

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 2, 2007**

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., May 2, 2007, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andrew Kunasek, Vice Chairman, District 3; Don Stapley, District 2; Max W. Wilson, District 4 and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Minutes 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

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

PLEDGE OF ALLEGIANCE

Lupe Lerma, Clerk of the Board's office, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

April Hollis, PIO Director for Animal Care and Control, introduced the pet of the month, Joey, a five-year old, lap-friendly, leash trained, Miniature Pinscher who needs an active family to lavish some of his love on. Joey will be available for adoption after 1:00 p.m. today. Ms. Hollis announced the facilities new phone-line that allows pet owners to renew their pet's license without making a trip to the facility.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Pursuant to A.R.S. §4-201, Chairman Brock 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.

- a. Application filed by Ruben Jesse Lemus for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Michael Agra: (MCLL6223)

Business Name:	The Rock R&R Sports Bar <u>CONTINUED</u>
Location:	8306 E. Main Street Mesa, AZ 85207
Former Location:	Taylor's, 15000 N. Airport Road Scottsdale, AZ 85260

Planning Recommends Denial

The Clerk explained that Planning and Development's recommendation for denial of application, 'a,' was based on unpermitted remodeling, plus zoning and property line issues. She suggested that a continuance to June 6, 2007, should allow enough time for completion of the steps required for compliance.

The applicant, Ruben Lemus, explained that the permit application would be submitted in the next two days and assured the Board that he would not open the establishment until the property was inspected, approved, and he had received a Certificate of Occupancy from the Planning Department.

Supervisor Stapley asked about the zoning issue and how a dual-zoning could be accommodated. Darren Gerard, Planning and Development, came forward to explain how the split-zoning and the

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property-split had been resolved satisfactorily. He felt there was a good possibility to permit the occupancy with a month's continuance with the applicant's prompt delivery of the application.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this application request to the June 6, 2007, meeting.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications 'b' and 'c':

- b. Application filed by Charles P. Brown for a Special Event Liquor License: (F23221) (SELL781)

Business Name: Franciscan Renewal Center
Location: 5802 E. Lincoln Drive, Paradise Valley, AZ 85253
Date/Time: May 11, 2007, 6:00 p.m. – 10:00 p.m.

- c. Application filed by Jolene Ann Hunter for a Permanent Extension of Premises: (MCLL A664-95)

Business Name: Desert Rose
Location: 18300 S. Old US Hwy 8, Arlington, AZ 85322

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

ROAD DECLARED (ROAD FILE NO. 5337)

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

WHEREAS, pursuant to A.R.S. §28-6701, on the 4th day of April, 2007, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

All streets consistent with the rights-of-way, as depicted in Signal Butte Manor III (a.k.a. Desert Point), a subdivision as shown in Book 577 of Maps, Page 24, M.C.R.
General Vicinity: Signal Butte and University

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

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

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

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

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

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

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

DATED this 2nd day of May 2007. (C6407191000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

ROAD DECLARED (ROAD FILE NO. A382)

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

WHEREAS, pursuant to A.R.S. §28-6701, on the 4th day of April, 2007, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

Parcel 1

Roadway alignment, together with all appurtenant rights, being of varying widths lying within West half of the Northwest quarter of the Northwest quarter of Section Two (2), Township One (1) South, Range Five (5) East of the Gila and Salt River Base Meridian, Maricopa County, Arizona, being more particularly described;

BEGINNING at the Northwest corner of said Section 2; Thence North 89°31'21" East, a distance of 660 feet; Thence South to a point 65 feet South of the North line of said Section 2 and 660 feet East of the West of said Section 2; Thence South 89°31'21" West, a distance of 185.87 feet; Thence South to a point 67 feet South of the North line of said Section 2; Thence South 89°31'21" West, a distance of 200 feet; Thence South to a point 77 feet South of the North line of said Section 2; Thence South 89°31'21" West, a distance of 274.13 feet to the West line of said Section 2; Thence North along said West line of said Section 2 to the POINT OF BEGINNING.

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Parcel 2

Roadway alignment, together with all appurtenant rights, being of varying widths lying within North One/Third (1/3) of the Southwest quarter of the Northwest quarter of Section One (1), Township One (1) South, Range Five (5) East of the Gila and Salt River Base Meridian, Maricopa County, Arizona, being more particularly described;

COMMENCING at the Northwest corner of said Northwest quarter of Section 1; Thence along the West line of said Section 1, South 00°22'33" West, a distance of 1397.83 feet; Thence North 89°32'24" East, a distance of 33 feet to the POINT OF BEGINNING; Thence continuing North 89°32'24" East, a distance of 47.04 feet; Thence South 44°14'10" West, a distance of 12.87 feet; Thence South 00°22'33" West, a distance of 199.56 feet; Thence South 89°32'24" West, a distance of 38 feet to the East line of the West 33 feet of said Section 1; Thence North 00°22'33" East a distance of 208.71 feet to the POINT OF BEGINNING.

(Said alignment is also known as Pecos Road and Cooper Road Improvements)

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

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

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

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

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

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

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

DATED this 2nd day of May 2007. (C6407198000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

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REPLACEMENT RICO VEHICLE FOR EMERGENCY QUICK RESPONSE ASSIGNMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the replacement of an aged, non-drivable RICO vehicle and upgrade to full size sedan for Emergency Quick Response Assignment. Vehicle No. 52601 is an intermediate sized car with excessive mileage, faulty engine and not safe to be driven on the streets. The cost of this vehicle replacement will be paid for by RICO funds. Ongoing maintenance costs will be absorbed in the Maricopa County Attorney's Office General Fund (100) budget. (C1907036800)

SALE OF ROLLS OF SURPLUS ARCHIVE MEDIA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) on a roll call vote with Supervisors Stapley, Kunasek, Wilson, Wilcox and Brock voting "aye" to approve the sale of 1,158 rolls of surplus archive media to AMCAD for \$17,601.60. The Records Office has 1,158 rolls of archive media which are no longer being used. The return of this media to the vendor from which it was originally purchased would result in a restocking fee of 15-20% or \$2,331.72 to \$3,108.96. AMCAD has offered to purchase the surplus media at the original purchase cost in compliance with M.C. Procurement Code Section MCI-803(E). This item was continued from the April 18, 2007 meeting. (C3607004800) (ADM119)

EXCEPTION TO THE VEHICLE REPLACEMENT POLICY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an exception to the Vehicle Replacement Policy B4002 and allow the purchase of two non-like replacements for the Sheriff's arson unit at an estimated additional cost of \$15,000 per vehicle. SUV Vehicles #329119 and # 32941 are scheduled for replacement and this request is to replace them with Ford F-350 Super Duty pick up body (or similar) with service utility beds on the backs. The current vehicles have approximately 60 square feet of cargo space, while the proposed vehicles have 90 cubic feet.

This additional space allows for the appropriate storage using separate compartments for: detectives' personal protective equipment (breathing apparatus; boots; head protection; eye protection; gloves; etc), contaminated items until proper cleaning can be accomplished, all the equipment necessary for the job such as: gasoline powered generator and fuel can, air compressor, shovels and rakes, ladder and light set, and video and photographic equipment, evidence markers and containers, computers, and communications equipment.

The financial impact, estimated in June 2006, was \$15,000 more per vehicle than the like for like replacement. The Sheriff's Office would fund the difference. The Sheriff's Office will work with the Office of Management and Budget to determine whether carry over funding will be required. (C5007055M00) (ADM3104)

ONE-TIME ADDITION TO FLEET OF RED-LINED VEHICLE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a one-time addition to fleet of red-lined vehicle #11050 to be assigned to the Transportation Division. This vehicle replaces red-lined vehicle #11956, previously approved under agenda C5007008M00, which is no longer useful and being returned to go to auction. The replacement vehicle has lower mileage and the prisoner cage from the vehicle being returned for auction will be removed and

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installed in the replacement red-lined vehicle. The vehicle will be used daily to transport prisoners to and from court ordered medical appointments and court appearances. This vehicle will be removed from service at the end of its useful life. (C5007070M00) (ADM3104)

DONATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a donation from Posse Member Eddie Seese P10692 of two new sets of Kettle Bells, two racks to hold the weights and instructional media with a stated value of \$3,288 for the Sheriff's Office Fitness Center. (C5007071M00) (ADM3900)

ONE TIME LUMP SUM ADJUSTMENTS OF SHIFT DIFFERENTIAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve one time lump sum adjustments of shift differential for the period of July 2, 2006 to December 4, 2006. The total expenditure for this request is \$8,166.89 and will be absorbed in current budget appropriations. The lump sums to be paid are the difference between .50 cents per hour and 8% per hour for shift two, and .75 cents per hour and 13% per hour for shift three. This adjustment equalizes shift differential payments between adult probation and sheriff's office staff for the same time period. After December 4, 2006, the differentials return to .50 cents per hour for shift two and .75 cents per hour for shift three. As such, this is a one time lump sum payment and will be paid only on eligible shift differentials already reported. Total expenditure is \$8,166.89 and will be absorbed in current fiscal year budget appropriations. (C1107005M00) (ADM200-001)

VEHICLE EXEMPTIONS

Pursuant to A.R.S. §38-538.03 and §28-2511(A), motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the exemption from markings and the use of non-governmental license plates for three vehicles purchased as replacement vehicles by the Equipment Services Department. Exemptions granted pursuant to A.R.S. §38-538.03 are in effect for one year. The list of VIN numbers is on file in the Clerk of the Board's Office. (C2707017M00) (ADM3101V)

Vehicle ID: 52713, replacement for Vehicle ID: 21707
Vehicle ID: 52714, replacement for Vehicle ID: 24904
Vehicle ID: 52715, replacement for Vehicle ID: 82014

