

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., August 21, 2002, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; 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

Ryan Burkinshaw, Finance Department, delivered the invocation.

PLEDGE OF ALLEGIANCE

Joy Rich, Director of Planning and Development, led the assemblage in the Pledge of Allegiance.

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

REWARDING IDEAS AWARDS PRESENTATION

Ofelia Abril, Sheriff's Office, recognized County employees who thought of cost effective ideas to save the County money in the performance of their jobs. As a result of implementing these suggestions Maricopa County realized an annual tangible savings of \$36,421.00. In fiscal year 2001-02 employees money-saving ideas yielded Maricopa County close to half a million dollars. She thanked the Board of Supervisors, and management for their support of the Rewarding Ideas Program. (C31020167) (ADM3333-002)

Connie Boyer, County Attorney's Office, improvised the file retention schedule for a \$6,221 savings. She received a \$1,244 check and Certificate of Appreciation.

Peter Zuleger, Facilities Management, replaced obsolete chiller with a heat exchanger for a savings of \$30,200. He received a check for \$2,500 and a Certificate of Appreciation.

Laurel Wickersheim, Parks and Recreation, Certificate of Commendation for a suggestion that improved customer service, employee morale and public relations.

BID OPENING, IMPROVEMENT DISTRICTS

Clerk of the Board, Fran McCarroll, opened and read all bids received for paving the 20th Street Improvement District project. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to hand the bids to the Superintendent of Streets for verification and recommendation of award to the lowest and best responsible bidder. (C64022927) (ADM4302)

PUBLIC HEARING ON BEARDSLEY WATER COMPANY FRANCHISE - CONTINUED

This is the time scheduled for a public hearing on an application filed by Beardsley Water Company for a public service franchise to construct, maintain and operate a domestic water distribution system, consisting of pipe lines, meters, connections, and all necessary equipment within the area of Patton Road and 259th Avenue within Maricopa County. (Recommended continuance to September 18, 2002, due to an error in the legal description and re-publication of the notice.) (F23053)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the September 18, 2002, meeting.

LIQUOR LICENSE APPLICATIONS

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

Application filed by Francesco (Frank) Greco for an Original, Series 12 Liquor License: (F23047)

Business Name: Baci Italian Bistro
Location: 18256 East Williams Field Road, Higley

Application filed by Charles Jones Jr./David Remminger for a Permanent Extension of Premises/Patio Permit: (ADM664)

Business Name: Cocos Bakery Restaurant
Location: 9801 West Bell Road, Sun City

Application filed by Roger D. Kenny for a Special Event Liquor License: (F22997)

Organization: Frohsinn MC Sun Cities/Octoberfest Fund Raiser
Location: 13800 West Deer Valley Drive, Sun City West
Date & Time: Sunday, October 6, 2002; 12:00 noon – 10:00 p.m.

Application filed by Emmett J. FitzPatrick for a Special Event Liquor License: (F22997)

Organization: St. Steven's Catholic Church/Social Gathering
Location: 24827 South Dobson Road, Sun Lakes
Dates: Wednesday, October 16, 2002
Friday, November 8, 2002
Time: 5:00 p.m. – 12:00 midnight

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

ROAD DECLARED (ROAD FILE NO. A255)

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 that the following resolution be adopted: (C64030015) (F23051)

WHEREAS, pursuant to A.R.S. §18-201 through 18-203, on the 24th day of July, 2002, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 130 foot roadway, together with all appurtenances and easements of record, lying within the Southeast Quarter (SE4) of Section Nine (9) and within the Northeast quarter (NE4) of

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

Section Sixteen (16), in Township One (1) South, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway being 65 feet on each side of the following described centerline:

Beginning at the South quarter (S1/4) corner of Section 9 being common to the North quarter (N1/4) of Section 16; Thence, East along their common section line to the terminus of the herein described centerline at the Southeast corner of said Section 9, being common the Northeast corner of said Section 16.

(Said alignment is also known as Elliot Road, from one half (1/2) mile West of Ellsworth Road to Ellsworth Road.)

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

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

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

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

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

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

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

DATED this 21st day of August 2002.

PUBLIC HEARING ON MORRISON RANCH IWDD NO. I-C-02-006

This is the time scheduled for a public hearing, pursuant to A.R.S. §48-261, §48-263, and §48-3422 regarding the District Impact Statement for the proposed Morrison Ranch IWDD No. I-C-02-006, located in the Town of Gilbert in the area generally bounded by Elliot Road on the north, Warner Road on the south, Higley Road on the west and Power Road on the east (map on file in the Office of the Clerk of the Board). At the hearing the Board will hear interested parties who wish to speak for or against the proposed district

FORMAL SESSION
August 21, 2002

and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the person(s) proposing the district to circulate petitions regarding the organization of the district. (ADM4380)

FIREWORKS APPLICATION

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an application filed by Dan Nelson for Sunset Fireworks of Arizona for a Fireworks Display Permit for September 11, 2002, to be held at Anthem by Del Webb, located at Anthem Community Park (between Anthem Way, Whitman Drive and Galvin Parkway). (This is Addendum item A-1) (ADM665)

WORKING HOUR SHIFT DIFFERENTIAL FOR COUNTY ATTORNEY SUPPORT STAFF - COVERAGE FOR JUVENILE COURT ON WEEKENDS AND HOLIDAYS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the request for a \$.35 per working hour shift differential for County Attorney support staff that provide coverage for the Juvenile Court on weekends and holidays. Under Rule 25 of the Arizona Rules of Procedure for the Juvenile Court, the MCAO has 24 hours to file charges from the time a juvenile is detained. As a result, support staff coverage is required on the weekends and holidays. The County Attorney has had extreme difficulties in the recruitment and retention of support staff for these positions. Minimal expenditure is approximately \$1,456 annually to be absorbed in MCAO budget. (C19030038) (ADM400)

FY 2001-2002 FEDERAL ANNUAL CERTIFICATION REPORT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the FY 2001-2002 Federal Annual Certification Report, which accounts for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice. The Federal Annual Certification reports revenue and expenditures through June 30, 2002. Treasury funds are tracked separately from Justice funds. Federal Sharing Agreement is entered into between the Federal Government, the Maricopa County Attorney's Office and the Maricopa County Board of Supervisors. The agreement sets forth requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating agencies (more commonly known as RICO funds). The Federal Annual Certification Report is required within 60-days after the close of Maricopa County's fiscal year. (C19030041) (ADM400)

FEDERAL EQUITABLE SHARING AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Federal Equitable Sharing Agreement valid through September 30, 2005. The agreement sets forth requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating agencies (more commonly known as RICO funds). The Federal Annual Certification Report is required within 60-days after the close of Maricopa County's fiscal year. (C19030061) (ADM400)

**FORMAL SESSION
August 21, 2002**

FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION REPORT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a Federal Equitable Sharing Agreement and Federal Certification Report, accounting for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice, for the period ending June 30, 2002. Treasury funds are tracked separately from Justice funds. Federal Equitable Sharing Agreements are entered into among the Federal Government, the Sheriff's Office, and the Maricopa County Board of Supervisors. The agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon (more commonly known as RICO funds), which are equitably shared with participating agencies. (C50030262)

INTERGOVERNMENTAL AGREEMENT WITH GOODYEAR POLICE DEPARTMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Intergovernmental Agreement between the Sheriff's Office and the Goodyear Police Department, whereby one police officer will be assigned to the Maricopa County Neighborhood Narcotics Enforcement Team. The term of this Intergovernmental Agreement is July 1, 2002, through June 30, 2003. The Sheriff's Office is the administrating agency for the related grant, which was approved by the Board of Supervisors at its July 24, 2002 meeting (C50030033). This IGA will allow the Sheriff's Office to reimburse Goodyear for the costs of one officer assigned to the Enforcement Team (\$72,434). No budget adjustment is required. (C50035013) (ADM3900)

