

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
October 16, 2002**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., October 16, 2002, in the Board of Supervisors' Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman; Fulton Brock, Vice Chairman; Andy Kunasek (arrived late), 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**

Michelle Beasley, Clerk of the Board's Office, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Norma Risch, Deputy Clerk of the Board, led the assemblage in the Pledge of Allegiance.

**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:

- a) Application filed by Hector Manuel Ocon Nunez for Person-to-Person Transfer of a Series 6 Liquor License from Michael L. Gauvin: (F23070)

Business Name: Shooting Star Saloon  
Location: 4220 West Southern Avenue, Phoenix

- b) Application filed by Melvin L. Woodworth for a Special Event Liquor License: (F22997)

Business Name: Fountain of Life Lutheran Church  
Location: 15630 Del Webb Blvd., Sun City  
Date and Time: Sunday, October 27, 2002; 3:00 p.m. – 6:00 p.m.

Motion carried by majority vote (3-1-1) with Supervisors Stapley, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no." (Supervisor Kunasek was not present for the vote.)

**ROAD DECLARED (ROAD FILE NO. A195)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030555) (F22959)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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:

Three (3) roadways of a variable widths, together with all appurtenances and easements of record, lying within the Northwest quarter (NW4) of Section Eight (8), within the Northeast quarter (NE4) of Section Seven (7), and within the Southwest quarter (SW4) of Section Five (5) all in, Township Six (6) North, Range Three (3) East, of the Gila and Salt River

Base and Meridian, Maricopa County, Arizona, said roadways are described in Twelve (12) Parcels as follows:

**Parcel 1:**

The South 31.25 feet of the Northeast quarter of the Northwest quarter of the Northeast quarter (NE4 NW4 NE4) of said Section 7;

**Parcel 2:**

The North 31.25 feet of the Southeast quarter of the Northwest quarter of the Northeast quarter (SE4 NW4 NE4) of said Section 7;

**Parcel 3:**

A parcel of land of a varying width lying within the Northeast quarter of the Northeast quarter (NE4 NE4) of said Section 7, the centerline of said parcel is described as follows: COMMENCING at the Southeast corner of the Northeast quarter of the Northeast quarter of the Northeast quarter (NE4 NE4 NE4) of said Section 7 from which the Northeast corner of said Section bears North 00°18'29" East a distance of 659.97 feet; THENCE, on a width of 77.50 feet lying 31.25 feet North and 46.25 feet South of the this herein described centerline, North 85°04'00" West a distance of 400.54 feet, to the terminus of this herein described 77.50 foot width, and the beginning of a 101.50 foot width, lying 55.25 feet North and 46.25 feet South of this herein described centerline; THENCE, continuing along said centerline, North 85°04'00" West a distance of 567.86 feet, to the terminus of this herein described 101.50 foot width, and the beginning of a 62.50 width, lying 31.25 feet North and South of this herein described centerline; THENCE, continuing along said centerline, South 70°54'00" West, a distance of 254.79 feet more or less to the south line of the North half of said NE4 NE4; THENCE, continuing along said centerline and along said south line West to the southwest corner of said N2 NE4 NE4, and the terminus of this herein described centerline and 62.50 foot width; the north and south lines of said 101.50 foot width and said 62.50 foot width, are to be lengthened or shortened as the case may be so as to intersect on the north and south lines of said widths.

**Parcel 4:**

The East 40 feet of the Northeast quarter (NE4) of said Section 7.

**Parcel 5:**

The West 40 feet of the Northwest quarter (NW4) of said Section 8.

**Parcel 6:**

The South 31.25 feet of the North half of the Northwest quarter of the Northwest quarter (N2 NW4 NW4) of said Section 8; EXCEPT, the West 40 feet and East 31.25 feet, thereof;

**Parcel 7:**

The North 10 feet of the South 41.25 feet of the West 292.38 feet of the North half of the Northwest quarter of the Northwest quarter (N2 NW4 NW4) of said Section 8; EXCEPT, the West 40 feet, thereof;

**Parcel 8:**

The North 31.25 feet of the South half of the Northwest quarter of the Northwest quarter (S2 NW4 NW4) of said Section 8; EXCEPT, the West 40 feet and the East 31.25 feet, thereof;

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**Parcel 9:**

The East 31.25 feet of the West half of the Northwest quarter (W2 NW4) of said Section 8;

**Parcel 10:**

The West 31.25 feet of the East half of the Northwest quarter (E2 NW4) of said Section 8;

**Parcel 11:**

The North 40 feet of the East half of the Northwest quarter (E2 NW4) of said Section 8;

**Parcel 12:**

The South 20 feet of the East half of the Southwest (E2 SW4) of said Section 5;

**Parcel 13:**

The South 20 feet of the East 31.25 feet of the West half of the Southwest quarter (W2 SW4) of said Section 5;

(Said alignment is also known as Circle Mountain Road, from 13th Avenue to 3rd Avenue, from 3rd Avenue to New River Road, and a portion of 7th Avenue, from Calvary Road to Circle Mountain Road, and portion of 3rd Avenue, from Calvary Road to Circle Mountain 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.

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**DATED** this 16<sup>th</sup> day of October 2002.

**ROAD DECLARED (ROAD FILE NO. A233)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030525) (F23073)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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 60 foot roadway, together with all appurtenances and easements of record, lying within the Southeast quarter (SE4) of Section Thirty-two (32), in Township Two (2) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 30 feet of the North half of the Southwest quarter of the Southeast quarter (N2SW4SE4) of said Section 32; and,

The West 30 feet of the North half of the Southeast quarter of the Southeast quarter (N2SE4SE4) of said Section 32

(Said alignment is also known as 82<sup>nd</sup> Street, from Southwest corner of the N2SE4SE4 (End of Maintenance) North to Palm Lane, lying in Supervisor District No. 2)

**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

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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 16<sup>th</sup> day of October 2002.

**ROAD DECLARED (ROAD FILE NO. A236)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030505) (F23074)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest quarter (NW4) of Section Eleven (11), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 30 feet of the West half of the East half of the Northwest quarter (W2E2NW4) of said Section 11; and,

The West 30 feet of the East half of the East half of the Northwest quarter (E2E2NW4) of said Section 11.

(Said alignment is also known as 103rd Street, from McLellan Road northerly to McKellips Road, lying in Supervisor District No. 2)

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

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

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

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

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

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

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

**DATED** this 16<sup>th</sup> day of October 2002.

**ROAD DECLARED (ROAD FILE NO. A237)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030535) (F23075)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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 80 foot roadway, together with all appurtenances and easements of record, lying within the South half (S2) of Section Eleven (11), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The East 40 feet of the Southwest quarter (SW4) of said Section 11, lying north of the north right-of-way line of the Signal Butte Floodway, as recorded in Docket 14294, page 724, Maricopa County Records; and,

The West 40 feet of the Southeast quarter (SE4) of said Section 11, lying north of the north right-of-way line of the Signal Butte Floodway, as recorded in Docket 14379, page 840, Maricopa County Records.