ONE TIME LUMP SUM ADJUSTMENTS OF SHIFT DIFFERENTIAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve one time lump sum adjustments of shift differential for the period of July 2, 2006 to December 4, 2006. The total expenditure for this request is \$169,000 and will be absorbed in current budget appropriations. The Juvenile Probation Department is requesting approval to grant one time lump sum adjustments of shift differential. The lump sums to be paid are the difference between .50 cents per hour and 8% per hour for shift two, and .75 cents per hour and 13% per hour for shift three. This adjustment equalizes shift differential payments between Juvenile Probation/Detention staff and Sheriff's Office staff for the same time period. After December 4, 2006, the differentials return to .50 cents per hour for shift two and .75 cents per hour for shift three. As such, this is a one time lump sum payment and will be paid only on eligible shift differentials already reported. Total expenditure is \$169,000 and will be absorbed in current fiscal year budget appropriations. (C2707018M00) (ADM1400-001)

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GRANT FOR IMPLEMENTATION OF EVIDENCE-BASED PREVENTION PROGRAMS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept a FY 2006-07 grant and associated revenue for the Trial Courts Department of the Judicial Branch in the amount of \$57,512 from Arizona State University for collaboration in the delivery, development and implementation of evidence-based prevention programs for children from divorced families. The FY 2006-07 indirect rate for the Trial Courts Department of the Judicial Branch is 38.7%. The fully recoverable indirect amount is \$16,047. The grantor allows for 40% indirect cost recovery for a total of \$16,432. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limit, and therefore expenditure of these revenues is not prohibited by the budget law. (C3807025300)

AMENDMENT TO PERSONAL SERVICES CONTRACT WITH MEDPRO

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the Personal Services Contract between Maricopa County and Medical Professional Associates of Arizona, P.C. d.b.a. MedPro. This contract is for professional medical services, as authorized by General Government. The amendment will provide for continued professional services to be provided at the public health department's clinic and other correctional health, mental health, juvenile detention facilities, and other related physician with the agreement of the MedPro and the Director of General Government in an amount not-to-exceed \$500,000. The amendment is effective as of April 1, 2007. This item was continued from the April 18, 2007 meeting. (C3907009100)

FUND TRANSFER FOR FUNDING CURRENT AND FUTURE CAPITAL PROJECTS

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an FY 2006-07 fund transfer of \$214,015,000 from the Appropriated Fund Balance (480) General Fund (100) to the Appropriated Fund Balance (480) General Fund County Improvement Fund (445). Also, increase the FY 2006-07 Appropriated Fund Balance (480) General Fund (100) expenditure appropriation by \$214,015,000 and increase the FY 2006-07 Appropriated Fund Balance (480) General Fund County Improvement Fund (445) revenue appropriation by \$214,015,000 with offsetting revenue and expenditure eliminations in the Eliminations (980) Eliminations Fund (900). The General Fund County Improvement Fund (445) has been established to fund current and future capital projects. Fund assets may be used to pay directly for capital projects or may be appropriated by the Board of Supervisors for debt service. None of the funds have been pledged for debt service and fund assets may be transferred by the Board of Supervisors at any time for any other county purpose. (C4907048800) (ADM1820)

AMENDMENT TO ARIZONA DEPARTMENT OF HEALTH SERVICES' CONTRACT FOR STD SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 6 to Arizona Department of Health Services' Contract No. HG354255 to the Maricopa County Department of Public Health (MCDPH) for sexually transmitted diseases (STD) services. The contract amount for this grant period is \$372,613. The amendment is effective from January 1, 2007 to December 31, 2007. MCDPH's indirect rate is 18.1%. This grant allows for full indirect costs, therefore \$57,106 is fully recoverable.

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Also 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 \$186,307 for FY 2007-08. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 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. (C8603113206)

AMENDMENT TO IGA FOR PRENATAL BLOCK GRANT SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to Intergovernmental Agreement (IGA) #HG461039 with the Arizona Department of Health Services to the Department of Public Health to provide Prenatal Block Grant services. The amendment makes administrative corrections to the previous amendment #2 and provides for funding for the July 1, 2007 to June 30, 2008 budget period for an amount not-to-exceed \$272,024. The current Department of Public Health's indirect rate is 18.1%. Indirect costs are estimated at \$41,690 and are fully recoverable.

Also 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 \$272,024 for FY 2007-08. The appropriations adjustment is necessary because these funds were not included in the FY 2007-08 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. (C8603161202)

AMENDMENT TO CONTRACT FOR WELL WOMAN HEALTHCHECK SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to contract C86060181 with Clinica Adelante, Inc. to provide Well Woman Healthcheck services to uninsured or underinsured women. This amendment increases the contract dollar amount by \$7,000 from an amount not-to-exceed \$10,000 to an amount not-to-exceed to \$17,000. This amendment is effective upon execution by both parties until June 30, 2007. All other terms and conditions of the original contract shall remain in full force and effect. Clinica Adelante, Inc. was a 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). (C8606018102)

EXPENDITURE APPROPRIATION ADJUSTMENT FOR EXPANSION OF THE OFFICE OF VITAL REGISTRATION

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer of expenditure authority from General Government (470) Grant Fund (249), Expenditure Authority Reserve (4711) Line Item Potential Fee Increases to Public Health (860) Public Health Fee Fund (265). This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) Grant Fund (249) by \$233,000 and increasing the FY 2006-07 Public Health (860) Public Health Fee Fund (265) by \$233,000. These adjustments will result in a county-wide net impact of zero. Approval of this action will allow the expansion of the Department of Public Health's Office of Vital Registration for FY 2006-07. The expansion by way of additional space and staffing is needed to accommodate increased number of Vital Registration

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customers. The expansion can be paid for by the increase in revenue from increased customers and the VitalChek Network contract (C8607024100). (C8607054M00) (ADM2150-003)

IGA WITH THE CITY OF MESA FIRE DEPARTMENT FOR CHILDHOOD IMMUNIZATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the intergovernmental agreement (IGA) between the Mesa Fire Department (Mesa Fire) and Maricopa County through the Department of Public Health's Community Health Nursing Program. This IGA will provide Mesa Fire with funds that will be used to administer mandatory immunization to school aged children. The amount of this agreement is not-to-exceed \$225,000 over the period of three years. The term of this agreement is valid upon Board approval through May 31, 2010. (C8607058200)

COMMUNITY DEVELOPMENT BLOCK GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following actions regarding federal Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME)/American Dream Downpayment Initiative (ADDI), Emergency Shelter Grant (ESG), and Highway User Revenue Fund (HURF) funds. No General Funds will be involved in this action. There will be a 4.79% indirect cost allocation that is fully recoverable.

Adopt a Resolution for the submission of the FY 2007-08 Annual Action Plans, including any plan amendments, and amendments to the FY 2005-2009 Five-Year Consolidated Plans and Citizens Participation Plan; and acceptance of CDBG, HOME/ADDI, ESG, and HURF funding for FY 2007-08 of \$8,504,566 (CDBG: \$2,340,162; HOME/ADDI: \$5,569,331; ESG: \$95,073; HURF: \$500,000). The ESG funds will be administered by the Maricopa County Human Services Department. The HURF funds will be administered by the Maricopa County Department of Transportation (MCDOT).

RESOLUTION

A RESOLUTION REGARDING FY 2007-2008 ANNUAL ACTION PLANS, INCLUDING ANY PLAN AMENDMENTS, AMENDMENTS TO FY 2005-2009 FIVE-YEAR CONSOLIDATED PLANS AND CITIZENS PARTICIPATION PLAN; AND ANNUAL FUNDING RECOMMENDATIONS FOR FY 2007-2008 (07/01/07 – 06/30/08) FOR \$8,504,566.

WHEREAS, the Maricopa County Community Development Department will administer the Community Development Block Grant (CDBG) in the amount of \$2,340,162; and

WHEREAS, the Maricopa County Community Development Advisory Committee (CDAC) and all the participating Urban County cities/towns have conducted public forums and public hearings in order to obtain input into defining the Urban County priority housing and community development needs and strategies, and to obtain input from Maricopa County residents regarding allocation of the FY 2007-2008 Urban County CDBG and HOME Funds; and

WHEREAS, the Maricopa HOME Consortium has been formed with the Maricopa County Community Development Department as lead agency for the purpose of accessing federal HOME Investment Partnerships Program (HOME) funds, including American Dream Downpayment Initiative Funds (ADDI), in the amount of \$5,569,331; and

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WHEREAS, Maricopa County and all member cities/town of the Maricopa HOME Consortium have conducted numerous public forums to obtain input into defining the priority housing development needs and strategies; and

WHEREAS, the Maricopa County Human Services Department will administer the Emergency Shelter Grant (ESG) for Maricopa County serving the Maricopa HOME Consortium service area in the amount of \$95,073; and

WHEREAS, the Maricopa County Department of Transportation (MCDOT) will administer \$500,000 for an Urban County street improvement activity;

THEREFORE, BE IT RESOLVED that the Maricopa County Board of Supervisors does approve the FY 2007-2008 Maricopa HOME Consortium Annual Action Plan, including any plan amendments; the amendments to the FY 2005-2009 Maricopa HOME Consortium Consolidated Plan; the FY 2007-2008 Urban Maricopa County Annual Action Plan, including any plan amendments; and the amendments to the FY 2005-2009 Urban Maricopa County Five-Year Consolidated Plan; and appoints the County Manager or his designee as the certifying representative of the County according to the requirements of the U. S. Department of Housing and Urban Development; authorizes the certifying representative to submit the referenced plans to HUD through the Maricopa County Community Development Department; and authorizes the certifying representative to accept CDBG, HOME, and ESG funds on behalf of the County.

