

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
October 4, 2006

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

INVOCATION

Chris Pinuelas, County Manager's Office, delivered the invocation.

PLEDGE OF ALLEGIANCE

Shelby Scharbach, Department of Finance, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

October's pet of the month, Candy, was a part Shiatsu female from Maricopa County Animal Care & Control who is looking for a new owner to love. She has been licensed, neutered and has received all of her shots. The Chairman remarked that she was a beautiful dog. He cautioned those present to claim her now if they wanted to adopt her because the monthly pet shown on TV has always been adopted before the end of the day. County Manager, David Smith, caused some laughter amongst his peers when he "confessed" that September's pet of the month now resided with his family.

SERVICE AWARDS

Mike Rabino introduced each of the following employees, who have provided 30 or more years of public service to Maricopa County, and included a short bio on them. The Supervisors greeted them and Chairman Stapley presented each with a service award plaque commemorating their dedication and service. The employee's supervisor(s) came forward with them to show their support for work well done through the years. (C3507005900) (ADM3341)

30 Years of Service

Name	Department	Employment Date
Armandina Cavazos	Trial Courts	June 1, 1976
Jose T. Molina	Transportation	July 7, 1976
Elia R. Gonzales	Trial Courts	July 12, 1976
Scott B. Frye	Sheriff's Department	July 20, 1976
Rollie K. Seebert	Sheriff's Department	July 20, 1976
Amador Torres Jr.	Transportation	August 10, 1976
Donald E. Walsh	Sheriff's Department	August 17, 1976
Terry H. Jennings	County Attorney	August 25, 1976
Michael L. Goss	Adult Probation	September 13, 1976

More than 30 Years of Service

Name	Department	Employment Date
Lawrence M. Black	Sheriff's Department	June 4, 1973
Robert Greg Hansbro	Chief Information Officer	33 Years Combined

Mary Elizabeth Millard

Sheriff's Department

September 12, 1972

WALGREENS HEALTH INITIATIVES "WINNING AS ONE" AWARD

Zack French, Senior Vice President of Walgreen's Health Initiatives presented Maricopa County with their "Winning as One" award for having the Highest Generic Dispensing Rate (63.6%) of counties in the United States that contract with Walgreens Health Initiatives for their commercial pharmaceutical services. He complimented Pat Vancil, Employee Health Initiatives Director, and her staff for their work in educating employees on the benefits of using generic drugs. Their efforts have saved the County hundreds of thousands of dollars over the past three years in drug expenses. He also present Ms. Vancil Walgreen's "Winning Together" recognition award for helping craft an excellent drug utilization program and driving down costs. She called Chairman Stapley to the podium to present it to him saying it was really an award that the employees achieved by using generic drugs. Supervisor Brock thanked Walgreens for the training provided to explain generic drugs to staff. He said that staff has been active in producing "one of the premier employee healthcare benefit packages in the state." (C3507008900) (ADM650-001)

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Stapley called for a public hearing on the following liquor license applications. This hearing will determine the recommendation the Board of Supervisors will make to the State Liquor Board to grant or deny the license.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications a, b, and c; and the continuance of application d, Streets of New York:

- a. Application filed by Alan John Bakas for a Special Event Liquor License: (F23192) (SELL746)
 - Business Name: VFW Post #12031
 - Location: 41703 Gavilan Peak Parkway, Anthem 85086
 - Date/Time: November 11, 2006, 10:00 am – 6:00 pm

- b. Application filed by Louis Ibarra for a Special Event Liquor License: (F23192) (SELL747)
 - Business Name: Friendly House
 - Location: 7611 S 29th Avenue, Laveen 85339
 - Date/Time: October 21, 2006, 4:00 pm – 11:00 pm

- c. Application filed by Lucy Joan Benson an Original Series 10 Liquor License (LL6201):
 - Business Name: Tonopah Mobil
 - Location: 4126 N 411th Avenue, Tonopah 85334

- d. Application filed by Ronald Arthur Paradis for an Original Series 12 Liquor License: (LL6202) **CONTINUED TO OCTOBER 18, 2006.**
 - Business Name: Streets of New York

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Location: 39508 N Daisy Mountain Road, Anthem 85086
Approval subject to issuance of a Certificate of Occupancy

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

PUBLIC HEARING – BEARDSLEY WATER COMPANY, INC. FRANCHISE RENEWAL

Chairman Stapley called for a public hearing to solicit comments and consider the application filed by Beardsley Water Company, Inc. for a renewal to an existing public service franchise for a domestic water distribution system. The original franchise was granted on September 8, 1981. (F18706)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the renewal of the above franchise.

PUBLIC HEARING – FIREWORKS PERMIT APPLICATION – WITHDRAWN

Item: Pursuant to A.R.S. 36-1603, approve the application filed by Southwest Fireworks for an original Fireworks Display Application: (ADM665-62) The Clerk announced that the applicant requested withdrawal of this application.

Organization: Pioneer Restaurant - **WITHDRAWN BY APPLICANT**
Location: 3901 W Pioneer Road, Phoenix 85086
Date/Time: October 7, 2006
Approval subject to obtaining a Temporary Use Permit

SANTAN VISTA IRRIGATION WATER DELIVERY DISTRICT NO. 45

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to 1) rescind the action taken August 21, 2006 regarding the 2006 tax rate and levy for the Santan Vista Irrigation Water Delivery District No. 45 (District #16645). There should be no levy for the district at this time.

And 2) authorize the County Treasurer to process the resolution that corresponds to this action, print and mail approximately 40 corrected tax bills and process refund checks as appropriate to those who have paid their property tax for the portion of the tax related to the improper assessment for the Santan Irrigation Water Delivery District. (C0607027700) (ADM4382)

HIGH INTENSITY DRUG TRAFFICKING AREA PROSECUTION PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an extension of the High Intensity Drug Trafficking Area (HIDTA) prosecution program grant. This grant agreement will be extended from September 30, 2006 to September 30, 2007. The Maricopa County Attorney's Office uses these funds specifically to support and enhance activities intended to deter, investigate and/or prosecute drug offenders. This extension does not alter the amount of funds received; therefore, no budget adjustment is required. Approval of this action does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906046301)

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SETTLEMENT – BIGELOW ARIZONA LIMITED LIABILITY COMPANY IV

Item: Action to accept or reject a settlement proposal arising from settlement conference held June 14, 2006 in Bigelow Arizona Limited Liability Company IV v. Maricopa County, No. TX2004-000197 (Consolidated). This item was discussed in Executive Session on October 2, 2006. (C1907014000) (ADM704-001)

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject the above referenced settlement proposal.

