3341)

30 Years

Employee	Department	Years of Service
Marilyn J. Steege	Assessor's Department	30 Years as of January 13, 1976
Nancy A. Simon	Trial Courts	30 Years as of February 24, 1976
Joyce L. Moore	Public Health	30 Years as of March 9, 1976

31 – 35 Years

Employee	Department	Years of Service
Carol A. Crimi	Trial Courts	32 Years as of January 21, 1974
Nelson H. Nieschulz	Juvenile Probation	35 Years as of March 22, 1971

40 Years

Employee	Department	Years of Service
Joanne E. Adams	Sheriff's Department	40 Years as of February 21, 1966

SUSTAINABLE COMMUNITIES PLATINUM INNOVATION AWARD

Item: Accept the National Association of Counties, 2005-2006 Sustainable Communities Platinum Innovation Award in the amount of \$10,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (Addendum item A-1) (C0606068300) (ADM650)

Chairman Stapley said the annual awards banquet of the National Association of Counties had been held the previous week when he was in Washington D.C. at the meeting. He explained that he knew Maricopa County was going to receive one of the 12 sustainable community project awards from the hundreds that had been entered, but not which one it would be. Maricopa County won the grand prize for having the best project in the United States for the year – the Platinum Innovation Award. This high honor went to Maricopa County for sheparding the Human Services Campus for the homeless from conception to completion. He called for the Board Members and the campus partners, who helped make the dream of the homeless campus a reality, to come forward as he presented the \$10,000 check for the best sustainable community project.

Martin Schulz, Pinnacle West, said that his role at work is to deal with various city, state and federal governments and elected officials. He felt he knew the statutes and what is “required” of both appointed and elected officials in their government roles. He stated, “There is nowhere in the statute, nor in your requirements, that says ‘you reach out, use your resources to help people who are less fortunate and who are homeless.’ It doesn’t require you to do that.” He said, “To this Board of Supervisors and County Manager David Smith and his entire team, it is way above your statutory call of duty and I just want to tell you from a private sector standpoint ... that your going over and above is very much appreciated and we thank you. This award is definitely deserved by Maricopa County.”

Chairman Stapley said, “The significance of this is that it was truly a private/public partnership of a magnitude that that I don’t think anybody has ever seen in this County or in the state.” He said that several of the judges of the contest had told him that they had all been very cognizant of that fact.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the \$10,000 award and direct it to the Human Services Campus’ Capital Fund.

DRAINAGE PLAN REVIEW SERVICES

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried to approve the transfer of expenditure authority between General Government (470) General Government Grant Fund (249) General Government Grants (4711) and Planning & Development Department (440) Planning & Development Fees Fund (226). This funding request, for drainage plan review services, is one-time in nature and includes:

- o Not-to-exceed \$600,000 for three additional contract review specialists/consultants until the end of the fiscal year,
- o Not-to-exceed \$600,000 for the use of Flood Control District staff to assist in drainage review until the end of the fiscal year, and
- o Not-to-exceed \$165,000 for overtime for existing Planning and Development staff to assist in drainage review until the end of the fiscal year.

This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) General Government Grant Fund (249) General Government Grants (4711) by \$1,356,000 and increasing the FY 2005-06 Planning & Development Department (440) Planning & Development Fees Fund (226) by \$1,365,000. Approval of this action allows the department to cut backlog and improve its timeliness of performing drainage plan reviews and issuing associated development permits/certificates. (Addendum item A-2) (C4406021000) (ADM3408-002)

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Stapley 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 Kunasek, to recommend approval of the following liquor license applications: a, b, d, e, f, g. Application c, was approved conditionally – if the event being held indoors and not outdoors. If held outdoors the zoning would preclude a recommendation of approval.

- a. Application filed by Donald E. Majdecki for a Special Event Liquor License: (F23191) (SELL729)

Business Name: St. Clement of Rome Parish Council
Location: 15800 Del Webb Boulevard, Sun City, 85351
Date/Time: July 30, 2006; 1:00 pm to 6:00 pm

- b. Application filed by Don Joseph for a Special Event Liquor License: (F23191) (SELL730)

Business Name: Fountain of Life Church
Location: 15630 N. Del Webb Boulevard, Sun City, 85351
Date/Time: October 29, 2006; 2:00 pm to 8:00 pm

- c. Application filed by Joe D. Valiente for a Special Event Liquor License: (F23191) (SELL731) **conditionally approved** – to be determined by the exact location of the event

Business Name: Greater Phoenix Youth At Risk Foundation, Inc.
Location: 12417 W. Glendale Avenue, Luke AFB, 85307
Date/Time: May 6, 2006; 12:00 pm to 11:00 pm

- d. Application filed by Jodi Christine Born for a Special Event Liquor License: (F23191) (SELL732)

Business Name: Northwest Valley Chamber of Commerce
Location: 13800 W. Deer Valley Drive, Sun City West, 85375
Date/Time: May 20, 2006; 5:00 pm to 9:00 pm

- e. Application filed by Nekpal Singh for a Person-to-Person Transfer of a Series 9 Liquor License from Anthony Nasser Horan (This item is continued from April 19, 2006): (LL6181)

Business Name: Friendly Liquor Market
Location: 9333 E. Apache Trail, Suite 30, Mesa, 85207

- f. Application filed by Richard Ryung Ro for an Original Series 10 Liquor License (LL6182):

Business Name: Tumbleweed Market
Location: 7145 S. 51st Avenue, Suite 10, Laveen, 85339

- g. Application filed by Martin David Gonzales for a Temporary Extension of Premises/Patio (A664-89):

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

Business Name: Pinata Nueva
Location: 3655 W. Anthem Way, D105, Anthem, 85086
Date: May 5, 2006

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Kunasek and Wilcox voting "aye" and Supervisor Brock voting "nay."

PUBLIC HEARING – PEST ABATEMENT DISTRICT IN WESTERN MARICOPA COUNTY – CONTINUED

Chairman Stapley called for a public hearing regarding an impact statement for the proposed Pest Abatement District in Western Maricopa County located in the City of Phoenix area. At this time, the Board will hear a spokesperson for interested parties who wish to speak for or against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the persons proposing the district to circulate petitions regarding the organization of the district. The impact statement is on file in the Clerk of the Board's Office. Pending approval and in accordance with section A.R.S. §48-261(C), direct the persons proposing the creation of the district to post a reasonable bond to be filed with the Board of Supervisors. This item is continued from April 5, 2006. (C0606041700) (ADM4487-001)

Those requesting to speak on this matter included Dr. Roland Wass and Adron Reichert, Holly Acres, in favor; Jeannette Fish, Maricopa County Farm Bureau, Lloyd Banning, Bruce Lindquist, Joel Supplee and Paul Van Hofwegren in opposition to a district.

Dr. Roland Wass, citizen, favors the district. He showed slides giving the goals of the district which would focus on mosquitoes, flies and rodents and said this control would reduce the potential for humans and animals to contract diseases. Pests that cause problems with ornamental and agricultural plants would also be reduced. He reported that the area proposed for the district has experienced pest problems throughout past years. He said that agricultural properties utilizing their own pest controls can opt out of the district as set forth in statute. He felt the district would promote public health and asked that the impact statement be approved today. In response to a question from Chairman Stapley Dr. Wass said that any registered voter within the district, whether or not they are a property owner, would be qualified to vote.

Jeanette Fish, Maricopa County Farm Bureau, expressed concerns about moving forward with this action. She said the area beyond and near the river does need a district but the Bureau questions whether the full area should be included because the problem does not blanket all of the area. It was felt the larger area was needed for taxing to help pay for control in the smaller areas that have the bigger problem. She felt the problem areas were primarily located off of private roads where the County's vector control does not have to go to spray. The Bureau does not approve the creation of a new taxing authority in such a nebulous situation. She also felt the amount of taxes for a larger farm or dairy with only a few residents would be out of proportion, especially since most have their own control systems.

Supervisor Wilcox said forming a district is done under a state statute not by the County. She said that many new homes are being built by the river and the new owners have been surprised at the number of pests they are confronted with and are asking for help. Legal counsel had told her "that opting out is up to our Board." She wants to make sure the advance notification is sufficient so all can attend the meeting prior to the vote.

FORMAL SESSION
May 3, 2006

Kevin Costello, Deputy County Attorney, reported on legal ramifications connected with forming a district.

Supervisor Kunasek raised the question of requirements for farms and dairies with an established pest control program. He asked if these pest control plans were registered with the state or County. Paul Van Hofwegren, a dairyman, said every farm has different ways of doing this depending on their crops and animals. There is no regulatory oversight on pest control plans.

Chairman Stapley asked Vector Control how much it would cost the District to establish controls that the County could not do. The response was that it would depend on the level the district wanted to take it to, and the number and kinds of pests they would want to control. He said that because of private property lines the areas Vector Control sprays can be "patchy" because they do not spray on private property. He said that flood-irrigated properties and the convergence of the Agua Fria, Salt and Gila Rivers are the biggest cause of the pest problems in the area being considered.

Discussion ensued on whether any kind of subsequent control or input could be exercised by the Board if today's item is approved or whether the process would be "locked in." Taxation without representation was also discussed if people are either locked into or out of membership in the district or on the district's board and have no input. Supervisor Kunasek expressed extreme concern that "there is no ability to come back and change your mind." Counsel informed the Board that the statute is not clear and has limited details to guide the process.

Supervisor Wilcox reminded members that all special districts are similar in that there is no ability to "opt out" of a school or hospital district. She said the biggest problem is the rapid urbanization of the area. Many of the farmers are selling out to subdivision developers and moving their farms to more rural locations. She said that residents of those subdivisions "will pay the district tax." She felt it would be beneficial to all parties if the item is continued so that further information could be obtained .

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this item to the June 7, 2006, meeting.