(Said alignment is also known as 104<sup>th</sup> Street, from the Signal Butte Floodway northerly to McLellan 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

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

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

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

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

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

**DATED** this 16<sup>th</sup> day of October 2002.

**ROAD DECLARED (ROAD FILE NO. A238)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030545) (F23076)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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 80 foot roadway, together with all appurtenances and easements of record, lying within the East half (E2) of Section Five (5), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 40 feet of the Southwest quarter of the Northeast quarter (SW4NE4) of said Section 5; and,

The North 40 feet of the Northwest quarter of the Southeast quarter (NW4SE4) of said Section 5.

(Said alignment is also known as Hermosa Vista Drive, from 80th Street to 82nd Street.)

**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

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**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 16<sup>th</sup> day of October 2002.

**ROAD DECLARED (ROAD FILE NO. A239)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C64030515) (F23077)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 18<sup>th</sup> day of September, 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 50 foot roadway, together with all appurtenances and easements of record, lying within the South half of the Northwest quarter (S2NW4) of Section Eleven (11), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway is described as follows:

The South 25 feet of the Northeast quarter of the Southwest quarter of the Northwest quarter (NE4SW4NW4) of said Section 11; and,

The South 25 feet of the Northwest quarter of the Southeast quarter of the Northwest quarter (NW4SE4NW4) of said Section 11; and,

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The North 25 feet of the Southeast quarter of the Southwest quarter of the Northwest quarter (SE4SW4NW4) of said Section 11; and,

The North 25 feet of the Southwest quarter of the Southeast quarter of the Northwest quarter (SW4SE4NW4) of said Section 11; and,

(Said alignment is also known as Iris Road, from 101st Street to 103rd Street.)

**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 16<sup>th</sup> day of October 2002.

~ Supervisor Kunasek entered the meeting ~

**RESOLUTION – RENEWAL OF INTERGOVERNMENTAL AGREEMENT WITH CITY OF CHANDLER FOR CHANDLER/MARICOPA COUNTY ENTERPRISE ZONE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to adopt a resolution authorizing renewal of an Intergovernmental Agreement with the City of Chandler for the Chandler/Maricopa County Enterprise Zone. The renewal period is for five years from October 22, 2002, through October 21, 2007. The member of the Board of Supervisors representing the supervisorial district which includes the City of Chandler shall be designated as the Maricopa County representative on

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the Chandler/Maricopa County Enterprise Zone Commission. Originally approved as C32980262. (C06030022) (ADM106)

**RESOLUTION**

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA PROCLAIMING APPROVAL AND SUPPORT FOR THE RENEWAL OF THE CITY OF CHANDLER/MARICOPA COUNTY ENTERPRISE ZONE and THE APPROVAL AND SUPPORT FOR THE RENEWAL OF THE INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF CHANDLER AND THE COUNTY OF MARICOPA.**

**WHEREAS**, Maricopa County is desirous of continued economic growth within the City of Chandler; and

**WHEREAS**, Maricopa County is of the opinion that the continuation of the City of Chandler/Maricopa County Enterprise Zone will continue to attract businesses and industries who will invest capital improvements, which will create or retain jobs within said Zone; and

**WHEREAS**, Maricopa County approves and supports the continuance of the Intergovernmental Agreement between the City Chandler and the County of Maricopa relating to the City of Chandler/County of Maricopa Enterprise Zone executed October 24, 1997.

**NOW, THEREFORE, BE IT RESOLVED** that Maricopa County approves and supports the continuance of the City of Chandler/County of Maricopa Enterprise Zone.

**DATED** this 16<sup>th</sup> day of October 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**APPEAL**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to authorize appeal of Maricopa County Sheriff's Office v. Maricopa County Employee Merit System Commission and Daniel Juarez, Cause No. CV 2002-001305. (Discussed in Executive Session on September 30, 2002.) (C1903011M) (ADM413)

**AMENDMENT TO AGREEMENT FOR LEGAL SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an Amendment No. 3 to the agreement for legal services between Maricopa County and Hebert, Schenk & Johnsen, by Shawn Aiken and Barbara Lee Caldwell (C1900018101). The agreement as first amended April 18, 2001, allows for additional legal and support services to be provided through an association or co-counsel arrangement with Meyer, Hendricks & Bivens with prior approval by the County Attorney's Office. The pending second amendment approves a schedule of rate changes for the services provided by Meyer Hendricks & Bivens, effective July 1, 2002, with a maximum hourly rate for senior partners of \$385 per hour. It also authorizes the expenditure of \$1.5 million for FY 2002-2003 from the Health Care Mandates budget. (C19030131) (C1900018103)

**GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION**

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve receipt of grant funds from the Arizona Criminal Justice Commission (ACJC) for the FY 2002-2003 Gang Prosecution Program in the amount of \$500,805. These funds are to enhance efforts to prosecute gang offenders. This grant agreement, ACJC number GP-03-092, will commence on July 1, 2002, and will terminate on June 30, 2003. The grant funds may not be expended for any indirect costs which may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. This award has been previously budgeted for FY 2002-2003. By approving this agenda item, the Board will be authorizing the reduction of grant funding that was budgeted, thus causing a budget amendment to be authorized. This amendment will decrease the County Attorney's revenue and expenditure levels for FY 2002-2003 by \$25,486. 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. (C19030143)

**FILING OF LAWSUIT AGAINST SEIPALM MOBILE MEDICAL, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the filing of a lawsuit and any other appropriate action against Seipalm Mobile Medical, Inc., or any other entity or individual related thereto, to recover any and all funds erroneously or inaccurately paid thereto with regard to phlebotomy services, phlebotomy related services, or administrative services related to phlebotomy. (Discussed in Executive Session on September 16, 2002.) (C19030150) (ADM413)

**EXPENDITURE AND TRANSFER - NEW JAIL PRE-BOOKING SYSTEM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an expenditure and transfer of \$154,601 from the FY 2002-03 General Government, Detention Fund Appropriated Fund Balance, Reserve Item to a new Appropriated Fund Balance Program - New Jail Pre-Booking System for the purchase of software and hardware associated with the New Jail Pre-Booking System. (C5003035M) (ADM3900)

**EXPENDITURE AND TRANSFER - SHERIFF'S OFFICE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an expenditure and transfer of \$476,088 from FY 2002-2003 Detention Fund Appropriated Fund Balance, Reserve Contingency to a new Detention Fund Appropriated Fund Balance Program - Sheriff's Office Records Management System; and an expenditure and transfer of \$1,110,873 from General Fund Appropriated Fund Balance Reserve Contingency to a new General Fund Appropriated Fund Balance program—Sheriff's Office Records Management System for the purchase of a Records Management System (RMS). (C50030370) (ADM3900)

**PERSONNEL AGENDA**

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

**TERMINATION OF USE MANAGEMENT AGREEMENT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the termination of the Use Management Agreement between Maricopa County, the Flood Control