DATED this 2nd day of May 2007. (C1708001000)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Attachment A

**FY 2007-2008 MARICOPA URBAN COUNTY
FUNDING ALLOCATIONS**

A variety of projects are proposed for FY 2007-2008 funding in the Maricopa Urban County region, with about \$2,340,162 in anticipated Community Development Block Grant (CDBG) resources, \$1,030,732 in HOME Investment Partnerships Program resources (including American Dream Downpayment Initiative (ADDI) resources), and \$500,000 in HURF resources. CDBG, HOME, and HURF resources are allocated by the Maricopa County Community Development Advisory Committee (CDAC). ESG resources of \$95,073 will be allocated by the Maricopa County Human Services Department.

CDBG funds are anticipated to be committed to the following activities:

Administration	\$448,032
Buckeye (Water Improvements)	332,532
East Valley Child Crisis Center (Parking Improvements)	52,500
El Mirage (Street Improvements)	500,000
Guadalupe (Neighborhood Sidewalks)	399,978
Queen Creek (Sidewalk Improvements)	104,000
Wickenburg (Sewer Improvements)	183,120
Youngtown (Street Lights)	320,000
CDBG Subtotal:	\$2,340,162

HOME funds are anticipated to be committed to the following activities:

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Administration	\$311,752
El Mirage (Housing Rehabilitation)	150,000
El Mirage (Homebuyer Assistance)	100,000
Guadalupe (Single Family New Construction)	150,000
Queen Creek (Housing Rehabilitation)	140,000
Tolleson (Housing Rehabilitation)	161,290

ADDI funds are anticipated to be committed to the following activity:

First Time Homebuyer Program	17,690
HOME Subtotal:	\$1,030,732
Urban County CDBG/HOME Total:	\$3,370,894

ESG funds are anticipated to be committed by Maricopa County Human Services:

ESG Total:	\$95,073
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HURF funds are anticipated to be committed to the following activities:

Guadalupe (Street Improvements)	\$500,000
HURF Total:	\$500,000

Specific awards to each entity are subject to modification up to and including 10%, pursuant to procedures set forth in each respective IGA or agreement. Unspent CDBG dollars are returned to CDBG unprogrammed funds upon completion of a project. Unencumbered or unspent HOME dollars are reallocated as set forth in each respective IGA or Agreement.

- Definitions:
- ADDI – American Dream Downpayment Initiative
 - CDAC – Community Development Advisory Committee
 - CDBG – Community Development Block Grant
 - CHDO – Community Housing Development Organization
 - ESG – Emergency Shelter Grant
 - HOME – HOME Investment Partnerships Program
 - UC – Urban County

*Amounts include \$100,000 from prior year CDBG unprogrammed funds, and \$75,142 related to prior year HOME program income.

Attachment B

**FY 2007-2008 MARICOPA HOME CONSORTIUM
HOME CITY/TOWN SHARE**

In FY 2007-2008, a significant portion of the federal HOME Investment Partnerships Program (HOME) resources (including the American Dream Downpayment Initiative Program (ADDI) funds) and Community Development Block Grant (CDBG) resources used by City/Town Consortium members for affordable housing are anticipated to be expended for housing rehabilitation, for homebuyer assistance and for activities to increase the supply of affordable rental housing in the region.

The anticipated \$3,731,572 in federal FY 2007-2008 HOME/ADDI resources anticipated to be available to City/Town Consortium members will be distributed in the following manner:

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	HOME		ADD	TOTAL
Avondale	\$ 145,600		\$ 3,857	\$149,457
Chandler	425,071		11,286	436,357
Gilbert	194,302		5,147	199,449
Glendale	677,308		17,941	695,249
Mesa	1,045,790		27,702	1,073,492
Peoria	201,503		5,338	206,841
Scottsdale	354,393		9,387	363,780
Surprise	103,573		2,744	106,317
Tempe	487,711		12,919	500,630
HOME Subtotal	\$ 3,635,251		\$ 96,321	\$3,731,572

ATTACHMENT C

**MARICOPA HOME CONSORTIUM CHDO SHARE (PROJECTS)
FY 2007-2008 ALLOCATION - \$807,027**

Organization	Project Description	Funding Recommended
Community Services of Arizona (CSA)	Homebuyer Activity. Acquisition Rehab of homes for low-income buyers in Avondale.	300,000
Housing Our Communities (fka Housing for Mesa (HFM))	Homebuyer Activity. Acquisition/Rehab of homes for low-income buyers in Mesa, Chandler, and County Islands within Mesa city limits.	167,027
Newtown Community Development Corp.	Homebuyer Activity. Acquisition/Rehab of homes for low-income buyers in Tempe.	340,000
TOTAL		\$807,027

Definition: CHDO – Community Housing Development Organization

NOTE: 15% of gross allocation must be set aside for CHDO Projects. Projects can be anywhere in the Consortium service area.

COMMUNITY DEVELOPMENT BLOCK GRANT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Maricopa HOME Consortium and the Maricopa Urban County Annual Action Plans for July 1, 2007 to June 30, 2008. The Annual Action Plans contain specific projects for funding to implement the FY 2005-2009 Five-Year Consolidated Plan. FY 2007-08 is year three of five under the Five-Year Consolidated Plan. (C1708001000) (ADM1500)

- 1. Total Urban County CDBG Grant = \$2,340,162
- (a) Urban County CDBG Allocation = \$2,240,162
- (b) Urban County CDBG Unprogrammed Funds = \$100,000

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- 2. Total HOME Consortium Grants = \$5,569,331
 - (a) Maricopa County Share HOME/ADDI Funds = \$955,590
 - (b) Urban County HOME Unprogrammed Funds = \$75,142
 - (c) Consortium City/Town Share HOME/ADDI Funds = \$3,731,572
 - (d) Consortium CHDO Share HOME Funds = \$807,027

- 3. Total Urban County ESG Grant = \$95,073
Subtotal FY2007 HUD Allocations = \$8,004,566

- 4. Total HURF Funds = \$500,000
TOTAL ALLOCATION = \$8,504,566

COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING AGREEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following actions regarding Community Development Block Grant (CDBG) funding contingent upon the approval of both the federal and Maricopa County FY 2007-08 budgets. No General Funds will be involved in this action.

- o Execute agreements with each city/town/agency selected to receive CDBG funds.

- o Perform actions in accordance with the Maricopa County Procurement Code to: (a) retain consultants for design and/or management of activities; (b) approve plans and specifications, and authorize call for bids; (c) prepare contracts for award to lowest responsible bidders.

- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from CDBG under the terms and conditions of the executed agreements. (C17080022ZZ)

CONTRACTOR NAME	CONTRACT NUMBER
Buckeye\Water Improvements	C-17-08-003-2-00
E. Valley Child Crisis Center\Parking Improvements	C-17-08-004-2-00
El Mirage\Street Improvements	C-17-08-005-2-00
Guadalupe\Neighborhood Sidewalks	C-17-08-006-2-00
Queen Creek\Sidewalk Improvements	C-17-08-007-2-00
Wickenburg\Sewer Improvements	C-17-08-008-2-00
Youngtown\Street Lights	C-17-08-009-2-00

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HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDING

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following actions regarding HOME Investment Partnerships Program (HOME) funding contingent upon the approval of both the federal government and Maricopa County FY 2007-08 budgets. No General Funds will be involved in this action.

- o Execute agreements with each city/town/Community Housing Development Organization (CHDO) selected to receive HOME funds.
- o Perform actions in accordance with the Maricopa County Procurement Code to: (a) retain consultants for design and/or management of activities; (b) approve plans and specifications, and authorize call for bids; (c) prepare contracts for award to lowest responsible bidders.
- o Approve necessary repayment documents including, but not limited to, promissory notes, deeds of trust, forgivable loan agreements, deed restrictions, satisfaction of loan documents and other documents as may be necessary to implement the approved projects. Funding to be from HOME under the terms and conditions of the executed agreements. (C17080182ZZ)

CONTRACTOR NAME	CONTRACT NUMBER
El Mirage\Housing Rehab Program	C-17-08-019-2-00
El Mirage\Homebuyer Assistance	C-17-08-020-2-00
Guadalupe\Housing Program	C-17-08-021-2-00
Queen Creek\Housing Rehab Program	C-17-08-022-2-00
Tolleson\Housing Rehab Program	C-17-08-023-2-00
NHS\First-Time Homebuyer	C-17-08-024-2-00
CSA\Avondale\Homeownership Opportunities	C-17-08-025-2-00
HOC\Mesa-Chandler\Homeownership Opportunities	C-17-08-026-2-00
Newtown CDC\Tempe\Homeownership Opportunities	C-17-08-027-2-00

SETTLEMENT AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement agreement between the Assistant Director for the Workforce Development Division for the Human Services Department and Maricopa County as discussed in Executive Session on April 30, 2007. (C2207132M00) (ADM409V)

EMERGENCY SHELTER SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following contracts with the Human Services Department for emergency shelter services in Maricopa County. The contract value will not exceed \$27,000 for the period of July 1, 2007 through June 30, 2008. These contracts include two options for one-year extensions based on successful

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performance. Continued funding is contingent upon the availability of funds from HUD. These contracts do not include any county general funds.

- a. Catholic Charities Community Services (C2208077100)
- b. New Life Center, Inc (C2208078100)
- c. Save the Family Foundation of Arizona (C2208079100)

CONSTRUCTION MANAGER AT RISK CONTRACT FOR RESTROOM IMPROVEMENTS PHASE 3

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute a Construction Manager at Risk contract between Maricopa County through the Parks & Recreation Department (MCPRD) and DL Norton General Contracting, Inc. for the MCPRD Restroom Improvements Phase 3 (Function REST), for a guaranteed maximum price of \$1,401,329, which is not more than 10% over the independent estimate. The project includes two restrooms each at McDowell and Utery Mountain Regional Parks. The funds to pay for the contracted amount will be from the General Fund County Improvement Fund (Fund 445) as adopted in the FY 2006-07 County Budget on June 19, 2006. (C3007031000)

KENNEL PERMITS RENEWALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of May 2, 2007 through May 1, 2008.

