

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

FORMAL SESSION
January 16, 2008

The Board of Supervisors of Maricopa County, Phoenix, Arizona, convened in Formal Session at 9:00 a.m., January 16, 2008, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Andrew Kunasek, Chairman, District 3; Max W. Wilson, Vice Chairman, District 4; Fulton Brock, District 1 (entered late); Don Stapley, District 2 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

Darren Gerard, Deputy Planning and Development Director, delivered the invocation.

PLEDGE OF ALLEGIANCE

Naila Haris, Government Relations, led the assemblage in the Pledge of Allegiance.

CHAIRMAN KUNASEK MOVED THE FOLLOWING AGENDA ITEM, NO. 13, FORWARD:

AGENCY ITEMS AND STATUTORY MATTERS

County Officers

DEPUTY COUNTY MANAGER

Management and Budget

13. AMEND FY 2007-08 FIVE YEAR CAPITAL IMPROVEMENT PROGRAM

Item: Pursuant to A.R.S. §42-17106(B):

1. Approve the following amendments to the FY 2007-08 Five-Year Capital Improvement Program in the Appropriated Fund Balance (480) Financing Series 2007 (440) Fund:
 - a) Increase FY 2006-07 projected expenditures to final actual expenditures for the Southwest Justice Center (SWJC) project by \$218,552 from \$11,212,055 to \$11,430,607 and adjust the project budget as follows: decrease Year 1 (FY 2007-08) by \$218,552 from \$24,838,735 to \$24,620,183 to reconcile FY 2006-07 projected to actual spending.
 - b) Decrease the expenditure budget for the Southwest Justice Center (SWJC) project by \$24,238,031 in Year 1 (FY 2007-08), \$50,913,210 in Year 2 (FY 2008-09), and \$4,201,896 in Year 3 (FY 2009-10), thereby reducing the total project budget from \$91,500,000 to \$12,146,863, which is the amount that has already been spent on the project.
2. Reduce the FY 2007-08 Non-Departmental (470) General Fund (100) Reserve Contingency (4711) "Court Tower Debt Reserve" expenditure appropriation by \$8,065,660, thereby reducing the County's overall General Fund budget.

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FY 2006-07 General Fund revenue in excess of expenditures at year-end was \$30,931,845 greater than was included in the FY 2007-08 budget. A fund transfer of \$30,931,845 from the General Fund (100) to the General Fund County Improvement Fund (445) will be included in the FY 2008-09 budget to contribute to funding the Court Tower project. (C4908024800) (ADM1820)

Sandi Wilson, Deputy County Manager, and Kenny Harris, Assistant County Manager, discussed suggested revisions to the previous and upcoming budgets in this item, some of which relate to the Southwest Regional Court Center. A main part of this item would remove \$79.3 million from the SW project fund and transfer it to the downtown Court Tower project, on a temporary basis.

In response to a question of timing from Supervisor Wilson, Mr. Harris replied that work at the southwest facility is expected to begin in approximately three years, with a possible reduction in size. The completion date would be five to seven years.

Supervisor Wilson remarked that too often the County has under-built and a facility is already inadequate for the need when it is completed. He believed it best to keep to the current plan and design with no modifications, and he wants to be able to quickly move into the construction phase when funds are available, "without having to start all over again."

Supervisor Wilcox concurred with keeping the current plan and design active and ready with no downsizing. She noted that the southeast facility is also sacrificing \$20 million to the Tower fund on the priority set by Judge Mundell. She said she would accept this delay in her district and support the request but asked for assurance that when the fiscal crisis is over the southwest facility "is first in line" and that it remain a full service court complex as currently designed. Discussion ensued on the voluntary cuts in the budget in both the SW and the SE Regional Centers until the current budget crisis ends, with emphasis placed on retaining all plans, that has been done to date for both centers.

Ms. Wilson used a PowerPoint presentation to outline the planned steps during the next two fiscal years. She explained that \$30.9 million will come from the end-balance of the 2007 General Fund and this, added to the monies in the southwest fund, will infuse an additional \$110.2 million of cash to the Court Tower Project. This would total \$164.2 million in cash and \$178 million in borrowed funding for the Tower.

Ms. Wilson explained, "This will actually allow us to reduce the required funding of debt service within our budget by \$8 million so we can reduce our debt service from \$20.7 million to \$12.7 million." She said this will help to balance the County budget this year and will also assist with next year's budget. Other options to reduce the debt service impact are being prepared to bring to the Board as next year's budget develops in the coming weeks.

Mr. Harris addressed the Southeast Court Complex, which is already built but undergoing necessary renovation and expansion due to recently acquired adjacent properties. He said the goal is to ready an agenda item by March 1st to seek authorization to hire a design builder to remodel and build the needed space in the buildings already on those lots. He added that funding transfers would also be included in that request.

Supervisor Wilson asked that the Board be given a regular evaluation once or twice a year on the Court Tower, saying, "We can't get too far behind on the rest of it because those outer courts are also expanding."

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Motion was made by Supervisor Wilcox and seconded by Supervisor Wilson to approve the amendments to the five-year Capital Improvement Program as given above, stipulating that the delay in the Southwest Complex be as short as fiscally possible and that the Board receive a yearly review and evaluation on progress being made.

Supervisor Stapley supported the motion and said this is a good approach to the current fiscal difficulties and the County is merely prioritizing in the most efficient way possible. He felt it important to continue the dialogue and to keep looking at other creative ways to move forward with the Court Tower and other projects that must be delayed.

Chairman Kunasek said, "Most governments are very quick to go to the general obligation bonding and bind things up for years," adding that in the world of government finance Maricopa County's approach is unique. He felt it is the most economical way to assure the necessary facilities are built while dealing responsibly with the reality of the downturn in the current economy. He said the idea for the Court Tower goes back years and has been delayed long enough and this is the best option to follow for the good of the region.

Motion unanimously carried (4-0-1).

STATUTORY HEARINGS

Clerk of the Board

1. PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

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

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

- a. Application filed by Gloria A. Mitchell for a Special Event Liquor Licenses: (F23221) (F23249) (SELL814)

Business Name: Sun City West Racquet Club
Location: 19807 R H Johnson Boulevard, Sun City West, 85375
Date/Time: April 4, 5, & 6 2008

- b. Application filed by Roger J. Scharenbroich for a Special Event Liquor Licenses: (F23221) (SELL815) (F23249)

Business Name: Knights of Columbus #12144
Location: 9728 Palmeras, Sun City, 85373
Date/Time: February 9, 2008

- c. Application filed by James Godfrey Urban for a Special Event Liquor Licenses:

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(F23249) (SELL816)

Business Name: Rio Verde Community Association
Location: 18816 E. Four Peaks Blvd., Rio Verde, AZ 85263
Date/Time: February 7, 2008; 4:00 to 6:00 p.m.

- e. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Viewpoint Cafe: (MCLL6254) (AZ#07070507)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 10502 W. Thunderbird Boulevard, Sun City 85351

- f. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/South Grill & Deli: (MCLL6255) (AZ#07070508)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 11000 N. 103rd Ave, Sun City 85351

- g. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Lake West Snack Shop: (MCLL6256) (AZ#07070509)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 10433 W. Talisman Road, Sun City 85351

- h. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Riverview Snack Shop: (MCLL6257) (AZ#07070510)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 16401 N. Del Webb Boulevard, Sun City 85351

- i. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/Willowcreek Grill: (MCLL6258) (AZ#07070512)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 10600 Boswell Boulevard, Sun City 85373

- j. Application filed by Douglas Ronald Bratsch for a Person-to-Person Transfer of a Series 7 Liquor License from Guy B Sromek/North Grill & Deli: (MCLL6259) (AZ#07070511)
This item was continued from the January 2, 2008 meeting.