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District, and Pegasus, Inc. for the Valley of The Sun Marathon Event at the East Maricopa Floodway. After staging this event over the past two years, Pegasus Productions, LLC, as well as the Parks and Recreation Department, are now requesting to terminate this use management agreement because it no longer meets the particular needs of either party. Paragraph 13, "Voluntary Termination," of the agreement, provides an acceptable avenue for accomplishing this mutual goal. If approved, the termination would be retroactively effective as of March 11, 2002, and would absolve both parties from any future obligations for this event, under the terms and conditions of this agreement. (C30010190YY)

**FUND TRANSFERS**

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

**REZONING OF COUNTY OWNED PROPERTIES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the rezoning of County owned properties located at 79th Avenue and Mountain View Road, Peoria, Arizona, and at 115th Avenue and McDowell Road, Avondale, Arizona and authorize staff to submit an application for rezoning and to execute all documents required for the rezoning of the properties. (C1803007B) (ADM810)

**SOLICITATION SERIALS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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**

- 02087-C ROAD GRADERS, 125 HP AND TRADE-IN OF CATERPILLAR 120 HP GRADERS (\$187,536/est one (1) year)**  
Purchase of three 125 HP Road Graders for MCDOT. These units will be utilized for road maintenance and construction. The stated contract value includes the deduction for the residual trade-in value and disposal of the following 3 Road Graders:
1. 1998 Caterpillar 120 HP, County #33, Serial 2ZK01338, residual value \$86,000
  2. 1998 Caterpillar 120 HP, County #35, Serial 2ZK01356, residual value \$86,000
  3. 1998 Caterpillar 120 HP, County #37, Serial 2ZK01359, residual value \$86,000
- Empire Machinery
- 02088-C ROAD-GRADER, 160 HP AND TRADE-IN OF 140 HP ROAD GRADER (\$63,656/est one (1) year)**

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Purchase of one (1) 160 HP Road Graders for MCDOT. This unit will be utilized for road maintenance and construction. The stated contract value includes the deduction for the residual trade-in value and disposal of the following one (1) Road Grader: 1998 Caterpillar 140H, County #35, Serial 2ZK02904, residual value \$120,400

- Empire Machinery

**02092-C VETERINARY SUPPLIES** (\$120,000/est one (1) year with four (4) one (1) year renewal options).

Purchase of various veterinary supplies for use by the County's East and West side animal shelters.

- Fort Dodge Laboratories Div of AM Home Products Inc.
- MWI Veterinary Supply Co.
- Tradewinds Trading Co Inc/TW Medical

**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, 2003:**

**00147-E QUALIFYING BID, PICKUPS, SUV'S SUBURBAN TYPE VEHICLES, 19000# AND UNDER (\$2,350,000/est one (1) year)**

One year extension to purchase SUVs of various types for Maricopa County departments. Quotations will be issued for budgeted vehicles to Vendors approved under the terms of this agreement.

**RENEWAL OF KENNEL PERMIT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewal for Patricia Clark, dba Clark Kennels, 6422 South 35<sup>th</sup> Avenue, Phoenix, Permit No. 350 for the term of October 16, 2002, through October 15, 2003. (C7903016C) (ADM2304)

**AMENDMENT TO AFFILIATION AGREEMENT WITH ARIZONA SCHOOL OF HEALTH SCIENCES (PHYSICIAN ASSISTANT PROGRAM)**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Affiliation Agreement between Correctional Health Services and Arizona School of Health Sciences (Physician Assistant Program). Approval provides students enrolled in the Physician Assistant Program an educational opportunity to work in a supervised, clinical environment within the Maricopa County jail and detention facilities. This amendment extends the term of the agreement one year from October 1, 2002, through September 30, 2003, with three remaining renewable one-year options. There is no financial impact. (C2602003001)

**APPROPRIATION ADJUSTMENT AND BUDGET TRANSFER**

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an appropriation adjustment and budget transfer from FY 2002-2003 General Government Detention Fund Contingency – Detention Fund Operating to Correctional Health Services in an amount of \$1,000,000 to fund FY 2002-2003 payments of specific laboratory bills and durable medical equipment bills. Also approve budget adjustments to decrease the Eliminations Revenue and Expenditure Budget to account for this internal expense and revenue. The Health Care Delivery System (HCDS) FY 2002-2003 revenue budget includes this revenue source; therefore no budget adjustment to HCDS is needed. (C26030050) (ADM2131)

**AMENDMENT TO SOLE SOURCE PROCUREMENT WITH JOHNS HOPKINS UNIVERSITY**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to the sole source procurement approval with Johns Hopkins University to increase the maximum approval amount from \$39,500 to \$43,000. The Department has purchased the Career Transcript System for use by the Human Services Department Workforce Development Division. (C2202138101)

**AMENDMENT TO CONTRACT WITH DELTA DENTAL PLAN OF ARIZONA**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to contract with Delta Dental Plan of Arizona for the provision of pre-paid dental services to individuals affected by HIV/AIDS. The amendment increases the enrollee reimbursement rate from \$26.44 to \$64.33. All other terms and conditions of the original contract remain in full force and effect. (C8602600101)

**TRANSFER IN REVENUE AND EXPENDITURE APPROPRIATIONS – PUBLIC HEALTH DEPARTMENT**

Having found that such transfer is in the public interest and based on a demonstrated need, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize a transfer of \$298,498 in revenue and expenditure appropriations from the General Government Fund (470-210) to the Public Health Department (Fund 265) for FY 2002-2003, and approve a corresponding increase in the Public Health Department's revenue and expenditure budget to support the creation of 8.0 FTE Registrars and 2.0 FTE Epidemiologists to meet the new State of Arizona requirements regarding vital records. (C86030288) (ADM3426) (ADM2150)

**TRANSFER FROM GENERAL GOVERNMENT GENERAL FUND CONTINGENCY - PUBLIC HEALTH DEPARTMENT**

Having found that such transfer is in the public interest and based on a demonstrated need, motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize a transfer of \$105,862 from General Government General Fund Contingency to the Public Health Department (Fund 100) for FY 2002-2003, and approve a corresponding increase in the Public Health Department's expenditure budget to be used to support the creation of 3.0 FTE Tuberculosis Control Nurses, starting on approximately November 1, 2002. The annualized cost for the nurses will be \$158,793 in FY 2003-2004. The request is prompted by an increasing tuberculosis caseload in Maricopa County. (c86030858) (ADM2150)

**CHANGE ORDER TO CONTRACT WITH HUNT JACOBS, A JOINT VENTURE**

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Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 3 to Contract JE98-01 with Hunt Jacobs, A Joint Venture for program management services to the Maricopa County Jail Expansion Program. This change order in the new not-to-exceed amount of \$1,728,000, is necessary due to increased scope of work in the Jail Expansion Program. It is anticipated to cover the increased scope of work through the completion of the program in FY 2003-2004 and is within the program budget. On August 9, 2000, the Board approved Change Order Nos. 1 and 2 to contract JE98-01, with Hunt Jacobs, A Joint Venture for program management services. Since that time, the project management for the construction of the Sheriff's Office Training Facility and the Facilities Management Warehouse has been added to the consultant's scope of work. The consultant has also been assigned additional testing and inspection duties for all of the jail expansion projects. Additional resources have been necessary to ensure completion of the central services project, whose general contractor has been unable to successfully manage his work. All of these issues have necessitated the revision of the contract amount which is included in Change Order No. 3. (C4799003102)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX**