GRANT FUNDS FOR GANG PROSECUTION PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve receipt of additional grant funding from the Arizona Criminal Justice Commission for the FY 2005-06 Gang Prosecution Program, in the amount of \$14,355.00. The use of the additional funds will be dedicated toward the prosecution of gang cases. The Maricopa County Board of Supervisors has previously approved grant funding in the amount of \$302,083.00. These additional grant funds are for the period of July 1, 2005 through June 30, 2006. The additional grant funds may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.2%. The non-recoverable indirect cost of administering these additional funds is \$2,325.51. Authorize revenue and expenditure appropriation adjustment increases to the County Attorney's Office (190) Grants Fund (219) associated with the grant by \$14,355.00 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906015301)

FORMAL SESSION
May 3, 2006

SEVERANCE PAY SETTLEMENT AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the proposed severance pay settlement agreement of \$14,425.23 with the Executive Director of the Maricopa County Public Health Department and Maricopa County. This item is scheduled to be discussed in Executive Session on May 1, 2006. (C1906042M00) (ADM409V)

AMENDMENT FOR OFFICE SPACE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to extend the Sub-Lease Agreement L7361, between Del Webb Corporation and Maricopa County Sheriff's Office, for 630 square feet of office space in the Anthem Administration Building located at 3701 W. Anthem Way, Anthem through June 30, 2007. This agreement is subject to termination pursuant to the provisions of A.R.S. §38-511. The total cost for this space is \$1.00 for the term of the sub-lease. (C5005029M02)

TRANSFER VEHICLE TO DEPARTMENT OF DEFENSE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the transfer of vehicle #46517, 1995 GMC 3500 pickup truck, license #G104ED, from Equipment Services to the Department of Defense, a government entity. This vehicle, originally acquired through Department of Defense procurement, was taken for repairs and it has now been determined that the vehicle is no longer useful and disposal is necessary. The original temporary addition to fleet was submitted through agenda C5005021M00. (C5006058M00) (ADM3104)

VEHICLE EXEMPTION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the issuance of undercover non-governmental license plates including exemptions from markings, pursuant to A.R.S. §38-538-03, for 27 replacement Sheriff's Office detective vehicles in the county fleet. The confidential list is on file in the Clerk of the Board's Office. (C5006059M00) (ADM3101V)

APPLICATION FOR TEACHER PROFESSIONAL DEVELOPMENT GRANT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a grant application to the Arizona Department of Education for professional development for teachers to improve teacher quality, due May 22, 2006. The term of the contract, if awarded, will be from approximately July 1, 2006 to September 30, 2007, with funding, if awarded, of approximately \$100,000. The Maricopa County Superintendent of Schools indirect rate for FY 2006-07 is 14.28%. The restricted indirect cost rate allowed by this grant source is 0.74%. Estimated recoverable indirect costs are \$740. Estimated unrecoverable indirect costs on this award are \$13,540. By approving this agenda item, the Board of Supervisors will be authorizing the Superintendent of Schools (or designee) to sign all continuation applications and associated documents. If any funds are awarded, the Superintendent of Schools will return to the Board of Supervisors for approval and acceptance of these funds and any subsequent amendments. (C3706003300)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

VEHICLE EXEMPTION

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the exemption from markings and the use of non-governmental license plates for two 2006 Ford Taurus SE vehicles. These new vehicles replace vehicles previously leased from Enterprise Rent-A-Car. The leases expired on January 28, 2006 and February 5, 2006. Agenda C2706006M00, approved by the Board of Supervisors on February 15, 2006, authorized the addition of two new vehicles to the county fleet for Juvenile Probation Home Detention Officers. These new vehicles will be used by Juvenile Probation officers on a full time basis for the supervision of juvenile offenders who are participating in an Alternative to Detention Program. VIN numbers are on file in the Clerk of the Board's Office. (C2706008M00) (ADM3101V)

ADMINISTRATIVE CORRECTION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an administrative correction to agenda item C2006027300, approved on February 15, 2006, in the Action Requested section. The increase for FY 2005-06 revenue and expenditure budgets needs to be \$50,000, instead of \$100,000. Maricopa County will act as the pass-through agency for Florence Crittenton and will pass through the entire amount of the grant. (C2006027301)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reject claim demands (March 2006) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$846,141.30 and A.R.S. §11-622 \$0.00). (C3906015700) (ADM1804)

**MONTHLY REPORT
March 2006**

Vendor	Amb., Doctors, Hosp. ARS 11-629	Over Six Months ARS 11-622
Affiliated Cardiologists	1,060.00	0.00
Allute Plastic Surgery Pc	3,332.00	0.00
American Physicians Inc	2,137.07	0.00
Arizona Cardiovascular Center	7,921.50	0.00
Arizona Heart Hospital	29,704.60	0.00
Arizona Medical Imaging	406.00	0.00
Arizona Pulmonary Specialists	653.00	0.00
Arrowhead Community Hospital	215.78	0.00
Associated Radiologists, Ltd	300.00	0.00
Associated Retina Consultants	347.76	0.00
Az Neurological Institute	460.00	0.00
Banner Estrella Medical	7,636.25	0.00
Banner Good Sam Trauma Service	2,578.50	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

Vendor	Amb., Doctors, Hosp.	Over Six Months
Banner Good Samaritan Reg Med	61,182.09	0.00
Cahill Bruce M	1,280.00	0.00
City Of Phoenix Ambulance	2,906.62	0.00
Clinical Diagnostic Radiology	1,089.00	0.00
Eacmc Arizona	539.90	0.00
Emergency Physicians Prof Asso	5,012.00	0.00
Emergency Professional Svcs Pc	350.00	0.00
Fry, Phillip Md Trauma	1,200.00	0.00
Grewal, Harprett Mc Pc	6,621.00	0.00
Hospitalists Of Arizona	1,012.00	0.00
Hulsey, Bradley S Md	1,260.00	0.00
Internal Medicine Hospital	489.00	0.00
Maricopa Health Systems	320,277.55	0.00
Medpro	92,661.69	0.00
Phoenix Infectious Disease	2,165.00	0.00
Phoenix Memorial Hospital	163,790.75	0.00
Phoenix Rehab Hospital	11,104.54	0.00
Plaza Del Rio Care Center	342.00	0.00
Professional Diagnostix	23.00	0.00
Professional Medical Transport	1,599.63	0.00
Radiology Services	39.00	0.00
Reese, Gary N.	65.00	0.00
Rural Metro Ambulance	723.67	0.00
Scottsdale Health Osborn	43,277.64	0.00
Southwest Ambulance	10,602.56	0.00
St Josephs Hosp Arizona	15,764.00	0.00
St Luke's Medical Center	3,459.03	0.00
St Lukes Medical Center	37,066.17	0.00
Valley Anesth Consultants Ltd	2,520.00	0.00
Valley Radiation Oncology	966.00	0.00
Grand Total	846,141.30	0.00
Restitution	0.00	
Total Denials	846,141.30	

PERSONNEL AGENDAS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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.

AMENDMENT TO INCREASE FUND BALANCE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an amendment to agenda item C4906018000, approved on December 21, 2005 by the Board of Supervisors, to include the following:

**FORMAL SESSION
May 3, 2006**

Increase the beginning fund balance for the General Fund (100) in the revised FY 2005-06 budget by \$24,200,000, because the actual FY 2004-05 transfer from the General Fund (100) to the Maricopa Managed Care Systems Department (600) was \$24,200,000, less than projected at the time the FY 2005-06 budget was adopted. Since the entire budgeted fund transfer did not occur in FY 2004-05, the actual available fund balance at the beginning of FY 2005-06 was \$24,200,000 greater than reflected in the adopted budget. (C4906018001) (ADM2100-003)

FUNDING FOR EDUCATIONAL ADVERTISING

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) and Appropriated Fund Balance (480) General Fund (100) Other Programs (4812). This action will require a year-end expenditure appropriation adjustment decreasing the FY 2005-06 Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) line item "General Contingencies" by \$27,081, and increasing the FY 2005-06 Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) new line item "Citizen Education" by \$27,081. This adjustment will result in a countywide net impact of zero. This action will provide the County Manager's Office with a funding source to cover the non-budgeted costs associated with educational advertisements requested by the Board of Supervisors. (C4906046800) (ADM1650)

FUNDING FOR DIVERSITY EFFORT

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority between Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) and Appropriated Fund Balance (480) General Fund (100) Other Programs (4812). This action will require a year-end expenditure appropriation adjustment decreasing the FY 2005-06 Appropriated Fund Balance (480) General Fund (100) Contingencies (4811) line item "General Contingencies" by \$20,000, and increasing the FY 2005-06 Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) new line item "CMO Diversity" by \$20,000. This adjustment will result in a countywide net impact of zero. This action will provide the County Manager's Office with a funding source to cover non-budgeted costs associated with the ongoing Maricopa County diversity effort. (C4906056M00) (ADM1630)

HEALTH CARE FOR HOMELESS CLINICAL SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the intergovernmental agreement with the Special Health Care District d.b.a. Maricopa Integrated Health System d.b.a. Maricopa Health Plan with the Health Care for the Homeless Program for clinical services. The term of the agreement is retroactive from October 1, 2005 to September 30, 2007, with automatic renewals. The estimated revenue amount is \$20,000 per year and may change based on the number of clients actually served. There is no cap. The Maricopa County Department of Public Health's indirect rate for FY 2005-06 is 16.67%. Indirect costs are fully recoverable. Estimated indirect costs on this contract are estimated at \$2,858. (C8606052200)

FUNDS FOR HIV/AIDS SUPPORT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following contracts and intergovernmental agreements:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

