

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., July 12, 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; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; Sandi Wilson, Deputy County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Tim Phillips, Flood Control District, delivered the invocation.

PLEDGE OF ALLEGIANCE

Brigadier General Tim Phillips led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

David Weissman, Maricopa County Animal Care & Control, introduced the pet of the month, a 6 month old wired-hair fox terrier mix named Harold. Mr. Weissman explained that for \$85 Harold's new family could claim him after 3:00 p.m. later in the day and know that he has his initial shots, has been neutered and licensed for that price.

RECOGNIZE APPOINTMENT OF TIM PHILLIPS TO BRIGADIER GENERAL

Chairman Stapley called Tim Phillips, Flood Control District Director, forward to recognize his recent appointment as Brigadier General in the Arizona National Guard and to present him with the County's Certificate of Achievement and Recognition Plaque. The Chairman said, "This is an extremely prestigious honor for Tim, his family and to all of us here at Maricopa County and we're very proud of him." The Arizona National Guard currently has troops stationed at the Arizona-Mexico border, deployed in Iraq and another unit will be sent to Afghanistan in the near future. Phillips started his career at Flood Control as a project manager and currently serves as Chief Engineer and General Manager of the District. He will receive his 10-year Maricopa County employee pin later in this meeting. Each Supervisor expressed personal observations and interactions they'd had with Tim Phillips and added their individual congratulations. (ADM650)

General Phillips commented on the number of influences that have gotten him to this point in his life, saying that he has been inspired by many different people and he hopes to influence others in turn. He thanked the Board for the recognition and support given to him by the County.

CHAIRMAN'S PREROGATIVE

Chairman Stapley presented the jeweled 15-year employee pin to the Clerk of the Board, Fran McCarroll. He said, "I appreciate her service, her professionalism and her dedication to this Board and to this County." The Clerk responded that it has been her privilege and honor to serve this Board and those previously elected as Supervisors during the past 15 years. She thanked each Supervisor for their efforts and their commitment to the County's business and welfare.

**FORMAL SESSION
July 12, 2006**

COUNTY EMPLOYEE SERVICE AWARDS

Mike Rabino presented the following employees who have provided 30 or more years of public service to Maricopa County to the Board with a personalized insight into the character of each person. The employee's supervisor(s) came forward with each one as Chairman Stapley presented them with Service Award Plaques commemorating their many years of public service. (C3507001900) (ADM3341)

30 Years of Service

Name	Department	Employment Date
Dennis G. Dowell	Sheriff's Department	April 6, 1976
Sue E. McLaughlin	Juvenile Probation	April 6, 1976
Arthur G. Hazelton Jr.	County Attorney	May 3, 1976
Josina C. Spanovich	County Attorney	May 4, 1976
Glenn G. Watkins	Transportation	May 25, 1976
Chris Y. Casillas	Juvenile Probation	June 8, 1976
William H. Kenyon	Flood Control	June 13, 1976
Mary E. Brown	Clerk of the Superior Court	June 14, 1976
Wanda E. LaPoint	Correctional Health	June 22, 1976
Vicki C. Stewart	Transportation	June 22, 1976
Vivian E. Ogden	Chief Information Officer	June 28, 1976

35 Years of Service

Name	Department	Employment Date
Jean A. Gedney	Juvenile Probation	June 10, 1971
Edward K. Farmer	Juvenile Probation	June 28, 1971

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 Kunasek and seconded by Supervisor Wilcox, to recommend approval of the following liquor license applications:

Application filed by Christine Ann Sisco for a Person-to-Person Transfer of a Series 7 Liquor License from Gail J. Giblin: (LL6194)

Business Name: Sisco's Pizzeria, LLC
 Location: 9008 N. 99th Avenue, #1, Peoria, 85345
 The Clerk corrected the business name to Crissy's Ninos Pizzeria prior to the vote.

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

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A307)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406268000)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway known as Forepaugh Road of various widths, together with all appurtenant rights and easements, lying within Section Twelve (12) and Thirteen (13), Township Seven (7) North, Range Eight (8) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described in Three (3) segments, as follows;

Segment No. 1

That portion of Forepaugh Road being 60.00 feet in width lying within said Section 13 as shown in "The Dependent Resurvey of a portion of Section 13, (W 1/2 of The NW 1/4, Except the Southeast quarter SE 1/4 thereof)", and recorded in Book 484 of Maps, page 05, Records of Maricopa County, Arizona, said roadway is lying within Parcels 13G and 13F of said survey.

Segment No. 2

That portion of Forepaugh Road a roadway of various widths, lying within said Section 12 and 13 of Township Seven (7) North, Range Eight (8) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; as shown in "The Dependent Resurvey of J-1 Ranches Parcels 7, 8, 9, 10 and 11 as Platted and Filed in A Results of Survey Plat As Recorded in Book 294 of Maps, Page 25 Official Records of Maricopa County, Arizona", and recorded in Book 354 of Maps, Page 29 Official Records of Maricopa County.

Segment No. 3

That portion of Forepaugh Road, being a parcel of land lying within the North half (N2) of Section 12 Township Seven (7) North, Range Eight (8) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said parcel being 80 feet wide, lying 40 feet, measured at right angles, on each side of the following described centerline:

COMMENCING on the Northeast corner of said Section 12; thence South 00°02'59" East a distance of 1321.49 feet along the East line of said Section 12 to a point on the South line of North half of the North half of said Section 12; thence along said South line, South 89°55'38" West a distance of 3,190.09 feet to the POINT OF BEGINNING; thence North 01°35'04" West to a point on the North Section line of said Section 12, a distance of 1323.25 more or less, said point also being the TERMINUS of said centerline. The sidelines of said 80 feet wide parcel to be lengthened or shortened to intersect with the North line and the South line of North half of the North half of said Section 12.

(Said roadway known as Forepaugh Road, lying within Section Twelve (12) and Thirteen (13), Township Seven (7) North, Range Eight (8) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona.)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A357)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406269000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of the Streets in their entirety in POWELL'S SECOND SUBDIVISION, together with all appurtenances and easements of record, a subdivision lying within the North half of the Northwest quarter of Section 23, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona and Book 45 of Maps, Page 33 MCR, listed as follows;
California Boulevard (known as US60) from the most Western line of said Powell's Second Subdivision to 3rd Street,

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

Powell Street from the most Western line of said Powell's Second Subdivision to 3rd Street,
Second Street from Powell Street to California Boulevard (known as US60),
Third Street from Powell Street to California Boulevard (known as US60).

(Said alignment is also known as Streets within POWELL'S SECOND SUBDIVISION, Recorded in Book 45 of Maps, Page 33)

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A358)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406270000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

All of the Streets in their entirety in POWELL'S FIRST SUBDIVISION, together with all appurtenances and easements of record, a subdivision lying within the North half of the Northwest quarter of Section 23, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona and Book 24 of Maps, Page 13 MCR, listed as follows;

California Boulevard (known as US 60) from Eagles Eye Avenue to the most Eastern line of said Powell's First Subdivision,
Ray Street from Eagles Eye Avenue to the most Eastern line of said Powell's First Subdivision,
Eagles Eye Avenue from Ray Street to California Boulevard (known as US 60),
First Street from Ray Street to California Boulevard (known as US 60).

(Said alignment is also known as Streets within POWELL'S FIRST SUBDIVISION, Recorded in Book 24 of Maps, Page 13)

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

FORMAL SESSION
July 12, 2006

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A359)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406271000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of the Streets in their entirety in MILTON RAY'S FIRST SUBIDISION, together with all appurtenances and easements of record, a subdivision lying within the Northeast quarter of the Northeast quarter of Section 22, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona and Book 13 of Maps, Page 31 MCR, listed as follows;

California Boulevard (known as US 60) from Third Avenue to Eagle Eye Avenue,
Ray Street from Third Avenue to Eagle Eye Avenue,
Third Avenue from Ray Street to California Boulevard (known as US 60),
Second Avenue from Ray Street to California Boulevard (known as US 60),
First Avenue from Ray Street to California Boulevard (known as US 60),
Eagle Eye Avenue from Ray Street to California Boulevard (known as US 60),

(Said alignment is also known as Streets within MILTON RAY'S FIRST SUBIDISION, Recorded in Book 13 of Maps, Page 31)

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

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

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

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

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

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

FORMAL SESSION
July 12, 2006

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A360)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406272000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Roadways of various widths, together with all appurtenances and easements of record, lying West half (W2) of the Northeast quarter of Section 23, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona:

All of the Streets in their entirety in EAGLE VIEW ESTATES, a subdivision lying within the Southwest quarter of the Northeast quarter of Said Section 23, recorded in Book of Maps 115, Page 42 MCR, listed as follows;

Fourth Street from Hector Road to Church Street,
Eagle View Drive from Hector Road to Church Street,
Hector Street from Fourth Street to Sixth Street,
Church Street from Fourth Street to Sixth Street;

The West 40 feet of the Northwest quarter of the Northeast quarter of said Section 23, for Fourth Street;
As described in docket 6744, Page 557 and docket 5069, Page 238/239;

The West 25 feet of the West half and the East 25 feet of the East half of the Northwest quarter of the Northeast quarter of said Section 23, for Eagle View Drive;
As described in docket 6744, Pages 550 thru 557;

The East 30 feet of the Northwest quarter of the Northeast quarter of said Section 23, for Sixth Street;
As described in docket 6744, Page 557 and docket 5069, Page 238/239;

The South 25 feet of the North half and North 25 feet of the South half of the Northwest quarter of the Northeast quarter of said Section 23, for Ray Street;

(Said alignment is also known as All of the Streets within EAGLE VIEW ESTATES, Recorded in Book 115 of Maps, Page 31, Fourth Street From Church Street to US 60, Eagle View Drive from Church Street to US 60, Sixth Street from Church Street to US 60, Ray Street from Fourth Street to Sixth Street)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A361)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406273000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All of the Streets in their entirety in EAGLE VIEW ESTATES UNIT ONE, together with all appurtenances and easements of record, a subdivision lying within the North half of the Northwest quarter of Section 23, Township Seven (7) North Range Nine (9) West, of the Gila and Salt River Base, Maricopa County, Arizona and Book 154 of Maps, Page 04 MCR, listed as follows;
Sixth Street from South line of said Eagle View Estates, subdivision to Church Street,
Seventh Street from South line of said Eagle View Estates, subdivision to Church Street,

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

Black Eagle Road from South line of said Eagle View Estates, subdivision to Church Street,
Hector Street from Sixth Street to Black Eagle Road,
Church Street from Sixth Street to Black Eagle Road;

(Said alignment is also known as All of the Streets within EAGLE VIEW ESTATES UNIT ONE, Recorded in Book 154 of Maps, Page 04)

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A362)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406274000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

A 75 foot roadway, together with all appurtenances and easements of record, lying within the West half (W2) of Section Twenty-four (24) in Township Seven (7) North, Range Nine (9) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The West 75 feet of said Section 24.

Except that any part lying within US HWY 60 and
Except the South 175 feet thereof.

(Said alignment is also known as, Black Eagle Road, from the South line of said Section 24 to US Hwy 60)

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

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

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

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

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

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

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A363)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) that the following resolution be adopted: (C6406275000)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the West half (W2) of Section Twenty-three (23) in Township Seven (7) North, Range Nine (9) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 25 feet on each side of the following described centerline:

Commencing at the West quarter corner of said Section 23; Thence North 00°01' West a distance of 1282.1 feet and the POINT of BEGINNING; Thence South 89°51' East a distance of 241 feet to a point of tangency of a curve to the left, having a radius of 165 feet; Thence Northeasterly along said curve, through a central angle of 02°26'28' an arc length of 67.03 feet; to the beginning of a reverse curve to the right, having a radius of 165 feet; Thence Easterly along said curve, through a central angle of 02°26'28' an arc length of 67.03 feet; Thence South 89°51' East a distance of 315 feet and the End of said centerline.

(Said alignment is also known as, Church Drive, from Eagle Eye Avenue to 1st Street)

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

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

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

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

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

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

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

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD DECLARED (ROAD FILE NO. A364)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox , seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution be adopted: (C6406276000)

WHEREAS, pursuant to A.R.S. §28-6701, on the 7th day of June, 2006, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of varying widths together with all appurtenances and easements of record, being Valley Street as shown in SPERGER ADDITION to AGUILA, recorded in Book 08 of Maps, Page 25 MCR, a subdivision in a portion of the Southwest quarter of Section 14, Township Seven (7) North, Range Nine (9) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;
That part of Valley Street from Eagle Eye Ave to 1st Street.

(Said alignment is also known as, Valley Street, from Eagle Eye Avenue to 1st Street, in SPERGER ADDITION to AGUILA, recorded in Book 08 of Maps, Page 25 MCR)

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

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

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

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

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

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

FORMAL SESSION
July 12, 2006

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

DATED this 12th day of July 2006.