Item: Approve an Intergovernmental Agreement between the County and the City of Phoenix providing for transfer from the City to the County of certain real property located between South 12<sup>th</sup> Avenue and South 13<sup>th</sup> Avenue from south of the existing CASS site to Harrison Street in Phoenix. The property will be transferred for consideration of \$1.00. The property, combined with other properties, will be the site of the "Human Services Campus" designed to improve and centralize food, shelter, employment and health services provided to homeless and other similarly situated persons by several public and private entities. (C40030042) (ADM2519)

Both Chairman Stapley and Supervisor Wilcox noted that this agreement brings the actuality of the Homeless Campus that much closer to realization, something that both have worked diligently to promote.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the County and the City of Phoenix providing for transfer from the City to the County of certain real property.

**PARTICIPATION IN SALT RIVER PROJECT'S EARTHWISE ENERGY PROGRAM**

Item: Authorize Maricopa County's participation in Salt River Project's (SRP) EarthWise Energy Program for a two-year period at an annual cost of \$12,000. The County's participation will include the annual purchase of 600,000 kWh of green power for the Southeast Regional Complex in Mesa. Also authorize the Chairman of the Board of Supervisors to execute documents related to the County's participation in the program. Costs related to the County's participation would be offset by the County's participation in SRP's SurePay program and the receipt of an energy audit at a location(s) to be determined by Facilities Management Department, thereby allowing program participation which is revenue neutral. (C70030240) (ADM800)

Supervisor Kunasek pointed out that this item smoothes the way for "green energy" to be used for the Southeast Valley facilities and gave credit to the County's Facilities Management Department and SRP (Salt River Project) for their efforts in bringing this about.

Chairman Stapley said that he and residents in his district are very excited about this energy saving development and mentioned that they are getting solar and green energy from other sources as well.

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Supervisor Brock remarked that this effort will make Maricopa County the first county west of the Mississippi River to utilize sources of green power. These sources include energy from trash dumps, solar power, etc. He commended SRP for working with Maricopa County to “enable us to take the lead in this, and to encourage other government agencies and the private sector to investigate the results and hopefully follow suit.”

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize Maricopa County’s participation in Salt River Project’s (SRP) EarthWise Energy Program for a two-year period.

**PLANS AND SPECIFICATIONS AND AWARD – SECURITY BUILDING HUMAN SERVICES DEMOLITION**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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 “Security Building Human Services Demolition”, Project Numbers 2002305581 and 2000131164. This project is funded as part of the FY 2002-2003 Detention Capital Improvement Program, Fund 455, Agency 409, Org. 4091, Object Code 0915.01 and Capital Improvement Program, Fund 435, Agency 478, Org. 4713, Object Code 0915.01. This project is in support of the overall move of the Human Services Department from Durango to the Security Building in downtown Phoenix necessitated by the construction of the Juvenile Residential Treatment Facility. This work provides for the demolition needed prior to the tenant improvement work, which is currently under design and scheduled to be done later this calendar year. Additionally, this project includes demolition of the abandoned first floor bank vault area, which will be used for future occupancy by the Public Defender. (C70030255)

**EASEMENTS AND RIGHT-OF-WAY DOCUMENTS**

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

A138.001      Project No: 68991 - Intersection Williams Field Road & Higley Road – Agreement for  
(TS)              Right of Entry - Parcel No. 304-40-001F - Kathy K. Aleman, Trustee - for the sum of  
\$100.00.

A138.002      Project No: 68991 - Intersection Williams Field Road & Higley Road – Agreement for  
(TS)              Right of Entry - Parcel No. 304-40-001E - John M. Aleman, Jr., Trustee - for the sum of  
\$100.00.

DD-9366        Project No: 69010 - Happy Valley Road (211th Avenue to 195th Avenue) – Amendment  
(TS)              to Right of Way - State Land Department State of Arizona.

DD-9370        Project No: 69010 - Right-of-Way - R/W No. 16-107102 – State Land Department State  
(TS)              of Arizona.

**TRAFFIC CONTROLS - CONTINUED**

Approve the following traffic controls: (F22999)

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A FOUR-WAY STOP (from a two-way east/west stop) at Cactus Road and Litchfield Road. (This partially rescinds the through street resolution on Litchfield Road approved November 9, 1945.) (C64030695)

Supervisor Wilson asked that this item be continued to the next formal Board meeting

**ROAD ABANDONMENT (ROAD FILE NO. 5238)**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the following resolution be adopted: (C6403099B) (F23084)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

The North 55 feet of Section 17, Township 4 South, Range 1 East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, except the West 55 feet and East 55 feet thereof.

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 16<sup>th</sup> day of October 2002.

**ABANDONMENT OF DRAINAGE EASEMENT (EA NO. 114)**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) that the Board approve the request for abandonment of a 20' wide drainage easement (EA 114) within the general vicinity of Watson Road, south of Durango Street. McDOT has reviewed this request and received comments from applicable utilities and finds no objection to the abandonment of this easement. (C6403072B) (ADM2007)

**RESOLUTION FOR DRAINAGE EASEMENT EA 114 ABANDONMENT**

**WHEREAS**, the Board of Supervisors as the governing body of Maricopa County may lay out, maintain, control and manage public roads within the County pursuant to Title 11, Chapter 2, Article 4 of the Arizona Revised Statutes (as amended), and

**WHEREAS**, the Board of Supervisors has the authority to accept or reject offers of dedication of private property by easement, deed, subdivision plat or other lawful means for public streets; But has not acquired any right, title or interest in the drainage easements referenced provided for in the recorded subdivision plat herein, and

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**WHEREAS**, there has been sufficient evidence provided by the property owner to justify the abandonment of an existing drainage easement within the limits of the herein referenced lot, and

**WHEREAS**, no abutting property owners are adversely affected by this request, and

**WHEREAS**, there is no objection to said abandonment described as follows:

A portion of Lot 50, PHOENIX SKYLINE WEST THREE subdivision, according to the plat of record in Book 209 of Maps, Page 33, records of Maricopa County, Arizona and being situated in a portion of the Southwest quarter of Section 15, Township 1 North, Range 3 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and more particularly described as follows:

Commencing at the Northeast corner of said Lot 50; thence North 69° 08' 40" West, along the North line of said Lot 50, a distance of 12.00 feet to the centerline of a 20.00 feet Existing Drainage Easement and the TRUE POINT OF BEGINNING; thence along said centerline the following courses and distances; South 48° 51' 20" West, a distance of 140.00 feet; thence South 38° 51' 45" West, a distance of 132.90 feet to a point on the North line of a 100 foot Transmission line easement per misc. Bk. 68, Page 292, M.C.R. and the Terminus of said Existing Drainage Easement.

