

**FORMAL MEETING AGENDA**  
**BOARD OF SUPERVISORS**  
(and the Boards of Directors of the Flood Control District, Library District,  
Stadium District, Improvement Districts, and/or Board of Deposit)  
**WEDNESDAY, FEBRUARY 7, 2007**  
**9:00 AM**

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**GREEN – APPROVED / RED – REJECTED / BLUE – CONTINUED**  
**GOLD – WITHDRAWN / BROWN – NO ACTION**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

*One or more members may attend telephonically.  
Members attending telephonically will be announced at the meeting.*

The Board may vote to recess into an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. §38-431.03(A)(3).

**ADDENDUM**

**A-1. AGREEMENT TO ACCEPT FUNDS FOR ARIZONA METH PROJECT – (APPROVED)**

Authorize signing an agreement between Maricopa County and the Arizona Attorney General's Office to accept \$750,000 to support the Arizona Meth Project in accordance with Board action taken on January 17, 2007, agenda item C2007038800. (C2007038801)

1. Introduction of the "Pet of the Month" from Maricopa County Animal Care & Control. **(NO ACTION)**

**STATUTORY HEARINGS**

Clerk of the Board

2. **LIQUOR LICENSE APPLICATIONS** – (APPROVED)

Pursuant to A.R.S. §4-201, this is the time scheduled for a public hearing on the applications for liquor licenses. At this hearing, the Board of Supervisors will determine the recommendation to the State Liquor Board as to whether the State Liquor Board should grant or deny the license.

- a. Application filed by Donald A. Rogers for a Special Event Liquor License: (F23221) (SELL767)

Business Name: Knights of Columbus, Council 11809  
Location: 14818 W. Deer Valley Drive, Sun City West, AZ 85375  
Date/Time: March 15, 2007, 11:00 am to 4:00 pm

- b. Application filed by Mann David Starr for a Special Event Liquor License: (F23221) (SELL769)

Business Name: Kiwanis Club of New River  
Location: 48606 N. 17<sup>th</sup> Avenue, New River AZ 85086  
Date/Time: February 24 and 25, 2007

- c. Application No. 06070324 filed by Guy Harry Shelander for a Person-to-person Transfer of a Series 6 Liquor License from Daniel Charles Budzius (MCLL6216):

Business Name: Anthem Golf & Country Club  
Location: 2708 W. Anthem Club Drive, Anthem AZ 85086

- d. Application No. 10075329 filed by Monica Ruth Schuster for an Agent Change, Series 6 Liquor License (MCLL014AC):

Business Name: Lake Apache Marina & Resort  
Location: State Route, US Hwy 88, Mile Marker 229.5, Roosevelt AZ 85545  
Previous Agent: John David Schuster

- e. Application filed by Randy D. Nations for a New Series 10 Liquor License: (MCLL6217)

Business Name: Tesco  
Location: 9124 East Apache Trail, Mesa AZ 85207  
**(Approval is contingent upon receipt of a Tenant Improvement Permit and sale and/or service of alcohol subject to final issuance of Certificate of Occupancy) (Protest has been filed by a citizen)**

**3. FRANCHISE – (APPROVED)**

Pursuant to A.R.S. §40-283, this is the time scheduled for a public hearing to solicit comments and consider the application filed by Aguila Water Services for a public service franchise renewal for a domestic water distribution system. The hearing will consider whether the applicant is able to adequately maintain facilities in county rights-of-way. Pending approval by the Board of Supervisors, the franchise will be granted with such conditions and restrictions the Board of Supervisors deems best for public safety and welfare including the express condition that the Certificate of Convenience and Necessity be procured from the Corporation Commission of the State of Arizona within six months of approval by the Board of Supervisors and that no facilities will be installed prior to the granting of the Certificate of Convenience and Necessity. The Franchisee shall bear all expenses relating to the granted franchise including damage and compensation for

any alteration of the direction, surface, grade or alignment of any county road for the purpose of the franchise. This hearing was continued from the January 17, 2007 Board meeting. (F16180)

**Transportation**

**4. ROAD FILE DECLARATION – (APPROVED)**

Approve petitions to open and declare the following road into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, right-of-way or properties along the alignments into the Department of Transportation's highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation.

**Road File No. 4473-R.** In the vicinity of Patton Road from Tuthill Road (203rd Avenue) to Phoenix-Wickenburg Highway and 195th Avenue from Jomax Road to Patton Road. (Supervisorial District 4) (C6407138000)

**AGENCY ITEMS AND STATUTORY MATTERS**

**ELECTED OFFICIALS**

**Clerk of the Board**

**5. BOUNDARY CHANGE – (APPROVED)**

Pursuant to A.R.S. §§48-3427, approve the application for boundary change as submitted by the Board of Directors of the Circle G Irrigation Water Delivery District No. 47 and order the exclusion of one parcel from the district. The boundary change will exclude parcel 304-76-005U from the district. The application has been signed by a majority of the Board of Trustees and by the owners of the land proposed to be excluded. The boundary change application is on file in the office of the Clerk of the Board. (C0607061700)

**County Attorney**

**6. GRANT FUNDS FROM UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, SOUTHWEST BORDER INITIATIVE PROGRAM – (APPROVED)**

Approve the on-going application for and acceptance of grant funds from the United States Department of Justice, Bureau of Justice Assistance, Southwest Border Initiative Program, in the amount of \$460,288. These funds are for cases prosecuted by the Maricopa County Attorney's Office that were investigated by federal law enforcement agencies and the U. S. Attorney's Office declined to prosecute. 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 \$63,611.80. However, since these cases have already been prosecuted, there are no indirect costs to accepting the grant money. The federal government has funded this program for the period of October 1, 2006 through September 30, 2007, in accordance with Public Law 108-447. Continuing electronic applications for reimbursement are made on a quarter by quarter basis. These funds were included as part of the County Attorney (190) Grant Fund (219) budget for FY 2006-2007 and, therefore, no appropriation adjustment is required. 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. (C1905001801)

**7. CONTRACT WITH ADRIANA FRIAS – (APPROVED)**

Approve a contract with Adriana Frias to gather and collect evidence, conduct forensic interviews, provide courtroom testimony and otherwise assist the Maricopa County Attorney's Office in the investigation and prosecution of sexual assaults or sexual abuse matters involving minors. The contract term is from the date of Board approval until December 31, 2008. Adriana Frias will be reimbursed \$300 per interviewee per case for interviews and \$120 per hour for expert testimony. This contract is exempt from the Procurement Code by virtue of MCI 102(B). (C1907025100)

**8. LEASE AGREEMENT – WORD OF GRACE MINISTRIES – (APPROVED)**

Approve a lease agreement between Word of Grace Ministries, Inc. and the Maricopa County Attorney's Office to lease a facility on March 10, 2007 for \$500 so the Maricopa County Attorney's Office can provide educational seminars on crime prevention. The Maricopa County Attorney's Office will be hosting educational seminars for community minded people in the east valley. The seminars will be coordinated with law enforcement officials from neighboring cities and towns. (C1907028400)

**Sheriff**

**9. LEASE AMENDMENT - USE OF OFFICE SPACE – (APPROVED)**

Approve Amendment No. 2 of Lease No. L7226 for continued use of 12,520 square feet of office space at a site in Phoenix to house the Sheriff's Special Investigations Unit. The term of this lease is extended for an additional five years, from July 1, 2007, through June 30, 2012, at a first year rental cost of \$182,080 (\$14.54/sf +2.4 % rental tax) and a 3% annual increase thereafter. As a condition of the lease renewal, lessor will perform at no cost to the lessee:

- o Repair garage door and raise ceiling in warehouse to accommodate vans;
- o Relocate thermostats to provide control for affected areas and re-balance air flow;
- o Re-stripe rear parking lot to provide more parking spaces;
- o Trim or remove trees to prevent damage to parked cars in south lot;
- o Provide additional lighting for exterior of building;
- o Provide electrical whips to new cubicles;
- o Pay outstanding bill for additional wiring to the break room.

Building improvements listed above comprise a portion of the annual increase. (C5000041403V)

**10. VEHICLE REMOVAL FROM FLEET – (APPROVED)**

Approve removal from fleet and return to the Department of Defense vehicle #47401, VIN #1R9RSNS48EF005009, 1984 Revcon Model 300 Recreational Vehicle. This vehicle was approved as a one-time addition to fleet on January 18, 2006, at no cost to the County or Sheriff's Office for its acquisition. The operating condition of this vehicle was overestimated. The vehicle is no longer running and is too costly for the Sheriff's Office to repair. (C5006038M01) (ADM3104-001)

**11. AMENDMENT TO POLICE DISPATCH COMMUNICATION SERVICES – (APPROVED)**

Approve Amendment No. 1 to agenda item C5007034200, approved on November 15, 2006, relating to Police Dispatch Communication Services. The amendment will be to the Sheriff's

Office FY 2006-07 General Fund (100) revenue appropriation in the amount of \$70,861 (\$40,118 annualized) and expenditure appropriation in the amount of \$70,861 (\$40,118 annualized). In addition, pursuant to A.R.S. §42-17106, transfer FY 2006-07 expenditure appropriation in the amount of \$80,279 from General Government (470) General Fund (Fund 100) General Contingency (4711) to the Sheriff's Office (500) General Fund (Fund 100). All other terms and language remains the same. (C5007034201)

**12. ONE-TIME ADDITION TO FLEET – (APPROVED)**

Approve a one-time addition to fleet of one RICO-funded 2005 Ford F-350 pick up (VIN#1FTSW31F76EA83789) that has 80,000 miles, and is valued at \$16,515 for use by the Sheriff's Office Aviation Unit. The annual estimated operating cost is \$2,500, which will be supported with RICO funds. This is a one-time addition to fleet not to be added to the County's vehicle replacement pool. This vehicle will automatically be removed from Maricopa County Sheriff's Office fleet when its useful life has expired. (C5007052M00) (ADM3104)

**13. DONATIONS – (APPROVED)**

- a. Approve the acceptance of a donation for \$500 to the Sheriff's Office from Tom Morwood for use by the Maricopa County Sheriff's Office Animal Safe Hospice (MASH) Unit. (C5007053M00) (ADM3900)
- b. Accept the donation to the Sheriff's Office of 40 Armor Piercing ballistic panels from Armor Holdings, a local Department of Defense contractor, with an approximate value of \$1,000 each to be used in the Enforcement Support Bureau by S.W.A.T. (C5007056M00) (ADM3900)

**14. SALE OF RADIOS – (APPROVED)**

Approve the sale of 339 Sheriff's Radios that are being replaced to the Maricopa County Sheriff's Posse of the Enforcement Support Division for \$1.00. These include 126 mobile (vehicle mounted) radios and 213 portable (hand held) radios, in the consideration of \$1.00. These radios are insufficient for everyday police use but would be helpful to linking communications with the Posse. The anticipated aggregate value at auction for these units is approximately \$500. (C5007054M00) (ADM119)

**15. RENEWAL OF DEEP UNDERCOVER REGISTRATION AND EXEMPTION FROM MARKINGS – (APPROVED)**

Approve renewal of deep undercover registration and exemption from markings, including non-government license plate per A.R.S. §38-538.03, for a Sheriff's RICO vehicle that is used for conducting investigations into major felonies, narcotics operations, and organized crime activity throughout Maricopa County. (C5007057M00) (ADM3101V)