APPOINTMENTS – FIRE DISTRICTS

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to appoint the people who filed a nomination petition to serve as board member/officer for the respective four or two year term for those fire districts whose November 7, 2006 elections were cancelled by the Board of Supervisors in accordance with A.R.S. § 48-802D. (C2107008600)

District	Appointment
Aguila Fire District (ADM4408-001)	Fulcher, Diane
Circle City-Morristown Fire District (ADM4433-001)	Wheelis, William A.
Daisy Mountain Fire District (ADM4426-001)	Cantelme, Joseph S.Hancock, Randy C. Moore, Brian V.
Harquahala Valley Fire District (ADM4424-001)	Haas, Frank Randel, David E.
Laveen Fire District (ADM4423-001)	Agazzi, Dan Ward, Fern R.
Rio Verde Fire District (ADM4431-001)	Glink, Marvin G. Holper, Richard D.
Sun City Fire District (ADM4414-001)	George, Edwin L. Stroozas, Thomas P.
Sun Lakes Fire District (ADM4422-001)	Price, Diane Sellers, Michael A.
Wickenburg Rural Fire District (ADM4418-001)	Powell, Leon T.

RESCIND ONE-TIME ADDITION TO FLEET OF RICO VEHICLE

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to rescind the action regarding agenda item C5007012M00, which was approved on September 6, 2006, authorizing one-time addition of Sheriff's Office Fleet of RICO vehicle (VIN# 2C3JA43R15H568820), a 2004 Chrysler 300. Cancellation of approval for this agenda item is required because there is no Order of Forfeiture. (C5007012M01) (ADM3104)

DONATION AND ONE-TIME ADDITION TO FLEET

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a donation by the Executive Posse and the one-time addition to fleet of one 1997 Chevrolet

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Astro van (1GCDM19W4VB179576) for use by the Enforcement Support Posse Training section. The value of this van is estimated to be \$5,820, per Maricopa County Sheriff's Office Fleet Management. Operating and maintenance costs are estimated to be \$750 annually to be paid by the Sheriff's Office General Fund (100). This vehicle is a one-time addition to fleet that will be retired at the end of its useful life with no funding from the General Fund or Detention Fund for its replacement. (C5007020M00) (ADM3104)

DEPUTATION OF FOREST SERVICE OFFICERS

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Memorandum of Understanding (MOU) between the United States Department of Agriculture (USDA) Forest Service, Southwestern Region, Law Enforcement & Investigations (Forest Service) and Maricopa County Sheriff's Office (MCSO) to establish a framework for cooperation between the Forest Service and MCSO. The term of this MOU begins when both parties have signed the agreement and is effective through December 31, 2011 at which time it will expire unless extended. Approval of this Memorandum of Understanding will allow the deputation of Forest Service Officers and give them the authority granted pursuant to Title 16 United States Code, Sections 551a, 553, 559d(5), 559g(c) and A.R.S. §13-3875. It will allow the Forest Service Officers to take any constitutionally approved action within the authority of MCSO for violations in progress and will increase the protection of the public. (C5007021200)

ACCEPT GRANT FUNDS AND ONE-TIME ADDITION TO FLEET

Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Arizona Department of Emergency Management (ADEM) and the Maricopa County Sheriff's Office accepting \$1,330,190 in federal pass-through grant funds originating from the United States Department of Homeland Security, Office of Grants and Training Reimbursement Grant Program award number 2006-GE-T6-007. These funds will be used to purchase equipment for an Explosives Ordnance Disposal (EOD) Quick Response Vehicle and Render Safe Equipment, for the MCSO Jail's Mobile Command Center, for the MCSO Terrorism Liaison Officer-Total Containment Vessel (TLO-TVA) Program and for the MCSO Inmate Telephone System. The Sheriff's Office indirect cost rate for FY07 is 17.8%; unrecoverable indirect costs associated with this grant are estimated to be \$227,873.82. The term of this funding is July 1, 2006 through June 30, 2008. A grant fund appropriation adjustment will be included in the annual mid-year reconciliation request that will be presented to the Board in January. (C5007522300)

Also approve a one-time addition to the fleet of an EOD Quick Response Vehicle (full-size 4x4 SUV) that will cost approximately \$5,000 per year from the general fund (100) to operate and will be retired at the end of its useful life with no funding from the General Fund for its replacement. (ADM3104)

Also approve an exception to the Technology Finance Program that allows the Sheriff's Office to use grant funds to make a one-time purchase of seven laptop computers; one will be installed in the quick response vehicle, four will be for the TLO-TVA Program and the other two will be installed in the Jail's Mobile Command Center. The computing equipment will be tracked separately with no funding from the general fund for replacement. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditure of these revenues is not prohibited by the law. (C5007522300) (ADM1831)

NEIGHBORHOOD NARCOTICS ENFORCEMENT TEAM OVERTIME EXPENSES

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Motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the intergovernmental agreements between the Maricopa County Sheriff's Office and the El Mirage (C5007524200) and Goodyear Police (C5007525200) Departments, to reimburse \$15,000 each in overtime expenses for the Officers assigned to the Maricopa County Neighborhood Narcotics Enforcement Team (MCNNET). The term for these agreements is July 1, 2006 through June 30, 2007. Maricopa County Juvenile Probation is the administrating agency for the MCNNET grant, funded through the Bureau of Justice Assistance, which was approved by the Board of Supervisors on February 15, 2006 meeting (C2006028300). (C50075232ZZ)

APPLY AND ACCEPT GRANT FUNDING FOR PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Office of the Medical Examiner to apply for and accept grant funding of \$95,000 from the U.S. Department of Justice, Office of Justice Programs, and Office for Civil Rights to enhance the Toxicology Activity for FY 2006-07, and to receive any and all such funds awarded. The funding is from the FY 2006 Paul Coverdell Forensic Science Improvement Grants Program. Approval of this action will authorize the Chairman to sign all applications, contracts, intergovernmental agreements and any subsequent administrative amendments related to this grant. The department will not recover any available indirect charges. The current approved indirect rate for the Office of the Medical Examiner is 28.36%. Recoverable indirect costs are estimated to be \$0. Unrecoverable indirect costs are estimated to be \$26,942. This is a cost reimbursement grant. Also approve revenue and expenditure appropriation adjustments to Medical Examiner (291) and Medical Examiner Grant Fund (224) associated with the aforementioned grant in an amount not-to-exceed \$95,000. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these funds are not prohibited by the budget law. This appropriation adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A. R. S. §42-17105. (C2907004300)

POST EMPLOYMENT HEALTH PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to 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:

- o Are officially retiring from Maricopa County as verified by the applicable retirement system, and
- o Will receive a pension from one of the state retirement systems, and
- o Have a minimum of 1,000 hours or more of accrued Family/Medical Leave.