**NOW, THEREFORE, BE IT RESOLVED**, that Maricopa County by this resolution hereby indicates that it never had any interest in the drainage easement and that this action by Maricopa County in no way affects the rights of any private parties to oppose the abandonment or assert any rights resulting therefrom or existing previous to any action by Maricopa County.

**DATED** this 16<sup>th</sup> day of October 2002.

/s/ Don Stapley, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF TEMPE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve an Intergovernmental Agreement between the Maricopa County Department of Transportation and the City of Tempe. This agreement is regarding the AZTech Smart Corridors Program, and requires the City to assume operations and maintenance of all Smart Corridor equipment that will be constructed within Tempe by Maricopa County. (C64030632)

**REIMBURSEMENT TO SALT RIVER PROJECT**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve reimbursement to Salt River Project (SRP) in the amount of \$35,105 for costs incurred for the relocation design of their irrigation facilities that are in conflict with the Maricopa County Department of Transportation (MCDOT) Project No. 68949, McQueen Road, (Queen Creek to Pecos). MCDOT acknowledges that SRP has prior rights for these facilities. The cost may not exceed the current estimated amount of \$35,105 by more than 10%. (C64030685) (ADM2000-006)

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**SOLICITATION OF BIDS AND AWARD – CONSTRUCTION OF 90<sup>TH</sup> STREET FROM McDOWELL ROAD TO QUENTIN ROAD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize solicitation for bids for the construction of Project No. 12565, 90<sup>th</sup> Street from McDowell Road to Quentin Road, a PM 10 Roads project, and the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003. This work will consist of paving a total of 0.70 miles of an existing local dirt road to a nominal 7.2 meter (24 foot) paved width, in order to comply with EPA mandates to reduce PM10 (dust) pollution. The proposed pavement structure will consist of a soil cement base course, 150 mm (6") thick, and covered with a double application of chip seal surfacing, using rubberized asphalt as the binder. (C64030715)

**CONTRACTS FOR ON-CALL APPRAISAL SERVICES**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following contracts for on-call appraisal services in amounts not-to-exceed \$250,000, each contract, during the contract period. The contracts shall be in effect from the date of execution through October 31, 2003.

- a) Land America Commercial Appraisal Corporation, Contract No. CY 2003-22 (C64030735)
- b) Thoms and Associates, Contract No. CY 2003-21 (C64030765)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Intergovernmental Agreement between Maricopa County and the City of Surprise to do a Candidate Assessment Report (CAR) for 163<sup>rd</sup> Avenue and other arterials between Grand Avenue, State Route 74, 179<sup>th</sup> Avenue and El Mirage Road. The City will contribute \$20,000 towards the development of the CAR. The County agrees to act as the lead agency for producing the CAR at an estimated cost of \$200,000, submit an invoice to the City in the amount of \$20,000 for the development of the CAR, and provide a copy of the initial draft and final CAR to the City for their review and comment. (C64030742)

**SOLICITATION OF BIDS AND AWARD – AZTech SMART CORRIDORS PHASE II PROJECTS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize solicitation for bids for the construction of the following AZTech Smart Corridors Phase II projects and the award of contracts to the lowest responsive bidders, providing that the lowest responsive bids do not exceed the engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003 and FY 2004. These projects will provide 10 additional corridors (180 miles) to the already existing 8 Phase I corridors (150 miles) within each city.

- a. Project No. 68989 (1) for locations within the City of Phoenix. (C64030855)
- b. Project No. 68989 (2) for locations within the City of Glendale. (C64030865)
- c. Project No. 68989 (3) for locations within the City of Chandler (C64030875)
- d. Project No. 68989 (4) for locations within the City of Mesa (C64030885)
- e. Project No. 68989 (5) for locations within the City of Tempe (C64030895)

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**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

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

**REVENUE AGREEMENT WITH FOR HEALTH OF ARIZONA dba GERIATRIX OF ARIZONA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a new revenue agreement between For Health of Arizona dba Geriatrix of Arizona (Geriatrix) and Maricopa Integrated Health System (MIHS) for the provision of in-and-out patient services for Geriatrix members at Maricopa Medical Center. The new agreement will continue for a one-year term, thereafter automatically renewing each year on the effective date (August 15) for successive one-year terms unless terminated by either party for convenience upon 60-days notice. The net annual revenue from this agreement is estimated at \$250,000. (C90030171)

**APPOINT RICK DENEALT TO THE MARICOPA COUNTY BUILDING CODE ADVISORY BOARD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Rick Deneault to the Maricopa County Building Code Advisory Board, representing the community, for a term from October 16, 2002, through March 30, 2005. (C02030077) (ADM3414)

**APPOINT KURT KONRATH TO THE MARICOPA COUNTY BUILDING CODE ADVISORY BOARD**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Kurt Konrath to the Maricopa County Building Code Advisory Board, representing the electrical, mechanical, and plumbing trades, for a term from October 16, 2002, through March 30, 2006. (C02030067) (ADM3414)

**RESIGNATION AND APPOINTMENT – BOARD OF HEALTH**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the resignation of Tom Simplot, effective October 1, 2002, and appoint Audrey Adamic to the Board of Health, representing District 3 as an At-Large Member. The term of the appointment shall expire on December 2, 2004. (C03030017) (ADM2101)

Supervisors Kunasek and Wilson acknowledged the services of Mr. Simplot to the County and thanked him for those instances when he provided them with personal assistance on projects.

**APPOINT DAVID YNIGUEZ -- INDUSTRIAL DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint David Yniguez to the Industrial Development Authority Board of Directors, representing District 5, for a term from October 16, 2002, to December 17, 2004. Mr. Yniguez will be completing the term of Edmundo Hidalgo. (C05030017) (ADM4500-001)

**CODE ENFORCEMENT REVIEW**

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Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, November 6, 2002 at which oral argument will be heard in the review of the Hearing Officer's Order of Judgement in the zoning code violation case of Charlotte and Vernon Newton, (in the Tonopah area), Case No. V2000-01027. (ADM3417-15)

**PUBLIC HEARING – AMEND ENVIRONMENTAL HEALTH CODE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 11:00 a.m., Wednesday, November 20, 2002, to solicit comments and approval to amend Chapter VII of the Maricopa County Environmental Health Code. The proposed amendments will allow the mandatory Food Safety Manager License to be expanded from its current three-year renewal requirement to five years from the date the participant passed the exam. The National Conference for Food Protection has standardized the Certification process and effectiveness time spans between the private providers to five years. This would align the County's licensing process with that of the national guidelines. The amended code will become effective upon the date of Board of Supervisors approval. (C88030107) (ADM2102)

**PUBLIC HEARING - ROAD FILE DECLARATIONS**

Petitions having 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 schedule a hearing for 11:00 a.m., Wednesday, November 20, 2002:

**Road File 5244:** All streets consistent with the rights-of-way, as depicted in the Final Plat for Greenfield Glen, a subdivision as shown in Book 495 of Maps, Page 43, M.C.R. (C6403076B) (F23085)

