

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., August 13, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, 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

Gwynn Simpson, Director of Human Resources, delivered the invocation.

PLEDGE OF ALLEGIANCE

Chris Pinuelas, Administrative Office, led the assemblage in the Pledge of Allegiance.

PET OF THE MONTH

Russell, a 10 month old, neutered Collie and Australian Shepherd mix, was introduced as the "Pet of the Month" from Maricopa County Animal Care & Control. Russell will be available for adoption after 1:00 p.m. today. Animal Control urges pet lovers to come to one of their shelters to view and hopefully adopt a cat or dog for a family pet. Also given was a reminder not to leave pets in a car during these hot summer months.

DONATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept the donation of a hand-held Non-Mydriatic Fundus Camera (NM-200D), a photo quality printer and a wheeled cart from the Lucas Henry Walter Foundation, a donor advised fund of the Arizona Community Foundation. The value of these items is approximately \$18,500. This equipment will be used in the Emergency Room, Pediatric Intensive Care Unit and Neonatal Intensive Care Unit at Maricopa Medical Center to detect and document retinal hemorrhaging in children suspected of being abused (shaken baby syndrome). The equipment will allow physicians to view the retina and print images of the hemorrhage. A one-year warranty will be included with the equipment. MIHS will be responsible for the annual maintenance cost of approximately \$2,000 after the first year. The annual maintenance agreement will include one preventive maintenance check per year, all labor, shipping and toner charges. Without the maintenance agreement, MIHS would pay \$250 per hour for labor charges and \$200 per week for toner equipment plus shipping charges. MIHS will also purchase the paper and ink used to print the images. The average cost of paper is .20 cents per sheet and the average cost of ink is \$24 per cartridge for black and \$38 per cartridge for color. (C90040367) (ADM2100)

Ryan and Jeanne Walter, of Gilbert, presented the gift to Maricopa Integrated Health System. The Walter's two-month old baby, Lucas, was taken to the pediatric Intensive Care Unit at Maricopa Medical Center where he died from severe retinal hemorrhaging one day after being shaken by his caregiver on July 14, 2000. At that time technology such as this camera did not exist and it could not be absolutely determined whether his death was the result of abusive treatment or some natural cause. The Foundation's gift of this \$18,500 camera/scanner is primarily to assist doctors in diagnosing and documenting retinal hemorrhaging in abused children, however, it will be available to all treatment areas at the hospital.

FORMAL SESSION
August 13, 2003

PUBLIC HEARING - LIQUOR LICENSE APPLICATION

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

- a) Application filed by Marisol Hernandez for an Original, Series 10 Liquor License: (LL6094)

Business Name: Ray's Groceries
Location: Highway 60 and 3rd Street, Aguila

- b) Application filed by Ming Lee Wong for an Original, Series 12 Liquor License: (LL6093)

Business Name: Shanghai Club
Location: 3535 West Anthem Way, no. 166, Anthem

- c) Application filed by Luis Ibarra for a Special Event Liquor License: (F23105)

Organization: Friendly House, Inc.
Location: 7611 South 19th Avenue, Laveen
Date/Time: Saturday, August 23, 2003; 5:30 – 10:30 p.m.

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

PUBLIC HEARING - BEARDLSEY WATER COMPANY PUBLIC UTILITY FRANCHISE

Chairman Brock called for a public hearing on the application filed by Beardsley Water Company, for a public utility franchise to construct, maintain and operate water lines, etc., for a period of 25 years or for a period of one year after the franchised area or a portion thereof is annexed by a municipality, whichever is shorter, for the transmission and delivery of a domestic water distribution system, consisting of pipe lines, meters, connections, and all necessary equipment; an irrigation water distribution system, consisting of pipe lines, ditches, gates and all necessary equipment; and a sewage system, consisting of lines, connections, manholes and all necessary equipment along, upon, under and across public highways, roads, alleys and thoroughfares (excepting State highways) within that portion of Maricopa County, Arizona, known and described as follows, to-wit: (F17240)

Sections 2 and 3, Township 4 North, Range 2 West of the Gila and Salt River Base and Meridian, Maricopa County, Arizona

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to grant the said franchise as applied for and to impose such restrictions and limitations upon said applicant as to the use of such public highways, roads, alleys and thoroughfares as may be deemed best for the public safety and welfare and to include in such franchise the statutory provisions set forth in Title 40, Chapter 2, Article 4, A.R.S., 1956, requiring the grantee of said franchise to pay such expenses, damages and compensations, if any, as may result from the use and operation of said franchise and as in said statute specified.

FORMAL SESSION
August 13, 2003

PUBLIC HEARING - PARKS AND RECREATION REVISED RULES AND REGULATIONS

Chairman Brock called for a public hearing to consider and approve the Revised Maricopa County Parks & Recreation Department's Rules and Regulations. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley and seconded by Supervisor Wilson, to approve the Revised Rules and Regulations, which will be effective August 13, 2003. These revised rules were unanimously approved by the Parks & Recreation Advisory Commission on June 10, 2003. (C30030266) (ADM3210)

MARICOPA COUNTY PARKS AND RECREATION

PARK RULES

R-101 DEFINITIONS

The following definitions shall determine meanings for certain facilities, objects, entities or activities.

1. "Abandoned Vehicle" means any vehicle, boat, trailer, or structure, which shows evidence of being left unattended for a period of 48 hours unless displaying an official permit indicating a stay in excess of 48 hours.
2. "Aircraft" means a structure or device for navigation of the air that is supported either by its own buoyancy or by the dynamic action of the air against its surface.
3. "Camping" means erecting a tent or shelter or arranging bedding, or both, for the purpose of, or in such a way as will permit, overnight use; or parking a trailer camper or other vehicle for the purpose of remaining overnight.
4. "Commission" means the Maricopa County Parks and Recreation Commission.
5. "County" means Maricopa County.
6. "Department" means the Maricopa County Parks and Recreation Department.
7. "Loudspeaker or public address system" means a device to amplify or direct sound.
8. "Maricopa County Park(s)" means any land or areas under the control of the Maricopa County Board of Supervisors which has been designated as a Park, Recreation Area or Conservation Area.
9. "Roads" means the entire width between the boundary lines of every way when any part thereof is open, kept or maintained for use by the public for purposes of vehicular travel.
10. "Special Use Permit" means commercial or non-commercial permits issued by the Department for activities outside a park's activity design or which excludes the general public or for which there is monetary gain.
11. "Swimming" means to propel one's self in water by natural means; consequently aquatic activities including the full or partial use of inner tubes, air mattresses or personal support devices.
12. "Designated Trail" means an authorized recreational trail designed, constructed, and maintained according to standards within the county manual; it is within Maricopa County Parks' boundaries and has been included in the Maricopa County Park trail system inventory.

R-102 SPECIAL USE PERMITS, FEES AND APPROVALS

1. Special Use Permits shall be required for eligible non-profit, government or private, as well as commercial uses.
2. For eligible non-profit uses, a Special Use Permit is required of any person or group for any activity outside each park's activity design, or for the use of specific park areas that require the exclusion of general public usage.
3. A Special Use Permit shall also be obtained in advance by any person or group wishing to use a Maricopa County Park for eligible commercial uses.
4. Park Impact Fees for Special Use Permits shall be negotiated by the Department based on the expenses related to the administration of the activity, protection of the park and visitors, and in accordance with established fee schedules when applicable.

5. The Department may require commercial applicants to enter into an agreement with the County for a negotiated percentage of gross receipts not to exceed twenty (20) percent.
6. The Department may require the permittee to post a deposit against damage and clean-up expense, provide a certificate of insurance naming the department as additionally insured, and/or provide for adequate medical, sanitary and security services.
7. A performance and payment bond may be required from any permittee who is providing a service that was solicited to provide any event or activity sponsored by the department.
8. The Department may impose conditions on the conduct of any activity, which are necessary to protect the area and maintain its availability as a public park.
9. A Special Use Permit is not required for any person operating under the provisions of a valid special use or commercial management concessions agreement with the department.
10. Special Use Permit applications, which are compatible with the management objectives of the individual park, may be refused for health and safety reasons or to protect the park from significant damages. With respect to competing non-profit uses, the use of park space shall be granted on a first-come, first-served basis. With respect to competing commercial uses, informal proposals shall be solicited and the Special Use Permit awarded to that concessionaire which offers to provide the County with the highest potential revenue and/or best recreational value to park patrons, provided the concessionaire does not have a poor performance history on any prior permits.
11. All persons entering a park under a Special Use Permit are subject to all entrance and/or use fees, and all rules and regulations concerning park resource and facility use. The total amount of entrance fees owed by persons entering a park under a Special Use Permit, may be calculated in advance and paid in accordance with terms negotiated as part of the Special Use Permit.
12. A decision by the Department concerning any Special Use Permit may be appealed to the Commission.
13. Applications for Special Use Permits may be obtained from an authorized representative of the Department.

