

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
May 15, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., May 15, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman (entered late), Andy Kunasek (entered late), Max W. Wilson, Mary Rose Wilcox, Fran McCarroll, Clerk of the Board; and Shirley Million, Administrative Coordinator. Also present: David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Hillary Fallstrom, Star Call Center, delivered the invocation.

PLEDGE OF ALLEGIANCE

Gerardo Claudio, Star Call Center, led the assemblage in the Pledge of Allegiance.

~ Supervisor Brock entered the meeting ~

PRESENTATION – PROJECT CHALLENGE

Russ Binicki, Human Resources Department, presented a plaque to Col. Charles McCarty, Commandant of Project Challenge, on behalf of the Human Resources Social Events Committee in appreciation of the organization's service to Maricopa County over the past four years. Project Challenge is comprised of students who has worked very hard to facilitate the last four County employee picnics. He reported that the events would not have been nearly so successful without their contributions. Colonel McCarty responded that he was sure that all the staff and students at Project Challenge would value this recognition of their efforts and would be looking forward to working with Maricopa County in the future. (ADM650)

Chairman Stapley expressed his belief that Project Challenge is one of the best and most worthy programs to which the County contributes. He said they continue to prove what good work they can do.

~ Supervisor Kunasek entered the meeting ~

PRESENTATION - MANAGING FOR RESULTS

Brian Hushek, Office of Management and Budget (OMB), presented the Managing for Results Awards of Commendation to the County departments that most effectively communicate the Management for Results system and processes to the largest percentage of department employees. (This is Addendum item A-1.) (C49020439) (ADM1825)

~ Supervisor Wilcox left the dais ~

Mr. Hushek said that Maricopa County's Managing for Results Initiative provides the backbone for fiscal accountability to its citizens while focusing on results to its customers. Communication of the initiative, including performance measures and results as they relate to every employee, help achieve the desired countywide strategic objectives. The first competition to find the departments that most effectively communicated the processes of this new initiative to the largest number of their employees was advertised in April 2002. OMB reviewed the submissions received and decided on the winners. The first commendations were presented by Chairman Stapley and Mr. Hushek and went to the following departments:

- a. First place winner is the Office of the Chief Information Officer.
- b. Second place winner is the Department of Transportation.

~ Supervisor Wilcox returned to the dais ~

SETTING OF HEARINGS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule public hearings for 9:00 a.m., Wednesday, June 26, 2002, on the following fee/ordinance/franchise requests:

- a) Environmental Services – As required by Arizona Revised Statutes §11-251.05(c), solicit comments on adoption of a proposed new ordinance, Vehicle Idling Restriction Ordinance (P-21). Maricopa County is proposing to implement the Vehicle Idling Restriction Ordinance as recommended at the Governor's Brown Cloud Summit where it was modeled after similar ordinances in place in Texas and New York. Thereafter, House Bill 2538 was passed requiring the development, implementation and enforcement of a Vehicle Idling Ordinance for heavy-duty diesel engines. Arizona Revised Statutes §11-876 requires the Ordinance to be in place by July 1, 2002. The funding to support this ordinance will come from a \$100,000 grant from the Arizona Department of Environmental Quality. This grant was approved with agenda C88020282 on February 6, 2002. (C88020557) (ADM149)
- b) Franchise (Arizona-American Water Company) – An application has been filed by Arizona-American Water Company, for a public service franchise to construct, maintain, and operate wastewater collection, treatment, and disposal utility systems consisting of all lines, connections, manholes and necessary facilities and equipment within the area of Maricopa County described as Russell Ranch, between Camelback and Bethany Home Roads and Citrus and Perryville Roads. (F23006)
- c) Maricopa Health Systems – Approval of a 9.44% overall rate increase, plus specific changes, related to the Emergency Department to become effective July 1, 2002. This increase will result in a net revenue increase of \$3,590,000. This rate filing was approved by the Hospital Finance Committee and subject to the approval by the Hospital and Health System Board on May 9, 2002, and is consistent with A.R.S. §11-251.08. (C90021149) (ADM2105)
- d) **WITHDRAWN** Materials Management - Authorize a Vendor Registration System Fee pursuant to the authority of ARS §11.251.08 in an amount not-to-exceed \$40 annually to be assessed upon the initial registration or subsequent payment activity, effective July 1, 2002. The recommended fee reflects a recognition that the vendor registration service currently provided by the County at no cost has value to those individuals, corporations, partnerships, or business entities, organizations, or agencies utilizing this service. Although the recommended \$40 fee does not capture all actual costs incurred in providing vendor registration services, it attempts reflect and offset a portion of those costs. The fee can be assessed on individuals, corporations, partnerships, or business entities, organizations, or agencies that request registration as a County vendor in accordance with procedures to be developed by the Director of Materials Management. The fee is to be collected and deposited by Materials Management in a special revenue fund with the Maricopa County Treasurer for disbursement by Materials Management. Monies collected will be used to maintain, enhance and otherwise develop electronic procurement systems that will meet the present and future

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e-Procurement needs of Maricopa County. The Department projects and expenditure for vendor registration software of up to \$50,000 from the General Fund Appropriated Fund Balance Contingency Funds - Electronic Procurement prior to the end of FY 2002-2003. (C73020058) (ADM3007)

Clerk of the Board Fran McCarroll announced that item “d)” had been withdrawn by the department.

INDUSTRIAL DEVELOPMENT AUTHORITY CORRECTIONAL FACILITIES CONTRACT REVENUE BONDS (PHOENIX WEST PRISON LLC PROJECT)

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-1) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). "This item is being considered by the Board solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued." (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA CORRECTIONAL FACILITIES CONTRACT REVENUE BONDS (PHOENIX WEST PRISON L.L.C. PROJECT), SERIES 2002, IN ONE OR MORE TAXABLE AND TAX-EXEMPT SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$11,000,000 (THE “BONDS”).

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held February 13, April 1, 10, 15, and 29, 2002.

PRECINCT COMMITTEEMEN

There were no requests to approve the appointment or removal of precinct committeemen pursuant to A.R.S. 16-231.B. (ADM1701)

SECURED TAX ROLLS

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

Tax Roll	From Resolution No.	To Resolution No.	Net Result
1999	6608	6671	- \$107,169.84
2000	8626	8920	- \$456,146.00
2001	31579	31710	- \$224,008.24
2001	31711	31964	- \$424,966.46
2001	31965	32669	\$22,090.62

APPOINTMENT OF NORMAN L. KNOX, DIRECTOR, POLLUTION CONTROL CORPORATION

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In accordance with A.R.S. §35-805, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the re-election of Norman L. Knox as Director of the Pollution Control Corporation for a six-year term commencing December 1, 2001, and ending December 1, 2007. (ADM5100)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the issuance of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

Name	Warrant	Fund	Amount
William Kenyon	43637	991	\$1,002.72
Sandra L. Massetto	AD00320545685	Expense	\$2,000.00
River Medical	320520638	Expense	\$327.44
Jean A. Villmer	AD00320535378	Expense	\$242.50

SCHOOL

Name	School	Warrant	Amount
Kelly Bradford	Queen Creek	12109974	\$128.90
Michael A. Johnson	Mesa	72-57139	\$233.64
Andrew J. Johnson	Mesa	72-0055925	\$52.06
David K, Zandee	Mesa	55087	\$269.51
Janice B. Lawrence	Mesa	72-58398	\$387.37
Angelica Lierow	Mesa	72-0056552	\$144.06
Joan L. Meighan	Roosevelt #66	12-0120636	\$1,013.62
Kimberly Moore/P. Promotions	FHUSD #098	420054476	\$1,286.13
Elma Romero	Phoenix #1	12-0118904	\$489.39
Amer. Food Service	Osborn	420083064	\$125.00
Arizona Public Service	Avondale	42-0116005	\$11,059.41
Sharon Sloan	Alhambra #68	12-0123058	\$577.32
Voss Lighting	Tolleson #214	42-108528	\$2,179.77

STALE DATED WARRANTS

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

Arco Products Co.	\$ 5,252.62	Cenlar	\$ 83.11
Virginia L. Schimmels	85.00	Angela Couden	72.00
Mike Bodeen	29.40	Mike Bodeen	475.00
John Preston Pratt	1,274.32		

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SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the settlement of tax cases, list dated May 15, 2002. (ADM704)

1999/2000	2002	TX 01-000437
CV 00-19086	ST 01-000077	TX 01-000438
2000	ST 01-000095	TX 01-000440
TX 00-000485	ST 01-000181	TX 01-000457
2000/2001	ST 01-000229	TX 01-000487
CV 00-022207	ST 01-000241	TX 01-000545
2001	ST 01-000274	TX 01-000553
TX 00-000709	TX 01-000350	TX 01-000670
2001/2002	TX 01-000407	TX 02-000011
ST 01-000120	TX 01-000414	2003
	TX 01-000436	ST 02-000015

HEARING SET - PLANNING AND DEVELOPMENT CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to schedule a public hearing on any Zoning and Building Code cases in the unincorporated areas of Maricopa County for June 10, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2002-005; Z2002-008; Z2002-035.