**Road File 5245:** All streets consistent with the rights-of-way, as depicted in Litchfield Heights, Unit IV, a subdivision as shown in Book 500 of Maps, Page 16, M.C.R. (C6403077B) (F23086)

**Road File 5246:** All streets consistent with the rights-of-way, as depicted in Anthem, Unit 1, a subdivision as shown in Book 476 of Maps, Page 31, M.C.R. (C6403078B) (F23087)

**Road File 5247:** All streets consistent with the rights-of-way, as depicted in Anthem, Unit 5, a subdivision as shown in Book 514 of Maps, Page 47, M.C.R. (C6403079B) (F23088)

**Road File 5248:** All streets consistent with the rights-of-way, as depicted in Anthem, Unit 18, a subdivision as shown in Book 522 of Maps, Page 35, M.C.R. (C6403080B) (F23089)

**Road File 5249:** All streets consistent with the rights-of-way, as depicted in Anthem, Unit 19, a subdivision as shown in Book 543 of Maps, Page 22, M.C.R. (C6403081B) (F23090)

**Road File 5252:** All streets consistent with the rights-of-way, as depicted in Cloud Creek Ranch, a subdivision as shown in Book 499 of Maps, Page 45, M.C.R. (C6403082B) (F23091)

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**Road File 5253:** All streets consistent with the rights-of-way, as depicted in Baars Estates, a subdivision as shown in Book 517 of Maps, Page 37, M.C.R., except the Maplewood Circle cul-de-sac in the general vicinity of Germann Road and Greenfield Road. (C6403083B) (F23092)

**Road File 5254:** All streets consistent with the rights-of-way, as depicted in Superstition Views, a subdivision as shown in Book 454 of Maps, Page 44, M.C.R. (C6403084B) (F23093)

#### **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 November 6, 2002, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows. (List retained in accordance with the Arizona State Department of Library Archives and Public Records retention schedule.)

Z2000-015; Z2000-161; Z2002-114.

#### **INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (GLEN OAKS 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 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, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE DEMAND MULTIFAMILY HOUSING REVENUE BONDS (GLEN OAKS APARTMENTS PROJECT), SERIES 2002B IN A PRINCIPAL AMOUNT NOT IN EXCESS OF \$3,430,325 (THE "SERIES 2002 BONDS").**

#### **INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE SENIOR BONDS (RANCHO DEL SOL APARTMENTS PROJECT)**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, 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."

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**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE SENIOR BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002A (THE "SERIES A BONDS"); ITS MULTIFAMILY HOUSING REVENUE SUBORDINATE BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002B (THE "SERIES B BONDS"); AND ITS MULTIFAMILY HOUSING REVENUE JUNIOR SUBORDINATE BONDS (RANCHO DEL SOL APARTMENTS PROJECT), SERIES 2002C (THE "SERIES C BONDS" AND TOGETHER WITH THE SERIES A BONDS AND THE SERIES B BONDS, THE "BONDS"), IN AN AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$14,000,000.**

**MINUTES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held July 22, August 5, 19, 22, September 16, and 24, 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)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
1999	6946	6950	-\$6,481.28
2001	33657	33753	- \$87,037.32
2002	1	206	-\$365,219.80
2002	207	557	-\$258,341.30

**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 reissuing of duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

There were no County Warrants presented at this time.

**SCHOOL**

<b>Name</b>	<b>School</b>	<b>Warrant</b>	<b>Amount</b>
Ashley L. Anders	Mesa	73-0007522	\$504.85
Derrick Brassard	Isaac #5	13-0026590	\$139.28

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ETW Corporation	Phoenix #1	43-003382	\$249.26
Highsmith Company, Inc.	Avondale	43-0012075	\$606.46
The McGraw-Hill Co.	Roosevelt #66	42-0059217	\$923.08
Cathy Inkley/Waste Mgmt.	Fountain Hills	43-0006172	\$1,419.10
Gerardo Lopez	Isaac #5	13-0038106	\$64.65
Rosemary Loza	Avondale	13-21921	\$105.02
Guadalupe Madera	Alhambra #68	13-0042509	\$282.47
Office Max	Fowler #45	42-0120444	\$25.92
Gene Rich	FHSD #98	13-37160	\$71.94
A. Rodriquez/Safeguard	FHSD #98	42-0123634	\$302.55
Sky Const. Engineering	Alhambra	43-0019943	\$24,680.00

**STALE DATED WARRANTS**

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

Robert Thomas Baran	\$43.50
Barbara J. Bearg	\$51.98
D. Dunshee/Payless Cashways	\$770.70
Shirley Hill	\$9.09
Lisa DeHaven – Jordan	\$93.28
Richard Marcelino Palomino	\$81.54

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list of resolutions dated October 16, 2002. (ADM704)

<b>2001</b>	TX 00-000776
CV 00-022054	TX 01-000472
ST 01-000237	TX 01-000595
<b>2002</b>	TX 01-000634
ST 01-000197	TX 02-000008
ST 01-000198	TX 02-000252
ST 02-000055	<b>2002/2003</b>
ST 02-000056	ST 01-000223
ST 02-000057	

**CLASSIFICATION CHANGES**

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

<b>PARCEL NUMBER</b>	<b>YEAR</b>	<b>OWNER</b>	<b>CLASS FROM</b>	<b>CLASS TO</b>
111-03-018	2002	Maureen West	LC/4	LC/3
111-06-065	2002	Joanna Villasenor	Mixed	LC/6