R-103 VIOLATIONS AND PENALTIES

1. Any person who violates any of these rules shall be guilty of a Class 2 misdemeanor.
2. Any person who violates any of these rules may also be evicted for failure to comply.

THE FOLLOWING ACTS ARE PROHIBITED IN MARICOPA COUNTY PARKS:

R-104 ENTRY, USE, OCCUPANCY, FEES

1. Entering, using, or occupying of a Maricopa County Park or its facilities, designated trails or waterways under the supervision and control of the Department for any purpose when said parks or areas are posted against such entrance, use, occupancy or where barriers exist.
2. Entering upon or using for any purpose, the land, water or facilities within the boundaries of Maricopa County Parks when a fee, rental, admission or other consideration has been established for such land, water or facilities, unless the person entering or using such land, water or facility has paid said fee, rental, admission or other consideration.

R-105 ANIMALS AND PETS

1. Riding, permitting or allowing livestock, saddle, pack, or draft animals except on designated trails or areas under special permit issued by the Department or by special provisions of a use management agreement.
2. Possessing, allowing or permitting a dog and/or other pets in a Maricopa County Park, unless the same shall be under immediate control on a leash not exceeding 6 feet in length, except the leash requirement shall not apply to dogs while being used in hunting, or in field trials, or while being trained, when upon lands open to such uses and it does not interfere with other park activities.

3. Possessing, allowing or permitting a dog in a Maricopa County Park without a current dog license.
4. Allowing dogs or other pets, other than seeing-eye or hearing guide dogs, within the confines of public park buildings.
5. Allowing dogs and/or other animals to create a nuisance, noise or disturbance in any area.
6. Failure of owners of pets to properly remove and dispose of any waste.
7. Scattering and/or depositing the ashes of any animal.

R-106 FIREARMS, HUNTING AND TRAPPING

1. Possessing a firearm, unless unloaded in both barrel and magazine in any area closed to the discharge of firearms unless permitted by state law.
2. Shooting a firearm, air rifle, air pistol, potato cannon, or any type of cannon, paint ball gun slingshot, or shooting with bow and arrow, or setting traps except in locations provided for that purpose and as permitted by Arizona Game and Fish rules.

R-107 MOTOR VEHICLES AND BICYCLES

1. Operating any motorized vehicle except on roads and parking areas designated by the Department for such purpose.
2. Abandoning any vehicle in any area of a Maricopa County Park. Vehicles violating this section may be towed at the owner's expense.
3. Parking a motor vehicle or trailer or other device towed by a motor vehicle in such a manner whereby roads, parking areas or other traffic ways or traffic are blocked or otherwise impeded. Vehicles violating this section may be towed at the owner's expense if such violation constitutes blockage of any emergency lane or otherwise interferes with park operations.
4. Operating a bicycle in a careless or reckless manner, or in disregard of the safety of any person or property.
5. Utilizing bike ramps in non-designated areas.
6. Operating, without permission from the County, any motorized skateboard, motorized scooter, moped or like device.

R-108 WATERCRAFT AND SWIMMING

1. Bringing into, or operating any watercraft upon any body of water, except at such places and in such manner as designated for such use or purpose by the Department.
2. Storing or leaving any watercraft without first obtaining a permit issued by the Department or its authorized concessionaire.
3. Swimming in areas posted against such use.
4. Cliff jumping.

R-109 VANDALISM

1. Destroying, damaging, or removing any tree, shrub, wildflower, cactus, or any other vegetation, or any other vegetative product or by-products without first obtaining a written permit from the Department.
2. Destroying, damaging, defacing or removing any County property or property administered by the Department.

R-110 LITTERING

1. Depositing or abandoning garbage, sewage, refuse, trash, waste, or other obnoxious material, except in receptacles or containers provided for such purposes.
2. Throwing or breaking any glass, plastic or ceramic object leaving shards or other fragments on park property.

R-111 PUBLIC BEHAVIOR

1. Conducting one's self in a disorderly or intoxicated manner, or using threatening, abusive, or boisterous or insulting language, or conducting or participating in a disorderly assembly, or to solicit for any purpose.
2. Engaging in noisy conduct, operating generators or motors, operating radios, or otherwise making loud or disturbing noises that may disturb the peace of the area between the hours of 10:00 p.m. and 6:00 a.m.
3. Public urination or public defecation.
4. Engaging in noisy conduct that disturbs the peace.

R-112 CAMPING

1. Camping without first obtaining a written permit issued by the Department
2. Failure to obey all written or posted camping regulations.

R-113 FIRES

1. Building fires except in designated places.
2. Building fires in any area posted against such use.
3. Building wood or charcoal fires at any time posted against such activity (during fire ban).
4. Use of gas or propane stove or grills when use is prohibited (during extreme fire ban).
5. Abandoning any fire without completely extinguishing it.
6. Allowing a fire to escape from control.

R-114 PUBLIC OR COMMERCIAL ACTIVITIES

1. Conducting any activity or assembly outside the individual park's activity design or requiring the use of park areas which exclude the use by the general public without first obtaining a Special Use Permit from the Department.
2. Posting, placing, or distributing advertising material; erecting a fence or barrier (except under specific use management or lease agreements), constructing or occupying improvements; or enclosing County administered lands without first obtaining a Special Use Permit from the Department.
3. Using a loudspeaker, or public address system, or amplifier without first obtaining a Special Use Permit from the Department.
4. Using County administered lands for a commercial purpose without first obtaining a Special Use Permit or use management or lease agreement from the Department.

R-115 GLASS BOTTLES

1. Possessing glass, ceramic or hard frangible plastic beverage bottles.

R-116 AIRCRAFT AND ENGINE POWERED MODELS

1. Operating any passenger carrying aircraft of any nature or parachute, including parasailing, except in areas designated for such use by the Department or in an emergency situation.
2. Operating engine powered models and/or toys in any park area not designated for such use or in such a manner that it could be a hazard to the public.

R-117 INTERFERENCE WITH A PARK RANGER OR A PARK POLICE OFFICER

1. Interfering with any Park Ranger and/or Park Police Officer in the discharge of the Park Ranger's and/or Park Police Officer's duties.
2. Failing or refusing to obey any lawful command of any Park Ranger and/or Park Police Officer or other Certified Peace Officer.

FORMAL SESSION
August 13, 2003

R-118 TRAILS

1. Damaging, blocking, restricting or otherwise interfering with the use of a trail.
2. Throwing or rolling rocks or other items into valleys or canyons, down hillsides, mountainsides or trails.
3. Leaving a designated trail or walkway between trailheads.
4. Operating a bicycle, riding a horse, or hiking, except on trails designated for that use.
5. Failure to follow any sign that dictates the use or behavior on a trail.

PLANNING AND DEVELOPMENT – STREET NAME CHANGES

This is the time scheduled for public hearings to change the street names on the following. The request is made by Pulte Home Corporation to correct an error in the plat of Corte Bella Country Club, Phase One Unit One in Sun City West, Arizona:

- a) Palomares Drive to La Vina Drive (C44030237) (ADM2018)
- b) Sonora Drive to Las Alturas Drive (C44030247) (ADM2018)

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the street name changes given above.

INTERGOVERNMENTAL AGREEMENT WITH DEPARTMENT OF ECONOMIC SECURITY – DIVISION OF CHILD SUPPORT ENFORCEMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Department of Economic Security - Division of Child Support Enforcement (DCSE) and the Clerk of the Superior Court for an amount not-to-exceed \$1,255,101 for the period of October 1, 2003, through September 30, 2004, with indirect costs calculated at \$338,541 or 41.73%. Grantor reimburses at a rate of 66% (including indirect cost recovery) not-to-exceed \$828,367. Maricopa County's cost contribution is (34%), not-to-exceed \$426,734 for the continuation of this Child Support Enforcement program (C16040013)

FEDERAL ANNUAL CERTIFICATION REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the FY 2002-2003 Federal Annual Certification Report, which accounts for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice. The Federal Annual Certification reports revenue and expenditures through June 30, 2003. Treasury funds are tracked separately from Justice funds. Federal Sharing Agreements are entered into between the Federal Government, the County Attorney's Office, and the Board of Supervisors. It sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon, which are equitably shared with participating agencies (more commonly known as RICO funds). The Federal Annual Certification Report is required within sixty-days after the close of Maricopa County's fiscal year. (C19040122) (ADM400)

POLLING PLACES AND ELECTION AND TALLY BOARDS FOR HEALTH DISTRICT FORMATION ELECTION

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

For the Health District formation election to be conducted November 4, 2003, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following actions: (C21040017) (F23121)

- a) polling places for each precinct, including designation of polling places in adjacent precincts due to the lack of a suitable polling place available within a precinct; authorize the Director of elections to select and designate additional polling places if needed due to changes or unavailability of polling places;
- b) appointment of election boards and tally boards necessary to conduct the election upon selection by the Director of Elections and filing with the Clerk of the Board of Supervisors, and provide for payment of election board communication expenses.