- a. Vickie Hempen, d.b.a. Hempen Kennels, 2601 E. Louise Drive, Phoenix, AZ 85032, Permit #345. The cost of a kennel permit is \$328, plus a late renewal fee of \$25 and a return trip charge of \$49; totaling \$402. (C7907109C00) (ADM2304)
- b. Roberta Roth, d.b.a. Heelwyn Kennels, 1250 E. Mesquite Street, Gilbert, AZ 85296, Permit #412. The cost of a kennel permit is \$328. (C7907110C00) (ADM2304)
- c. Shannon Holtzman, d.b.a. Holtzman Kennels, 3043 E. Grovers Avenue, Phoenix, AZ 85032, Permit #375. The cost of a kennel permit is \$328. (C7907111C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of a donation from Petfinder.com to Maricopa County Animal Care & Control in the amount of \$1,057.50 from internet donations through Petfinder.com by caring individuals who donate for the care and well being of the animals. Donation revenue funds are deposited into Fund (573) as they are received. (C7907106700) (ADM2300-006)

FUND TRANSFERS; WARRANTS

Motion was made by Supervisor Stapley, 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.

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RESOLUTION FOR ISSUANCE AND SALE OF A SERIES OF REVENUE BONDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Resolution (see captioned resolution below) authorizing the issuance and sale of a series of its special obligation revenue bonds to be designated the "Maricopa County, Arizona, Hospital Revenue Bonds, Series 2007 (Sun Health Corporation)," in the principal amount not-to-exceed \$80,000,000; and authorizing Bond Counsel, the Chief Financial Officer, and the Chairman of the Board of Supervisors to take appropriate actions for completion of this bond issuance. (C1807033A00) (F23234)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, AUTHORIZING THE ISSUANCE AND SALE OF A SERIES OF SPECIAL OBLIGATION REVENUE BONDS TO BE DESIGNATED THE "MARICOPA COUNTY, ARIZONA, HOSPITAL REVENUE BONDS, SERIES 2007 (SUN HEALTH CORPORATION)", IN A PRINCIPAL AMOUNT NOT TO EXCEED \$80,000,000; AUTHORIZING THE EXECUTION AND DELIVERY OF A THIRD SUPPLEMENTAL INDENTURE OF TRUST (BOND INDENTURE), A THIRD SUPPLEMENTAL INSTALLMENT SALE AGREEMENT, A BOND PURCHASE AGREEMENT AND OTHER DOCUMENTS REQUIRED IN CONNECTION HERewith AUTHORIZING THE REFUNDING OF CERTAIN OUTSTANDING REVENUE BONDS OF THE COUNTY; AUTHORIZING USE AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION.

UTILITY EASEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the Chairman to execute a Utility Easements in consideration of \$1.00 with Arizona Public Service Company, its successors and assigns, to construct, operate and maintain overhead and underground electric lines and appurtenant facilities needed to services the Aguila Solid Waste Transfer Station and adjacent landowners. (C1807034B00) (ADM2009)

LETTER OF AUTHORIZATION WITH EJM KYRENE LLC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Letter of Authorization with EJM Kyrene LLC, as Lessor under lease agreement L7315, for the completion of the tenant improvement modifications within the premises at 8240 S. Kyrene, Suite 115, in Tempe Arizona, at a cost of not-to-exceed \$60,000. The leased premises at 8240 S. Kyrene, Suite 115, in Tempe, Arizona, is being modified to make it ready for the relocation of the Assessor's Tempe Office. The West Tempe (Kyrene) Justice Court recently vacated the leased premises at 8240 S. Kyrene, Suite 115, in Tempe, Arizona, and the space is vacant. A cost savings of \$140,000 will be achieved as a result of relocating the Assessor into the vacant space at the former West Tempe Justice Court site and foregoing termination penalties. (C1807035100)

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, 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

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Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 06145-C Beverages with Vending Device/Coolers** (\$ 1,200,000 estimate/three years with three one-year renewal options) Price agreement for juice, sport drinks and water with vending device/cooler for the Sheriff's Inmate Canteen.
- Phoenix Coca Cola

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 May 31, 2010

- 03007-S Data Processing, Computer & Software Services** (\$2,000,000 estimate/one year) Contract to provide qualified IT Consultants for ICJIS.

Ablest Technology Services	Law-On-Line, Inc.	Sentinel Technologies Inc
AMBA Solutions, Inc.	MTG Management Consultants	Serenity Infotech, Inc.
Cierra Consulting Company	MQSoftware, Inc.	Spherion Corporation
Consultants In Data Processing	Navigating Transitions	Staff Tech, Inc.
Coplan And Company	Neudesic	Stilwell Software, Inc.
Cyberbest Technology, Inc.	OAo Technology Solutions, Inc.	Systems Technology
Ecorridor, Inc.	Pragmatica, LLC	Group, Inc.
Enterprise Technology Services	Productive Data Solutions	Tech One Staffing
Eumotif Inc	QuantumPM, LLC	Technisource, Inc.
GlobalSoft Consulting, Inc.	Quovadx, Inc.	Triple I Software Services
Kelly Services	Rose Solutions	Torus Business Group, LLC
		URL Integration

Increase in the price agreement amount for the following contracts. This request is due to an increased usage by County departments.

- 05116-S Welding Services** (\$150,000 increase) Increase price agreement value from \$110,000 to \$260,000. This \$150,000 increase is requested by the Sheriff's Office to cover additional services required by their office. This agreement was initially approved by the Materials Management Director on November 10, 2005, and was subsequently increased by \$10,000 on March 8, 2007. Expiration date is November 30, 2008.
- Hernandez Companies, Inc.

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Trade-In

Trade-in of a Sergeant Model 220C (SN# 58559/Asset# F84214) Shrink Wrap System to Interstate Packaging for \$1,000. This trade-in is in conjunction with the purchase of an R-Pack L-18 Automatic Sealer for the Materials Management's Reprographics Division / Quote # RX0773306008.

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 the Board

Michelle Smith

County Attorney

Silvie Conklin

Facilities Management

Ricky Grafe

Michael Welson

Larry Woods

Risk Management

Michelle Black

Clerk of Superior Court

Darlene Anderson

Equipment Services

Christie Chatfield

Parks and Recreation

David Jordan

Mark Ostapczuk

EXPENDITURE TRANSFER FOR ELECTRONIC MANAGEMENT SYSTEM

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the back scanning of current files and documents for implementation of a disaster recovery plan and pre-stage for linking digital records to an approved electronic document management system (EDMS) eliminating unnecessary paper handling and data entry. Currently, the Air Quality Department maintains all records in paper format on-site without utilization of off-site storage or a disaster recovery plan for its documents. The Air Quality Department is required to make all records accessible for public review, which requires personnel to manually retrieve, copy, interoffice mail and/or fax documents to requesting customers. The increase in requests for public record information and utilization of records for research has prohibited moving files to off-site storage, which in turn utilizes valuable office space for records management due to the volume of records generated by customers and the department.

Also, direct the Office of Management and Budget to budget the annualized costs in the fiscal year 2007-08 budget. (C8507020800) (ADM2375-003)

LEGAL ACTION AGAINST BRIARWOOD COUNTRY CLUB

Pursuant to A.R.S. §49-593 (A), motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County Attorney's Office to take appropriate legal action against Briarwood Country Club for failing to supply information requested by the Travel Reduction Task Force (A.R.S. §49-593 (B-1)). This matter was discussed in Executive Session on April 30, 2007. (C8507023700) (ADM2356)

SETTLEMENT

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed settlement offer from Power Automotive Group, d.b.a. Power Chrysler, Jeep, Hyundai, Isuzu, Subaru for violations of the Maricopa County Trip Reduction Ordinance. This matter was discussed in Executive Session on April 30, 2007. (C8507024800) (ADM2356)

APPROPRIATION ADJUSTMENT AND ACCEPT FUNDS FOR REIMBURSEMENT COSTS

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept \$2,246.94 from the Arizona State Land Department for reimbursement costs associated with activating key personnel to assist in the operation of fire management. Maricopa County was eligible for reimbursement from the State Land Department for allowable expenses during the activation of key personnel during the Brin's Fire. An Intergovernmental Agreement entered into pursuant to A.R.S. 11-952 on July 2, 2002 under C1503002200 provides for the mutual emergency assistance and cooperation between the Arizona State Land Department and Maricopa County. Approval of this action will result in the required expenditure appropriation authorization necessary to maintain a structurally sound budget.

Also approve an appropriation adjustment in the amount of \$2,246.94 for both revenues and expenditures to the Emergency Management Department (150) Emergency Management Fund (215) budget. Emergency Management received \$2,246.94 in reimbursement cost associated with personnel working during the Brin's Fire. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. Pursuant to Arizona Constitution Article 9, § 20(3)(d)(vi), "amounts received from the state which are included within the appropriation limitation prescribed in section 17 of this article" are not local revenues, and thus not subject to the county's expenditure limitation. (C1507008200)

CONSTRUCTION MANAGER AT RISK CONTRACT FOR THE BUCKEYE HILLS SHOOTING PARK

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Construction Manager at Risk (CMR) Contract No. FMD-07-034 with D.L. Withers Construction, L.C., of Phoenix, Arizona, in the amount of \$10,517,742 to provide general construction services for the Buckeye Hills Shooting Park. On August 16, 2006, the Board approved a change to the Fiscal Year 2007-08 Budget (C7007008800), which added the project identified as the "Buckeye Hills Shooting Park." This contract with D. L. Withers Construction, L.C. will allow the Facilities Management Department to construct and complete the facilities as designed for this project. This contract is within the project budget of \$18,400,000. The design phase services contract, No. FMD-07-009, was executed in the amount of \$94,152 on December 12, 2006. The GMP #1 contract for grading and drainage to prepare the project site, FMD-07-015, was approved by the Board on March 21, 2007, (C7007038A00) and executed in the amount of \$3,477,696. (C7007038B01)