**16. AGREEMENT FOR SPECIALIZED TRAINING – (APPROVED)**

Approve a Memorandum of Agreement between the United States Immigration and Customs Enforcement (ICE), a component of the Department of Homeland Security and Maricopa County that authorizes up to a maximum of 160 Sheriff's personnel to be nominated, trained, and certified to perform certain functions that expedites the apprehension of criminals and enhances homeland security. ICE will provide the mandatory four to five week training for these personnel. This is a non-financial agreement that takes effect from the date of signing until it is terminated upon notice by either party. (C5007058200)

## JUDICIAL BRANCH

### Juvenile Probation

17. **PURCHASE AND ADDITION TO FLEET - TWO MID-SIZE SEDANS** – (APPROVED)

Approve the purchase and addition to the Maricopa County Fleet of two mid-size sedans at an estimated cost of \$40,000, plus annual estimated operating and maintenance costs of \$14,000. These vehicles will be purchased with Detention Operations Fund (255) within the current FY 2006-07 expenditure appropriations. Future replacement of the vehicles will be made from the Detention Operations Fund. (C2707013M00) (ADM3104)

### Trial Court

18. **AMENDMENT TO THE APPOINTMENT OF RETIRED SUPERIOR COURT JUDGES** – (APPROVED)

Approve Amendment No. 1 to agenda item C38070187 related to the appointment of retired Superior Court Judges Robert Gottsfield and Bernard Dougherty as Superior Court Judges Pro Tempore retroactive for the period from January 17, 2007 through December 31, 2007, to serve in the various programs in the Superior Courts to reduce trial delay. This item was previously approved by the Board on January 17, 2007, and is amended to reflect that Retired Superior Court Judges Robert Gottsfield and Bernard Dougherty would serve as Judges Pro Tempore compensated at the level of Judges Pro Tem. (C3807018701) (ADM1001)

## COUNTY MANAGER

### Legal Advocate

19. **REINSTATE FMLA HOURS** – (APPROVED)

Approve the waiver of Employee Merit Rules 1.15 and 5.02(D) to reinstate 877 hours of Family and Medical Leave Act (FMLA) time to current Maricopa County employee, Richard Sinsabaugh, effective upon Board approval. (C5507001M00) (ADM3321-001)

### Medical Examiner

20. **ADDITIONAL STAFF, OPERATIONAL SUPPLIES, AND OFFICE EQUIPMENT** – (APPROVED)

Pursuant to A.R.S. §42-17106B, approve the authorization to transfer expenditure authority of \$167,771 (annualized \$403,620) from General Government (470) General Fund (100) Unreserved Contingency (4711) to Office of the Medical Examiner (290) General Fund (100) to fund six Investigators and one Forensic Chemist; related operational supplies; and office equipment. Approval of this item will require an appropriation adjustment increasing the Office of the Medical Examiner (290) General Fund (100) expenditure budget by \$167,771 and decreasing

the General Government (470) General Fund (100) expenditure budget by \$167,771. Approval of this item will have no net impact on the overall county budget. (C2907005800) (ADM2170)

**Office of the County Manager**

**21. BULLETPROOF VEST PARTNERSHIP GRANT FUNDING – (APPROVED)**

Approve acceptance of Year 2006 Bulletproof Vest Partnership grant funding from the Federal Bureau of Justice Assistance (BJA) in the amount of \$15,870.00. BJA approved this funding amount on October 20, 2006. Funds will be used to reimburse 50% of the costs for bulletproof vests and stab resistant vests for use by County personnel in Juvenile Probation and the Sheriff's Office. The vests are to be invoiced, received, and federal payment requested within four years. The Sheriff's Office will receive \$7,890.00 to put toward 100 bulletproof vests. Juvenile Probation will receive \$7,890.00 to put toward 110 bulletproof vests. The Sheriff's Office is the administrator for these grant funds. They will receive the funds from the BJA and dispense appropriate funds to each participating department. Grant indirect costs are not recoverable. Total unrecoverable costs of \$3,692.52 will be as follows: Sheriff's Office, indirect rate of 17.8%, \$1,404.42; Juvenile Probation, indirect rate of 29%, \$2,288.10. (C2007035300)

**Public Defender**

**22. FILL THE GAP FUNDS – (APPROVED)**

Pursuant to A.R.S. §42-17106(B), approve the transfer of \$150,000 in expenditure authority between the General Government (471) General Government Grant Fund (249) and the Public Defender Office (520) Fill the Gap Fund (262). This action will require an appropriation adjustment decreasing FY 2006-07 General Government Grants Fund (249) expenditures by \$150,000 and increasing the FY 2006-07 Public Defender Fill the Gap Fund (262) expenditures by \$150,000. These adjustments will result in a countywide net impact of zero. (C5207002800) (ADM500)

**DEPUTY COUNTY MANAGER**

**Correctional Health**

**23. HEALTH RESOURCES AND SERVICES ADMINISTRATION GRANT AWARD – (APPROVED)**

Approve the acceptance of Health Resources and Services Administration (HRSA) Award #D1BTH063220101, Document #D1BTH06322A0, which supersedes award notice dated September 12, 2005, extending the grant period from September 1, 2006 through August 31, 2007, to roll up unexpended funds from Grant Number D1BTH00065, and to allow expenditure of the aggregated, previously unspent funds (453,943.00) to cover direct personnel costs, equipment costs, supplies, travel, other, and consortium/contractual costs. Indirect costs are not recoverable. The FY 2006-07 indirect cost rate for Correctional Health Services is 7.04%. Unrecoverable indirect costs for the grant are \$6,256.73 over the current term of the grant. (C2606004601)

**24. IGA WITH PIMA COUNTY - TECHNICAL ASSISTANCE AND CONSULTING SERVICES – (APPROVED)**

Approve an intergovernmental agreement (IGA) between Maricopa County and Pima County accepting an amount not-to-exceed \$125,000 for Maricopa County to provide technical assistance and consulting services to Pima County. These funds will be used to reimburse Correctional Health Services for employee time spent working to develop a Restoration to Competency Program within Pima County. The acceptance and approval of this IGA with Pima County, allows for a revenue and expenditure appropriation adjustment to Correctional Health Services (260) Correctional Health Services Detention Fund (255) associated with the aforementioned IGA in the amount of \$62,500 in FY 2006-07, and \$62,500 in FY 2007-08 for a total not-to-exceed \$125,000. This revenue is not local revenue for the purpose of the constitutional expenditure limitations, and therefore, expenditure of this revenue is not prohibited by the budget law. The approval of this budget adjustment does not alter the budget constraining the expenditures of local revenue duly adopted by the Board pursuant to A.R.S. §42-17105. (C2607007200)

### **Employee Health Initiatives**

#### **25. POST EMPLOYMENT HEALTH PLAN – (APPROVED)**

Approve the following documents for participation in the Post Employment Health Plan (PEHP) administered by Nationwide Retirement Solutions:

- Employer Participation Agreement
- Post Employment Health Plan document
- Post Employment Health Plan Trust document

On October 4, 2006, the Board of Supervisors approved an amendment to the Maricopa County Employee Compensation Plan, Section XIII A. 3, changing the \$3,000 taxable cash payment to a \$10,000 nontaxable investment in a Post Employment Health Plan established pursuant to IRC 501(c)(9), for employees who are officially retiring from Maricopa County as verified by the applicable retirement system and who will receive a pension from one of the state retirement systems and who have a minimum of 1,000 hours or more of accrued Family/Medical Leave. The change is effective January 1, 2007, agenda number C3507006800. By approving the Participation Agreement, Trust Document and PEHP Plan document, the Board of Supervisors authorizes the necessary documents to have Nationwide Retirement Solutions administer the Post Employment Health Plan. (C3507013100)

### **Health Care Mandates**

#### **26. AMENDMENT AND RESTATED MEDICAL CENTER LEASE AGREEMENT – (APPROVED)**

Approve the first amendment and restated Medical Center Lease Agreement between Maricopa County and the Maricopa County Special Health Care District. This item was discussed in Executive Session on January 16, 2007. On November 1, 2004 Maricopa County entered into an intergovernmental agreement with the Maricopa County Special Health Care District (C3905016B). The purpose of the agreement was to provide for the transfer of certain assets and liabilities to the Maricopa County Special Health Care District, effective January 1, 2005 in accordance with A.R.S. §48-5541.01. Included in the agreement were terms related to the lease of the Maricopa County Medical Center by Maricopa County to the Maricopa County Special Health Care District. This amendment deletes provisions related to the county's use of portions of the leased space and substitutes a contingent rent payment versus a previously required deferred rent payment as it relates to a dispro share triggered event. The purpose of this change is to characterize this lease as an operating lease as opposed to a capital lease for financial reporting purposes. (C3905016201) (ADM4496-001B) (C3905016B01)

**Human Resources**

**27. PERSONNEL AGENDAS – (APPROVED)**

Approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas.

**Management and Budget**

**28. ADJUSTMENT TO THE FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM – (APPROVED)**

Pursuant to A.R.S. §42-17106(B), authorize the following adjustments to the FY 2006-07 Five-Year Capital Improvement Program:

- o Decrease the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund (435) revenue appropriation by \$16,930,000 and expenditure appropriation by \$9,700,000.
- o Decrease Appropriated Fund Balance (480) County Improvement Fund (435) Infrastructure Systems (4813) Durango Animal Care and Control (DACC) project revenue by \$16,930,000 in Year 1 and project expenditures by \$9,700,000 in Year 1 and \$7,230,000 in Year 2.
- o Add the Durango Animal Care and Control (DACC) project to the Appropriated Fund Balance (480) County Improvement Fund #2 (440) and increase project revenue and expenditures by \$5,000,000 in Year 1 and \$11,930,000 in Year 2.
- o Increase the FY 2006-07 Appropriated Fund Balance (480) County Improvement Fund #2 (440) revenue and expenditure appropriations by \$5,000,000. (C4907023800) (ADM1820)

**Public Health**

**29. AMENDMENT TO IGA - ARIZONA DENTAL SEALANT PROGRAM AND RELATED REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENTS – (APPROVED)**

Approve Amendment No. 7 to intergovernmental agreement (IGA) for the Arizona Dental Sealant Program from Arizona Department of Health Services (contract #HG361221) to the Department of Public Health's Office of Oral Health. The amendment is for the period of January 1, 2007 to December 31, 2007. The award is in the amount of \$346,500 with an additional \$3,000 of funding for mandated dental provider training for a total of \$349,500.