This change is effective January 1, 2007. (C3507006800) (ADM3308)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands August 2006 for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper

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charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$675,975.57 and A.R.S. §11-622 \$0.00). (C3907003700) (ADM1804)

MONTHLY REPORT
August 2006

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	7,850.00	0.00
Allure Plastic Surgery Pc	44,860.00	0.00
American Physicians Inc	467.18	0.00
Arizona Heart Anesthesia Pllc	1,815.00	
Associated Radiologists, Ltd	106.00	0.00
Associated Retina Consultants	1,365.00	
Az Neurological Institute	985.00	0.00
Banner Estrella Medical	2,795.50	
Banner Good Sam Behav Hlth Ct	428.00	
Banner Good Samaritan Reg Med	220,066.34	0.00
Biltmore Cardiology Pllc	1,072.00	
Chris K. Smalley Pa-C	1,114.00	
Clinical Diagnostic Radiology	29.00	
Eacmc Arizona	4,594.24	0.00
East Valley Diagnostic Imagi	84.00	
Emergency Physicians Prof Asso	3,495.00	0.00
Empower Emergency Physicians	232.00	
Gottlieb, Marc E. Md. Pc	55.00	0.00
Hanger Prosthetics & Orthotics	1,034.00	0.00
Internal Medicine Hospital	343.00	
Maricopa Health Systems	176,907.15	0.00
Medical Diagnostic Imaging Grp	67.00	
Medpro	100,807.33	0.00
Phoenix Cardiac Surgery Pc	216.00	
Phoenix Memorial Hospital	25,297.34	0.00
Phoenix Rehab Hospital	33,793.89	
Professional Diagnostix	23.00	
Professional Medical Transport	1,475.04	0.00
Radiology Services	100.00	
Saliba's Extended Care	596.94	0.00
San Gorgonio Memorial Hospital	396.16	0.00
Southwest Ambulance	739.85	0.00
St Josephs Hosp Arizona	30,995.00	0.00
St Luke's Medical Center	3,783.52	0.00
The Heart Clinic	880.00	

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Thomas J. Wall Md Phd	4,579.50	
Valley Anesth Consultants Ltd	1,561.59	0.00
Valley Radiation Oncology	966.00	
Grand Totals:	675,975.57	0.00
Restitution	0.00	
Total Denials	\$675,975.57	

PERSONNEL AGENDAS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of Minutes.

MARICOPA HOMELESS MANAGEMENT INFORMATION SYSTEM PROJECT

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$25,000 from FY 2006-07 Appropriated Fund Balance (480) General Fund (100) General Contingency (4811) to a new line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "Maricopa HMIS Project." These are one-time only funds to support the implementation of the Maricopa Homeless Management Information System (HMIS). (C4907008800) (ADM2519)

WARRANTY COSTS FOR GENERAL FUND DESKTOPS PURCHASED

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$328,525 from FY 2006-07 Appropriated Fund Balance (480) General Fund (100) Technology Reserve (4811) to a new line item in Appropriated Fund Balance (480) General Fund (100) Other Programs (4812) entitled "DRP Warranty." These are one-time funds to support the warranty costs for all General Fund Desktops purchased in FY 2003-04.

Pursuant to A.R.S. §42-17106(b), also approve the transfer of expenditure authority in the amount of \$2,380 from FY 2006-07 Appropriated Fund Balance (480) Detention Fund (255) General Contingency (4811) to a new line item in Appropriated Fund Balance (480) Detention Fund (255) Other Programs (4812) entitled "DRP Warranty." These are one-time funds to support the warranty costs for all Detention Fund Desktops purchased in FY 2003-04. The countywide net impact of these adjustments is zero. (C4907009800) (ADM1825-003)

WELL WOMAN HEALTH CHECK SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to Contract No. C86060281 with Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center to provide well woman health check services to uninsured or underinsured women. This amendment increases the contract dollar amount by \$3,500. Total funding for the contract term ending June 30, 2006, will increase from not-to-exceed \$84,000 to not-to-exceed \$87,500. The services were rendered before June 30, 2006; however, the final billing was not completed until after June 30, 2006. Catholic Healthcare West d.b.a. St. Joseph's Hospital and Medical Center was a

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successful respondent to a Review of Qualifications (MC1-348) issued by the Maricopa County Department of Public Health on July 1, 2005 (PH ROQ 05-010). (C8606028102)

DONATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of the donation of 20 community voice mailboxes from the Community Voice Mail, a program of Community Information & Referral, Inc. (CIR) and Community Voice Mail National to the Healthcare for the Homeless program with the Department of Public Health. These two agencies provide voicemail technology to help people in transition and crisis receive messages from potential employers, landlords, health care providers, child care providers, case managers and providers of critical human services. This donation is in effect for one year. The donated in-kind value of \$2.50 per box per month for 20 voice mailboxes is \$600, which will be booked as a revenue and expenditure in the Finance System. Public Health's indirect rate is 18.1%, but due to this being a non-cash transaction, there is no indirect to be charged. The total unrecoverable amount is \$108.60. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, and therefore expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. § 42-17105. (C8607016M00) (ADM2150)

USE OF FACILITIES AS EMERGENCY POINTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the non-financial agreement between Maricopa County, through the Department of Public Health, and the Recreation Centers of Sun City, Inc. 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 30 days written notice. (C8607017000)

LEARNING EXPERIENCES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the affiliation agreement with St. Joseph's Hospital & Medical Center, Department of Medical Education, to allow the hospital's residents to participate in learning experiences at the Maricopa County Department of Public Health. The agreement is non-financial and the term is retroactive from July 1, 2006, and valid through June 30, 2011. This correction was announced by the Clerk prior to the vote. (C8607019000)

CLINICAL ATHLETIC NUTRITION TRAINING EXPERIENCE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and the Athletes' Performance Institute, to provide clinical athletic nutrition training experience for graduate students in the dietetic internship. The agreement is non-financial and the term is to be retroactive from July 1, 2006 through June 30, 2011. (C8607020000)

SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following intergovernmental agreements and amendment to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health:

- a. **Peoria Unified School District #11.** The term of the intergovernmental agreement is retroactive from July 1, 2006 through May 1, 2007, for a contract dollar amount not-to-exceed \$56,500. (C8607450200)
- b. **Cartwright School District.** Amendment No. 1 will increase the amount of the agreement by \$14,000 from \$16,000 to not-to-exceed \$30,000. The term of the agreement is from July 1, 2006 through May 1, 2007. The original contract (C86074512) was approved under the tobacco use prevention school district letter of intent C86074532LI on July 26, 2006. (C8607451201)
- c. **Wilson School District.** The term of the intergovernmental agreement is retroactive from July 1, 2006 through May 1, 2007 for a contract dollar amount not-to-exceed \$2,000. (C8607454200)

[Clerk's Note, not an official part of the Minutes: This document is an "off-site Preceptor Resident Rotation Training Agreement" with Catholic Healthcare West, a California nonprofit public benefit corporation.]