FEDERAL CERTIFICATION REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a Federal Certification Report accounting for federal equitable sharing funds (aka RICO funds) received from the Department of the Treasury or the Department of Justice for the period ending June 30, 2003. Treasury funds are tracked separately from Justice funds. On August 21, 2002, the Board approved a three-year Federal Equitable Sharing Agreement among the Federal Government, the Sheriff's Office, and the Maricopa County Board of Supervisors. The agreement sets forth the requirements for participation in the federal equitable sharing program and the restrictions upon the use of federally forfeited cash, property, proceeds and any interest earned thereon (more commonly known as RICO funds), which are equitably shared with participating agencies. As a condition of the Agreement, an annual Federal Certification Report must be filed. (C5003026201) (ADM3900)

ADDITION TO THE FLEET OF ONE GENERAC POWER SYSTEMS GENERATOR

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an addition to fleet for the Jail Central Service Complex consisting of one Generac Power Systems Generator, a mobile power source to operate the SPUDNIK, for \$19,780. This amount includes tax and was funded in FY 2002-2003 adopted budget. The estimated annual operating cost is \$320. (C50040180) (ADM3104)

GRANT FUNDING FROM JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT 2002, YEAR 6 PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the application for and acceptance of funding for Maricopa County's "allotment" from the Juvenile Accountability Incentive Block Grant (JAIBG) 2002, Year 6, program in the amount of \$343,587. The project period of this award is from October 1, 2003, to September 30, 2005. Further authorize Maricopa County to serve as the fiscal agent and project administrator of a partnership involving the County and the cities of Avondale, Chandler, Glendale, Phoenix and Paradise Valley, with contributing city allotments from Affiliated Members Goodyear and Peoria. In addition, authorize Maricopa County Juvenile Probation Department to enter into an Intergovernmental Agreement with the City of Phoenix to accomplish the goals and objectives of this partnership. In Year 6, the JAIBG funds will support the furtherance of one program: Expansion of Safe Schools. Approve the receipt of "pooled" funds from the above cities in the amount of \$958,759, which requires a 10% cash match of all parties, \$106,529. Overall fiscal administration of the total project costs of \$1,065,288 will be the responsibility of Maricopa County. Authorize the Juvenile Probation Department to collaborate with the Finance Department in the

**FORMAL SESSION
August 13, 2003**

administration of the pooled funds, per the cost-reimbursement methodology requirement of the grant. It has been agreed that Maricopa County and the City of Phoenix will contribute any recovered indirect costs to the pool of funds to sustain established JAIBG Safe School teams. Avondale, Chandler, Glendale and Paradise Valley will transfer funds to the established "pool" for combination with the County match. Juvenile Probation Department funds will provide the required 10% County match -- \$38,176 -- and that required for Affiliated Members -- \$2,023 -- totaling \$40,199. The federal JAIBG grant limits and caps indirect cost recovery at 10% of the total allotments. (C27040033)

AMENDMENT TO LEASE WITH LEROY OWENS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute Amendment No. 3 to Lease No. L7252 with Leroy Owens, Lessor, for the 3,081 square foot Juvenile Probation Community Justice Center located at 5720 West Camelback Road, Suites 1-4, Glendale, AZ. It has become necessary to amend the current lease to clarify the use and payment of utilities after regular business hours. The cost of extended hours of operation of air conditioning when requested by Lessee shall be reimbursed to the Lessor at the rate of \$10.00 per hour of operation. All other terms and conditions of the original agreement shall remain the same and in full force and effect. This lease is subject to termination pursuant to the provisions of ARS §38-511. (C2797010403)

PERSONNEL AGENDA

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

WRITE-OFF OF UNCOLLECTIBLE TENANTS ACCOUNTS RECEIVABLE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve, for accounting purposes only, the write-off of \$23,970.30 in uncollectible Tenants Accounts Receivable (TARS) in the Low-Rent Housing program for fiscal year ending June 30, 2003. (C6604001M) (ADM2403)

CONTRACT WITH CAROLLO ENGINEERS, PC

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute the consultant services contract with Carollo Engineers, PC, for the professional engineering services to be performed in connection with the "Water Reservoir and Pressure Tank Inspections" in the amount of \$30,000. The funds to pay for the contracted amount will be from Parks and Recreation Department Enhancement Fund Repair and Maintenance monies. The scope of work for this project includes the interior and exterior inspections, report and analysis, and recommendations and cost estimate of rehabilitation for four water reservoir tanks and three water pressure tanks located at Estrella Mountain Regional Park, White Tank Mountain Regional Park, McDowell Mountain Regional Park, and Usery Mountain Recreation Area. (C30040015)

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, 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

FORMAL SESSION
August 13, 2003

Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials:

- 03022-SC ELECTRICAL TESTING AND INSPECTION, AC/DC VOLTAGE** (\$1,000,000/est three (3) years with three (3) one (1) year renewal options)
Multiple Award Price Agreement for Electrical Testing and Inspection Services for County Facilities as requested by the Facilities Management Department.
- Electrical Power Systems International Inc.
 - Electro-Test Inc.
 - Hampton Tedder Technical Services
- 03056-C DIGITAL RECORDING TAPES** (\$450,000 est/two (2) with three (3) one (1) year renewal options)
Pricing agreement for the purchase of Digital Recording Tapes to be used by the Sheriffs Office, Records Office and other departments on an as required basis.
- ASSI Security of Arizona
 - OPACS (Office Products & Computer Supplies) Inc.

Sole Source

Award Sole Source procurement to Oracle Corporation for the renewal of Oracle Software Licenses. Oracle Corporation owns the source codes for these proprietary software licenses and there are no other providers or resellers of Oracle Software Licenses. Total expenditures will not exceed individual budgetary authorizations. This requirement was advertised in accordance with County's sole source procurement procedures. (C73041011)

Contract Extensions:

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

Until October 31, 2004

- 00102-SC INFORMATION TECHNOLOGY CONSULTANTS (\$1,500,000 est/one (1) year)**
One year pricing agreement extension for IT Consultants to be used by various County departments based on individual budgetary authorizations.
- See Summary with list of Consultants (List on file in the Office of the Clerk of the Board of Supervisors.)

FORMAL SESSION
August 13, 2003

- 00147-E QUALIFYING BID, PICKUPS, SUV'S, SUBURBAN TYPE VEHICLES (\$3,313,500 est/one (1) year)**
One year extension to purchase various types of vehicles for Maricopa County departments. Quotations will be issued for budgeted vehicles to vendors approved under the terms of this agreement.
- Bill Luke Chrysler Jeep Dodge Inc.
 - Courtesy Chevrolet
 - Five Starr Ford
 - Lou Grubb Dodge
 - Lou Grubb Ford, Inc.
 - Midway Chevrolet-Isuzu
 - Thorobred Chevrolet, Inc.
 - Teague Equipment Company
 - Tom Jones Ford, Inc.

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

- 01181-C INSTITUTIONAL MATTRESSES (\$225,000)**
Increase the value of this Price Agreement from \$250,000 to \$475,000. This \$225,000 increase is being requested by the Sheriffs Office to purchase additional mattresses required in the jails through the March 31, 2004, contract term. The Board of Supervisors initially awarded this agreement on March 6, 2002.
- Chestnut Ridge Foam, Inc.
- 01195-C TELEPHONE, RADIO, AND DATA COMMUNICATION SUPPLIES (\$1,000,000)**
Increase the value of this price agreement from \$750,000 to \$1,750,000. This \$1,000,000 increase is being requested by the Telecommunications Department due to increased anticipated demand by the using agencies through the April 30, 2005, contract term. The Board of Supervisors initially awarded this agreement on April 3, 2002.
- Call One, Inc.
 - Communications Supply Corporation
 - Interstate All Battery Center
 - Native Tele-Data Solutions, Inc.
 - Talley Communications
- 02009-C AGGREGATE MATERIALS (\$1,000,000)**
Increase the value of this price agreement from \$1,430,000 to \$2,430,000. This \$1,000,000 increase is being requested by Transportation and Flood Control Departments to allow the purchase of additional Aggregate Materials for continued road construction and maintenance through the April 30, 2004, contract term. The Board of Supervisors initially awarded this agreement on April 17, 2002.
- Alleco Stone, LLC
 - Hayward Corporation
 - Mesa Materials
 - Sun State Rock & Material

FORMAL SESSION
August 13, 2003

- Vulcan Materials-Western Division

03005-C

ROAD AND HIGHWAY BUILDING MATERIALS (\$1,000,000)

Increase the value of this price agreement from \$1,000,000 to \$2,000,000. This \$1,000,000 increase is requested by the department of Transportation to purchase additional road and highway building materials, asphalt, emulsified and oil and petroleum resin, to allow McDOT to continue to maintain streets and roadways through the March 31, 2004, contract term. The Board of Supervisors initially awarded this agreement on March 19, 2003.