INTERGOVERNMENTAL AGREEMENTS WITH 17 LAW ENFORCEMENT AGENCIES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Intergovernmental Agreements between the Maricopa County Sheriff's Office and the following 17 law enforcement agencies:

- Casa Grande (C50035032)
- Chandler (C50035042)
- Coolidge (C50035052)
- Department of Public Safety (C50035062)
- Eloy (C50035072)
- Fredonia Marshal's Office (C50035082)
- Gilbert (C50035092)
- Glendale (C50035102)
- Goodyear (C50035112)
- Lake Havasu City (C50035122)
- Peoria (C50035132)
- Phoenix (C50035142)
- Mesa (C50035152)
- Pima County Sheriff's Office (C50035162)
- South Tucson (C50035172)
- Surprise (C50035182)
- Youngtown (C50035192)

The agreements are for coordination of the Arizona Methamphetamine Program funded by the Bureau of Justice Programs. The Maricopa County Sheriff's Office has been designated as the pass through

FORMAL SESSION
August 21, 2002

agency for the reimbursement of overtime to these agencies relative to effort expended on clandestine methamphetamine lab cases. The term of these agreements is from July 1, 2002, through December 31, 2003. Each agency is eligible for a reimbursement of up to \$50,000; however, reimbursements are made on a first-come, first-serve basis until the aggregate award amount of \$225,000 is expended. No budget adjustment is required. (C5003502ZZZ)

APPROPRIATION ADJUSTMENT AND BUDGET TRANSFER AND ADDITION TO FLEET OF ONE VEHICLE

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an appropriation adjustment and budget transfer in an amount not-to-exceed \$236,000 from FY 2002-2003 General Government Contingency Fund to the Superintendent of Schools budget, to fund three additional positions, a new vehicle, and related expenses for the Superintendent of Schools Office. The passage of House Bills 2326 (retroactive to 2000) and 2284 (effective August 22, 2002) increased the statutory requirements of the department. HB 2326 will require the addition of a Business Services Manager. HB 2284 will require an Educational Programs Administrator position be added. An Administrative Assistant position will be shared by the two managerial positions (FY 2004 and beyond financial impact will be not-to-exceed \$217,000). Also approve the increase to the vehicle fleet of an intermediate sedan for use by the Superintendent of Schools, pursuant to statutory authorization (ARS §15-301, 15-302, 2002 amendments) and duties regarding school districts, services, and performances. (C37030018) (ADM3800) (ADM3100)

BUDGET TRANSFER

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a budget transfer in the amount not-to-exceed \$82,500 from FY 2002-2003 General Government – Reserved for CY 2003 Fixed Benefit Increases to the Accommodation Schools Program in General Government, to fund the partial year increase in health insurance costs for the Maricopa Regional School District for FY 2002-2003. Also approve an increase in the full year funding of \$165,000 for the increase in employee health insurance costs for Maricopa Regional School District beginning in FY 2003-2004. (FY 2002-2003 cost = \$82,500; FY 2003-2004 cost = \$165,000) (C37030028) (ADM3800)

GRANT FUNDING FROM JUVENILE ACCOUNTABILITY INCENTIVE BLOCK (JAIBG) 2002, YEAR 5, PROGRAM

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the application for, and acceptance, of funding for Maricopa County's "allotment" from the Juvenile Accountability Incentive Block Grant (JAIBG) 2002, Year 5, program in the amount of \$457,064. The project period of this award is from October 2, 2002, to June 30, 2004. Further, authorize Maricopa County to serve as the fiscal agent and project administrator of a partnership involving the County and the cities of Avondale, Chandler, Glendale, Phoenix and Paradise Valley, with contributing city allotments from Affiliated Members Goodyear and Peoria. In addition, authorize Maricopa County Juvenile Probation Department to enter into an Intergovernmental Agreement with the City of Phoenix to accomplish the goals and objectives of this partnership. The JAIBG funds support the furtherance of two programs: Enhancement of Information Sharing (JOLTS), and Expansion of Safe Schools. Approve the receipt of "pooled" funds from the above cities in the amount of \$1,275,410, which requires a 10% cash match of all parties, \$141,712. Overall fiscal administration of the total project costs of \$1,417,122 will be the responsibility of Maricopa County. Authorize the Juvenile Probation Department to collaborate with the Finance Department in the administration of the pooled funds, per the cost-reimbursement methodology requirement of the grant. It has been agreed that Maricopa County and the City of Phoenix will contribute any recovered indirect costs

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

to the pool of funds to sustain established JAIBG Safe School teams. Avondale, Chandler, Glendale and Paradise Valley will transfer funds to the established "pool" for combination with the County match. Juvenile Probation Department funds will provide the required 10% County match -- \$50,785 – and that required for Affiliated Members -- \$2,691 – totaling \$53,476. (C27030023)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to reject claim demands (July 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 \$607,875.64 and ARS §11-622 \$8,043.85) (C39030027) (ADM1804)

**MONTHLY SUMMARY REPORT
July 2002**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Assoc Retina Consultants	775.97	0.00
Associated Radiologists, Ltd	78.00	0.00
Barlingay, Bhagyashree C Md, Pc	0.00	617.29
Canyon Pathology	175.00	0.00
Center For Neurology & Stroke	1,450.00	0.00
Central Arizona Urologists	682.00	0.00
City Of Phoenix Ambulance	3,544.98	0.00
Clinical Diagnostic Radiology	154.00	0.00
Desert Mountain Consultants	0.00	1,960.00
Digestive Hlth Center Of Az	852.85	0.00
Emcare Pnx Emerg Physicians	0.00	394.00
Emergency Physicians Prof Asso	1,022.00	0.00
Good Samaritan Reg Med Ctr	2,427.30	0.00
John C Lincoln Hospital	11,454.85	0.00
Maricopa Health Systems	360,435.61	4,065.46
Medpro	28,832.10	0.00
North Phoenix Heart Center	2,895.00	0.00
Paradise Valley Hospital	378.98	0.00
Paseo Medical Specialists	600.00	0.00
Phoenix Memorial Hospital	51,308.55	0.00
Professional Medical Transport	6,035.45	541.10
Progressive Medical Assoc, Pll	409.00	0.00
Rural Metro Ambulance	1,076.88	0.00
Scottsdale Healthcare Osborn	0.00	12.00
Southwest Ambulance	11,499.45	0.00
St Josephs Hosp Arizona	1,516.74	0.00
St Luke's Medical Center	119,266.18	0.00
Tep @ Phoenix St Luke's	254.75	0.00
Valley Radiologists Ltd	750.00	0.00
Verde Valley Fire Dist Amb Svc	0.00	454.00
Grand Totals:	607,875.64	8,043.85

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

Restitution	0.00
Total Denials:	615,919.49

PERSONNEL AGENDA

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, 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.)