CLASSIFICATION CHANGES

Pursuant to A. R. S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

PARCEL NUMBER	YEAR	OWNER	CLASS FROM	CLASS TO
103-12-174	1999	Frank Lopez	LC/6	LC/5
103-12-174	2000	Frank Lopez	LC/4	LC/3
103-12-174	2001	Frank Lopez	LC/4	LC/3
110-32-143	1999	Leslie Hickcox	LC/6	LC/5
110-32-143	2000	Leslie Hickcox	LC/4	LC/3
110-32-143	2001	Leslie Hickcox	LC/4	LC/3
118-43-090	2001	Albert Winters	LC/4	LC/3
140-29-183	1999	Betty Hobbs	LC/6	LC/5
140-29-183	2000	Betty Hobbs	LC/4	LC/3
140-29-183	2001	Betty Hobbs	LC/4	LC/3
145-07-069	1999	Maria Del Jesus	LC/6	LC/5
145-07-069	2000	Maria Del Jesus	LC/4	LC/3
145-07-069	2001	Maria Del Jesus	LC/4	LC/3
158-39-042	2000	Charles Davis	LC/4	LC/3
158-39-042	2001	Charles Davis	LC/4	LC/3
208-15-682	1999	Lori Gastaldo	LC/6	LC/5
208-15-682	2000	Lori Gastaldo	LC/4	LC/3
208-15-682	2001	Lori Gastaldo	LC/4	LC/3

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212-07-144	1999	David Crosby	LC/6	LC/5
212-07-144	2000	David Crosby	LC/4	LC/3
212-07-144	2001	David Crosby	LC/4	LC/3
215-72-549	1999	Beryl Parks	LC/6	LC/5
215-72-549	2000	Beryl Parks	LC/4	LC/3
215-72-549	2001	Beryl Parks	LC/4	LC/3
217-54-252	2001	Karen Picarello	LC/4	LC/3
303-64-053	1999	Marvin Grehn	LC/6	LC/5
303-64-053	2000	Marvin Grehn	LC/4	LC/3
303-64-053	2001	Marvin Grehn	LC/4	LC/3
308-10-410	2001	Margaret Catalose	LC/4	Mixed

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held April 29, 2002.) (ADM407)

Alberto Barojas	\$3,250.00
Angelina Fuentes	1,500.00
Daniel R. Granillo	5,000.00
Griselda Medina	2,500.00
Heriberto Medina, Jr.	1,400.00
Georgina Mungia	500.00
Angelina Salazar	6,000.00
Florfin Valdez	5,000.00
Aida Vences	2,200.00
Jaime Zamora	700.00

WRITE-OFF

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the requested write-off as payment in full for Tracy A. Engle in the amount of \$392.28. (Discussed in Executive Session held April 29, 2002.) (ADM407)

CASITAS BONITAS SANITARY SEWER IMPROVEMENT DISTRICT (ORGANIZATION)

Item: This is the time scheduled for a public hearing to hear the petition to organize the Casitas Bonitas Sanitary Sewer Improvement District. The district is located in the vicinity of Dysart Road and Maryland Avenue. Petitions with the requisite number of signatures have been presented requesting the formation of this district. (This hearing continued from the meeting of April 17, 2002.) (Letter of protest has been filed.) (C64022277) (ADM4302)

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the June 12, 2002, meeting.

Chairman Stapley recognized Angie Sciffres, representative of Casitas Bonitas, who asked to make a statement. Paul Golab, County Counsel, said she could make her statement, despite the vote already having been taken, at the Chair's discretion. Ms. Sciffres reported that the Casitas Bonitas residents have received conflicting reports since first initiating their request for the organization of the sewer

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improvement district. She said they were told that the City of Glendale had annexed the area and also told that the area was still a County island. She indicated that this was making residents nervous as they questioned which government entity, if any, would assume responsibility for their sewer district.

Supervisor Wilson said Casitas Bonitas was in his District and asked Ms. Sciffres to contact his office.

DEANNEXATION FROM CITY OF TEMPE, ANNEXATION TO TOWN OF GUADALUPE APPROVED

A public hearing was held on ordinances filed by the City of Tempe, Ordinance No. 2002.07 and the Town of Guadalupe, Ordinance No 2002-04, concurrently deannexing and annexing certain territory more particularly described as Lot 1B Paye-Elliot/I-10 Amended, containing 13,576 square feet or 0.3117 acres, more or less.

David Ledyard, Guadalupe Town Attorney, was present to answer questions but none were forthcoming.

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) that the following resolution deannexing certain territory from the City of Tempe and annexing that same territory to the Town of Guadalupe be approved.

RESOLUTION

WHEREAS, the City Council of the City of Tempe, Arizona, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 2002.07, deannexing from the City of Tempe, the territory described as follows:

Lot 1B of "PAYE-ELLIOT/I-10 AMENDED" a subdivision as recorded in Book 266 of Maps, Page 11, records of Maricopa County, Arizona, situate in the Northeast Quarter of Section 8, Township 1 South, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Northeast corner of said "PAYE-ELLIOT/I-10 AMENDED";

THENCE South 89°26'08" West, along the monument line of Carmen Street and the North line of said "PAYE-ELLIOT/I-10 AMENDED", a distance of 1,355.20 feet to the POINT OF BEGINNING.

THENCE South 00°09'33" East, a distance of 30.00 feet;

THENCE South 89°26'08" West, a distance of 455.72 feet to the beginning of a non-tangent curve concave to the east, from which the center of said curve bears North 11°44'13" East, a distance of 23,068.32 feet; thence northerly along said curve, through a central angle of 00°04'34", a distance of 30.64 feet;

THENCE North 89°26'08" East, a distance of 449.39 feet to the POINT OF BEGINNING.

Subject to existing rights-of-way and easements.

Containing 13,576 square feet or 0.3117 acres, more or less.

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WHEREAS, the Town Council of the Town of Guadalupe, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 2002-04, annexing to the Town of Guadalupe, the territory described above; and

WHEREAS, the aforesaid Resolution, and Ordinance were filed with the Maricopa County Board of Supervisors; and

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., May 15, 2002; and

WHEREAS, it was determined at such hearing that the requirements of Section 9-471.02, Arizona Revised Statutes, had been satisfied; and

WHEREAS, no protests were filed,

NOW, THEREFORE, BE IT RESOLVED that the deannexation of that territory described above in the City of Tempe and annexing said territory to the Town of Guadalupe is hereby ordered; and

BE IT FURTHER RESOLVED that a copy of this order be certified and filed with the Recorder's Office of Maricopa County.

DATED this 15th day of May 2002.

FIREWORKS DISPLAY APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried to approve the application for a fireworks display filed by Robert Bland for the Phoenix Country Club: (ADM665)

Location: 3901 North 7th Street, Phoenix
Date: July 4, 2002

LIQUOR LICENSE APPLICATION

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 approve the application filed by Robert Allen Mason for an Original, Series 10 Liquor License. (F23033)

Business Name: Mason's Corner Feed & Country Store
Location: 18802 West Highway 85, Buckeye, AZ 85326

Motion carried by a majority vote (4-1) with Supervisors Kunasek, Wilcox, Wilson and Stapley voting "aye" and Supervisor Brock voting "no."

RESERVE AND TRANSFER FUNDS – SENIOR HOME OWNERSHIP PROTECTION ACT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve reserving \$77,000 of General Government Contingency Funds (100-470-4711) and transfer an amount not-to-exceed \$77,000 to the Assessor's Office FY 2001-2002 budget at fiscal year-end to fund the increased cost of supplies and temporary staff associated with Proposition 104 "Senior Home Ownership Protection Act". Approval of this item will allow the Assessor's office to fund increased temporary staff and

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supply costs associated with Proposition 104. Proposition 104 "Senior Home Ownership Protection Act" allows low income, qualifying seniors (>65) to have the full cash value of their primary residences frozen at the most current value. The act is designed to protect seniors from the effects of appreciating home values and the associated higher property taxes. Since implementation of the act, the Assessor's Office has been proactive in the registration of qualifying seniors and has incurred \$77,000 in temporary pay for support staff and supply costs as a result. In FY 2000-2001, the Board approved \$190,000 for year-end expenses, and this amount is the balance of costs not spent in FY 2000-2001. (C12010078) (C12020048) (ADM300-001)

PURCHASE OF CANON MICROFILM READER PRINTER WITH MAINTENANCE AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of a Canon Microfilm Reader Printer at an approximate cost of \$10,500, with a three-year maintenance agreement of \$6,810. The printer is used to process motions to open adoption files, confidential intermediate file reviews for adoption reunification, customer and/or court requests to review or copy individual documents or complete legal files for informational purposes and/or court hearings and rulings. This is a replacement for a microfilm reader printer that no longer works and can no longer be repaired. This is funded through Document Storage and Retrieval Funds. (C16020250) (ADM1000-002)

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of additional grant funding from the Arizona Criminal Justice Commission (ACJC) for the 2001-2002 Gang Prosecution Program in the amount of \$13,940. The use of the additional funds will be dedicated toward the prosecution of gang cases. The Board of Supervisors has previously approved grant funding in the amount of \$500,805. This grant is for the period of July 1, 2001, through June 30, 2002. The additional grant funds may not be expended for any indirect costs which may be incurred by the County Attorneys Office or Maricopa County for the administration of this grant. By approving this agenda item, a budget amendment will increase the County Attorney's revenue and expenditure level of FY 2001-2002 by \$13,940. 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. (C1902018301)

PURCHASE OF COMPUTER EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the purchase of 7 color check scanners estimated to cost in the rage of \$53,300 and 20 Sony AIR-3 LVD Qualstar tape library compatible tape drives upgrades estimated to cost in the range of \$93,200 in accordance with the Board of Supervisors Budget Balancing Policy Guidelines and Plan. The purchase of this equipment is funded by the Recorder's Surcharge Fund and will not affect the County general fund. (C360207M) (ADM3600-002)

PURCHASE OF EQUIPMENT FOR PUBLIC EDUCATION PRESENTATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an exception to Budget Administrative Memo No. 8 for the purchase of two pieces of equipment to be used in public education presentations which total \$4,259.15 including tax. The first piece is an ACT Encore CF-48 PIII 1 ghz laptop computer for \$2,243.08, and the second is a viewsonic PJ500-1 Projector for \$2,016.07. On August 22, 2001, the Board approved the application and acceptance of up to \$26,894 in grant funding from Arizona Automobile Theft Authority, Public Awareness Grant Program, for the "Watch

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Your Car" Program. The amount awarded was \$17,865, of which \$4,600 was designated to purchase miscellaneous office equipment. (C5002005301) (ADM3900-002)

ACCEPT DONATIONS FROM NATIONAL CENTER FOR MISSING & EXPLOITED CHILDREN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of office furniture, computer equipment, and support services (approximately \$2,700) from the National Center for Missing & Exploited Children (NCMEC). Funds from a Congressional grant enable the NCMEC to offer computer hardware, software, and support at no cost to Law-Enforcement Agencies (LEAs) whose responsibilities include investigating incidents of missing or abducted children. This project is called LOCATER, Lost Child Alert Technology Resource. (C50020963) (ADM3900)

GRANT FUNDING FROM DEPARTMENT OF EDUCATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following applications and acceptances of grant funding from the Department of Education:

- a) Up to \$50,000 in grant funding to establish and develop training courses for para-professional, teachers, and other associated staff and to purchase necessary supplies and offer paraprofessionals reimbursement for the college course textbooks and materials. This funding is over a two-year period at \$25,000 per year. This grant was not included in the FY 2002-2003 budget submission, so approval is also requested for an increase in the Sheriff's Office FY 2002-2003 grant revenue and expenditure levels by \$25,000 following receipt of award notification from the grantor. Acceptance of this grant will enable the establishment and development of training for para-professionals in a correctional education jail program to recognize the multiple complex levels of the individual inmate's self/life and, if any, correlation with his/her disabilities. (C50030083)

- b) Up to \$100,000 in grant funding to provide funding for an Administrative Assistant Coordinator position, professional, consulting services, training for staff, purchase software and licenses and supplies. This funding is over a two-year period at \$50,000 per year. This grant was not included in the FY 2002-2003 budget submission, so approval is also requested for an increase in the Sheriff's Office FY 2002-2003 grant revenue and expenditure levels by \$50,000 following receipt of award notification from the grantor. Acceptance of this grant will enable the recruitment of an administrative assistant/coordinator to do data entry and track students during incarceration and through three months of probation. (C50030093)

INTERGOVERNMENTAL AGREEMENT WITH TOWN OF QUEEN CREEK

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Maricopa County Sheriff's Office and the Town of Queen Creek, whereby the Sheriff's Office will provide public safety services to the Town. The terms of this agreement are effective July 1, 2002, through June 30, 2004. The Town of Queen Creek will reimburse the Sheriff's Office for public safety services provided in the amount of \$192,966 for FY 2002-2003. The revenue from this intergovernmental agreement supports expenditures by the Sheriff's Office to provide these services and will be reflected in the FY 2002-2003 Sheriff's Office budget. This agreement will allow for the provision of .25 patrol beats to the Town of Queen Creek on a 24 hour basis, 7 days per week, 52 weeks per year. Unless notice of intent to terminate has been given by June 30, 2004, the agreement shall

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automatically renew, with all terms remaining in full force and effect until renegotiated or terminated in writing. (C50030112)

GRANT FUNDING FROM MARICOPA COUNTY DEPARTMENT OF EMERGENCY MANAGEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve acceptance of \$35,000 in grant funding from Maricopa County Department of Emergency Management as the pass through agency for the Department of Justice, State Domestic Preparedness Equipment Program. The purpose of this funding is to provide personal protective gear necessary for a terrorist response. An estimated amount for this grant was included in the FY 2002-2003 Sheriff's Office Budget request. (C50030123)

PURCHASE OF FURNITURE - JUVENILE PROBATION DEPARTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of the following modular furniture, prescribed in Budget Administration Memo No. 8.

- a) Modular furniture for the Juvenile Probation Department's Durango Human Resources Office. The purchase will provide one workstation to accommodate an additional staff person, and also provides a limited reconfiguration of existing modular to accommodate the new workstation in the limited space. The total cost is \$3,786. The cost will be absorbed in the Department's FY 2002 budget allocation. (C2702011M) (ADM1400-002)
- b) Modular furniture for the Juvenile Probation Department's Transition Team. The furniture will provide workstations to the team at the leased space at 411 North Central, Suite 145, Phoenix. The total cost is \$43,101, and will be funded from the Jail Tax Initiative Fund. (C2702012M) (ADM1400-002)

EASEMENT AGREEMENT WITH ARIZONA PUBLIC SERVICE COMPANY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the execution of an Easement Agreement with the Arizona Public Service Company, its successors and assigns, an easement 8 feet in width, to construct, operate and maintain underground electric lines and appurtenant facilities up, across, over, and under the surface of Lot 12, Block 60, also referred to as 4th Avenue between Madison and Jackson Streets. This block is the site of the 4th Avenue Jail. (C40020161) (ADM418)

TRANSFER OF FUNDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the transfer of not-to-exceed \$3,357,489 of General Government Contingency Funds-Court Appointed Counsel-Caseload as follows: (C33020118)

- \$31,721 (not-to-exceed) to Legal Defender's FY 2002 budget for increased utilization of temporary attorneys to handle additional felony cases; (ADM501)
- \$30,000 (not-to-exceed) to Public Defender and Legal Defender Judicial Mandate FY 2002 budgets (Agencies 451 & 453) for personnel expenses exceeding budget, resulting from vacancy reductions exhibited during the fiscal year; (ADM500)

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- \$3,295,768 (not-to-exceed) to the Office of Contract Counsel's (OCC) FY 2002 budgets (Agencies 339 & 454) to compensate for the increase in case assignments for private contract attorney providing statutorily mandated legal representation. (ADM502)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (April 2002) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$799,415.84 and ARS §11-622 \$152,654.63) (C39020187) (ADM1804)

**MONTHLY SUMMARY REPORT
April 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Air Evac Services, Inc.	0.00	2,951.01
American Physicians Inc.	201.73	0.00
Arizona Orthopaedic Associates	55.10	0.00
Arrowhead Community Hospital	1,973.80	16,309.00
Associated Radiologists, Ltd	1,525.00	528.00
Az Endo Diabetes & Osteo Cntr	0.00	112.00
Az Ped Plum & Asthma Assc	0.00	448.00
Barnes, Kimball Md	0.00	1,095.00
Biltmore Cardiology	0.00	160.00
Center For Neurology & Stroke	725.00	0.00
Central Az Med Assoc Pc	475.00	0.00
Chandler Radiology Associates	0.00	275.00
Chc-St Joseph Neurology	0.00	1,481.00
City Of Phoenix Ambulance	835.58	0.00
Clinical Associates, Ltd.	0.00	175.00
Desert Sam Med Ctr	0.00	3,851.95
Emergency Assoc Of Arizona	77.00	0.00
Gila Bend Fire Rescue	680.22	0.00
Gill, Satpreet Md	241.00	0.00
Good Samaritan Reg Med Ctr	27,528.65	0.00
Gsrnc-Academic Surgical Servi	836.00	836.00
Hospital Radiologists, Ltd	530.00	0.00
Hospitalists Of Arizona	171.00	0.00
Hyde, William J. Md	0.00	1,740.00
Jacobsen, William M. Md	0.00	280.00
Kahlon, Maninder S Md	430.00	0.00
Kistner, Robert L. Jr., Md	393.00	0.00
Maricopa Health Systems	626,924.12	36,401.36
Maryvale Emergency Physicians	0.00	165.00
Maryvale Hospital Med Ctr	0.00	1,688.30
Medpro	97.00	0.00
Northern Arizona Radiology Pc	0.00	401.00

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Paradise Valley Hospital	0.00	12,358.85
Perry, Thomas Md	0.00	175.00
Phoenix Memorial Hospital	6,897.55	588.50
Professional Medical Transport	2,871.08	0.00
Raiz-Ul-Haq, Amjad Md	1,900.00	0.00
Rural Metro Ambulance	1,228.63	0.00
Rural Metro Corporation	449.99	0.00
Salazar-Calderon, Victor H. Md	0.00	160.00
Scottsdale Healthcare Osborn	332.55	0.00
Scottsdale Pathology Associate	0.00	187.00
Sjh Trauma Billing	0.00	102.00
Southwest Ambulance	13,796.90	0.00
Southwest Heart & Lung	4,150.00	0.00
St Josephs Hosp Arizona	0.00	68,341.16
St Lukes Medical Center	101,655.94	0.00
Sun State Cardiology Pc	1,150.00	1,150.00
Tempe Emergency Physicians	0.00	294.50
Valley Anesth Consultants Ltd	780.00	0.00
Valley Radiologists Ltd	504.00	0.00
Valley Radiologists Ltd.	0.00	400.00
Grand Totals:	799,415.84	152,654.63
Restitution	0.00	
Totals Denials:	952,070.47	

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

MARICOPA HOME CONSORTIUM COOPERATIVE AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Maricopa HOME Consortium Cooperative Agreement (renewal of expiring agreement) with the cities/town of Chandler, Gilbert, Glendale, Mesa, Peoria, Scottsdale, and Tempe; and adopt a resolution authorizing execution of same by the Chairman of the Board of Supervisors for the purpose of being qualified to receive HOME allocations as a Participating Jurisdiction (PJ) for the federal fiscal years of 2003, 2004, and 2005. The agreement remains in effect until HOME Funds from each of the fiscal years specified are closed out. (C17020632)

RESOLUTION TO AMEND AGREEMENT FOR COMMUNITY-ORIENTED POLICING

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt a Resolution amending the Intergovernmental Agreement for Community-Oriented Policing at the public housing developments between the Maricopa County Housing Department and the City of Phoenix for \$25,000 as funded by the U.S. Department of Housing and Urban Development (HUD). Unless extended by written agreement of the parties, the agreement shall terminate at midnight on December 31, 2002. This amount will cover additional patrol hours at the Coffelt-Lamoreaux Homes development as identified in the grant. (C66990112)

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RESOLUTION

INTERGOVERNMENTAL AGREEMENT FOR COMMUNITY-ORIENTED POLICING BETWEEN THE MARICOPA COUNTY HOUSING DEPARTMENT AND THE CITY OF PHOENIX FOR \$25,000 AS FUNDED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

WHEREAS, the U.S. Department of Housing and Urban Development has approved funding under the 2001 Public Housing Drug Elimination Program Grant for crime prevention programs and for community-oriented policing programs, and

WHEREAS, the City of Phoenix has statistical data significant to warrant such supplemental police/community oriented services, and

WHEREAS, the intent is to maintain high law-enforcement visibility and resident involvement in an effort to curtail illegal drug and related activities in creating a drug free environment.

NOW, THEREFORE, BE IT RESOLVED by the Maricopa County Board of Supervisors that the Intergovernmental Agreement for supplemental police services with the City of Phoenix for \$25,000 be executed commencing on the date it is filed with the Maricopa County Recorder's Office and shall terminate at midnight on December 31, 2002.