PUBLIC HEARING – ROAD FILE AMENDMENT – ROAD FILE #A322-R

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following Resolution be passed and adopted: (C6405194501)

**MARICOPA COUNTY DEPARTMENT OF TRANSPORTATION
Public Works Lands & Right-of-Way Division
ROAD DECLARED – REVISION OF RESOLUTION**

WHEREAS, on the 19th day of January, 2005, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to Establish, open and declare a County Highway; and

WHEREAS, on the 17th day of February, 2005, the Board adopted a Resolution designating Road File Number A322, declaring said road into the County Highway system; and

WHEREAS, that said petition and Resolution is being revised to amend the legal description approved on the 17th day of February, 2005;

NOW, THEREFORE, BE IT RESOLVED, that the legal description be amended to read as follows:

That portion of the South half Section 2, Township 1 South, Range 4 West, Gila and Salt River Meridian, Maricopa County, Arizona, lying within following described parcel: A 140 foot wide strip being 70 feet on either side of the following described centerline:

COMMENCING at the Southwest corner of Section 2; thence North 01°18'47" East, a distance of 1697.22 feet; thence South 75° 34'09" West, a distance of 26.14 feet to the POINT OF BEGINNING; thence North 75°34'09" East, a distance of 1169.83 feet to the point of tangency of a curve to the Right having a radius of 7637.45 feet, thence Northeasterly along said curve through a central angle of 08°04'44", an arc distance of 1077.18 feet; thence North 83°38'53" East, a distance of 379.15 feet to the point of tangency of a curve to the Left, having a radius of 15278.90 feet, thence Northeasterly along said curve through a central angle of 03°20'18", an arc distance of 890.20 feet; thence North 80°18'35" East, a distance of 376.38 feet, to the point of tangency of a curve to the Right, having a radius of 11459.18 feet, thence Northwesterly along said curve through a central angle of 05°14'36", an arc distance of 1048.69 feet, POINT OF ENDING.

(Said alignment is also known as MC 85, Turner Road to State Route 85)

DATED this 12th day of July 2006.

FORMAL SESSION
July 12, 2006

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

Item: This is the time scheduled to continue the 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 May 3, 2006 and June 7, 2006. This is a carry-over hearing from June 7, 2006. It is recommended that the Board of Supervisors continue this item for one year, pending research and pest abatement services provided by Maricopa County and funded through the FY 2006-07 budget amendment approved on June 19, 2006. (C0606041700) (ADM4487-001)

Supervisor Wilcox said that many people and organizations have been working together to try to solve the numerous problems being encountered with establishing this new district. She asked that it be continued for one year to have Vector Control conduct a research pilot project in the area.

Motion was made by Supervisor Wilcox and seconded by Supervisor Brock to continue this item for one year to allow further research and study and to seek legislation to clarify and possibly revise the century-old statute that is still being used.

Residents registering interest in this matter by signing speaker forms in opposition or favor included the following, John Shelton and Lloyd Banning, (who did not wish to speak), Bruce Lindquist and Jeannette Fish of the Maricopa County Farm Bureau appeared in opposition. Adron Reichert spoke in favor of the formation of a district.

Bruce Lindquist, citizen, estimated that he represents the thinking of 200 residents of the area and they feel that the regular services of Vector Control gives adequate protection and a district is not necessary. He said he was in favor of the continuance but not the district.

Jeanette Fish asked to see the research parameters as they are developed over the next year, believing that clarification of these issues is a good thing. She said the Bureau supports the continuance.

Adron Reichert favors the district and said the proponents will work with the Board and Vector Control to contribute to this positive effort over the coming year.

Supervisor Wilson asked that those owning property be distinguished from those renting property in that area. Supervisor Wilson replied that this would be part of the research.

Motion to continue this item for one year pending research and pest abatement services provided by Maricopa County and funded through the 06-07 budget amendment approved on June 19 2006 carried unanimously (5-0).

PUBLIC HEARING – REVISIONS TO AIR POLLUTION CONTROL REGULATIONS RULE 280 (FEES)

Chairman Stapley called for a public hearing to solicit comments on proposed revisions to Maricopa County Air Pollution Control Regulations Rule 280 (Fees) and on submitting the rule to the Environmental Protection Agency as a revision to the Maricopa County Clean Air Act Title V, Part 70 Operating Permit Program. Following the public hearing, the Board is requested to adopt the proposed revisions to Maricopa County Air Pollution Control Regulations Rule 280 and to submit the rule as a revision to Maricopa County's Clean Air Act Title V, Part 70 Operating Permit Program and to the (Arizona) State Implementation Plan. (C8506022700) (ADM2354)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve these revisions, see below:

Section by Section Explanation of Changes:

MCAQD is amending the fee rule, Rule 280, to correct deficiencies and to make other administrative changes as detailed below.

- Section 201 The revision moves rule language from section 302.2 and 303.2 to the annual administrative fee definition in section 201. Specifically, the revision deletes the following language in section 302.2 "The annual administrative fee covers the cost of renewing a Non-Title V permit." and section 303.2 "The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit" and adds the following similar language to the annual administrative fee definition in section 201: "For a Non-Title V permitted source, the annual administrative fee also covers the cost of renewing the Non-Title V permit. For a General permitted source, the annual administrative fee also covers the cost of reapplying for authorization to operate under a General Permit."
- Section 206 The revision adds "of this rule" and "regulated air pollutant" for clarification.
- Section 207.1 The revision adds "of these rules" for clarification.
- Section 207.2 The revision adds "of these rules" for clarification.
- Section 301.1 The revision adds "of this rule" for clarification
- Section 301.1(d) The revision deletes the \$40,000 maximum fees for processing Title V permit applications. The proposed revision is consistent with Arizona Department of Environmental Quality's permit fees (Arizona Administrative Code R-18-326 Fees Related to Individual Permits).
- Section 301.1(e) The revisions in this subsection would make several changes to the rule. First, subsection 301.1(e) is renumbered to Section 301.1(d). Second, "or permit renewal" is added to the type of permits the control officer can withhold pending full payment of fees. Finally, to address the EPA Title V audit finding that Rule 280 has contributed to the delay in issuance of initial and renewal permits, MCAQD is adding the following language to inform the permittees of the control officer's authority to deny a permit, permit revision, or permit renewal for failure to pay permit processing fees: "The Control Officer may deny a permit, a permit revision, or a permit renewal in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date."
- Section 301.2(a) The revision adds "of this rule" for clarification

- Section 301.2(b) The revision adds "of this rule" for clarification
- Section 302 The revision adds "of these rules" for clarification
- Section 302.1(c) The revision replaces "subsection" with "Section" and adds "of this rule" for clarification
- Section 302.1(d) The revision replaces "subsection" with "Section:" and adds "of this rule" for clarification.
- Section 302.1(e) The revision adds the following language to inform the permittee of the control officer's authority to deny a permit, or permit revision for failure to pay permit processing fees: "The Control Officer may deny a permit, or a permit revision in accordance with Rule 200 of these rules if the applicant does not pay fees required for billable permit actions within 90 days of the invoice date."
- Section 302.2 The revisions in this section make several changes to the rule. First, they add "Administrative" to the section heading. Second, they add "of this rule" for clarification. Third, they delete "The annual administrative fee covers the cost of renewing a Non-Title V permit" because similar language is added to the definition of annual administrative fee in section 201. Fourth, they delete "Source categories designated as Tables A-G are listed in subsections 403.1-7" because this language was added to the table column heading. Fifth, the following revisions are being made to the table: a) delete the left column heading "Non-Title V Source Type" and replace it with "Fee Tables"; b) add "Source categories designated as Fee Tables A-G are listed in Sections 403.1-403.7 of this rule." to the left column heading; and c) add "s", "Fee", and the applicable fee table reference to each row.
- Section 303.1 The revisions in this section make several changes to the rule. First, they delete "Source categories designated as Tables A-G are listed in Subsections 403.1-7 of this rule." because this language has been added to the table column heading. Second, they delete from the table, the left table heading "Source Category" and add "Fee" and "Source Categories designated as Fee Tables A-G are listed in Sections 403.1 - 403.7 of this rule." Third, the revisions add "Sources Listed in Fee" and the applicable fee table reference to each row. Finally, the revisions correct a reference in the second column of the table, they delete reference to section "301.2(a)" and add the correct reference "301.1(a)".
- Section 303.2 The revisions in this section make several changes to the rule. First, they add "Administrative" to the section heading. Second, they add "of this rule" for clarification. Third, they delete "The annual administrative fee covers the cost of reapplying for authorization to operate under a General Permit." because similar language has been added to the definition of annual administrative fee in section 201. Fourth, they delete "Source categories designated as Tables A-E are listed in subsections 403.1-5." because this language has been added to the table column heading. Fifth, they make the following changes to the table: a) delete "Source Category" and "Permit Renewal" from the table column headings; b) add "Fee" and "Source categories designated as fee tables A-G are listed in Sections 403.1 - 403.7 of this rule" to the left column heading; c) delete "Administrative" from the second column; d) add "Source Listed in Fee" and applicable section references to each row of the table.
- Section 304.1 The revisions delete "subsection" and add "Section" and "of this rule".
- Section 304.2 The revisions delete "subsection" and add "Section" and "of this rule".
- Section 304.3 The revision replaces "subsection" with "Section"
- Section 304.4 The revisions add "(CPI)" and delete "Consumer Price Index".

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

- Section 305 The revision adds "S-BASED" to the section heading
Section 305.1 These revisions establish an emission inventory reporting hierarchy consistent with EPA emissions inventory guidance and Arizona Department of Environmental Quality annual emissions inventory reporting requirements [AAC R18-2-327(C)]. The revisions also specify that 40 CFR Part 75 and referenced appendices and 40 CFR Part 60 Appendix F adopted as of July 1, 2001, are incorporated by reference in Appendix G of these rules.
- Section 305.2 The revision adds "of these rules" for clarification.
Section 305.3 The revisions clean up the flow of the sentence and replace "by the ninetieth (90th) day" with "no later than 90 days".
- Section 306 The revision adds "under Rule 400 of these rules" for clarification.
Section 307 The revision adds "of these rules" for clarification.
Section 308 The revision adds "Decal" to the section heading and "of these rules" to the section.
- Section 312.1 The revisions in this section make several changes to the rule. First, they delete "applicant for a required" and replace it with "owner/operator of a source requiring". Second, they make this fee also applicable to an owner/operator of a source who received a Notice of Violation for "operating" without such permit. Lastly, they remove the fee applicability for failing to file a timely application to renew such permit.
- Section 315 The revision adds "Fee" to the section heading.
Section 317 This revision establishes an informal review process for requesting review of permit processing hours. The review process outlined is similar to the permit processing review processes in place at Arizona Department of Environmental Quality (AAC R-18-326) and at Pima County Department of Environmental Quality (Pima County Code 17.12.510).
- Section 401 The revisions in this section delete the section heading "Transition to revised fees" and replace it with "Effective Date of Fees" and replace "shall become" with "became".
- Section 402.1(a) The revisions in this section clarify rule citations, replace "subsections" with "Sections", and add "of this rule" for clarification.
Section 402.1(b) The revisions add "a", replace "subsection" with "Section", and clarify the rule reference.
- Section 402.2 The revisions add "and" and "of these rules", and replace "sticker" with "decal".
Section 402.3 The revisions add "Filing" to the section heading and delete "removal".
Section 403 The revisions in this section make several changes to the rule. First, they replace "Table A, Table B, Table C, Table D, Table E, Table F, and Table G Sources" with "Fee Table A, B, C, D, E, F, AND G Sources". Second, they add "Fee Tables A - G list processes and equipment subject to the fees outlined in Sections 302.2, 303.1, and 303.2 of this rule." for clarification. Third, they replace "either Table A, Table B, Table C, Table D, Table E, Table F, or Table G applicability" with "Fee Table A, B, C, D, E, F, or G, as applicable." Fourth, they delete "category" and add "table". Lastly, they replace "classification" with "fee table".
- Section 403.1 The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they add "Power Plant \geq 25 Tons Per Year Potential Uncontrolled NO_x Emissions" to Fee Table A. Third, they modify the following Table A Sources to clarify source categories and to correct typographical errors:

**FORMAL SESSION
July 12, 2006**

- Section 403.2
- Revise "Jet Engine Manufacturing" to "Jet or Auxiliary Engine Manufacturing"
 - Revise "Source Subject to a MACT, NESHAPS, or NSPS Standard Under CAA Section 111 or 112 Unless Otherwise Identified in Another Table" to "Source Subject to a MACT, NESHAPS, or NSPS Standard Under CAA Section 111 or 112 Unless Otherwise Identified in Another Fee Table"
- The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they modify the following existing Fee Table B Sources to clarify source categories and to correct typographical errors:
- Revise "Boiler, Gas Fired, With \geq 10 MMBtu/Hr (Includes Units Subject To The NSPS)" to "Boiler, Gas Fired or With Emergency Fuel Capabilities, (Each Unit \geq 10 MMBtu/Hr)"
 - Revise "Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations 60 Million Amp/Hrs Per Year Subject to MACT)" to "Plating Tanks, Electrolytic or Electrowinning (Includes Decorative Chrome and Hard Chrome Operations \leq 60 Million Amp/Hrs Per Year Subject to Area Source MACT"
 - Revise "Polymeric Foam Products Without Control and < 25 Tons Per Year Potential Uncontrolled VOC Emissions" to "Polymeric Foam Products < 25 Tons Per Year Potential Uncontrolled VOC Emissions"
- Third, they add the following permitted source categories, not currently identified in any fee tables, to Fee Table B Sources:
- Add "Cement Terminal"
 - Add "Metal Recovery/Reclamation"
 - Add "Power Plant < 25 Tons Per Year Potential Uncontrolled NOx Emissions"
 - Add "Wastewater Treatment Plant"
- Fourth, they add a provision to reclassify any fee table A, F, or G source whose aggregate of all equipment, processes, or production lines has enforceable permit limits of < 2.0 tons per year of VOC or NOx, or < 1.0 ton per year of PM₁₀. This would result in the reclassified sources paying a lower annual administrative fee. Lastly, they move "Stripping Operation, Liquid Chemical Groundwater/Wastewater Remediation" from Table B to Table C.
- Section 403.3
- The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they modify the following existing Table C Sources to clarify source categories:
- Revise "Cement Products Packaging" to "Cement Products Packaging/Distribution"
 - Revise "Dry Cleaning" to "Dry Cleaning (Includes Perchloroethylene Dry Cleaning Facilities Subject to Area Source MACT)"
 - Revise "Solvent Cleaning, <3 Gallons Per Day" to "Non-Halogenated Solvent Cleaning, < 3 Gallons Per Day"
 - Revise "Miscellaneous Solvent Use" to "Miscellaneous Acid/Solvent Use"
 - Revise "Printing Facilities Without Control and < 25 Tons Per Year of Potential Uncontrolled VOC Emissions" to ""Printing Facilities < 25 Tons Per Year of Potential Uncontrolled VOC Emissions"
- Third, they add the following permitted source categories, not currently identified in any fee tables, to Fee Table C Sources:
- Engine Testing
 - Food Processing

FORMAL SESSION
July 12, 2006

- Injection molding
- Landscape and Decorative Rock, Gravel, and Sand Distribution
- Laundry, Other Than Dry Cleaning
- Semiconductor Lab/Testing/Services
- Solvent Storage/Handling
- Waste Transfer Facility
- Water Reclamation
- Sewage Lift Pump Station
- Drinking Water Plant
- Yard/Stockpiling

Lastly, they move "Stripping Operation, Liquid Chemical Groundwater-Wastewater Remediation" from Table B to Table C.

Section 403.4 This revision adds "Fee" to the section heading.

Section 403.5 This revision adds "Fee" to the section heading

Section 403.6 The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they correct the Clean Air Act New Source Performance Standard reference. Third, they modify the "Semiconductor Manufacturing \geq 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls" to "Semiconductor Manufacturing \geq 25 Tons Per Year Potential Uncontrolled VOC Emissions Or Facility With Controls Subject to Source Testing". Fourth, they add "Fee" and delete "table".

Section 403.7 The revisions in this section make several changes to the rule. First, they add "Fee" to the section heading. Second, they correct the Clean Air Act New Source Performance Standard reference. Third, they add "Fee".

WATER DELIVERY DISTRICT BOUNDARY CHANGES – WINDSOR SQUARE IRRIGATION WATER DELIVERY DISTRICT NO. 27

Pursuant to A.R.S. §48-3427 and 48-262H, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the applications for boundary change as submitted by the District Trustees for the Windsor Square Irrigation Water Delivery District No. 27 and order the inclusion of two parcels to the district. (Application on file in the Clerk of the Board's Office) (C0606078700) (ADM4362)

WATER DELIVERY DISTRICT BOUNDARY CHANGES – TURNEY TRACT IRRIGATION WATER DELIVERY DISTRICT NO. 15

Pursuant to A.R.S. §48-3427 and 48-262H, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the applications for boundary change as submitted by the District Trustees for the Turney Tract Irrigation Water Delivery District No. 15 and order the inclusion of one parcel to the district. (Application on file in the Clerk of the Board's Office) (C0606079700) (ADM4353)

AMENDMENT FOR VEHICULAR CRIMES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Revision No. 2 to the agreement between the Governor's Office of Highway Safety and the Maricopa County Attorney's Office approved by the Board of Supervisors on July 6, 2005. By this action, this agreement will be extended to June 30, 2006.

There are no additional grant funds awarded with this decision. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906002301)

GRANT FUNDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the receipt of the following grant funds:

- a. **Public Safety Victim Assistance Grant Program.** This grant is from the Arizona Department of Public Safety Victim Assistance Grant Program, in the amount of \$44,545.00. The Maricopa County Attorney's Office recognizes that this grant requires a match of \$11,136.00, and has the resources to provide this match. This agreement, DPS Contract No. 2005-388, shall commence on July 1, 2006, and terminate on June 30, 2007. The 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 13.82%. The non-recoverable indirect cost of administering this grant is \$6,156.12. Approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant, in the amount of \$44,545.00 for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906045300)
- b. **High Intensity Drug Trafficking Area Prosecution Program.** This grant is from the Arizona Criminal Justice Commission, in the amount of \$83,519.00, for a High Intensity Drug Trafficking Area Prosecution Program. This grant agreement, ACJC Grant Number HT16-06-1210, will commence October 1, 2005, and end September 30, 2006. Acceptance of this agreement will allow the Maricopa County Attorney's Office to use the funds specifically to support and enhance activities intended to deter, investigate and/or prosecute drug offenders. The grant funds may not be expended for any indirect costs that 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 this grant is \$13,530.08. Therefore, no budget amendment for the County Attorney (190) Grant Fund (219) is authorized. Approval of this action does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906046300)

- c. **Arizona Vehicle Theft Task Force.** This grant is from the Arizona Automobile Theft Authority in the amount of \$230,450. These grant funds are intended to be used exclusively for reimbursement of expenditures related to the prosecution of Arizona Vehicle Theft Task Force auto theft cases. This grant agreement commenced on July 1, 2006, and will terminate on June 30, 2007. The grant funds may not be expended for any indirect costs that 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 13.82%. The non-recoverable indirect cost of administering this grant is \$31,848. Approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant, in the amount of \$88,317, for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906047300)
- d. **Crime Victim Assistance Program.** This grant is from the Arizona Criminal Justice Commission for FY 2006-07 Crime Victim Assistance Program in the amount of \$104,300. These funds are to provide services to victims of crime. This Grant Agreement, ACJC Grant Number VA-07-024, commences on July 1, 2006, and terminates on June 30, 2007. The Maricopa County Attorney recognizes that this grant requires a match of \$104,300 and has the resources to provide this match. The 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 13.82%. The non-recoverable indirect cost of administering this grant is \$14,414. Also, approve revenue and expenditure appropriation decrease adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$2,066, for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906048300)
- e. **Aggravated Domestic Violence Prosecution Program.** This grant is from the Arizona Criminal Justice Commission for the FY 2006-07 Aggravated Domestic Violence Prosecution Program, in the amount of \$47,028. These grant funds are to provide victim assistance services to victims of domestic violence cases being prosecuted. This Grant Agreement, ACJC Grant Number ADV-07-215, will commence on July 1, 2006, and terminate on June 30, 2007. The grant funds may not be expended for any indirect costs that 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 13.82%. The non-recoverable indirect cost of administering this grant is \$6,499.27.

Also, approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in the amount of \$9,558.00 for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906053300)

- f. **Obscenity Prosecution Program.** This grant is from the Arizona Criminal Justice Commission for the FY 2006-07 Obscenity Prosecution Program in the amount of \$155,972. These funds are to enhance efforts to prosecute obscenity offenders. This Grant Agreement, ACJC No. OBS-07-168, will commence on July 1, 2006, and will terminate on June 30, 2007. The grant funds may not be expended for any indirect costs that 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 13.82%. The non-recoverable indirect cost of administering this grant is \$21,555.33. Also, approve revenue and expenditure appropriation decrease adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$39,994.00 for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906054300)
- g. **Gang Prosecution Program.** This grant is from the Arizona Criminal Justice Commission for the FY 2006-07 Gang Prosecution Program, in the amount of \$334,200. These grant funds are provided to enhance efforts to prosecute gang offenders. This Grant Agreement, ACJC No. GP-07-092, will commence on July 1, 2006, and will terminate on June 30, 2007. The 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 13.82%. The non-recoverable indirect cost of administering this grant is \$46,186.44. Also, authorize revenue and expenditure appropriation increase adjustments for the County Attorney (190) Grant Fund (219) in the amount of \$32,117. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906055300)
- h. **Crime Victim Compensation Program.** This state and federal grant is from the Arizona Criminal Commission for FY 2006-07 for the Crime Victim Compensation Program, in the amount of \$1,942,525. The funding under Arizona Criminal Justice Commission Certification No. VC-07-056 shall commence on July 1, 2006, and will terminate on September 30, 2007.

**FORMAL SESSION
July 12, 2006**

State monies of \$1,261,381 are allocated for the period of July 1, 2006 through June 30, 2007, and federal funds of \$681,144 can be spent during the period of October 1, 2006 through September 30, 2007. The grant funds may not be expended for any indirect costs that 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 13.82%. The non-recoverable indirect cost of administering this grant is \$268,456.96. Also, approve revenue and expenditure appropriation reduction adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$325,116 for FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906056300)

INVESTIGATION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a contract with Flagstaff Medical Center to gather and collect evidence, conduct forensic interviews, and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving persons under the age of 18 and/or "Vulnerable Adults", as defined in the Arizona Revised Statutes. The contract term is from the date of Board approval until May 31, 2007. Flagstaff Medical will be reimbursed \$300 per interviewee per case for interviews and \$300 for medical forensic interviews. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C1906051100)

SETTLEMENT OF CITIZENS TELECOMMUNICATIONS CO.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize Sanders & Parks to settle, on Maricopa County's behalf, Citizens Telecommunications Co., et al. v. Arizona Department of Revenue, et al., No. TX 1998-000716 (Consolidated), Arizona Tax Court. This item is scheduled to be discussed in Executive Session on July 10, 2006. (C1906052M00) (ADM413-001)

JOINT DEFENSE AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize entering into a Joint Defense Agreement in regard to the Mayer Unified School District and Gadsden Elementary School District vs. Mark Winkleman, et al. litigation. This item is scheduled to be discussed in Executive Session on July 10, 2006. (C1906050M00) (ADM413)

AID STATION AT BARTLETT LAKE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Special Use Permit between the U.S. Department of Agriculture, Forest Service and the Maricopa County Sheriff's Office, for the Aid Station at Bartlett Lake.