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111-06-065	2001	Joanna Villasenor	Mixed	LC/6
111-06-065	2000	Joanna Villasenor	Mixed	LC/6
117-27-139	2000	Salas Jose Jr	LC/4	LC/3
117-27-139	2001	Salas Jose Jr	LC/4	LC/3
117-27-139	2002	Salas Jose Jr	LC/4	LC/3
118-42-152	2002	Miller Marion	LC/3	LC/6
119-14-033	2002	Alexander Moro	LC/4	LC/3
119-14-033	2001	Alexander Moro	LC/4	LC/3
119-14-033	2000	Alexander Moro	LC/4	LC/3
122-45-039	2002	Walter Scott	LC4/	LC/3
122-45-039	2001	Walter Scott	LC4/	LC/3
122-45-039	2000	Walter Scott	LC4/	LC/3
140-33-129A	2002	Thompson Rachel	LC/4	LC/3
142-09-049A	2002	Yolanda Herrera	LC/4	LC/3
142-09-049A	2001	Yolanda Herrera	LC/4	LC/3
144-24-374	2002	Glenda Knam	LC/4	LC/3
146-26-065	2000	Lydia Lehr	LC/4	LC/3
146-26-065	2001	Lydia Lehr	LC/4	LC/3
146-26-065	2002	Lydia Lehr	LC/4	LC/3
147-03-222	2002	Nellie Hicks	LC/4	LC/3
147-03-222	2001	Nellie Hicks	LC/4	Mixed
159-20-128A	2000	Jerry N Wood	LC/4	LC/3
159-20-128A	2001	Jerry N Wood	LC/4	LC/3
159-20-128A	2002	Jerry N Wood	LC/4	LC/3
162-09-142	2002	Kathleen Wyman	LC/4	LC/3
163-21-062	2002	Joyce A Goodson	LC/4	LC/3
169-11-016A	2001	Charles Munson	LC/4	Mixed
169-11-016A	2002	Charles Munson	LC/4	LC/3
171-25-122	2002	Joel Thompson	LC/4	LC/3
177-04-746	2000	David Lane	LC/4	LC/3
177-04-746	2001	David Lane	LC/4	LC/3
177-04-746	2002	David Lane	LC/4	LC/3
207-03-234	2002	Desai Harshad	LC/4	LC/3
207-03-234	2001	Desai Harshad	LC/4	LC/3
208-11-400	2000	Timothy McCain	LC/4	LC/3
208-11-400	2001	Timothy McCain	LC/4	LC/3
208-11-400	2002	Timothy McCain	LC/4	LC/3
218-67-474	2002	Richard Fox	LC/4	LC/3
218-67-474	2001	Richard Fox	LC/4	LC/3
218-67-474	2000	Richard Fox	LC/4	LC/3
232-01-056	2002	Gena Portz	LC/4	LC/3
232-01-056	2001	Gena Portz	LC/4	LC/3
232-01-056	2000	Gena Portz	LC/4	LC/3
301-48-629A	2000	Cynthia Brassell	LC/4	LC/3
301-48-629A	1999	Cynthia Brassell	LC/6	LC/5
301-48-629A	2001	Cynthia Brassell	LC/4	LC/3
303-67-401A	2000	Patricia Woodson	LC/4	LC/3
303-67-401A	2001	Patricia Woodson	LC/4	LC/3
303-67-401A	2002	Patricia Woodson	LC/4	LC/3
304-71-028F	2002	Shirley Geer	LC/4	LC/3

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304-71-028F	2001	Shirley Geer	LC/4	LC/3
400-50-002R	2002	Samuel Parson	LC/4	LC/3

**PUBLIC COMMENT**

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

**SUPERVISORS' COMMENTS**

There were no Supervisors' comments at this time. (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. S2002-014 District 5**  
**Applicant:** HCZ Construction  
**Location:** One-quarter mile north of the northwest corner of Dobbins Road and 51st Avenue (in the Laveen area)  
**Request:** Amended Final Plat in the Rural-43 zoning district for Estrella Mountain View (approximately 30.45 acres)

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

- 2. S2002-055 District 3**  
**Applicant:** Stanley Consultants for Anthem Arizona, L.L.C.  
**Location:** Southeast corner of Daisy Mountain Drive and Anthem Way (in Anthem)  
**Request:** Final Plat in the C-2 P.D. zoning district for Anthem Village Center (approximately 8.89 acres)

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

- 3. Z2002-021 District 4**  
**Applicant:** James Caciola, ALBS Wireless Services for Joseph B. & Deborah K. Benson  
**Location:** 20350 Gordon Way – west of the intersection of Grand Avenue and 203rd Avenue (in the Wittmann area)  
**Request:** Special Use Permit for wireless communications facility in the Rural-43 W.H.S.C. Class 4 zoning district, Cellular Use District 1A (0.30 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2001-021, subject to the stipulations "a" through "s". Commissioner Hubbs seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled "BENSON TOWER PHX-702A". Consisting of eight full-size sheets, dated revised April 16, 2002, and stamped received May 15, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Narrative Report for Benson Triangle" consisting of four pages, stamped received May 15, 2002, with a revision to change the number of carriers from four (4) to three (3) except as modified by the following stipulations.
- c. 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.
- d. 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.
- e. Prior to drainage clearance for building permit, a drainage report must be submitted for review and approval by the Flood Control District.
- f. The ground equipment site will be walled in by a six-foot (6') high CMU wall that includes a parking area within the site.
- g. Driveway within the County right-of-way shall be paved or surfaced at the discretion of MCDOT.
- h. Driveway and parking area must meet EPA requirements for dust control.
- i. No antenna arrays shall be greater than 4 feet in width.
- j. The monopole shall be limited to a maximum of three antenna arrays.
- k. All antenna arrays will be minimal in nature and neutral in color to blend with surrounding area, and CMU wall located at the base of the monopole.
- l. The monopole and all appurtenant equipment and structures will be painted in a neutral color designed to blend with the surrounding area.
- m. The monopole together with all antennas and attachments will not exceed 110 feet in height as measured from base ground level.
- n. Xeriphytic landscaping shall be placed in front of any wall facing the Wickenburg Highway.
- o. Landscaping shall include at a minimum six (6) 24" box trees, twelve (12) 15-gallon bushes, and twenty (20) 5 gallon mixed variety plants to include indigenous cacti, shrubs, and ground covers of a xeriphytic nature. These landscape elements shall be arranged

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- by a licensed Landscape Architect to generally act a visual screen around the outside of the walled compound particularly along the eastern portion of the property.
- p. All landscaping shall be watered, maintained, and replaced if necessary for the life of the Special Use Permit.
  - q. The 6' CMU wall surrounding the equipment yard shall be stuccoed and painted to match the surrounding property in an effort to further comply with the Wickenburg Highway Scenic Corridor.
  - r. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
  - s. The future carriers identified on the site plan will be allowed with a Slight Refinement to the site plan and can be administratively approved by staff of the Planning And Development Department.

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

- 4. Z2002-054 District 4**  
**Applicant:** Tracy Moraca, Brown & Caldwell for Arizona-American Water Company  
**Location:** 7502 N. Cotton Lane – northwest corner of Cotton Lane and Orangewood Avenue (in the Buckeye/Goodyear area)  
**Request:** Special Use Permit for a utility facility in the Rural-43 zoning district for Clearwater Farms Booster Station (2.0 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2002-054, subject to the stipulations "a" through "j". Commissioner Hubbs seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "SOUTH AUGUA FRIA DIVISION CLEARWATER FARMS BOOSTER STATION EXPANSION", consisting of one (1) full size sheet, dated April 26, 2002, and stamped received June 28, 2002, except as modified by the following stipulations.
- b. Development shall be in conformance with the narrative report entitled "CLEARWATER FARMS BOOSTER STATION EXPANSION NARRATIVE REPORT", consisting of five (5) pages, stamped received June 28, 2002, except as modified by the following stipulations.
- c. 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.