Business Name: Mojoes
Location: 12650 N. 107th Avenue, Sun City 85351

Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye."

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

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

- d. Application filed by Rick Francis Robarge for a Temporary Extension of Premises Permit, MC-A-664,31, AZ #06070382: (F23249)

Business Name: Coyote Bar and Grill
Location: 12417 West Glendale, Glendale, AZ 85307
Date/Time: February 1, 2, and 3, 2008

A written report was received from Capt. William Hindman, District 2 Commander, requesting denial of this application for the following reasons:

- Inadequate parking spaces (265) for the reported 3,000 possible attendees.
- Overflow parking occurred on both sides of Glendale Ave. at an earlier event having fewer attendees, presenting hazardous conditions to the neighborhood.
- Additional parking was being sought but had not been secured, for any overflow vehicles.
- Any drop-off patron vehicles (limo, bus, van) could cause traffic concerns when entering or exiting the premises.
- Insufficient security planned for a crowd of 3,000 with only six deputies - (not yet contracted for at the District 2 office.)
- Capt. Hindman recommended hiring at least 15 deputies and one or two sergeants and at least one member of the command staff for 3,000 people.

Capt. Hindman was unable to attend the hearing to testify but the District's Acting Lt., Phillip Fortner did testify to the District's two major concerns, not citing the concern of the location, which is within approximately 300 yards of a school, noting that school would not be in session during that weekend.

Lt. Fortner commented on the parking permit received from Planning and Zoning for an anticipated attendance of 500-800. However, this number was updated by the applicant on January 15 to 3,000 people on each day of the weekend. He also remarked on the previous hazardous conditions presented at an earlier event where the overflow parking on both sides of Glendale Ave., a 4-lane, 50 mph roadway, caused hazardous through-traffic conditions as well as dangers to those crossing the street between the bar and their vehicle, especially when "impaired". He said the parking and safety issue is probably their greatest concern.

He said the applicant planned to have the Sheriff's Office answer calls for service should the 6-8 hired security need help, and this was not an acceptable solution. He asked that Capt. Hindman's recommended number of security be hired in a off-duty status to provide necessary security.

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Supervisor Wilcox asked what kind of event it was and Lt. Fortner said it was the annual "Lingerie Bowl Game" – connected to the Super Bowl, that would be played on the neighboring school's football field.

The Clerk explained that the Coyote Bar and Grill has a liquor license and seeks a temporary extension of premises for this weekend and have already received a Temporary Use Permit (TUP) from Planning and Development.

Darren Gerard, Deputy Director of Planning & Development, confirmed the TUP issuance but said approval was with the understanding from applicant's narrative report that there would be a maximum of 500-800 people at any given time and suggested that, if approved, it be under those conditions.

The Chairman asked if the applicant was present to answer questions. The Clerk replied that her office had recommended to the applicants that they be present because of the Sheriff's recommendation, and she called for that person or their representative to come forward, but there was no response.

Discussion ensued on the difficulty of limited parking should 3,000 people actually come to the event. Supervisor Wilcox said the applicant had only estimated 800 to Planning and estimated up to 3,000 attendees to the Sheriff's Office, which is a wide differential.

Supervisor Stapley urged caution, saying the Sheriff's Office had recommended denial and the applicant was not present to present his case. With no way of knowing how many people would actually attend, and with no acknowledgment that their original security intention of hiring six deputies would be increased to the recommended number, it could lead to a dangerous situation. He agreed that it might be different if "they come back with all the answers and the things they should have already done" perhaps it could be reconsidered, "but if we just hope they do the right thing it would be asking for trouble."

Chairman Kunasek said it was unfortunate that the Board didn't have more information or "the whole picture" and a recommendation of denial would be based on lack of information from the applicant – "they should have been here, that's a little unusual" to not be able to ask questions.

Motion was made by Supervisor Wilcox to recommend denial unless the State requires traffic control in the surrounding neighborhood, and also addresses the lack of parking and number of security to meet the Sheriff's recommendation. Motion was seconded by Supervisor Wilson who added the stipulation of 800 people maximum at any one time to the Sheriff's recommendations as reported by Captain Hindman and Lt. Fortner.

Motion carried by majority vote (4-0-1) with Supervisors Stapley, Kunasek, Wilson and Wilcox voting "aye."

Transportation

2. PUBLIC HEARING: ROAD FILE DECLARATION – ROAD FILE NO. A388

Chairman Kunasek convened this public hearing, no protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded

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by Supervisor Wilcox, and unanimously carried (4-0-1) to approve, by resolution, petitions to open and declare the following roads into the county highway system. This action will serve as notice of the Board of Supervisors' acceptance of all U.S. Patent easements, reservations, rights-of-way or properties along the alignments into the Maricopa County highway system and will also authorize the maintenance and acquisition of the necessary rights-of-way through donation, purchase, or condemnation. (C6408110000)

**RESOLUTION
ROAD DECLARED (ROAD FILE NO. A388)**

WHEREAS, pursuant to A.R.S. §28-6701, 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:

Those streets lying within the Town of Guadalupe, together with all appurtenances and easements of record, lying within Section 4 - T1S, R2E, of the G&SRB&M, Maricopa County, Arizona, described as follows;

Calle Pitaya from Avenida Del Yaqui to Calle Gloria,
Calle Gloria from Avenida Del Yaqui to Calle Batoua,
Calle Batoua from Calle Pitaya to Calle Sonora,
Mesquite Place from Calle Batoua to North Branch Highland Canal,
Calle Sonora from Calle Batoua to Calle Vauo Nawi,
Calle Batoua from Calle Sonora to Calle Magdalena,
Calle Tomi from Calle Sonora to Calle San Angelo,
Calle Magdalena from Avenida Del Yaqui to Calle Batoua,
Calle Magdalena from Calle Tomi to Calle Vauo Nawi,
Calle Batoua from Calle Magdalena to Calle San Angelo,
Calle San Angelo from Avenida Del Yaqui to Calle Vauo Nawi,
Calle Vauo Nawi from Calle San Angelo to Calle Iglesia,
Calle Batoua from Calle Iglesia to Calle Mexico,
Calle Tomi from Calle Iglesia to Calle Mexico,
Calle Vauo Nawi from Calle Iglesia to Calle Mexico.

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.

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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 16th day of January 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Assessor

3. PUBLIC HEARING – FEE SCHEDULE FOR IS AND GIS DATA PRODUCTS AND SERVICES

Pursuant to A.R.S. §11-251.08, Chairman Kunasek convened the scheduled public hearing to consider the adoption of a proposed fee schedule charge for IS and GIS data products and services offered by the Assessor's Office, to be effective upon Board approval. Included in this proposed fee schedule is a new fee for rental registration, which permits the Assessor's Office to charge ten dollars for all rental property registrations and rental property registration changes as specified in A.R.S. §33-1902(I). (C1208004M00) (ADM300)

Commercial Data Requests

<u>Job Description</u>	<u>Proposed Fee</u>
Secured Master	\$800.00
Residential Master	\$350.00
Commercial Master-Base	\$350.00
Commercial Master-Full	\$350.00
Subdivision Index	\$300.00
Notice of Change	\$300.00
Notice of Value	\$500.00
Notice of Errors	\$300.00
Land Components	\$350.00
Personal Property	\$300.00
Parcel History	\$450.00
Sales Affidavits	\$400.00
Apartment Master	\$350.00
Landlord Registration	\$425.00

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GIS Complete (w/o ST42060)	\$500.00
GIS Book 100	\$100.00
GIS Book 200	\$100.00
GIS Book 300	\$100.00
GIS Book 400	\$100.00
GIS Book 500	\$100.00

New Fee (Rental Registrations ARS 33-1902(I))

Rental Registration and/or Rental Registration Change Fee	\$10 per action
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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the fee schedule charge as given above.