TUITION FOR COLLEGE CREDITS IN CHILD DEVELOPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a financial intergovernmental agreement (IGA) between the Maricopa Community College District, on behalf of the district's colleges, and Maricopa County's Human Services Department (HSD). The IGA allows the HSD Head Start program to pay tuition for teachers and teacher aides who are earning college credits in child development and for other staff who are taking college classes that are provided on-site at the Head Start office. The term of this agreement is July 1, 2006 through June 30, 2009, with a maximum cost of \$135,000 for this three-year term. Funding for this agreement is provided by the U.S. Department of Health and Human Services. This contract does not include any county general funds. Either party may terminate this contract with 60 days written notice. (C2207071200)

EXCEPTION TO COMPENSATION PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an exception to the Compensation Plan requested by the Human Services Department (HSD) with regards to retro active pay salary advancement for employee Ana Gutierrez. HSD is requesting the retro pay of \$14.83 back to July 3, 2006, plus the 3.7% increase added to the eligibility date to bring the current pay rate to \$15.38. (C2207101M00) (ADM3308-001)

TRANSFER OWNERSHIP OF VEHICLES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) between the Regional Public Transportation Authority (RPTA/Valley Metro) and Maricopa County to transfer ownership of up to 11 vehicles from RPTA to the Human Services Department Special Transportation Services (STS) Division. Of the up to 11 vehicles to be transferred:

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- Three of the vehicles and their associated Titles of Ownership will be transferred directly from RPTA/Valley Metro and will be used as support vehicles for STS operations personnel.
- The remaining (up to eight) vehicle Titles of Ownership will be transferred by RPTA/Valley Metro to Maricopa County, while the vehicles will be transferred to the County from Sun City Area Transit under agenda C22071041. These vehicles will be used by STS to provide services to Sun City/Sun City West area in accordance with agreement C22071041 between Sun City Area Transit (SCAT) and the STS Program.

No county funds are required to procure these vehicles, but the STS Program will be responsible for ongoing maintenance and operation costs. (C2207105100)

Also approve an increase to the STS County Vehicle Fleet from 70 to 73 vehicles. (ADM3104)

MASTER TRAIL AGREEMENT WITH ARIZONA STATE PARKS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute intergovernmental agreement, Master Trail Agreement PR07-022, between Arizona State Parks and Maricopa County, through Maricopa County Parks and Recreation Department, to further the development and maintenance of trails belonging to Arizona State Parks Board and Maricopa County. The term of the agreement is for five years with two five-year renewal options. There is no financial obligation at this time. (C3007008200)

LAKE PLEASANT OPERATION HEADQUARTERS HVAC UPGRADE AND ROAD PAVING

Pursuant to A.R.S. §42-17106B, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a transfer of expenditure authority in the amount of \$500,000, between the General Government Grants Fund (Department 470, Fund 249) and the Parks and Recreation (300) Lake Pleasant Fund (240). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund (Department 470, Fund 249) by \$500,000, and increasing the FY 2006-07 Parks and Recreation Department (300) Lake Pleasant Fund (240) by \$500,000. These adjustments will result in a countywide net financial impact of zero. This funding is available in the Lake Pleasant Fund balance for one-time expenditure to accomplish the following capital improvement projects: Lake Pleasant Operation Headquarters HVAC upgrade at \$165,000; and paving of the road leading to the Sunset Ridge Day Use Picnic Area at \$335,000. (C3007009800) (ADM3200-003)

DONATIONS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation of a truckload of pet food from IAMS Company, a subsidiary of Procter & Gamble Pet Health & Nutrition to Maricopa County Animal Care & Control with a retail value of \$25,307, for the nutritional care of the animals. Donation revenue funds are deposited into Fund (573) as they are received. Donation funds are not local revenues for the purpose of the constitutional expenditure limitations, and therefore expenditures of these revenues are not prohibited by the budget law. The approval of this action requested does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C7907013700) (ADM2300)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

SOLICITATION SERIALS

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

Award:

- 05070-RFP** **Employee Vision Services** (\$400,000 estimate/three years with three one-year renewal options) Contract to provide vision services to Maricopa county employees and their dependants as required.
- o EyeMed Vision Care
- 05146-RFP** **Employee Benefits Consulting Services** (\$1,000,000 estimate/three years with three one-year renewal options) Contract to provide consulting and actuarial services to the employee benefit department, as required.
- Primary
- o Buck Consultants, LLC
- Secondary
- o The Segal Company
 - o Mercer Human Resources Consulting
- 06010-S** **Indigent Burial Services** (\$750,000 estimate/three years with three one-year renewal options) Price agreement to provide a source for body transportation, cremation, internment and funeral services for infants, children and adults deemed indigent by Maricopa County.
- o Harper Funeral Home
 - o La Paz Funeral Home
- 06021-RFP** **Janitorial Services** (\$12,000,000 estimate/three years with three one-year renewal options) Price agreement that provides janitorial services to various facilities located throughout Maricopa County.
- o SBM Site Services
 - o Varsity Contractors, Inc.
- 06045-C** **Inmate Identification Equipment & Supplies** (\$400,000 estimate/three years with three one-year renewal options) Pricing agreement for the purchase of Inmate ID wristbands (various colors) and laminators for MCSO.
- o Marko Photo Properties

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Renewals/Extensions:

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 February 28, 2010

- 03112-ROQ Federal Legislative Advocacy** (Lobbyist) Services (\$117,000/year) Contract renewal to provide legislative advocacy services (lobbying) for Maricopa County in Washington D.C.
- o Wolf Block

Until October 31, 2009

- 03220-ROQ Legislative Service Providers** (~~\$128,000~~ \$120,000/year) Contract renewal to provide legislative (lobbyist) services at the state level representing the county. Correction announced by the Clerk prior to the vote.
- o HighGround Inc.

Supervisor Wilcox asked that the Members receive a monthly verbal or written report on the above two political contracts to be kept up to date on their activities.

CAPA

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.