**FORMAL SESSION
July 12, 2006**

This amendment will allow construction activities and improvements within the permit area to commence on June 16, 2006, and be completed on September 30, 2006. This Special Use Permit will not affect the budget. (C5001053C01)

FINANCIAL AND OPERATING PLAN FOR TONTO NATIONAL FOREST

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Modification No. 1 to the 2006 Financial and Operating Plan of the Cooperative Law Enforcement Agreement between the Maricopa County Sheriff's Office and the U.S. Department of Agriculture, Forest Service, Tonto National Forest. This modification is to clarify the language in the Financial and Operating Plan allowing the Sheriff's Office to accept reimbursement funding for overtime and operating costs associated with providing law enforcement for fire prevention or fire suppression situations within the boundaries of the Tonto National Forest. (C5006514202)

TEMPORARY ADDITION TO FLEET - SINGLE AXLE BOX TRAILER

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a one-time addition to fleet of a 6'x10' single axle box trailer, seized under DR05087741, and forfeited through the County Attorney's Office as stated in court order # CV2005-016348, and is now Sheriff's Office property. This trailer will be used by the General Investigation Division for fire investigations. The estimated value of this trailer is \$2,890. The operating and maintenance costs are estimated to be \$500 annually and will be paid by the Sheriff's Office General Fund (100). No vehicle replacement cost is associated with this temporary addition to fleet, which will automatically be removed from the Maricopa County Sheriff's Office fleet when it is no longer useful. (C5007002M00) (ADM3104)

ADDITION TO FLEET - PALLET JACK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition to the fleet of one Toyota Low Lift Walkie/Rider Pallet Jack, Model 6HBE30, Serial #27536, acquisitioned on May 30, 2005, for use at the Sheriff's Office/Elections Warehouse located at 3rd Avenue and Lincoln in Phoenix, Arizona. Approval of this item allows the equipment to be maintained by Equipment Services. The asset value is approximately \$9,600. (C5007004M00) (ADM3104)

SPILLMAN'S INSIGHT APPLICATION OR WEB SERVICES INTERFACE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between Pinal County and the Maricopa County Sheriff's Office (MCSO) for the acquisition of the Spillman's InSight Application or Web Services Interface. Pinal County is the administrators of the Federal Department of Homeland Security, Office for Domestic Preparedness, Reimbursement Grant Programs passed-through the Arizona Division of Emergency Management. On behalf of MCSO, Pinal County will purchase the Spillman's InSight Application or Web Services Interface. The term of this IGA is one year from the date of signatures. (C5007501000)

CLINICAL EDUCATION AGREEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a non-financial clinical education agreement (affiliation agreement) with Mayo Clinic to allow their residents and/or medical students to participate in learning experiences at the Maricopa County Office of the Medical Examiner. (C2906004000)

**FORMAL SESSION
July 12, 2006**

TRANSFER FUNDS FOR OFFICE OF THE MEDICAL EXAMINER

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to transfer an annualized not-to-exceed amount of \$642,977 from contingency funding to the Office of the Medical Examiner for operations. This includes \$579,775 in personal services, \$60,640 in operational supplies and services, and \$2,563 in operational capital items. These funds were requested in the Office of the Medical Examiner FY 2006-07 Results Initiative Requests and were approved in contingency in the FY 2006-07 budget. Staff from the Office of the Medical Examiner and the Office of Management and Budget developed a staffing model based on the caseload to justify the additional staff. Work on this model will continue and an activity-based analysis will be completed for supplies and services. When completed, if additional funding is warranted, an additional agenda item will be prepared to transfer additional funding to the Office of the Medical Examiner. (C2907003800) (ADM2170-003)

AGREEMENTS WITH CORRECTIONAL HEALTH SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following affiliation agreements, as amended, between Correctional Health Services and the following entities. The agreement period would be for five years with four one-year renewal options. There is no financial impact.

- a. **Arizona State University, School of Social Work.** Approval would provide graduate level students in social work the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. (C2606008200)
- b. **Midwestern University.** Approval would provide physician assistant students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. (C2606009000)

REJECT CLAIMS DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to reject claim demands May 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 \$1,084,012.01 and A.R.S. §11-622 \$0.00). (C3906017700) (ADM1804)

**MONTHLY REPORT
May 2006**

VENDOR	AMB., DOCTORS, HOSP. ARS 11-629	OVER SIX MONTHS ARS 11-622
Banner Good Samaritan Reg Med	269,139.18	0.00
Clinical Diagnostic Radiology	38.00	0.00
Emergency Physicians Prof Asso	564.00	0.00
Empower Emergency Physicians	544.00	0.00
Maricopa Health Systems	663,219.49	0.00

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

Medpro	42,124.90	0.00
Phoenix Memorial Hospital	39,934.29	0.00
Professional Medical Transport	2,126.69	0.00
Radiology Services	363.00	0.00
Southwest Ambulance	702.29	0.00
St Josephs Hosp Arizona	26,745.00	0.00
St Luke's Medical Center	37,066.17	0.00
Valley Anesth Consultants Ltd	1,445.00	0.00
Grand Totals:	\$1,084,012.01	0.00
Restitution	0.00	
Totals Denials:	\$1,084,012.01	

PERSONNEL AGENDAS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas with the deletion of the one entry listed on Page 1 for Department 1312 (as modified by the Clerk prior to the vote). Exhibits A and B will be found at the end of this set of Minutes.

PUBLIC HEALTH PUBLIC INFORMATION LINE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 1 to the contract with Banner Health System d.b.a. Banner Good Samaritan Medical Center through Maricopa County Department of Public Health to provide a Public Health public information line. The contract term is from July 1, 2006 to June 30, 2007 for a dollar amount not-to-exceed \$99,000. (C8604078101)

DONATION OF HIV/AIDS PHARMACEUTICALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to retroactively accept the donation of HIV/AIDS pharmaceuticals, at no cost to Maricopa County, from the Arizona Department of Health Services (ADHS) for use in the Maricopa County Department of Public Health's (MCDPH) HIV/AIDS Program. The value of the pharmaceuticals in FY 2005-06 is estimated to not exceed \$6,300,000. This grant-like item is awarded in-kind, the value of which will be booked as a revenue and expenditure in the Finance System. The contract with Department of Public Health for this in-kind program, the AIDS Drug Assistance Program, terminated on May 31, 2006, and will be carried on by a private pharmacy. Public Health's indirect rate is 16.67%, but due to this being a non-cash transaction, indirect costs are not charged. The total unrecoverable amount is \$1,050,210. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and 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. (C8605920M01) (ADM2150)

FORMAL SESSION
July 12, 2006

MEXICO TB MEDICATIONS PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to retroactively approve the Memorandum of Understanding with the Arizona Department of Health Services for the Mexico TB Medications Project. The grant period is April 1, 2006 to March 31, 2008. The dollar amount for this grant will not exceed \$36,000 over the agreement period. The Department of Public Health's indirect cost rate is 16.67%. Indirect is not included under this agreement. Unrecoverable indirect costs are estimated at \$2,667. The appropriation adjustment is necessary because these funds were not included in the FY 2005-06 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and 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. (C8606069200)

PRIMARY MEDICAL CARE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following intergovernmental agreements (IGAs) with Special Health Care District d.b.a. Maricopa Integrated Health Systems (MIHS):

- a. For the provision of Primary Medical Care to individuals affected by HIV/AIDS. The term of the IGA is March 1, 2006, and continues through February 28, 2007, for an amount not-to-exceed \$1,891,924. 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. Maricopa Integrated Health Systems was a successful respondent to a Request for Proposals, Number 05-022 (MC1-328) issued by the Department of Public Health that closed on January 20, 2006. (C8606831100)
- b. For the provision of Primary Medical Care – MAI (Minority AIDS Initiative) to individuals affected by HIV/AIDS. The term of the IGA is retroactive from March 1, 2006, and continues through February 28, 2007, for an amount not-to-exceed \$200,671. 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. Maricopa Integrated Health System was a successful respondent to a Request For Proposals, Number 05-022 (MC1-328) issued by the Department of Public Health that closed on January 20, 2006. (C8606832100)

PANDEMIC INFLUENZA PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to accept additional grant funding from the Arizona Department of Health Services (ADHS) for use in the Maricopa County Department of Public Health's Public Health Emergency Management program for the Pandemic Influenza Project. This funding is a part of the Emergency Preparedness and Response Program Grant No. 252031 from ADHS from the Centers for Disease Control and Prevention. The grant funding was previously approved on the 2006 Letter of Intent (C86060433LI, Item No. 1, (C8602141203), on March 1, 2006, by the Board of Supervisors, in the amount of \$3,100,000. The amount of this additional grant funding is \$735,503. The period of the additional funding is effective through August 30, 2006. Public Health's indirect rate is 16.67%. The total recoverable amount is \$105,090. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore, expenditures of these revenues are not prohibited by the budget law.

FORMAL SESSION
July 12, 2006

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. (C8607002200)

EARLY HEAD START HOME-BASED PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendments No. 4 to the non-financial intergovernmental agreements, between Maricopa County Human Services Department and the following entities regarding roles and responsibilities related to the entity and the Early Head Start home-based program. These amendments extend the term of the agreements to July 1, 2006, through June 30, 2007. The entities will provide classroom space for program activities and security for Early Head Start staff and other participants.

- a. Arizona Department of Juvenile Corrections on behalf of Black Canyon, for select female youth. The Maricopa County Early Head Start program will provide parenting education services to seven teen girls who are mothers of infants or toddlers. (C2202131204)
- b. Arizona Department of Juvenile Corrections on behalf of Adobe Mountain, for select male youth. The Maricopa County Early Head Start program will provide parenting education services, with the focus on the eligible male fathers as a primary factor in the child's development. (C2203112004)

HEAD START CLASSROOM CLOSURE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the non-financial agreement between Scottsdale Unified School District #48 and Maricopa County's Human Services Department that expires June 30, 2007. This amendment will be effective July 1, 2006, and modifies Section III, Facilities, to remove Zuni Elementary School from the list of facilities. Maricopa County is closing its Head Start classroom at Zuni due to lack of demand for services by Head Start eligible children. (C2205027201)

WIA ACTIVITIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the intergovernmental agreement between Maricopa County Human Services Department and the Arizona Department of Economic Security, Rehabilitation Services of Arizona for FY 2006-07 in the amount of \$28,700. This agreement provides for Workforce Investment Act system activities that increase the employment, retention and earnings of participants and increase the occupational skill attainment by disabled participants through a satellite office located at the Arizona Industries for the Blind at 3012 W. Lincoln, Phoenix, Arizona 85009, and an Assistive Technology Center at the Gilbert One-Stop Center at 735 N. Gilbert Road, Gilbert Arizona 85234. This contract does not contain any county general funds. (C2206102001)

NETWORK SERVER IN SECURITY BUILDING

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 6 to Contract C7004039800, Concord General Contracting, in the amount of \$12,402.78 with an effective date of May 18, 2006, to make accommodations for the Park Department's network server in the Security Building.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

Funding for this change order is available in the Parks & Recreation Department General Fund FY 2005-06 budget (100-300-3039) and the work was performed prior to June 30, 2006. (C3006037100) (C7004039800)

USERY MOUNTAIN REGIONAL PARK DOMESTIC WATER SYSTEM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize a call for bids to construct the Usery Mountain Regional Park Domestic Water System and award a contract to the lowest responsible bidder if the bid does not exceed the engineer's estimate by more than 10%. Funding for this project was approved by the Board of Supervisors on September 21, 2005, as a part of Agenda Item C3006009M00 and is available in the Appropriated Fund Balance Department (480) General Government County Improvement Fund (Fund 445, Org 4833). (C3006038500)

DONATION AND TEMPORARY ADDITION TO FLEET

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the donation of an all-terrain vehicle to McDowell Mountain Regional Park and addition of the vehicle to the Maricopa County vehicle fleet. The cost of the vehicle, approximately \$10,000, will be paid for by the McDowell Park Association. This vehicle is consistent with the county's vehicle policy. This vehicle will not be replaced at the end of its service life. The annual maintenance cost of the vehicle will be absorbed within the current and future budget appropriations. (C3006039M00) (ADM3104)

VISITOR CENTERS AND AMPHITHEATERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute the consultant services contract with TRK Architecture & Facilities Management, Inc. for architecture and engineering professional services to be performed in connection with the "Visitor Centers and Amphitheaters Design and Construction" in the amount of \$647,099. (C3007001500)

KENNEL PERMITS RENEWALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the kennel permit renewal for Leighton Oosthuisen, d.b.a. Oosthuisen Kennels, 4640 E. Forest Pleasant Place, Cave Creek, AZ 85331, Permit #311 for the term of June 21, 2006 through June 20, 2007. The cost of a kennel permit is \$328, plus a penalty fee of \$25; totaling \$353. (Supervisorial District 2) (C7906119C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of a restricted donation from Allstate Life Insurance Company of New York, Policy No. 765804871, on behalf of Patricia Ann Williamson, deceased, Maricopa County, AZ, to Maricopa County Animal Care & Control in the amount of \$2,349.77, for the STAR program. Donation revenue funds are deposited into Fund (573) as they are received. (C7906120700) (ADM2300)

FORMAL SESSION
July 12, 2006

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) 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.