CONTRACT FOR ARCHITECTURAL AND RELATED SERVICES

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of Contract No. FMD-07-015, with Durrant Group, Inc. of Phoenix, Arizona in the amount of \$4,374,779. This contract is to provide Maricopa County Southwest Regional Justice Center (Project No. 0324-07-403) Architectural and related services. (C7007044500)

CHANGES TO THE MAJOR MAINTENANCE BUDGET YEAR 1

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following changes to the FY 2006-07 Major Maintenance budget Year 1, General Government, Department (470), Detention Fund (255), Org (4732):

- a) Increase Life / Safety Projects, Function Class SFTY, by \$400,000
- b) Decrease Major Maintenance Project Reserve, Function Class MMPR, by \$400,000

These adjustments have a net zero impact on the overall County budget. (C7007046800) (ADM800-003)

TRANSFER OF EXPENDITURE AUTHORITY FOR CONSTRUCTION COSTS

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a transfer of expenditure authority between General Government (470) General Government Grant Fund (249) and Solid Waste Management Department (670) Waste Tire Fund (290) in the amount of not-to-exceed \$350,000 for completion of construction of the Hassayampa and Morristown Transfer Station/Waste Tire Collection Sites. This action will require an expenditure appropriation adjustment decreasing the FY 2006-07 General Government (470) General Government Grant Fund (249) by not-to-exceed \$350,000, and increasing the FY 2006-07 Solid Waste Management Department (670) Waste Tire Fund (290) by not-to-exceed \$350,000. Fund balance from the Waste Tire Fund (290) will be used for the expenditure. Approval of this action will allow the increase in budgeted expenditure authority to accommodate the additional contractor's fees in FY 2006-07 for the completion of these projects. These adjustments will result in a countywide net impact of zero. (C6707006000) (ADM2075-003)

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

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, 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)

- A282.001 (CS) Project No.: TT02B - Tuthill Road (Queen Creek - Pecos) - Agreement for Removal and Compensation of Property from within Roadway Easement Area - Parcel No.: 400-58-026C - Eugene De Muro and Arthur De Muro, as Co-Trustees - for the sum of \$36,798.00.
- A333.014 (JPM) Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Warranty Deed - Parcel No.: 501-71-504A - Desert Springs Baptist Church, an Arizona non-profit corporation - for the sum of \$31,252.00.
- A333.014-1 (JPM) Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 501-71-504A - Desert Springs Baptist Church, an Arizona non-profit corporation - for the sum of \$1,746.00.
- A333.014 & A333.014-1 (JPM) Project No.: TT186 - Indian School Road (Litchfield Road to Dysart Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 501-71-504A - Desert Springs Baptist Church, an Arizona non-profit corporation.

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- DD-10665 (GL) Project No.: TT011 - Anthem Way & Venture Court - Warranty Deed - Parcel No.: 203-03-542 - Anthem Gateway Partners, LLC, an Arizona limited liability company - for the sum of \$10.00.
- DD-10665 (GL) Project No.: TT011 - Anthem Way & Venture Court - Purchase Agreement and Escrow Instructions - Parcel No.: 203-03-542 - Anthem Gateway Partners, LLC, an Arizona limited liability company.
- HH-0754A-2 (HH) Project No.: TT011 - 90th Street Improvements (McDowell Road to Quenton Street) - Agreement for Right of Entry - Parcel No.: 219-31-277 - Madrid Community Association, an Arizona nonprofit corporation - for the sum of \$500.00.
- HH-0754A-2 (HH) Project No.: TT011 - 90th Street Improvements (McDowell Road to Quenton Street) - Drainage Easement - Parcel No.: 219-31-277 - Madrid Community Association, an Arizona nonprofit corporation - for the sum of \$1,474.00.
- HH-0754A-2 (HH) Project No.: TT011 - 90th Street Improvements (McDowell Road to Quenton Street) - Purchase Agreement and Escrow Instructions - Parcel No.: 219-31-277 - Madrid Community Association, an Arizona nonprofit corporation.
- TT256.001 (JPM) Project No.: TT256 - Northern Avenue (at El Mirage Road) - Warranty Deed - Parcel No.: 501-53-016 - El Paso Natural Gas Company, a Delaware corporation - for the sum of \$140,000.00.
- TT256.001 (JPM) Project No.: TT256 - Northern Avenue (at El Mirage Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 501-53-016 - El Paso Natural Gas Company, a Delaware corporation.
- TT260.001 (DLK) Project No.: TT260 - Brown and Signal Butte - Agreement for Right of Entry - Parcel No.: 220-07-001A - Steven H. Morris, Cindy J. Middlemiss, and Carrie A. Benson - for the sum of \$500.00.

AMENDMENT TO IGA FOR DESIGN CONCEPT REPORT FOR SR 303L

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Amendment No. 4 to the intergovernmental agreement (IGA) between the State of Arizona, acting through the Arizona Department of Transportation (ADOT) and Maricopa County Department of Transportation for SR 303L. The purpose of this amendment is that the State agrees to provide funds to the county to complete the final efforts of the Design Concept Report (DCR) and the Environmental Assessment (EA), a lump sum amount of \$73,989. The FY 2007-08 budget for Project Number T109, Loop 303: Indian School to Clearview, will be adjusted next fiscal year after the budget is adopted. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. (C6400261205)

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IMPROVEMENTS TO RIGGS ROAD FROM GILBERT ROAD TO VAL VISTA DRIVE

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County Department of Transportation and the City of Chandler for improvements to Riggs Road from Gilbert Road to Val Vista Drive (MCDOT Project No. T201). The financial obligation of the county for allowable project costs and change orders shall not exceed \$6,750,000. Approval of the expenditures is contingent upon the Board adopting the recommended FY 2008-09 budget.) (C6407179200)

IMPROVEMENTS TO GILBERT ROAD FROM QUEEN CREEK ROAD TO GERMANN ROAD AND COOPER ROAD FROM GERMANN ROAD TO CONSOLIDATED CANAL

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the intergovernmental agreement between Maricopa County and the City of Chandler for improvements to Gilbert Road from Queen Creek Road to Germann Road and Cooper Road from Germann Road to Consolidated Canal. The Board by Resolution in May 2002 approved the implementation of the Transportation Advisory Board (TAB) Special Project Fund authorized by MCDOT Policy T113 to respond to proposed projects that TAB considers worthy of funding, but are not programmed in Maricopa County Department of Transportation's Transportation Improvement Program. TAB awarded the City of Chandler \$710,000 for the Gilbert Road project and \$80,000 for the Cooper Road project. (C6407180200)

ANNEXATION BY THE CITY OF PHOENIX

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the annexation by the City of Phoenix of County right-of-way within ~~Achler Hills Drive, west of 48th Street~~ 37th Avenue Alignment, south of Southern Avenue in accordance with Ordinance No. ~~G-4856~~ G-4869. (As amended in the Supplemental.) (C6407204000) (ADM4213-002)

City of Phoenix
Ordinance No. G-4869

That part of the Northeast quarter of Section 34, Township 1 North, Range 2 East, G&SRB&M, described as follows:

COMMENCING at the North quarter corner of said Section 34 from which the Northeast corner of said section bears North 89°44'52" East (basis of bearing) a distance of 2641.48 feet;

Thence South 00°35'50" West along the North-South mid-section line of said Section 34 a distance of 1312.97 feet to the North line of the South half of said Northeast quarter;

Thence North 89°46'15" East along said North line a distance of 1319.97 feet to the West line of the Southeast quarter of said Northeast quarter, being a point in the boundary of the area annexed to the City of Phoenix by its Ordinance No. G-4473, recorded in Document No. 2002-1308462, records of Maricopa County, Arizona;

Thence South 00°37'50" West along said West line and said boundary line, being identical with the East line of Amber Ridge Heights, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 779 of Maps at page 7, a distance of 122.82 feet to the point of beginning;

Thence South 89°22'10" East a distance of 25.00 feet;

Thence South 00°37'50" West, 25 feet Easterly of and parallel with said West line, said boundary line, and said East line of Amber Ridge Heights; a distance of 331.00 feet;

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Thence North 89°22'10" West a distance of 25.00 feet to said West line, said boundary line, and said East line of Amber Ridge Heights;
Thence North 00°37'50" East, along said West line, said boundary line, and said East line of Amber Ridge Heights, a distance of 331.00 feet to the point of beginning.

ADDITION OF PROJECT AND CORRESPONDING EXPENDITURE BUDGET

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the addition of the following project and corresponding expenditure budget to the FY 2006-07 Transportation Improvement Program (TIP), Department of Transportation (640), Transportation Capital Projects Fund (234), Year 1.

Project Number	Name	Budget
T254	Riggs Road at Sonoqui Wash	\$85,000

Also approve an amendment to the current FY 2007-11 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board on June 19, 2006 by decreasing the FY 2007 (Year 1) capital budget for the following projects: (C6407206800) (ADM2000-003)

Project Number	Name	Capital Budget
T006	Unallocated Force Account	\$30,000
T070	Alma School Road: McLellan – McKellips	\$55,000

BIDS AND AWARD FOR CONSTRUCTION OF POWER ROAD

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the solicitation of bids for construction of Power Road: Guadalupe Road to Baseline Road, Maricopa County Department of Transportation Project No. T090, and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%. Approval of this agenda item is contingent upon the Board adopting the recommended FY 2007-08 budget. (C6407207500)

CONSULTANT SERVICES FOR ELLIOT ROAD ACCESS CONTROL AND CORRIDOR IMPROVEMENT STUDY

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Consultant Services Contract No. 2006-026 with Kimley-Horn and Associates Inc., for a lump sum fee amount not-to-exceed \$372,762.84 for the preparation of the Elliot Road Access Control and Corridor Improvement Study (Elliot Road: Power Road to the Central Arizona Project in Pinal County), Project No. T005. The corridor improvement study shall be completed within 420 calendar days from the notice to proceed. (C6407211000)

BUDGET ADJUSTMENTS RELATED TO TRANSPORTATION IMPROVEMENT PROGRAM

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an amendment to the current FY 2007-2011 five-year TIP for Fund 234 – Transportation Capital Projects Fund by decreasing the FY 2006-07 (Year 1), capital budget for the following projects:

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Project Number	Name	Capital Budget
T006	Unallocated Force Account	\$100,000
T180	Cotton Lane Bridge at Gila River	\$3,000,000

And, adjusting the following projects by **increasing** the FY 2006-07 (Year 1) capital budget for the following project: (ADM2000-003)

Project Number	Name	Capital Budget
T265	Traffic Signal Improvement No. 7	\$3,100,000.