DATED this 15th day of May 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

SPECIAL USE AGREEMENT WITH ARIZONA KARTING ASSOCIATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Special Use Agreement with the Arizona Karting Association for the use of Adobe Dam Recreation Area Property for a period of five years (April 6, 2002-April 5, 2007), with two renewable options. In 1987, the Board approved a 15- year Special Use Agreement with the Arizona Karting Association, a non-profit organization, to develop and operate a racetrack facility located within the Adobe Dam Recreation Area. To date, the racetrack has been constructed and is currently in use by the Arizona Karting Association however, the term of that original agreement has recently expired and Arizona Karting is now requesting a new Special Use Agreement with the County. (C3002047B)

PURCHASE OF ICE MACHINE AND TWO NEW ENGINES FOR BUOY BOAT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to as prescribed in Budget Adjustment Memo No. 8, the Parks department is requesting approval of the replacement of an ice machine at Lake Pleasant Regional Park, as well as the purchase of two new engines for the large buoy boat, equipment item PB48.

- The ice machine is a non-capital item over \$1,000 which is budgeted for in the FY 2002 budget. Total cost is not to exceed \$2,400.
- The boat engines are a capital item, not-to-exceed \$24,000 total. Funds for this are available in the Lake Pleasant Fund and do not impact the General Fund. (C3002048M) (ADM3200-002)

FUND TRANSFERS

Motion was made by Supervisor Brock, 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, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been 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 incorporated herein by this reference.

EXECUTION OF CAPITAL LEASE DOCUMENTS TO ACQUIRE COMPUTER EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Chairman to execute all capital lease documents, including the "Declaration of Official Intent," required for the acquisition of County departmental computer equipment which was approved by the FY 2002-2003 budget process. The County has determined a need to provide updated technology equipment on a three-year "refresh" basis. Therefore, most departments will not purchase computer equipment outright, but will enter into a three-year capital lease for computer equipment facilitated by the Office of the CIO. The County intends to enter into reimbursement capital lease financing for the purchase of departmental computer equipment not-to-exceed the approved budget amount of \$5,000,000 for FY 2002-2003. The County will be reimbursed for the expenditures with the proceeds of the lease obligation. (C18020078) (ADM1800)

SOLICITATION SERIALS

Motion was made by Supervisor Brock, 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 County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Award of Solicitation Serials:

- 01112-E COMMERCIAL KITCHEN APPLIANCES AND EQUIPMENT** (\$450,000 est./two (2) years, with three (3), one-year renewal options)
Pricing agreement for commercial kitchen appliances and equipment for the new MCSO Food Factory which is scheduled for completion in August 2002.
- . Central Restaurant Products
 - . Kamran and Company, Inc.
 - . Phillips Foodservice Equipment Co.
 - . Standard Restaurant Equipment Co.
- 02012-C PERISHABLE FOOD** (\$250,000 est./six (6) months, with eight (8), six month renewal options)
Pricing agreement to purchase perishable food items used by the MCSO Food Service Department.
- . ATL Industries
 - . Custom Food Service, Inc.
 - . DPI-Epicurean Fine Foods
 - . Total Source

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- 02017-S ELECTRICAL SERVICE: HIGH VOLTAGE** (\$3,000,000 est./three (3) years, with two (2), one-year renewal options)
Pricing agreement to provide high voltage electrical distribution services.
. Sturgeon Electric Co., Inc. Line Division

Contract Extensions:

Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed.)

Until July 31, 2003:

- 99018-X INSTITUTIONAL CLOTHING AND TEXTILES AND UNDERGARMENTS**
(\$1,200,000 est./one (1) year)
Extension of pricing agreement for institutional clothing, textiles and undergarments as requested by MCSO and Juvenile Corrections Department.
The clothing, textiles and undergarments are issued to the adult and juvenile inmates.
. A. Lafont USA, Inc.
. Acme Textile Co., Ltd.
. Care Free Uniforms, Inc.
. Leslee Scott, Inc.
. Robinson Textiles, Inc.
. Universal Hotel Supply
- 99045-SC TEMPORARY PERSONNEL SERVICES** (\$600,000 est./one (1) year)
Extension of pricing agreement for temporary personnel services as requested by various County agencies.
. First Employment Services
. Kelly Services
. Staffmark Staffing Services

Increase in the contract amount for the following contract(s). These requests are due to an increased usage by County departments.

- 00138-RFP MOBILE ULTRASOUND & RADIOLOGY READING SERVICES – CORRECTIONAL HEALTH**
Recommend increase of \$75,000 to contract value at the request of Correctional Health Services for the current contract year, ending September 30, 2002. This contract was originally awarded by the Board on September 6, 2000, in the amount of \$150,000. A subsequent renewal was approved by Materials Management on May 10, 2001, adding \$162,000, bringing new contract value to \$312,000. This increase will adjust contract value from \$312,000 to \$387,000. Correctional Health Services states that the daily average patient population has increased 6.07% and that requests for chest x-rays and other diagnostic tests have increased dramatically.
. Arcadia Radiology & Breast Center, Ltd.

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00192-SC CONCRETE PLACEMENT AND TRAFFIC SIGNAL EQUIPMENT FOUNDATION SERVICE

Increase contract dollar amount from \$350,000 to \$1,000,000. The using department miscalculated the initial awarded amount. The correct value of award is \$1,000,000 for the three-year period which expires on February 28, 2004. Original award was to Dohrn Companies, approved on February 21, 2001. Materials Management added two additional vendors on May 31, 2001.

- . Dohrn Companies, Inc.
- . Briggs Builders
- . Quackenbush Construction Corp.

Contract Amendment:

00116-RFP INTEGRATION ENGINE FOR THE ICJIS

In accordance with Article 4.10 (Additions/Deletions of Service), approve an additional 440 hours of work and travel expenses (\$94,500) with Healthcare.com. The additional hours will be used to identify issues with the current QDX Integrator environment, database corruption and development discussion of backup and fail over option, discuss the capacity of the QDX Integrator environment, and site documentation. The original contract was approved on December 6, 2000, in the amount of \$1,200,000. This amendment will increase the contract value by \$94,500, for a new value of \$1,294,500. This contract expires December 31, 2002.

- . Healthcare.com

SETTLEMENT OF TINDER v. MARICOPA COUNTY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve settlement of Tinder v. Maricopa County, CV00-01-014931 for \$275,000. (Discussed in Executive Session of April 1, 2002.) (C75020120) (ADM409)

DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept donations, as follows:

- 9.5 cubic foot Sanyo refrigerator from Michael Braswell of Phoenix, valued at \$324.29. (C79020817) (ADM2300)
- 400 pounds of laundry powder from the Society of St. Vincent de Paul of Phoenix, valued at \$200. (C79020827) (ADM2300)

PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of 50 replacement notebook computers totaling \$121,000. The computers will be used by field inspectors and have been budgeted for replacement during FY 2002. Funding for these purchases will come from the Environmental Services Air Quality Special Revenue Fund. No General Fund money will be used. (C88020538) (ADM2350-002)

PURCHASE OF COMPUTERS AND RELATED EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of computers and related peripheral equipment for the Education Division (Head Start/Early Head Start) that are necessary for the maintenance of service operations in a cost-effective manner. The total estimated cost is \$34,085. Funding for these purchases is derived from a federal grant from the U.S. Department of Health and Human Services as previously approved by the Board of Supervisors. Therefore, this purchase will have no impact on County general funds. If the Department does not spend these funds before June 30, 2002, they have to be returned to the grantor agency. (C2202166M) (ADM2500-001)

INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Maricopa Community College District on behalf of the Scottsdale Community College District for the provision of food catering to participants in Maricopa County Head Start. The agreement represents a fixed price agreement for \$12,880, and requires the Scottsdale Community College District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, and the U.S. Department of Health and Human Services provide funding for the agreement. The term of the agreement is July 1, 2002, through September 30, 2003. This agreement does not include any County General Funds. (C22030072)

INTERGOVERNMENTAL AGREEMENT WITH QUEEN CREEK UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with Queen Creek Unified School District for the provision of food catering to participants in Maricopa County Head Start. The agreement represents a fixed price agreement for \$13,610, and requires Queen Creek Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the agreement. The term of the agreement is July 1, 2002, through September 30, 2003. This agreement does not include any County General Funds. (C22030082)

INTERGOVERNMENTAL AGREEMENT WITH CHANDLER UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with Chandler Unified School District for the provision of food catering to participants in Maricopa County Head Start. The agreement represents a fixed price agreement for \$165,162, and requires Chandler Unified School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances based on a fixed price per unit of service. The Arizona Department of Education's, Child/Adult Care Food Program, School Breakfast Program, the National School Lunch Program, and the U.S. Department of Health and Human Services provide funding for the agreement. The term of the agreement is July 1, 2002, through September 30, 2003. This agreement does not include any County General Funds. (C22030142)

FUNDING APPLICATIONS (28)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Maricopa County Human Services Department to submit 28 funding applications to various

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federal, state, and local sources in support of the annual operating expenses of the County's Special Transportation Services (STS) program. Details regarding the source and use of funds are listed on Attachment A. Authorize the Chairman to approve the receipt of all such funds awarded during FY 2003 as a result of the corresponding grant requests. Unless otherwise indicated on Attachment B, all overhead/indirect costs are allowable and the FY 2003 authorized rate will be applied to the respective grants. The funding requested will not exceed \$8,599,500 in total. The funds will be administered by the Department's Office of Special Transportation Services, and utilized to provide elderly, disabled, and low-income residents transportation to medical and social service appointments, senior centers, employment, and employment-related activities; and for the delivery of meals to low-income, homebound residents. (C22030263LI)

EXPENDITURE FOR EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve expenditure of \$19,100 from budgeted funds and savings in the Medical Examiner FY 2002 budget for purchase of needed equipment items, as follows:

- RapidVap evaporation system needed to prepare specimens for testing in the toxicology laboratory
- 2 Canon high-resolution digital cameras with attachments to be used in examination for identification and evidentiary purposes
- new fax machine for the admitting office to receive medical records
- HyperCenter flow hood for histology to vent noxious chemical fumes