The grant indirect costs are reimbursable at a rate of 10.1% (of direct expenses, excluding sub-recipient expenses). Full indirect costs are estimated at \$31,457 of which \$17,553 are recoverable. (net of pass thru amount \$158,154) . (C8603097207)

**30. AMENDMENT TO ARIZONA DEPARTMENT OF HEALTH SERVICES' CONTRACT – (APPROVED)**

Approve Amendment No. 5 to Arizona Department of Health Services' Contract No. HG354255 to the Department of Public Health for sexually transmitted disease (STD) services. This amendment is effective starting November 30, 2006 for the budget period of January 1, 2006 through December 31, 2006. This amendment does not change the total contract dollar amount of \$423,126. The only change is in the object code, changing Personnel Services and ERE from \$362,669 to \$340,399 and changing Professional & Outside Services from \$0.00 to \$22,270. (C8603113205)

**31. SOLE SOURCE CONTRACT FOR REMOTE ORDER PROCESSING SERVICES – (APPROVED)**

Approve a sole source revenue contract with VitalChek Network, Inc., a subsidiary of ChoicePoint, Inc., in order for VitalChek to provide remote order processing of certified copies of vital records on behalf of the Department of Public Health's Vital Records Department. VitalChek Network, Inc. will collect the established fees for the certified record copies and provide the payment to the Department of Public Health of approximately \$150,000 annually. This is a fee-for-service agreement and the expected annual revenue will depend on the number of records requested. The agreement will begin on February 1, 2007 for an initial 12 months, and then renew every 12 months unless either party provides 60 days written notice prior to term end. Department of Public Health's indirect rate is 19.3%. Full indirect costs are estimated at \$24,267 annually, of which \$24,267 is fully recoverable. (C8607024100)

**32. SOLE SOURCE CONTRACT FOR SOFTWARE PACKAGE – (APPROVED)**

Approve a sole source contract with Focus 21 for an SNSLogicSystem software package, customized for Maricopa County Department of Public Health's Emergency Management, and includes related logistics planning in the event of a public health emergency. The contract dollar amount is not-to-exceed \$386,535. The contract is effective upon Board approval for one year with no renewal options. (C8607036100)

**33. AGREEMENT FOR USE OF FACILITIES – (APPROVED)**

Approve non-financial agreement for the use of facilities between the Department of Public Health and Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS), for the use of their facilities in the event of a public health emergency. The term of the agreement shall begin upon the Board of Supervisors' approval and shall remain intact until terminated by either party with a 30 days written notice. (C8607037000)

**34. AFFILIATION AGREEMENTS – (APPROVED)**

Approve the following affiliation agreements to allow students to participate in learning experiences at the Department of Public Health. The agreements are non-financial, and the terms are retroactive from January 1, 2007 and valid through June 30, 2011:

- a. Entitled "Off-Site Preceptor Student Rotation Training Agreement" with Touro University – Nevada. (C8607039000)
- b. Entitled "Off-Site Preceptor Student Rotation Training Agreement" with the Arizona Board of Regents, for and on behalf of Arizona State University (ASU). (C8607040000)

**35. WOMEN AND CHILDREN'S COMMUNITY HEALTH GRANT AWARD AND RELATED REVENUE AND EXPENDITURE APPROPRIATION ADJUSTMENTS – (APPROVED)**

Approve the Acceptance of Application and Grant Award with the Arizona Department of Health Services (HG754060-005) on behalf of the Department of Public Health (MCDPH) for the Women and Children's Community Health Grant. The term of the grant is from January 1, 2007 to December 31, 2007 for the dollar amount not-to-exceed \$587,768. The grant is renewable for up to four years. The grant indirect costs are reimbursable at a rate of 18.1%. Full indirect costs are estimated at \$77,054 of which all are recoverable (net of pass thru amount \$85,000).

Approve revenue and expenditure appropriation adjustments to the Public Health Grant Fund (Department 860, Fund 532) associated with the aforementioned grant in an amount of \$587,768. The appropriations adjustment is necessary because these funds were not included in the FY 2006-07 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. The approval of 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. (C8607041300)

**36. IGA FOR CAR SEAT AND BIKE HELMET, EDUCATION, DISTRIBUTION, AND STORAGE – (APPROVED)**

Approve an Intergovernmental Agreement (IGA) on behalf of the Department of Public Health with the Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) for the purpose of car seat and bike helmet, education, distribution, and storage. The term of the agreement is January 1, 2007 through December 31, 2007 with a total dollar amount not-to-exceed \$85,000. (C8607042200)

## **ASSISTANT COUNTY MANAGER - COMMUNITY SERVICES**

### **Human Services**

**37. AMENDMENTS FOR YOUTH SERVICES AND ACTIVITIES – (APPROVED)**

Approve the following contract amendments for services. The amendments are effective on February 1, 2007, and the contracts will terminate on June 30, 2007, with the option of renewing the contracts for three additional one-year terms based on performance and funding availability. Funding for these contracts are federal Work Investment Act (WIA) funding provided to Maricopa County by the Arizona Department of Economic Security. These contracts do not contain any county general funds.

- a. Goodwill Industries of Central Arizona, Inc. in the amount of \$180,000 to the contract to provide Workforce Investment Act (WIA) youth services and activities to northern area special population in-school and southeastern area in-school and out-of-school youth. The contract amendment amount increases the total contract from \$471,942 to \$651,942. The total contract amount shall not exceed \$651,942 of which \$100,000 will be reserved for an incentive payment upon successfully meeting or exceeding all performance standards required by the State. \$80,000 of the remaining contract increased amount must be budgeted for the purpose of providing support services and work experience to participants. (C2207072101)
- b. Arizona Call-A-Teen in the amount of \$700,600 to provide Workforce Investment Act (WIA) youth services and activities to northern and southwestern area in-school and out-of-school youth. The contract amendment amount increases the total contract from \$520,600 to \$700,600. The total contract amount shall not exceed \$700,600 of which \$100,000 will be reserved for an incentive payment upon successfully meeting or exceeding all performance standards required by the State. \$80,000 of the remaining contract increased amount must be budgeted for the purpose of providing support services and work experience to participants. (C2207073101)

**38. ADMINISTRATIVE CORRECTION – (APPROVED)**

Approve Amendment No. 1 agenda item C22071051 to clarify Board action taken October 4, 2006. Except for approval of the intergovernmental agreement (IGA) with the Regional Public Transportation Authority (RPTA/Valley Metro), to transfer ownership of 11 vehicles from RPTA to the Human Services Department Special Transportation Services (STS) Division, all other actions taken under agenda item C22071051 are declared null and void. (C2207105101)

**39. HEALTH CARE EDUCATION AND EMPLOYMENT OPPORTUNITIES – (APPROVED)**

Approve an intergovernmental agreement (IGA) between the Arizona Department of Economic Security and the Maricopa County Human Services Department, Workforce Development Division, for the purpose of obtaining additional funding. The additional funding will be used to provide individuals who are low income, employed entry-level workers, displaced homemakers, basic skills deficient, and/or monolingual health care education and employment opportunities. The total amount of funding will not exceed \$26,492. The term of the IGA is from July 1, 2005 through March 31, 2008. There is no county funding involved in this IGA. (C2207109200)

**40. CONTRACT AND RECEIPT OF FUNDS FOR UTILITY ASSISTANCE – (APPROVED)**

Approve contract and receipt of \$10,000 in funding provided by Arizona Community Action Association to the Maricopa County Human Services Department for the purpose of administering the Southwest Gas – Arizona Low-Income Energy Conservation (LIEC) Bill Assistance Program. The funds will be used to pay Southwest Gas bills for income qualified customers. Services will be provided through the Maricopa County Community Action Programs during the contract period of January 1, 2007, to December 31, 2007, or until all funds are expended, whichever comes first. It is anticipated that up to 50 households will be assisted with Southwest Gas utility bills as a result of the acceptance of this funding. All overhead/indirect costs are allowable and the funding requested will not exceed \$10,000 in total. The department's FY 2007-08 authorized indirect cost rate of 16.5% will be applied and total estimated indirect costs are \$0. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues are 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 of Supervisors pursuant to A.R.S. §42.17105. (C2207126100)

**CHIEF FINANCIAL OFFICER**

**Animal Care & Control Services**

**41. AGREEMENT WITH MIXED UP MUTTS & SHEPHERDS TOO – (APPROVED)**

Approve an Agreement between Caron Lober, d.b.a. Mixed Up Mutts & Shepherds TOO (formerly known as German Shepherd Rescue), 1204 E. Windsor Avenue, Phoenix, AZ 85006, and Maricopa County to allow Mixed Up Mutts & Shepherds TOO under the New Hope Program to rescue animals that have been deemed eligible for the New Hope program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued. Animal Care & Control estimates 1,300 New Hope rescues over the term of the agreement, for a total of \$35,100. The term of this agreement is from February 8, 2007 through February 7, 2010. (C7907040100)

**42. AMENDMENT TO AGREEMENT WITH MAKE A DIFFERENCE – (APPROVED)**

Approve the First Amendment to the agreement (C7907012100) between Make A Difference and Maricopa County Animal Care & Control (MCACC) signed by the Board of Supervisors on September 25, 2006, to contract and provide Animal Care & Control with an AmeriCorps employee beginning January 2007. The amended agreement includes half-time versus full-time employee, reduced hours of service, reduced program period from twelve months to an eight month program; and a reduced cost to MCACC from the original \$7,500 to \$4,000 payable March 30, 2007. Make A Difference did not have a suitable candidate available on inception of the original contract dates. Therefore, the program offer was delayed. The AmeriCorps employee will be assigned to assisting with program management and coordination of community disaster responses for the department. (C7907044100)

**43. AGREEMENT WITH ARIZONA BOARD OF REGENTS FOR INTERNSHIP STUDENT – (APPROVED)**

Approve a non-financial agreement between the Arizona Board of Regents for and on behalf of Arizona State University and Maricopa County for the purpose of obtaining one internship student to develop and implement various aspects of the department's volunteer program. The term of this agreement is effective upon execution and shall remain in effect up to one year subject to periodic review and revision with rights to terminate with 30-day written notice by either party. (C7907045000)

**44. KENNEL PERMIT – (APPROVED)**

Approve the following kennel permit for Sotero Avila, d.b.a. Avila Kennels, 2917 N. 193rd Drive, Litchfield Park, AZ 85340, Permit #436 for the term of February 7, 2007 through February 6, 2008. The cost of the kennel permit is \$328. (Supervisorial District 4) (C7907047C00) (ADM2304)

**45. KENNEL PERMIT RENEWALS – (APPROVED)**

Approve the following kennel permit renewals for the term of February 7, 2007 through February 6, 2008. The cost of each kennel permit is \$328.