TRANSFER AND CONVEYANCES OF SPECIFIC REAL PROPERTY

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) on a roll call vote with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye" to approve the transfer and conveyances of specific real property, designated as flood control drainage channels located within Sun City and Sun City West subdivisions, to the Flood Control District of Maricopa County and authorize the Chairman of the Board to execute all necessary documents approved by Civil Division to complete the transfer and conveyance (Flood Control District Agenda Item Control Number C6906083600, which was approved on June 21, 2006). This item is continued from the June 21, 2006 Formal Board Meeting. (C1806048000) (ADM812)

CAPITAL LEASE DOCUMENTS FOR COMPUTER EQUIPMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the Chairman to execute all capital lease documents, including the "Declaration of Official Intent," required for the acquisition of county departmental computer equipment approved per the FY 2006-07 budget process. The county has determined a need to provide updated technology equipment on a three-year "refresh" basis. Therefore, most departments will not purchase computer equipment outright, but will enter into a three-year capital lease for computer equipment facilitated by the Office of the CIO. The county intends to enter into reimbursement capital lease financing for the purchase of departmental computer equipment not-to-exceed the approved budget amount of \$10,499,305 for FY 2006-07. The county will be reimbursed for the expenditures with the proceeds of the lease obligation. (C1806050800) (ADM1831-003)

SOLICITATION SERIALS

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

Renewal/Extension:

The renewal/extension of the following contract. (This is recommended with the concurrence of the using agency and the vendor, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

FORMAL SESSION
July 12, 2006

Until July 31, 2009

- 03037-S** **CHS Medical/Clinical Laboratory Services** (\$5,000,000 estimate/three years).
Price agreement renewal for medical/clinical laboratory services for the Maricopa
County Sheriff's Office inmates as requested by Correctional Health Services.
- o Sonora Quest Laboratories

SETTLEMENT IN HERNDON V. MARICOPA COUNTY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement in Charles and Eleanor Herndon v. Maricopa County. This item is scheduled to be discussed in Executive Session on July 10, 2006. (C7506023100) (ADM409)

ACCEPTANCE OF LIEN AND WAIVER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve acceptance of \$7,500 from the insurance carrier for third party owner of vehicle at fault for an accident involving county employee Benito Ganados, on County's Workers Compensation lien, and approve waiver of the remaining lien. This item was discussed in Executive Session on June 19, 2006. (C7507001100) (ADM409)

FINAL SETTLEMENT IN GAIL GODDARD PROPERTY CLAIM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the additional and final portion of settlement in the Gail Goddard property claim against Maricopa County. This item was discussed in Executive Session on July 10, 2006. (C7507002100) (ADM409)

SETTLEMENT OF DAVIS V. MARICOPA MEDICAL CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve settlement in Gene Carroll Davis et al. v. Maricopa Medical Center et al. CV2004-022049. This item was discussed in Executive Session on July 10, 2006. (C7507003100) (ADM409)

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the acceptance of a donation from the Cochise County Health Department of four 55-gallon drums of Golden Bear larvacide worth an estimated \$3,096. The four drums contain 180 gallons of larvacide. By accepting this donation of larvacide, the vector control program will be able to provide 45 acres with vector control larvacide services. (C8806016M00) (ADM2350)

EAST COURT BUILDING COURTROOM RENOVATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and authorize the execution of Contract No. FMD-06-041, with Brignall Construction of Phoenix, Arizona, in the amount of \$922,146. This contract is to provide Maricopa County East Court Building Courtroom Renovations Construction Manager-at-Risk Construction Services Phase 3.

FORMAL SESSION
July 12, 2006

At this time, it is anticipated that approximately one more phase guaranteed maximum price (GMP) and contract will be presented. The additional GMP construction phases of the contract will be presented to the Board of Supervisors for their approval prior to the start of construction. (C7006030503)

JUVENILE PROBATION INFRASTRUCTURE IMPROVEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and authorize the execution of contract No FMD-06-035 with Layton Construction of Phoenix, AZ in the amount of \$3,000,000. This contract is to provide Maricopa County Juvenile Probation Infrastructure Improvements Construction Manager-at-Risk Construction Services Phase 2. At this time it is anticipated that one more phase guaranteed maximum price (GMP) and contract will be presented to the Board of Supervisors for their approval prior to the completion of construction. (C7006049000)

JUSTICE SYSTEM AND SUPERIOR COURT MASTER PLAN REPORTS

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to transfer expenditure authority from FY 2006-07 contingency funds in the amount of \$278,626 from General Government (470) Detention Fund (Fund 255) Reserved Contingency (4711) to General Government (470) Detention Fund (255) Master Planning (4712). Approve and authorize the second phase of Contract No. FMD-06-011, with DMJM, Inc. of Phoenix, Arizona in the amount of \$878,626. This contract is to provide an update to the 1997 Maricopa County Criminal Justice System Planning Report and to provide implementation of programming and related activities for the 2004 Superior Court Master Plan. (C7007001000) (ADM1100-003)

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

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

- | | |
|-------------------|---|
| A127.008
(HH) | Project No.: TT011 - 89th Avenue (Deer Valley Road to Williams Road) - Warranty Deed - Parcel No.: 200-08-477 - Gregory L. Stern - for the sum of \$398,000.00. |
| A127.008
(HH) | Project No.: TT011 - 89th Avenue (Deer Valley Road to Williams Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 200-08-477 - Gregory L. Stern. |
| A322.016
(DLK) | Project No.: TT171B - Turner Road and Hazen Road - Temporary Easement and Agreement for Highway Purposes - Parcel No.: 401-06-013H - Joan Hardison as Trustee - for the sum of \$3,047.00. |
| A342
(DLK) | Project No.: TT012 - Hawes Road and Hunt Highway - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-90-424D - Howard L. and Geneva Rainwater - for the sum of \$100.00. |
| A342
(DLK) | Project No.: TT012 - Hawes Road and Hunt Highway - Letter Agreement for a Temporary Construction Easement - Parcel No.: 304-90-424E - Donald and Juanita Yadow - for the sum of \$100.00. |
| A343.001 | Project No.: TT210 - MC 85 at El Mirage Road - Agreement for Right of Entry - Parcel |

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

- (CS) No.: 500-31-003 - Donald H. Woo and Ginger Woo Family Ltd. Partners #1 - for the sum of \$500.00.
- DD-9212 Project No.: O.R. - Special Warranty Deed - Parcel No.: 501-52-005C - Boa Sorte
(GL) Limited Partnership, Viel Gluck Limited Partnership, Ben Fatto Limited Partnership, Mt. Baldy Limited Partnership, and T-Ray Investments, Inc. - for the sum of \$10.00.
- W-4183 Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Warranty Deed -
(RS) Parcel No.: 211-50-045B, 045C - Robert K. Corrigan, Trustee - for the sum of \$131,040.00.
- W-4183 Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Street) - Purchase
(RS) Agreement and Escrow Instructions - Parcel No.: 211-50-045B, 045C - Robert K. Corrigan, Trustee.
- W-6065-4, Project No: 68902 - Ellsworth Road (University Drive to McLellan Road) - Amendment
W-6066-4, One - Construction Period Land Use License - Parcel No.: 220-21-002N, 156, 002Y,
W-6066-1, 002Z, 003D, 218-07-41A, and 022Y - Central Arizona Water Conservation District.
W-6066 (JPM)

CHANGE ORDER TO ON-CALL INSPECTION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 1 to On-Call Inspection Services, Contract No. CY 2004-29 with Kleinfelder, Inc., which will extend the contract performance period through July 30, 2006; the contract amount will not be increased. (C6404147502)

COTTON LANE BRIDGE OVER THE GILA RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a not-to-exceed guaranteed maximum price of \$52,000,000 for Construction Manager-at-Risk Phase II construction services for the Cotton Lane Bridge over the Gila River, Project No. TT180, Contract 2006-039. The project budget for FY 2006-07 will be adjusted. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. (C6406252500)

COTTON LANE FROM MC 85 TO ESTRELLA PARKWAY – CONTINUED

Item: Approve the intergovernmental agreement between Maricopa County and the City of Goodyear for improvements to Cotton Lane from MC 85 to Estrella Parkway. The county proposes to construct a 3.25 mile section of Cotton Lane and a bridge over the Gila River Channel in compliance with county and city standards. The county will act as the lead agency for this project, with the costs being shared among four parties; the county, the city, and two private developers. The city acknowledges that without secured private developer funding, this project will not proceed. The county's financial commitment to this project is \$17,284,911. The project budget for FY 2006-07 may be adjusted to meet the actual construction expenditures. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. (C6406284200)

The Clerk announced that this item has been continued to the July 26, 2006, meeting.

FORMAL SESSION
July 12, 2006

EASEMENT – UTILITY LINE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the granting of an easement by Maricopa County to a utility company for a utility line in the vicinity of 28th Avenue and Durango for additional electricity. Pursuant to A.R.S. §11-251.9, a public auction will be held. Bids will start at zero dollars. (C6406285000) (ADM2009)

ROAD ABANDONMENT (ROAD FILE NO.AB-146)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) that the following resolution be adopted: (C6406286000)

WHEREAS, pursuant to ARS §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

That portion of roadway as depicted in Book 3 of Road Maps, Page 16 known as Rooks Road from Baseline Road to Southern Avenue having a width of 66 feet lying within Section Thirty one (31), Township One North, Range Three (3) West and Section Thirty six (36), Township One (1) North, Range Four (4) West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona; said roadway being 33 feet on each side of the following described line.

commencing at the Southeast corner of said Section 36, also being the Southwest corner of said Section 31: Thence, Northerly along the common line between said Sections 31 and 36 a distance of 181.32 feet to a point on the North Right of Way line of Baseline Road, said point being the point of beginning; Thence continuing Northerly along the common line of said Section 31 and 36 to the Northeast corner of said Section 36, also being the Northwest corner of said Section 31 and the terminus thereof. except therefrom, any portion lying within Rooks Road from Baseline Road to Southern Avenue as described in that certain document 99 1069453, officially adopted on this 20th day of January, 1999 by the Board of Supervisors, Maricopa, County, Arizona.

WHEREAS, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

WHEREAS, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

NOW, THEREFORE, IT IS ORDERED that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

DATED this 12th day of July, 2006.

ANNEXATION BY THE TOWN OF AVONDALE

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the annexation by the Town of Avondale of county right-of-way within Indian School Road (Dysart Road to El Mirage Road), in accordance with Ordinance No. 646-97. (C6406287000) (ADM4201)

FORMAL SESSION
July 12, 2006

[Clerk's Note: (This is not an official part of the Minutes.) This item was rescinded on August 16, 2006. The correct legal description of this annexation was approved on August 16, 2006.]

That portion of Sections 22, 23, 24, 25, 26 and 27, Township 2 North, Range 1 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows: Section 22 The South 33.00 feet of the East 40.00 feet Section 23 The South 33.00 feet of the Southwest quarter and the Southwest quarter of the Southeast quarter EXCEPT: The East 25.00 feet; The South 33.00 feet of the Southeast quarter of the Southeast quarter EXCEPT: The East 10.00 feet of the West 40.00 feet, and the West 10.00 feet of the East 65.00 feet; The North 42.00 feet of the South 75.00 feet of the East 55.00 feet of the Southeast quarter Section 24 The South 75.00 feet of the West 55.00 feet. Section 25 The South 102.00 feet of the West 55.00 feet. Section 26 The North 55.00 feet thereof EXCEPT: the East 10.00 feet of the West 40.00 feet of the Northeast quarter of the Northeast quarter and the East 65.00 feet. The South 102.00 feet of the West 55.00 feet. Section 27 The North 55.00 feet of the East 40.00 feet.

LAND EXCHANGE FOR ANIMAL CONTROL FACILITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve resolution #MCDOT 06-01 which will memorialize the transfer of real property purchased with HURF funding by the county for property held by the county that was purchased with general funds. Said transfer will accommodate construction of the planned new Animal Control Facility at the Durango Complex. Property involved has been appraised. The transfer will be "like value" for "like value" with no dollars involved. (C6406289000) (ADM811)

APPOINTMENTS AND RESIGNATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following actions:

- a. **Merit System Commission** – Accept the resignation of Mr. Augustus Shaw, effective upon Board of Supervisors approval. (C0606083900) (ADM3315-001)
- b. **Housing Authority of Maricopa County** – Appoint Mr. Jeff McIntyre, representing Supervisorial District 2, whose term is effective from Board of Supervisors' approval through June 30, 2010. (C0606085900) (ADM2405-001)
- c. **Building Code Advisory Board** – Re-appoint Mr. John Kight and Mr. Kurt Konrath, representing Trades, whose terms are effective from Board of Supervisors' approval through March 30, 2010. (C0606086900) (ADM3414-001)

REGIONAL SCHOOL DISTRICT #509

The Board of Supervisors, pursuant to its authority granted in A.R.S. §15-1001, will consider for approval vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)

No District vouchers were received for approval or ratification at this meeting. No staff updates were given at this meeting.

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for August 16, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2005136; Z2005138; Z2005146; Z2004092; Z2006033; Z2006034; TA2006003; CPA200504; TA2006005

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (ROBERT AND ANDREA VAN HOFWEGEN FAMILY, L.L.C. PROJECT) SERIES 2006 (THE "BONDS")

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). [Clerk's Note: (Not part of the official Minutes) See the July 26, 2006, Board Minutes for correction and re-approval of this item.] (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND SOLID WASTE DISPOSAL REVENUE BONDS (ROBERT AND ANDREA VAN HOFWEGEN FAMILY, L.L.C. PROJECT) SERIES 2006 IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$4,500,000 (THE "BONDS")

ASRS CLAIMS

No claims were submitted by the Arizona State Retirement System for this meeting. (ADM3309-001)

CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts for this meeting.