AGENCY ITEMS AND STATUTORY MATTERS

COUNTY OFFICERS

Assessor

4. AMENDMENT TO LEASE WITH COLE SANTA FE HOLDINGS, LLC

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Amendment No. 1 to C1206010400, dated May 17, 2006, which approved Lease No. L7243 with Cole Santa Fe Holdings, LLC, an Arizona limited liability company, for 7,272 square feet of office space at 943 S. Gilbert Road, Mesa, AZ. Effective November 30, 2007, the building for the subject lease was sold to Paragon Santa Fe, LLC. The Lessor is the only change to the Lease Agreement, all other terms and conditions of the current lease remain the same. As such, this is an informational request. (C1206010401)

County Attorney

5. IGA FOR THE ENHANCEMENT OF LAW ENFORCEMENT SERVICES

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Arizona Department of Public Safety and the Maricopa County Attorney's Office. The purpose of this agreement is to enhance law enforcement services concerning the collection, analysis, and dissemination of intelligence, regarding terrorism and criminal related incidents through cooperative efforts. Through this agreement, the Maricopa County Attorney may assign law enforcement officer(s) (detectives) to the Arizona Counter Terrorism Information Center (ACTIC) as appropriate. This agreement shall remain in effect from the date of full execution until terminated by one or both of the parties. (C1908036200)

Sheriff

6. INTERGOVERNMENTAL AGREEMENT WITH THE TOWN OF GILA BEND FOR LAW ENFORCEMENT SERVICES

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Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve a one-year Intergovernmental Agreement (IGA) between the Town of Gila Bend and the Maricopa County Sheriff's Office to provide law enforcement services which includes police communications service to the Town of Gila Bend. The term of this agreement is retroactively effective from July 1, 2007 through June 30, 2008. Termination of this agreement requires 180 days written notice and shall automatically renew for up to three successive fiscal year terms unless re-negotiated or terminated. The charges are based on actual cost and are revised annually. The total cost for the first year of this agreement is \$323,634. The level of service is .45 beats.

Also, pursuant to A.R.S. §42-17106, approve an increase of \$11,793 (\$11,793 annualized) in revenue and expenditure to the Sheriff's FY 2007-08 General Fund (100) appropriation. Intergovernmental Agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C5008008200)

7. **MEMORANDUM OF UNDERSTANDING WITH APS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an annual Memorandum of Understanding (MOU) with APS, a subsidiary of Pinnacle West Capital Corporation, and the Maricopa County Sheriff's Office concerning proof of off-site law enforcement assistance as required by the Nuclear Regulatory Commission should the need arise. Responders are provided specialized emergency training. The term of this MOU is January 1, 2008 through December 31, 2008. (C5008031000)

8. **DONATION OF COMPUTERS AND EXECUTION OF CONVEYANCE DOCUMENTS**

Pursuant to A.R.S. §11-251(9), motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the donation of up to 100 computers that have had the hard drives removed to the Honduras Sister City Project and authorize the execution of any necessary conveyance documents. The computers are surplus equipment and/or materials that have little or no value and are unauctionable. The hard drives will be removed and destroyed in accordance with County policy. The computers will not have an operating system. (C5008034M00) (ADM119)

9. **RENEWAL OF DEEP UNDERCOVER REGISTRATIONS AND EXEMPTIONS FROM MARKINGS**

Pursuant to A.R.S. §38-538.03, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve renewal of deep undercover registrations and exemptions from markings, including non-government license plates for Sheriff's RICO vehicles that are used for conducting investigations into major felonies, narcotics operations, and organized crime activity throughout Maricopa County. (C5008035M00) (ADM3101V)

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10. **IGA WITH VARIOUS LAW ENFORCEMENT AGENCIES RELATED TO SUPER BOWL MUTUAL AID**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve Maricopa County Sheriff's Office participation in multi-jurisdictional non-financial intergovernmental agreement, pursuant to A.R.S. §11-951, et seq., and A.R.S. §13-3872, initiated by the Gila River Indian Community. The purpose of this agreement is to provide mutual aid to the participating parties during the Super Bowl and its related events, effective January 25, 2008 through February 5, 2008. This Agreement can be terminated by either party seven days prior to the effective date by written notice. Other participants are: the Glendale Police Department, Tempe Police Department, Phoenix Police Department, Mesa Police Department. (C5008036000)

Treasurer

11. **TAX DEEDED LAND SALE**

Pursuant to A.R.S. §42-18303, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to accept the offers on parcels previously offered for bid at auction conducted on December 7, 2006, that were not sold. Upon approval, direct that deeds be prepared to convey the properties sold. With the approval of this action, the proceeds of the sale will total \$2,020 and an estimated \$2,020 will revert to the County General Fund. **A)** Parcel: 200-35-227 Tax Liability \$2,575.69 Offer \$1,010.00 **B)** Parcel: 500-65-148 Tax Liability \$3,464.79 Offer \$1,010.00 (C4308013B00) (ADM656)

**DEPUTY COUNTY MANAGER
General Government**

12. **PERSONNEL AGENDAS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the personnel agendas (Exhibits A and B) for the first two quarters of FY 2007-08 consistent with agenda item C4907038600 approved on April 18, 2007. Exhibits A and B will be found at the end of this set of Minutes. (C4508008M00) (ADM3300-006)

Public Health

14. **ADMINISTRATIVE CORRECTION REGARDING TERMINATION DATE OF IGA WITH MARICOPA INTEGRATED HEALTH SYSTEM (MIHS)**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an administrative correction to C8606048202, a termination of Intergovernmental Agreement (IGA) No. C86060482 between Maricopa County Special Health Care District d.b.a. Maricopa Integrated Health System (MIHS) and Maricopa County Department of Public Health (MCDPH) for the provision of HIV Counseling & Rapid Antibody Testing Services. MCDPH was contracted by MIHS to provide the counseling and testing service, previously approved by the Board on November 14, 2007. This administrative correction changes the IGA termination date from October 15, 2007 to October 16, 2007. All other terms and conditions of this intergovernmental agreement shall remain unchanged. (C8606048203)

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15. **AMENDMENTS TO IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

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

- a. Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074022 between the Buckeye School District and Maricopa County Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health.. This amendment provides additional funds to the Buckeye School District in the amount of \$2,000 and is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607402202)
- b. Amendment No. 2 to Intergovernmental Agreement (IGA) No. C86074052 between the Higley Unified School District and Maricopa County Department of Public Health to provide school-based tobacco use prevention and education services for the Maricopa County Department of Public Health. This amendment provides additional funds to the Higley Unified School District in the amount of \$2,000 and is effective upon execution by both parties. This agreement is covered under Section MC1-1001 of the Maricopa County Procurement Code. (C8607405202)

16. **TRANSFER EXPENDITURE AUTHORITY FOR PUBLIC HEALTH'S INFORMATION TECHNOLOGY**

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the transfer of expenditure authority, from Non-Departmental (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 FY 2007-08 Non-Departmental (470) Grant Fund (249) by \$832,952 and increasing the FY 2007-2008 Public Health (860) Public Health Fee Fund (265) by \$832,952. Approval of this action will support the improvement of the Public Health's Information Technology (PHIT) and transition of PHIT functions to the Maricopa County's Office of Enterprise Technology. These adjustments will result in a County-wide impact of zero. (C8608049M00) (ADM2150-003)

**ASSISTANT COUNTY MANAGER – JUSTICE PLANNING AND INFORMATION
Medical Examiner**

17. **WAIVER TO THE MARICOPA COUNTY EMPLOYEE COMPENSATION PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Employee Compensation Plan, Section VI.A.2 of the Maricopa County Human Resources Compensation Plan, for Dr. William Thomas Stano III. This waiver allows retroactive salary advancement and compensation to occur effective September 24, 2007, in the amount of \$1064 for Dr. Stano who successfully completed passage of the Forensic Pathology examination and board certification by the American Board of Pathology. (C2908009600) (ADM3300-001)