- Ergon Asphalt Product, Inc.
- Koch Asphalt Solutions-SW
- Paramount Petroleum, Corp.

AMENDMENT TO IRREVOCABLE STANDBY LETTER OF CREDIT WITH BANK ONE, ARIZONA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize the Maricopa County Treasurer to execute an amendment to the existing Irrevocable Standby Letter of Credit with Bank One, Arizona. The amended amount of the Letter of Credit is to be \$9,058,610, with the Industrial Commission of Arizona as beneficiary. The Letter of Credit will serve as the security for the county's projected liability for workers compensation claims for FY 2003-2004. The Letter of Credit will be secured by the County's existing \$35 million line of credit with Bank One established in the "Municipal Revolving Line of Credit Loan Agreement," dated July 1, 2001, ("Line of Credit Agreement"). The line of credit will be restricted by the amount of the Letter of Credit. The cost of the Letter of Credit for FY 2003-2004 is \$59,998.76, which has been budgeted in FY 2003-2004. It is not expected that there will be reason for the Letter of Credit to be drawn on; however, the Industrial Commission of Arizona requires the negotiable security. (C7503001101) (ADM4000) (ADM3712)

OPERATIONAL FUNDING COMMITMENTS BY INTERNATIONAL GENOMICS CONSORTIUM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the calculation of "operational funding commitments" by International Genomics Consortium (IGC) for purposes of the Economic Development Funding Agreement executed between IGC and Maricopa County, October 22, 2002. (Discussed in Executive Session on August 11, 2003.) (Addendum item A-1.) (C1803008101)

AGREEMENTS FOR RESCUE OF ANIMALS ELIGIBLE FOR THE NEW HOPE PROGRAM

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following agreements to allow the rescue of animals eligible for the New Hope Program. The terms of the agreements are from August 13, 2003, through August 12, 2006.

- a) Patricia Spencer, dba Boxer Luv Rescue, 8324 North 8th Avenue, Phoenix, AZ 85021. (C79040171)
- b) R.E.S.C.U.E., a 501(c)3 non-profit corporation, 4747 East Elliot Road, No. 29-415, Phoenix, AZ 85044 (C79040181)

APPOINTMENT OF CONTRACT EMPLOYEES

**FORMAL SESSION
August 13, 2003**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the appointment of the following as contract employees of Correctional Health Services (Department 260) for the period of August 11, 2003, through August 10, 2004.

- a) Deborah A. Gross is one of two pre-doctoral psychology interns authorized as part of the Affiliation Agreement between Correctional Health Services and the Arizona Psychology Training Consortium (Psychology Intern Training Agreement), approved by the Board of Supervisors August 7, 2002 (Agenda Item C26030020). Financial impact would be \$23,669 (\$17,000 annual stipend, \$6,419 for benefits for Ms. Gross and \$250 annual affiliation fee payable to the consortium for costs associated with the administration of the program). (C26040030)
- b) Sheri Andjelkovic is one of two pre-doctoral psychology interns authorized as part of the Affiliation Agreement between Correctional Health Services and the Arizona Psychology Training Consortium (Psychology Intern Training Agreement), approved by the Board of Supervisors August 7, 2002 (Agenda Item C26030020). Financial impact would be \$23,419 (\$17,000 annual stipend, \$6,419 for benefits for Ms. Andjeldovic). (C26040040)

REVISED MEMORANDUM OF UNDERSTANDING WITH HUMAN SERVICES DEPARTMENT, EDUCATION DIVISION, HEAD START POLICY COUNCIL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve a revised Memorandum of Understanding between Maricopa County Board of Supervisors and the Human Services Department, Education Division, Head Start Policy Council for shared governance in accordance with Maricopa County Policy and Head Start Federal Regulations 45 CFR 1304.5. This requested revision updates and clarifies language within the MOU. (C2202063M01) (ADM2502)

CONTRACTS PROVIDING SHELTER AND COMPREHENSIVE SUPPORTIVE SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to retroactively award contracts to the following to provide shelter and comprehensive supportive services during the FY 2004 fiscal year. The agreements are effective on July 1, 2003, and shall terminate on June 30, 2004. The funding for the contracts was approved at the request of the Board of Supervisors on June 23, 2003, as part of the Board's role in establishing the County's overall 2003--2004 fiscal year budget.

- a) Central Arizona Shelter Services (CASS), for homeless individuals and families, in the amount of \$180,000. (C22040771)
- b) Sun Health/Olive Branch Senior Center, for elderly individuals, in the amount of \$20,000. (C22040781)

NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH MESA UNIFIED SCHOOL DISTRICT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the non-financial Intergovernmental Agreement with Mesa Unified School District and Maricopa County Human Services Department to collaboratively provide the Maricopa County Head Start program with services to preschool children with disabilities who are enrolled in the Head Start program,

FORMAL SESSION
August 13, 2003

as specified in Arizona Revised Statute §15-761. Mesa Unified School District will provide classroom and playground facilities as well as services for preschool children with disabilities, who are enrolled in the Head Start program. The agreement is effective August 1, 2003, through July 31, 2004. (C22040862)

SUMMER YOUTH EMPLOYMENT AND TRAINING FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to accept Summer Youth Employment and Training Funds as appropriated in the Arizona State budget in the amount of \$175,000 for the provision of summer employment, education, and training activities for eligible youth (ages 11 to 21) residing in Maricopa County, outside the cities of Phoenix and Mesa. The funding is available via wire transfer upon acceptance by the Board of Supervisors and must be expended by November 30, 2003. Upon award of the grant funds, an appropriation adjustment made to Human Services Department Grant Fund (Agency 221/Fund 222) of revenues and expenditures in the amount of the funds awarded, not to exceed \$175,000. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C22040872)

RENEWAL OF "PERMIT FOR USE OF PARKS AND RECREATION FACILITIES" WITH THE CITY OF MESA PARKS, RECREATION, AND CULTURAL DIVISION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve and execute renewal of "Permit for Use of Parks and Recreation Facilities" with the City of Mesa Parks, Recreation and Cultural Division, for the purpose of providing space, at no cost, to Maricopa County for a Head Start Program location. The term for the "Use Permit" runs from August 15, 2003, through May 29, 2004 from 8:00 A.M. to 4:00 P.M., Monday through Friday. This permit is specifically for a classroom and appurtenant facilities at the Washington Activity Center located at 44 East 5th Street, Mesa. AZ. (C22040894)

DONATIONS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to authorize the Human Services Department Special Transportation Services (STS) Program to accept cash donations from clients who utilize the services and desire to make such contributions. These funds will be credited as revenue income and will be used to offset expenses in the program budget. It is anticipated that no more than \$25,000 will be received during FY 2004. (C2204091M) (ADM2500)

REVENUE CONTRACT WITH ARIZONA DEPARTMENT OF ECONOMIC SECURITY, WORKFORCE INVESTMENT ACT ADMINISTRATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to retroactively approve a revenue contract with the Arizona Department of Economic Security (ADES), Workforce Investment Act Administration, in the amount of \$7,714,657 for the provision of Workforce Investment Act (WIA) Title 1-B employment and training services. The term of this contract is April 1, 2003, through June 30, 2006. Upon award of the grant funds, an appropriation adjustment to Human Services Department Grant Fund (Agency 221/Fund 222) of revenues and expenditures in the amount of the funds awarded by the Department of Labor, not-to-exceed \$7,714,657. The appropriations adjustment is necessary because these funds were not included in the FY 2004 budget. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C22040932)

INTERGOVERNMENTAL AGREEMENTS WITH CITIES/TOWNS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Intergovernmental Agreements with the following cities/towns to provide education and work experiences for economically disadvantaged youths. The contracts are effective August 14, 2003, and will terminate September 30, 2003. Funding for the contracts is provided to Maricopa County through the State funded Summer Youth Training and Employment Program (C22040872). The agreements do not contain any County general funds.