CLASSIFICATION CHANGES

No recommendations for changes were submitted by the Assessor for this meeting. (ADM723)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

COMPROMISES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested compromises as payment in full, as follows. This item was discussed in Executive Session on June 19, 2006. (ADM407)

Tykesha Govan	\$550.00
Efren Ochoa	\$10,000.00
Nicolassa Orozco	\$5,000.00
Deborah Vallejo	\$6,000.00
Kevin Wood	\$3,274.24

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for May 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 Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Industrial Shoe of Arizona	360534698	Expense	\$1,255.73
Telecom Center Phoenix LLC	360545548	Expense	\$23,722.66
ACE Parking Management	360554243	Expense	\$270.00
Sandra Price	360557325	Expense	\$172.93
Uprecht Supplies	360527717	Expense	\$32.41
4Imprint Inc	360557644	Expense	\$383.21

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Amy Hanrahan	Union Elem SD #62	460110011	\$1,579.46
Amy Hanrahan	Union Elem SD #62	460109959	\$4,839.52
Kevin Conner	East Valley Institute of Technology	160108620	\$157.00
Zelma Kane	Litchfield Elem SD #79	160116553	\$177.34
Carol Ann Whitney	Littleton SD	460121622	\$73.00
Higley Prof. Educators Org.	Higley USD #60	460039286	\$80.06
Higley Prof. Educators Org.	Higley USD #60	460032375	\$71.51
Alysia Arrieta	Tolleson Union High SD #214	214596632	\$686.14

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

Sarah Mileham DeCastro	Avondale Elem SD	160113798	\$4,592.33
Mary A Arnold	Avondale Elem SD	160117864	\$260.88
John Black	Agua Fria Union High SD #216	160103291	\$28.53
The Aces	Agua Fria Union High SD #216	460130681	\$2,902.50
Eldridge Plays and Music	Agua Fria Union High SD #216	460114132	\$150.65
Kick Off Program	Agua Fria Union High SD #216	460109835	\$775.00
Arizona School Administrators	Agua Fria Union High SD #216	460090616	\$3,300.00

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held March 2, 2006, March 30, 2006, April 20, 2006, April 25, 2006, May 22, 2006, and June 5, 2006.

OFF-TRACK PARI-MUTUEL WAGERING PERMIT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following applications filed by Turf Paradise for the following Off-Track Pari-mutuel Wagering Permits covering races from September 6, 2006 through May 31, 2009. (ADM151)

- a. Gavilan Peak Pizzeria, located at 46639 N. Black Canyon Highway, New River.
- b. Waddel's Longhorn Corral, located at 1629 N. 195th Avenue, Buckeye.

PRECINCT COMMITTEEMEN

No request for authorization on appointments and cancellations of appointment of Precinct Committeemen was received for this meeting. (ADM1701)

SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

TAX ROLL	FROM NO.	TO NO.	NET RESULT
2004	60194	60194	-\$4,843.49
2004	60193	60193	-\$25,188.88

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases dated July 12, 2006. (ADM704)

2004	2005/2006
TX2003-000764	ST2005-000083
TX2004-000145	ST2005-000113
TX2004-000184	2006
2005	ST2005-000044
TX2004-000859	ST2005-000085

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

TX2004-000863
TX2005-050214

ST2005-000099
ST2005-000133

STALE DATED WARRANTS

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

Cesar Lujan Bastidos \$5.25

TAX ABATEMENTS

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

WRITE-OFFS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the write-offs of the Sheriff's Uncollectible Accounts in the amount of \$37,739.50. This item was discussed in Executive Session held June 19, 2006. (ADM407)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

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

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox reported that she had received a letter of congratulations from Rebecca Flanagan, U.S. Department of Housing and Urban Development, on the work done by Vivian Diez who works with the Maricopa County Housing Department. Ms. Diez, who has displayed initiative on many HUD projects, put together a pre-summer youth job fair that was very successful. (ADM606)

Ms. Wilcox said that a prominent resident from the Town of Guadalupe has passed away, Larue Garcia. She recognized him for his long-time efforts and the many improvements he made for that community to make it a better place to live.

Supervisor Wilson commented on the play, "Tomas and the Library Lady" which he and Supervisor Wilcox had traveled to see and urged everyone who had the chance, to go to see "that amazing production."

Mr. Wilson also commented on the recognition given earlier to the Board's Clerk, Fran McCarroll, saying, "She makes our job a lot easier."

Supervisor Brock commented on Mayor Gordon's recent press conference about the excessive heat being experienced in the Valley in recent weeks. Mr. Brock asked residents to be mindful of others who might be experiencing problems because of the heat, especially those homeless persons who cannot always find a place to cool off. Mr. Brock thanked all those who donate quantities of water to the Human Services Campus during the summer months.

FORMAL SESSION
July 12, 2006

Chairman Stapley thanked Deputy County Manager, Sandi Wilson, who takes over when David Smith is traveling. He said that she wears many hats and does a wonderful job.

Clerk of the Board Fran McCarroll thanked her staff saying, "The Clerk is never just the Clerk, it's the Clerk's Office and they really are the ones who make all of this happen."

PLANNING AND ZONING AGENDA

Sandi Wilson 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).

~ Supervisor Brock left the meeting ~

CONSENT AGENDA DETAIL:

1. **Z2001-034** **District 4**
 Applicant: Heather Brigham
 Location: 53023 N. Fore Paugh Peak Road in western Maricopa County
 Request: Applicant driven removal of a Special Use Permit (SUP) for Equestrian Facility / RV Park / Bed & Breakfast in the Rural-190 zoning district (approximately 1.71 acres) – Heather Brigham

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2001-034 (remove the Special Use Permit). Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission to remove this SUP,

2. **Z2005-087** **District 1**
 Applicant: Huitt Zollars, Inc. for Republic Western Insurance Company
 Location: East side of Arizona Avenue north of Riggs Road (in the Sun Lakes area)
 Request: Major Amendment to Special Use Permit (SUP) for RV Storage in the C-3 zoning district (approximately 0.73 acres) – U-Haul

COMMISSION ACTION: Commissioner Masel moved to recommend approval of Z2005-087, subject to the following stipulations "a" through "m". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "U-Haul Storage and Rental Facility Major Amendment Z2005087 to the Special Use Permit Z99-115", consisting of three full-size sheets prepared by Huitt-Zollars, Inc., dated April 13, 2006 and stamped received May 23, 2006 except as modified by the following stipulations.

- b. Development shall be consistent with the narrative report entitled "Narrative Report, U-Haul Storage and Rental Facility-Major Amendment Z2005087 to the Special Use Permit Z99-115" consisting of four pages dated February 24, 2006 and stamped received May 23, 2006 except as modified by the following stipulations.
- c. All conditions of the original approvals for Z99-114, Z99-115, Z2002106, Z2002025, and Z2004090 shall apply.
- d. Prior zoning clearance, the property owner shall provide written evidence of a sight visibility triangle from the property to the south in favor of the subject property.
- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- g. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Arizona Department of Transportation (ADOT) for landscaping or other improvements in the right-of-way.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. 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.
- j. 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.
- k. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

FORMAL SESSION
July 12, 2006

- m. 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.

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

- 3. **Z2005-117 District 3**
Applicant: Robert Matock, Inc. for 3VH Investments, LLC, et. al.
Location: North of Anthem Way and east of Gavilan Peak Parkway (in the Anthem area)
Request: Precise Plan of Development in the C-2 CUPD zoning district (approximately 0.4 acres) – Anthem Pit Stop Lube and Oil

COMMISSION ACTION: Commissioner Makula moved to recommend approval of Z2005-117, subject to the following stipulations "a" through "m". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the Plan of Development entitled "Pit Stop Lube and Oil" –, consisting of two (2) full-size sheets, dated revised January 4, 2006, and stamped received April 19, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Pit Stop Lube & Oil – Anthem Precise Plan of Development Zoning Case Z2005117", consisting of eight (8) pages, revised April 10, 2006, and stamped received April 19, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the building elevations entitled "Pit Stop Anthem", consisting two (2) 12" x 18" size sheets, dated January 4, 2006, and stamped received April 19, 2006, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the landscape plan entitled "Pit Stop Lube & Oil", consisting of one (1) 8 ½" x 11", dated revised January 4, 2006, and stamped received April 19, 2006, except as modified by the following stipulations.
- e. All trees shall be double-staked when installed.
- f. A continuous parapet shall screen all roof-mounted equipment.
- 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 ground-mounted or screened from view.
- h. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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.
- 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 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).

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "m." Stipulation "d" was removed prior to the vote.

- 4. S2005-072 District 4**
Applicant: Fleet Fisher Engineering, Inc.
Location: Southeast corner of Olive Avenue & Jackrabbit Trail (in the west Glendale area)
Request: Final Plat in the Rural-43 RUPD zoning district for Sonoran Ridge Estates (approximately 80.62 gross acres)

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

~ Supervisor Brock returned to the meeting ~

REGULAR AGENDA DETAIL:

- 5. CPA2005-01 District 4**
Applicant: Anderson Land and Development, Inc.
Location: Southwest of Grand Avenue, at the northwest corner of Crozier Road & Lone Mountain Road (in the Wittmann/Surprise area)

FORMAL SESSION
July 12, 2006

Request: Comprehensive Plan Amendment (CPA) to the White Tank / Grand Avenue Area Plan to change land use designations from Rural Residential to Small Lot Residential and Neighborhood Commercial (approximately 150.56 acres) – Rancho Maria. Adoption is by Resolution.

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2005-01, subject to the following stipulations “a” through “i”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the narrative report entitled, “Rancho Maria Comprehensive Plan Amendment”, a document consisting of ten (10) pages dated revised February 2006 and stamped received May 30, 2006, except as modified by the following stipulations.
- b. Prior to final plat approval, an approved “Pre-Annexation Services Agreement” must be signed by the City of Surprise and Anderson Land & Development, and submitted to Maricopa County Planning & Development Department.
- c. The total number of residential units shall not exceed 383 dwelling units.
- d. A minimum of 30.4 acres of open space shall be provided.
- e. If the initial final plat for this project has not been approved within three (3) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Small Lot Residential (2-5 d.u./ac) designation back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- f. If the initial final plat for this project has not been approved within three (3) years from the date of comprehensive plan amendment approval, this comprehensive plan amendment will be scheduled for public hearing by the Maricopa County Board of Supervisors, upon recommendation by the Maricopa County Planning and Zoning Commission, to consider reverting the Neighborhood Retail Center designation back to the previous Rural Residential (0-1 d.u./ac) designation. Further, should this designation be reverted, all zoning and other entitlement changes approved as part of this project shall also be considered for reversion by the Board of Supervisors to the previous entitlements.
- g. The following MCDOT stipulations shall apply:
 - i. The applicant will be required to comply with all recommendations in the MCDOT - approved TIS.
 - ii. The Applicant shall contribute their proportionate share to offsite regional roadway improvements. The contribution will be \$3,281.00 per dwelling unit. The Applicant shall pay the contribution amount at the time individual building permits are issued, or per alternate agreement as approved by MCDOT.

- iii. The applicant will be required to comply with all other standard MCDOT recommendations, including but not limited to:
 - 1. Provide all-weather access.
 - 2. Provide two means of access at all times.
 - 3. Provide paved access to the nearest paved roadway.
 - 4. Provide ultimate full-width construction of interior streets and half-width construction of perimeter streets.
- h. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to MCESD, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans.
- i. A Certificate of Assured Water Supply must be obtained for the development prior to recordation of the final plat.
- j. The Applicant shall make a \$150.00 contribution to the Maricopa County Parks and Recreation Department for every building permit issued which will fund facilities repair and new capital improvements.
- k. The applicant shall make a \$596.00 life assessment for each housing unit constructed to the Maricopa County Library District, for the purposes of future library service needs.
- l. The following LAFB stipulation shall apply:

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 overflights 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 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.

FORMAL SESSION
July 12, 2006

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 8 ½ 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.

Darren Gerard gave details of this case’s history and said the recommendation is for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this item by resolution, with stipulations “a” through “l.”

RESOLUTION OF AMENDMENT

**Eye to the Future 2020, Maricopa County Comprehensive Plan
Resolution Amending the Maricopa County Comprehensive Plan**

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

WHEREAS, Maricopa County adopted its Comprehensive Plan in accordance with Title 11, Section 806 of the Arizona Revised Statutes to help bring about coordinated physical development consistent with the present and future needs of Maricopa County; and

WHEREAS, Eye to the Future 2020, the Maricopa County Comprehensive Plan, recognizes the importance of having a comprehensive plan amendment process so that this plan can be responsive and flexible to meet the changing conditions of Maricopa County; and

WHEREAS, Maricopa County has an approved process where specific criteria is used to determine when comprehensive plan amendments are necessary, how comprehensive plan amendments are to be processed, and at what point comprehensive plan amendments can be presented at a public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission; and

WHEREAS, Case number CPA 200501 meets the requirements for a comprehensive plan amendment and was processed according to the approved Maricopa County Comprehensive Plan Amendment Guidelines, including all legal notification requirements; and

WHEREAS, Title 11, Section 824 of the Arizona Revised Statutes requires that amendments to the Comprehensive Plan be approved by resolution of the Board of Supervisors; and

WHEREAS, the Maricopa County Board of Supervisors has carefully considered this comprehensive plan amendment application, has held a public hearing regarding this comprehensive plan amendment application, and finds that this comprehensive plan amendment constitutes an overall improvement to the Maricopa County Comprehensive Plan and to Maricopa County in general.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

NOW, THEREFORE BE IT RESOLVED that the comprehensive plan amendment application for case number CPA 200501, is hereby approved.