FUNDING AND DEVELOPMENT AGREEMENT WITH DEL WEBB CORPORATION

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute a Funding and Development Agreement between Del Webb Corporation and Maricopa County for the funding and development of the Buckeye Hills Shooting Range Complex. On December 19, 2001, the Board approved entering into a funding and development agreement (C30020335) with Del Webb for the development of the Buckeye Hills Shooting Range Complex. However, during the development of the agreement, some of the terms have changed and been clarified, and Parks has been advised by County Counsel to present the final agreement to the Board for approval. Under this agreement, Maricopa County will enter into consultant and construction contracts for the development, construction and operation of the Buckeye Hills Shooting Range Complex, including the Sheriff's Office Shooting Range and a separate range for public use. As a part of the FY 2003 budget, the Board has allocated \$1,000,000 to initiate this project, with an additional \$1,000,000 planned for FY 2004. The money will be derived from a donation of \$250,000 from Del Webb Corporation upon execution of this agreement and an additional \$250,000 from Del Webb upon award of a construction contract and Notice-to-Proceed for the Sheriff's Department Shooting Range. The general fund capital improvement program will contribute \$400,000 and SCAAP funds will contribute the remaining amount according to the FY 2003 budget. The money will be used for a shooting range design consultant, to be selected in accordance with Article 5 procedures set forth in the County Procurement Code for consultant services contracts of \$250,000 and under. Any money remaining after the obligation for the design consultant will be used for the construction of Buckeye Hills Recreation Area infrastructure and both shooting ranges. (C3002033501)

FUND TRANSFERS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, 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.

SOLICITATION SERIALS

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, 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:

02027-C PROMOTIONAL INCENTIVE II (\$350,000 est./five (5) years)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

To provide a qualifying list of eligible vendors to submit quotes for promotional/incentive items on an as needed basis for various county agencies.

Achievement Prod.	AZ Complete Candy
Arizona Trophy Co.	Awards Unlimited Inc.
BC Graphics Inc.	Bright Star Promotions
Callard Company (The)	Calliope Inc. Arts
Carrano Enterprises	Century Forms Inc.
Custom Imprint	Desert West Gift Prod.
Diamondback Promotions	Executive Greetings
Fine Incentives	Harris Printers
HJ Trophies & Awards	Logostar
Mass	Perfect Touch Inc. (The)
Pinnacle Prints & Embr.	Primo Promos
Print Southwest Inc.	Proven Business Sol 8205
La Cocina Cookbook Co.	Smith-Southwestern Inc.
Snyder Promo Products	Southwestern Business
Spartan Promotional	TerryBerry Co.
VN Products	

02032-C PLUMBING SUPPLIES (\$120,000 est./one (1) year w/four (4) one (1) year renewal options)

Pricing agreement to purchase plumbing supplies for use by various county departments.

- Browns Partsmaster, Inc.

02037-C MAINTENANCE, REPAIR AND OPERATING SUPPLIES (\$510,000 est./two (2) years w/three (3) one year renewal options)

This contract is to establish vendors of record for maintenance, repair and operating supplies for use by various county departments. This is a multiple award contract.

Certex-West	Clark Security Products Inc.
Copper State Bolt & Nut, Co., Inc.	Electric Supply, Inc.
Engineered Plastic Systems, LLC.	Grainger
Graybar Electric, Co., Inc.	Home Depot (No. 477)
Lowes Companies, Inc.	Tri-Tek Electronics

02042-S HVAC COIL AND AIR HANDLER CLEANING (\$3,000,000 est./three (3) years w/3 three one (1) year renewal options)

This contract is to provide cleaning of HVAC coils and air handlers at county facilities as required. This is a multiple award contract and competition will be solicited on all projects estimated to be over \$5,000.

Empire Maintenance Company, Inc.	Fresh Air Systems, Inc.
Mintie Corporation	

02051-C REUSABLE/DISPOSABLE PRISON TRAYS and COVERS (\$3,000.000 est./two(2)years w/three (3)one (1) year renewal options)

This contract will provide reusable/disposable food trays and covers to be used in conjunction with the food rethermalization units purchased for the new jails.

- WNA Hopple Plastics, Inc.

FORMAL SESSION
August 21, 2002

- 02063-C SEDANS, FULL SIZE, POLICE EQUIPMENT PACKAGE (\$1,692,000 est./through current production year)**
Purchase of fifty-six (56) or more full size sedans with police equipment package for use by the Maricopa County Sheriff's Department.
- Five Star Ford

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 October 31, 2004

- 99007-ROQ SEXUAL ASSAULT NURSE EXAMINER (\$1,000,000 est./two (2) years).**
Contract provides nurse examiner for victims and provides investigative assistance, evidence collection and court testimony as necessary as referred by the County Attorney Office. Contract provides nurse examiner for victims of sexual assault and provides investigative assistance, evidence collection, and court testimony as necessary. A nurse examiner conducts the initial examination and if necessary, will refer to others for additional testing.
- Scottsdale Healthcare Hospitals-Osborn

Until December 31, 2004

- 99135-RFP PLAN REVIEW SERVICES (\$601,000 est./ two (2) years)**
To provide plan review services for planning and development to supplement in-house staff as required. The value of this contract is off-set by fee's received from the owners of the plans being renewed. Provides services for Planning and Development Department to supplement in-house staff. The cost of the contract is offset by fees received from the owners of the plans being reviewed.
- Stantec Consulting, Inc.

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

- 98209-X PROPERTY TAX STATEMENTS PRINTING & MAILING**
Increase the value of this contract from \$400,000 to \$650,000. No price increases have been made and the additional funding is due to increased anticipated usage from the Treasurers Office and the Records Office. The Materials Management Director renewed this contract on December 6, 2001, with a value of \$400,000 through March 31, 2003.
- Mountain States Compu-Net, Inc.

- 99217-X PURCHASE & DELIVERY OF BULK FUELS (GASOLINE & DIESEL)**
Increase dollar amount from \$5,940,000 to \$8,940,000. This will permit the continued purchase of fuel through the present contract term of April 30, 2003. The original contract amount was \$5,400,000 approved on April 5, 2000. The Materials Management Director approved an increase of \$540,000 on July 25, 2002.

- Union Distributing Co

01102-SC UNIFORM RENTAL

Increase contract value from \$100,000 to \$250,000 to cover the purchase of uniform rentals for Maricopa County agencies through the end of the contract term of October 31, 2003. The Board of Supervisors approved the original contract on October 17, 2001. McDOT, Flood Control, Telecommunications, Equipment Services, Environmental Services, and Facilities Management uses this contract.

- G & K Services

Sole Source Procurements

- a) A sole source procurement with Argent Software Inc. to provide Argent Job Scheduler maintenance to include technical support 24 hours a day, 7 days a week, upgrades and new releases. Total expenditures will not exceed individual budgetary authorizations. Argent Software Inc. owns the source codes for this proprietary software maintenance and does not allow any other vendor to provide service for the Argent Job Scheduler. Currently, the Argent Job Scheduler is used by the Recorder's Office for maintaining a central log file to track and automate batch jobs based on file transfers from legacy systems. This requirement was advertised in accordance with County's sole source procurement procedures. (C73030021)
- b) A one year sole source procurement to Motorola for the maintenance and support of the County's SmartZone® 800 MHz public safety radio system. This system provides two-way radio communications for the Maricopa County Sheriff's Office and other County departments as well as the cities of Scottsdale, Surprise, Fountain Hills, and Paradise Valley. The system is compliant with APCO Project 16 technical standards, and the Motorola SmartZone® Controller and all related system and radio software are proprietary to Motorola. SmartZone® service includes 24/7 telephone support via Motorola's System Support Center as well as on-site support by trained Motorola technicians. The maintenance request will not exceed the Department of Telecommunications budgetary authorization and this sole source request has been advertised in accordance with the County's sole source procurement procedures. (C73030031)

DONATIONS

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the acceptance of donations made by citizens of Maricopa County through the Business Office of Animal Care & Control (AC&C) in the amount of \$31,680 and \$16,286 in donations that were made through the licensing process for the month of May 2002. Additionally, approve an increase in Animal Care & Control's FY 2003 Agency 792, Fund 572 Expenditure budget in the amount of \$47,966. Donations were received and deposited in FY 2001-2002. (C79030057) (ADM2300)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF GOODYEAR