- a) City of Tempe in the amount of \$16,000, for 25 youths. (C22041802)
- b) Town of Gila Bend in the amount of \$12,775, for 10 youths. (C22041812)
- c) City of Peoria in the amount of \$15,080, for 15-30 youths. (C22041822)
- d) City of Chandler in the amount of \$16,000, for 400 youths. (C22041832)
- e) City of Tolleson in the amount of \$15,000, for 7 youths. (C22041842)
- f) Town of Guadalupe in the amount of \$16,000, for 40 youths. (C22041852)

GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve application and acceptance of grant funding from the Arizona Criminal Justice Commission in an amount not-to-exceed \$26,000 to be used for continuing medical education and additional other courses required for death investigation certification of the medical investigators. The grant award period is July 1, 2003, through June 30, 2004. In addition, approve a retroactive waiver for the indirect costs. Further, approve an appropriation adjustment to the Medical Examiner Department Grant Fund (Department 290/Fund 224), to increase revenues and expenditures by an amount not-to-exceed \$26,000 due to the new grant revenues from the Arizona Criminal Justice Commission. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of this fund are not prohibited. This budget adjustment would not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. The agreement specifically states that the grant funds are not to be used for "any indirect costs that may be incurred". The funds may only be used for purposes designed to improve the quality and timeliness of the processing of forensic cases. (C29040010)

AMENDMENT TO CONTRACT WITH BOYS & GIRLS CLUBS OF METROPOLITAN PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to contract with the Boys & Girls Clubs of Metropolitan Phoenix to provide tobacco use prevention and education services. The amendment retroactively extends the contract through June 30, 2004, updates compensation language and increases the contract dollar amount by \$75,000. Total funding for the contract will increase from \$50,625 to \$125,625. (C8603045101)

CONTRACTS/INTERGOVERNMENTAL AGREEMENTS WITH VARIOUS SCHOOL DISTRICTS – TOBACCO USE PREVENTION AND EDUCATION SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Contracts/Intergovernmental Agreements, as follows, to provide school-based tobacco use

**FORMAL SESSION
August 13, 2003**

prevention and education services. The terms of the agreements are from Board approval to June 30, 2004. In 1995, as a result of the Tobacco Tax Initiative, the Arizona Legislature authorized the Arizona Department of Health Services to develop community tobacco prevention and cessation programs. The Maricopa County Department of Public Health works with ADHS to identify strategies and implement school-based tobacco use prevention and education services for the unserved areas of Maricopa County. Funding for these agreements is provided by a grant from ADHS and will not increase the County general fund budget.

- a) Phoenix Elementary School District No. 1 for a contract dollar amount not-to-exceed \$18,000. (C86043322)
- b) Peoria Unified School District No. 11 for a contract dollar amount not-to-exceed \$8,000. (C86043482)
- c) Avondale Elementary School District for a contract dollar amount not-to-exceed \$6,000. (C86043552)

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA BOARD OF REGENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement with the Arizona Board of Regents on behalf of the University of Arizona, Mel and Enid Zuckerman Arizona College of Public Health for the provision of Arizona Turning Point Project services. The term of the agreement is retroactive to July 1, 2003, and continues through March 31, 2004, for an amount not-to-exceed \$36,200. (C86040142)

AMENDMENT TO CONTRACT WITH CATHOLIC SOCIAL SERVICES OF PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to Contract with the Catholic Social Services of Phoenix, for the provision of HIV behavioral health services. The amendment increases the contract dollar amount by \$6,021, effective upon Board of Supervisors' approval. Total funding for the period ending February 29, 2004, will increase from \$5,979 to \$12,000. (C8603701101)

AGREEMENT WITH ARIZONA PUBLIC SERVICE COMPANY

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an agreement with Arizona Public Service Company ("APS"), a subsidiary of Pinnacle West Capital Corporation, for space at the county's Thompson Peak communications site. The agreement provides site access, tower space, and building space, in return for which APS provides electrical power to Maricopa County's building and equipment at the site. This agreement is for five years from the date of approval with automatic renewal at the end of every fifth year unless canceled by either party. (C76030181)

CHANGE ORDERS TO CONTRACT WITH McCARTHY BUILDING COMPANIES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Change Order Nos. 19 and No. 20 to Contract JE01-04 with McCarthy Building Companies in the amount of \$363,036 and \$236,465, respectively. This contract is for the construction of the 4th Avenue Jail Adult Detention Facility. Change Order Nos. 19 and No. 20 incorporate various changes required to complete construction and allow occupancy. The increase is within the project's budget. On February 7, 2001, the Board approved the award of a general construction contract to construct the 4th Avenue Jail Adult Detention Facility. The contract was awarded for \$91,070,500, and Change Order Nos.

**FORMAL SESSION
August 13, 2003**

19 and No. 20 exceed the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C4001011002)

ADDITIONS TO FLEET OF ONE 4000 POUND ELECTRIC FORK LIFT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve additions to fleet for vehicles/equipment purchased from the Jail Construction Fund for the new Facilities Management Department Maintenance Facility. The following item was purchased for the new Facilities Management Department Maintenance Facility: One 4000-pound electric forklift totaling \$25,187.30. A total of one vehicle will be added to the fleet. These amounts include tax. (C4004001M) (ADM3104)

CHANGE ORDER TO CONTRACT WITH DL WITHERS CONSTRUCTION, INC.

Approve Change Order No. 5 to Contract with DL Withers Construction, Inc. in the amount of \$234,498. This contract is for the construction of the Maricopa County Sheriff's Office (MCSO) Training Academy Building. Change Order No. 5 incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. On September 5, 2001, the Board approved the award of a design/build construction contract to construct the Academy Building. The contract was awarded for \$10,989,690, and Change Order No. 5 exceeds the Capital Facilities Development Department Director's 5% change order authorization approved by the Board on June 10, 2002. (C70020135) (C40040025)

CONTRACT FOR NORTHEAST SUPERIOR COURT DESIGN/BUILD PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize award of Contract No. CFD03-02 for the Northeast Superior Court Design/Build project located at 40th Street and Union Hills Drive, if the bid is not more than 10% over the independent estimate. The final selection of the design-builder shall be based on both quality and price in accordance with the Maricopa County Procurement Code, Article 5, Design-Build selection procedures. On May 7, 2003, the Board approved a new project titled "Northeast Superior Court Expansion." The total approved budget for this project is \$16,350,000. This Design/Build contract will allow the Superior Courts to consolidate its current functions in the Northeast valley. The Northeast Superior Court Expansion Project will be Phase I of what eventually may become the Northeast Regional Center for Maricopa County. The facility will house 12 Superior Court courtrooms in approximately 73,500 square feet. The project has been fully master planned showing all three sequential phases. The facility will be located in a county-owned tract of land east of State Route 51 at Union Hills. (C70030538) (C40040035)

CONTRACT WITH WOOD, PATEL & ASSOCIATES, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a professional services contract with Wood, Patel & Associates, Inc. to provide "as needed" civil engineering consulting services for a two-year period. The consultant will provide planning, programming, estimating, design, and construction administration services for various county projects. Consultant fees for this two-year period shall be \$250,000 or less and are paid by the County's Major Maintenance budget or by budgeted department funds. (C70040085)

EASEMENTS AND RIGHT-OF-WAY DOCUMENTS

FORMAL SESSION
August 13, 2003

No 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 were reported at this time. (ADM2007)

TRAFFIC CONTROLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following traffic controls: (F23107)

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Williams Field Road from Lindsay Road to .50 miles East of Lindsay Road. (This partially rescinds the 55 MPH speed limit zone dated August 8,1970). (C64040475)

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Williams Field Road from Greenfield Road to .50 miles East of Greenfield Road. (This partially rescinds the 55 MPH speed limit zone dated August 8, 1970). (C64040475)

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Williams Field Road from .25 miles West of Higley Road to Higley Road. (This partially rescinds the 55 MPH speed limit zone dated August 8,1970). (C64040475)

A 45 MPH SPEED LIMIT ZONE (from a 55 MPH SPEED LIMIT ZONE) on Cotton Lane from .75 miles South of Thomas Road to Indian School Road. (This partially rescinds the 55 MPH speed limit zone dated August 8, 1970). (C64040485)

A 45 MPH SPEED LIMIT ZONE (from a 50 MPH SPEED LIMIT ZONE) on Dysart Road from Indian School Road to .55 miles South of Glendale Avenue. (This partially rescinds the 50 MPH speed limit zone dated December 18,1972). (C64040495)

A ONE WAY STOP for Westbound traffic on Horseman Lane at Acapulco Drive. (C64040505)