DATED this 12th day of July 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

- 6. Z2005-005 District 4**
Applicant: Anderson Land and Development, Inc.
Location: Southwest of Grand Avenue, at the northwest corner of Crozier Road & Lone Mountain Road (in the Wittmann/Surprise area)
Request: Rezone from Rural-43 and C-2 to R1-7 RUPD (approximately 128.97 acres) – Rancho Maria

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-005, subject to the following stipulations “a” through “t”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall be in substantial conformance with the project narrative entitled, “Rancho Maria Zoning Amendment”, consisting of 34 pages including all Figures, Tables, and Appendices, prepared by Snell & Wilmer LLP, dated January 2006 and stamped received January 26, 2006, except as modified by the following stipulations.
- b. Approval of this zone change request is predicated upon the execution of a pre-annexation agreement between the City of Surprise and the developer prior to any site development. Prior to final plat approval, the developer shall provide written evidence from the City of Surprise that a pre-annexation agreement has been executed, and that sewer and fire protection services will be provided by the City under that agreement.
- c. Prior to final plat approval, the developer shall obtain a Right-of-Way Permit from the Arizona Department of Transportation (ADOT) for any improvements located within the ADOT right-of-way.
- d. Prior to the approval of the first Final Plat or the first Approval to Construct (whichever comes first), final detailed Water and Wastewater Master Plans (both onsite and offsite) must be submitted to Maricopa County Environmental Services Department, under application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of these Final Master Plans.
- e. Prior to final plat approval, the developer shall submit a revised Drainage Report and Grading and Drainage Plan that addresses the outstanding items listed below, to the satisfaction of the Drainage Review division:
 - 1. Indicate hydrology information for the wash west side of project site on drainage exhibit (Sheet 6 of 6).
 - 2. Provide and show erosion setback limit on the plan based upon AZ State Standard 5-96/7-98.

3. On-site flow shall be fully retained within proposed retention basin. Delete drainage flow arrow for outfall indication of each retention basin on sheet 6 of 6.
 4. Provide the flow direction for typical lot layout on sheet 1 of 6 of preliminary Plat.
 5. Provide the table of contents for preliminary report, with seal and signature.
 6. In drainage report, state that on-site 100-year, 2-hour flow will be fully retained and will be disposed within 36 hours via infiltration, evaporation, and drywells.
 7. State in drainage report that the finished floor elevations will be free from inundation during a 100-year peak runoff event.
 8. Identify any block walls proposed with this project and indicate their location on the preliminary plat sheet 6 of 6. Provide the drainage openings detail such that any on-site or off-site flow will drain through the wall.
- f. Prior to development, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- g. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
1. Provide a total half-width of 65 feet of right-of-way on Crozier Road and Lone Mountain Road.
 2. The Applicant shall contribute their proportionate share to offsite regional roadway improvements, based upon their proposed number of residential units. The contribution will be \$3,281.00 per dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be roadways included in the Regional Transportation Plan must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. The specifics of such construction may be detailed further in a separate agreement. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at this time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. The Applicant is responsible for noise mitigation in accordance with MCDOT and ADOT requirements.
- h. The following Maricopa County Parks and Recreation Department stipulations shall apply:
1. For every building permit that is issued a \$150 contribution shall be made by the applicant to the Maricopa County Parks and Recreation Department. The monies will be used in a park special revenue fund, which will fund facility repairs and new capital improvements.

FORMAL SESSION
July 12, 2006

In return, the Maricopa County Parks and Recreation Department will provide each residential unit in the Rancho Mercado Development Master Plan with a one-year, \$75 voucher toward the purchase of an annual pass for entrance into any desert mountain regional park, except Lake Pleasant Regional Park.

2. For every building permit that is issued a \$150 contribution shall be made by the applicant to the Maricopa County Parks and Recreation Department. These monies will be used in a special trail revenue fund for land purchase, trail design and construction, trailheads, interpretive signage, facility repair and maintenance, and new capital improvements in conjunction with the parks.
 - i. The developer shall submit a Cultural Resources Survey to the Arizona State Historic Preservation Office (SHPO) and shall contact SHPO prior to initiating any disturbance to the site. Prior to issuance of any grading permits or approval of any final plats, the developer shall provide written evidence from SHPO attesting to compliance with this stipulation to the agency responsible for the review and issuance of said permits or plats.
 - j. The applicant shall notify all future home buyers and home owners 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, for an average of approximately 170 over flights a 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 reflection 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 or contact the Maricopa County Planning and Development Department."

Such notification shall be included on all 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, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in all public reports and property conveyance documents.

- k. All trees shall be double-staked when installed.
- l. 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.
- m. All interior streets within the proposed development are to be constructed to minimum County standards.
- n. 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.
- o. All outdoor lighting shall comply with the Maricopa County Zoning Ordinance.
- p. 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.
- q. 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.
- r. 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.
- s. 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).
- t. Development and use of the site shall comply with all stipulations of CPA200501.

Darren Gerard presented background information on this case with a recommendation for approval.

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

FORMAL SESSION
July 12, 2006

7. **CPA2006-05 District 4**
Applicant: Commission Initiative
Location: Corridor ¼ mile both sides of SR 74, from US 60 to Lake Pleasant Boulevard
Request: Adoption of the State Route 74 Scenic Corridor Guidelines Adoption is by Resolution

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2006-05. Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this item by resolution.

RESOLUTION OF ADOPTION

**Be It Resolved By The Maricopa County Board Of Supervisors
Adopting The State Route 74 Scenic Corridor Guidelines**

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 State Route 74 as a scenic corridor; and

WHEREAS, the State Route 74 Scenic Corridor Guidelines help implement Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan; and

WHEREAS, the State Route 74 Scenic Corridor Guidelines fulfill a directive by the Maricopa County Planning and Zoning Commission to update the existing State Route 74 Scenic Corridor; and

WHEREAS, these scenic corridor guidelines will help the Board of Supervisors and other public and private decision makers make informed decisions based on policies that reflect stakeholder recommendations; and

WHEREAS, the citizens and stakeholders of the State Route 74 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 State Route 74 Scenic Corridor Guidelines to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the State Route 74 Scenic Corridor Guidelines and finds that said Guidelines constitute a suitable, logical, and timely method to guide the future development of the State Route 74 area.

FORMAL SESSION
July 12, 2006

NOW, THEREFORE, BE IT RESOLVED, that the document consisting of the text, maps, and supporting materials entitled "State Route 74 Scenic Corridor Guidelines" and dated June 8, 2006, is hereby adopted in accordance with Eye to the Future 2020 and the White Tank and Grand Avenue Area Plan on this 12th day of July, 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 12th day of July 2006.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Chairman Stapley took the next item, #10, out of order at this time to facilitate the vote on items #8 and #9.

10. **Z2005-114** **District 4**
 Applicant: P/Z consulting, LLC for Sam & Fay Webster
 Location: East of the southeast corner of Tuthill Road & Broadway Road (in the Buckeye area)
 Request: Special Use Permit (SUP) for an assisted living facility in the Rural-43 zoning district (approximately 1.0 acres) – Jolley Assisted Living

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-114, subject to the following stipulations "a" through "p". Commissioner Makula seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "Site Plan Zoning Case #Z2005114" consisting of one (1) full-size sheet, dated September 10, 2005 and stamped received April 14, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Jolley Family Assisted Living Home" consisting of four (4) pages, dated March 4, 2006 and stamped received April 14, 2006 except as modified by the following stipulations.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 1. Prior to zoning clearance, the applicant shall provide a total half-width of 65 feet of right-of-way on Broadway Road.
 2. The applicant shall pave the portion of the driveway located within the Broadway Road right-of-way.
 3. Prior to zoning clearance, the applicant shall verify legal access to the site.

- d. Per the Maricopa County Drainage Division, the applicant shall provide a Grading and Drainage Plan that indicates the Finished Floor Elevation (FFE) of the proposed structure via cross-section.
- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. 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. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- i. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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.
- 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. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first.
- m. The applicant shall submit a written report outlining the status of the development at the end of (5) five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- n. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

FORMAL SESSION
July 12, 2006

Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.

- o. 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 the Maricopa County Zoning Ordinance.
- p. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard presented background information on this case with a recommendation for approval with stipulations "a" through "p" but with the deletion of stipulation "d" and the subsequent renumbering of stipulations "e" – "p" as "d" – "o."

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval with stipulations "a" through "o" as modified by staff above.

NOTE: Supervisor Kunasek declared a conflict on the following two LVA items (DMP2004-005 and Z2004-053). #8 and #9, and left the meeting prior to any discussion.

8. DMP2004-005 District 4

Applicant: LVA Urban Design Studio for William Lyon Homes, et al
Location: Near the southeast corner of Bullard Avenue & Jomax Road (in the Surprise area)
Request: Development Master Plan (approximately 1,310 acres) – Rancho Mercado

COMMISSION ACTION: Commissioner Jones moved to recommend approval of DMP2004-005, subject to the following stipulations "a" through "g". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the narrative report titled "Rancho Mercado A Master Planned Community" hearing copy dated March, 2006 and stamped received May 9, 2006, consisting of 61 pages, appendices 'A' through 'L', and all figures, tables, and appendices except as modified by the following stipulations.
- b. No platting or development of this project is allowed in unincorporated Maricopa County, and no building permits will be issued by Maricopa County for this project.
- c. The following Maricopa County Environmental Services stipulations shall apply:
 - 1. Prior to approval of the first final plat or the first Approval to Construct (whichever comes first), a final Water Master Plan must be submitted to MCESD, under separate application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of the final Water Master Plan.

FORMAL SESSION
July 12, 2006

2. Prior to approval of the first final plat or the first Approval to Construct (whichever comes first), a final Wastewater Master Plan must be submitted to MCESD, under separate application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of the final Water Master Plan.
 3. This approval assumes that Rancho Mercado will be annexed into the City of Surprise prior to any further entitlements. If this does not occur, then this approval may be voided by MCESD.
- d. The following Flood Control District of Maricopa County stipulations shall apply:
1. Prior to approval of any construction plans or final plats, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA for proposed changes to the delineated floodplain.
 2. If any development is to occur in the delineated floodplain, the Regulatory Division of the Flood Control District must issue a Floodplain Use Permit prior to approval of final plat.
 3. Finished floors of any structure must be set a minimum of one (1) foot above the water surface elevation of the floodway. No basements are allowed in a floodplain zone.
 4. A Right-of-Way Use Permit is required from the Contracts Branch of the Flood Control District prior to any work within land owned by the Flood Control District.
 5. Before final plat approval, plans must be submitted and approved for the bridge over the McMicken Dam Outlet Channel which must use the Standard Project Flood (SPF) as design discharge for the project.
- e. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. (The applicant shall address the attached MCDOT Traffic Engineering Comments.)
 2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.

FORMAL SESSION
July 12, 2006

3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
4. The Applicant shall provide the ultimate full or half-width of right-of way for all public roadways as follows:
 - A.) Bullard Avenue: 65 Feet and 130 Feet
 - B.) Litchfield Road: 65 Feet and 130 Feet (The Applicant shall provide right-of-way for connection to Loop 303 (minimum of 65 feet), even if the right-of-way is not adjacent to this project. (Due to possibility of Litchfield Road being taken off alignment.)
 - C.) Jomax Road: 100 Feet
 - D.) Happy Valley Road: 65 Feet and 130 Feet
 - E.) 143rd Avenue: 80 Feet
 - F.) Yearling Drive: 80 Feet
 - G.) Alameda Road: 80 Feet

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to accommodate dual left turn lanes (including reverse curves).

Additional right-of-way may be required for connections to Loop 303.

5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Specifics for the construction of Bullard Avenue and the type of crossing over the McMicken Channel will be determined during plan review. It is anticipated that Bullard Avenue will be designed to be passable with a maximum of 6-inches overtopping during the 100-year storm event.
6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item 2.
7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
8. The Applicant shall provide and make available a minimum of two accesses to each development phase and/or subdivision unit.
9. The Applicant shall not locate elementary or middle schools on arterial roads.