Clerk of Superior Court

Richard Lopez

Parks and Recreation

Patricia Armstrong
Natalie Harper

Risk Management

Myka Stribling

Employee Health Initiatives

Penny Hatten

Tim Montgomery

Superintendent of Schools

Robin Martie
Terry Quest

Human Resources

Connie Boone

Public Health

Nancy Crilly
Dennis Schumacher

Stadium District

Daniel Rojas

Juvenile Court

Christina Barbarisi

COUNTY TRIP REDUCTION PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No. 2 to the Governmental Services Contract MAG Agreement 262 between the Maricopa Association of Governments (MAG) to approve a revised scope of services, schedule, and budget and extend the contract period through September 30, 2007. The original MAG Agreement 262

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was approved by the BOS on October 20, 2004 under Environmental Services Department agenda number C88050191. Subsequently, Amendment No. 1 was approved by the BOS on November 2, 2005 under Air Quality Department agenda C8506009200. With this action the new agenda number for this agreement will now be C850700830.

Also approve acceptance of \$910,000 in grant funds from MAG to provide funding to Maricopa County for the Maricopa County Trip Reduction Program. The award period is from October 2, 2006 through September 30, 2007. All indirect costs are allowable and fully recoverable. The department's FY 2006-07 authorized indirect cost rate is 14.70% and will be applied, and the total estimated indirect costs are \$65,362. This grant is a reimbursement grant and no matching funds are required. (C8507008300)

EL MIRAGE VEHICLE MAINTENANCE AND EQUIPMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve and sign an intergovernmental agreement between Maricopa County Equipment Services and the City of El Mirage Police Department. This agreement allows Maricopa County to prepare, maintain and repair the City of El Mirage Police Department vehicles and equipment.

Pursuant to A.R.S. §42-17106(B), also approve the transfer of expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Equipment Services Department Fund (Department 740, Fund 654). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government Grants Fund by \$87,500 and increasing the FY 2006-07 Equipment Services Fund (504) by \$87,500. These adjustments will result in a countywide net financial impact of zero and will allow the Equipment Services Department to provide cost effective repair and maintenance service to the City of El Mirage Police Department. Funding is from additional Intergovernmental revenue. (C7407002200)

SECURITY BUILDING PHASE IV

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 7 to contract C7004039800, Concord General Contracting, in the amount of \$211,341. This contract is for the continued design build and related professional services for the renovation of the Security Building for Phase IV primarily - adding a new security office, upgrades to mechanical systems, adding an emergency generator, miscellaneous building repairs and renovations of 2nd Floor, 4th Floor and 5th Floors to relocate Public Fiduciary, MCSO and Community Development from leased space. This project is in District 5. (C7004039803)

INSTALLATION OF HI-DENSITY FILING SYSTEM

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 5 to Contract C7004068800 with D.L. Withers Construction, L.C., for construction of the Downtown Justice Center project, located at 600 West Jackson Street, Phoenix, in the amount of \$285,176. Change Order No. 5 will allow for the labor, materials and equipment for installation of the Hi-Density Filing System. The recommended changes are funded from Appropriated Fund Balance, Department (480) and from the Public Defenders approved budget. (C7007010501)

REVIEW AND INSPECTION OF PROPERTIES

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement (IGA) with the Town of Gilbert and authorize the execution thereof by the Chairman. The Town of Gilbert has annexed territory in which Maricopa County had, prior to annexation, issued building permits and/or begun inspections. These properties have not yet been finalized due to the annexations. Maricopa County no longer has jurisdiction, without the proposed IGA, to continue to deal with the properties. The Town of Gilbert has requested this IGA so that Maricopa County may complete review and inspections for these properties. (C4407005000)

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

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

304-01, 02, 31-000 (JPP) Project No.: n/a - East Mesa ADMP - Permanent Drainage Easement - Parcel No.: 304-01, 02, 31-000 - Grantor: Maricopa County - Grantee: Flood Control District of Maricopa County.

05-022 (LA) Project No.: T0008 - 107th Avenue - Contract and Grant of Easement - Grantor: Maricopa County, a political subdivision of the State of Arizona - Grantee: United States of America.

A261.005 & A261.006 (PM) Project No.: TT011 - 191st Avenue (Thomas Road to Indian School Road) - Easement and Agreement for Highway Purposes - Parcel No.: 502-64-001Q, 502-64-001R - Litchfield Ventures L.L.C., an Arizona limited liability company - for the sum of \$50,000.00.

A338.006 (CS) Project No.: TT112 - MC 85 (107th Avenue to 91st Avenue) - Warranty Deed - Parcel No.: 101-02-001 - Kenneth L. Steele and Susanne M. Steele - for the sum of \$26,600.00.

A338.006 (CS) Project No.: TT112 - MC 85 (107th Avenue to 91st Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 101-02-001 - Kenneth L. Steele and Susanne M. Steele.

A338.006-1 (CS) Project No.: TT112 - MC 85 (107th Avenue to 91st Avenue) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 101-02-001 - Kenneth L. Steele and Susanne M. Steele - for the sum of \$1,075.00.

X-0752 (HH) Project No.: TT011 - Rooks Road (Baseline Road to Southern Avenue) - Warranty Deed - Parcel No.: 504-40-986 - Jorge A. Gonzalez - for the sum of \$114,206.00.

X-0752 (HH) Project No.: TT011 - Rooks Road (Baseline Road to Southern Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 504-40-986 - Jorge A. Gonzalez.

ON-CALL TRAFFIC ENGINEERING SERVICES

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Change Order No. 2 to Contract No. 2004-37 with AZTEC Engineering for On-Call Traffic Engineering Services, which will:

- o Extend the contract performance period through November 30, 2006;
- o Allow for the final payments on Assignment 'D' - in the amount of \$14,150.36, for Project T203 - Wigwam Blvd at Indian School Road and
- o Allow for the final payments on Assignment 'E' - in the amount of \$5,120.07, for Project T231 - Alabama at 111th Ave.

Project T203 will be paid out of Project T007 - Previous Year's Projects. The contract amount will not be increased. (C6404071503)

ELLSWORTH ROAD FROM GERMANN ROAD TO RAY ROAD PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the extension of the design and construction contract with Salt River Project to June 30, 2007; and authorize expending the balance of the contract in the amount of \$359,519.00 from CIP Project TT068 in FY 2006-07. The project, TT068, Ellsworth Road from Germann Road to Ray Road – Phase 1, is presently under construction with anticipated completion in February 2007. The extension will allow payments to SRP to complete all relocation work in accordance with the original design/construction contract. (C6404228502)

BIDS AND AWARD FOR CRACK SEAL PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation of bids for the Maricopa County Department of Transportation's Crack Seal Project, FY 2006-07, Work Order Number 30050032. Award of a contract to the lowest responsive responsible bidder, providing their bid does not exceed the Engineer's estimate by more than 10%. (C6407066000)