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- d. 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 shall be removed within 90 days of such termination or expiration.
- e. An administrative amendment shall be required for any future modifications to the facility beyond the phased in construction of the second matching 1.25 million gallon water reservoir and appurtenant equipment.
- f. 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.
- g. Prior to drainage clearance for building permit, a drainage report must be submitted for review and approval by the Flood Control District.
- h. A minimum of 22 mature (minimum 24" box) drought tolerant trees shall be planted along the south and east side of the property, together with any other low-water use plants deemed appropriate for landscaping. All plants shall be maintained indefinitely and replaced if damaged.
- i. 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.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

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

**REGULAR AGENDA DETAIL:**

- 5. **Z2001-092**      **District 2**  
**Applicant:** Charles J. Wall  
**Location:** 449 N. 100th Place – northeast of University Drive and Crismon Drive (in the east Mesa area)  
**Request:** Renewal of a Special Use Permit for an existing adult care facility in the Rural-43 zoning district for TLC Group Care Facility (0.52 acres)

**COMMISSION ACTION:** Commissioner Gulbrandsen moved to recommend approval of Z2001-092, subject to the stipulations "a" through "j". Commissioner Pugmire seconded the motion, which passed with a unanimous vote of 8-0.

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- a. Development and use of the site shall comply with the site plan entitled "GRADING & DRAINAGE PLANS FOR THE SPECIAL USE PERMIT FOR TLC CARE FACILITY", consisting of two (2) full-size sheets, dated March 5, 2002, but date-stamped by the project engineer June 20, 2002, stamped received July 30, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "NARRATIVE REPORT FOR A RENEWAL OF SPECIAL USE PERMIT FOR TLC CARE FACILITY", consisting of six (6) pages, dated March 5, 2002, but date-stamped by the project engineer March 6, 2002, and stamped received March 5, 2002, except as modified by the following stipulations.
- c. All outdoor lighting shall conform to Section 1112 the Maricopa County Zoning Ordinance.
- d. All driveways within County rights-of-way shall be paved and maintained with asphalt or concrete.
- e. Evidence shall be provided to the Maricopa County Environmental Services Department that the facility is connected to an approved septic or sewer system.
- f. Interior circulation and parking areas shall be dust-proofed with a surface acceptable to the Maricopa County Department of Maricopa County Transportation and the Environmental Services Department.
- g. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors. Any request to extend the Special Use Permit shall be submitted prior to such expiration.
- h. 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.
- i. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- j. 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.

Joy Rich, Director of Planning and Development, said this item would ordinarily have been on the consent agenda but the Planning Commission made a minor change to one of the stipulations. The Commission passed the amended Special Use Permit renewal unanimously and staff concurred.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to concur with the Planning Commission's recommendation for approval subject to stipulations "a" through "j."

- 6. Z2001126 District 2 (This case continued from meeting of September 4, 2002.)**  
**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, Cellular Use District 1, for B & B Farms (approximately 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.
- 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, explained the action taken by the Planning Commission in this matter and reminded the Board that the reason it had been continued was because the applicant does not have any carriers that have committed to the 100 ft. pole specification in the application. There was concern on whether there was any other verticality in the area that could be used and the applicant was to explore this possibility. She said that the City of Mesa, originally in opposition, has modified their position and now say that they would support an 80-ft. tower with two carriers as opposed to the requested 100-ft. tower with four carriers.

Chairman Stapley said he believed passage of this application would be a good first step and demonstrated a spirit of compromise that was needed. He added that once built, the Board could be open to adding more carriers if a demand for additional coverage makes it necessary and the applicant makes application.

A question on the size of the right-of-way was raised by the applicant. As stated, (see Stipulation "c.") it amounts to a significant portion of the property. Chairman Stapley asked Richard Wallace, Superintendent of Streets, for input on reduction of the assignment. Mr. Wallace said the requested dedication was not "untypical" since it was adjacent to Val Vista Drive and Thomas Road.

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Chairman Stapley remarked that it may not be untypical but he felt that it was “way beyond reasonable” and he hoped the 55 to 65 foot allowance could be adjusted down. He asked that stipulation “c” be modified to allow the applicant to negotiate this right-of-way dedication. He said there was still time to negotiate on size and that the applicant can’t begin to develop the property until dedication of a right-of-way has been completed. He stated that he had discussed the site with members of the company who had expressed interest in locating their carrier on the pole and had been assured they were committed to locating there. He indicated that this fact, along with Mesa’s change-of-heart, has convinced him to support the application. He added that the County does not approve “speculative cell towers” and he is recommending approval because he believes this matter has been taken out of the speculative stage.

Ms. Rich asked the Chairman for clarification on the height of the pole as stated in stipulation “f” to which he responded, “80 feet.”

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the Planning Commission’s approval of this request, subject to stipulations “a” through “r,” and with the noted change to stipulation “f” for an 80 ft. pole instead of the 100 ft. pole, as well as with amended stipulation “c” regarding the negotiation on the amount of land for the right-of-way, see below.

- c. Prior to zoning clearance, the applicant shall NEGOTIATE WITH MCDOT IN REGARD TO PROVISION OF DEDICATION AND/OR EASEMENT FOR THE ultimate half-width ~~to 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.
- f. The height of the monopole, including any attachments, shall be limited to ~~400’~~ 80’. The pole shall be limited to two (2) carriers. With commitments from additional carriers, a major amendment may be processed to increase the allowed height and number of carriers.

**7. Z2002-057 District 1**  
**Applicant:** Waste Management of Arizona for ERETZ, LLC  
**Location:** Approx. 1,100’ northeast of the northeast corner of Arizona Avenue and Germann Road (in the Chandler area)  
**Request:** Plan of Development in the IND-3 zoning district for Waste Management - Chandler Truck Terminal (3.54 acres)

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2002-057, subject to the stipulations “a” through “i”. Commissioner Beckley seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled “Waste Management of Arizona Chandler Truck Terminal” consisting of two full-size sheets prepare by Entranco, dated July 19, 2002 and stamped received September 5, 2002, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled “Narrative Report, Waste Management of Arizona, Inc. Truck Terminal” consisting of sixteen pages, dated revised June 10, 2002 and stamped received September 16, 2002, except as modified by the following stipulations.

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- c. Prior to zoning clearance or the issuance of building permits, the applicant shall provide proof of legal access by recording a 30' wide access easement connecting the subject site to Germann Road.
- d. The driveway providing access to the site from Germann Road shall be paved as shown on the Plan of Development.
- e. A Floodplain Use Permit shall be obtained from the Regulatory Division of the Flood Control District.
- f. Prior to zoning clearance or the issuance of building permits, all necessary action to close Floodplain Violation Case FV99-004 shall be completed by the applicant with the Flood Control District of Maricopa County.
- g. Major changes to this Plan of Development (the site plan and narrative report) shall be process 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.
- h. Noncompliance with the plan of development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of 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.
- i. A 6' high solid masonry wall is required along the northern and western boundary of the Plan of Development site. The wall requirement can be waived if drainage conflicts are determined at the drainage clearance stage for building permits. Further, landscaping consisting of xerophytic plants shall be provided on the external side of the wall to soften its appearance from adjacent properties. Landscaping is to be determined at the discretion of staff of the Planning and Development Department.

Joy Rich, Director of Planning and Development, outlined the Planning Commission's action on this item and said it does conform to the City of Chandler's General Plan. Planning Commission and staff recommend approval. There were no speakers.

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

**MEETING ADJOURNED**

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

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Don Stapley, Chairman of the Board

ATTEST:

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Fran McCarroll, Clerk of the Board