- a. Cheryl Wilson, d.b.a. Wilson Kennels, 28022 N. 30th Lane, Phoenix, AZ 85085, Permit #401. (Supervisorial District 4) (C7907048C00) (ADM2304)
- b. Lynn Jech, d.b.a. Keepsake Kennels, 11446 W. Hidalgo, Tolleson, AZ 85353, Permit #356. (Supervisorial District 5) (C7907048C00) (ADM2304)
- c. Isabel Swaney, d.b.a. Swaney Kennels, 26717 S 206th Street, Queen Creek, AZ 85242, Permit #424. (Supervisorial District 1) (C7907048C00) (ADM2304)
- d. Liz Hazen, d.b.a. Hazen Farms, 26951 W. Hazen Road, Buckeye, AZ 85326, Permit #340. (Supervisorial District 5) (C7907048C00) (ADM2304)
- e. Mark Robison, d.b.a. Marylynns Kennels, 3812 N. 367th Avenue, Tonopah, AZ, 85354, Permit #365. (Supervisorial District 4) (C7907049C00) (ADM2304)
- f. Patricia Clark, d.b.a. Clark Kennels, 6422 S. 35th Avenue, Phoenix, AZ 85041, Permit #350. (Supervisorial District 5) (C7907049C00) (ADM2304)
- g. Friends for Life Sanctuary, a 501 (c) 3 non-profit, d.b.a. Friends For Life Kennels, 143 W. Vaughn Avenue, Gilbert, AZ 85234, Permit #334. (Supervisorial District 2) (C7907050C00) (ADM2304)

- h. Sharon Brown, d.b.a. Brown Kennels, 6328 E. Halifax, Mesa, AZ 85205, Permit #425. (Supervisory District 2) (C7907051C00) (ADM2304)
- i. Jill Guenin, d.b.a. Guenin Kennels, 5634 E. Dixileta Drive, Cave Creek, AZ 85331, Permit #423. (Supervisory District 2) (C7907051C00) (ADM2304)
- j. Susan Di Gregario, d.b.a. S & J Kennels, 1117 N. 11th Street, Phoenix, AZ 85006, Permit #082. (Supervisory District 5) (C7907051C00) (ADM2304)

**46. DONATIONS – (APPROVED)**

Approve the acceptance of the following donations:

- a. PetSmart Corp. 42,000 pounds of dog and cat food and 50 dog kennels to Maricopa County Animal Care & Control valued at \$3,900 for the care and well being of the animals. Donation revenue funds are deposited into Dept. (790) Fund (573) as they are received. (C7907041700) (ADM2300-006)
- b. Drusilla Wylie of Mesa, Arizona to Maricopa County Animal Care & Control in the amount of \$750 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907042700) (ADM2300-006)
- c. J. Alan Brown of Gilbert, Arizona to Maricopa County Animal Care & Control in the amount of \$400 for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907043700) (ADM2300-006)
- d. Phoenix Flyers Dog Agility Training, 7602 W John Cabot Road, Glendale, AZ 85308 to Maricopa County Animal Care & Control in the amount of \$283. Donation revenue funds are deposited into Fund (573) as they are received. (C7907052700) (ADM2300-006)

**Finance**

**47. FUND TRANSFERS; WARRANTS – (APPROVED)**

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.

**48. AMEND PREVIOUS BOARD ACTION RELATED TO FUND TRANSFER – (APPROVED)**

Amendment No. 3 to previous Board action C1804042B02, Second Paragraph, Section A which included the following language and was approved on January 2, 2007:

- a) Approve a fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance Reserved Contingency Items "Property Acquisition" line (Fund 100, Dept. 480, Org 4811) to an existing line item in Appropriated Fund Balance Other Programs (Fund 100, Dept. 480, Org 4812) "Transfer to CIP funds"; then transfer these funds to Appropriated Fund Balance General Fund County Improvement Fund (Fund 445, Dept. 480, Org 4813) Southwest Justice Center (SWJC).

Also approve offsetting revenue and expenditure adjustments to Eliminations (Fund 900, Dept. 980).

To the following language for Second Paragraph, Section A:

a) Approve a fund transfer in the amount of \$1,900,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency Items (4811) "Property Acquisition" line to the "Debt Service Transfer" line in Appropriated Fund Balance (480) General Fund (100) Infrastructure/CIP (4813); then transfer these funds to the General Government (470) County Improvement Debt #2 Fund (321) with offsetting revenue and expenditure eliminations in Eliminations (980) Eliminations Fund (900). (C1804042B03) (ADM800-003)

**49. TERMINATE LEASE – (APPROVED)**

Authorize Real Estate Services to terminate Lease No. L7310, with Arrowhead Properties for space at 9770 W. Peoria Avenue, Peoria, according to the provisions of the lease. The lease was originally approved under agenda C2202117400 on August 22, 2001, with the provision that it could be terminated without penalty after the first five years of the term. Real Estate Services has negotiated a replacement lease in a new facility that provides more efficient space in a superior location. (C1807015400)

**50. DECLARE OBSOLETE STRUCTURES AND AUTHORIZE REMOVAL – (APPROVED)**

Declare obsolete structures located on the former St. Vincent de Paul dining hall site at 8th Avenue and Madison in Phoenix to have no value and authorize the removal of the structures to make way for future development. (C1807017B00)

**Materials Management**

**51. SOLICITATION SERIALS – (APPROVED)**

Approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Recommendation for Award**

**06080-ROQ Specialty Legal Services Providers – Board of Supervisors (\$1,000,000 estimate/three years with three one-year renewal options)** Contract for specialty legal services providers for the Maricopa County Board of Supervisors.

- o Bowman and Brooke LLP
- o Gaona Law Firm
- o Shughart Thomson & Kilroy PC
- o Swenson Storer & Andrews Frazelle

**06114-S Kitchen Hood Exhaust System Cleaning (\$750,000 estimate/three years with three one-year renewal options)** Price agreement to provide kitchen hood exhaust cleaning services at various MCSO kitchens throughout Maricopa County.

- o Sun Devil Fire Equipment, Inc.

**06156-S Worker's Compensation Medical Bill Review Services – Risk Management (\$550,000 estimate/three years with three one-year renewal options)** Price

- agreement to provide worker's compensation medical bill review services as requested by Risk Management.
- o Advantage Workcomp Services

**Renewals/Extensions:**

It is recommended that the Board of Supervisors approve the renewal/extension of the following contracts: (These are recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until March 31, 2009**

- 03110-S      Duct Cleaning Services – HVAC (\$1,500,000 estimate/two years)** Price agreement renewal to provide Duct Cleaning Services for various Maricopa County facilities.
- o Empire Maintenance, Co.
  - o Fresh Air Systems
  - o K.M. Facility Services LLC

**Until February 28, 2008**

- 03125-RFP      Signage (\$1,000,000 estimate/one year)** Price agreement renewal for signage products used in/on Maricopa County facilities.
- o Fluoresco Lighting and Signs

**Until February 28, 2010**

- 03246-S      Armored Car Pick-Up and Delivery Service (\$600,000 estimate/three years)** Pricing agreement renewal for armored car pick-up and delivery services for various county agencies.
- o Dunbar Armored, Inc.

**Approve an increase in the price agreement amount for the following contract. This request is due to an increased usage by County departments.**

- 03015-RFP      Sheriff's Office Trust Accounting and Commissary System – TRACS (\$200,000 increase)** Increase contract value from \$880,000 to \$1,080,000. This \$200,000 increase is requested by the Sheriff's Office to fund change orders required to successfully complete this project. This contract was initially approved by the Board of Supervisors on August 18, 2004 and has an expiration date of August 31, 2009.
- o Syscon Justice Systems LTD

**CAPA APPROVAL**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**Air Quality**  
Del Hawkins

**Human Services**  
Debra Sanderfield

**Facilities Management**

**Office of Enterprise Technology**

Richard Crago  
Benny Martinez  
Ramon Mena  
Gabino Rodriguez

Michael Heugly

Trail Courts  
Jerry Oyler

**52. INTERGOVERNMENTAL COOPERATIVE PURCHASING AGREEMENT WITH RPTA – (APPROVED)**

Approve and execute an Intergovernmental Cooperative Purchasing Agreement with the Regional Public Transportation Authority (RPTA). Term of agreement is from date approved by the Board of Supervisors until cancelled by either party with 30 days notice. This agreement will facilitate the cooperative procurement of Passenger Transportation Vans and/or other materials and supplies with the intent of conserving resources and reducing procurement costs. (C7307004200)

**Risk Management**

**53. OFFER OF JUDGMENT IN JENNIFER BRAILLARD V. MARICOPA COUNTY – (APPROVED)**

Approve a Rule 68 Offer of Judgment in the amount of \$300,000 in the Jennifer Brillard v. Maricopa County, et al., Maricopa County Superior Court Number CV2005-01981, County claim numbers MM2642028898 and GL5000029744, presently pending in Pinal County under Court Number CV2006-01548. This matter was discussed in Executive Session on January 16, 2007. (C7507021100) (ADM409)

**54. OFFER OF JUDGMENT IN PHILIP WILSON V. MARICOPA COUNTY – (APPROVED)**

Approve an Offer of Judgment in the amount of \$1,000,000 in addition to reasonable fees incurred to date by Plaintiffs, in the case of Philip Wilson v. Maricopa County, et al., CV04-2873, county claim number GL5419030293. This item is scheduled to be heard in Executive Session on February 5, 2007. (C7507022100) (ADM409)

**55. PRE-LITIGATION SETTLEMENT IN KRISTIN FORSYTH V. MARICOPA COUNTY – (APPROVED)**

Approve a pre-litigation settlement of all claims in the amount of \$150,000 against the Sheriff's Office and individually against Deputy Springfield, in the case of Kristin Forsyth v. Maricopa County, Risk Management claim number GL5000030999. This item is scheduled to be heard in Executive Session on February 5, 2007. (C7507023000) (ADM409)

**56. SETTLEMENT AGREEMENT – (APPROVED)**

Authorize Settlement Agreement between Maricopa County and Plaintiffs Kathleen Mucerino, Martin Klass, and Daniel Terrell, concerning Maricopa County Superior Court No. CV2005-011512 (Consolidated with CV2006-005457). This item is scheduled to be heard in Executive Session on February 5, 2007. (C7507024000) (ADM409)

## ASSISTANT COUNTY MANAGER - REGIONAL DEVELOPMENT SERVICES

### Environmental Services

57. **EXCEPTION TO THE PERFORMANCE-BASED SALARY ADVANCEMENT PLAN – (APPROVED)**

Approve an exception to the FY 2006-07 Performance-Based Salary Advancement Plan making contract employees under the West Nile activity – Chemical Application Technicians in the Environmental Services Department ineligible for the 2006-07 performance based salary advancement. (C8807002600) (ADM3308)

58. **EXCEPTION TO THE MARICOPA COUNTY COMPENSATION PLAN – (APPROVED)**

Approve an exception to the Maricopa County Compensation Plan Section IV.A. Salary Advancement to allow the salary advancement for Environmental Services Department employee Charlene Gardner to be effective retroactively to October 23, 2006. (C8807003600) (ADM3308-001)

### Facilities Management

59. **CHANGE ORDER TO CONTRACT WITH CONCORD GENERAL CONTRACTING – (APPROVED)**

Approve Change Order No. 10 to contract C7004039800, Concord General Contracting, in the amount of \$1,383,374. This contract is for the continued design build and related professional services for the renovation of the Security Building for Phase IV primarily - emergency generator, furniture, freight elevator renovations and other miscellaneous improvements. (Supervisory District 5) (C7004039806)

### Transportation

60. **EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS – (APPROVED)**

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. (The list is on file in the Clerk of the Board's office.) (ADM2007)

61. **COTTON LANE BRIDGE – (APPROVED)**

Approve the expenditure of the balance, \$17,952.24, of the reimbursement agreement with Buckeye Water Conservation and Drainage District (BWCDD) in FY 2006-07. BWCDD costs are for review and construction oversight of the new bridge needed in support of MCDOT's Project T180, Cotton Lane Bridge. The total cost may not exceed the estimated amount of \$25,100 by more than 10%. (Supervisory District 5) (C6405231501) (ADM2000-006)

62. **GILBERT ROAD: MCDOWELL TO SR-87 – (APPROVED)**

Approve reimbursement and acceptance of Salt River Project's (SRP) Design and Construction Agreement Addendum No. 1 to SRP Job Number KEL-90102 for additional costs incurred in the

relocation of their facilities that are in conflict with Maricopa County Department of Transportation, Project T081 (68957), Gilbert Road: McDowell to SR-87 with low water crossing (LWC). SRP was required by MCDOT to bore under Gilbert Road and not open trench; thus increasing SRP's cost. The additional cost may not exceed the current estimate of \$19,610 by more than 10%.