ON-CALL CONTRACTS FOR DESIGN SUPPORT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to award four On-Call Contracts for pending and new projects requiring Design Support Services. Each contract is for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors approval or until the expenditure of \$2,000,000 combined, whichever occurs first. Contracts are as follows: (C64070735ZZ)

Contractor	Contract Number	Agenda Number
Kimley Horn and Associates, Inc.	2006-031	C6407074500
Parsons Brinckerhoff Quade and Douglas, Inc.	2006-032	C6407075500
HDR Engineering, Inc.	2006-033	C6407076500
Carter and Burgess, Inc.	2006-034	C6407077500

TRAFFIC CONTROL CHANGES

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following traffic control changes:

- **Fort McDowell Road from State Route 87 to 2.85 miles north of State Route 87** – A 45 MPH Speed Limit Zone (from a 40/50/40 MPH Speed Limit Zone). This rescinds the 40 MPH Speed Limit Zone dated February 16, 1994, the 50 MPH Speed Limit Zone dated February 13, 1979 and partially rescinds the 40 MPH Speed Limit Zone dated February 13, 1979. (Supervisorial District 2) (C6407078000) (F23193)
- **Fort McDowell Road from 2.85 miles north of State Route 87 to 3.35 north of State Route 87** – A 35 MPH Speed Limit Zone (from a 40/30 MPH Speed Limit Zone). This partially rescinds the 40 MPH dated February 13, 1979 and the 30 MPH Speed Limit Zone dated February 13, 1979. (Supervisorial District 2) (C6407078000) (F23193)
- **Fort McDowell Road from 4.00 miles north of State Route 87 to 4.25 north of State Route 87** – A 30 MPH Speed Limit Zone. (Supervisorial District 2) (C6407078000) (F23193)

NEW TRAFFIC CONTROLS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following new traffic controls:

- **Camelback Road from Dysart Road to 1000 feet east of Dysart Road** – A No Stopping, Standing, Parking Anytime Zone (South Side Only). (Supervisorial District 4) (C6407079000) (F23193)
- **Camelback Road from 1000 Feet West of 127th Avenue east to 127th Avenue** – A No Stopping, Standing, Parking Anytime Zone (North Side Only). (Supervisorial District 4) (C6407079000) (F23193)

APPOINTMENTS/REAPPOINTMENTS – AGGREGATE MINING OPERATION ZONING DISTRICT #1

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the appointment and reappointments of the following individuals to the Aggregate Mining Operation Zoning District #1 Recommendation Committee, whose terms are effective from October 6, 2006 through October 5, 2009. (C0607021900) (ADM3441-001)

Appointment

Name	Representation	Replacing
Joel Nickel	Industry Members	Ben Dorris

Re-appointment

Name	Representation
Frank Mendola	Industry Members
Gregg Monger	Industry Members
George Hoover	Property Owners
Walt Patterson	Property Owners

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HEARING SET – ROAD FILE DECLARATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to set a public hearing to declare the following roads into the County Highway System for 9:00 a.m., Wednesday, November 1, 2006, at 205 W. Jefferson, Phoenix, AZ.

- i. **Road File No. A335.** In the vicinity of Gilbert Drive - Scottsdale Road to Indian Bend Wash. (Supervisorial District 2) (C6407070000)
- ii. **Road File No. A333.** In the vicinity of Indian School Road Bypass – Litchfield Road to Dysart Road. (Supervisorial District 4) (C6407071000)

PUBLIC HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for November 1, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows:

Z2005089; Z2006008; DMP 2006001

ASRS CLAIMS

No claims were submitted for payment for this meeting. (ADM3309-001)

CANVASS OF ELECTIONS

No special district canvasses of elections were reported for this meeting.

CLASSIFICATION CHANGES

No request to change classification and/or reduce the valuation of certain properties which are now owner-occupied was received for this meeting. (ADM723)

COUNTY TREASURER’S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the Treasurer’s Statement of Collections and Investment summary reports for August 2006 as on file in the Clerk of the Board’s office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approval and ratification is requested for duplicate warrants issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

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COUNTY

NAME	WARRANT	FUND	AMOUNT
Home Depot USA Inc	360557155	Expense	\$439.59
Thunderbird Medical I & II	360550681	Expense	\$6,590.76

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Robert Valdez	Roosevelt SD #66	66492107	\$545.40
Michael Moran	Roosevelt SD #66	66492656	\$936.92
Amy Wozencraft	Liberty SD #25	470002865	\$34.38
Greater Phoenix Educational Mgt. Cncl.	Agua Fria Union High SD #216	470013916	\$5,232.00

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held April 3, 2006, June 21, 2006, July 10, 2006, August 9, 2006 and August 21, 2006.

PRECINCT COMMITTEEMEN

No request to authorize the appointment or cancel an appointment of Precinct Committeemen was received for this meeting. (ADM1701)

SECURED TAX ROLL CORRECTIONS

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

TAX ROLL	FROM	TO	AMOUNT
2005	14791	15076	-\$344,703.20
2004	13224	13502	-\$276,273.36
2003	26862	27129	-\$295,998.68
2002	20110	20360	-\$433,134.76
2001	40634	40905	-\$369,230.94
2002	20361	20364	\$736,106.46
2003	27160	27216	-\$15,023.24
2004	13574	13630	-\$10,742.12
2005	15261	15342	-\$81,810.10

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases dated October 4, 2006 of current agenda date. (ADM704)

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2004/2005
ST2004-000290

STALE DATED WARRANTS

No claims were presented for this meeting. (ADM1816)

TAX ABATEMENTS

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

STATE BOARD OF EQUALIZATION APPOINTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to appoint the following individuals to the State Board of Equalization, whose terms are effective upon Board of Supervisors' approval through December 31, 2008: (Addendum item A-1)

- a. Patricia J. Spott, nominated by Supervisor Brock. (C0607026900) (ADM4908)
- b. Mark Kalpakoff, nominated by Supervisor Kunasek. (C0607031900) (ADM4908)
- c. Brad Tebow, nominated by Supervisor Stapley. (C0607032900) (ADM4908)

OFFICIAL PROCLAMATION OF THE 2006 GENERAL ELECTION

Pursuant to A.R.S. §16-214, motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to acknowledge receipt of the Governor's Official Proclamation of the 2006 General Election for November 7, 2006, and direct the Clerk of the Board's office to publish a copy of the proclamation, in English and Spanish, in an official newspaper at least ten days before the General Election. (Addendum item A-2) (C0607030700) (ADM1710)

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

Blue Crowley related an incident he believed violated the Open Meeting Law that occurred at a recent CTOC meeting where the Chairman had him removed from the meeting room for disorderly conduct allegedly for not removing his Diamondback's hat and giving his reasons why. He said the transportation meeting was an open meeting and he had the right to air his viewpoint and any dissatisfactions he felt in the implementation of the rapid transit system. (ADM605)

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Brock reported that Wes Baysinger, Materials Management, is the chairman of this year's Combined Charitable Campaign and asked for a hearty participation from employees in the many non-profit, fund-raising events being planned. He thanked Diamondback first baseman Conner Jackson for participating in the Campaign's kick-off festivities held at the ballpark. (ADM606)

Supervisor Wilson commented on the regularity of the ceremony to honor employees who have worked for the County for 30 years or more, "doing their job every day, day in and day out." He acknowledged their dedication with thanks.