- a. Contract with Jewish Family and Children's Service for the provision of HIV mental health services. The term of the contract is retroactive to March 1, 2006 and continues through February 28, 2007, for a contract amount not-to-exceed of \$22,500. Jewish Family and Children's Services was a successful respondent to a Request for Proposals (MC1-328). (C8606805100)
- b. Contract with Area Agency on Aging, Region One, Inc., for the provision of case management services to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2006 and continues through February 28, 2007, for a contract amount not-to-exceed \$961,772. The Area Agency on Aging was a successful respondent to a Request for Proposals (MC1-328) issued by the Department of Public Health. (C8606806100)
- c. Contract with Area Agency on Aging, Region One, Inc., for the provision of home health care services to individuals and families affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$81,695. The amount listed is subject to the final grant award received from the grantor agency and approval from the Ryan White Title 1 Planning Council. The Area Agency on Aging was a successful respondent to a Request for Proposals (MC1-329) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors February 20, 2002 (C86026151) and subsequently renewed by the Board on March 5, 2003 (C86037131), March 3, 2004 (C86048131), and March 9, 2005 (C86058131). (C8606813100)
- d. Contract with Body Positive for the provision of HIV targeted outreach services to individuals affected by HIV/AIDS. The term of the contract is retroactive to March 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$59,745. Body Positive was the successful respondent to a Request for Proposals (MC1-329 of the Maricopa County Procurement Code). (C8606835100)
- e. Intergovernmental agreement (IGA) with Special Health Care District d.b.a. Maricopa Integrated Health System for the provision of mental health services to individuals affected by HIV/AIDS. The term of the contract is retroactive from March 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$42,240. Maricopa Integrated Health System was a successful respondent to a Request for Proposals (MC1-328) issued by the Department of Public Health. (C8606844200)
- f. Intergovernmental agreement (IGA) with Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System for the provision of substance abuse treatment services to individuals affected by HIV/AIDS. The term of the contract is retroactive from March 1, 2006, and continues through February 28, 2007, for a contract amount not-to-exceed \$15,132. Maricopa Integrated Health System was a successful respondent to a Request for Proposals (MC1-328) issued by the Department of Public Health. (C8606845200)

ANNUAL ACTION PLANS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following actions regarding federal Community Development Block Grant (CDBG),

HOME Investment Partnerships Program (HOME)/American Dream Downpayment Initiative (ADDI), Emergency Shelter Grant (ESG), and Highway User Revenue Fund (HURF) Funds. No general funds will be involved in this action.

- o Adopt a resolution for the submission of the FY 2006-07 Annual Action Plans, including any plan amendments, and amendments to the FY 2005-09 Five-Year Consolidated Plans and Citizens Participation Plan; and acceptance of CDBG, HOME/ADDI, ESG, and HURF funding for FY 2006-07 of \$8,870,179 (CDBG: \$2,701,092, HOME/ADDI: \$5,545,482, ESG: \$123,605, and HURF: \$500,000). The ESG funds will be administered by the Maricopa County Human Services Department. The HURF funds will be administered by the Maricopa County Department of Transportation.
- o Approve the Maricopa HOME Consortium and the Maricopa Urban County Annual Action Plans for July 1, 2006 to June 30, 2007. The Annual Action Plans contain specific projects for funding to implement the FY 2005-09 Five-Year Consolidated Plan. FY 2006-07 is year two of five under the Five-Year Consolidated Plan.

FUNDING SUMMARY TOTALS

- o Total Urban County CDBG Grant = \$2,701,092
 - Urban County CDBG Allocation = \$2,204,564
 - Urban County CDBG Contingency = \$496,528
 - o Total HOME Consortium Grants = \$5,545,482
 - Consortium City/Town Share HOME/ADDI Funds = \$3,772,178
 - Maricopa County Share HOME/ADDI Funds = \$958,583
 - Consortium CHDO Share HOME Funds = \$814,721
 - o Total Urban County ESG Grant = \$123,605
- Subtotal FY2004 HUD Allocations = \$8,370,179**
- o Total HURF Funds = \$500,000
- TOTAL ALLOCATION = \$8,870,179**

Although the plans are for the period beginning July 1, 2006, which is FY 2006-07 for the county, the plans are funded with money appropriated and allocated from the federal 2006 budget. Therefore, to HUD, these plans are for FY 2005-06. (C1707001000) (ADM1500)

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following actions regarding Community Development Block Grant (CDBG) funding contingent upon the approval of both the federal government and Maricopa County FY 2006-07 budgets. No general funds will be involved in this action:

- o Execute agreements with each city/town/agency selected to receive CDBG funds.
- o Perform actions in accordance with the Maricopa County Procurement Code to retain consultants for design and/or management of activities; approve plans and specifications, and authorize call for bids; and prepare contracts for award to lowest responsible bidders.
- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents, as may be necessary to implement the approved projects. Funding to be from CDBG under the terms and conditions of the executed agreements. (C17070022ZZ)

HOME INVESTMENT PARTNERSHIPS PROGRAM FUNDING

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following actions regarding HOME Investment Partnerships Program (HOME) funding, contingent upon the approval of both the federal government and Maricopa County FY 2006-07 budgets. No general funds will be involved in this action.

- o Execute agreements with each city/town/Community Housing Development Organization (CHDO) selected to receive HOME funds.
- o Perform actions in accordance with the Maricopa County Procurement Code to retain consultants for design and/or management of activities; approve plans and specifications, and authorize call for bids; and prepare contracts for award to lowest responsible bidders.
- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents, as may be necessary to implement the approved projects. Funding to be from HOME under the terms and conditions of the executed agreements. (C1707018ZZ)

HEAD START ZERO-FIVE AND ADULT CARE FOOD PROGRAMS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Human Services Department to submit applications for grant funding to support the continuation of Maricopa County's Head Start Zero-Five Program (Head Start and Early Head Start), and authorize the Chairman to approve the receipt of any and all such funds awarded. Additional information regarding the programs and the funds that support them are provided in the attached Notices of Intent to Apply for Outside Funding. Programs to be supported by the funding include Early Head Start Program, Head Start Program, and Child and Adult Care Food Program. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2006-07 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form, attached to each Notice of Intent, provides detail on indirect cost recovery. The total amount of federal funds requested will not exceed \$23,549,000. In preparing this request, the department used a rate of 16.5% rate for computation purposes. The estimated 2007 indirect costs are \$2,160,083. (C22070013ZZ)

GRANT FUNDING APPLICATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County Human Services Department Workforce Development Division to submit eight funding applications to various federal, state and private sector sources. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2005-06 as a result of the corresponding grant requests. Unless otherwise indicated, all overhead/indirect costs are allowable and the FY 2005-06 authorized rate will be applied to the respective grants. A Grant Agenda Indirect Cost Calculation form, attached to each Notice of Intent, provides detail on indirect cost recovery. The funding requested will not exceed \$14,400,000 in total. At this time, the Department's authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$838,455. Programs to be supported by the funding include Dislocated Worker Services (40% and 60%); Incumbent/Dislocated/Unemployed Worker Training Services; TANF JOBS Services; TANF Recipient Services; Youth Readiness Services; One Stop Infrastructure Building Program; and One Stop Capacity Building Services. (C22070223ZZ)

FORMAL SESSION
May 3, 2006

ENTRY STATION, COMFORT STATION AND MONUMENT PROJECTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a change to the Parks and Recreation Department Capital Improvement Projects in the FY 2005-06 Maricopa County Capital Improvement Project Plan and transfer funding from the White Tank Mountain Regional Park RV Dump Station (Dept 470, Fund 445, Org 4713, Function Code WTDS) to the Entry Station, Comfort Station and Monument Projects (Dept 470, Fund 445, Org 4713, Function Code ENTR) in the amount of \$270,003. This will have a net impact of zero on the overall budget. (C3006009M01) (ADM3200-003)

TRAILS MAINTENANCE AT USERY MOUNTAIN PARK & TONTO NATIONAL FOREST

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Challenge Cost Share Agreement between Maricopa County through the Parks and Recreation Department (Department 300) – Usery Mountain Regional Park and the United States Department of Agriculture Forest Service – Tonto National Forest for maintenance of trails that service both Usery Mountain Regional Park and Tonto National Forest and replace the Memorandum of Understanding (CS951238), approved by the Board of Supervisors, which terminated December 31, 2005. The term of the agreement is for five years from the date of final signature, with a five-year renewal option. (C3006031200)

RENEW KENNEL PERMITS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following kennel permit renewals for the term of May 3, 2006 through May 2, 2007:

- a. Jan Wetton, d.b.a. Wetton Kennels, 5003 W. Mercer Lane, Glendale, AZ 85304, Permit #391. The cost of the kennel permit is \$328. (Supervisorial District 4) (C7906105C00) (ADM2304)
- b. Marilyn Pauly, d.b.a. Evanz Kennels, 16853 N. 39th Drive, Phoenix, AZ 85053, Permit #352. The cost of the kennel permit is \$328. (Supervisorial District 4) (C7906105C00) (ADM2304)
- c. Boyd Young, d.b.a. Chieftan Kennels, 2747 W. Highland, Phoenix, AZ 85017, Permit #314. The cost of the kennel permit is \$328, plus a penalty fee of \$25, totaling \$353. (Supervisorial District 5) (C7906106C00) (ADM2304)

NEW HOPE PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an agreement between AZ Cocker Rescue, a 501(c)3, non-profit corporation, 6501 E. Greenway Parkway #103, PNB 272, Scottsdale, AZ 85254, and Maricopa County, to allow AZ Cocker Rescue under the New Hope Program to rescue animals that have been deemed eligible for the New Hope Program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 10 New Hope rescues over the term of the agreement, for a total of \$270. The term of this agreement is from execution by the Board of Supervisors through May 2, 2007. (C7906107100)

FORMAL SESSION
May 3, 2006

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

SOLICITATION SERIALS – RENEWAL/EXTENSION

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the renewal/extension of the following contract. (This is recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed.) (ADM3005)

Renewal/extension of the following contract:

Until April 30, 2007

04226-RFP Claims Research and Administrative Recovery Services (\$10,000,000 estimate/one year). Contract to provide claims research and recovery administrative services for the Maricopa County Health Plans.
o NuView Health Partners

SETTLEMENT IN FRANK CANEZ V. MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement in Frank Canez, et ux. v. Maricopa County, et al., U.S. District Court No. CIV 02-1387-PHX-MHM, in the amount of \$200,000. This item was heard in Executive Session on March 30, 2006. (C7506016100) (ADM409V)

SETTLEMENT IN DOUGLAS DELBROOK V. JOSEPH M. ARPAIO

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement in Douglas Delbrook v. Joseph M. Arpaio, et. al., Maricopa County Superior Court Cause No. CV2003-019233, in the amount of \$115,000. This item was heard in Executive Session on April 17, 2006. (C7506018100) (ADM409)

FEDERAL HOMELAND SECURITY GRANTS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an additional \$32,400.00 in Federal Homeland Security Grants from the Arizona Division of Emergency Management (2004 UASI Grant #TU-TA-0017, CFDA #97.008). Also approve an appropriation adjustment to the Emergency Management Grant Fund (215) that will increase the revenue and expenditure budget by \$32,400.00. This is a reimbursable grant. The awarded funds will be utilized for the support of the Maricopa County Mass Evacuation Strategy Plan. These funds are to support the salary of the Project Manager assigned to this project. The Maricopa County Department of Emergency Management's (MCDEM's) current indirect cost rate is 12.8% for FY 2005-06. Indirect costs of \$4,147.20 for this grant are unallowable and unrecoverable. This cost will be fully absorbed in the MCDEM budget.