The Office of the Medical Examiner (OME) has significant savings in this fiscal year's budget, primarily due to three vacant medical examiner positions (approximately \$200,000 in savings). Funds also were budgeted in this fiscal year for the purchase of non-capital equipment items. A portion of these funds was voluntarily returned during the concurrent budget reduction review process. The OME requests that the remaining non-capital equipment monies (\$12,500), and a small portion of the additional budget savings (\$6,600) be expended on needed equipment prior to the end of this fiscal year. The photography equipment and evaporation system were planned purchases for this fiscal year. The fax machine and flow hood are requested due to unanticipated, recurring problems with the existing equipment. All of these items are mobile and will be moved to the new Forensic Science Center facility. (C29020028) (ADM2125-002)

NON-FINANCIAL AFFILIATION AGREEMENT WITH YALE UNIVERSITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a non-financial affiliation agreement with Yale University, a Connecticut Corporation located in New Haven, Connecticut, to allow students from their School of Nursing to participate in learning experiences at the Maricopa County Department of Public Health. The term of the agreement is March 11, 2002, to June 30, 2005, and includes a 30-day termination clause. This agreement would allow nurse students from Yale University to observe public health diseases, participate in the treatments, and develop a working partnership with the Department of Health. (C86021400)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreement No. 252031 with the Arizona Department of Health Services (ADHS) to provide Bio-Terrorism preparedness and response services. The term of the agreement is from April 1, 2002, through August 3, 2003, for a dollar amount not-to-exceed \$147,500. By approving

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this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2002 by \$36,875. The remaining \$110,625 will be incorporated into MCDPH's FY 2003 budget. (C86021412)

PURCHASE OF COMPUTER EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of 7 Dell OptiPlex GX240 Small Mini-Tower PC computers @ \$1,691.11 each, 3 Dell LaserJet 4100DTN printers @ \$1,978.59 each and 1 InFocus LP340B DLP projector @ \$2,299 to be used by Public Health's Women, Infants and Children (WIC) Program. Total expenditure for these items, including tax, will be \$21,758. The purchase of this equipment will come from grant funds. (C8602152M) (ADM2150-002)

GRANT FUNDING FROM U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept \$400,000 in grant funds from the U.S. Department of Health and Human Services (HHS) under the Healthy Start program to support ongoing activities in South Phoenix and Maryvale. By approving this agenda item, the Board will be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2002 by \$66,700. The remaining \$333,300 will be included in the Department's FY 2003 Budget. (C86021652)

GRANT FUNDING FROM ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and accept \$272,825 in grant funds from the Arizona Department of Health Services (ADHS) for folic acid distribution and education services in Maricopa County. By approving this agenda item, the Board will be authorizing the Chairman to sign all applications, contracts and subsequent amendments related to this grant. By approving this agenda item, the Board will also be authorizing a budget amendment that will increase MCDPH's revenue and expenditure levels for FY 2002 by \$45,470. The remaining \$227,355 will be included in the Department's FY 2003 Budget. (C86021662)

APPOINTMENT OF MEMBERS TO CENTRAL ARIZONA RYAN WHITE TITLE 1 PLANNING COUNCIL

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint six interim members to the Central Arizona Ryan White Title I Planning Council for the term March 1, 2001 – February 28, 2003, and one interim member for the term March 1, 2002 – February 29, 2004. In addition, approve ten designated alternates for the indicated Planning Council Members. Candidate list is on file with the Office of the Clerk of the Board. (C86021679) (ADM2153)

INTERGOVERNMENTAL AGREEMENT WITH PHOENIX INDIAN MEDICAL CENTER – INDIAN HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Phoenix Indian Medical Center - Indian Health Service - for the provision of HIV targeted outreach services to individuals and families affected by HIV/AIDS. The term of the agreement is March 1, 2002, to February 28, 2003, for a dollar amount not-to-exceed \$25,000. (C86026292)

CHANGES TO FY 2001—2002 CAPITAL BUDGET

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following changes to the FY 2001-2002 Capital Budget:

- a) increase of \$5,000,000 for the Forensic Science Center (FSC), Project No. 1998927371;
- b) reduction of \$4,000,000 from the FY 2001-2002 New Administration Building Parking Garage, Project No. 1998937403;
- c) reduction of \$1,000,000 from the Capital Improvement Project Reserve and approve the following changes to the 5 year Capital Improvement Plan;
 - i. increase the project budget for the FSC by \$4,000,000 from \$15,459,862 to \$19,459,862;
 - ii. decrease the project budget for the New Administration Building Parking Garage by \$4,000,000 from \$15,373,402 to \$11,373,402; the budget adjustments offset, there is no financial impact. (C70020998) (ADM800)

REALLOCATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the reallocations, as follows:

- a) \$8,000.00 from FY 2001-2002 General Fund Major Maintenance Project No. 2000143577 East Courts Building Infrastructure Improvements to Project No. 2001228597 Public Health – Replace Built-in Cabinets. (C70021028) (ADM800)
- b) \$17,500 from FY 2001-2002 Special Revenue (Detention) Major Maintenance Project No. 2000143529 Durango Juvenile Infrastructure Improvements to Project No. 2000143528 Durango Jail Building Infrastructure Improvements. (C70021028) (ADM800)
- c) \$77,000 from FY 2001-2002 Major Maintenance Project No. 2000143492 Central Court Building Improvements to Project No. 2001221168 "Health Care Mandates and Adult Probation Records Tenant Improvements". (C70021058) (ADM800)

DENY CLAIM FOR REIMBURSEMENT BY KELCHER REAL ESTATE SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to deny claim for reimbursement of services in the amount of \$10,120 made by Kelcher Real Estate Services, filed October 31, 2001. (Discussed in Executive Session on April 15, 2002.) (C7002103M) (ADM409)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, 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)

A005.001 & Project No: 69021 - Chandler Blvd. (SW side at Gilbert Road) - Warranty Deed - Parcel
006 No. 303-01-001 & 002 - Lawrence C. Stone or Bonnie J. Stone, Trustees - for the sum
(TS) of \$38,953.00.

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- A005.001 & Project No: 69021 - Chandler Blvd. (SW side at Gilbert Road) - Purchase Agreement
006 and Escrow Instructions - Parcel No. 303-01-001 & 002 - Lawrence C. Stone or Bonnie
(TS) J. Stone, Trustees.
- DD-9373 R/W Dedication – Warranty Deed - Parcel No. 302-79-011J (portion) – The Foundation
(TS) for Blind Children, an Arizona non-profit corporation – for the sum of \$10.00.
- DD-9373 R/W Dedication – Escrow Instructions – Parcel No. 302-79-011J (portion) – The
(TS) Foundation for Blind Children, an Arizona non-profit corporation.
- DD-9374 R/W Dedication – Warranty Deed - Parcel No. 105-86-004A (a portion) -Richmond
(TS) American Homes of Arizona, Inc., a Delaware Corporation – for the sum of \$10.00.
- DD-9374 R/W Dedication – Escrow Instructions – Parcel No. 105-86-004A (a portion) –
(TS) Richmond American Homes of Arizona, Inc., a Delaware Corporation.
- HH-0773-A Project No: 20073 - 90th Street (McDowell Road to Quenton Street) - Easement and
(LJS) Agreement for Highway Purposes - Parcel No. 219-33-023F & 23G - Tawfik H.
Rizkallah, Trustee - for the sum of \$17,666.00.
- HH-0773-A Project No: 20073 - 90th Street (McDowell Road to Quenton Street) - Purchase
(LJS) Agreement and Escrow Instructions - Parcel No. 219-33-023F & 23G - Tawfik H.
Rizkallah, Trustee.
- R/W #47 Project No. Maricopa County (Grantor) - Utility Easement - R/W #47 (SRP Job # XA3-
(MDW) 3402) - Salt River Project Agricultural Improvement and Power District.

INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the City of Surprise for the exchange of services or reimbursement of services (Entente Agreement). The agreement will not exceed five years unless extended by appropriate actions by the County and the City. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with 30-days written notice. This agreement looks beyond jurisdictional or geographical boundaries and instead focuses on the maintenance task and availability of the most economical resources. It provides the traveling public with a more seamless transportation system via a cooperative highway maintenance program. This agreement would specifically benefit areas between the County and the City where road maintenance could be most effectively done by the other party due to scheduled work within the immediate area. This agreement could occur with "routine" or "emergency" roadway conditions. Each individual maintenance task performed by or for the City shall be handled via a "Letter of Agreement" (LOA) approved and signed by the City's Manager and the County's Department of Transportation Director or their designee. The individual LOA would institute a tracking/accounting mechanism that would specify the particular services contracted for and show that services exchanged are of similar value. Nothing in this agreement shall be interpreted to enlarge or expand the authority of either party. Both parties at all times are subject to existing County and City policies, such as planning, budgeting, purchasing, etc. (C64022542)

RESOLUTION – TRANSPORTATION ADVISORY BOARD SPECIAL PROJECT FUND

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt Maricopa County Department of Transportation (MCDOT) Resolution 02-05 implementing the Transportation Advisory Board Special Project Fund, authorized by MCDOT Policy No. T-1103, as recommended by the Transportation Advisory Board at their meeting on January 15, 2002. The Advisory Board may annually authorize up to \$1,000,000 from the TAB Special Project Fund budget to be included in the annual MCDOT budget. This fund may be reauthorized on an annual basis. Upon February 1 of each fiscal year, the fund will retain from the uncommitted balance of the fund up to \$500,000 for projects that may be identified and approved through the end of the fiscal year. Any uncommitted balance above \$500,000 on February 1 shall revert to the current year's department budget. (C64022556) (ADM2000)

RESOLUTION

**IMPLEMENTATION OF THE TRANSPORTATION ADVISORY BOARD
SPECIAL PROJECT FUND**

WHEREAS, THE Maricopa County Board of Supervisors has empowered the Transportation Advisory Board to advise the Board of Supervisors on transportation matters, and

WHEREAS, the Transportation Advisory Board (TAB), in a continuing effort to better serve the residents of Maricopa County has developed the Special Project Fund, and

WHEREAS, the Board of Supervisors is required to certify by resolution the implementation of a Special Project Fund.