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Chairman Stapley remarked on the sudden and untimely death of John Doktor, Director of ICJIS, and sent thoughts of condolence and concern to his family and friends.

PLANNING AND DEVELOPMENT CODE ENFORCEMENT REVIEWS

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

[Please note: The following Code Enforcement Reviews 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 his decision, and whether a procedural error may have occurred. New evidence is not considered at these hearings.]

CODE ENFORCEMENT REVIEW – WALT STOUT - CONTINUED

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2005-00738-741-742, Walt Stout. (ADM3417-036)

Prior to this meeting, the Clerk's Office received a phone call indicating that Mr. Stout had been in a traffic accident and could not get to the meeting. Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the October 18, 2006, meeting. Because of the history of last-minute requests for a continuance of this case, in making the motion and second the Supervisors asked Terry Eckhardt, civil division, to obtain a copy of the accident report to give to them prior to the October 18 meeting.

CODE ENFORCEMENT REVIEW – IRENE MORENO

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2003-00706, Irene Moreno. (ADM3417-037)

Darren Gerard said this case involves 40 acres near Tonopah on which there were multiple dwellings, construction without zoning clearances, occupied trailers, inoperable, unregistered vehicles and much scattered debris. The case was opened in May 2003, Ms. Moreno was found guilty of non-compliance in 2004 and fined \$300 plus \$30 a day until the property was brought into compliance. She deeded five acres each to her two adult children and some of the debris was either removed or moved off her site. On June 29, 2006, a new hearing was held and the hearing officer upheld the previous decision and continued the fine. On October 2, 2006, the property was still non-compliant and the fine still accruing. The total fine is currently \$3,150.

Motion was made by Supervisor Wilson and seconded by Supervisor Brock to uphold the hearing officer's Order of Judgment.

Ms. Moreno arrived at the meeting and Mr. Gerard asked that she be given the opportunity to speak and the Chairman acquiesced to his request.

Ms. Irene Moreno said she has no address since there are no streets or roads near where she lives. She said that her kitchen is under an old chicken coop. She had cages that held 70 birds but all of them have died. The barrels cited as trash are water barrels in which the water hauled from her well four miles away is stored. She said she had deeded five acres each to her two children and they did not live with her. She said she knew of no other debris that was located on her property.

Motion to uphold the Hearing Officer's Order of Judgment and continue the accrual of the fines was upheld by a unanimous vote of (5-0).

PLANNING AND DEVELOPMENT ITEMS

CONSENT AGENDA DETAIL:

1. **Z2006-036 District 3**
 Applicant: Architekton for Kimco Barclay
 Location: North of Daisy Mountain Drive and east of Gavilan Peak Parkway (in the Anthem area)
 Request: Precise Plan of Development for a bank in the C-2 CUPD zoning district (approximately 0.74 acres) – Anthem Chase Bank

COMMISSION ACTION: Commissioner Pugmire moved to approve Z2006-036, subject to the following stipulations "a" through "k". Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan entitled "Chase Daisy Mountain & Gavilan Peak Parkway, Anthem, AZ Site Plan" consisting of two (2) sheets, dated revised June 19, 2006, and stamped received June 27, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Chase Neighborhood Center Retail Banking Center", consisting of five (5) pages, revised June 19, 2006, and stamped received June 27, 2006, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Chase Daisy Mountain & Gavilan Peak Parkway, Anthem, AZ Landscape Plan", consisting of two (2) full-size sheets, dated June 26, 2006, and stamped received June 27, 2006, except as modified by the following stipulations.
- 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 or screened from view.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.

- h. 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.
- i. 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.
- j. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- 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).

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

- 2. Z2005-039 District 4**
Applicant: Tyler Green for Josefina Cortes-King
Location: North of the Butler Drive alignment and west of Dysart Road (in the west Glendale area)
Request: Precise Plan of Development for an office/warehouse complex in the IND-1 PD zoning district, Airport Overlay Zones 1 and 2 within the high noise and accident potential zone of Luke Air Force Base (approximately 2.3 acres) – Guadalupe Park (Bold text added by the Clerk)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2005-039, subject to the following stipulations "a" through "q". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development of the site shall comply with the site plan entitled "Guadalupe Park", consisting of one (1) sheets, dated (revised) August 11, 2006, and stamped received August 15, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval, a revised site plan which reflects an updated seal will be submitted.
- b. Development of the site shall be in conformance with the narrative report entitled "Precise Plan of Development Guadalupe Park", consisting of four (4) pages, dated (revised) August 6, 2006, and stamped received August 7, 2006, except as modified by the following stipulations.

- c. Development of the site shall be in conformance with the landscape plan entitled "Guadalupe Park", consisting of one (1) page, dated (revised) August 11, 2006, and stamped received August 15, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval, a revised landscape plan which reflects an updated seal will be submitted.
- d. Development of the site shall be in conformance with the elevation plan entitled "Guadalupe Park", consisting of one (1) page, dated (revised) August 7, 2006, and stamped received August 15, 2006, except as modified by the following stipulations.
- e. The following Maricopa County Environmental Services Division (MCESD) stipulations shall be adhered to:
- Approval is based on the buildings being used solely for warehousing operations. No manufacturing or chemical processing operations are allowable.
 - Septic systems may be used only for disposal of sanitary wastewater.
- f. All trees shall be double-staked when installed.
- g. A continuous parapet shall screen all roof-mounted equipment.
- h. All signage will conform to the IND-1 sign regulations of the Maricopa County Zoning Ordinance.
- 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 and screened from view.
- j. All outdoor lighting shall conform with 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 issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. The developer shall notify future tenants that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:
- "You are leasing a property in the 'vicinity of a military airport' as described by State of Arizona statute ARS §28-8481. Your structure should include sound attenuation

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measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

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

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

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

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

- n. All habitable or occupied buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- o. The maximum number of employees on-site shall be consistent with the Maricopa County Zoning Ordinance (MCZO) Westside Military Airbase requirements.
- p. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

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

REGULAR AGENDA DETAIL:

- 3. **Z2005-139** **District 3**
 Applicant: Robert Eaton
 Location: Southeast of the southeast corner of 7th Street and Carefree Highway (in the north Phoenix/Desert Hills area)

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Request: Major Amendment to a Precise Plan of Development for a commercial retail and office center in the C-2 CUPD zoning district (approximately 5.81 acres) – Tuscani Pointe

COMMISSION ACTION: Commissioner Smith moved to deny Z2005-139. Commissioner Aster seconded the motion, which passed with a unanimous vote of 9-0.