Also approve the name change of T265, Traffic Signal Improvement No. 7 to:

Project T265, Emergency PM10 Procurement for 43rd Avenue: Southern to Broadway.

The requested adjustment is necessary to provide a mechanism to complete the necessary paving, insures the revised project budget more closely matches the projected year-end expenditure amount, and results in a net impact of zero. (C6407223800) (ADM2000-003)

APPOINTMENTS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following appointments:

- a. **Transportation Advisory Board** – Reappoint Lon McDermott, representing Supervisorial District 4, whose term is effective May 24, 2007 through May 23, 2010, and Frank Peake, Jr., representing Supervisorial District 1 whose term is effective from May 21, 2007 through May 20, 2010. (C0607081900) (ADM2038-001)
- b. **Citizens' Transportation Oversight Committee** – Appoint Leyton Woolf, representing Supervisorial District 4, whose term is effective upon Board approval through March 21, 2010. (C0607083900) (ADM2047-001)

REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS

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)

No vouchers/warrants were presented for approval or ratification at this meeting. No staff update reports were given at this meeting.

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ROAD FILE DECLARATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, 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, June 6, 2007, at 201 West Jefferson in Phoenix.

- a. **Road File No. A328.** In the vicinity of Chandler Heights Road Bridge at Sonoqui Wash. (C6407205000)
- b. **Road File No. 5057.** In the vicinity of Harquahala Valley Road (515th Avenue) and Salome Highway from Glendale Avenue. (C6407208000)

PUBLIC HEARING SET - PLANNING AND DEVELOPMENT CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, 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 May 16, 2007, at 9:00 a.m. in the Board of Supervisors Auditorium, 205 West Jefferson, as follows: (F23235)

Z2007-026

CONSENT AGENDA – CLERK OF THE BOARD

ASRS CLAIMS

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

APPOINTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Official Appointment of Michelle Smith as Special Deputy Clerk. (ADM700-001)

CANVASS OF ELECTIONS

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

CLASSIFICATION CHANGES

No recommendation for classification changes was received from the Assessor for this meeting. (ADM723)

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full. This item was discussed in Executive Session on April 16, 2007. (ADM407)

Hall, Jonathan	\$2,500.00
Mercado, Patricia	\$3,500.00

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DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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)

COUNTY

NAME	WARRANT	FUND	AMOUNT
General Motors Acceptance Corp	370033921	Expense	\$1,000.00

SCHOOLS

NAME	SCHOOL	WARRANT	AMOUNT
Manuel Ramirez Jr.	Littleton Elem SD #65	470094814	\$3,319.65
Kevin Pumphrey	Queen Creek SD #95	470102553	\$120.00
ACES	Liberty SD #25	470027517	\$2,850.00
Jana Foley	Higley Unified SD #60	170084952	\$397.35
Sandra Grace	Morristown Elem SD #75	470031955	\$401.76
Edward Marquez	Tolleson Elem SD #17	470054938	\$260.00
Fowler District Food Services	Fowler SD #45	470083730	\$42.00
Children Ctr/ Neurodevelop. Studies	Liberty SD #25	470036496	\$1,980.00
Jeffrey Edward Carson	Higley Unified SD #60	170088832	\$892.60
Stephanie Hartman	EVIT #401	470089426	\$45.00
Stephanie Hartman	EVIT #401	470084386	\$15.00
Mary Perez	Agua Fria Union High SD #216	170091283	\$766.33
Marilyn Wortman	Fountain Hills Unified SD #98	170091221	\$309.26
Daniel Allen	Buckeye Elem SD #33	170063383	\$277.05

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held December 6, 2006, December 11, 2006, December 20, 2006, January 2, 2007, February 5, 2007, and February 20, 2007.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated May 2, 2007, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

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SECURED TAX ROLL CORRECTIONS

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

YEAR	FROM	TO	AMOUNT
2006	10428	10480	-\$210,235.52
2005	18535	18555	-\$110,042.44
2004	15585	15598	-\$50,527.24
2003	28031	28042	-\$178,230.34
2003	28062	28067	-\$6,307.36
2004	15624	15642	-\$14,011.66
2005	18600	18634	-\$94,547.56
2006	10546	10767	\$1,792,572.36
2006	10416	10790	\$114,607.90
2005	18635	18661	-\$35,424.74
2004	15666	15673	-\$1,678.52
2003	28069	28069	-\$424.92

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases dated May 2, 2007. (ADM704)

2007

ST2006-000099
TX2006-000402
TX2006-000424

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to find that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

Ann Tokie

\$21.00

TAX ABATEMENTS

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

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

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

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SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox told about the ground breaking that she and Supervisor Kunasek recently attended for the new Animal Care and Control building. She said the new facility would be easy for patrons to find since it is right at the Durango freeway turnoff. A new building has long been needed and monies have finally been secured. She remarked on the cooperation Dr. Silva has been receiving in making good things happen since he came to Maricopa County and AC&C. (ADM606)

Supervisor Stapley said that the Arizona Meth Project went into operation statewide on April 26th as planned. He added that he later attended a program held at the Cocopah Middle School and said all of the kids had already seen the commercials on TV and had some very interesting insights and questions about methamphetamine that led to group discussion. The commercials are mainly running on TV channels popular with pre-teens, teens and young adults.

Supervisor Wilson also commented on the AZ Meth Project, saying the topic had come up at a recent gathering where he was speaking and many of those attending had seen the commercials and felt the impact. He thanked Supervisor Stapley for bringing the idea to Arizona after he met the founder of the Montana Meth Project at a NACo meeting last year. The highly successful Montana Meth Project is the archetype for the Arizona Meth Project.

UPDATE ON MARKET INVESTIGATION RELATED TO UTILIZATION OF AVAILABLE SPACE

Item: Update on the market investigation regarding utilization of available space within the County-owned Security Building and update on general real estate services. (ADM810) (Supplemental item S-1)

Tom Manos, Chief Financial Officer
Roger Staubach, The Staubach Company
Jim Sadler, The Staubach Company
John Wyss, The Staubach Company

NOTE: Because of a traveling delay, this item was taken following the Planning and Development portion of the meeting to allow travel time for participants. Discussion will be found at the end of this set of Minutes. (C1807036B00)

AMENDMENTS TO FIVE-YEAR CAPITAL IMPROVEMENT PLAN RELATED TO SUPERIOR COURT BUILDING

Item: Pursuant to ARS 42-17106(B), authorize the following amendments to the FY 2006-07 Five-Year Capital Improvement Plan: (Note: The following fund corrections were made by the Clerk prior to the vote.)

- o Increase the Court Tower (JUST) project by \$334 million for Facilities Management to design and construct a court building in downtown Phoenix to accommodate 32 criminal courtrooms (22 completed, 10 shelled). The courthouse will be located on the block bounded by Jackson and Madison Streets and 1st and 2nd Avenues.
- o Increase the Appropriated Fund Balance (480) County Improvement Fund ~~2(440)~~ 3 (441) FY 2006-07 expenditure appropriation by \$1,800,000.

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- o Increase the Appropriated Fund Balance (480) County Improvement Fund ~~2 (440)~~ 3 (441) Court Tower (JUST) project revenue budget by \$334,000,000 in Year 2 and project expenditure budget by \$1,800,000 in Year 1, \$22,075,189 in Year 2, \$75,977,186 in Year 3, \$174,383,496 in Year 4, and \$59,764,128 in Year 5.

Also, approve and authorize the Chairman to sign the Declaration of Official Intent to reimburse the Court Tower project as described above. The declaration will allow the County to reimburse capital expenditures should the County decide to issue tax exempt borrowings. (ADM800-003) (Supplemental item S-2) (C7007047800)

Supervisor Wilson asked if there would be a system to monitor accountability of expenditures on this project, saying he didn't like "surprises" when funding capital improvements. David Smith replied that such a system had been devised when the new jail was built that had worked very responsibly and provided the information that Supervisor Wilson was concerned about. Steve Conner, Director of Facilities Management, came to the podium and answered questions on projected planning and construction details and costs from Board Members.

Supervisor Stapley said he regarded this as a monumental move since this is the largest capital outlay for any single Maricopa County project since he came on the Board. He explained that the new Court Tower costs will be capped at \$334 million and is a project that has been discussed and planned for over for the past several years. Discussion ensued on this item not being included in the tentative budget but progressing directly to the final budget. He suggested inserting the term "tentative and final budget" into the motion.

Supervisor Wilcox said that the two biggest building expenditures in the past had been for Chase Field and the new jail and both had taken a massive amount of time and planning, as has the proposed Court Tower. Additionally, both came in on time and under budget because of the care with which they were handled. She addressed the question of an additional expenditure of \$25 million what would increase efficiencies in the building and be beneficial in the long run. She felt these options should be discussed more fully before approving it as a final budget item, adding that putting it as a tentative budget item would give additional time to make additions or corrections before the budget is printed.

Supervisor Stapley asked Sandi Wilson, Deputy County Manager, for comment and she said that a printed tentative budget had been delivered to OMB earlier today and this would be used to brief Members individually beginning tomorrow. She indicated that the additional time in holding this item for the final budget would give OMB the ability to search for additional priority options and savings. She added that they were still working on details of an additional \$25 million and hadn't fully researched it and so preferred holding that item back. Ms. Wilson said that revisions to either budget could be made prior to adoption.