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an intergovernmental agreement between the City of Goodyear and Maricopa County Animal Care & Control (AC&C). The agreement is to provide the City of Goodyear with animal control field

FORMAL SESSION
August 21, 2002

services as determined by the agreement. The City agrees to pay \$25,783 for basic level enforcement of rabies/animal control in accordance with City Rabies/Animal Ordinance with Leash Law based on full cost recovery for actual level of service. The term of the agreement is from July 1, 2002, through June 30, 2003. (C79030072)

AMENDMENT TO AFFILIATION AGREEMENT WITH UNIVERSITY OF PHOENIX (NURSE PRACTITIONER PROGRAM)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Affiliation Agreement between Correctional Health Services and University of Phoenix (Nurse Practitioner Program), allowing nurse practitioner students to continue the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement would be for one year with three renewable one-year options. There is no financial impact. (C2602001001)

MARKET SALARY INCREASES FOR REGISTERED NURSES, LEAD/CHARGE NURSE, LICENSED PRACTICAL NURSE AND NIGHT SHIFT SUPERVISOR AND "DAY-OFF" DIFFERENTIAL

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve critical market salary increases for Registered Nurse, Lead/Charge Nurse, Licensed Practical Nurse and Night Shift Supervisor positions in Correctional Health retroactive to July 8, 2002. Also, approve an appropriation adjustment and budget transfer in the amount of \$438,392 from FY 2002-2003 General Government, Detention Fund Reserve Item – Compensation Reserve to Correctional Health to the critical market salary adjustments for the Registered Nurse, Lead/Charge Nurse, Licensed Practical Nurse and Night Shift Supervisor position. Also approve a differential ("Day-Off" Differential) for the Registered Nurse, Licensed Practical Nurse, Medical Assistant, and Patient Care Assistant positions in Correctional Health, per Section VIII, Paragraph E of the Maricopa County Compensation Plan effective August 21, 2002, in order to lower the utilization and cost of registry nurses and other registry personnel. (C26030030) (ADM2135)

AFFILIATION AGREEMENT WITH ARIZONA INSTITUTE OF BUSINESS AND TECHNOLOGY (MEDICAL ASSISTANT PROGRAM)

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Affiliation Agreement between Correctional Health Services and Arizona Institute of Business and Technology (Medical Assistant Program). Approval would provide medical assistant students the educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. The agreement would be for one year with four renewable one-year options. There is no financial impact. (C26030040)

AMENDMENT TO NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH CAVE CREEK UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 2 to the non-financial Intergovernmental Agreement (IGA) with the Cave Creek Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start Program with services to preschool children with disabilities who are enrolled in the Head Start program, as specified in ARS §15-761. The amendment includes the use of the facilities at the Desert Sun Elementary School, 27880 North 64th Street, Cave Creek, Arizona. This amendment to the agreement is effective August 22, 2002, through June 30, 2004. (C2202025202)

FORMAL SESSION
August 21, 2002

AMENDMENT TO EXPENSE CONTRACT WITH TOWN OF GUADALUPE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 3 to expense contract with the Town of Guadalupe to increase the reimbursable budget by \$50,000 (from \$256,615 to \$306,615) to provide additional Workforce Investment Act (WIA) summer work experience funds to serve 96 individuals enrolled in the WIA Summer Component. Funding for this agreement is federal grant funding under the WIA provided to Maricopa County by the Arizona Department of Economic Security (ADES). This amendment is effective June 1, 2002. The term of this contract is October 1, 2001, through June 30, 2003. This agreement does not contain any County general funds. (C2202120203)

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 (IGA) between the Maricopa Community College District on behalf of Mesa Community College/Educational Development Training Center and the Human Services Department. The IGA requires the college to provide Head Start staff and parents with educational services, training, and mentoring necessary for acquiring the tools for lifelong success and succeeding in the workplace for an amount not-to-exceed \$28,000. The term of this agreement begins July 1, 2002, through June 30, 2003. This agreement does not include any County general funds. (C22030112)

FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MARICOPA COMMUNITY COLLEGE DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a financial Intergovernmental Agreement (IGA) between the Maricopa Community College District on behalf of the District's colleges and the Human Services Department for the provision of educational services for Head Start program staff and parents. The total contract amount is \$40,000 and the term of the agreement is July 1, 2002, through June 30, 2004. This agreement does not include any County general funds. (C22030662)

INTERGOVERNMENTAL AGREEMENT WITH CAVE CREEK UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) with Cave Creek Unified School District for the provision of food catering to participants in Maricopa County Head Start. The IGA represents a fixed price agreement for \$1,447. The IGA requires Cave 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 IGA. The term of the IGA is August 1, 2002, through September 30, 2003. This agreement does not include any County General Funds. (C22030722)

INTERGOVERNMENTAL AGREEMENTS FOR AT-RISK YOUTH PROGRAMS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve intergovernmental agreements with the following cities/towns to conduct summer youth programs designed to enhance the basic skills of at-risk youth and prepare them for participation in the labor force. Funding for these contracts is provided to Maricopa County through the State funded

**FORMAL SESSION
August 21, 2002**

Summer Youth Training and Employment Program, effective July 15, 2002, through October 30, 2002. These agreements do not contain any County general funds.

- a) City of Tolleson in the amount of \$15,000 to provide job training activities, including occupational training in telecommunications, network cabling, and fiber optics, and job placement for seven economically disadvantaged youths. (C22030852)
- b) City of Glendale in the amount of \$14,000 to provide education and work experiences for 70 economically disadvantaged youths. (C22030862)
- c) Town of Gila Bend in the amount of \$13,150 to provide education, internships, and work experience for 10 economically disadvantaged youths. (C22030872)
- d) City of Chandler in the amount of \$15,000 to provide education and work experiences for 36 economically disadvantaged youths. (C22030882)
- e) City of Tempe in the amount of \$15,000 to provided education and work experiences for 25 economically disadvantaged youths. (C22030892)
- f) City of Peoria in the amount of \$9,400 to provide education and work experiences for 20 economically disadvantaged youths. (C22030902)
- g) Town of Guadalupe in the amount of \$20,298 to implement a creative writing and mosaic art project providing education opportunities for 20 economically disadvantaged youths. (C22030932)

GRANT FUNDING FROM BARBARA BUSH FOUNDATION FOR FAMILY LITERACY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Human Services Department to submit an application for grant funding to the Barbara Bush Foundation for Family Literacy as described on the Notice of Intent to Apply for Outside Funding (NOI) and authorize the Chairman to approve the receipt of any and all such funds awarded. The funding will improve and enhance children and families literacy thereby provides opportunities for their economic self-sufficiency in Maricopa County. All overhead/indirect costs are allowable, and the FY 2001 authorized rate will be applied to this grant. A Grant Agenda Indirect Cost Calculation form, attached to the Notice of Intent, provides detail on indirect cost recovery. The total amount of funds requested will not exceed \$85,000. (C22030953LI)

AMENDMENTS TO CONTRACTS WITH AIDS PROJECT ARIZONA, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the following contracts with AIDS Project Arizona, Inc., for the provision of services to individuals affected by HIV/AIDS.