ASSISTANT COUNTY MANAGER – COMMUNITY SOLUTIONS AND INNOVATION
Community Development

18. REVISED COMMUNITY DEVELOPMENT ADVISORY COMMITTEE BYLAWS AND POLICIES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to approve the revised Community Development Advisory Committee (CDAC) Bylaws and Policies adopted by the CDAC on January 9, 2008. The CDAC Bylaws establish the operating guidelines of the Committee. The Policies establish the guidelines by which the CDAC will make funding recommendations to the Board of Supervisors, and establish the guiding principles that grant recipients must follow once Community Development Block Grant and HOME Investment Partnerships Program funds have been awarded. CDAC Bylaws and Policies are on file in the Clerk of the Board's Office and kept per ASLAPR Retention Schedule. (C1708034600) (ADM1501)

CHIEF FINANCIAL OFFICER
Finance

19. FUND TRANSFERS; WARRANTS

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

20. AGRICULTURAL LICENSE AGREEMENT WITH DISCOVERY WEST RANCHES PARTNERS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an Agricultural License Agreement with Discovery West Ranches Partners, Licensee, to allow continued farming of recently purchased county owned land. The Licensee was an agricultural tenant on the land under the previous owner. The License will be granted for a nominal fee of \$10, and other considerations including property maintenance such as weed/dust control. The license contains an automatic annual renewal. The license may be terminated by County by giving six months written notice to the Licensee. (C1808036B00)

21. DECLARE PROPERTY AS SURPLUS AND AUTHORIZE AUCTION TO LEASE SPACE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to declare as surplus property, approximately 1,000 square feet of unused County space at 333 West Hatcher, Phoenix, Arizona.

Also, authorize the surplus space to be leased at public auction by Real Estate Services with terms that meet the County's goals and are in balance with the real estate marketplace.

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Also, authorize Real Estate Services to commence public notice and advertisement in anticipation of the projected auction. The space will be appraised by a certified licensed appraiser. A leasehold interest in the property will be auctioned either by oral or sealed bid to the public or, if to a municipality, other government entity, or qualifying non-profit, at fair market value, without an auction, as provided for in A.R.S. §11-251 Paragraph 9. Upon selection of a qualified bidder and execution of an agreement by lessee, the lease agreement will be submitted to the Board for approval. (C1808037B00) (ADM811-016) (ADM812)

Materials Management

22. SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to Civil Division's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award

- 07083-C Plastic Trash Can Liners** (\$725,000 estimate/three years with three one-year renewal options) Price agreement for plastic trash can liners for the Sheriff's office.
- Unipak Corporation
- 07121-C Executive Search Services** (\$500,000 estimate/six years) Price agreement to provide qualified contractors for executive search services for the County on an as needed basis.
- Arcus LLC
 - Avery Associate

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 December 31, 2010

- 04179-C Guard Rails and Accessories** (\$600,000 estimate/three years) Price agreement renewal to purchase guard rails and accessories for the Department of Transportation.
- Five G, Inc.
- 04169-S Installation of Permanent Traffic Signage** (\$600,000 estimate/three years) Price agreement renewal for installation of permanent traffic signage for use by the Department of Transportation.
- Hunter Guard Rail & Fence, Inc.

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

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- 04187-S Water Well and HVAC Pump Repair and Overhaul** (\$300,000 increase) Increase price agreement from \$330,000 to \$630,000. This \$300,000 increase will provide maintenance and repair services for Water Wells and HVAC Pumps as requested by the Facilities Management Department. This price agreement was initially awarded by the Board of Supervisors on April 20, 2005 and increased (\$30,000.00) by the Materials Management Director on September 27, 2007. Price agreement expiration date is April 30, 2010.
- Foster Electric-Arizona Pump
 - Weber Group LC
- 06052-S Repair and Maintenance of U.P.S. Systems** (\$180,000 increase) Increase price agreement value from \$220,000 to \$400,000. This \$180,000.00 increase will provide for the purchase of additional Uninterruptible Power Supply (UPS) services that were not previously accounted for during the remaining term of this agreement. This agreement was initially approved by the Materials Management on September 28, 2006, and has an expiration date of September 30, 2009.
- Gruber Technical, Inc.

Parks and Recreation

23. CONTRACT WITH NORTHWEST WOODLAND SERVICES FOR PRE-CONSTRUCTION MANAGEMENT SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to execute the Construction Manager At Risk (CMAR) construction services contract with Northwest Woodland Services, Inc. for the pre-construction management during the pre-construction services phase and to serve as general contractor during the construction phase of Regional Trail in the amount of \$163,000. Funding for this construction is available within the Appropriated Fund Balance (480) General Fund County Improvement Fund (445) in fiscal year 2007-2008. (C3008014500)

**ASSISTANT COUNTY MANAGER – PUBLIC WORKS
Transportation**

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

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

- | | |
|-------------------|---|
| TT243.005
(PM) | Project No.: TT243 – Gavilan Peak Parkway – Assignment of Easement – Parcel No.: 203-10-009 – Anthem Arizona LLC - for the sum of \$10.00. |
| X-1301-1
(PM) | Project No.: TT087 – Queen Creek Road (Arizona Avenue to McQueen Road) – Temporary Construction Easement and Agreement for Highway Purposes – Parcel No.: 303-33-014A – ASV |

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Family Limited Partnership – for the sum of \$1.00.

25. **RESOLUTION REGARDING PAYMENT OF COMMISSIONS TO BROKERS ON EXCESS LAND SALES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a Joint Resolution regarding payment of commissions to brokers on excess land sales. Real Estate Brokers who represent clients, who are interested in purchasing property from the Maricopa County Department of Transportation, should be compensated for their efforts by the payment of a 3% commission rate on the sale of excess land. This commission rate will be disclosed in the solicitation packet for the sale. The real estate staff of Public Works would like permission to pay a 3% commission to all participating brokers in the public auction process. This benefits Maricopa County and the taxpayers by bringing more bidders to the auction. The brokers perform a valuable service by educating their buyers in material facts through the due diligence process. This education process reduces liability for Maricopa County by ensuring that the buyers, through an independent broker, are represented fairly. Commission sales will be paid 3% of each sale so the funding impact will vary from each land sale, depending upon the value of the excess land. A corresponding agenda item is found on the Flood Control District agenda under C6908033600. (Supervisory Districts 1, 2, 3, 4, and 5) (C6408112000) (ADM2000)

JOINT RESOLUTION 2007R012

**FLOOD CONTROL DISTRICT FOR MARICOPA COUNTY
AND THE
BOARD OF SUPERVISORS FOR MARICOPA COUNTY
FOR PAYMENT OF COMMISSIONS ON EXCESS LAND SALES**

WHEREAS, Arizona Revised Statutes §§ 48-3603 and 9-402 requires the Flood Control District of Maricopa County (District) to sell excess real property upon Public Notice and Invitation For Bids.

WHEREAS, Arizona Revised Statutes § 11-251 requires Maricopa County Department of Transportation to sell excess real property at public auction.

WHEREAS, Public Works' Real Estate Division administers dispositions of real property for both the Flood Control District and the Maricopa County Department of Transportation by public auction, with the exception of selling to a municipality for a public purpose.

WHEREAS, real estate professionals in the community derive their income from commissions as part of real estate transactions, and assist the Flood Control District of Maricopa County by bringing clients to the auctions for the sale of real property.

WHEREAS, payment of commissions will benefit the Flood Control District of Maricopa County and Maricopa County and the citizens of Arizona by providing an efficient way to sell property within the real estate community.