Approve the extension of the original design and construction contract with Salt River Project (SRP Job Number KEL-90102) to June 30, 2007; and authorize the expenditure of the approved amount of \$12,597 from MCDOT project T081 in FY 2006-07. Total expenditure will be \$32,207. (Supervisorial District 2) (C6405295101)

**63. EXTENSION OF DESIGN AND CONSTRUCTION CONTRACT WITH SALT RIVER PROJECT – (APPROVED)**

Approve the extension of the design and construction contract with Salt River Project (SRP Job Number KE6-90112) to June 30, 2007; and authorize expending the estimated amount of \$13,344 from MCDOT CIP Project T081, Gilbert Road: McDowell to SR-87, in FY 2006-07. (Supervisorial District 2) (C6406278101)

**64. AMENDMENT TO IGA FOR MAINTENANCE AND IMPROVEMENTS TO FOREST ROADS – (APPROVED)**

Approve Amendment No. 1 to the intergovernmental agreement between Maricopa County and USDA Forest Service for maintenance and improvements to forest development roads in Maricopa County, MCDOT Work Order Nos. 10611 and 10613, Forest Service Agreement No. 06-RO-11031300-018, which was approved by the Board of Supervisors on May 17, 2006, and signed by the Forest Service on July 12, 2006. There is no financial impact. The purpose of this amendment is to revise Schedule A of the agreement. The following roads are being removed from the Tonto National Forest, Forest Roads, Schedule A: (Supervisorial Districts 1 and 2) (C6406251001)

Road No.	Name
205	Horseshoe Lake
2100	Horseshoe Dam Vista
2101	Catfish Point
2102	Horseshoe Campground
2103	Horseshoe Dam

**65. RESCIND ACTION RELATED TO ANNEXATION BY CITY OF AVONDALE – (APPROVED)**

Rescind the action taken on August 16, 2006 (C6406287001), which approved the annexation by the City of Avondale in Ordinance No. 646-97, due to errors in the legal descriptions. (Supervisorial District 4 and 5) (C6406287002) (ADM4201)

**66. IGA FOR IMPROVEMENTS TO MC 85 FROM 91ST AVENUE TO 75TH AVENUE – (APPROVED)**

Approve the intergovernmental agreement between Maricopa County and the City of Phoenix for Improvements to MC 85 from 91st Avenue to 75th Avenue. The county will act as the lead agency to design, construct and acquire the necessary right-of-way for this project. The City of Phoenix will issue a "no cost" permit to the county for any work done within their jurisdictional boundaries, plus allow us to procure any needed right-of-way. (Supervisorial District 5) (C6407142200)

**67. MINGUS BOX CULVERT – (APPROVED)**

Approve reimbursement to Arizona Public Service (APS) in the amount of \$7,558.94 for the design and relocation of a 12kv power pole in conflict with MCDOT's project, T219, Mingus Box Culvert. The cost may not exceed the estimated amount of \$7,558.94 by more than 10%. (Supervisorial District 3). (C6407155M00) (ADM2000-006)

**68. ANNEXATIONS – (APPROVED)**

Approve the following annexations:

- a. By the City of Avondale of county right-of-way in accordance with City of Avondale Ordinance No. 1225-1206. This action replaces City of Avondale Ordinance No. 646-97, which was rescinded by Board of Supervisors action on February 7, 2007, due to an incorrect legal description. (C6406287002) (C6407154000) Avondale Ordinance No. 646-97 was previously approved by the Board of Supervisors on July 12, 2006 (C6406287000), subsequently rescinded on August 16, 2006 and a corrective annexation approved on August 16, 2006 (C6406287001). The legal description of the corrected annexation approved on August 16, 2006 (C6406287001) contained errors in the legal description and has been rescinded by action of the Board of Supervisors on February 7, 2007 (C6406287002). On December 18, 2006 the City of Avondale rescinded Ordinance No. 646-97 and adopted a corrective Ordinance 1225-1206. This action will correct and replace the rescinded Ordinance 646-97 with the corrective Ordinance 1225-1206. (Supervisorial District 4 and 5) (C6407154000) (ADM4201)
- b. By the Town of Gilbert of county right-of-way within a portion of Pecos Road, East of Lindsay Road, in accordance with Ordinance No. 1871. (Supervisorial District 1) (C6407156000)
- c. By the City of Phoenix of county right-of-way within Broadway Road and 35th Avenue at the intersection of said roads, in accordance with Ordinance No. G-4828. (Supervisorial District 5) (C6407157000)
- d. By the Town of Gilbert of county right-of-way within a portion of Ocotillo Road, East of Lindsay Road, in accordance with Ordinance No. 1864. (Supervisorial District 1) (C6407163000)
- e. By the Town of Gilbert of county right-of-way within a portion of Pecos Road, West of Recker Road, in accordance with Ordinance No.1870. (Supervisorial District 1) (C6407164000)
- f. By the City of Phoenix of county right-of-way within 27th Avenue, from Broadway Road to Southern Avenue, in accordance with Ordinance No. G-4850. (Supervisorial District 5) (C6407165000)

**69. REIMBURSEMENT TO SRP FOR IRRIGATION DESIGN – (APPROVED)**

Approve reimbursement to Salt River Project (SRP) in the amount of \$88,470 for the irrigation design for facilities that are in conflict with the Department of Transportation Project T113, MC85: 75th Avenue to 91st Avenue. The cost may not exceed the estimated amount of \$88,470 by more than 10%. (Supervisorial District 4) (C6407158M00) (ADM2000-006)

**70. EXCEPTION TO VEHICLE REPLACEMENT POLICY – (APPROVED)**

Approve an exception to the vehicle replacement policy by allowing a temporary addition to the fleet to replace one Maricopa County Sheriff's Office impounded vehicle unit #92302, VIN # 1GCDM19X83B128930. This cargo van is being held as evidence under advisement from Maricopa County Attorney's Office. Criminal trial proceedings could last several years. In the meantime, MCDOT requires a replacement vehicle to continue day-to-day operations. (C6407159000) (ADM633) (ADM3104)

**71. IMPROVEMENTS TO MCDOWELL MOUNTAIN ROAD – (APPROVED)**

Approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Fountain Hills for improvements to McDowell Mountain Road from South of Fountain Hills Middle School to Forest Road. The county will act as the lead agency for this project and incur all costs. The town will waive any or all permit fees required for the construction phase of this project that may reside within their jurisdictional boundaries. The county has designated Project Number T108, McDowell: Shoulder Widening, for this project. (Supervisorial District 2) (C6407160200)

**72. AGREEMENT WITH ARIZONA STATE UNIVERSITY FOR PAVEMENT DESIGN RESEARCH – (APPROVED)**

Approve the agreement between Maricopa County and Arizona State University to provide Pavement Design Research towards the implementation of the Mechanistic-Empirical Pavement Design Guide. The county will participate in funding the research up to \$50,000 per county fiscal year from operating funds, and the agreement can be renewed for the next year as needed, up to three years. The payment schedule is established that MCDOT will pay 50% (\$25,000) at the beginning, 25% (\$12,500) when 75% of the year's work is completed, and 25% (\$12,500) at the end of the year. (C6407161200)

**73. TRANSPORTATION SYSTEM PLAN UPDATE – (APPROVED)**

Approve the Transportation System Plan update, dated December 2006, as the official Transportation System Plan. This plan was last produced and approved by the Board of Supervisors on December 17, 1997. The Transportation System Plan (TSP) is Maricopa County's long-range plan for transportation. MCDOT has undertaken the process of updating the TSP, as it establishes an organized approach to the planning, design and construction of Maricopa County's transportation system through 2026. (C6407162600)

**74. CONSTRUCTION OF AN INTELLIGENT TRANSPORTATION SYSTEM – (APPROVED)**

Approve the solicitation of bids for construction of an Intelligent Transportation System along Power Road in the City of Mesa from University Drive to Baseline Road and Thomas Road to McDowell Road; and along West Camelback Road in the City of Glendale from 91st Avenue to 99th Avenue, MCDOT Project No. T204, AZTech SMART Corridors, Phase III; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. FY 2007-08 expenditures in this agenda are contingent upon the Board approving the recommended FY 2007-08 budget.

Pursuant to A.R.S. §42-17106 (B), approve an amendment to the current FY 2006-10 five-year TIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 21, 2006, by **decreasing** the FY 2006-07 (Year 1), capital budget for Project T216, Pinnacle Peak Road at 83rd and 91st Avenues, by \$240,000 and **increasing** the FY 2006-07 (Year 1) capital budget for Project T204, AZTech SMART Corridors, Phase III, by \$240,000. This adjustment will result to a county wide net impact of zero. (Supervisorial Districts 2 and 4) (C6407168500)

**75. CHANDLER HEIGHTS ROAD BRIDGE AT SONOQUI WASH – (APPROVED)**

Approve the solicitation of bids for Chandler Heights Road Bridge at Sonoqui Wash, MCDOT Project No. T114; and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. FY 2007-08 expenditures in this agenda item are contingent upon the Board approving the recommended FY 2007-08 budget. (Supervisorial District 3) (C6407169500)

## **BOARD OF SUPERVISORS**

### **Clerk of the Board**

**76. APPOINTMENTS – (APPROVED)**

- a. **Attorney Investigator's Public Safety Personnel Retirement Plan Local Board, Parks and Recreation Park Police Public Safety Personnel Retirement Plan Local Board, Sheriff's Public Safety Personnel Retirement Plan Local Board and the Corrections Officer Retirement Plan Local Board** – Appoint Alberto Gutier, as a citizen member, who fill the unexpired terms effective the date of Board approval through December 31, 2009. (C0607058900) (ADM420-001) (ADM3904-001) (ADM3246-001) (ADM3332-001)(ADM3315-001)
- b. **Greater Phoenix Economic Council Board of Directors** – Appoint George Lee, whose term is effective from Board approval through December 31, 2007. (C0607059900) (ADM4801)

**77. REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS – (APPROVED)**

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)

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)

## **SETTING OF HEARINGS**

~All hearings will be held at 205 W. Jefferson, Phoenix, unless otherwise noted~

### **Planning and Development**

**78. CASES – (APPROVED)**

Schedule Planning and Development public hearings on zoning cases.