AMENDMENT TO CONTRACT WITH AMEC INFRASTRUCTURE, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to On-Call Candidate Assessment Reports and Design Concept Reports, Contract No. CY 2003-08, with AMEC Infrastructure, Inc.; which will extend the performance period of the contract by one year through June 30, 2004; it is also requested that the contract amount be increased in an amount not-to-exceed \$100,000 for a new revised contract amount of \$200,000. (C64022955101)

AMENDMENT TO CONTRACT WITH URS CORPORATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 1 to On-Call Construction (Geotechnical) Support Services, Contract No. CY 2003-05, with URS Corporation, which will extend the performance period of the contract by one year through June 30, 2004; without increasing the contract amount. The contract has a remaining balance of \$100,000. (C6403027501)

CONTRACT WITH URS CONSTRUCTION

FORMAL SESSION
August 13, 2003

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Consultant Services Contract 2004-22 in an amount not-to-exceed \$276,724 with URS Corporation to perform an Access Control and Corridor Improvement study for the Meridian Road (US 60 to Hunt Highway) Project No. T140, (McDOT No. 69064). Also in accordance with ARS §42-17106(B), approve an amendment to the current FY 2003-2004 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on June 23, 2003, by decreasing the FY 2004 (Year 1) Project Reserves Account, Project No. T002, capital budget by \$16,724 and adjusting the Meridian Road (US 60 to Hunt Highway) Project No. T140, as follows: Increase the FY 2004 (Year 1) capital budget for the Meridian Road (US 60 to Hunt Highway) Project No. T140, by \$16,724 for a net impact of zero. (C64040405)

CONTRACT WITH AZTEC ENGINEERING

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Consultant Services Contract 2004-23 in an amount not-to-exceed \$234,691 with AZTEC Engineering to perform an Access Control and Corridor Improvement study for the Ocotillo Road, Power Road to Alma School Road Project, Work Order No. 69062, No. T138. (C64040415)

DEACTIVATION AGREEMENT WITH SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to execute a Deactivation Agreement to allow Salt River Project to abandon its use of an irrigation drain ditch. The ditch will be removed to accommodate the McDOT road-widening project. As part of the roadway improvements, it will be necessary to remove the SRP irrigation drain ditch located south of Pecos Road along the east side of McQueen Road to Willis Road. The irrigation ditch is not presently in service but serves SRP's obligated drainage point for the land south of Willis Road. Execution of the deactivation agreement will allow SRP to abandon its use of the facility and the removal of it. McDOT will remove the facility and agrees to replace the facility if at any time SRP has a need for the facility to meet its obligations. (Supervisorial District No. 1) (C64040435)

REIMBURSEMENT TO SALT RIVER PROJECT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve reimbursement to Salt River Project for the costs incurred in the design and relocation of their facilities in conflict with T037 – McDOT Project 16214 – PM 10 (PH 3) SE Area. The cost may not exceed the current estimate of \$15,221 by more than 10%. (C64040445) (ADM2000-006)

CALL FOR BIDS AND AWARD – VARIOUS PROJECTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation for bids and award contracts to the lowest responsive bidders, providing that the lowest responsive bids do not exceed the engineer's estimate by more than 10%.

- a) construction of Traffic Signals at Indian School Road at Santa Fe Trail, Project T149, (McDOT No. 12598). (C64040455)
- b) construction of the MC 85 at Agua Fria/Bridge Scour, Project T072, (McDOT No. 68933). (C64040515)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF QUEEN CREEK

**FORMAL SESSION
August 13, 2003**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the annexation by the Town of Queen Creek of Ocotillo Road southeasterly to approximately ¼ mile southeasterly of Chandler Heights Road, Sections 22, 23, 24, and 25 T2S, R7E, also known as Rittenhouse Road, in accordance with Town Ordinance No. 304-03. (C64040525) (ADM4224)

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley and unanimously carried (5-0) to approve the annexation by the City of Phoenix of an 80 foot strip of Happy Valley Road (the North and South 40 feet) from the South ¼ corner of Section 6, West 30 feet, in accordance with City Ordinance No. G-4528. (C64040535) (ADM4213)

QUIT CLAIM DEED TO THE CITY OF PHOENIX

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Quit Claim Deed from Maricopa County, a political subdivision of the State of Arizona to the City of Phoenix, a municipal corporation. Said Quit Claim Deed describes a parcel of land being 0.2275 acres located along the south side of Baseline Road west of 19th Avenue. Maricopa County entered into an Intergovernmental Agreement with the City of Phoenix for the improvement of Baseline Road between 51st Avenue and 7th Avenue. This IGA was approved at a Board meeting on October 4, 2000, and recorded by the Maricopa County Recorder's Office on October 10, 2000, Recorder's No. 2000-0774818. The IGA allowed for Maricopa County to purchase land within the City of Phoenix and also required that the City of Phoenix reimburse Maricopa County for costs associated with the acquisition of land. The City has reimbursed these costs to Maricopa County. At the completion of the project the County will transfer these lands to the City of Phoenix. This parcel of land is being expedited for transfer via a request to and approved by the City of Phoenix to allow the City to have legal title as well as jurisdictional authority on the parcel as it pertains to a new subdivision within their jurisdiction. (C64010992) (C64040545)

MARICOPA INTEGRATED HEALTH SYSTEM 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.)

AMENDMENT NO. 5 TO CONTRACT WITH HOSPICE OF THE VALLEY

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve Amendment No. 5 to the Hospice Services Contract (originally C60000071) with Hospice of the Valley to extend the contract for one year from October 1, 2003, through September 30, 2004, making the aggregate term October 1, 1999, through September 30, 2004. The contract may be extended for a total term of up to five-years and may be terminated with 90-days written notice by either party. (C6002078105)

RESIDENT CONTRACT AT MARICOPA INTEGRATED HEALTH SYSTEMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the Resident contracts for the Maricopa Integrated Health System OB/GYN program for the 2003-2004 academic year and Amendment No. 1 to these contracts. (Discussed in Executive Session on August 11, 2003.) (Addendum item A-2.) (C9003625122)

**FORMAL SESSION
August 13, 2003**

RESCIND THE APPOINTMENT OF TERRI NIELSEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to rescind the appointment of Terri Nielsen as the resident member of the Housing Authority in that she has declined the appointment. Ms. Nielsen has not taken the oath of office and has not served in any official capacity. (C0603016901) (ADM2401)

AMEND THE BOARD OF SUPERVISORS RULES OF ORDER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to amend the Board of Supervisors Rules of Order, adopted by the Board on January 6, 1997. The change will update Rule 13 to reflect that Robert's Rules of Order, Tenth Edition, will now be used instead of the Ninth Edition. (C06040040) (ADM631-002)

REAPPOINT MYRA JEFFERSON TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to re-appoint Myra Jefferson to the Community Development Advisory Committee, as the District 1 nominee. The term of re-appointment will be from the date of Board approval through June 30, 2004. (C06040070) (ADM1501)

REAPPOINT RALPH LAMOREAUX TO THE CITIZENS' AUDIT ADVISORY COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to re-appoint Ralph Lamoreaux to the Citizens' Audit Advisory Committee, as the District 1 nominee. The term of re-appointment will be from the date of Board approval through May 27, 2005. (C06040080) (ADM2602)

APPOINTMENT OF BEN BETHEL TO THE CITIZENS' TRANSPORTATION OVERSIGHT COMMITTEE

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Ben Bethel to the Citizens' Transportation Oversight Committee, as the District 5 nominee. The term of appointment will be from the date of Board approval through January 10, 2004. (C06040090) (ADM2047)

APPOINTMENT OF MARSHA RUIZ TO HOUSING AUTHORITY BOARD OF COMMISSIONERS

Approve the appointment of Marsha Ruiz, a resident of one of the housing projects financed and/or operated by the Housing Authority, as a member of the Housing Authority Board of Commissioners. The term shall run from the date of Board of Supervisors action through June 30, 2004. (Addendum item A-3.) (C06040109) (ADM2401)

HEARING SET – PLANNING AND ZONING

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule public hearings for 9:00 a.m., Wednesday, August 27, 2003, on the following amendments to the Zoning, per ARS §11-823, as follows:

FORMAL SESSION
August 13, 2003

- i. CPA2003-002 - Recommendation from the Commission to approve the Board of Supervisors' recommended changes to the Rainbow Valley Area Plan Update. Recommended changes in conjunction with Board of Supervisors' approval of CPA2003-002 at its June 18, 2003 public hearing. (ADM-3420-004)
- ii. CPA2003-003 – Recommendation from the Commission to approve the Board of Supervisors recommended changes to the State Route 85 Corridor Area Plan. Recommended changes in conjunction with Board of Supervisors approval of CPA 2003-003 at its June 18, 2003 public hearing. (ADM-3420-021)

HEARING SCHEDULED - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for August 27, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2003-010; Z2003-020

INDUSTRIAL DEVELOPMENT AUTHORITY MULTIFAMILY HOUSING REVENUE BONDS (DESERT EAGLE ESTATES PROJECT)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (DESERT EAGLE ESTATES PROJECT) SERIES 2003 IN ONE OR MORE TAX EXEMPT OR TAXABLE SERIES IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$12,600,000 (THE "BONDS").