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NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Flood Control District of Maricopa County directs that the Chief Engineer and General Manager and/or his designee can pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale; and the Board of Supervisors of Maricopa County authorizes that the Director of the Transportation Department and/or his designee can pay commission on the sale of real property as long as it is disclosed in the solicitation packets of the sale. The commission rate shall not exceed 3% of the final sale price for the subject property, and shall exclude leases, licenses and anything that is not an actual sale of real property through an auction process and shall not be paid until all payment on the sale transaction has been received and the sale transaction has been consummated.

DATED this 16th day of January 2008.

/s/ Andrew Kunasek, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

26. TRADE-IN OF ANTIQUATED GPS EQUIPMENT FOR MODERN GPS EQUIPMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the trade-in of antiquated GPS equipment for modern GPS equipment. The transaction is being facilitated through Allen Instruments and Supplies. The net cost of the new GPS equipment is \$39,416.87 with the \$10,920.00 trade-in discount. (Supervisorial Districts 1, 2, 3, 4, and 5) (C6408122M00) (ADM3104-001)

27. REPLACEMENT OF VEHICLES

Item: Approve the replacement of two vehicles with two fuel efficient, environmentally friendly hybrid vehicles. County policy requires that vehicles have to reach their life cycle before they can be replaced. The fuel efficient, environmentally friendly hybrid vehicles can travel longer distances without having to refuel as often and can consume regular unleaded fuel. (Supervisorial Districts 1, 2, 3, 4, and 5) (C6408124M00) (ADM3104)

Supervisor Stapley informed residents that this represents the County's first purchase under the new policy relative to replacing County vehicles with environmentally friendly and less carbon-fuel consuming vehicles in the pursuit of becoming the first "green" county in the nation. He congratulated the fleet managers in this endeavor.

Chairman Kunasek said this goal fits in with the County's environmental policies as well as the fiscal policy as this move will save money in the long-run. He commended Supervisor Stapley for his leadership in this effort, not only in Maricopa County but nationally as the upcoming president of the National Association of Counties.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve this purchase.

BOARD OF SUPERVISORS

Clerk of the Board

28. **REAPPOINTMENT**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the reappointment of Supervisor Wilcox to the Regional Public Transportation Authority (RPTA), Board of Directors. The term of the appointment will be effective as of the date of Board approval through December 31, 2008. (C0608056900) (ADM2041)

29. **REGIONAL SCHOOL DISTRICT #509 VOUCHERS/WARRANTS**

Item: 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 (except for payroll vouchers) 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 (except for payroll vouchers) 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 update was given by staff at this meeting.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) regarding action on the following vouchers:

Ratify Voucher No. 7018	\$169,433.36
Ratify Voucher No. 7020	\$166,494.22
Ratify Voucher No. 7021	\$43,017.08

Industrial Development Authority

30. **ADMINISTRATIVE CORRECTION REGARDING INDUSTRIAL DEVELOPMENT AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS**

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve an administrative correction to C1808032A00 approved December 19, 2007, in which the Board adopted a Resolution granting approval to The Industrial Development Authority of the County of Maricopa Single Family Mortgage Revenue Bonds. The original agenda noted that the Bonds to be issued were a Series 2007. This administrative action changes the Series 2007 to Series 2008. There are no other changes made to this agenda item. (C1808032A01) (ADM4791)

~ Supervisor Brock entered the meeting ~

SETTING OF HEARINGS

All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted.

Transportation

31. ROAD FILE DECLARATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing to declare the following roads into the county highway system for Wednesday, February 20, 2008.

Road File No. (A-385). In the vicinity of Deer Valley Road from 91st Avenue to 83rd Avenue. (C6408123000)

Air Quality

32. MARICOPA COUNTY ORDINANCE LEAF BLOWER RESTRICTION

Pursuant to A.R.S. §§11-877 and 11-251.05, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing for February 20, 2008, to solicit comments on the proposed ordinance P-25 Leaf Blower Restriction Ordinance. Following the public hearing, the Board is requested to adopt the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508010700) (ADM157)

Supervisor Wilcox asked if the County is the first jurisdiction to pass such an ordinance. Jo Crumbaker, Environmental services, replied that under Senate Bill 1552 the cities also have to do a companion ordinance using one of the two components composing the County ordinance.

33. MARICOPA COUNTY ORDINANCE RESIDENTIAL WOODBURNING RESTRICTION

Pursuant to A.R.S. §§11-871 and 11-251.05, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing, for ~~March 12~~ February 20, 2008, to solicit comments on the proposed ordinance P-26 Residential Woodburning Restriction Ordinance. Following the public hearing, the Board is requested to ratify the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (The Clerk announced the above hearing date correction prior to the vote.) (C8508016700) (ADM158)

34. MARICOPA COUNTY ORDINANCE VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

Pursuant to A.R.S. §§49-474(1) and 11-251.05, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to set a public hearing for February 20, 2008, to solicit comments on the proposed new ordinance P-27 Vehicle Parking and Use on Unstabilized Vacant Lots. Following the public hearing, the Board is requested to adopt the proposed Ordinance and submit the Ordinance as a revision to the (Arizona) State Implementation Plan (SIP). (C8508012700) (ADM159)

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Christina Solis	280021403	Payroll	\$645.86
Mary Agee	280015187	Expense	\$115.00
Darrel Hopson	280019752	Payroll	\$787.17
Centex Homes	380015384	Expense	\$2,500.00
GE Healthcare	380007711	Expense	\$3,132.91
Barbara Vallone	380021261	Expense	\$1,360.13

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
McClintock High School	Higley Unified SD #60	480025454	\$300.00
Valley Junior High	Littleton Elem SD #65	480024448	\$1,600.00
Alexandra Felkins MS, SLP-CCC	Litchfield Elem SD #79	480042268	\$870.00
Nhora Boero	Treasurer	180147845	\$1,959.63
Classy Closets	Isaac SD #5	480035474	\$701.00
City of Phoenix Water	Osborn SD #8	480047123	\$1,221.47
Lizde Parra	Fowler SD #45	180048136	\$308.98
Sandra Ochoa	Laveen Elem SD #59	180047119	\$604.02
City of Phoenix Water	Laveen Elem SD #59	470049089	\$8,459.33

41. 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 January 16, 2008, 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)

42. 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 correction of the Secured Tax Roll Resolutions. This reflects actual tax dollar corrections to the County tax rolls due to administrative corrections of the Assessor and as a result of property tax appeals. (ADM705)

YEAR	FROM	TO	AMOUNT
1999	8312	8313	-\$26,805.50
1998	11154	11155	-\$36,635.44
2003	28195	28196	-\$43.50
2004	16221	16469	-\$1,825.54
2005	19827	20109	-\$8,731.02
2006	14415	14920	\$118,139.92
2007	29928	31331	-\$784,186.24
2002	20480	20480	-\$4.86
2003	28197	28197	-\$6.48

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2004	16232	16471	-\$1,512.74
2005	19847	20122	-\$2,005.28
2006	14390	14960	-\$56,816.16
2007	29054	31404	-\$326,717.64
2004	16233	16475	-\$4,643.06
2005	19848	20123	-\$47,545.84
2006	14442	14968	-\$87,273.56
2007	30393	31510	-\$253,170.82

43. SETTLEMENT OF PROPERTY 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 January 16, 2008. (ADM704)

2006	2008
TX2005-050407	ST2007-000032
2007	ST2007-000033
ST2006-000030	ST2007-000044
TX2006-000362	ST2007-000048
2007/2008	ST2007-000051
CV2006-052818	ST2007-000063
	ST2007-000072
	ST2007-000075
	ST2007-000083