NOW, THEREFORE, BE IT RESOLVED THAT the Maricopa County Board of Supervisors hereby:

1. Approves the implementation of the Transportation Advisory Board (TAB) Special Project Fund authorized by MCDOT Policy No. T 1103, to respond to proposed projects that TAB considers being worthy of funding, but that are not programmed in MCDOT'S Transportation Improvement Program.
2. Allocates \$1,000,000 dollars from the Transportation Improvement Plan to the Project Fund annually for projects that conform to HURF spending criteria and the MCDOT mission. Eligible projects shall promote flexible project guidelines and have a minimum project cost of \$100,000 and a maximum of \$1,000,000. The County cost share shall not exceed \$1,000,000 in the aggregate annually.
3. Appoints the Director of Maricopa County Transportation as agent of Maricopa County to conduct all negotiations, execute and submit all documents to the Board of Supervisors, including, but not limited to, applications, agreements, amendments, billing statements and so on, which may be necessary for the aforementioned project.

DATED this 15th day of May 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

AMENDMENT TO CONTRACT WITH AMERICAN HANDICAPPED TAXI SERVICE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the contract with American Handicapped Taxi Service for wheelchair/stretching van services to: 1) update language in the Work Statement and Compensation Sections; 2) add sanctions for failure to comply with the AHCCCS waiting time requirements; 3) extend the contract by one year, from May 1, 2002, through April 30, 2003, making the aggregate term June 7, 2000, through April 30, 2003; and 4) increase the not-to-exceed amount by \$250,000, from \$500,000 to \$750,000. The contract may be extended, not-to-exceed a total term of five years, and may be terminated by either party with 90-days written notice. (C6000291102)

AMENDMENT TO REVENUE CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the revenue contract (AAA 2002-29-MIH) with Area Agency on Aging, Region One, Inc., for Senior Adult Independent Living - Case Management Services, which increases the contract award by \$132,000, from \$1,126,000 to \$1,258,000. Amendment No. 1 provides funds for computer software, equipment, and materials/supplies related to SAIL Case Management activities. The additional funds must be spent prior to June 30, 2002. The additional award increases the not-to-exceed amount, including the MIHS match, from \$1,805,789 to \$1,937,789. There is no change in the contract term of July 1, 2001, through June 30, 2002. The contractor may terminate the contract with 30-days written notice, and MIHS may terminate with 60-days written notice. This item is actually the first Amendment (C600200101). (C6002001102)

CONTRACT WITH FOR HEALTH OF ARIZONA, dba GERIATRIX OF ARIZONA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a new contract with For Health of Arizona, dba GERIATRIX of Arizona (GERIATRIX) to provide management of all medical care and to assume full financial risk for medical services for Maricopa Senior Select Plan (MSSP) members who reside in nursing facilities and who select GERIATRIX as their provider option when enrolling with MSSP. Payment will be 95% of capitation payments MSSP receives from the Centers for Medicare and Medicaid Services (CMS). The term of the contract will be June 1, 2002, through May 31, 2003, for an amount not-to-exceed \$22,700,000. (C60020981)

PURCHASE OF EQUIPMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the purchase of computer equipment for the SAIL program in the amount of \$53,558.57. Specific items are:

- 19 Microsoft Office XP software packages and licenses totaling \$5,588.47 in software,
- 4 Monitor-Desktop PCs, 15 Laptops with cases, 4 Keyboards, 4 Mice, 4 Docking Stations, 4 17-inch Monitors, and 5 printers totaling \$47,970.10 in hardware.

The funding for the equipment is 100% from the Area Agency on Aging, Region One (Agenda Item No. C6002001101). The Office of Management and Budget has reviewed supporting information and the

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Equipment Purchase Request Form – Exemption to Budget Balancing Plan. (C60021003) (ADM2100-002)

AMENDMENT TO McKESSON/HBOC OUTSOURCING AGREEMENT, WAIVER TO EMPLOYEE MERIT SYSTEM AND LEAVE PLAN

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 11 to the McKesson/HBOC Outsourcing Agreement (approved as CS960046) to delete the responsibilities for Patient Reception including Patient Registration and Admitting from the contract effective May 31, 2002, and reduce the not-to-exceed amount of \$92.16 million by \$925,000 for a new not-to-exceed of \$91.24 million. Authorize a waiver of Section 12 of the Maricopa County Employee Merit System Resolution and Rules 4 through 6 of the Maricopa County Employee Merit System Rules (to permit the hiring of current McKesson/HBOC who are performing Patient Registration and Admitting services without competitive recruitment) and Section III.G. of the Maricopa County Employee Leave Plan (to permit the same employees to accrue paid leave on the basis of years of employment with McKesson/HBOC at MIHS and previous years of employment with Maricopa County (even where they have withdrawn their contributions with the Arizona State Retirement System). All other provision of the Maricopa County Employee Merit System Resolution, Maricopa County Employee Merit System Rules, and Maricopa County Employee Leave Plan shall remain in effect. (C9098014111) (ADM3420)

AMENDMENT TO DENTAL SERVICES CONTRACT WITH CRAIG POOL, DDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 8 to the Dental Services Contract between Craig Pool, DDS and Maricopa Integrated Health System-Health Plans (MIHS-HP). This amendment extends the contract term for the final 12-month period through June 30, 2003, for an aggregate contract term of January 1, 1998, through June 30, 2003, increases the not-to-exceed amount by \$325,397 from \$289,970 to \$615,367 and clarifies the compensation rate paid for in-office dental services at 100% of the April 2001 AHCCCS Fee for Service Schedule or Contractor's billed charges, whichever is less. (C9098033106)

CHANGE ORDER TO CONTRACT WITH D.L. WITHERS CONSTRUCTION, LC

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 10 to the contract with D.L. Withers Construction, LC for additional changes required in the renovation of the Comprehensive Healthcare Center (CHC) at the Maricopa Medical Center (MMC) campus to increase the contract total by \$62,748 from \$11,799,648 to \$11,862,396. The term of the contract will remain unchanged. This change order includes, but is not limited to, revisions to pharmacy counters and walls, dialysis unit plumbing, ceiling, and lighting, central waiting light cove, coordinate medical gas and patient utility services at headwalls in six rooms, door hardware security system, prisoner holding areas, relocation of light switches, emergency generator interface, and miscellaneous electrical changes. (C9001039505)

GRANT FUNDING FROM ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the MIHS Chief Executive Officer to apply for and accept grant funding from the Arizona Department of Health Services (ADHS Solicitation #H2-034 – Child Health Grants) to develop and implement a toddler car seat safety program. If awarded, the not-to-exceed amount is estimated at \$85,179. MIHS will be reimbursed monthly at a flat rate of \$9,464, or 1/8 of the total not-to-exceed plus \$9,464 for the annual report. The term of the contract is for an eight month period, May 1, 2002, through

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December 31, 2002. The contract may be extended for supplemental periods of one year up to a maximum of 40 months. ADHS may terminate the contract for convenience or default. No notice requirements are provided in the contract. (C90020903)

CONTRACTS (2) FOR THIRD PARTY LIABILITY COLLECTION

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve two new contracts for Third Party Liability Collection with the following:

- Medical Reimbursement of America, LLC (C90021071)
- Public Consulting Group, Inc. (C90021081)

The contractors will work directly with the MIHS Business Office to assist in collecting monies due from various types of insurance carriers for medical services rendered by Maricopa Medical Center (MMC). The initial contract term is May 1, 2002, through April 30, 2004. The not-to-exceed amount for both contractors combined is \$200,000. (C90021061ZZ)

REAPPOINTMENTS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to reappoint the following to the Community Development Advisory Committee, representing District No. 3. The terms of the appointments shall expire on June 30, 2003.

- a) Horst Kraus (C03020137) (ADM1501)
- b) Richard Painchaud (C03020147) (ADM1501)

ADDENDUM ITEMS

RESOLUTION DECLARING MORRISTOWN, ARIZONA AS A COLONIA

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to adopt a resolution declaring the community of Morristown, Arizona, a colonia in accordance with USDA federal regulations Title 7, Chapter XVII, Part 1777--Section 306C. Morristown is a small, rural community northwest of Phoenix near the town of Wickenburg on Highway US 60 intersecting with State Route 74, and has a population of about 250 people, half of which are elderly. Morristown has evolved without an adequate potable water supply, adequate sewage systems, and/or decent, safe, and sanitary housing. No plan for public facilities has been established and development has generally occurred without adherence to building standards. These factors help define a colonia development. Morristown citizens could obtain assistance to improve their living conditions without any direct cost to the County. A colonia declaration by a state or county would allow access to USDA federal grants and/or low interest loans to improve health and safety conditions. As Morristown is an unincorporated community in Maricopa County, it is appropriate for the County to make this designation. (This is Addendum item No. A-2.) (C1702065M) (ADM1500)

James Chambers, citizen living in Morristown who is a board member of Morristown Water Co., spoke in favor of this matter. He said the designation as a "Colonia" would be beneficial in getting grants for the water system. He praised Supervisor Wilson for his efforts in helping them receive this designation and also thanked Isabel McDougall for her help.

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**DESIGNATING THE UNINCORPORATED COMMUNITY OF MORRISTOWN, ARIZONA
AS A COLONIA WITHIN MARICOPA COUNTY**

WHEREAS, a "Colonia" development as defined by the United States Department of Agriculture has occurred in Maricopa County, and

WHEREAS, unincorporated communities within the County within 150 miles of the Mexican border, which lack adequate potable water supplies, adequate sewage systems, and/or decent, safe, and sanitary housing are eligible for designation as a Colonia, and

WHEREAS, designation as a Colonia by a county or state is necessary before certain state and federal funds can be made available to improve infrastructure systems and housing within those communities, and

WHEREAS, the unincorporated community of Morristown existed meeting the definition of a Colonia before December 28, 1989:

NOW, THEREFORE, BE IT RESOLVED THAT the Morristown community within Maricopa County is hereby designated as a Colonia because of the lack of adequate potable water supply, adequate sewage system, and/or decent, safe, and sanitary housing and meets all criteria for said designation per USDA regulations.