**FORMAL SESSION
May 3, 2006**

Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1506006301)

HAZARDOUS MATERIALS EVACUATION PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and accept \$4,200.00 in competitive award from the Arizona Emergency Response Commission/Local Emergency Planning Committee for the Hazardous Materials Emergency Preparedness Grant. Approve an appropriation adjustment to the Emergency Management Grant Fund (215) that will increase the revenue and expenditure budget by \$4,200. This award supports the Local Emergency Planning Committee (LEPC). The grant period is October 1, 2005 through September 30, 2006. The Maricopa County Department of Emergency Management's (MCDEM's) current indirect cost rate is 12.83% for FY 2005-06. Indirect costs of \$538.86 for this grant are unallowable and unrecoverable. This cost will be fully absorbed in the MCDEM budget. The funds will be used for program costs. The funds will be used to purchase materials and supplies on behalf of the LEPC and to conduct a small community-wide hazardous materials evacuation exercise to support the emergency operations plan. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1506014300)

SAN TAN CONSOLIDATED JUSTICE COURTS PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No.1 to the design-build contract with Sahara Construction for the Maricopa County San Tan Consolidated Justice Courts Project #1612-05-062 in the amount of \$5,644,088. The project is located in Chandler between Chicago Street, Delaware Street and Frye Road, south of the existing Chandler Police/Municipal Court parking. Change Order No.1 reflects the expansion of the project from two to four justice courts and the expansion of other facilities to this project. (Supervisorial District 1) (C7005020501)

NOVA/SAFE HAVEN PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve and authorize the execution of Contract No. FMD-06-034, with D.L. Withers Construction, LC, of Phoenix, Arizona, for the guaranteed maximum price of \$362,022. This contract is to provide construction manager-at-risk construction phase services for the construction of the site work for NOVA/Safe Haven Project (Project No. 4050-05-064) at the Human Services Campus located at 11th Avenue and Jackson Street in Phoenix. This phase of the project is scheduled for completion in August 2006. (C7006039500)

HASSAYAMPA LANDFILL CLOSURE SUPERFUND

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a transfer of \$1,854,260 in expenditure authority from General Government (470) General Government Grant Fund (249) to Solid Waste (670) Solid Waste Management Fund (580). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470) General Government Grant Fund (249) expenditure budget by

\$1,854,260 and increasing the FY 2005-06 Solid Waste (670) Management Fund (580) expenditure budget by \$1,854,260. Cash will come from the available fund balance in Fund (580). These adjustments will result in a countywide net impact of zero. Approval of this action will allow the increase in budgeted expenditure authority to accommodate the liability in FY 2005-06 for the Hassayampa Superfund (landfill closure) as required by the EPA. (C6706005800) (ADM2075)

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

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

220-21-309 (JPM) Project No.: 68902 - Ellsworth Road (University Drive to McClellan Road) - Letter Agreement for a Temporary Ingress and Egress Permit - Parcel No.: 220-21-309 - Margaret Kosisky - for the sum of \$100.00.

220-21-310 (JPM) Project No.: 68902 - Ellsworth Road (University Drive to McClellan Road) - Letter Agreement for a Temporary Ingress and Egress Permit - Parcel No.: 220-21-310 - Keith Griffiths - for the sum of \$100.00.

A322.012 (CS) Project No.: TT171 - MC 85 Extension - Agreement for Right of Entry - Parcel No.: 401-08-006D - Farmer's Gin, an Arizona Corporation - for the sum of \$500.00.

DD-9469 (GS) R/W Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 503-53-009B - Linsenmeyer Family Limited Partnership, an Arizona limited partnership - for the sum of \$1.00.

MI-1N7E-21.001 (GL/DWM) Project No.: TT011 - 88th Street (North of Apache Boulevard) - Agreement for Right of Entry - Parcel No.: 218-38-010A and 010B - Bonanza 36 Enterprises LLC, a Nevada limited liability Company and KELA Investments LLC, an Oregon limited liability Company - for the sum of \$100.00.

MI-4N1W-27.004 (JPM) Project No.: TE212 - RH Johnson Boulevard at Meeker Boulevard - Agreement for Right of Entry - Parcel No.: 503-65-001T - Lord of Life Lutheran Church, a non profit Arizona corporation - for the sum of \$500.00.

W-4187B (RES) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Warranty Deed - Parcel No.: 211-50-039B - Hines Nurseries, Inc. a California corporation - for the sum of \$68,640.00.

W-4187B (RES) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 211-50-039B - Hines Nurseries, Inc. a California corporation.

W-4187D (RES) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Warranty Deed - Parcel No.: 211-50-039D - Jay Caliendo, Trustee - for the sum of \$75,900.00.

W-4187D (RES) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 211-50-039D - Jay Caliendo, Trustee.

FORMAL SESSION
May 3, 2006

X-1304 Project No.: TT087 - Queen Creek Road (Arizona Avenue to McQueen Road) -
(JPM) Agreement for Right of Entry - Parcel No.: 303-34-004W - Dwayne Dobson Limited
Partnership, an Arizona Limited Partnership - for the sum of \$100.00.

AMENDMENT FOR ROAD FILE NO. 5070-R

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the resolution for the amendment of the legal description for Road File No. 5070-R. **[Clerk's Note:** This is not an official part of the Minutes. The action for this item was rescinded on May 17, 2006. Also on May 17, a public hearing was scheduled on this item for June 21, 2006.] (C6400035001)

COTTON LANE BRIDGE OVER THE GILA RIVER PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Change Order No. 6 to Contract No. CY 2004-058 with Michael Baker, Jr. Inc., in the amount not-to-exceed \$150,576.21, and extend the performance period to September 1, 2006. The contract provides major bridge design and roadway design services for the Cotton Lane Bridge Over the Gila River, Project No. T180. Approval of the expenditures for FY 2006-07 is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. Approval of this change order will reset the County Engineer's change order authority. (Supervisory Districts 4 and 5) (C6405058501)

PM10 ROADS – NORTH VALLEY ROADWAYS PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the low bid of \$1,296,301.00 from J. Banicki Construction, Inc. for PM10 Roads, Phase IV, North Valley Roadways, Project No.T047, Contract No. 2005-046. Review of received bids indicated a higher than expected asphalt concrete pavement cost per ton. All oil based products have experienced a drastic price increase in the last year. The engineer's estimate is \$712,149.25, while the low bid is \$1,296,301.00 reflecting an increase of 82%. The project budget for FY 2006-07 will be adjusted next fiscal year after the budget is adopted. Approval of the expenditures for FY 2006-07 are contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. (Supervisory District 4) (C6405315501)

CONCRETE VALLEY GUTTER PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the award of a contract to Down to Earth Contracting, Inc., for the performance of the Concrete Valley Gutter Project, FY 2005-06, Work Order Number 30050027 in the amount of \$359,220.30, which is 13.4% above the engineer's estimate. (Supervisory District 4) (C6406152501)

QUIT CLAIM DEEDS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the conveyance, by quit claim deeds to the Town of Queen Creek, the following 25 county roadways associated roadway interests. Maricopa County will be conveying the extent of our interests, be it in fee, easement, or plat, in these roadways. Said roadways will be annexed by the Town of Queen Creek and will be incorporated into the town's maintenance, traffic control, and permitting jurisdiction. The conveyance of these roadways, along with the execution of an intergovernmental agreement with the town, which will be approved separately by the Board of Supervisors, will facilitate a timely annexation by

FORMAL SESSION
May 3, 2006

the town and will eliminate the maintenance and jurisdiction permitting responsibility of the county. In compliance with A.R.S. §11-251(9), Maricopa County has published the 30-day legal notice of intent to convey our interests in said roadways to Queen Creek. This 30-day notice was published in the Phoenix Business Gazette beginning on March 23, 2006. The roadway interests being conveyed are located in Sections 6-11, 13-24, 27-30, 33-35 of T2S, R7E G&SRB&M, Maricopa County, Arizona. (Supervisory District 1) [**Clerk's Note:** This is not an official part of the minutes. 24 quit claim deeds were submitted.] (C6406228000) (ADM2017)

INTERSECTION IMPROVEMENTS

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

- a. The solicitation of bids for intersection improvements at Palmeras Drive and 99th Avenue, MCDOT Project No. T205. Approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. Approval of the expenditures for FY 2006-07 is contingent upon the Board adopting the recommended FY 2006-07 budget. (C6406233500)
- b. An intergovernmental agreement (IGA) between Maricopa County, the Town of Queen Creek and Pinal County for improvements to the intersection of Hawes Road and Hunt Highway (Project #T225). The county is the lead agency with the Town of Queen Creek and Pinal County as participating and contributing partners. The construction cost is estimated at \$1,244,564. This project is scheduled for FY 2006-07. Approval of this agenda item is contingent upon the Board of Supervisors adopting the recommended FY 2006-07 budget. (C6406236000)

TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following traffic control changes on unincorporated right-of-way:

- a. **Glendale Avenue and Sarival Avenue** – A four way stop (from a two-way east/west stop). (C6406238000) (F23193)
- b. **McDowell Road and Perryville Road** – A four way stop (from a two-way north/south stop). (C6406240000) (F23193)
- c. **Alta Vista Road at 66th Avenue for eastbound and westbound traffic** – A two-way stop. This rescinds the two-way yield dated March 15, 1995. (C6406243000) (F23193)
- d. **McDowell Road from 76th Street/Sossaman Road to Usery Pass Road** – A 45 MPH speed limit zone (from a 50 MPH speed limit zone). This partially rescinds the 50 MPH speed limit zone dated June 19, 1972. (C6406244000) (F23193)
- e. **McDowell Road from 99th Avenue to 83rd Avenue** – A 45 MPH speed limit zone (from a 50 MPH speed limit zone). This partially rescinds the 50 MPH speed limit zone dated June 4, 1973. (C6406245000) (F23193)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

- f. **Orangewood Avenue from 83rd Avenue to 75th Avenue** – A 25 MPH speed limit zone (from a 35 MPH speed limit zone). This partially rescinds the 35 MPH speed limit zone dated October 26, 1965. (C6406246000) (F23193)
- g. **Rittenhouse Road and Hawes Road** – A three way stop (from a one-way northbound stop). This partially rescinds the Through Street Resolution on Rittenhouse Road dated December 31, 1973. (C6406248000) (F23193)

NEW TRAFFIC CONTROL CHANGES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following new traffic controls on unincorporated rights-of-way:

- a. R H Johnson Boulevard from 100 feet east of Stardust Boulevard to 100 feet east of 145th Drive (north side only) – A No Stopping, Standing, Parking Anytime Zone. (C6406239000) (F23193)
- b. 66th Avenue at Vineyard Road for northbound and southbound traffic – A two-way stop. (C6406242000) (F23193)
- c. 65th Drive at Vineyard Road for northbound and southbound traffic – A two-way stop. (C6406242000) (F23193)
- d. 115th Avenue from Union Hills Drive to 2,585 feet north of Union Hills Drive (east side only) – A No Stopping, Standing, Parking Anytime Zone. (C6406247000) (F23193)

NATURAL GAS METERING STATION SITE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Special Warranty Deed from Maricopa County, a political subdivision of the State of Arizona, to Southwest Gas Corporation for a replacement natural gas metering station site. Also accept a Special Warranty Deed from Southwest Gas Corporation to Maricopa County for their existing site located within road right-of-way that is required for the widening and improvement of MC-85 between Cotton Lane and Estrella Roadway. Execution of these two deeds completes an exchange of property rights with no monetary consideration between parties. (C6406249000) (ADM2010)

APPOINTMENTS AND RESIGNATIONS

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

- a. **Housing Authority of Maricopa County** – Re-appoint Mr. Gary Corcoran, representing Supervisorial District 3, whose term is effective from Board of Supervisors' approval through June 30, 2009. (C0606058900) (ADM2405-001)
- b. **Board of Adjustment and Drainage Review Board** – Accept the resignation of Mr. David Fischbeck and appoint Mr. Greg Arnett, representing Supervisorial District 2, to fill the unexpired term which is effective from Board of Supervisors' approval through April 17, 2007. (C0606061900) (ADM3410)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

- c. **Self-Insured Trust Fund, Board of Trustees** – Re-appoint Mr. Joe Lugo, representing Supervisorial District 5, whose term is effective from Board of Supervisors' approval through April 1, 2009. (C0606062900) (ADM3713-001)
- d. **Transportation Advisory Board** – Appoint Mr. Murray Johnson, representing Supervisorial District 5, whose term is effective from Board of Supervisors' approval through April 30, 2009. (C0606063900) (ADM2038-001)
- e. **Planning and Zoning Commission** – Accept the resignation of Mr. Craig Cardon, effective upon Board of Supervisors' approval. (C0606065900) (ADM3415-001)

REGIONAL SCHOOL DISTRICT #509

No vouchers were presented for approval or ratification, nor were any staff reports presented at this meeting. (ADM3814-003)

SETTING OF HEARINGS – ROAD FILES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following public hearings. All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted:

- a. **Road File Declaration** – Set a public hearing to declare the following roads into the county highway system for 9:00 a.m., Wednesday, June 7, 2006.
 - i. **Road File No. A332-R.** In the vicinity of Pima Street and 177th Avenue. (C6405223501)
 - ii. **Road File No. A354-R.** In the vicinity of San Tan Boulevard and Higley Road. (C6406087001)
- b. **Road File No. A180.** Correct the public hearing date set on April 19, 2006 from May 3, 2006, to the correct date of May 17, 2006. (C6406231000)

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for June 7, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2004125; Z2005143; Z2001010; TA2003005

ASRS CLAIMS

No claims were presented for approval at this meeting. (ADM3309-001)

CANVASS OF ELECTIONS

No Canvasses of Elections were presented for approval at this meeting.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

CLASSIFICATION CHANGES

No Classification Changes were presented for approval by the Assessor at this meeting. (ADM723)

CHECK ENFORCEMENT FUND QUARTERLY REPORT

In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2005 through March 2006. (Report is on file in the Clerk of the Board's Office.) (ADM404-001)

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the Treasurer's Statement of Collections and Investment summary reports for March 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. No County warrants were received at this time. (ADM1823) (ADM3809)

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Chaparral High School	Agua Fria Union High SD #216	460070226	\$285.00
Amazon.com	Phoenix Elem SD #1	460074761	\$254.00
Hewlett Packard Co	Union Elem SD #62	460061867	\$2,111.54
Hewlett Packard Co	Union Elem SD #62	460017870	\$5,137.44
Laidlaw Education Services	Littleton SD	460053537	\$25,159.35
Nita Carribon	Roosevelt SD #66	160087952	\$491.55
James Zeier	Roosevelt SD #66	160091919	\$1,252.94
Mary Kagan	Fountain Hills Unified SD #98	460103894	\$139.00
Carol Dickens	Avondale Elem SD	160091511	\$230.87
Alejandro Nero Munoz	Tolleson Union High SD #214	160092519	\$367.19
Greg Mendoza	Buckeye Union High SD #201	160092460	\$1,292.04
Jens Nicola Kujacznski	Higley USD #60	160083473	\$444.24
Danielle Kuhn	Madison SD #38	160080685	\$102.11
Maria T Beltran	Osborn SD #8	160088767	\$184.60

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held February 13, 2006 and March 15, 2006.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

MINUTES CORRECTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to correct the minutes of January 19, 2006, deleting the approval of a second (duplicate) duplicate warrant issued to Larry Job. The dollar amount and warrant number for both duplicate warrants is identical.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated May 3, 2006, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

SECURED TAX ROLL CORRECTIONS

No requests were received from the Assessor for corrections to the Secured Tax Rolls. (ADM705)

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated May 3, 2006. (ADM704)

2005	2006
TX2004-000811	TX2005-050089
TX2004-000900	TX2005-050289
TX2004-000901	TX2005-050367
	Outside Counsel:
	TX2003-000198

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

NAME	AMOUNT
ETC FBO Charlene Clegg IRA 43441	\$141.03
ETC FBO Stephen Clegg IRA 34330	\$42.54

TAX ABATEMENTS

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

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

WRITE-OFFS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only. Also, accept the write-offs of the Sheriff's Uncollectible Accounts as set forth in the list on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule in the amount of \$18,636. These items were discussed in Executive Session held April 17, 2006. (ADM407)

Sheriff's Uncollectibles	\$18,636.00
Mason, Aaron	\$692.00
McDaniel, Johnny Tyree	\$668.75
Allen, Artie	\$942.61
Maggard, Jr., Jesse	\$1,489.83
Seehusen, Cornell	\$100.00
Quintero, Mario Franco	\$3,190.00
Dominquez, Daniel	\$785.00
Yoseting, Jr., Teddy	\$1,975.00
Thornton, Joseph	\$770.00
Cheney, Mark	\$400.00
Pacheco, David	\$689.50
Byrnes, James J.	\$520.00
Espinoza, Justin R.	\$1,175.00
Espinoza, Justin R.	\$1,005.00
Garvey, Jerome L.	\$20.00
Reid, Shawn W.	\$1,160.00
Copeland, Marcia	\$16,368.92

CALL TO THE PUBLIC

No member of the public came forward to speak at this meeting. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock reported on the Farm Bureau meeting held in his district recently and thanked those who interacted with him for taking the time to inform him of their thoughts and concerns. (ADM606)

Supervisor Brock said that children from the Pappas School had been taken horseback riding in the San Tan Park the previous Saturday. Some had never ridden a "live" horse before and the children were very excited about it. He thanked those who volunteered time and effort to make the outing a success. He also reported that the Park "was just spotless" and he commended the Park staff and also the neighbors who volunteer to keep it beautiful.

Supervisor Wilcox updated the members on her work with Avondale on the new combined courts' complex and said that no definite decision has yet been made on location.

Ms. Wilcox also commented on the recent report on Employee Health Initiatives and employee satisfaction. She reported that 97% of employees are satisfied with the benefits and medical insurance package the County offers. Overall employee satisfaction has risen 10 points since 2001, from 87% to 97% satisfied.

FORMAL SESSION
May 3, 2006

Chairman Stapley reported that the County's Prescription Drug Discount Card Program is beginning to take effect and people are pleased with it.

PLANNING AND ZONING AGENDA

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, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

REGULAR AGENDA DETAIL:

1. **CPA2006-02 District 4** (Adoption is by Resolution)
Applicant: Commission Initiative
Location: Extends ¼ mile on each side of property owned by the Flood Control District of Maricopa County and the Maricopa County Regional Trail (except properties within the City of Surprise) for a distance of approx. 9 miles, from Olive Avenue to Grand Avenue – (in the Surprise area)
Request: Adoption of the McMicken Dam Scenic Corridor Guidelines

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2006-02. Commissioner Makula seconded the motion, which passed with a unanimous vote of 9-0.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval by resolution.