## CONSENT AGENDA

### Clerk of the Board

- 79. ASRS Claims – (APPROVED)** – Authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. Amounts may be recalculated employer payments to show accrued interest payments. (Claims are on file in the Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule.) (ADM3309-001)
- 80. Canvass of Elections – (APPROVED)** – Pursuant to A.R.S. §16-642(B), accept the canvasses of elections submitted by special districts as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.
- 81. Classification Changes – (APPROVED)** – Approve the Assessor's recommendation pursuant to A.R.S. §42-12054, that the Board change classification and/or reduce the valuation of certain properties which are now owner-occupied. (List is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule.) (ADM723)
- 82. Check Enforcement Fund Quarterly Report – (APPROVED)** – In accordance with A.R.S. §13-1811(F) County Bad Check Trust Fund, accept the quarterly financial reports of all revenues and expenditures from the Check Enforcement Fund for the periods of July 2006 through December 2006. Report is on file in the Clerk of the Board's Office and retained in accordance with ASLAPR approved retention schedule. (ADM404-001)
- 83. Compromises – (APPROVED)** – Accept the requested compromises **as payment in full**. This item was discussed in Executive Session on January 16, 2007. (List is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM407)
- 84. Duplicate Warrants – (APPROVED)** – Necessary affidavits having been filed, pursuant to A.R.S. §11-632, approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809)
- 85. Minutes – (APPROVED)** – Approve the minutes of the Board of Supervisors meetings held September 26, 2006, October 2, 2006, October 4, 2006, October 11, 2006, October 18, 2006, October 25, 2006, and November 6, 2006.
- 86. Precinct Committeemen – (APPROVED)** – Authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM1701)

87. **Secured Tax Roll Corrections – (APPROVED)** – Approve requests from the Assessor for corrections of the Secured Tax Rolls. (List is on file in the Clerk of the Board’s office and retained in accordance with ASLAPR approved retention schedule.) (ADM705)
88. **Settlement of Tax Cases – (APPROVED)** – Approve the settlement of tax cases dated February 7, 2007. (List is on file in the Clerk of the Board’s office and retained in accordance with ASLAPR approved retention schedule.) (ADM704)
89. **Stale Dated Warrants – (APPROVED)** – The Board of Supervisors finds 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. (A list of claims is on file in the Clerk of the Board’s office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816)
90. **Tax Abatements – (APPROVED)** – Approve requests for tax abatements from the Treasurer’s Office pursuant to A.R.S. §41-18353. (List is on file in the Clerk of the Board’s office and retained in accordance with ASLAPR approved retention schedule.) (ADM708)

## **FLOOD CONTROL DISTRICT AGENDA**

**FCD-1 – (APPROVED)** - Approve minutes of meeting held October 4, 2006 and October 18, 2006.

**FCD-2 – (APPROVED)** - Approve Flood Control District Personnel Agenda (Exhibit C).

**FCD-3 – (APPROVED)** - Approve easements and right-of-way acquisition documents, appraisal and relocation assistance services contracts under \$5,000 per Resolution FCD 87-12; Escrow Instructions per Resolution FCD 87-13; Payment of Tax Notices per Resolution FCD 97-07; License Procedures and Fee Schedules per Resolution FCD2002R002; and disposal of easements, excess real property and fixtures under \$250,000 documents per FCD 1999R016 for Flood Control purposes. (ADM1910)

**FCD-4 – (APPROVED) - PUBLIC HEARING - ADOPTION OF THE ENFORCEMENT RULES**

This the time scheduled for a public hearing to solicit public comments and consider the adoption of the proposed "Enforcement Rules for the Flood Control District of Maricopa County." In accordance with A.R.S., Sections 48-3613, 48-3614, 48-3615, 48-3622, and Section 48-3626 the Flood Control District Board of Directors are directed to adopt and enforce floodplain regulations consistent with criteria adopted by the Director of the Arizona Department of Water Resources and rules and bylaws for its orderly operation. The Arizona Revised Statutes also directs the Flood Control District of Maricopa County to provide floodplain management and enforcement for 12 communities and all unincorporated areas within Maricopa County. As specified in A.R.S. §48-3609, the district is requesting the Board of Directors to set a hearing time and approve the district to publish the date, time and place of the public hearing at least 30 days prior to the public hearing taking place. (C6907035600) (ADM1918)

**FCD-5 – (APPROVED) - BULLARD WASH CHANNEL IMPROVEMENTS PROJECT**

Approve Intergovernmental Agreement (IGA) FCD 2006A010 between the Flood Control District of Maricopa County and the City of Goodyear for cost sharing, rights-of-way acquisition, utility relocation, construction, construction management, operation and maintenance of the Bullard Wash Channel Improvements Project, Interstate 10 to McDowell Road, #470 (Project). The project is estimated to cost \$6,000,000, for which the IGA provides for a 50% district and 50% city cost share. (C6907032200)

**FCD-6 – (APPROVED) - DAM SAFETY PROGRAM**

Adopt Resolution FCD 2006R014 authorizing and directing the Chief Engineer and General Manager of the Flood Control District of Maricopa County to perform Dam Safety Program work inclusive of: Recurrent Dam Safety Activities, Structures Assessment and Dam Rehabilitation planning and pre-design as identified in Exhibit A of the Resolution; to enter into negotiations for technical service contracts, for planning and engineering contracts and to award those contracts, subject to the ratification and approval of the Board of Directors and subject to funding to be approved in the district's FY 2007-08 Budget. This Resolution further authorizes the district to negotiate with landowners and/or appropriate agencies to obtain all necessary rights-of-entry, for the purpose of performing dam safety investigations and dam safety monitoring activities, and for the purpose of obtaining topographic, geologic, hydrographic, and environmental data for the Dam Safety Program work. (C6907039600) (ADM1900)

**FCD-7 – (APPROVED) - GLENDALE/PEORIA AREA DRAINAGE MASTER PLAN UPDATE**

Approve Intergovernmental Agreement (IGA) FCD2006A007 between the Flood Control District of Maricopa County and the City of Peoria to define the responsibilities of the district and Peoria for the cost-sharing, planning, analysis, and preparation of the Glendale/Peoria Area Drainage Master Plan Update (ADMPU) Northwest Region Update (Study). The estimated cost of the Study is \$300,000. The district and Peoria will cost share 50/50 with Peoria's share not-to-exceed \$150,000. (C6907040200)

**FCD-8 – (APPROVED) - ADJUSTMENT TO CAPITAL IMPROVEMENT PROGRAM**

Approve an adjustment to the current FY 2006-07 Capital Improvement Program (CIP) expenditure budget of the Flood Control District of Maricopa County, Department (690), Fund (990). The adjustment consists of increasing funding for Project 121 – East Maricopa Floodway by \$415,000 and reducing the funding for Project 450 – Glendale / Peoria ADMP by \$415,000. The net affect on the FY 2006-07 CIP budget is zero. The adjustment is required due to the need for greater than anticipated excavation, material disposal, rip rap construction and seeding than was anticipated in the original plans. (C6907041800) (ADM1900-003)

**FCD-9 – (APPROVED) - ADOPTION OF THE DRAINAGE POLICIES AND STANDARDS MANUAL**

Approve Resolution FCD2007R001, which authorizes the adoption of the Drainage Policies and Standards Manual for Maricopa County (DPSMC) and authorizes and directs the Chief Engineer and General Manager of the Flood Control District to distribute the DPSMC and recommend its use by the citizens of Maricopa County. In accordance with the A.R.S., Title 48, Chapter 21 which requires the Board of Directors of the Flood Control District to identify flood problems, plan for the construction of facilities, review and regulate proposed developments, issue permits for development within floodplain areas, and promote and protect the health, peace, safety, comfort, convenience and general welfare of the residents within the jurisdictional area of Maricopa County, and to minimize public and private losses due to flood conditions. (C6907043600) (ADM1915)

**FCD-10 – (APPROVED) - ADJUSTMENTS TO FLOOD CONTROL DISTRICT CAPITAL IMPROVEMENT PROGRAM**

Approve the following adjustments to Flood Control District of Maricopa County FY 2006-07 Operating, Capital Improvement Program and Elimination fund budgets:

- a) Decrease the Flood Control District, (690), Flood Control Fund (991), revenue budget by \$19,429,000, resulting in a revised total revenue budget of \$90,841,585
- b) Decrease the Flood Control District, (690), Flood Control Fund (991), operating expenditure budget by \$19,939,794 (19,528,610 annualized), which includes a reduction of the Transfer Out to the Flood Control Capital Projects fund of \$19,296,962 and a reduction of other expenditures of \$642,832, resulting in a revised total operating expenditure budget of \$92,031,077 (92,442,261 annualized).
- c) Decrease the Flood Control District (690), Flood Control Capital Projects Fund (990), revenue budget by \$19,296,962 (Transfers In), resulting in a revised total revenue budget of \$57,886,461, with corresponding adjustments of \$19,296,962 to revenue and expenditures in the Flood Control District Eliminations Fund (Dept. 690, Fund 900).
- d) Decrease the Flood Control District, (690), Flood Control Capital Projects Fund (990), expenditure budget by \$11,000,000, resulting in a revised total CIP expenditure budget of \$60,000,000. The project expenditure adjustments in the Flood Control Capital Projects Fund (990), resulting in the above requested \$11,000,000 total adjustment, are as follows: (C6907045800) (ADM1900-003)

<b>Project Number</b>	<b>Name</b>	<b>Adjustments</b>
F117	S. Phoenix Drainage Improvements	increase by \$44,000
F120	Paradise Valley, Scottsdale, Phoenix	reduce by \$469,000
F121	East Mesa Floodway	increase by \$193,000
F201	White Tanks FRS # 4	reduce by \$200,000
F343	Wickenburg	reduce by \$366,000
F344	Wittmann	reduce by \$5,000
F345	Aguila	reduce by \$133,000
F346	Hassayampa	increase by \$2,000
F371	Upper New River ADMP	increase by \$3,000
F401	Agua Fria River Flowage Easements	reduce by \$10,000
F420	Spookhill Watershed Area	reduce by \$123,000
F442	Southeast Mesa	reduce by \$231,000
F450	Glendale / Peoria	reduce by \$1,597,000
F470	White Tanks / Agua Fria	increase by \$830,000
F480	Queen Creek	reduce by \$4,440,000
F490	Gilbert / Chandler	reduce by \$100,000
F491	Higley Area	increase by \$4,000
F565	Durango	reduce by \$889,000
F580	ACDC Area	increase by \$58,000
F590	Scatter Wash Channel	reduce by \$712,000
F620	Maryvale	reduce by \$183,000
F625	Metro Area	reduce by \$1,712,000
FCPR	Project Reserves (Flood)	reduce by \$964,000

## **LIBRARY DISTRICT AGENDA**

**LD-1 – (APPROVED)** - Approve the minutes of meeting held October 4, 2006 and October 18, 2006.

**LD-2 – (APPROVED)** - Approve Library District Personnel Agenda (Exhibit D).

**LD-3 – (APPROVED) - APPOINTMENT**

Reappoint Roy Delgado to the Library District Citizens' Advisory Committee representing District 4. The term of the appointment will be effective upon Board approval through June 30, 2007. (C0607060900) (ADM2805-001)

**LD-4 – (APPROVED) - AMENDMENT TO IGA WITH MARICOPA COUNTY SPECIAL HEALTH CARE DISTRICT**

Approve Amendment No. 1 to intergovernmental agreement between the Maricopa County Library District and the Maricopa County Special Health Care District. This agreement results in the Library District providing automation of the public catalog, acquisitions, cataloging, and circulation operations of the Health Care District's library at a cost of \$10,000. The term of this agreement shall be from January 1, 2007 until December 31, 2007. All other terms and conditions of the IGA remain unchanged. Approve an increase in revenue and expenditures for the Library District (650) Library District Fund (244), in the amount of \$10,000. (C6506018201)