DATED this 15th day of May 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

BUDGET TRANSFER OF FUNDS

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an expenditure budget transfer of \$350,000 from the General Government Detention Fund Contingency (255-472-4721) to the Correctional Health Services Fund 255 base operating budget (Agency 262). Funding for this item was originally reserved as a Results Initiative Request for FY 2001-2002 for pharmaceutical costs. Transfer of funds is to cover a portion of the projected pharmacy expenditure budget overrun. In addition, approve an expenditure budget transfer in an amount not-to-exceed \$1 million at fiscal year end from General Government Detention Fund Contingency (255-472-4721) to Correctional Health Services' FY 2001-2002 Fund 255 base operating budget (Agency 262) to cover projected expenditure budget overruns as outlined. (This is Addendum item No. A-3.)(C26020130) (ADM2131)

EXPENDITURE FROM CAPITAL IMPROVEMENT PROGRAM

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the expenditure of \$299,000 from Capital Improvement Program (CIP) Project No. 1998937402, "New Administrative Services Building" to fund the following: (This is Addendum item No. A-4) (C70021048) (ADM 807)

- a. An economic feasibility study of downtown space options;
- b. Space programming plans for the County Attorney's Office and the County Public Defender's Office; and

- c. Preparation of architectural stacking diagrams of various space alternatives derived from economic analysis and programming studies.

LETTER OF AGREEMENT

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the letter of agreement entered into by County staff dated May 9, 2002, for the potential purchase of the property located at 101 North 1st Avenue, Phoenix, Arizona. Also, direct the Office of Management and Budget to reserve funding for the purchase of this property in the Five Year Capital Improvement Program budget in the event that the Board of Supervisors chooses to exercise its purchase option. (Discussed in Executive Session on May 13, 2002.) (This is Addendum item No. A-5.) (C7002106M) (ADM811-005)

PUBLIC COMMENT

No citizens came forward to comment at this time. (ADM605)

SUPERVISORS' COMMENTS

Chairman Stapley announced that there would be a candlelight vigil in honor of fallen law enforcement officers tonight entitled, "They Served Well" at the commemorative statue in front of the Central Court Building, 201 West Jefferson at 7:00 p.m. He said this is being sponsored by the Sheriff's Office and asked all interested citizens to attend. (ADM606)

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, 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 DETAIL:

- 1. **S2001-097** **District 3**
 Applicant: LA Development, Inc.
 Location: Between Joy Ranch Road and Desert Hills Drive on the east side of 7th Street (in the Desert Hills area)
 Request: Amended Final Plat in the Rural-43 zoning district for Ryan Estates (approximately 7.5 gross acres)

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

- 2. **S2001-100** **District 2**
 Applicant: Coe and Van Loo Consultants, Inc. on behalf of D.R. Horton Homes, et al
 Location: South of Apache Trail and east of Signal Butte Road (in the east Mesa area)
 Request: Amended Final Plat in the R-2 R.U.P.D. zoning district for Signal Butte Manor II (approximately 40.63 acres)

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

REGULAR AGENDA DETAIL:

3. Z 99-65 District 1 (THIS CASE CONTINUED FROM MARCH 6, 2002.)

Applicant: Joyce Biler for Ed Nassar

Location: Southeast corner of the Galveston Street alignment and Power Road (in the southeast Gilbert/Mesa area)

Request: Rezone from Rural-43 to C-3 C.U.P.D. with a Plan of Development for a commercial center, T-Bar-J Ranch (approximately 5.16 acres)

COMMISSION ACTION: Commissioner Pugmire moved to recommend denial of Z 99-65 as this request does not comply with the Mesa General Plan, which therefore violates Commission policy of supporting City Plans. In addition, there is no way of reconciling the uses occurring on the property with either the Mesa General Plan or the Maricopa County Zoning Ordinance. Commissioner Clayburg seconded the motion, which passed with a majority vote of 5-1, with Commissioner Jayne dissenting.

Joy Rich, Director of Planning and Development, explained that this item has been continued five times, most recently from the March 6, 2002, meeting to allow the applicant to get various items completed and turned-in to the Planning Office by April 1, 2002. This is a rezoning request for property development as a commercial center near Williams Gateway Airport. There is a restaurant, a landscape materials yard and a modular building sales yard currently existing, and operating illegally, on the site. Approval of this application would make these operations legal. Mesa's General Plan designates the site for wholesaling activities such as industrial, manufacturing, distribution and warehousing, and this requested use does not comply with that area plan. The City of Mesa spoke in opposition to this request as a whole at the March 6 Board meeting, although they did favor the restaurant. Williams Gateway Airport Authority is also in opposition to this request. Ms. Rich reported that the applicant did not get the revised site plan to the Planning Office until mid-April. She indicated that the applicant has obtained a sign-off from all agencies except the Department of Transportation, which is still reviewing the Transportation Impact Study since they did not receive it until April 25. She reminded members that the Board had directed the applicant to focus on the restaurant portion of the facility rather than the outdoor storage uses he had established. She said that he had not included such a change in his revised site plan. She reported that staff recommends denial of this application because of the nonconformance she has indicated and the Planning Commission also recommended denial

Doug Zimmerman, representing Ed Nasser, presented the revised plans to the Board. He disagreed with Ms. Rich saying that the necessary papers had been delivered to the Planning and Development Office by April 1, although he could not say when staff may have received them. He added that the transportation study had been taken to MCDOT by April 15. He said that these plans comply with each of the recommendations requested by staff and/or the Planning Commission has been complied with at this time, and that Mr. Nasser will fully comply with the Plan of Development that has been submitted. He reiterated an earlier request to delay submission of landscaping and berming plans, and details on placement of the permanent six-foot wall, until after Power Road has been realigned. He acknowledged that the Board had spent a lot of time and patience on this matter because Mr. Nasser had many problems with those he originally hired to do the necessary work on the project, but he assured the Supervisors that they have now put together a team to correct the earlier deficiencies and present the matter properly at this time. He spoke of the surrounding area and proposed business sites that are being planned by the City of Gilbert right across the road from the subject property, indicating his belief that the subject's proposed uses would provide a good fit.

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Supervisor Brock asked Joy Rich if the documents from the applicant had been date stamped when they were received at Planning and if there was a way to confirm the April 1 date of receipt claimed by Mr. Zimmerman. She reviewed both submissions and replied that there was no stamp on the revised plans but the Transportation study indicated that it had been stamped on April 15. She said she would have to research the April 1 date at her office.

Supervisor Brock said the concerns and directives that have been voiced by the Board have still not all been complied with and it has been more than a year since this request was first submitted. He added that he had not once been contacted by the applicant for help in resolving the issue during all those months. He stated that the revisions had not been submitted to the County within the allotted timeframe, which the applicant had agreed to, despite the five continuances for extra time granted by the Board. He stated his belief that the Board "has really bent over backward time after time" for the applicant. Considering all of the factors, he said that he regretfully could not recommend approval on this item.

Supervisor Kunasek commented that although he has sometimes expressed criticism over the application of Mesa's General Plan he had to agree with them in this instance as he too believed that Mr. Nasser's outdoor storage facility is inappropriate for this location. He stated that he had spoken with the applicant several times, acknowledging him as a long-time friend, to try to get him to change his mind about keeping the outdoor storage as part of the facility, when it was the cause of contention. He said he also agreed with Mesa's assessment that the applicant's restaurant was the right kind of establishment for the area and would be in concurrence with the area plan. He expressed regret that the applicant had not listened to any advice and had not made the requested changes, and said that he had to agree that Mr. Nasser's rezoning request could not be approved in its current form at this time. He suggested that the applicant could rework his request within the established guidelines and resubmit it.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for denial of this rezoning request.

- 4. Z2001-099 District 2: The applicant has requested this case be withdrawn. (This case continued from meeting of March 6, 2002.)**
Applicant: Michael Cronin for Sprint PCS and Rio Verde Home Owners Association
Location: 26526 Avenida Del Rey (in the Rio Verde area)
Request: Special Use Permit for a wireless communication facility in the R1-8 zoning district for Rio Verde (0.04 acres)

Ed Reeder, citizen opposed to this item, was present to answer any questions but there were none.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to withdraw this item as requested by the applicant.

- 5. Z2001-120 District 4 (This case continued from meeting of May 1, 2002.)**
Applicant: Withey Anderson & Morris, P.L.C. for Hancock Communities
Location: Northwest of the northwest corner of Camelback Road and Dysart Road (in the west Glendale area)
Request: Rezone from Rural-43 to R1-10 R.U.P.D. for Veranda II (25.05 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2001-120, subject to the following stipulations "a" through "r". Commissioner Smith seconded the motion, which passed with a unanimous vote of 7-0

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- a. Development and use of the site shall comply with the site plan/preliminary plat entitled "Veranda II Preliminary Plat and R.U.P.D." consisting of one full-size sheet dated February 27, 2002 and date-stamped by the project engineer February 28, 2002, and stamped received March 1, 2002 except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Veranda II" consisting of 13 pages prepared by Withey Anderson & Morris, P.L.C., dated revised March 1, 2002 and stamped received March 4, 2002 except as modified by the following stipulations.
- c. Development and use of the site shall comply with the landscape plan entitled "Preliminary Conceptual Landscape Design Plan – Veranda 2", consisting of one reduced-size sheet dated revised March 4, 2002 except as modified by the following stipulations.
- d. Veranda II shall be limited to a maximum of 49 dwelling units.
- e. Recreational amenities acceptable to Planning and Development Department staff, such as a tot-lot and picnic Ramada with barbecue grill shall be provided.
- f. Development of the site shall include a multi-uses trail connection, with equestrian access, from the stable property to the south of the site to the Colter Channel.
- g. Not less than 2.66 acres shall be set aside for common open space.
- h. All irrigation of common areas shall be in compliance with Arizona Department of Water Resources regulations. When sufficiently available, all irrigation of common areas shall be done entirely with treated effluent.
- i. Written notification shall be provided to all future homeowners that they are located within the state-defined territory in the vicinity of a military airport and may be subject to loud noise from military aircraft. Such notification shall be recorded on all final plats, be posted in Veranda II home sales office(s), and be included in all covenants, conditions, and restrictions (CC&Rs).
- j. To help mitigate the impact of noise from military aircraft, all residential dwelling units shall be constructed to achieve a 25-decibel noise reduction.
- k. The Veranda II Homeowners Association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, parks, roadway landscaping, landscaping within the public right-of-way adjacent to all public and private roadways, and of pedestrian and bicycle paths.
- l. The Veranda II Homeowner's Association shall own and shall be responsible for maintaining Dale Wash stormdrain in its full operating capacity including any and all associated repairs to honor downstream surface water rights.
- m. Prior to final plat approval, the applicant shall obtain adjacent property owner(s) approval of the discharge point for Dale Wash stormdrain or locate said stormdrain at the point of

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diversion as described in Application Number A-2820.0001 of the Certificate of Water Right, Revised, State of Arizona and Certificate No. 1972-0001.