**RESOLUTION OF ADOPTION
Adopting the McMicken Dam Scenic Corridor Guidelines**

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

WHEREAS, the Maricopa County Board of Supervisors adopted Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the White Tank and Grand Avenue Area Plan in accordance with Arizona Revised Statutes to help bring about cohesive and quality development consistent with the present and future needs of Maricopa County; and

WHEREAS, the Maricopa County Comprehensive Plan, in conjunction with the Maricopa County Transportation System Plan and the White Tank and Grand Avenue Area Plan, recognize McMicken Dam as a scenic corridor; and

WHEREAS, the McMicken Dam Scenic Corridor Guidelines help implement Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan; and

WHEREAS, these scenic corridor guidelines will provide the Board of Supervisors and other public and private decision makers in the county with a means to make decisions based on policies that reflect stakeholder recommendations; and

WHEREAS, the citizens and stakeholders of the McMicken Dam area have contributed to this planning process through a comprehensive public participation program; and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

WHEREAS, the Maricopa County Planning and Zoning Commission, after careful study and a public hearing, has recommended the adoption of the McMicken Dam Scenic Corridor Guidelines to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the McMicken Dam Scenic Corridor Guidelines and finds that said Guidelines constitute a suitable, logical, and timely method to guide the future development of the McMicken Dam area.

NOW, THEREFORE, BE IT RESOLVED, that the document consisting of the text, maps, and supporting materials entitled "McMicken Dam Scenic Corridor" and dated 2006, is hereby adopted in accordance with Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan on this 3rd day of May, 2006; and

RESOLVED FURTHER, that all new development master plans, subdivisions, commercial, and industrial development in unincorporated areas within the scenic corridor boundaries are encouraged to comply with these policies and guidelines, and also be in general conformity with the goals, objectives, and policies of the county area plan and comprehensive plan; and

RESOLVED FURTHER, that these scenic corridor guidelines may be periodically amended to reflect changing community needs or desires, and to reflect the judgment of the Board of Supervisors and the Planning and Zoning Commission.

DATED this 3rd day of May 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 2. CPA2006-03 District 4** (Adoption is by Resolution)
Applicant: Commission Initiative
Location: Extends ¼ mile on each side the Olive Avenue centerline for a distance of approx. 4.5 miles, from White Tank Mountain Regional Park to State Route Loop 303
Request: Adoption of the Olive Avenue Scenic Corridor Guidelines

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2006-03. Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval by resolution.

RESOLUTION OF ADOPTION

Adopting the Olive Avenue Scenic Corridor Guidelines

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

WHEREAS, the Maricopa County Board of Supervisors adopted Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the White Tank and Grand Avenue Area Plan in accordance with

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

Arizona Revised Statutes to help bring about cohesive and quality development consistent with the present and future needs of Maricopa County; and

WHEREAS, the Maricopa County Comprehensive Plan, in conjunction with the Maricopa County Transportation System Plan and the White Tank and Grand Avenue Area Plan, recognize Olive Avenue as a scenic corridor; and

WHEREAS, the Olive Avenue Scenic Corridor Guidelines help implement Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan; and

WHEREAS, these scenic corridor guidelines will provide the Board of Supervisors and other public and private decision makers in the county with a means to make decisions based on policies that reflect stakeholder recommendations; and

WHEREAS, the citizens and stakeholders of the Olive Avenue area have contributed to this planning process through a comprehensive public participation program; and

WHEREAS, the Maricopa County Planning and Zoning Commission, after careful study and a public hearing, has recommended the adoption of the Olive Avenue Scenic Corridor Guidelines to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the Olive Avenue Scenic Corridor Guidelines and finds that said Guidelines constitute a suitable, logical, and timely method to guide the future development of the Olive Avenue area.

NOW, THEREFORE, BE IT RESOLVED, that the document consisting of the text, maps, and supporting materials entitled "Olive Avenue Scenic Corridor" and dated 2006, is hereby adopted in accordance with Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan on this 3rd day of May, 2006; and

RESOLVED FURTHER, that all new development master plans, subdivisions, commercial, and industrial development in unincorporated areas within the scenic corridor boundaries are encouraged to comply with these policies and guidelines, and also be in general conformity with the goals, objectives, and policies of the county area plan and comprehensive plan; and

RESOLVED FURTHER, that these scenic corridor guidelines may be periodically amended to reflect changing community needs or desires, and to reflect the judgment of the Board of Supervisors and the Planning and Zoning Commission.

DATED this 3rd day of May 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 3. Z 98-103 District 5** (This item is continued from March 1, March 15, and April 5, 2006. –
CONTINUED
Applicant: Gary Banta
Location: West of the intersection of 39th Avenue and Broadway Road (in the Laveen/south Phoenix area)

Request: Rezone from Rural-43 to IND-3 PD with a precise Plan of Development (approx. 2.75 acres) – Banta’s Auto Repair, Restoration & Impound Yard

COMMISSION ACTION: Commissioner Harris moved to recommend approval of Z 98-103, subject to the following stipulations “a” through “q”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. The applicant shall provide revised site plans to staff for review and approval within 30 days of Board of Supervisors approval indicating the following changes:
 - o Show all building lighting details (show a maximum parking lot lighting fixture height of 18 feet per the Maricopa County Zoning Ordinance).
 - o Indicate proposed location of monument sign as required by City of Phoenix. Also, indicate landscaping per City of Phoenix standards.
 - o Show correct/actual wall heights (6-foot maximum).
 - o Indicate secondary driveway as existing, not proposed.
 - o Clearly and correctly indicate the required 25-foot clear sight triangles at both driveway intersections.
 - o Indicate depth of proposed parking spaces on plan.
- b. The applicant shall provide a revised narrative report within 30 days of Board of Supervisors approval indicating the following changes:
 - o Remove all extraneous materials from the existing bound document including the following: flood plain information, reduced site plan, construction information, deed information and title information.
 - o Provide a business plan section outlining operational details of the business.
 - o Update remaining information as required.
- c. General compliance with the Grading and Drainage plan dated July 29, 2005 and stamped received November 1, 2005, except as modified by these stipulations.
- d. The primary use of the subject site shall be for automotive repair and the restoration of classic cars. Impoundment, storage and dismantling of vehicles shall be an accessory use only.
- e. The applicant shall clean and maintain the landscape area along Broadway Road on a regular basis. Any dead vegetation shall be replaced with new, drought tolerant, vegetation.
- 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 (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All signs shall be in compliance with IND-3 regulations.
- h. The applicant shall erect a monument sign within the 25-foot wide landscaped front yard area along Broadway Rd. near the primary entrance (outside the clear sight triangles). This sign shall meet County requirements as to height and area. The applicant shall

FORMAL SESSION
May 3, 2006

landscape the area around this sign as outlined in the letter from the City of Phoenix dated May 8, 2003.

- i. Prior to zoning clearance, the site shall be sewered and evidence of such shall be provided to the Maricopa County Environmental Services Department (MCESD) as required. Zoning is conditional upon providing documentation within one (1) year of approval by the Board of Supervisors.
- j. Prior to issuance of any building permits, a signed and recorded utility sewer and water service agreement with the City of Phoenix shall be submitted.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- n. Provide paved driveways within County right-of-way per Maricopa County Department of Transportation (MCDOT) requirements.
- o. Prior to issuance of permits, the applicant shall obtain a Floodplain Use Permit from the Regulatory Division of the Flood Control District of Maricopa County.
- p. Major changes to the zoning exhibit 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. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Planning Commission recommends approval, Staff recommendation is for denial.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this item to the May 17, 2006, meeting.

4. **Z2004-011** **District 4**
 Applicant: Brad Junker, CBJ Development for Sunland Memorial Park
 Location: Sunland Lane west of Del Webb Boulevard (in the Sun City area)
 Request: Rezone from Rural-43 to R-2 RUPD SC for a 140-lot, 14-tract single-family residential subdivision (approx. 27.74 ac.) – Sun City Manor

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-011, subject to the following stipulations “a” through “u”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the zoning exhibit entitled “Preliminary Plat and Zone Change Exhibit for Sun City Manor” , consisting of five (5) full-size sheets prepared by CBJ Development, stamped by the civil engineer November 15, 2005, and stamped received December 1, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the narrative report entitled, “Project Narrative for Sun City Manor”, consisting of five (5) pages prepared by CBJ Development, dated revised January 10, 2005, and stamped received December 1, 2005, except as modified by the following stipulations.
- c. Sun City Manor shall be subject to the Senior Citizen (SC) Overlay Zone as per the Maricopa County Zoning Ordinance.
- d. Development to comply with all recommendations in MCDOT approved TIS.
- e. All interior streets within the proposed development, including that portion of Sunland Lane adjacent to the site, are to be constructed to minimum County standards, including curb, gutter, sidewalk and paving.
- f. The developer shall provide for the installation of sidewalks within the Sunland Lane right-of-way from the subject property west to Agua Fria Drive.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain any necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- h. The developer shall create a Home Owner’s Association specifically for the proposed subdivision. Said association shall be responsible for the maintenance of streets, drainage facilities and open spaces within the subdivision. The Sun City Home Owners Association shall not be required to maintain these improvements, but may participate at their choosing.
- i. Primary access to the subdivision shall be via Sunland Lane from the west, with secondary emergency access through the cemetery from the east. The developer/applicant shall install signs advising the public that the cemetery is not to be used for cut-through traffic. Said signs are to be located at the eastern terminous of the existing cul-de-sac located in front of the posse facility, and at the entrance to the cemetery from Del Webb Boulevard. The newly formed Home Owners Association referenced in stipulation ‘h’ above shall be responsible for the maintenance of these signs

FORMAL SESSION
May 3, 2006

and shall actively remind the residents within the subdivision of these access requirements.