- a) Provision of HIV nutrition services increasing the contract dollar amount by \$20,000 and replacing the budget narrative, for the period ending February 28, 2003, increasing from \$75,000 to \$95,000. (C8602602101)

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

- b) Provision of HIV wellness services increasing the contract dollar amount by \$35,044 and replacing the budget narrative, for the period ending February 28, 2003, increasing from \$59,956 to \$95,000. (C8602605101)
- c) Provision of HIV targeted outreach (MSM) services increasing the contract dollar amount by \$20,000 and replacing the budget narrative for the period ending February 28, 2003, increasing from \$44,000 to \$64,000. (C8602623101)
- d) Provision of HIV targeted outreach services to African American individuals and families increasing the contract dollar amount by \$15,000 and replacing the budget narrative, for the period ending February 28, 2003, increasing from \$145,000 to \$160,000. (C8602625101)

INCREASE IN REVENUE AND EXPENDITURE AUTHORITY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase in the revenue and expenditure authority for Fund 265 (Public Health Special Funding) and a corresponding reduction in the revenue and expenditure authority from the General Government Waste Management Fund. On July 24, 2002, the Board of Supervisors approved a fee increase for Sexually Transmitted Disease (STD) services from \$10 to \$20 per client. As part of that action, \$135,000 in revenue and expenditure authority was reserved in the General Government Waste Management Fund pending approval of the proposed fee. (C8602170M01) (ADM2150)

AMENDMENT TO CONTRACT WITH PHOENIX CHILDREN'S HOSPITAL

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Phoenix Children's Hospital, for the provision of HIV behavioral health services. The amendment decreases the contract dollar amount by \$1,500. Total funding for the period ending February 28, 2003, will decrease from \$8,000 to \$6,500. (C8602619101)

AMENDMENT TO CONTRACT WITH PHOENIX SHANTI GROUP, INC.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to contract with the Phoenix Shanti Group, Inc., for the provision of HIV behavioral health services. The amendment decreases the contract dollar amount by \$10,000. Total funding for the period ending February 28, 2003, will decrease from \$67,500 to \$57,500. (C8602621101)

ADDITION TO FLEET OF ONE VEHICLE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to allow the Department of Public Health to acquire and return to the County fleet vehicle No. 31007. The cost of the van, not-to-exceed \$9,500, is covered by grant funds and will not affect County general funds. Annual operating and maintenance costs for this vehicle will be absorbed into the Department's FY 2003 operating budget. Future replacement and maintenance of this vehicle will be assumed by the grant and will not require the use of any County general funds. (C8603029M) (ADM3100)

CENTRAL ARIZONA RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to appoint four interim members to the Central Arizona Ryan White Title I Planning Council, two for the term

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

ending February 28, 2003, and two for the term ending February 29, 2004. In addition, approve two designated alternates for the indicated Planning Council Members. Candidate list is on file with the Clerk of the Board's office. (C86030319) (ADM2133)

RYAN WHITE TITLE I PLANNING COUNCIL

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt an amended Resolution regarding the Board of Supervisors' Designee on the Ryan White Title I Planning Council as well as the delegation of day-to-day operational responsibility for the administration of Title I programs. The resolution is amended in two places, replacing "Ryan White CARE Act Amendments of 1996" with "Ryan White CARE Act Amendments of 2000." (C86030326) (ADM2133)

RESOLUTION

WHEREAS, Maricopa County is eligible to receive funding under the Ryan White CARE Act Amendments of 2000, Public Law 101-381, XXVII of the Public Health Service Act.

NOW, THEREFORE, BE IT RESOLVED that the representative appointed by the Board of Supervisors shall serve as the Board of Supervisor's Designee in accordance with Article VIII of the Ryan White Title I Planning Council Bylaws. In this capacity, the Designee shall undertake day-to-day administrative responsibility for the Planning Council. This responsibility shall include:

1. Serving as Planning Council liaison to the Board of Supervisors;
2. Accepting member resignations;
3. Approving member alternates;
4. Appointing interim members to fill partial-term vacancies; and,
5. Directing that technical assistance be provided to Council members and Council committees through the Department of Public Health regarding federal grants policy and CARE Act legislative mandates.

BE IT FURTHER RESOLVED that the Director of the Department of Public Health shall be assigned day-to-day operational responsibility for the administration of Ryan White Title I programs. The responsibilities hereby delegated shall include:

1. The authority to sign the Title I Formula Applications;
2. The authority to sign the Title I Supplemental Applications;
3. The authority to sign the Ryan White CARE Act Amendments of 2000: HIV Emergency Relief Grant Program certifications and assurances; and
4. The authority to sign any and all other assurances required as part of Title I Applications.

DATED this 21st day of August 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

CHANGE ORDER TO CONTRACT WITH HAYDON BUILDING CORP.

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 8 to Contract JE01-03 with Haydon Building Corp. in the amount of \$110,291. This contract is for the construction of the Durango Parking Structure. Change Order No. 8 incorporates

**FORMAL SESSION
August 21, 2002**

various changes required to complete construction and allow occupancy, including additional emergency exit lights. On May 16, 2001, the Board approved award of a general construction contract in the amount of \$8,007,000. The increase is within the project budget. (C4001028103)

NAMING OF JUVENILE RESIDENTIAL TREATMENT CENTER AT DURANGO THE "MARICOPA COUNTY JUVENILE TREATMENT FACILITIES" AND DESIGN OF BUILDING PLAQUE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve naming the new 48-bed juvenile residential treatment center at Durango the "Maricopa County Juvenile Treatment Facilities." This project is currently under construction and scheduled to be completed this calendar year. Also approve the design of a county building plaque pursuant to the Maricopa County Graphics Standard Manual, identifying the currently sitting County Supervisors. (C4003002M) (ADM1400) (ADM148)

CALL FOR BIDS AND AWARD – RENOVATION OF SHERIFF'S SUBSTATION IN AVONDALE

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the architect's estimate for "Renovation of Sheriff's Substation – Avondale". Project No. 2001224899 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 100, Agency 480, Org. 4832, Object Code 0915.01. The scope of the work includes renovation of two restrooms for ADA compliance, HVAC system and electrical service modifications, security system upgrades for the building and equipment storage yard, landscaping, and the addition of needed patrol car parking pavement. (C70030175)

CALL FOR BIDS AND AWARD – EMERGENCY GENERATOR REPLACEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications, authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the Engineer's estimate for the project "Emergency Generator Replacement". Project No. 2001202031 is funded by the FY 2002-2003 Major Maintenance Program budget, Fund 100, Agency 480, Org. 4832, Object Code 0915.01. The existing two forty-year-old emergency generators, and their transfer switches and switch gears, require replacement because increased total electrical power demand is required to meet new life-safety build code requirements, repair parts are almost impossible to obtain, and because they are now in service far beyond their normal life span. These emergency generators provide service to the entire downtown Phoenix Superior Courts and Sheriff's Complex. (C70030195)

CALL FOR BIDS AND AWARD – SECURITY BUILDING BOILER REPLACEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt plans and specifications prepared by the mechanical engineering consultant firm of Bridgers & Paxton Consulting Engineers, Inc., authorize a call for bids, and award a construction contract to the lowest responsible bidder provided that the bid is not more than 10% over the Engineer's estimate for "Security Building Boiler Replacement". Project No. 2001202666 is funded in the FY 2002-2003 Major Maintenance Program budget, Fund 100, Agency 470, Org. 4732, Object Code 0915.01 and Fund 100, Agency 480, Org 4832, Object Code 0915.01. Two of the three existing boilers located in the basement of the Security Building are in need of replacement. Their condition is very poor, they are outdated (vintage 1929 and 1961), and they do not comply with current boiler code requirements. The Security Building is located at 222 and 234 North Central Avenue, Phoenix. (C70030205)

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)

- A079 (CE) Project No: 69010 - Old Mine Road (at the intersection of Cave Creek Rd.) - Public Road Easement - Parcel No. 219-12-n/a - United State of America, acting by and through the Forest Service, Department of Agriculture.
- DD-9354 (TS) R/W Dedication - Warranty Deed – Parcel No. 203-02 - Tract T - Anthem Community Council Inc. - for the sum of \$10.00.
- DD-9354 (TS) R/W Dedication - Purchase Agreement and Escrow Instructions - Parcel No. 203-02 - Tract T - Anthem Community Council Inc.
- HH-1086 (LJS) Project No: 20080 - Quarterline Road (Crismon to Signal Butte Road) - Easement and Agreement for Highway Purposes - Parcel No. 220-18-007 - Terence A. Dutton and Rebecca C. Dutton - for the sum of \$11,677.00.
- HH-1086 (LJS) Project No: 20080 - Quarterline Road (Crismon to Signal Butte Road) - Purchase Agreement and Escrow Instructions - Parcel No. 220-18-007 - Terence A. Dutton and Rebecca C. Dutton.
- HH-1087A (LJS) Project No: 20080 - Quarterline Road (Crismon to Signal Butte Road) - Easement and Agreement for Highway Purposes - Parcel No. 220-18-008A - Myrle Iva McClafin as Trustee - for the sum of \$546.00.
- HH-1087A (LJS) Project No: 20080 - Quarterline Road (Crismon to Signal Butte Road) - Purchase Agreement and Escrow Instructions - Parcel No. 220-18-008A - Myrle Iva McClafin as Trustee.