- n. Major changes to this plan of development (the site plan and narrative report) shall be processed as a revised application in the same manner as this application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department, Project Management Division.
- o. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- p. Hancock Communities will provide an eight-foot (8') CMU wall along the southern boundary line of the subject property. This wall will be installed during the first phase of subject development in an attempt to mitigate any development impact.
- q. A gate will be provided on the southern property line adjacent to Tract I, which will allow the current property owner pedestrian access through the subdivision to Colter Channel and the water valve located on the north side of Colter Channel.
- r. Two-story homes are prohibited on Lots 33-44

Joy Rich, Director of Planning and Development, said there is still some opposition to this request and the Board would hear from some of those who are opposed to the matter later. This case is a rezoning request from the developer of a new housing community, Veranda II, which is located adjacent to Colter Channel on the north, Cottonwood Stables on the south, and the Veranda I development established along the western border. Ms. Rich said that staff and the Planning Commission both recommend approval.

Citizens present to speak in opposition to this matter included Stephen Duncan, Cottonwood Stables; Mike Cartsonis, City of Litchfield Park; Larry Gura, Cindy Gura, owners of Cottonwood Stables and Jeri R. Smith representing Toby Seiberlich and herself.

Jason Morris, representing the applicant, said that they had been meeting with those who were in opposition to work through the issues. He explained that the applicant had agreed to six of the residents' requests already, but there were several issues that could not be resolved that he suggested may have to be determined by the Board. The number of single-story homes was still in contention, with the stables wanting the one-story restrictions on more lots than the developer desired. He clarified this by saying that one reason for disagreeing on this was because the builder is only offering one design for a single-storied house, which would provide a very monotonous appearance along the block if they had to concede this point. The applicant wants more two-story homes to be allowed, especially on the larger lots along the southern border. He said that the County's Special Use Permit acquired by the stables had provided for the protection of any future developers by inserting a stipulation for a 50-foot buffer along the stable's northern property line. He said that adding this 50-foot buffer to the larger lots for the 12 houses in question would, at a minimum, produce a 130 foot buffer area.

He next spoke of the equestrian access being requested by the stable owner. Mr. Morris contended that the request is not viable because the stable wants access to the Colter Channel right through the middle of what will be a gated community. He related the two solutions the applicant has proposed as alternatives to that

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route. The proposal is to provide a 10-foot wide trail along the western property line or to provide access along the eastern side of the property. The stable and property owners have amended their earlier request in favor of an access along the Dale Creek wash, which would still cut through the community albeit closer to the western edge. Mr. Morris explained that this wash "is going away" since the water will be piped out of it, partly for the new community and partly to service areas north of the Colter Channel. He closed by saying that the applicant is aware of and appreciates the attraction the stables will hold for some prospective buyers and in no way wants to damage their business as they consider it an asset. He maintained that this is not a land-use matter but a neighborhood viability concern, and a solution is needed on how best to deal with it.

Steven Duncan, an attorney representing Cottonwood Stables, reported that these 43 acres have been in Mrs. Gura's family for 50 years and that their residence is located there along with the stables. He said the stable's amenities offer the community the rural characteristics that preserve the heritage of a western lifestyle and are a welcome oasis to the high-density development that has come to the area. He indicated that what the neighbors are asking of the Board is to keep this proposal as compatible with the existing lifestyle as possible.

Mr. Duncan also addressed the two remaining unresolved issues: equestrian access to Colter Channel from the stables (which included a discourse on Dale Creek's long history and importance as the last natural waterway in the area), and locating two-story homes along the south side of the development (north of the stable) as the developer has proposed.

Mr. Duncan maintained that when Hancock Homes originally presented the site plan to the residents they had no consideration for the area in which they were constructing the homes, their only objective being lot-yield. He suggested that Hancock "flip their plan around" to create a more satisfactory transition between the stable and high density areas by reversing the large and small lots and corresponding one-story vs. two-story home locations. He argued that the two stipulations his client requested be added to the plan: 1. That the equestrian trail be placed according to current use along Dale Creek, and 2. That the largest lots be placed along the stable side (south) and that only single-story homes be built on those lots. He said he believed these were very reasonable requests and indicators of good planning.

In closing, Mr. Duncan said, "We would implore you to consider how difficult it is to attract an asset to the community like the Cottonwood Stables. They have been there serving this community for 21 years. They have hundreds of neighborhood participants and provide a tremendous benefit to the neighborhood. Whereas, it would be quite simple to find a developer that would be willing to come in here and develop this site pursuant to the Planning Commission's stipulations and the two stipulations I just suggested."

Supervisor Brock asked if there had been any proposals on the part of the stable to offer financial assistance regarding aligning the trail through the development.

Mr. Duncan said that the reality is that it is the community that is asking for this access rather than the stable asking for it, and added, "What's the other option?"

Supervisor Brock asked again if there had been any dialogue on financial cooperation for that egress. "I'd like to be clear about that," he added.

Mr. Duncan said he didn't think there had been any dialogue on a financial commitment other than on their willingness to indemnify any insurance issues.

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Mr. Morris responded to a point Supervisor Kunasek introduced, regarding the importance of adding non-vehicular access accommodations in all new developments for pedestrian and equestrian use, by agreeing that there was an emerging need for this to be done. He also pointed out that the Guras are asking for something that they currently do not have -- access to the Colter Channel via the wash which has been fenced at the channel due to the water rechannelization project. If they get access now it will be an added advantage for them brought about through the applicant's rezoning request. They want access along Dale Creek to the channel but he reminded the Board that the creek water will be piped out to be partly used to cover their requirement to retain water on the site. He said that the creek will not be maintained in its natural state but will become a play/picnic area for residents. He added that this would not be conducive to horseback riders, and having horses moving through their play area would not be safe for the children. He explained that the applicant has provided two possible ways for access over their land - ways which do not cut through the gated community but are located on either end of it, either to the east or the west.

Chairman Stapley asked if there were any speaker slips on this case and the Clerk informed him that several people had requested to address the Board.

Jeri Smith, resident, spoke in opposition and read portions of a letter written by another resident, Toby Seiberlich, in which he expressed his concern about changing the zoning requirements. The letter mentioned lowered air quality, higher traffic density and increased noise pollution as well as overcrowded schools that would cause their children's education to suffer. Mr. Seiberlich's letter indicated that Cottonwood Stables is an important source of recreation and employment for area youth and the Stables would suffer a negative impact because of the rezoning and surrounding resident's property values would be lowered as well. Ms. Smith said many of the residents in Veranda I had signed a petition stating that the rezoning would result in a lowered quality of life for their children because it would remove a little bit of wild land in the immediate area.

Cindy Gura, owner of Cottonwood Stables, said one of her greatest concerns is that she was never contacted by Hancock Homes until a neighborhood meeting in Veranda that only two people had attended. She said the first indication of development they had was when heavy equipment was brought in to begin core drilling, which she indicated had spooked her horses. She said that Crown Traffic, current owner of the property, also had not contacted them.

Chairman Stapley asked if she had received a notice in the mail.

She responded that they had gotten a notice of the neighborhood meeting first. He said she should have received notice of the application as well.

Ms. Gura listed several negative impacts that rezoning for a new housing development would cause them, which included having to install a sprinkling system for dust control; invalidating the use of the arena her father had designed and built on the north portion of the ranch; and the unattractiveness of the trail rides because of walls, two-story homes and no creek bed. She stated, "There is no way our riders are going to use a trail like that."

Mr. Gura cited the White Tanks Agua Fria Land Use Plan which he said had been adopted and then continuously amended to accommodate the building of more and more new housing developments. He contended that the area is being dissected by amendments to the Plan to accommodate these new developments and the repercussions are putting a big burden on the people and the communities located within the Plan area. He claimed that changing the zoning would be detrimental to the area, the community and the neighbors, and charged that in the last six to eight years the County has added 20,000 to 30,000

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people to the area by continually amending the White Tanks Plan. He asked if there was also a plan to add more police and firemen to protect those new additions.

Mike Cartsonis, Litchfield Park planner, spoke in opposition. He said this development is within the military impact zone of Luke Air Force Base which the Board has vowed to protect. He stated that it was well known that heavy residential density close to a base can result in complaints being lodged and complaints could cause closure of the base, which is something no one wants to have happen. He alleged that the density of Veranda II is four-times greater than that allowed in the White Tanks Plan of one dwelling per acre, and maintained that state law requires any rezoning to stay consistent with the area general plan. He asked the Board to remain true to its original intent to protect the base by maintaining the low-density zoning.

Jason Morris said that they planned the Veranda II density to be the same as it is in Veranda I, which is at a 1.9 level. He stated that it was clear from the Planning staff's report that this is in compliance with the density levels of the County's plan for this area. He maintained that they are, in fact, below the target density. He indicated that the first neighborhood meeting took place six months ago and there has been ongoing dialogue since that time. He said that proper notices on both the neighborhood meeting and the proposed construction had been sent to the residents.

Discussion ensued on one-story vs. two-story homes on the twelve lots bordering the stable property and on an equestrian trail access on the east rather than on the west, or on both sides to accommodate future expansion of the area. Supervisor Wilson suggested that the stipulation requiring only single-story homes on 12 of the southern lots was reasonable. He proposed a modification to stipulation "f" to allow horse and pedestrian access on both the east and west sides of the community.

Supervisor Wilson remarked that he wanted to protect the stables and said that the Gura's use permit expires in three more years. He asked for assurance that the Guras can extend this permit if they want to do so. Ms. Rich said they can apply and request whatever time extension they choose.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval of this rezoning request subject to stipulations "a" through "r" with the following modification to stipulation "f":

- f. Development of the site shall include **TWO (2)** multi-use trail connection**S, ONE ON THE WESTERN AND ONE ON THE EASTERN PORTION OF THE SITE, BOTH** with equestrian access, from the stable property to the south of the site to the Colter Channel.

MEETING ADJOURNED

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

Don Stapley, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board