44. STALE DATED WARRANTS

No claims were presented for approval at this meeting. (ADM1816)

45. TAX ABATEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests for tax abatements from the Treasurer's Office pursuant to A.R.S. §42-18353. (ADM708)

Parcel Number	Year	Proposed Abatement
105-89-009N	2003	\$1,831.05
400-40-026	1991	\$107.01
400-40-026	1992	\$78.08
400-40-026	1993	\$79.77
400-40-026	1994	\$78.23
400-40-026	1995	\$77.78
400-40-026	1996	\$72.51
400-40-026	1997	\$69.59
917-20-660	1988	\$470.14
911-18-991	1988	\$463.25

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924-81-117	1992	\$7,513.30
209-12-009Q	1999	\$2,314.82
209-12-009Q	2000	\$2,131.50
209-12-009Q	2001	\$1,965.11
209-12-009Q	2002	\$3,123.43
209-12-009Q	2003	\$4,663.98
209-12-009R	1999	\$2,540.93
209-12-009R	2000	\$2,339.69
209-12-009R	2001	\$2,157.11
209-12-009R	2002	\$3,370.96
209-12-009R	2003	\$5,030.55
139-13-007F	2001	\$105.92
139-13-007F	2002	\$213.87
139-13-007F	2003	\$190.10

SUPPLEMENTAL

County Attorney

S-1. FILING OF BRIEF IN QWEST V. CITY OF CHANDLER, CASE NO. 1-CA-CV07-0852

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize the Maricopa County Attorney to appear and file a brief as amicus curiae in Qwest Corporation v. City of Chandler, pending in the Arizona Court of Appeals, No. 1-CA-CV07-0852, as discussed in Executive Session on January 14, 2008. (C1908038M00) (ADM412)

S-2. GRANT FUNDS FOR VICTIMS' RIGHTS WEEK AWARENESS CAMPAIGN

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve receipt of \$10,000.00 in Federal funding from the National Association of VOCA Assistance Administrators for award agreement 08-105. These grant funds are to be used to support the direct costs of implementing a National Crime Victims' Rights Week Community Awareness project. The Maricopa County Attorney's Office has been selected to host a statewide campaign to increase awareness about victims' rights in the State of Arizona. National Crime Victims' Rights Week takes place during the week of April 13-19, 2008. These funds are passed through the grantor pursuant to Federal grant #2006-VF-GX-K024 by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. This agreement will commence on the date of full execution and terminate on June 30, 2008. This grant will only reimburse the Maricopa County Attorney's Office for the actual, reasonable and necessary costs incurred in connection with the project and may not be expended for any indirect costs which may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 13.8%. The non-recoverable indirect cost of administering this grant is \$1,380.00.

Also approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the aforementioned grant in the

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amount of \$10,000.00 for FY 2007-08. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. 42-17105. (C1908039300)

Sheriff

S-3. ACCEPT HANDHELD 'SMARTPHONE' DEVICES IN EXCHANGE FOR THE SHERIFF'S OFFICE PARTICIPATION IN A STUDY

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve acceptance of 45 handheld 'smartphone' devices in exchange for the Sheriff's Office participation in a study being conducted by the Department of Homeland Security (DHS) Science and Technology Group - Regional Information Sharing and Collaboration (RISC) Project in cooperation with the Tucson Police Department (TPD). DHS is developing and evaluating cross-jurisdictional information sharing technologies, policies, and processes that support the cooperative efforts of federal, state, and local law enforcement agencies to quickly share information and respond to terrorist threat detection and identification situations. These devices are part of that effort. (C5008032M00)

Treasurer

S-4. TRANSFER EXPENDITURE AUTHORITY FOR THE PURPOSE OF FUNDING POSITION

Pursuant to A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of expenditure authority between Non-Departmental (470), General Fund (100) and the Treasurer's Office (430) General Fund (100). This action will require an expenditure appropriation adjustment decreasing the FY 2007-08 Non-Departmental (470), General Fund (100), Unreserved Contingency (4711) by \$49,212 and increasing the FY 2007-08 Treasurer's Office (430) General Fund (100) by \$49,212, in order to fund one FTE to be the back-up for the Financial Manager and the Portfolio Manager in the Treasurer's Office. The Treasurer's Office will work with County Management to clarify processes and the address open issues. These issues will be addressed through the Treasurer's Information Committee which is being established and will begin meeting in January 2008.

If agreed to by the Treasurer's Office, also, direct the Office of Management and Budget to budget the annualized costs in the fiscal year 2008-09 budget. These adjustments will result in a Countywide net impact of zero. (C4908005700) (ADM4000-003)

Correctional Health

S-5. SETTLEMENT WITH PHASE 2 CONSULTING, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Settlement between Phase 2 Consulting, Inc. and Maricopa County (Correctional Health) of dispute concerning a contract (Serial 04133-RFP) entered by the parties on November 17, 2004, renewed both in November 2005 and November 2006. Phase 2 Consulting, Inc. has submitted invoices totaling \$152,239.48 for which it seeks payment. Maricopa County disputes the amount due and owing. As a compromise, Phase 2 Consulting,

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Inc. has agreed to settle its claim in consideration for the payment of \$76,119.74. The acceptance and approval of the Settlement allows the County to avoid expensive and uncertain litigation and to reduce fiscal year expenses by \$76,119.74. This matter was discussed in Executive Session on January 14, 2008. (C2608007000) (ADM409)

Risk Management

S-6. SETTLEMENT WITH LINDA EVANS AND THE ESTATE OF BRIAN CRENSHAW

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a settlement in the amount of \$2,000,000 between Maricopa County and Plaintiff(s) Evans et al, a lawsuit pending in US District Court, Ct. No. CV 2004-04221 (Claim Nos.: GL 5413027031 and MM 2652028786), and authorize the Chairman to sign any necessary documents upon review and approval as to form by assigned legal counsel. This matter was discussed in Executive Session on December 3, 2007 and January 14, 2008. (C7508026800) (ADM409)

SETTING OF HEARINGS

All hearings will be held at 9:00 a.m., 205 W. Jefferson, Phoenix, unless otherwise noted

Planning and Development

S-7. CASES

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to schedule Planning and Development public hearings on zoning cases and other matters for February 6, 2008. (F23253)

Happy Valley West 303 - Comprehensive Plan Amendment (to be approved by Resolution) - **CPA200703**

The Villas at Camelback West - Development Master Plan Major Amendment (continued from previous date) - **DMP2007006**

The Villas at Camelback West - Zone Change (continued from previous date) - **Z2006147**

Finisterra - Zone Change (RUPD Amendment) - **Z2007141**

Butterfield Station Landfill - Modification of Stipulations, Special Use Permit (continued from previous date) - **Z2007098**

Antique Vehicle Storage - Special Use Permit (Removal) - **Z2003007**

CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS

46. PUBLIC COMMENT ON MATTERS PERTAINING TO MARICOPA COUNTY GOVERNMENT

Irene Chavez, resident of Fountain Hills, referenced speaking at an earlier Board meeting to protest Sheriff Joe Arpaio's treatment of Hispanics and its very negative effect on the Hispanic community. She still feels very strongly about this alleged unfair treatment. (ADM605)

Dan Peitzmeyer, citizen, expressed concern over "the crisis in the Maricopa County Sheriff's Office" and his belief in the Board's failure to supervise that department. He said it is continually over-budget and has decreased service to the outlying, unincorporated areas of the County. He

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referenced an agenda item for a legal settlement of \$2 million in a case brought against the Sheriff's Office. He has a Sheriff's Department badge as a religious advisor and said he spends hours in the jails each month and the conditions in the jails are so poor, "it is a crime." He said Sheriff Arpaio is a national print and media joke. He asked what the County Supervisors were going to do about the Sheriff's Office.

47. SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox said on January 27th the second Sonora – Arizona Bowl football game, in conjunction with the Super Bowl being held in Maricopa County, will be held at Copper Canyon High School beginning at 3:00 p.m. It is a Super Bowl sanctioned event and is played the Sunday before the Super Bowl game at Cardinal Stadium. She added that many NFL stars will attend and invited all to join the festivities. (ADM606)

Supervisor Wilson commented on the Legislative Luncheon held yesterday at the County Association Building, which he felt was an exceptional and easy place for all to reach. He said it was an event where some important issues were discussed.

PLANNING AND ZONING 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. 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).

Code Enforcement Review

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

CODE ENFORCEMENT REVIEW – WILLIAM RUSSELL

PZ-1. William Russell – This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case Nos. V2006-01093 and V2006-01094, William Russell. This item was continued from the January 2, 2008 meeting. (ADM3417-053)

Darren Gerard reported on the background of this case that began in April 2006. William Russell was found to be responsible for the violations by the Hearing Officer on November 13, 2007, and a fine was set at \$1,000 plus \$50 per diem until compliance is verified. To date the fine totals \$3,920. This item was continued from the January 2, 2008, meeting to allow the respondent to begin the permitting process. Mr. Gerard said it is a junk yard that has gotten worse every year.

William Russell spoke to say the site had been in litigation for two years and he was frozen from taking any action and had only gotten a clear title last month. He stated he had gone to Planning and Development three times in the last two weeks to try to deal with this and had never gotten in to see anyone, and had not received a call-back. He explained that this property is part of a family-run operation from Montana to Arizona and he would like to explain their aspirations for the

- a. Development of the site shall comply with the site plan entitled "Desert Colony, LLC Special Use Permit for Horse & More Country Store", consisting of one (1) full-size sheet, dated (revised) September 8, 2007, and stamped received November 2, 2007, except as modified by the following stipulations.
- b. Development of the site shall be in general conformance with the narrative report entitled "Desert Colony, LLC-Horse & More Country Store", consisting of thirteen (13) pages, dated (revised) September 20, 2007, and stamped received October 30, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled "Desert Colony LLC, Horse and More Country Store Case Z2006075", consisting of one (1) full-size sheet, date(revised) August 10, 2007 and stamped received October 30, 2007, except as modified by the following stipulations.
- d. Development of the site shall be in conformance with the elevation plan entitled "Horse and More Country Store", consisting of one (1) full-size sheet, stamped received October 30, 2007, except as modified by the following stipulations.
- e. Development of the site shall be in conformance with the sign package "Sample Sketch of Wall Sign Type W4-NON" and "Sample Sketch of Monument Sign Type M2", consisting of two (2) pages, stamped received May 18, 2007, except as modified by the following stipulations.
- f. The feed store shall operate Monday through Saturday from 7:00 a.m. to 6:00 p.m. and Sundays from 9:00 a.m. to 4:00 p.m. No deliveries shall occur before 6:00 a.m. or after 10:00 p.m.
- g. The store shall only hold two (2) special events per month and the hours of operations when special events shall be consistent with the feed store, but extended on Saturdays to 9:00 p.m. and Sundays to 6:00 p.m. No additional exterior signage shall be allowed and off-site parking is prohibited.
- h. The use of speakers or loud sound devices shall not be allowed to promote regular operations or special events.
- i. Dedication of additional right(s)-of-way to bring the total half-width dedication to 70' for Riggs Road shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- j. Dedication of additional right(s)-of-way to bring the total half-width dedication to 65' for Hawes Road. shall occur within six (6) months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Riggs Road and Hawes Road along the perimeter of the site.

- l. The following stipulations from Maricopa County Department of Transportation (MCDOT) shall be met:
 - 1. Bonding for perimeter roadway improvements (curb, gutter, paving, and sidewalk).
 - 2. Any landscaping in County Right-of-Way shall meet Chapter 9 (Roadway Design Manual) and be MCDOT permitted.
- m. The following stipulation from Flood Control District shall be met:

Prior zoning clearance, a Floodplain Use Permit will need to be obtained from Regulatory Division of the Flood Control District.
- n. All trees shall be double-staked when installed.
- o. A continuous parapet shall screen all roof-mounted equipment.
- p. 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.
- q. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- r. 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.
- s. All development and engineering design shall be in conformance with the Drainage Regulation and current engineering policies, standards and best practices at the time of application for construction.
- t. Drainage review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- u. The applicant or his successor shall obtain approval of any development plans from the Office of the Arizona State Fire Marshal prior to any construction.
- v. 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.
- w. 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.

- x. This Special Use Permit shall expire twenty (20) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- y. The applicant shall submit a written report outlining the status of the development at the end of two (2) and ten (10) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- z. 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.
- aa. 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.
- bb. 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.
- cc. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.
- dd. Fire sprinklers shall be installed in the hay barn.
- ee. The applicant shall pay for installation of a fire hydrant within 300' of the subject property.

Supervisor Brock said this application was continued two weeks ago for further investigation and in the interim had discovered a letter written by Tony Venezuela, Vice-Mayor of Queen Creek, September 2006, that asked Maricopa County to be sensitive to the needs of the city with regards to their general plan designations, which appear to be inappropriate with regards to this case. There is also opposition by the neighbors and he felt it would be important to allow additional time for this to be worked out with the applicant. He also advised the applicant to contact the Queen Creek officials.

Wayne Souza, representing the applicant, said they were prepared to move forward and were surprised by the idea of a continuance, but would be amenable to the request.

Motion was made by Supervisor Brock and seconded by Supervisor Stapley to continue this item to the February 6, 2008, meeting.

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Sylvia Centos, citizen, spoke about annexation problems with the City, saying residents want the annexation.

Christi Wright, citizen, said her main concern is about having fire and emergency services.

Motion unanimously carried (5-0)

CONSENT AGENDA

1. **S2006-038** **District 4**
 Applicant: Ernie Lucke of Adobe West construction
 Location: Northeast corner of Dysart Road & Maryland Avenue (in the west Glendale area)
 Request: Replat of Dysart Ranch Tract "H" (approximately 0.405 gross acres)

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

2. **S2007-027** **District 4**
 Applicant: Roger Theis with Coe & Van Loo
 Location: Northwest of the northwest corner of Citrus Road & Northern Avenue, or south of Seldon Lane between 181st Avenue and Citrus Road (in the Surprise/west Glendale area)
 Request: Replat of Lot 26 of Parcel 10 of White Tank Foothills (approximately 0.293 gross acres)

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

REGULAR AGENDA

3. **Z2006-107** **District 3 CONTINUED**
 (This case was continued from the December 5, 2007 meeting) (Case requires a ¾ super-majority vote for approval)
 Applicant: Sonora West Development for Cadora Desert Hills
 Location: Northwest corner of Desert Hills Drive & 7th Avenue (in the Anthem/Desert Hills area)
 Request: Rezone from Rural-43 to Rural-43 RUPD (approximately 74.23 acres) – Desert Hills Equestrian Estates

COMMISSION ACTION: Commissioner Aster moved to continue Z2006-107 for 60-days. Commissioner Jones seconded the motion, which failed 4-4 as follows:

Commissioner Jones - yes	Commissioner Pugmire - no
Commissioner Aster - yes	Commissioner Bowers - no
Commissioner Barney – yes	Commissioner Brooks - no
Commissioner Johnson – yes	Chairman Smith - no

COMMISSION ACTION: Commissioner Aster moved to deny Z2006-107. There was no second. Motion failed.

COMMISSION ACTION: Commissioner Barney moved to recommend approval of Z2006-107, subject to stipulations “a” through “v”. Commissioner Brooks seconded the motion, which passed with a majority vote of 6-2 with Commissioners Aster and Jones dissenting.