CONTRACT WITH PBS&J

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an on call consultant services contract for Intelligent Transportation Systems Advanced Traveler Information Services with PBS&J, Contract No. CY 2003-13, in an amount not-to-exceed \$125,000 during the contract period with an option to renew for an additional one-year period. The contract shall be in effect from the date of execution through June 30, 2003. (C64030115)

CONTRACTS FOR ON-CALL CONSTRUCTION (GEOTECHNICAL) SUPPORT SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following contracts for On-Call Construction (Geotechnical) Support. The contracts shall be in effect from the date of execution through June 30, 2003. These support services contracts allows the department to utilize a consultant in a very responsive manner to perform soil borings and evaluations in support of design activities and perform soils and materials testing during the construction phase of various projects.

**FORMAL SESSION
August 21, 2002**

- a) Law Engineering and Environmental Services, Inc., Services, in an amount not-to-exceed \$100,000 during the contract period with an option to renew for an additional one year period. (C64030125)
- b) Speedie and Associates, Inc., in an amount not-to-exceed \$100,000 during the contract period with an option to renew for an additional one year period. (C64030135)
- c) Western Technologies, Inc., in an amount not-to-exceed \$150,000 during the contract period with an option to renew for an additional one year period. (C64030145)
- d) AMEC Earth & Environmental, Inc., in an amount not-to-exceed \$150,000 during the contract period with an option to renew for an additional one year period. (C64030175)
- e) Terracon, in an amount not-to-exceed \$100,000 during the contract period with an option to renew for an additional one year period. (C64030185)
- f) URS Corporation, in an amount not-to-exceed \$100,000 during the contract period with an option to renew for an additional one year period. (C64030275)

INTERGOVERNMENTAL AGREEMENT WITH GILA RIVER INDIAN COMMUNITY (GRIC)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Maricopa County Department of Transportation (MCDOT) and the Gila River Indian Community (GRIC). This agreement transfers the jurisdiction of right-of-way for the sections of 56th Street and Maricopa Road within the borders of the GRIC from Maricopa County to the GRIC. The GRIC has agreed to accept jurisdiction in exchange for 20 years worth of maintenance costs equal to \$454,000. Also, approve the addition of this Project No. 69047, Maricopa Road & 56th Street from Queen Creek TI to GRIC Boundary (Pecos Road alignment), to MCDOT's FY 2003 TIP (CIP), and the transfer of \$454,000 from Project Reserve No. 69998, to establish this project's FY 2003 budget at \$454,000. (C64030162)

ASSIGNMENT OF JUDGMENT NO. CV 95-91971

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the assignment of Judgment No. CV 95-91971 and the execution of the appropriate documents by the Chairman and Clerk. Maricopa County acquired real estate adjacent to Sun Valley Parkway in 1987. The title to the real estate so acquired was insured by First American Title Insurance Company, a California Corporation. Subsequent to acquiring title Maricopa County was sued by a third party who claimed an interest in the real estate. The title insurance company took over defense of the suit, paid off the third party and brought suit in the name of Maricopa County against the party that sold the property to Maricopa County. The title company obtained judgment against Maricopa County's seller and now wishes to have the judgment formally assigned to them. (C64030200) (ADM409)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Phoenix for

**FORMAL SESSION
August 21, 2002**

improvements to 51st Avenue from 1/4 mile North of Dobbins to the Salt River Bridge. This IGA involves two projects from MCDOT's CIP; all of Work Order No. 68943 – 51st Avenue from Broadway to Baseline, and a portion of Work Order No. 68913 – 51st Avenue from the GRIC Boundary to Baseline Road. The City of Phoenix will now assume the responsibility as the lead agency for this project. The County's total financial contribution to this project will not exceed \$2,945,000. Remittance of funding is scheduled upon the latest to occur of the following: (1) completion of the Project design, or (2) completion of annexation of the project right of way; or (3) July 1, 2005, subject to appropriations being made by the County for the fiscal year beginning July 1, 2005. The funding for this IGA is from Work Order No. 68943 – 51st Avenue from Broadway to Baseline Road. (C64030212)

REIMBURSEMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following reimbursements for costs incurred for the design and relocation of facilities in conflict with Maricopa County Department of Transportation (McDOT) projects.

- a) Reimbursement to Saddleback Communications, Project No. 68897, McDowell Road, Pima Freeway to Alma School Road. The cost may not exceed the current estimate of \$14,200 by more than 10%. (C64030225) (ADM200-006)
- b) Reimbursement to Roosevelt Water Conservation District, Project No. 68991, Williams Field Road at Higley Road. The cost may not exceed the current estimate of \$39,905 by more than 10%. (C64030235) (ADM200-006)

ANNEXATIONS OF COUNTY RIGHT-OF-WAY BY THE CITY OF PEORIA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve annexations by the City of Peoria of County right-of-way as follows:

- a) The south 33 feet of Greenway Road from 79th Avenue to 33 feet west of 75th Avenue in accordance with City Ordinance No. 02-33. (C64030245) (ADM4212)
- b) The east 22 feet of the east 55 feet of 75th Avenue from Greenway Road, north approximately 1170 feet, in accordance with City Ordinance No. 02-36. (C64030255) (ADM4212)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

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

CONTRACTS FOR NURSING FACILITY SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following new contracts for the provision of nursing facility services to members of MIHS-HP, effective April 1, 2002, through September 30, 2002. There is no change to the total allocation for Nursing Facilities of \$469,084,277.00, approved by the Board on October 17, 2001, under C60020171.