- j. The developer agrees to have all residents abide by Sun City's CC&R's, including age restriction.
- k. Prior to the approval of the final plat, the developer/applicant shall demonstrate legal access to the subject property through the cemetery.
- l. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office 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.
- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights 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 training 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 check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact 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.

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
May 3, 2006

- o. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- p. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- q. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to final plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- r. Prior to final plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- s. Major changes to the zoning exhibit 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. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- t. 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 Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- u. All houses shall be limited to single story.

Darren Gerard presented the background on this item saying there was some opposition originally but he believed this was removed with the addition of stipulation "u" limiting houses to a single story. Both the Planning Commission and staff recommend approval.

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

5. **Z2005-006 District 1**
 Applicant: Commission Initiative for Chandler Heights Community Association
 Location: North of Hunt Highway and along San Tan Boulevard, between 172nd Street and Sossaman Road (in the Chandler Heights area)
 Request: Rezone from R1-35 and R-4 to Rural-43 RUPD (approx. 1,280 ac. max.) – Chandler Heights Rezone

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2005-006, subject to the following stipulations "a" through "k". Commissioner Smith seconded the motion, which passed with a unanimous vote of 9-0.

- a. Case Z2005-006 shall rezone parcels from R1-35 and R-4 to Rural-43 RUPD as indicated on the zoning exhibit entitled "Proposed Zoning Boundary Map (Project Name: Chandler Heights RUPD, Case Number: Z2005-006)" and dated January 1, 2006, except as modified by the following stipulations.
- b. Only parcels for which written property owner authorization has been received from the property owner of record shall be considered to be rezoned from R1-35 and R-4 to Rural-43 RUPD as per case Z2005-006.
- c. In the event that property owners within the perimeter boundary shown on the zoning exhibit referenced in stipulation 'a' (Hunt Highway on the south; 172nd Street, San Tan Boulevard, and Recker Road on the west, Riggs Road on the north, and Sossaman Road on the east) wish to rezone their individual parcels from R1-35 and R-4 to Rural-43 RUPD with the same RUPD standards to apply, the Commission shall initiate a rezone on their behalf.
- d. Development and use within the Rural-43 RUPD zoning district shall comply with the site plan and narrative report entitled "Site Plan (Project Name: Chandler Heights RUPD Case #Z-2005006)" consisting of 16 pages including exhibits and sections under different title pages, dated January 1, 2006, except as modified by the following stipulations.
- e. The use regulations, height regulations, parking regulations and sign regulations of the Rural-43 RUPD zoning district are the same as the Rural-43 zoning district.
- f. The yard regulations of the Rural-43 RUPD zoning district are the same as the R-4 zoning district.
- g. The intensity of use regulations of the Rural-43 RUPD zoning district are the same as the R1-35 zoning district except that:
 - o The average lot area per dwelling unit shall be 43,560 sq. ft.
 - o The minimum lot width shall be 120'.
- h. Any parcel rezoned under case Z2005-006 that is substandard or otherwise nonconforming in regard to the Rural-43 RUPD zoning district must document Legal Non-Conforming (LNC) status with the Planning & Development Department. It is the responsibility of the property owner to document LNC status.
- i. There shall be no relief granted to the development standards of the Rural-43 RUPD development standards except with Variance approval by the Board of Adjustment.
- j. Secondary dwelling units (guest homes, casitas, etc.) shall be allowed in the Rural-43 RUPD zoning district with demonstration of adequate liquid waste disposal at the discretion of the Environmental Services Department.
- k. Any subdivision plat within the Rural-43 zoning district shall include the following RUPD Chart:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

Development Standard	Z2005006 Rural-43 RUPD
Avg. Lot Area / D.U.	43,560 sq. ft.
Min. Lot Area	35,000 sq. ft.
Min. Lot Width	120'
Max. Lot Coverage	20%
Min. Distance Between Buildings	15'
Min. Front Setback	20'
Min. Rear Setback	25'
Min. Side Setback	5'
Min. Street-Side Setback	10'
Max. Building Height	30' (2 stories)
Off-Street Parking	2 / d.u.
Signs	Same as Rural-43
Uses	Same as Rural-43
Accessory Dwelling Units	One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system

Darren Gerard gave the particulars on this case and said it was a voluntary rezoning and only those parcels where the owners have submitted a signed authorization will be rezoned. The rezoning includes 825 acres of the 1,820 total acres. He said there was overwhelming support for approval of this rezoning. The Commission and staff recommend approval. Mr. Gerard requested two minor revisions to stipulations "a" and "d." Michael Sherwood was present to speak if there were questions but there were none.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "k" and with revised language to stipulations "a" and "d" as given below:

- a. Case Z2005006 shall rezone parcels from R1-35 and R-4 to Rural-43 RUPD as indicated on the zoning exhibit entitled "Proposed Zoning Boundary Map (Project Name: Chandler Heights RUPD, Case Number: Z2005006)" and dated (as of) April 24, 2006 ~~January 1, 2006~~, except as modified by the following stipulations.
- d. Development and use within the Rural-43 RUPD zoning district shall comply with the site plan and narrative report entitled "Site Plan (Project Name: Chandler Heights RUPD Case #Z-2005006)" consisting of 16 pages including exhibits and sections under different title pages, dated January 1, 2006, except that revised exhibits are dated (as of April 24, 2006, and except as modified by the following stipulations.

- 6. Z2005-067 District 4**
Applicant: Burch & Cracchiolo, PA for Trilby, 28 LLC
Location: Northeast corner of Williams Drive and El Mirage Road (in the Sun City West area)
Request: Rezone from Rural-43 to CS CUPD with a precise Plan of Development (approx. 28.04 ac.) – El Mirage Fiesta

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-067, subject to the following stipulations "a" through "r". Commissioner Makula seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the zoning exhibit entitled "El Mirage Fiesta", consisting of 1 sheet, dated (revised) February 6, 2006, and stamped received March 16, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report including building elevations, landscaping and signage exhibits entitled "El Mirage Fiesta", consisting of 49 sheets, dated (revised) March 15, 2006, and stamped received March 16, 2006, except as modified by the following stipulations.
- c. Site plans submitted for the purpose of obtaining zoning clearance for construction permits shall indicate handicap parking at a ratio of 5% of the total number of parking spaces provided. Handicap parking shall be distributed such to serve each of the buildings.
- d. Prior to issuance of certificate of occupancy for Phase 1 and prior to issuance of building permits for Phase 1A, paved access along El Mirage Road south to Deer Valley Drive, per the Maricopa County Department of Transportation approved alignment, shall be completed to Maricopa County standards. The developer may enter into an agreement with Maricopa County to accelerate construction of this segment of El Mirage Road ahead of any scheduled Maricopa County capital improvement program.
- e. Prior to the development of any portion of Phase 1A or Phase 2, the developer shall submit a precise Plan of Development for that phase of construction. Said precise Plan of Development shall be reviewed by the One Stop Shop agencies and forwarded to the Planning and Zoning Commission and Board of Supervisors for final action prior to zoning clearance for that phase of development.
- f. The following modified Department of Transportation stipulations shall apply to development of El Mirage Fiesta, and prior to zoning clearance.
 1. Provide a total half-width of 70 feet of right-of-way and 25 feet for a drainage easement on El Mirage Road. The applicant shall make the required dedication within six months of approval by the Board of Supervisors.
 2. Provide a total half width of 65 feet of right-of-way on Williams Road. The applicant shall make the required dedication within six months of approval by the Board of Supervisors.
 3. Construct ultimate half-width improvements including pavement, curb, gutter and sidewalk, on both El Mirage Road and Williams Road. (Coordinate with MCDOT regarding timing of MCDOT El Mirage Road project.)
 4. If streetlights are provided, installation shall be at the Developer's expense. If streetlights are within public right-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 the Improvement District process (602-506-8797).
 5. Project must comply with all recommendations in MCDOT-approved TIS.
 6. Developer shall contribute to two future traffic signals when warranted

- g. 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 (MCDOT) for landscaping or other improvements in the right-of-way.
- h. Prior to issuance of any permits for development of the site, a drainage report and grading and drainage plans shall be submitted to and approved by the Drainage Review Division of the Planning and Development Department and may, subject to such staff's review and approval, include a drainage solution that differs from the current drainage solution that has been approved by the Drainage Review Division.
- i. All trees shall be double-staked when installed.
- j. A continuous parapet shall screen all roof-mounted equipment.
- k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek annexation to the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- n. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- o. The master developer shall notify future tenants/owners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Habitable structures shall meet sound attenuation measures as required by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights 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 training 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.

FORMAL SESSION
May 3, 2006

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 check the Luke Air Force Base website at www.luke.af.mil/urbandevelopment or contact the Maricopa County Planning and Development Department."

Such notification shall be recorded on all Final Plats, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).

- p. Approval of this project shall be conditional per Chapter 3, Article 304.6 of the Maricopa County Zoning Ordinance for a period of four (4) years from the time of Maricopa County Board of Supervisors approval, within which time the first building permit must be obtained by the developer. If a building permit is not obtained within this required timeframe, this case shall be referred to the Board of Supervisors, upon recommendation by the Planning and Zoning Commission for reversion of the zoning to the previous zoning classification.
- q. Major changes to the zoning exhibit 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. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- r. 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 Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard said that a total of 143 letters of opposition have been received mostly regarding security issues related to the gated community and increased traffic issues. He indicated that 12.25% of the property owners had indicated opposition and this falls below the 20% necessary for a super majority vote. Staff and Planning Commission recommend approval.

Citizens requesting to speak included Leonard Slobodkin, Charles Gale, Judy Walker, Ron Rinder, Marilyn R. Keil, J.D. Shuster, Carol Berke, Ted Keil, Jeanne Schroeder, Bev Bair in favor; and George Greder, Keith Tucker, Robert Prideau and Sharon Murphy in opposition.

Chairman Stapley called for those wishing to speak to come forward and asked if the applicant or his representative was present.

Ed Bole, representing the applicant, responded and said the stipulations are agreeable to the applicant and asked to speak after those in opposition to the project were finished.