FORMAL SESSION
July 12, 2006

10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
 11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
 12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
 13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 15. The Applicant shall construct Happy Valley Road through the Padelford Wash to connect with the roadway to be built on the east side of the Padelford Wash. Specifics for design shall be determined during plan review. It is anticipated that this roadway will be a "low water crossing," designed to be passable with a maximum of 6-inches overtopping during the 25-year event.
 16. The Applicant shall provide written documentation from ADOT detailing ADOT's requirements and approval.
 17. The Applicant shall provide written documentation from the City of Surprise detailing Surprise's requirements and approval.
 18. The Applicant shall specifically address access to those parcels immediately north of Loop 303.
- f. The following Maricopa County Parks and Recreation Department stipulations shall apply:
1. For every building permit that is issued a \$150 contribution shall be made by the applicant to the Maricopa County Parks and Recreation Department. The monies will be used in a park special revenue fund, which will fund facility repairs and new capital improvements. In return, the Maricopa County Parks and Recreation Department will provide each residential unit in the Rancho Mercado Development Master Plan with a one-year, \$75 voucher toward the purchase of an annual pass for entrance into any desert mountain regional park, except Lake Pleasant Regional Park.
 2. For every building permit that is issued a \$150 contribution shall be made by the applicant to the Maricopa County Parks and Recreation Department. These monies will be used in a special trail revenue fund for land purchase, trail design and construction, trailheads, interpretive signage, facility repair and maintenance, and new capital improvements in conjunction with the parks.
- g. The applicant shall notify all future home buyers and home owners that they are located within the state-defined "Territory in the Vicinity of a Military Airport" with the following language:

FORMAL SESSION
July 12, 2006

"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, for an average of approximately 170 over flights a 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 reflection 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 or contact the Maricopa County Planning and Development Department."

Such notification shall be included on all 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, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in all public reports and property conveyance documents.

Darren Gerard gave background information on this case and on Z2004-053, which provides rezoning for this master plan development. He said there is no known opposition and the recommendation is for approval on both cases. He noted that development is contingent upon annexation of the City of Surprise and the city supports annexation and also the land-use plan.

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

NOTE: Supervisor Kunasek declared a conflict on both LVA items (DMP2004-005 and Z2004-053). #8 and #9, and left the meeting prior to any discussion.

- | | | |
|-----------|-------------------|--|
| 9. | Z2004-053 | District 4 |
| | Applicant: | LVA Urban Design Studio for William Lyon Homes, et al |
| | Location: | Near the southeast corner of Bullard Avenue & Jomax Road (in the Surprise area) |
| | Request: | Rezone from Rural-43 to Rural-43, R1-8 RUPD, R1-7 RUPD, R1-6 RUPD, R-2 RUPD, R-4 RUPD, C-S, C-2, C-3 – with the entire site subject to a PAD overlay zone (approximately 1,310 acres) – Rancho Mercado |

FORMAL SESSION
July 12, 2006

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2004-053, subject to the following stipulations "a" through "j". Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall be in substantial conformance with the project narrative entitled, "Rancho Mercado, A Master Planned Community, Zone Change Application, Hearing Copy: March 2006", consisting of 48 pages including all Figures, Tables, and Appendices, prepared by LVA Urban Design Studio LLC, dated March 2006 and stamped received May 9, 2006, except as modified by the following stipulations.
- b. Approval of this zone change request is predicated upon annexation into the City of Surprise prior to any site development. No platting activity, including the processing of any preliminary or final plats, shall occur through the County. No permits of any kind relating to the development of the site, including those related to grading or infrastructure, shall be processed through the County.
- c. Should the subject property or any portion thereof not annex into the City of Surprise, this approval is null and void and the applicant shall be required to amend the zone change request as necessary to comply with County Standards. Said amendment shall be considered a Major Amendment and shall be the subject of further review, with a revised set of stipulations as deemed necessary by County staff, as approved by the Commission and Board of Supervisors.
- d. It is agreed that this zone change constitutes a Protected Development Rights (PDR) Plan as defined by Section 1204 of the Maricopa County Zoning Ordinance; however, it is also agreed that the applicant waives their rights to Protected Development Rights should the site not annex into the City of Surprise prior to site development.
- e. The developer shall submit a Cultural Resources Survey to the Arizona State Historic Preservation Office (SHPO) and shall contact SHPO prior to initiating any disturbance to the site. Prior to issuance of any grading permits or approval of any final plats, the developer shall provide written evidence from SHPO attesting to compliance with this stipulation to the agency responsible for the review and issuance of said permits or plats.
- f. The following Maricopa County Environmental Services Department stipulations shall apply:
 1. Prior to approval of the first final plat or the first Approval to Construct (whichever comes first), a final Water Master Plan must be submitted to MCESD, under separate application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of the final Water Master Plan.
 2. Prior to approval of the first final plat or the first Approval to Construct (whichever comes first), a final Wastewater Master Plan must be submitted to MCESD, under separate application and fee, for review and approval. No final plats or Approvals to Construct will be issued prior to approval of the final Water Master Plan.

FORMAL SESSION
July 12, 2006

3. This approval assumes that Rancho Mercado will be annexed into the City of Surprise prior to any further entitlements. If this does not occur, then this approval may be voided by MCESD.
- g. The following Flood Control District of Maricopa County stipulations shall apply:
1. A Floodplain Use Permit will be required from the Regulatory Division of the Flood Control District prior to any work within the floodplain.
 2. A Right-of-way Use Permit will be required from the Contracts Branch of the Flood Control District prior to any work within land owned by the Flood Control District. Prior to Final Plat approval, plans must be submitted and approved for the bridge over the Mc Micken Dam Outlet Channel, which must use the Standard Project Flood (SPF) as design discharge for the project.
- h. The following Maricopa County Department of Transportation stipulations shall apply:
1. The Applicant shall provide a Traffic Impact Study (TIS). The TIS shall comply with MCDOT requirements and shall address development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The TIS must be approved before subsequent approval of any roadway improvement plans. The TIS shall be updated prior to the first final plat approval and with each development phase to reflect current conditions and any changes to the development plan. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the TIS. The project must comply with all recommendations in the MCDOT-approved TIS. (The applicant shall address the attached MCDOT Traffic Engineering Comments.)
 2. The Applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per residential dwelling unit. The Applicant may choose to construct off-site street improvements in lieu of payment of this contribution. Such off-site street improvements must be "system roadways," must be all-weather facilities, must meet county standards in effect at the time they are improved, and must be pre-approved by MCDOT. MCDOT may require a Development Agreement to detail the specifics of construction, including phasing and timing. If the Applicant chooses not to construct off-site regional roadway improvements, the Applicant shall pay the contribution amount at the time individual building permits are issued, or per an alternate agreement as approved by MCDOT.
 3. If required per item 2 above, a Development Agreement shall be executed prior to any preliminary plat approval. The Development Agreement shall be an enforceable contract, regardless of annexation.
 4. The Applicant shall provide the ultimate half-width or full-width of right-of way for all public roadways as follows:

- A. Bullard Avenue: 65' 130'
- B. Litchfield Road: 65' and 130' (The Applicant shall provide right-of-way for connection to Loop 303 (minimum of 65'), even if the right-of-way is not adjacent to this project. (Due to possibility of Litchfield Road being taken off alignment.)
- C. Jomax Road: 100'
- D. Happy Valley Road: 65' and 130'
- E. 143rd Avenue: 80'
- F. Yearling Drive: 80'
- G. Alameda Road: 80'

The above references interior and perimeter roads. (The project boundary is the centerline of all perimeter roadways and/or roadway alignments.) Full-width right-of-way shall be provided where the entire roadway is within the development (interior roadways). Half-width right-of-way shall be provided where "half" of the roadway is within the development (perimeter roadways).

At intersections where future dual left turn lanes are possible, right-of-way shall be increased at the intersection to accommodate dual left turn lanes (including reverse curves).

Additional right-of-way may be required for connections to Loop 303.

- 5. The Applicant shall be responsible for design and construction of the ultimate full-width of all interior roadways, and the ultimate half-width of all perimeter roadways, unless approved otherwise by MCDOT. A portion of these improvements may be creditable to the Applicant's contribution referred to in item 2. All roadways must meet county standards in effect at the time they are improved. Half-width roadways must be designed so as to safely carry two-way traffic until the ultimate roadway is constructed. Specifics for the construction of Bullard Avenue and the type of crossing over the McMicken Channel will be determined during plan review. It is anticipated that Bullard Avenue will be designed to be passable with a maximum of 6-inches overtopping during the 100-year storm event.
- 6. The Applicant is responsible for assuring paved access to their site at the time of the first final plat. Improvements necessary to provide paved access may or may not be creditable to the Applicant's contribution referred to in item 2.
- 7. The Applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 8. The Applicant shall provide and make available a minimum of two accesses to each development phase and/or subdivision unit.

FORMAL SESSION
July 12, 2006

9. The Applicant shall not locate elementary or middle schools on arterial roads.
 10. The Applicant shall design the development to promote pedestrian, bicycle and other alternative modes of transportation to public facilities within and adjacent to the site (i.e., bus bays, electric vehicles, shared accommodations, internal trail systems, etc.).
 11. If streetlights are provided, installation shall be provided by the Applicant. If streetlights are within public rights-of-way, a Street Light Improvement District (SLID) or comparable authority shall be established to provide operation and maintenance. The Applicant should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
 12. The Applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The Applicant (or as assigned to the Home Owner's Association (HOA)) shall be responsible for maintenance of landscaping within public rights-of-way.
 13. The Applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT.
 14. The Applicant shall comply with all applicable local, state and federal requirements. (Dust control, noise mitigation, AZPDES, 404 permitting, etc.)
 15. The Applicant shall construct Happy Valley Road through the Padelford Wash to connect with the roadway to be built on the east side of the Padelford Wash. Specifics for design shall be determined during plan review. It is anticipated that this roadway will be a "low water crossing," designed to be passable with a maximum of 6-inches overtopping during the 25-year event.
 16. The Applicant shall provide written documentation from ADOT detailing ADOT's requirements and approval.
 17. The Applicant shall provide written documentation from the City of Surprise detailing Surprise's requirements and approval.
 18. The Applicant shall specifically address access to those parcels immediately north of Loop 303.
- i. The following Maricopa County Parks and Recreation Department stipulation shall apply:
- One hundred fifty dollars (\$150) per house will be paid by the developer as each residential building permit is issued to a fund for the White Tank Mountain Regional Park for trails and facilities enhancement and maintenance.

FORMAL SESSION
July 12, 2006

The county shall deposit and hold all receipts in the parks special revenue fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund. The assets of this fund are not intended to replace existing county appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park usage Rancho Mercado residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Rancho Mercado Development Master Plan with a one-year, seventy-five dollar (\$75) voucher toward the purchase of an annual pass for entrance into any desert mountain regional park administered by said department, except Lake Pleasant Regional Park.

- j. The applicant shall notify all future home buyers and home owners 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.

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For further information, please check the Luke Air Force Base website at www.luke.af.mil or contact the Maricopa County Planning and Development Department."

Such notification shall be included on all 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, be included in all covenants, conditions, and restrictions (CC&Rs) and be included in all public reports and property conveyance documents.

Darren Gerard gave background information on this case and on the preceding item (DMP2004-005), which is the Development Master Plan prompting the rezoning. He said there is no known opposition and the recommendation is for approval on both cases, which are contingent on annexation by the City of Surprise.

Supervisor Wilson said the applicant has agreed to participate in the Highway 74 improvements. He felt this project would be a successful addition and beneficial to his district's citizens.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
July 12, 2006**

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

NOTE: Supervisor Kunasek declared a conflict on both preceding LVA items (DMP2004-005 and Z2004-053). #8 and #9, and left the meeting prior to any discussion.

EXECUTIVE SESSION CALLED

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to recess into executive session, (Supervisor Kunasek was not present for the vote) in the Tom Sullivan Conference Room, 301 West Jefferson, for the purpose of reviewing matters listed below pursuant to the listed statutory references. All other members remained in session when the meeting reconvened.

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)

- E-1. Andrew Thomas v. Maricopa County Board of Supervisors, et al. CV2006-008971, and legal advice concerning Board of Supervisors representation. (Addendum E-1)**
Tim Casey, Outside Counsel
Leo Beus, Outside Counsel

LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)

- E-2. Dr. Dowling v. Maricopa County Board of Supervisors, et al, LC-2006-000370-001-DT, claims, and legal advice and options concerning County Regional School District #509 funding and contracts. (Addendum E-2)**
Sandi Wilson, Deputy County Manager
Brian Hushek, Deputy Budget Director
Tom Manos, Chief Financial Officer
Tom Irvine, Outside Counsel
Fred Rosenfeld, Outside Counsel
LeeAnn Bohn, Budget Manager

MEETING ADJOURNED

After consideration of the above items and 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