Darren Gerard reported on previous action in this case and reported that the Planning Commission had unanimously recommended denial (9-0). He said the type of signage and the placement of some signs on the roof by the applicant does not meet the Scenic Corridor guidelines and there is no local support for change from residents.

Applicants Rob and Sabrina Eaton were present and both spoke on the issue. Mr. Eaton disagreed with some of the sign sizes quoted by Mr. Gerard. He also explained his reasoning on the roof-mounted signs, saying these had originally been approved and he believed this mounting to be more esthetic than the requested change, but he would leave it to the Board's discretion and move them if this was the decision. With regards to the entrance signs, he said that tenants have no frontage and need some visibility for their businesses since they can't be seen from the road. He believed the signs had to be large enough for people driving by to easily read business names and said that the stipulated size was too small and was additionally difficult to read because of the placement. He added that other business along the corridor had larger signs and asked for equal treatment.

Supervisor Kunasek referenced the Scenic Corridor Guidelines that were adopted nine years ago and felt they should be revisited and updated. The question is currently being studied. He felt it would be in the applicant's best interests to see if changes would be made and suggested that he could either proceed with the current restrictions or wait for possible changes pertaining to signage regulations. Discussion ensued that included sticking to the original scenic plan that was geared toward preserving the scenic views, to, remanding the matter back to the Planning Commission with instructions to reconsider the case following completion of the corridor review.

Mr. Eaton said this has gone on for too long already and he would like have it resolved today or as soon as possible.

Mr. Gerard suggested that new stipulations ("m" and "n") could be added that he felt would address the issues related to the signs. Mr. Eaton then agreed to take the roof mounted signs down if the entrance sign could be relocated per Mr. Gerard's suggestion. All parties said they understood the changes and all agreed to this solution.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this major amendment to the Precise Plan of Development with the staff recommended stipulations "a" through "l" and with the addition of two new stipulations, "m" and "n" as stated by Mr. Gerard and given below.

- a. Development of the site shall be in substantial conformance with the site plan entitled "Precise Plan of Development for Tuscani Pointe Retail Shops" consisting of eight (8) full-size sheets, date-stamped by the architect March 28, 2006 and stamped received April 21, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisors' (BOS) approval, the site plan shall be revised per the deficiencies listed in paragraph 58 of the staff report and the stipulations listed below as may be applicable.
- b. Development shall be consistent with the narrative report entitled "Tuscani Pointe, Retail Shops and Professional Offices", consisting of five (5) pages, dated April 19, 2006 and stamped received April 21, 2006, except as modified by the following stipulations.
- c. Any future work in the floodplain will require that a Floodplain Use Permit be obtained from the Regulatory Division of the Flood Control District of Maricopa County.
- d. All trees shall be double-staked when installed. Landscaping shall be native and Sonoran Desert plant species.
- e. A continuous parapet shall screen all roof-mounted equipment. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- f. Any landscaping in County right-of-way must meet Maricopa County Department of Transportation (MCDOT) Roadway Design Standards. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- h. Development of the site shall include the ultimate half-street improvements for Carefree Highway and 7th Street. adjacent to the site per zoning case Z2002104, to the discretion of Maricopa County Department of Transportation (MCDOT).
- i. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- j. 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).
- k. A Commercial Unit Plan of Development (CUPD) Overlay Zone is applied to the site which allows an 8' high buffer wall along the southern boundary and reduction in the number of required parking spaces from 259 to 255.

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- I. The applicant and his successors shall participate in the Desert Hills Sanitary Improvement District.
- M. ROOF MOUNTED SIGNS ARE PROHIBITED AND SHALL BE REMOVED.**
- N. THE MONUMENT SIGN SHALL BE A MAXIMUM OF 6' TALL AND 50 SQ. FT. FACE AREA, AND SHALL BE LOCATED OUTSIDE OF THE CLEAR-SIGHT VISIBILITY TRIANGLE. IT SHALL BE SHOWN ON A REVISED ZONING EXHIBIT OTHERWISE CONSISTENT WITH THAT REFERENCED IN STIPULATION 'A'.**

NOTE: Planning and Development had notified the Board that the following cases (4-12) must be continued to the Board of Supervisors hearing of October 18, 2006 due to an error in the legal advertising. (Case information not included in the Agenda detail.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue the following Planning and Zoning cases to the October 18, 2006, meeting.

DMP2004-001, Development Master Plan (DMP) for Walden Ranch located one-half mile west of Grand Avenue, generally bordered by Lone Mountain Road on the north, 211 Avenue on the east, Peak View Road on the south, and Crozier Road on the west (in the Surprise area) (District 4)

TA2005-007, Text Amendment to the Maricopa County Zoning Ordinance to allow "by-right" co-location of Wireless Communication Facilities on existing utility poles and towers (All Districts)

Z2005-115, Rezone from Rural-43 SUP to C-O CUPD for a commercial office, located west of Gavilan Peak Parkway and north of Daisy Mountain Drive (in the Anthem area) (District 3)

Z2005-124, Rezone form Rural-43 to R1-35 RUPD for Bethany Estates North, located at the southeast corner of Maryland Avenue and 129th Avenue (in the west Glendale area) (District 4)

Z2005-137, Major Amendment to an approved R-5 RUPD to increase the maximum wall height for Sienna Estates, located at the northwest corner of Broadway Road and 96th Street (in the east Mesa area) (District 2)

Z2006-071, Major Amendment to an approved R1-6 RUPD for Rio Sierra, located at the northwest corner of Lone Cactus Drive and 119th Avenue (in the Sun City West area) (District 4)

Z2006-072, Major Amendment to an approved R1-6 RUPD for Rancho Silverado Unit 2, located at the northwest corner of Williams Drive and 123rd Avenue (in the Sun City West area) (District 4)

Z2006-073, Major Amendment to an approved R1-6 RUPD for Rancho Silverado Unit 1, located at the southeast corner of Williams Drive and 123rd Avenue (in the Sun City West area) (District 4)

Z2006-040, Special Use Permit (SUP) for a Wireless Communication Facility in the R1-8 zoning district, Wireless Communication Facility Use District 1, located east of Signal Butte Road and north of Apache Trail (in the east Mesa area) (District 2)

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MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board