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

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (SAN CLEMENTE APARTMENTS PROJECT) SERIES 2003 IN ONE OR MORE TAX EXEMPT OR TAXABLE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$18,200,000 (THE "BONDS").

FORMAL SESSION
August 13, 2003

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

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA MULTIFAMILY HOUSING REVENUE BONDS (SAN FERNANDO APARTMENTS PROJECT) SERIES 2003 IN ONE OR MORE TAX EXEMPT OR TAXABLE SERIES IN THE AGGREGATE PRINCIPAL AMOUNT NOT-TO-EXCEED \$14,500,000 (THE "BONDS").

INDUSTRIAL DEVELOPMENT AUTHORITY SINGLE FAMILY MORTGAGE REVENUE BONDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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). (ADM4792)

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, REGARDING TO THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA SINGLE FAMILY MORTGAGE REVENUE BONDS, SERIES 2003A AND SERIES 2003B, IN AN AGGREGATE AMOUNT NOT-TO-EXCEED \$200,000,000.

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meetings held June 23, and June 26, 2003.

PRECINCT COMMITTEEMEN

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

OFFICIAL APPOINTMENTS AND OATHS OF OFFICE - COUNTY RECORDER

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Rachel Ertel, Victor Hammond, and Daniel Ruiz, II, as special deputy recorders in the Office of the County Recorder.

PAYMENT OF CLAIMS AUTHORIZED

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize payment of claims submitted by the Arizona State Retirement System, on behalf of current or

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (C31040018) (ADM3309-001)

Employee Name	Total County	Employee Name	Total County
Chanto, Maria	\$303.77	Bronson, Maureen	\$205.75
Giordano, Amelia	\$963.03	Bray, William	\$4,924.67
Hutchison, Danny	\$232.77	De La Torre, Ana	\$257.35
James, Rodger	\$313.53	Hintz, Deborah	\$1,208.98
Parham, Michael	\$575.28	McIntosh, Angela	\$587.80
Sanchez, Deanna	\$215.45	Vasquez, Laura	\$424.51
Truvillion, Troy	\$224.44	Wiley, Sheila	\$470.14
Johnson, Emily	\$641.32	Enow, Charles	\$490.59
Plank, Kathleen	\$984.32	Cloud, Caroline	\$19.03
Fisher, Judith	\$275.31	Stallman, Terran	\$806.38
Howery, Robert	\$643.24	Moreno, Tricia	\$187.88
Villegas, Gladys	\$172.55	Halver, Donald	\$1,120.91
Quinones, Martha	\$406.92	Otero, Deanna	\$238.56

ACCEPTANCE OF CASH AND IN-KIND CONTRIBUTIONS GENERATED FOR THE 2004 NACO ANNUAL CONFERENCE

No cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations were received at this time. (C2003015M) (ADM652)

2004 COMBINED CHARITABLE CAMPAIGN

No cash or in-kind contributions generated for the 2004 Combined Charitable Campaign through corporate sponsorships and donations were reported at this time. (C88040057) (ADM3311-002)

SECURED TAX ROLLS

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve requests from the Assessor for corrections of the Secured Tax Rolls in accordance with the report on file in the Office of the Clerk of the Board of Supervisors. (ADM705)

Tax Roll	From No.	To No.	Net Result
1999	7234	7234	-\$1,181.12
2000	10756	10786	\$191,534.86
2001	36193	36206	-\$49,497.10
2001	36207	36236	-\$2,650.88
2002	10767	10840	-\$101,502.54
2002	10841	10908	-\$99,031.88
2002	11011	11309	-\$375,696.88

DUPLICATE WARRANTS

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve issuance of duplicate

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

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

NAME	WARRANT	<u>COUNTY</u>	FUND	AMOUNT
Floyd R Adams	C097785		Payroll Clearing Account	\$6,295.43
Mandla Zwelthu	060310		Payroll	\$659.61
KPMG	33055H105		Expense	\$11,425.00
Harriet K Galbreath	Dist. #214		13-0168426	\$177.32
Technology Staffing	330546923		Expense	\$372.40

NAME	SCHOOL	WARRANT	AMOUNT
Joann Kennedy	Superintendent	14-0157065	\$958.10
Ikon Office Solutions	Roosevelt SD #66	4-3-0117313	\$957.68
Nat'l Property Supply	EVIT USD #401	430091836	\$54.50
Nat'l Property Supply	EVIT USD #401	430023557	\$54.50
Carrie Derudder	Pendergast SD	13-0164317	\$143.78
Ignacio Rivera De Rosales	Roosevelt SD #66	13-0167393	\$383.93
Diane Nonack	Alhambra SD	13-0164872	\$1,707.68
Erika Jackson	Littleton SD #65	1-3-0149554	\$629.22
Crystal Johnson	PESD #1	14-4447	\$160.54
Jennifer Clyatt	Litchfield Elem. SD #79	13-0167436	\$961.67

STALE DATED WARRANTS

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

NAME	AMOUNT
Maria Elena Montanez-Lopez	\$182.26
Terry Olivas, MD	\$20.00
Diana Waite, RN	\$890.00

SETTLEMENT OF TAX CASES

No tax cases were reported at this time. (ADM704)

CLASSIFICATION CHANGES

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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)

PARCEL NO.	YEAR	OWNER	FROM	TO
133-34-712	2002	Kenneth Kempton	LC/4	LC/3
206-20-047	2000	Charlene Pace	LC/4	LC/3
206-20-047	2001	Charlene Pace	LC/4	LC/3
206-20-047	2002	Charlene Pace	LC/4	LC/3

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

302-32-461 2003 Shari Baird LC/4 Mixed

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held July 28, 2003.) (ADM407)

Rosangela Ballesteros	\$3,500.00	David Calzada	\$2,000.00
Jing Chen	4,000.00	Derek Fitzpatrick	1,000.00
Angelica Hernandez	2,905.00	Juanita Hernandez	3,000.00
Maria Hernandez	2,000.00	Andre Lachapelle	19,000.00
Taneca Leake	8,000.00	Tisha Merrill	1,800.00
David Miller, Sr.	10,500.00	Maria Moran	1,000.00
Eric Reber	2,000.00	Toby Turley	5,500.00
Ana Lillia Villaverde	2,318.74		

WRITE-OFF

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested write-off as payment in full for the following: (Discussed in Executive Session held July 28, 2003.) (ADM407)

Mario Dunn	\$4,648.58	Brenden Murphy	\$15,922.01
Kayla Murphy	500.00	Robert Thornton	1,538.10
Lonnie Lee Davis	210.00	Jesus Guzman	1,180.00
Randolph Carl Huey	370.00	Nathan J. Lawrence	360.00
Damon Ross	1,480.00	Kelvin Raynard McNeal	1,230.00

PUBLIC COMMENT

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

SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS

Chairman Brock announced that the Chandler Little League team won the Western Division World Series Little League Championship and will go to Pennsylvania to participate in the playoffs. He said that the team had a number of shutouts including the series in which they won the Western Championship Pennant. (ADM606)

Supervisor Stapley remarked that the team's defense had been great and their pitching very controlled. Congratulations and continued good wishes from the Supervisors were extended to the team and coaches.

PLANNING AND ZONING

David Smith and Paul Golab left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the

FORMAL SESSION
August 13, 2003

following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

CONSENT AGENDA DETAIL:

1. **S2003-026** **District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Northeast corner of Anthem Way and Anthem Ridge Drive (in the Anthem area)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 32 (approximately 58.23 ac.)

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

2. **S2003-031** **District 3**
 Applicant: Stanley Consultants, Inc.
 Location: Liberty Bell Way between Anthem Way and Meridian Drive (in the Anthem area)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Anthem Unit 53 (approximately 58.23 ac.)

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

REGULAR AGENDA DETAIL:

3. **Z2002-092** **District (This case continued from meeting of July 30, 2003.)**
 Applicant: Jason Morris, for Withey Anderson & Morris P.L.C., and Tait Development, Inc for Phoenix – Yuma L.L.C.
 Location: East of I-17, south of Circle Mountain Road (in the New River/Anthem area)
 Request: Rezone from Rural-43 to C-1 P.D., R1-7 R.U.P.D., R1-8 R.U.P.D., R1-18 R.U.P.D. and R1-35 R.U.P.D. – with the entire site subject to a P.A.D. Overlay Zone - Arroyo Vista (204 ac.)