**LD-5 – (APPROVED) - IGA WITH CITY OF GOODYEAR FOR OPERATION OF LIBRARY**

Approve an intergovernmental agreement between the Maricopa County Library District and the City of Goodyear for operation of a library in the City of Goodyear to open in 2009. The city shall lease/purchase a 10,000 sq. ft. building or build a 30,000 sq. ft. building and lease to the district for the sum of \$1.00 per year. The City of Goodyear has elected to build a new facility that will not be completed until 2008-2009. The term shall be for a period of five years commencing on the date the agreement is filed with the Maricopa County Recorder and subject to annual appropriations by each party to fund the agreement. This agreement may be renewed for additional five-year terms by mutual consent of the parties with decreasing district support according to the "Plan of Service." (C6507013200)

## **STADIUM DISTRICT AGENDA**

**SD-1 – (APPROVED)** - Approve minutes of meeting held October 4, 2006 and October 18, 2006.

**SD-2 – (APPROVED)** - Approve Stadium District Personnel Agenda (Exhibit E).

**SD-3 – (APPROVED) - LETTER AGREEMENT, CHANGE ORDERS, AND APPROPRIATION ADJUSTMENT FOR CHASE FIELD SUITE RENOVATION PROJECT**

Authorize Bill Scalzo, Executive Director Representative, to execute a letter agreement with the Arizona Diamondbacks Major League Baseball Team and affiliated entities, providing that the Arizona Diamondbacks pay the cost of construction to renovate eight additional suites. The Arizona Diamondbacks will then receive a credit equal to 1/3 of the amount provided for each of three years to be offset against payments owed to the district in December of each year, beginning December 2008. The Suite Renovation design and construction was approved by the Board on September 25, 2006 (C6807004100 and C6807005100). (C6807009100)

Approve change order number one to contract number SD07-004 Chase Field Suite Renovation Project with the DLR Corporation in the amount of \$36,383. (C6807004101)

Approve change order number one to contract number SD07-005 Chase Field Suite Renovation Project with the M.A. Mortenson Corporation in the amount of \$695,652. (C6807005101)

Approve an increase to the project budget in the amount of \$75,000 to cover \$40,000 in estimated construction management oversight costs, \$5,000 in estimated legal costs, and \$30,000 in estimated contingency.

Approve an appropriation adjustment increasing the FY2006-07 Department (680) Long Term Project Reserve Fund (450) revenue and expenditure budgets in the amount of \$807,035 to allow this project to be completed with the required additional services and ready for the season opening day. (ADM5503) (C6807009100)

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

91. **(NO ACTION)** - Public comment on matters pertaining to Maricopa County government. Please limit comments to two to three minutes. Note that pursuant to the Arizona Open Meeting Law, Board members may not discuss matters raised under this public comment portion of the meeting; however, an individual Board member may respond to criticism made by those who have addressed the Board, ask staff to review an issue raised or may ask that the matter be placed on a future agenda. (Public comment is at the discretion of the Chairman.) (ADM605)
92. **(NO ACTION)** - Supervisors'/County Manager's summary of current events. (ADM606)

**\*\*\*The Board of Supervisors will now consider Code Enforcement Reviews.\*\*\***

**Please note that these matters are of a quasi-judicial nature and the Board will review the Hearing Officer's decision in each case to determine if sufficient evidence was presented to the Hearing Officer to support the decision and whether a procedural error may have occurred.  
New evidence is not considered at these hearings.**

## CODE ENFORCEMENT REVIEW

- PZ-1. (UPHELD HEARING OFFICER'S ORDER OF JUDGEMENT) - Jerry Clingman** – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2005-00719, Jerry Clingman. (Supervisorial District 2) (ADM3417-042)
- PZ-2. (UPHELD HEARING OFFICER'S ORDER OF JUDGEMENT AS MODIFIED BY THE PLAN OF COMPLIANCE) - Jerry Eagle Island Investments** – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2005-00678-981-987-988, Eagle Island Investments. This item was previously heard by the Board and was denied by a vote of 5-0 at its September 25, 2006 meeting. (Supervisorial District 4) (ADM3417-035)

**\*\*\*The Board of Supervisors will now consider matters related to Planning and Zoning.\*\*\***

## PLANNING AND ZONING AGENDA

### CONSENT AGENDA: (Detailed below)

1. **(APPROVED)** Z2006-062, Special Use Permit (SUP) for a water treatment plant in the Rural-43 RUPD zoning district, located south of the southwest corner of Beardsley Canal and Olive Avenue (in the west Glendale/Surprise area) (District 4)
2. **(APPROVED)** S2005-051, Final Plat in the R1-35 zoning district, located at the northeast corner of Crismon Road and Brown Road (in the east Mesa area) (District 2)

### REGULAR AGENDA: (Detailed below)

3. **(APPROVED)** TA2006-010, Resolution of Record and Text Amendment to adopt the proposed Drainage Policies and Standards Manual for unincorporated Maricopa County (All Districts) (Adoption by resolution) (Continued from 12-20-06)
4. **(CONTINUED TO 02/21/07)** Z2005-031, Rezone from Rural-43 to C-1 CUPD, C-2 CUPD, C-O CUPD, R-2 RUPD, R-4 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD all with a PAD overlay, located along Perryville Road from Camelback Road to Bell Road (in the Surprise/west Glendale area) (District 4) (Continued from 01-02-07)
5. **(CONTINUED TO 03/21/07)** Z2006-021, Rezone from Rural-43 to R1-35, located at the northeast corner of Tuthill Road and Narramore Road (in the Rainbow Valley Area) (District 5)
6. **(APPROVED)** Z2006-088, Special Use Permit (SUP) for Balterra Water Storage and Treatment Facility in the Rural-43 zoning district, located south of Camelback Road and east of 411th Avenue (in the Tonopah area) (District 5)
7. **(APPROVED)** Z2006-089, Special Use Permit (SUP) for Balterra Wastewater Treatment Facility in the Rural-43 zoning district, located west of 395th Avenue and North of Indian School Road (in the Tonopah area) (District 5)

8. **(APPROVED)** Z2006-103, Special Use Permit (SUP) for water treatment plant in the Rural-43 zoning district with waivers for lot area, lot width, setbacks and SVT's, located at the southeast corner of 194th Avenue and Monte Vista Drive (in the Buckeye area) (District 4)

**CONSENT AGENDA DETAIL:**

1. **Z2006-062** District 4

Applicant: Earl, Curley & Lagarde, PC for West Maricopa Combine  
Location: South of the southwest corner of Beardsley Canal and Olive Avenue (in the west Glendale/Surprise area)  
Request: Special Use Permit (SUP) for a water treatment plant in the Rural-43 RUPD zoning district (approximately 0.73 acres) – Sonoran Ridge Estates Arsenic Treatment Facility

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-062, subject to the following stipulations "a" through "m". 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 site plan entitled "Special use Permit for Arsenic Treatment Facility at Sonoran Ridge Estates" consisting of one (1) full-size sheets dated November 30, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Special Use Permit (case No. Z2006062) for Sonoran Ridge Estates Arsenic Treatment Facilities for Well Site" consisting of three (3) pages, dated revised November, 2006 and stamped received November 13, 2006 except as modified by the following stipulations.
- c. Development and use of the site shall comply with the site plan entitled "Elevations" stamped received November 13, 2006 except as modified by the following stipulations.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and twenty (20) years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

- i. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- j. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- k. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance).
- l. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- m. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

2. **S2005-051** District 2

Applicant: Allen Consulting Engineers, Inc.  
Location: Northeast corner of Crismon Road and Brown Road (in the east Mesa area)  
Request: Final Plat in the R1-35 zoning district for Encanto Este (Approximately 24.09 gross acres)

**REGULAR AGENDA DETAIL:**

3. **TA2006-010** All Districts (adoption by resolution)  
**(Continued from 12-20-06)**

Applicant: Commission Initiative  
Location: County-wide  
Request: Resolution of Record and Text Amendment to adopt the proposed Drainage Policies and Standards Manual for unincorporated Maricopa County

**COMMISSION ACTION:** Commissioner Bowers moved to recommend approval of TA2006-010. Commissioner Barney seconded the motion, which passed with a unanimous vote of 8-0.

4. **Z2005-031** District 4  
**(Cont. from 01-02-07)**

Applicant: CMX, LLC for Maricopa Water District  
Location: Along Perryville Road from Camelback Road to Bell Road (in the Surprise/west Glendale area)

Request: Rezone from Rural-43 to C-1 CUPD, C-2 CUPD, C-O CUPD, R-2 RUPD, R-4 RUPD, R1-6 RUPD, R1-7 RUPD, R1-8 RUPD, R1-18 RUPD all with a PAD overlay (approximately 2,665 acres) – Zanjero Trails

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-31, subject to the following stipulations “a” through “q”. Commissioner Makula seconded the motion, which passed with a majority vote of 5-1, with Commissioner Smith dissenting.

- a. Development of the site shall comply with the zoning narrative entitled “Zanjero Trails Unit Plan of Development Zone Change Request with PAD Overlay” consisting of a bound document containing sixty-three (63) pages, including all figures and diagrams, dated August 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- b. Prior to the submittal of any Preliminary Plat for any portion of the Zanjero Trails project, with the exception of the Phase 1 Preliminary Plat currently being processed under S2005020, the developer shall enter into a Development Agreement with the Maricopa County Department of Transportation. Said Development Agreement shall be consistent with the provisions as outlined in Stipulation “ee.4” of DMP2002005. This agreement shall detail transportation issues, including the timing for construction of the offsite roadway improvements referenced in stipulation “c.6” below. The Preliminary Plat in process under S2005020 shall not be approved until the Development Agreement is executed.
- c. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - 1) A revised Traffic Impact Statement (TIS) was received May 5, 2006. 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.
  - 2) The applicant shall provide the ultimate full-width of right-of-way for all interior public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
  - 3) The applicant shall provide the ultimate half-width of right-of-way for all perimeter public roadways, consistent with the Maricopa County Major Streets and Routes Plan, or as otherwise approved by MCDOT.
  - 4) The applicant shall construct the ultimate full-width interior public roadways.
  - 5) The applicant shall construct the ultimate half-width perimeter public roadways.
  - 6) 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 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.

- 7) If required per item #6, a development agreement shall be executed prior to any zoning or preliminary plat approval. The development agreement shall be an enforceable contract, regardless of annexation.
- 8) The applicant shall design all roadways and public infrastructure to meet county standards in effect at the time improvements are constructed.
- 9) The applicant shall provide all-weather access to all parcels and lots, and on all arterial roadways.
- 10) The applicant shall provide and make available a minimum of two access points to each development phase and/or subdivision unit.
- 11) The applicant shall not locate elementary or middle schools on arterial alignments.
- 12) The applicant shall provide an underground conduit system (or comparable technology as approved by MCDOT) within the rights-of-way throughout the development to integrate future traffic signals and ITS uses.
- 13) The applicant shall provide bike lanes on all arterial and major collector alignments. A bicycle circulation plan shall be provided and approved by MCDOT with each phase of development.
- 14) The applicant shall design the project 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.).
- 15) If streetlights are provided, installation shall be provided by the applicant. If streetlights are within public right-of-way, a Street Light Improvement District (SLID) or comparable authority must be established to provide operation and maintenance. The developer should contact the Office of the Superintendent of Streets (602-506-8797) to initiate the SLID process.
- 16) The applicant shall design landscaping to comply with all MCDOT requirements and to conform to Chapter 9 of the MCDOT Roadway Design Manual. The developer (or as assigned to the Home Owner's Association) shall be responsible for maintenance of landscaping within public rights-of-way.
- 17) The applicant shall provide a construction traffic circulation plan. The construction traffic circulation plan must be approved by MCDOT prior to commencing construction.
- 18) The applicant shall comply with all applicable local, state and federal requirements (dust control, AZPDES, etc.).