Chairman Stapley said there were a number of people who wanted to speak and he asked them to be brief, concise and non-repetitive.

FORMAL SESSION
May 3, 2006

Sharon Murphy, citizen, said she had additional signatures and they would trigger the 20% super majority vote. Chairman Stapley asked counsel for an opinion. Mr. Eckhardt said he believed the State Land Department land would have to file an objection to have the needed percentage. The Chairman took it under advisement and commented that if the four Supervisors present all voted for approval the issue of a super majority vote would become moot. Ms. Murphy reiterated that she had only 29 in favor of this action and several hundred in opposition and they are vehemently opposed because of traffic, noise, pollution and lowered property valuations.

Mr. Prideau, citizen, said that when they purchased their home they had been assured of residential zoning and had expected that would continue. He said there were close to 300 residents in opposition to this project, which he said was approximately 10 to 1. He felt this was an inappropriate parcel for such a shopping center and that it would disrupt the peace and quiet that homeowners sought when they purchased their homes. He asked the Board to stick to the Master Plan which indicated this area as residential.

Keith Tucker, citizen, voiced his opposition to having additional stores built because there were already acres of adequate shopping and other services within three miles. He said that the Sun City West stores are mostly empty in the summertime and additional stores are not necessary and would be a waste.

George Greader, citizen, said there was already close to two million square feet of commercial property within four miles of homes in the area. This project would add 28 acres of commercial property across the street from them and there was additional land next to it. He asked for this re-zone request to be denied.

Alfred Schroeder, citizen, approves of the center and the stores that would be provided. He worked with the applicant on the plans and feel they had been supportive of the requests they received from homeowners with regards to safety, design and colors. He said they felt this project was a fact and it would be best to make it a win-win situation for both current and future residents.

Supervisor Kunasek asked, with regards to the $\frac{3}{4}$ vote, if there was a strip of state land to the south of this project. Darren Gerard commented on acreage that can and cannot be included to trigger the $\frac{3}{4}$ vote.

Supervisor Kunasek asked about the location of a traffic light with regards to the entrance to the residential area and also to the shopping center. Mr. Gerard said there would be a traffic light in place at the main entrances.

Ed Bole said that both adjacent streets, El Mirage and Williams, are identified by MCDOT as being arterial streets and so this would be a natural location to have a "grocery store-anchored neighborhood shopping center." He said they mailed out more than 800 letters to residents and had held two neighborhood meetings and he felt their outreach to neighbors had been extensive. He asked for approval since the project has the support of the Planning Commission, staff, and a large, self-appointed group of homeowners.

Because of the question of a validated super majority vote the Board determined to take a roll call vote to eliminate any questions on propriety.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) on a roll call vote with Supervisors Brock, Stapley, Kunasek and Wilcox voting "aye" (Supervisor Wilson was absent) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "r."

~ Supervisor Wilcox left the meeting ~

7. **Z2005-100** **District 3**
 Applicant: Jumping Chollas Agility Training Club and Doggieland, Inc.
 Location: North of Happy Valley Road and west of 15th Avenue (in the north Phoenix area)
 Request: Special Use Permit (SUP) for a dog training facility in the Rural-43 zoning district
 – Jumping Chollas Agility Training Club

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2005-100, subject to the following stipulations “a” through “o”. Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled “Jumping Chollas Agility Club Training Site”, consisting of one (1) sheet, dated October, 2005 and stamped received February 28, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors approval, a revised site plan shall be submitted which shall clarify the following:
 - i. No lighting, fencing, gates or other improvements other than paving on or within the Patent Easement.
 - ii. A six (6) foot high CMU wall shall be indicated along the interior edge of the Patent Easement lines, as well as the south property line and the line of the future 40 foot right-of-way for 15th Avenue. A gate may be located along the northern edge of the parking area, but outside of the Patent Easement for the purpose of entering the interior of the site.
 - iii. Parking spaces shall be clearly delineated and dimensioned. Five (5) percent of the total number of spaces provided shall meet the requirements for handicap accessibility.
 - iv. Sight Visibility Triangles (SVT’s) as required by Article 1111.4.3 of the Maricopa County Zoning Ordinance shall be clearly delineated and dimensioned on the site plan.
- b. Development of the site shall be in conformance with the narrative report entitled “Narrative Plan for Jumping Chollas Agility Club, Inc.”, consisting of seven (7) pages, and stamped received February 28, 2006, except as modified by the following stipulations.
- c. Per Maricopa County Environmental Services Department (MCESD) all dog wastes must be collected and properly disposed of in accordance with the Maricopa County Environmental Health Code, Chapter XI.
- d. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be adhered to:
 - i. Provide a total half-width of 40 feet of right-of-way on 15th Avenue.
 - ii. Show typical parking spaces with dimensions in parking area.
 - iii. Provide a traffic update/status report in two years. Depending upon report, MCDOT may have additional requirements and/or require additional future status reports.

- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All signage will conform to the Rural-43 sign regulations of the Maricopa County Zoning Ordinance.
- g. The maximum number of dogs for each class session shall not exceed twenty (20) and all sessions shall occur during the hours of 6:30 PM and 9:30 PM Monday through Thursday and between 7:30 AM – 9:00 AM on Wednesday.
- h. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted and screened from view.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. Major changes to the 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.
- m. 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 Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- n. This Special use Permit shall expire ten (10) years following the approval by the Board of Supervisors. The applicant shall also submit a status report to the Planning and Development Department at intervals of two (2) yeas and five (5) years following the approval of this Special use Permit by the Board of Supervisors. Said status reports shall be forwarded to the Planning and Zoning Commission for their review.
- o. There shall be on overnight boarding or kenneling of animals on site.

Darren Gerard said there is no known opposition to this SUP and the Commission recommendation was for approval.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (3-0-2) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o."

- 8. Z2005-129 District 1**
Applicant: Infranext for Cingular Wireless and American Tower
Location: North of the northeast corner of Chandler Heights Boulevard and 130th Street (in the south Chandler area)
Request: Major Amendment to a Special Use Permit (SUP) for a wireless communication facility (collocation on an existing tower) in the Rural-43 zoning district, Cellular Use District 1 – Cingular Wireless Communications Facility

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2005-129, subject to the following stipulations "a" through "k". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "Chandler Heights-Major Amendment Z2005-129 to Special Use Permit (SUP) Z95-6 ", consisting of five (5) full size sheets, dated March 8, 2006, and stamped received March 10 2006, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Cingular Wireless Communication Facility Site #P711A; Chandler Heights Co-Location 13012 Chandler Heights Boulevard Chandler, AZ 85249 Special Use Permit-Z2005129 Narrative", consisting of six (6) pages plus exhibits, stamped received March 1, 2006, except as modified by the following stipulations.
- c. Expiration of this Major Amendment shall coincide with the expiration of the original SUP approved under Z95-6.
- d. All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. The maximum height of the monopole shall not exceed 104' as shown on the approved site plan.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
May 3, 2006

- i. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- j. Major changes to this Special Use Permit 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. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered a Major Amendment.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

~ Supervisor Wilcox returned to the meeting ~

Mr. Gerard gave particulars on this case and said that 68 letters of opposition had been received regarding this communications tower. However, approval was recommended by both the Planning Commission and staff.

Randy Downing came forward to respond to questions that Supervisor Brock had for the applicant regarding complaints of neighbors about the appearance of the area surrounding the tower. Mr. Downing replied that the existing cell tower had been constructed before homes had been built in the area and the applicant is not the tower or land owner and only wants to co-locate on it to continue and improve service to the area. He said they have no control over what the owner does or does not do regarding the appearance of the site. A question was also raised with regards to possible noise and if a generator would be necessary at the site. Mr. Downing said there would be no generator but two air conditioners, similar to those on nearby homes, were necessary to cool the equipment.

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

9. **Z2005-141** **District 4**
 Applicant: U & I Land and Cattle Company
 Location: North of Butler Drive align., west of Dysart Road (in the west Glendale area)
 Request: Precise Plan of Development in the IND-1 zoning district, Airport Zone 2 – U & I Contracting Corporate Office

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2005141, subject to the following stipulations "a" through "n". Commissioner Smith seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the site plan entitled "U & I Enterprises Precise Plan of Development Z2005141", consisting of one (1) sheet, dated (revised) March 7,

2006, and stamped received March 8, 2006, except as modified by the following stipulations.

- b. Development of the site shall be in conformance with the narrative report entitled "U & I Enterprises Precise Plan of Development Z2005141 Narrative", consisting of four (4) pages, dated (revised) February 8, 2006, and stamped received February 15, 2006, except as modified by the following stipulations.
- c. In absence of public right-of-way and access improved to minimum Maricopa County standards, MCDOT is not liable or responsible for operation and maintenance of access to this site.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All signage will conform to the IND-1 sign regulations of the Maricopa County Zoning Ordinance.
- g. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- h. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- i. Outdoor storage is prohibited.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. All habitable or occupied buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B) or per Maricopa County Zoning Ordinance (MCZO) Airport Zone 2 requirements.
- m. Major changes to the 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.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 3, 2006**

conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Darren Gerard gave details on this project, which is located near Luke Air Force Base. Supervisor Wilcox said that industrial development is preferred in this area and she would support it..

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

- 10. S2005-036 District 2** (This item was continued from April 19, 2006)
Applicant: Clouse Engineering
Location: Northwest corner of Broadway Road and 96th Street (in the Mesa area)
Request: Final Plat in the R-5 RUPD zoning district for Sienna Estates (approx. 17.48 gross acres)

Darren Gerard gave details on delineating a flood plain on this final plat and said that approval would be given without such a delineation in this case. Mr. Gerard said if the Board approved this final plat it could be recorded but development must wait until an infrastructure permit is issued as there are several issues with regards to that permit. Chairman Stapley asked if the applicant was aware of this and it was affirmed. Travis Williams, Cornerstone Homes was present to speak, however, there were no questions from Board Members.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat. Development of the project will wait until the infrastructure permit is issued- as verbally agreed to by the applicant.

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board