FORMAL SESSION
August 21, 2002

- a) 24th Street Healthcare Associates, LLC dba Desert Terrace Nursing Center. Desert Terrace was formerly part of the Mariner Post Acute Network Contract C60000631, originally approved by the Board on October 6, 1999, and was sold to an independent owner as the result of the Mariner bankruptcy. The new owner of Desert Terrace agreed to accept the same terms and conditions as those in the amended Mariner contract. (C60030021)
- b) Glendale Healthcare Associates, LLC dba Desert Sky Healthcare and Rehabilitation Center. Desert Sky was formerly part of the Mariner Post Acute Network Contract C60000631, originally approved by the Board on October 6, 1999, and was sold to an independent owner as the result of the Mariner bankruptcy. The new owner of Desert Sky has agreed to accept the same terms and conditions as those in the amended Mariner contract. (C60030031)
- c) Hearthstone of Mesa, LLC dba Hearthstone of Mesa. Hearthstone of Mesa was formerly part of the Mariner Post Acute Network Contract C60000631, originally approved by the Board on October 6, 1999, and was sold to an independent owner as the result of the Mariner bankruptcy. The new owner of Hearthstone of Mesa has agreed to accept the same terms and conditions as those in the amended Mariner contract. (C60030041)
- d) Hearthstone of Sun City, LLC, dba Hearthstone of Sun City. Hearthstone of Sun City was formerly part of the Mariner Post Acute Network Contract C60000631, originally approved by the Board on October 6, 1999, and was sold to an independent owner as the result of the Mariner bankruptcy. The new owner of Hearthstone of Sun City has agreed to accept the same terms and conditions as those in the amended Mariner contract. (C60030050)

AMENDMENT TO McKESSON/HBOC OUTSOURCING AGREEMENT

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 12 to the McKesson/HBOC Outsourcing Agreement (approved as CS 960046) to extend the current agreement through August 31, 2003 (current termination date is August 31, 2002) in accordance with section 11.8 of the contract, to accomplish an orderly transition. Increase the existing not-to-exceed amount of \$91.24 million by \$3,950,000, establishing a new not-to-exceed amount of \$95,190,000. This amendment also sets new service level standards for the contract. (C9098014113)

CONTRACTS (3) FOR POST-PAY COLLECTION SERVICES

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve three new contracts for Post-Pay Collection Services between Maricopa Integrated Health System (MIHS) and the following:

- Bureau of Medical Economics (C90030131)
- CMRE Financial Services, Inc. (C90030141)
- State Collection Services, Inc. (C90030151)

Post-Pay Collection contractors seek reimbursement on patient accounts which have a remaining balance after internal payment collection efforts are exhausted. Contractors are paid on a contingency

FORMAL SESSION
August 21, 2002

basis ranging from 10% to 20% of the amount collected. The percentage paid is based on the percentage collected. These contracts will be in effect for the initial two-year term from September 1, 2002, through August 31, 2004, with an option to extend up to three additional annual periods. The anticipated not-to-exceed amount will be \$1,000,000 for all contracts combined. These contracts may be terminated with 90-day written notice to the other party. (C90030121ZZ)

RE-APPOINT BILL BRUNO TO THE HOSPITAL AND HEALTH SYSTEMS BOARD

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to re-appoint Bill Bruno to the Hospital and Health Systems Board, representing District No. 1. The term of the appointment will be from the date of Board approval through August 31, 2006. (C01030037) (ADM2203)

ROAD FILE DECLARATION HEARINGS SCHEDULED

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to set a hearing for 9:00 a.m., Wednesday, September 18, 2002:

Road File A002: General vicinity of Queen Creek Road from Gilbert Road to Lindsay Road. (C64030325) (F23059)

Road File A215: General vicinity of Stacey Road from 164th Street to Higley Road. (C64030285) (F23060)

Road File A222: General vicinity of 93rd Street from McLellan Road to Jensen Street (alignment). (C64030295) (F23061)

Road File A248: General vicinity of Waterbury road from Culver Street to McDowell road. (C64030265) (F23057)

Road File A254: General vicinity of 90th Street from Adobe Road north a distance of 989.25 feet to the terminus. (C64030315) (F23062)

HEARING SCHEDULED - CODE ENFORCEMENT REVIEW

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to allow oral argument in the review of Hearing Officer's Order of Judgement in the zoning code violation case of Cactus Rose, LLC (in the Arlington area), Case No. V2002-00530. Accordingly a public hearing was scheduled for 9:00 a.m., Wednesday, September 4, 2002. (ADM3417-11)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, 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 September 4, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z98-28; Z2001-159; Z2002-029; Z2002-056.

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (SAN REMO APARTMENTS PROJECT)

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

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 VARIABLE RATE DEMAND MULTIFAMILY HOUSING REENUE REFUNDING BONDS (SAN REMO APARTMENTS PROJECT), SERIES 2002 (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$14,200,000.

INDUSTRIAL DEVELOPMENT AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) 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."

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPLICABLE TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA SINGLE FAMILY MORTGAGE REENUE BONDS, SERIES 2002A, IN AN AGGREGATE AMOUNT NOT-TO-EXCEED \$50,000,000.

MINUTES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held June 17, 19, 24, 27, July 2, 9, 18, and 19, 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 Brock, seconded by Supervisor Wilcox, 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	6847	6854	\$84,551.60
2000	9235	9283	- \$55,558.42
2001	33260	33302	- \$375,623.40
2001	33330	33382	\$7,000.74

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

2001	33571 33579	33578 33596	- \$50,931.86
------	----------------	----------------	---------------

ACCEPT CANVASS OF ELECTION HELD BY SALT RIVER PROJECT

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept canvass of election held July 30, 2002, declaring Wendy Marshall Hancock, Director at Large, Seat 14, Salt River Project Agricultural Improvement and Power District. (ADM4306)

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - CLERK OF THE BOARD OF SUPERVISORS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Richard Wallace and Colette Meisner as limited special deputy clerk in matters related to improvement districts, in the Office of the Clerk of the Board of Supervisors. (ADM700) (ADM4301)

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the request for 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
Robert Hayes	00320556611	Expense	\$1,895.12
J.L. Hammett, Inc.	00320539190	Expense	\$199.83
Shalanda Marie Looney	C003311	Payroll	\$1,414.91
Allegiance Healthcare Corp	320541352	Expense	\$1,533.22

SCHOOL

Name	School	Warrant	Amount
Craig R. Williams	Mesa	72-0050037	\$32.94
Walter Diebolt	Roosevelt	12-0151016	\$540.91
Heinfeld & Meech PC	EVIT	42-0125760	\$13,209.93
Amy Young	Dysart	12-0153369	\$107.83
Amy Young	Dysart	12-0157897	\$215.66
Blanca Garcia	Isaac	12-0155334	\$154.00
Randolph M. Ross	Mesa	72-0090681	\$1,371.25
Cesar V. Calderon	Mesa	73-0001592	\$442.14
World Almanac Education	Pendergast	42-100695	\$247.23
Quality Sanitary	EVIT	42-0150266	\$54.32
Beavins Rentals	EVIT	42-0151242	\$68.56
Nancy Franco	Isaac	12-0131222	\$469.76
Mary-Beth Kobs/Full Spectrum	Buckeye Elementary	43-0003100	\$350.00
Mary-Beth Kobs/Full Spectrum	Buckeye Elementary	43-0004048	\$700.00
Donald Wade	Isaac	13-0018297	\$967.45

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

Accept the requested write-offs as payment in full for the following cases: (Discussed in Executive Session held August 5, 2002.) (ADM407)

Crystal Maynard	\$ 16,020.45
Leo James Reed	623.17
Listing of deceased patients/April 1993 through June 2000	281,747.29

ADDENDUM

WITHDRAWN CHIEF COMMUNITY SERVICES OFFICER, Planning and Development – Approve legal enforcement against Michael S. Walker, Sr., Michael S. Walker, Jr., Gerald Walker, owners of an illegal trailer park located at 4015 South 345th Avenue, pursuant to Code Enforcement Violation Case V2001-00701, in the Tonopah area of Maricopa County. (Discussed in Executive Session on August 19, 2002.) (C44030030)

This item was withdrawn by the department.

PUBLIC COMMENT

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

SUPERVISORS' COMMENTS

Supervisor Kunasek announced that residents of District 3 were invited to the District's breakfast meetings held on the first Friday of each month have been moved to the Perkins Restaurant at 33rd & Bell. The speaker at the September 7, 2002, meeting will be Dr. Peter Kelley, former head of the Infectious Disease section at MIHS (Maricopa Integrated Health Systems) and more recently a governmental advisor on bio-terrorism in Washington D.C. (ADM606)

Supervisor Brock spoke to the pending baseball strike and reminded all that Bank One Ballpark was built from public funds by Maricopa County's Stadium District. He congratulated the Diamondback's team and owners on the outstanding effort and progress they have made since their beginnings five years ago, culminating in the World Series championship in 2001. He said that a strike would impact Maricopa County, Phoenix and many small and large vendors, and he hoped the players' union will reconsider. Chairman Stapley said these sentiments are shared by all members of the Board.