Supervisor Stapley explained that the County's number-one priority was public safety and welfare of residents and the heavy influx in population was unfortunately very apparent in law enforcement and the judicial arena. He added, "We clearly are over capacity." He stated that this project would save taxpayer monies both short and long term.

Motion was made by Supervisor Stapley and seconded by Supervisor Wilcox to approve the above amendments to the Five-Year Capital Improvement Plan, as amended by the Clerk, directing the Office of Management and Budget to develop funding options for the \$25 million for the Board to consider at the tentative and final budget adoption dates.

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Supervisor Wilcox said this question concerns restorative justice issues and the growth of Maricopa County has mandated this action. She complimented OMB, Finance, Mr. Smith and the Board for having the resources to do this as a result of the fiscal responsibilities adopted over the past ten years. She added, "Everybody's been lean, mean and efficient, and this gives us the ability to move forward now."

Supervisor Kunasek commented that there had been some painful moments to get to this point and referenced the "derailment of capital plans after 9/11." He said that the fiscal restraints shown over the years that have allowed the retirement of all general obligation bonds ahead of time also provide the ability to continue to spend wisely to benefit the County. He promised that the Board would continue to monitor this project and he "looked forward to turning this facility over to the Courts in a few years."

Supervisor Wilson saluted Chief Justice Barbara Mundell for her significant efforts to educate the populace on the need for the new Tower facility. Chairman Brock thanked Steve Conner and his staff for studying new court construction in various parts of the country to learn the newest and best ideas.

Motion carried unanimously (5-0).

SOLE SOURCE CONTRACT WITH FNF CONSTRUCTION, INC. FOR DUST ABATEMENT

Item: Approve a sole source contract with FNF Construction, Inc. for an amount not to exceed \$3,000,000 to perform dust abatement services in the vicinity of 43rd Avenue between Southern and Broadway. The contractor will pave roadway shoulders and construct sidewalks and curbing. This sole source procurement is needed to assist the State of Arizona and Maricopa County to meet Federally mandated PM10 (Air Quality) standards. (Supplemental item S-3) (C6407223800)

Supervisor Stapley expressed his appreciation for this contract, one of many ways the County will use to move forward as quickly as possible to try to control the dust problems cited by the EPA.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a sole source contract with FNF Construction, Inc., as given above.

FILING OF SPECIAL ACTION TO REVERSE PROTECTIVE ORDER

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize and direct Counsel of record for Maricopa County and the Board of Supervisors, in the consolidated case known as CV 2006-014285, to seek reconsideration and/or appeal or take special actions to all appellate courts to reverse the protective order set forth in the Court's April 19, 2007 Minute Entry ruling, as discussed in Executive Session on April 30, 2007. (Supplemental item S-4). (ADM3814-004)

AUTHORITY TO FILE ACTION REGARDING SCHOOLS DEFICIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the County and Counsel to commence civil action(s) against Sandra Dowling and her spouse alleging all relevant causes of action to obtain recovery and damages for all monies owing to Maricopa County that have been discovered in the May 2006 Audit and in the discovery and disclosure in the consolidated case known as CV 2006-014285, as discussed in Executive Session on April 30, 2007. (Supplemental item S-5) (ADM3814-004)

PLANNING AND DEVELOPMENT ITEMS

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).

CONSENT AGENDA

1. **Z2006-078 District 4**
 Applicant: Riverwalk Olive Ave., LLC
 Location: North of the northeast corner of 99th Avenue and Olive Avenue (in the Sun City area)
 Request: Rezone from C-1 PD SC to R-3 RUPD SC (approximately 4.05 acres) – Riverwalk Village Phase II

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-078, subject to stipulations “a” through “p”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Preliminary Plat Riverwalk Village – Phase II” consisting of five (5) full-size sheets, dated March 14, 2007, and stamped received March 15, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Riverwalk Village Phase II”, consisting of fourteen (14) pages, dated (revised) March 12, 2007, and stamped received March 15, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Riverwalk Village at Sun City Phase II”, consisting of two (2), dated (revised) November 02, 2006, and stamped received March 15, 2007, except as modified by the following stipulations.
- d. The total number of units for Riverwalk Phase II shall be limited to 22 and the total number of units for Riverwalk Phases I, II, III shall not exceed 210.
- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Development of the site shall comply with the following Maricopa County Department of Transportation (MCDOT) requirements:
 - Provide a 5 foot sidewalk on 99th Avenue

- The new driveway shall meet ADA requirements for sidewalk ramps
 - Landscape shall comply with MCDOT requirements in county right-of-way (Roadway Design Manual)
- 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. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- k. Prior to Final Plat approval, the developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- l. 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 ARS §28-8481. Your condominium units should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

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

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

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

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

Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on

the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- m. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- n. 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.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- p. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

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 of this rezoning with stipulations "a" through "p."

- 2. **Z2006-153** **District 4**
Applicant: Reliant Land Services/Verizon Wireless for Johnson Family Trust
Location: South of Northern Avenue and east of 99th Avenue (in the Glendale/Peoria area)
Request: Major Amendment to a Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district and Wireless Facility Use District 1 (approximately 0.1 acres) – Verizon PHO Agua Fria

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2006-153, subject to stipulations "a" through "l". Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "PHO Agua Fria" consisting of five (5) full-size sheets, dated revised February 6, 2007, and stamped received February 21, 2007 except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "PHO Agua Fria" consisting of three (3) pages, dated revised February 13, 2007 and stamped received February 21, 2007 except as modified by the following stipulations.
- c. This Special Use Permit shall expire on July 30, 2028 (25 years from the date of original approval by the Board of Supervisors of case Z2002158), upon expiration of the lease to

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the applicant(s), 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. Any request for an extension shall be made at least six months prior to the expiration date.

- d. A written status report, that includes photographs of the project, will be required on July 30, 2023, 20 years from the date of original Special Use Permit approval (Z2002158) 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
- e. The height of the wireless communication facility shall be limited to 80’.
- f. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- g. Development of the site shall be in conformance with all Federal and State requirements, including but not limited to, Federal Communications Commission (FCC), Federal Aviation Administration (FAA), National Environmental Policy Act (NEPA), and State Historical Preservation Office (SHPO). The applicant shall be responsible for obtaining all necessary approvals prior to construction, and shall be accountable to those agency requirements, and penalties.
- h. An Administrative Amendment shall be required to co-locate future carriers on the monopole within the existing Special Use Permit area.
- i. 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.
- 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 the Maricopa County Zoning Ordinance.
- k. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- 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.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval of this Special Use Permit as amended and with stipulations “a” through “l.”

**3. S2006-008 District 1
Applicant: CMX LLC**

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Location: Southwest corner of 148th Street & Ocotillo Road (in the south Gilbert/Chandler area)
Request: Final Plat in the R1-18 RUPD zoning district for Finisterra (approximately 40.83 gross acres)

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

REGULAR AGENDA

4. **CPA2007-01 Districts 4 & 5 (Adoption is by Resolution)**
Applicant: Commission Initiative
Location: Generally bounded by Baseline Road (north); Fornes Road (south); 459th Avenue alignment, Agua Caliente Road, Enterprise Road, and State Route 85 Corridor Plan (west); and portions of State Route 85, the Gila River, and ½ mile east of Old US Highway 80 (east) in west-central Maricopa County
Request: Comprehensive Plan Amendment to Eye to the Future 2020, the Maricopa County Comprehensive Plan, to adopt Old US Highway 80 Area Plan (approximately 215 square miles)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of CPA2007-01, with modification to change land uses near Palo Verde Nuclear Generating Plant. Commissioner Barney seconded the motion, which passed with a unanimous vote of 7-0.

Darren Gerard reported on the background of this request, saying there was no opposition and the recommendation was for approval. Supervisor Wilcox expressed her appreciation to all who worked on this project for the past two years, making this final resolution possible.

Jeanette Fish, Maricopa County Farm Bureau, spoke in favor of this amendment, saying the Farm Bureau didn't think it was perfect but they did support the changes as a whole.

Motion, by resolution, 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 of this plan amendment.

**RESOLUTION
ADOPTING THE OLD U.S. HIGHWAY 80 AREA PLAN**

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

WHEREAS, the Old U.S. Highway 80 Area Plan helps implement *Eye to the Future 2020*, the Maricopa County Comprehensive Plan and Title 11, Section 806 of the Arizona Revised Statutes which directs the Planning and Zoning Commission to prepare a comprehensive plan of the area of jurisdiction of the county for the purpose of bringing about coordinated physical development in accordance with the present and future needs of the county. The comprehensive plan shall be developed so as to conserve the natural resources of the county, to ensure efficient expenditure of public funds, and to promote the health, safety, convenience, and general welfare of the public; and

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WHEREAS, this Board acknowledges the responsibility to exercise its power in establishing land use patterns and development requirements which mitigate adverse impacts to the environment and ensure compatible land uses while enhancing individual freedom and opportunity, respecting private property rights, and facilitating competition and the operation of a free marketplace; and

WHEREAS, growth in accordance with sound planning can result in a stronger economy, more efficient use of infrastructure, compatible development patterns, decreased pollution, protection of natural resources, and an improved quality of life; and

WHEREAS, consideration of development issues requires a regional perspective to ensure coordinated development and preservation of the quality of life in the county; and

WHEREAS, the Old U.S. Highway 80 Area Plan will provide the Board of Supervisors and other public and private decision makers with long range guidelines to make decisions based on adopted policies; and

WHEREAS, the General Plans of nearby cities and towns have been carefully considered as they relate to the Old U.S. Highway 80 area and associated unincorporated lands; and

WHEREAS, the citizens and stakeholders of the Old U.S. Highway 80 have contributed significantly throughout the planning process via public workshops, community workgroup meetings, and other methods; and

WHEREAS, the Planning and Zoning Commission of Maricopa County, after careful study and a public hearing, has recommended the adoption of the Old U.S. Highway 80 Area Plan to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has carefully considered the Old U.S. Highway 80 Area Plan, has held a public hearing and finds that said Plan constitutes a suitable, logical, and timely document to guide the future development of the Old U.S. Highway 80 area.