- a. Development of the site shall comply with the Zoning Exhibit entitled “Desert Hills Equestrian Estates”, consisting of three (3) full-size sheets, dated revised May, 2007, and stamped received September 11, 2007, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors approval, a revised zoning exhibit will be submitted to the County to address changes to the RUPD table.
- b. Development of the site shall be in conformance with the narrative report entitled “Desert Hills Equestrian Estates”, consisting of eighteen (18) pages, dated revised September 5, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- c. Development of the site shall be in conformance with the landscape plan entitled “Preliminary Landscape Plan Desert Hills Equestrian Estates”, consisting of four (4) full size sheets, dated revised August 16, 2007, and stamped received September 11, 2007, except as modified by the following stipulations.
- d. The Rural-43 RUPD zoning district for Desert Hills Equestrian Estates shall be subject to the following development standards:

Development Standard	Rural-43 Base	Rural-43 RUPD Proposed
Maximum building height / stories	30½ stories	30½ stories
Minimum front setback	40'	40'
Minimum side setback	30'	20'
Minimum street side setback	20'	20'
Minimum rear setback	40'	30'
Minimum lot size	43,560 sq. ft.	35,000 sq. ft.
Minimum lot width	145'	110'
Average lot area per dwelling unit	43,560 sq. ft.	47,000 sq. ft.
Maximum lot coverage	15%	20%
Minimum distance between Buildings on same lot	15'	15'
Required parking spaces per unit	2	2
Wall Height	6'	6'
Signage	32 sq. ft.	32 sq. ft.
Equestrian Arena Lighting	Max. 25' per Anthem Design Standards	25' Maximum

- e. Construction of a bridge will not be allowed over Skunk Creek Wash to bridge the development of this site into the interior roadway network of Anthem.
- f. The equestrian facility will be for the use and benefit of the residents of Desert Hills Equestrian Estates only. A Special Use Permit will be required and approved by the

Board of Supervisors if the facility is expanded beyond the use and benefit of the residents of Desert Hills Equestrian Estates.

- g. The private equestrian facility arena lights shall be shut off by 9:00 p.m.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall apply:
 - 1. Provide a total half-width of 65' right-of-way on Desert Hills Drive.
 - 2. Provide a total half-width of 40' right-of-way on 7th Avenue (total length).
 - 3. Construct ultimate half-width improvements, including pavement, curb and gutter, to perimeter roads (7th avenue and Desert Hills Drive).
- i. All trees shall be double-staked when installed.
- j. A continuous parapet shall screen all roof-mounted equipment.
- k. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground mounted.
- l. All interior streets within the proposed development are to be constructed to minimum County standards.
- m. 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.
- n. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- o. All development and engineering design shall be in conformance with the Drainage Regulations and current engineering policies, standards and best practices at the time of application for construction.
- p. Drainage review of planning and or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with the Drainage Regulation and design policies and standards.
- q. The applicant or his successor shall obtain approval of any development plans from the Office of Arizona State Fire Marshal prior to any construction.
- r. 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.

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- s. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- t. 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.
- u. 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).
- v. Property owner and his successors waive claim for diminution in value if the County takes action to rescind approval due to noncompliance with stipulations.

Darren Gerard gave background information on this case. He said there is organized opposition to the proposed location of the equestrian facility on the property and this triggers a super-majority vote for approval. The Commission recommendation was for approval.

Those registering to speak in favor of the Special Use Permit (SUP) included Chuck McGurren, Robert Leary, Michael W. Ewens and Terence E. Davidson. Those registering in opposition were Ray Miller, Alan Miller and Jerry Conklin.

Frederick Davidson, Esq., appeared for the applicant, and said they have assembled a team of experts in the fields of real estate and development who are also knowledgeable about the horse industry, and are present for this meeting. Mr. Davidson said he owns racing stables in Kentucky and Arizona and has been involved in the industry for 20 years and he considers this facility to be an excellent one, and will address this point rather than zoning issues. He said this subdivision is located in a predominantly equestrian subdivision and community. He argued that the placement of the equestrian facility along Desert Hills Drive enhances the equestrian ambiance. He said that concerns raised about the placement of the facility mainly deal with lighting, dust control, fly control, traffic/gate access, care and cleanliness of the facility, etc. He provided a response for each concern and discussed the CC&R items the owners have drawn to deal with these.

He spoke of alternate locations of the equestrian facility and gave reasons why they are inferior to the chosen location as there are some physical attributes on the property that make some suggested locations undesirable or impossible. He listed many benefits derived from approval of this SUP, many of these would be lost if the planned location of the equestrian facility is moved. He listed specific items on several suggested alternative sites that would not benefit the whole, one of which was a "404 wash" with added drainage problems. He said the developer has tried to address all reasonable concerns while keeping the concept of "burdens vs benefits" in mind.

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Michael Ewens, citizen, is in favor of the facility and approval of the SUP. He said as to a dust problem those running ATVs cause more dust than those on horseback.

Chuck McGurren, citizen, said his lifestyle has involved horses for many years and he has seen many "horse properties" being developed and felt this planned facility is "the finest that I've seen." He felt it would be a good example for any others that moved into the area.

Ray Miller, citizen, said he opposes the facility anywhere on the grounds and cited several environmentally motivated reasons to support his opposition. He distributed several handouts to the Members. He said the facility cannot be relocated to Skunk Creek Wash as most petitioners request, and this was obvious as it is stated in the original report.

Alan Muller, citizen, referenced the signed petitions protesting the present location of the nine-acre equestrian facility, saying they want it relocated to the northwest side of the property adjacent to the equestrian trailhead that is within the subdivision. They want homes built along the road, across from the current homes, and not a horse facility.

Jerry Conklin, citizen, made several points in arguing his opposition: 1) that at a public meeting the owner had said he "could" relocate the facility but exchanging the current location with house lots would lose him money: 2) their claim that locating the facility by the road would avoid the storage of feed and manure away from other residents – adding, "their" residents – who are, after all, horse people who might not mind the storage of manure and feed near their homes: 3) the number of other horse operations in the vicinity, but, he said, the home he bought is surrounded by houses, not horses: 4) none of the other horse properties have anywhere close to 100 horses on them, making them a completely different thing.

Chairman Kunasek said he admired the high quality of this proposed facility and supports the concept of a centralized equestrian facility. He had concerns about the location being adjacent to existing homes outside the subdivision. He also addressed concerns with the "404 wash", saying County experts don't think it actually is a "404 wash". He said the wash appears to both start and be terminated on the property. Discussion ensued on the impacted area north of the wash with Mr. Davidson and his expert engineer, Carl Eckstead, referencing the reports they received from the Corps of Engineers on the "404 wash" as differing from County experts. Mr. Eckstead reported on the retention basin that would be built to monitor and control anything going into that wash. He said they would like to agree with the County but it isn't a drainage issue but a federal, Corps of Engineers 404 issue that Del Webb and Pulte agreed to prior to building Anthem. (This area is a portion of the original Anthem site.)

Chairman Kunasek outlined his concerns and some possible solutions and asked that all connect to rehash the problems and concerns during a two-week continuance. Mr. Davidson asked for clarity from neighbors on what they didn't like so they could try to find solutions. Chairman Kunasek suggested that if he was going to live there he would want odors and flies more completely addressed plus the possible drainage issues.

Supervisor Wilson asked about how the 100 horses would be apportioned out so every owner who wants one, or more, can be accommodated, and asked for some clarification in two weeks.

Motion was made by Supervisor Stapley, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the February 6, 2008, meeting so various issues could be studied and hopefully resolved.

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MEETING ADJOURNED

There being no further business to come before the Board, the meeting was adjourned at 11:43 a.m.

Andrew Kunasek, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board