Supervisor Wilcox congratulated Dr. Weisbuch and the Public Health Department and the work they do for the public good at their pre-school clinic held recently at Christown Mall. She said she had walked in unsuspecting but had been pleasantly surprised and impressed at how smoothly it is run. She also mentioned that 12 years ago she and her husband started a program called "Late Night Basketball" and they expanded it to many of the small towns and cities in District 5, which she represents. The summer program works with 500 youths ranging in age from 9 through 18. The finals are being played at this time, and will culminate in a Labor Day Tournament and banquet. She invited all to attend.

Supervisor Wilson reminded everyone to be safety-minded over the Labor Day Weekend. He said that the Board wants residents to enjoy the County's parks and lakes but asked them to leave the alcohol at home and to have a safe and sober holiday.

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).

REGULAR AGENDA DETAIL:

1. **Z2001-126** **District 2**
 Applicant: Land Use Services for Raymond & Deniece Burden and Todd Burden
 Location: Southwest of the southwest corner of Thomas Road and Val Vista Road (in the east Mesa area)
 Request: Special Use Permit for a wireless communications facility in the Rural-43 zoning district for B & B Farms (0.057 acres)

COMMISSION ACTION: Commissioner Gulbrandsen moved to recommend approval of Z2001-126, subject to the following stipulations “a” through “r”. Commissioner Munoz seconded the motion, which passed with a majority vote of 5-1, with Commissioner Pugmire dissenting.

- a. Development of the site shall comply with the site plan entitled “B & B Farms” consisting of eight (8) full-size sheets, dated revised March 26, 2002 and stamped received March 29, 2002, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled “B & B Farms” consisting of 15 pages dated revised April 29, 2002 and stamped received April 29, 2002, except as modified by the following stipulations.
- c. Prior to zoning clearance, the applicant shall either dedicate for an ultimate half-width right-of-way of 65’, or a 55’ dedication plus recordation of a 10’ public utility and facilities easement (P.U.F.E.), for Val Vista Drive and Thomas Road along the entire length of the parent parcels.
- d. Parking spaces shall meet EPA requirements for dust control.
- e. The driveway shall be paved within County right-of-way.
- f. The height of the monopole, including any attachments, shall be limited to 100’.
- g. The site shall be screened with a 6’ high block wall and all ground equipment shall be a maximum of 6’ in height. A revised site plan shall be submitted within 30 days from Board of Supervisors approval, and prior to zoning clearance.
- h. The applicant shall submit a written report outlining the status of the development at the end of five years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.

FORMAL SESSION
August 21, 2002

- i. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements, including the monopole, shall be removed within 60 days of such termination or expiration.
- j. An administrative amendment (slight refinement to the site plan) shall be required to co-locate future carriers on the monopole.
- k. Prior to zoning clearance, a signed and recorded access easement shall be provided.
- l. Prior to zoning clearance, the two parcels shall be legally combined and recorded documentation provided.
- m. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Maricopa County Flood Control District may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- o. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original 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.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- q. Any antenna arrays being placed on this monopole shall be of a minimum size (maximum array width of four feet center-to-center of antennae) and under no circumstances are large catwalk types of antenna arrays to be installed.
- r. The monopole shall have a rustcore finish or a dulled finish so as to not reflect light and in order to mitigate glare and visual impact.

Joy Rich, Director of Planning and Development, informed the Board of action taken on this item by the Planning Commission. She said this proposed monopole tower would be 100 feet in height and able to house four carriers. The Mesa General Plan currently designates this site as residential but will change this to a mixed-use development area in updating their general plan as suggested by the Growing Smarter plan. She indicated that the City of Mesa has been very involved with this request and in working with the applicant and the County and that Mesa is strongly opposed to it and recommends denial of the special use permit. The city maintains that it is speculative in nature because the applicant has no commitments from any carriers who would use the tower and they also feel that opportunities for co-location have not been fully explored. On June 6, 2002, the Planning Commission asked the applicant to get letters from carriers indicating their interest in using the tower. She said that the responses received by the applicant indicate only general interest in locating on this site. The applicant was also asked to meet with ADOT (Arizona Department of Transportation) and SRP (Salt River Project) to determine if their facilities were usable in co-

FORMAL SESSION
August 21, 2002

location but the applicant was unable to present any letters of response from them to the Planning Commission. The Planning Commission approved this request with one dissenting vote, staff recommends denial as does the City of Mesa.

Rulon E. Anderson appeared before the Board representing both the applicant, ALBS Wireless Services, and the landowners, B&B Farms. Mr. Anderson said that the applicant is a build-to-suit tower owner. This allows a cellular carrier to locate in an area that would not be detrimental to the surroundings. He said that this 100 ft. pole would allow for four carriers and would prevent the non-proliferation of poles in the district. He distributed four photos showing carrier poles to illustrate "what Mesa typically tends to allow in their area" and said that with all of this there are still gaps in coverage. He explained that there will be added coverage gaps through the area once the 202-Freeway opens additional lanes in November and the adjoining areas begin to develop. He said that this application would provide a facility that would cover much of that gap.

Discussion ensued on other applications filed for carriers on existing power poles as well as applications for new poles with only one carrier on them that have all been approved by Mesa or are in the approval process. In responding to a question, Mr. Anderson said they had not applied to use the ADOT poles already in place along the freeway because those poles are only 30 feet tall, which makes them too short to provide coverage. There are similar coverage problems involving the placement angles of existing SRP poles that would restrict their use. He explained that ADOT will only approve one carrier per pole which forces the proliferation of poles in an area, something he doesn't approve of and the reason they propose one pole with four carriers. He indicated that he has discussed these restrictions with the Planning Commission and the planning staff as well as with planners for the City of Mesa. He also explained the differences between the true and adulterated definitions of co-location. He said there are no viable co-location sites that would provide for the number of carriers that will have to come to that area to provide good coverage.

He explained that they are trying to proactively approach the process but because they have no carriers signed up to use the tower they have no protection from the federal Telecommunications Act of 1996 and without this protection no one is willing to back their proactive stance.

Chairman Stapley said that he drives the freeway through this area daily and is always losing calls because of lack of coverage. He realizes that there is a compelling need to resolve this issue and is concerned about the lack of communication between Mesa and the County, which he feels is a partial cause of the confusion. He said that because it is an important case he felt it would be better to take additional time on it in order to "get it right." He suggested that this case be continued so the applicant can get additional information on Mesa's opposition, co-location, existing verticality and on the issue of demand so that the Board has a clear understanding of the whole picture before making a decision. He indicated that he did not foresee Board approval for this request unless the applicant could produce some carriers who would commit to that location. He asked Mr. Anderson to resolve these issues and return after "a two week cooling-off period."

Supervisor Wilson expressed his concerns about 100 foot poles as well as the shorter poles used by utility companies. He said that it is difficult because, "nobody wants the poles around but everyone wants power." He indicated that the proposed heights of the taller poles, the idea of putting poles wherever they want them and of erecting poles without being able to justify service would justify his disapproval of this matter, unless Mr. Anderson could answer the concerns that have been voiced.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this matter to the September 4, 2002, meeting.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 21, 2002**

MEETING ADJOURNED

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

ATTEST:

Don Stapley, Chairman of the Board

Fran McCarroll, Clerk of the Board