NOW, THEREFORE, BE IT RESOLVED, that the document consisting of text, maps, and supporting material entitled "Old U.S. Highway 80 Area Plan" and dated February 2007, is hereby adopted in accordance with *Eye to the Future 2020*, the Maricopa County Comprehensive Plan, on this 2nd day of May, 2007; and

RESOLVED FURTHER, the goals, objectives, and policies contained in the plan, along with the Agenda for Action, be implemented as necessary; and

RESOLVED FURTHER, this Area Plan may be amended from time to time to reflect changing community needs or desires, and to represent the best judgment of the Board of Supervisors; and

RESOLVED FURTHER, all matters affecting the rezoning or physical development of land in the unincorporated county planning area shall be in general conformity to the goals, objectives, and policies of this Area Plan, the Comprehensive Plan, or other applicable plans.

DATED this 2nd day of May 2007. (CPA200701)

/s/ Fulton Brock, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

5. **Z2006-137** **District 1**
 Applicant: B & R Engineering, Inc. for Sun Lakes Limited Partnership
 Location: West of Dobson Road and north of Riggs Road (in the Sun Lakes area)
 Request: Major Amendment to a Special Use Permit (SUP) for a Private Residential Facility in the R-5 zoning district (approximately 16.20 acres) – Robson Residential Suites at Sun Lakes

COMMISSION ACTION: Commissioner Pugmire moved to recommend approval of Z2006-137, subject to stipulations “a” through “q”. Commissioner Jones seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Site Plan for Major Amendment to the Special Use Permit for Renaissance Residential Suites at Sun Lakes”, consisting of eight (8) sheets, dated revised February 23, 2007 and stamped received March 9, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Major Amendment to Special Use Permit for Robson Residential Suites at Sun Lakes”, consisting of twenty-four (24) pages (a bound document), dated (revised) March 5, 2007, and stamped received March 9, 2007, except as modified by the following stipulations.
- c. All trees shall be double-staked when installed.
- d. A continuous parapet shall screen all roof-mounted equipment.
- e. 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.
- f. Any landscaping in state/county right-of-way must comply with State/County requirements.
- g. Within sixty 60 days of BOS approval, and prior to final zoning clearance, all of the dead trees will be removed from the site and replaced with 24” boxed trees. The site shall be in compliance with the approved landscape plan. [with the exception of the Dobson Rd. sight visibility triangle, which should be weeded and maintained with plants not exceeding 2’ (h)].
- 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) and ADOT for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development of the portion of the site designated as Phase III, or of any portion that lies within boundary of the existing Special Use Permit for Temporary Construction Offices (Z94-70), shall not occur until the applicant has amended or removed the existing Special

Use Permit, or has otherwise let the Special Use Permit expire. Such amendment or removal shall require approval by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission.

- k. No covered parking shall be permitted or those spaces located along the north boundary (approximately 20 spaces).
- l. 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.
- m. 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.
- n. 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.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- p. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- q. The interior courtyard parking shall be redesigned to provide an additional eight (8) ADA approved parking spaces providing a total of 32 ADA parking spaces for the site (this addition may result in a loss of four (4) standard spaces for the site)

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

6. **Z2006-138** **District 3**
 Applicant: Av Arizona 1, LLC for Stateline, LLC
 Location: Southwest corner of Scottsdale Road and Mayo Boulevard (in the northwest Phoenix/north Scottsdale area)
 Request: Special Use Permit (SUP) for a Pet Hotel in the C-2 CUPD zoning district (approximately 0.17 acres) – Petsmart Pethotel

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COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2006-138, subject to stipulations "a" through "t". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in substantial compliance with the site plan entitled "Maricopa County Special use Permit for Pet Hotel" consisting of one (1) full-size sheet, prepared by DFD Cornoyer Hedrick, dated revised March 8, 2007 and stamped received March 13, 2007, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial compliance with the elevations entitled "The Shops at Chauncey Ranch" consisting of one (1) 11 x 17 sheet, prepared by DFD Cornoyer Hedrick, stamped received March 13, 2007, except as modified by the following stipulations.
- c. Development and use of the site shall comply with the narrative report entitled "Special Use Permit Narrative Report Revised 03/09/07 for Petsmart located at The Shops at Chauncey Ranch", consisting of four (4) pages, dated March 9, 2007, and stamped received March 13, 2007, except as modified by the following stipulations.
- d. Development and use of the site shall be in substantial compliance with the floorplan entitled "Fixture Floor Plan" consisting of one (1) 11 x 17 sheet, prepared by Petsmart, stamped received March 13, 2007, except as modified by the following stipulations.
- e. Development and use of the site shall be in substantial compliance with the signage package entitled "Petsmart" consisting of one (1) 11 x 17 sheet, prepared by Image National Inc., dated May 11, 2006 and stamped received March 13, 2007, except as modified by the following stipulations.
- f. Development and use of the site shall comply with all use regulations and development standards of the C-2 CUPD zoning district as approved under Z2000063 and amended by Z2001118.
- g. Development and use of the site shall remain in compliance with all applicable stipulations of approval under Z2000063 and Z2001118 except as modified or superseded by the following stipulations.
- h. The following Maricopa County Environmental Services (MCESD) stipulations shall be adhered to:
 - The facility must comply with Chapter XI of the Maricopa County Environmental Health Code.
 - All appropriate permits must be obtained prior to the start of operations of the pet store and boarding facility.
- i. The following Maricopa County Drainage Review (DR) stipulation shall be adhered to:
 - City of Phoenix shall not be mentioned in retention calculation shown on CGD 1 of 10.

- 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 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. All trees shall be double-staked when installed.
- m. A continuous parapet shall screen all roof-mounted equipment.
- n. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- o. All interior roadways will be constructed to the minimum commercial/nonresidential standards of Maricopa County or City of Phoenix standards (where applicable).
- p. 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.
- q. This Special Use Permit (SUP) shall expire twenty-five (25) years from the date of approval by the Board of Supervisors, or upon cessation or relocation of Petsmart at this location and/or termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- r. 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.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- t. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

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

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7. **S2005-031** **District 5** (Continued from 04-04-07)
 Applicant: Rosendahl & Associates, Inc.
 Location: West side of Old U.S. Highway 80, approximately 2.5 miles north of Patterson Road (in the Buckeye area)
 Request: Final Plat in the Rural-43 zoning district for Spring Mountain Ski Ranch Phases 3 & 4 (Approximately 79.56 gross acres)

Darren Gerard gave background information on this project. Supervisor Wilcox expressed appreciation for the continuance saying it allowed resolution of the septic tank problems discussed at the earlier meeting. Joy Rich added that a plan had been devised to keep the tanks 100 feet apart on the respective acreages that will meet requirements

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

8. **S2006-052** **District 5** (Continued from 04-04-07)
 Applicant: Rosendahl & Associates, Inc.
 Location: West side of Old U.S. Highway 80, approximately 2.5 miles north of Patterson Road (in the Buckeye area)
 Request: Replat in the Rural-43 zoning district for Spring Mountain Ski Ranch Phases 1 & 2 (Approximately 87.88 gross acres)

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

MEETING RECESSED

There being no further business to come before the Board at this time, the Chairman recessed the meeting to be reconvened at the call of the Chairman in the Tom Sullivan Conference Room, 10th Floor, 301 West Jefferson.

MEETING RECONVENED

Chairman Brock reconvened the meeting at 10:30 a.m. in the Tom Sullivan Conference Room, 301 West Jefferson, upon the arrival of the principles, who were delayed earlier.

UPDATE ON MARKET INVESTIGATION RELATED TO UTILIZATION OF AVAILABLE SPACE

Item: Update on the market investigation regarding utilization of available space within the County-owned Security Building and update on general real estate services. (ADM810) (Supplemental item S-1)

Tom Manos, Chief Financial Officer
Roger Staubach, The Staubach Company
Jim Sadler, The Staubach Company
John Wyss, The Staubach Company

Tom Manos introduced Roger Staubach and his managers and relayed information on the real estate interactions their company has had with the County the past several years in working with the financial and real estate departments in an advisory capacity.

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Jim Sadler has specifically been doing recent space and use studies on the County owned Securities Building to determine its highest and best use and the preferred kinds of lessees for optimal success. He named several "types" that have shown interest in space, including utility companies, banks or other financial service users, real estate companies and several food related businesses. He said that 30 prospects have shown interest and he would continue discussions with them and report back in 30-60 days with some preliminary conclusions. Mr. Sadler felt the building presents a very interesting 28,000 square feet and is in an excellent location in easy access to the downtown ASU campus and in the middle of downtown development. He added that highest and best use isn't restricted to only economic considerations but also to some strategic objectives that David Smith outlined to them. Discussion ensued on the "blend" of tenants that would be desirable and the optimum length of leases. Mr. Sadler said, "I solve real estate challenges daily. The Staubach Company works in teams and this team has a commitment to Maricopa County."

Roger Staubach said his company is in its 30th year and gave a background on its beginnings and growth, as well as his personal history and involvement in the corporate world. His company has grown to 65 offices throughout the nation and they have gleaned a great deal of excellent experience through the years and with the many different projects and interactions with other similar companies. He confirmed Mr. Sadler's statement on teamwork and said their teams share information freely between members to provide the highest quality performance for their clients.

Board Members expressed their appreciation to Mr. Staubach for this meeting and complimented him on the quality of his local staff members and the continuing good relationship that has evolved with them. (C1807036B00)

MEETING ADJOURNED

There being no further business to come before the Board, the meeting adjourned at 11:00 a.m.

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board