- 19) Prior to issuance of any permits for development of the site, the applicant shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d. Prior to Final Plat approval, a licensed engineering investigation of the site shall be conducted and submitted identifying any land subsidence or earth fissuring which affect the site and the report shall include suggested mitigation. The Final Plat shall have a note that the property is within an area of known land subsidence and/or earth fissuring. Further, notice that the property is in area of known land subsidence and/or earth fissuring and a definition of both land subsidence and earth fissures shall be prominently displayed in the sales office, in the covenants, conditions and restrictions (CC&Rs), and in any disclosure statements for conveyance documents. However, if said report concludes negative impact regarding land subsidence and/or earth fissuring the required notification can include such results.
- e. 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.
- f. Prior to the approval of the first Final Plat, the developer shall obtain from the Maricopa County Environmental Services Department Approvals to Construct for all required onsite and offsite water and sewer lines.
- g. Prior to the development or issuance of any building permits for property located within a regulated Floodplain, the developer shall obtain a Floodplain Use Permit from the Regulatory Division of the Maricopa County Flood Control District.
- h. Prior to the approval of any Final Plat, the developer shall obtain a Certificate of 100-Year Assured Water Supply from the Arizona Department of Water Resources.
- i. 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 if in commercial areas. A continuous parapet shall screen all roof-mounted equipment.
- j. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the developer shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to Final Plat, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

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

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

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

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

Luke Air Force Base Auxiliary Field 1, located approximately 15 miles to the northwest of Luke Air Force Base is a site of intense instrument procedure landing approaches, with approximately 12,000 flight operations per year. Aircraft will descend down to 200 feet above the ground over the Auxiliary Airfield and will create severe noise in that area.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department.”

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

- n. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. 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.
- p. 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).
- q. Property owner and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

5.     **Z2006-021**     District 5

Applicant:     ARCADIS G&M, Inc. for Estrella 160 LLC.  
Location:     Northeast corner of Tuthill Road and Narramore Road (in the Rainbow Valley area)  
Request:     Rezone from Rural-43 to R1-35 (approximately 160 acres) – Aurora Valley

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2006-021, subject to the following stipulations “a” through “i”. Commissioner Makula seconded the motion, which passed with a unanimous vote of 6-0.

- a.     Development of the site shall comply with zoning exhibit, Preliminary Plat, and conceptual landscape plan entitled “Zoning Exhibit for Aurora Valley and Zoning Case Z2006021 and Preliminary Plat Subdivision Case S2006011” consisting of four (4) full-size sheets, dated revised October 19, 2006, and stamped received October 19, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled “Aurora Valley Narrative for Rezone from Rural-43 to R1-35 and Preliminary Plat”, consisting of thirty-seven (37) pages, dated revised October 19, 2006, stamped received October 19, 2006, except as modified by the following stipulations.
- c.     The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - Provide a total half-width of 65’ right-of-way on Tuthill Road and Narramore Road.
  - The applicant shall make a contribution to regional transportation infrastructure. The contribution shall be \$3,281.00 per dwelling unit. The applicant may choose to construct off-site street improvements in lieu of payment of this contribution. An area study shall be provided to determine the regional transportation needs and the appropriate contribution. Roadways shall meet County standards in effect at the time they are improved. If the applicant chooses not to construct off-site regional roadway improvements, the applicant shall pay the contribution amount at the time individual building permit are issued, or per an alternate agreement as approved by MCDOT.
  - Provide all-weather access to subdivision.
  - Any landscaping in County right-of-way must meet Chapter 9 (Roadway Design Manual).
- d.     All trees shall be double-staked when installed.
- e.     A continuous parapet shall screen all roof-mounted equipment.
- 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.     All interior streets within the proposed development are to be constructed to minimum County standards.

- h. 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.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. 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.
- k. 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).
- l. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

6. **Z2006-088** District 5

Applicant: Beus Gilbert, PLLC for Fonterra Village, LLC  
Location: South of Camelback Road and east of 411th Avenue (in the Tonopah area)  
Request: Special Use Permit (SUP) for a water storage and treatment facility in the Rural-43 zoning district (approximately 6.6 acres) – Balterra WTF

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2006-088, subject to the following stipulations “a” through “t”. 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 site plan entitled “Site Plan for Special Use Permit Balterra Water Supply Facility”, consisting of one (1) full-size sheet, dated October 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the project narrative entitled, “Narrative Report for Special Use Application Submittal Balterra Water Supply Facility”, consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in substantial conformance with the landscape plan entitled “Balterra Water Supply Facility Preliminary Landscape Plan”, consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.
- d. Prior to zoning clearance, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.

- e. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.
- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 65' with an additional 35' roadway easement along Camelback Road adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall provide a total half-width right-of-way of 40' along 407th Avenue adjacent to the site.
  - iii. Prior to zoning clearance, the developer shall bond for ultimate improvements (paving, curb, gutter & sidewalk) for perimeter roads.
  - iv. Prior to Final Certificate of Occupancy, the site shall be served by paved access to county roadway.
  - v. The site plan shall indicate the dimensions for parking spaces.
  - vi. Any landscaping in county right-of-way must meet Chapter 9 of the Maricopa County Roadway Design Manual.
  - vii. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.
- h. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.
- i. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.
- j. All trees shall be double-staked when installed.
- k. A continuous parapet shall screen all roof-mounted equipment.
- 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 or screened from view.
- m. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Tonopah

Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- o. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- p. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 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.
- q. 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.
- r. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- s. 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.
- t. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

7. **Z2006-089** District 5

Applicant: Beus Gilbert, PLLC for Fonterra Village, LLC  
Location: West of 395th Avenue and north of Indian School Road (in the Tonopah area)  
Request: Special Use Permit (SUP) for a wastewater treatment facility in the Rural-43 zoning district (approximately 15 acres) – Balterra WWTF

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2006-089, subject to the following stipulations “a” through “v”. 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 site plan entitled “Site Plan for Special Use Permit Balterra Wastewater Treatment Facility”, consisting of two (2) full-size sheets, dated December 2006 and stamped received December 21, 2006, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the project narrative entitled, “Narrative Report for Special Use Application Submittal Balterra

Wastewater Treatment Facility”, consisting of four (4) pages, dated October 11, 2006 and stamped received October 18, 2006, except as modified by the following stipulations.

- c. Development of the site shall be in substantial conformance with the landscape plan entitled “Balterra Wastewater Supply Facility Preliminary Landscape Plan”, consisting of two (2) sheets, dated October 2006, and stamped received October 18, 2006, except as modified by the following stipulations.
- d. Prior to zoning clearance, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation.
- e. Prior to development of any adjacent parcels, the master developer shall be responsible for the installation of the off-site screening and landscaping in accordance with the preliminary landscape plans approved with this request.
- f. The site shall be equipped with no less than four (4) standard parking spaces and one (1) handicap-accessible parking space. Said spaces shall meet the standards as outlined in Section 1102 of the MCZO and shall be clearly marked with dimensions shown.
- g. Prior to site development, the applicant shall take all necessary precautions including, but not limited to potholing the site to determine the exact location of the fiber optics cable that bisects the site. All construction documents prepared in conjunction with the site development shall reference this cable. The developer or developer’s contractors shall carry an insurance rider in an amount necessary to cover the monetary losses incurred should the cable be damaged during cable location, site construction, or cable relocation. Should the cable need to be relocated to the public right-of-way, the developer shall coordinate closely with the appropriate transportation department (MCDOT or ADOT). Maricopa County shall not be responsible for any damage to the fiber optics cable or the monetary losses incurred from that damage.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
  - i. Prior to zoning clearance, the developer shall provide a total full-width right-of-way of 80’ along 407th Avenue adjacent to the site.
  - ii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding the access to Indian School Road and shall comply with ADOT’s requirements regarding said access.
  - iii. Prior to zoning clearance, the developer shall coordinate with the Arizona Department of Transportation (ADOT) regarding any improvements and right-of-way requirements for Indian School Road and shall comply with ADOT’s requirements regarding said improvements.
  - iv. The site plan shall indicate the dimensions for parking spaces.
  - v. With a proposed 28,000 vehicles per day anticipated on Indian School Road, MCDOT Planning recommends a minimum of 130’ right-of-way for Indian School Road. MCDOT will consider re-evaluating this requirement after corrected or combined Traffic Impact Study.

- i. Approval of this Special Use Permit does not constitute legal authority to construct the facility. The developer shall obtain the necessary Approval to Construct from the Maricopa County Environmental Services Department prior to zoning clearance.
- j. Prior to building permit issuance, the developer shall obtain drainage clearance from the Drainage Review Division of the Maricopa County Planning and Development Department.
- k. Prior to zoning clearance or drainage clearance, the developer shall obtain a floodplain use permit from the Flood Control District of Maricopa County.
- l. All trees shall be double-staked when installed.
- m. A continuous parapet shall screen all roof-mounted equipment.
- n. 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.
- o. All outdoor lighting shall conform to 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 Tonopah Valley Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- q. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- r. The applicant shall submit a written report outlining the status of the development at the end of five (5) years and 20 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.
- s. 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.
- t. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- u. 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.

- v. Property owners and their successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

8. **Z2006-103** District 4

Applicant: Layne Christensen Company for Arizona Water Company  
Location: Southeast corner of 194th Avenue and Monte Vista Drive (in the Buckeye area)  
Request: Special Use Permit (SUP) for a water treatment plant in the Rural-43 zoning district (approximately 0.19 acres) – White Tank Wells 2, 4 & 8

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2006-103, subject to the following stipulations “a” through “n”. 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 site plan entitled “Arizona Water Company White Tank Wells 2, 4 & 8 arsenic Treatment Project” consisting of one (1) full-size sheet dated revised December 6, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled “Special Use Permit Application Narrative Report For Arsenic Treatment Addition” consisting of seven (7) pages, dated revised December, 2006 and stamped received December 8, 2006 except as modified by the following stipulations.
- c. The following Maricopa County Environmental Services (MCESD) stipulations shall be met:
- All of the stipulations noted in the initial Conditional ATC or the eventual final ATC must be followed.
- d. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.
- h. Within one (1) year from the date of approval by the Board of Supervisors, the applicant shall demonstrate via written documentation that the two subject Assessor parcels 502-67-018 and 502-67-009B have been combined.

- i. The applicant shall submit a written report outlining the status of the development at the end of one (1) year and 20 years from the date of approval by the Board of Supervisors. The status reports shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- j. This Special Use Permit (SUP) shall expire twenty (25) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- 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).
- 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.
- n. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.