COMMISSION ACTION: Commissioner Smith moved to recommend approval of Z2002-092, subject to the following stipulations “a” through “aa”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled “Arroyo Vista”, consisting of six (6) full-size sheets, prepared by Nash and Associates, Inc., dated revised March 7, 2003, stamped by the Registered Land Surveyor March 11, 2003, and stamped received March 27, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled “Arroyo Vista A master Planed Community”, consisting of an eleven (11) page, spiral-bound document with exhibits dated revised March 2003 and stamped received March 27, 2003, except as modified by the following stipulations.
- c. Approval is subject to conditional zoning as per the Maricopa County Zoning Ordinance. If a precise Plan of Development has not been approved for the commercial component

of the project or if a Final Plat has not been approved for residential component of the project, within two years from the date of rezoning approval by the Board of Supervisors, the zoning may be revisited by the Planning and Zoning Commission for consideration and possible reversion to Rural-43 zoning. Staff of the Planning and Development Department may administratively approve a one-year extension to this conditional zoning deadline.

- d. A Plan of Development (P.D.) Overlay Zone is applied to the commercial component of the project and a Precise Plan of Development must be approved prior to any development as per the Maricopa County Zoning Ordinance.
- e. A Residential Unit Plan of Development (R.U.P.D.) Overlay Zone is applied to the residential component of the project and all residential development must comply with the R.U.P.D. Chart included on the site plan listed in stipulation "a".
- f. A Planned Area Development (P.A.D.) Overlay Zone is applied to the entire site.
- g. The commercial portion of the site shall be limited to the use and development standards as allowed in the C-1 zoning district and the I-17 Scenic Corridor Design Guidelines as required in the New River Area Plan. A screen wall adjacent to Rural or Residential zoning shall be required unless waived by either the Board of Adjustment, or the Board of Supervisors, during a properly advertised hearing.
- h. With respect to the I-17 Scenic Corridor, all aspects of the design criteria as discussed in the New River Area Plan shall be adhered to including parking lot landscaping. A minimum of fifteen percent (15%) of the total parking lot area for the commercial development shall be landscaped using 100% plant species indigenous to the immediate area.
- i. Residential development immediately adjacent to the Jacka Annex portion of Anthem shall be limited to single-story development and shall observe a maximum height limitation of 25 feet. This applies only to the southernmost row of lots in Parcel 10 as identified on the site plan referenced in stipulation 'a': This height shall be measured finished grade if located outside of the hillside area as defined by the Maricopa County Zoning Ordinance. Should residential development occur within hillside slopes, the height shall be measured from natural grade as required by the Hillside Development Standards of the Maricopa County Zoning Ordinance.
- j. A natural open space buffer consisting of a strip of land 40 feet in width shall be located within the subject property, adjacent to the existing homes located within the Anthem community. Such open space shall be included in any platting activity for that specific area.
- k. A landscaped buffer consistent with Open Space configuration "G" as shown on Sheet 5 of the site plan referenced in stipulation 'a', shall be adjacent to the residential properties located adjacent to the northwest corner of the site.
- l. No development (disturbance) shall occur within any portion of the property that contains slopes of 15% or greater – except for roadways and driveways. This limitation shall not apply to roadways that serve the property; however, such roadways, if located within

hillside slopes, shall observe the Hillside Development Standards of the Maricopa County Zoning Ordinance.

- m. All improvement plans for any portion of the site that contains natural area open space shall include a note indicating that these areas will be roped-off during construction and that no disturbance to these areas is to occur. These areas shall be roped off using a ¼-inch diameter yellow nylon rope suspended from metal T-posts, and shall remain intact throughout the construction process. No construction vehicles will be allowed to enter these areas. Any inadvertent disturbance that occurs within this area shall be restored to its original natural condition at the contractor or developer's expense. All turf areas contained within the open space element of the project area shall be limited to non-invasive grass species. The CC&Rs shall also limit private turf areas to non-invasive grass species.
- o. Prior to zoning clearance, the property owner shall provide the following rights-of-way dedications and improvements:
 - i. Dedicate a half-width right-of-way of 40 feet for the south half of the Circle Mountain Road alignment, between the northwest corner of the subject property to a point approximately 1,000 feet east of that location.
 - ii. Dedicate full width right-of-way of 80 feet for that portion of the realigned Circle Mountain Road between the aforementioned terminus of the 40-foot half width to a point along the east property line, said point located approximately 600 feet south of the northeast corner of the subject property.
 - iii. Dedicate additional right-of-way along the I-17 Frontage Road to bring the total full-width of the frontage road to 110 feet adjacent to the site.
 - iv. A precise plan is required. A Traffic Impact Study will be required prior to precise plan approval.
 - v. At the time of precise plan, assurances will be provided for provision of the future half-width improvements along the Circle Mountain Road right-of-way from the extreme northwest corner of the subject property to the point where the Circle Mountain Road alignment enters the subject property in its entirety. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.
 - vi. At the time of precise plan, assurances will be provided for provision of future full-width right-of-way improvements for that portion of the realigned Circle Mountain Road, between the aforementioned terminus of the 40-foot half width to a point along the east property line, said point located approximately 550 feet south of the northeast corner of the subject property. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.
 - vii. At the time of precise plan, assurances will be provided for provision of future right-of-way improvements along the I-17 Frontage Road adjacent to the site. The extent of the improvements shall be determined during Precise Plan review and shall be constructed to minimum County standards.

Adjustments to the aforementioned Circle Mountain Road alignments may be considered depending upon engineering issues raised during the site-engineering phase, provided the parcel delineation as depicted in the site plans

discussed in stipulation "a" above do not vary more than five percent (5%) as allowed under Article 1001.4.5(b) of the Maricopa County Zoning Ordinance.

- p. All interior streets within the proposed development are to be constructed to minimum County standards.
- q. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- r. Prior to the expiration of conditional zoning or prior to the approval of the first preliminary plat (which ever comes first), the applicant shall receive approval from Maricopa County Environmental Services for on-site and off-site water and sewer master plans.
- s. Prior to approval of any preliminary plat for the proposed development, a preliminary drainage report/plan must be submitted to the Flood Control District for review and approval. The drainage report/plan must document off-site and on-site flows and the sizing of drainage tracts and retention areas.
- t. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- u. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with native landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- v. Prior to the approval of any Specific Development Plans within the project area, the applicant shall survey the entire subject property for cultural resources and submit the survey to the State Historic Preservation Office for review and comment prior to final plat approval for any plat within the Arroyo Vista project area. If required by the State Historic Preservation Office, an archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit or approval of a Final Plat. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- w. The applicant shall comply with all applicable federal, state and local laws regarding endangered species habitat loss mitigation.
- x. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department/district.
- x. Major changes to this PAD General Development Plan (the site plan and narrative report), shall be processed in the same manner as the original application, as outlined in Article 1001.4.5 of the Maricopa County Zoning Ordinance.

FORMAL SESSION
August 13, 2003

- z. 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.
- aa. Development of Parcel 10 shall be in conformance with the zoning exhibit addendum entitled 'Exhibit B', dated June 3, 2003 and presented to the Planning and Zoning Commission on June 5, 2003.

Joy Rich announced that this rezoning case was returned to the Planning and Zoning Commission for a second hearing, by the Board at their July 30th meeting relative to posting and notice issues. She indicated that issues raised by neighboring property owners have been resolved.

Supervisor Kunasek expressed his surprise and satisfaction that this case has been resolved saying that there had been times during discussions when he had wondered if it would be possible. He thanked the Planning Department for their work in bringing this case to a successful completion.

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

- 4. **Z2002-094 District 4**
 - Applicant:** Doug & Linda Day
 - Location:** Approximately 1-mile west of Palo Verde Road and north of I-10 at the northwest corner of Bruner Road & Polk Street (in the Buckeye area)
 - Request:** Major Amendment to an existing Special Use Permit (S.U.P.) for a single-wide mobile home as a residence in the Rural-43 zoning district – to remove 2.5 ac. from the original S.U.P. area - Day Manufactured Home (4.7 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-094, subject to the following stipulations "a" through "g". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development shall occur in accordance with the site plan entitled "Major Amendment to an existing Special Use Permit Day Manufactured Home" consisting of one (1) 8.5" x 11" page, dated revised May 2, 2003 and stamped received May 6, 2003
- b. Compliance with the provisions contained in the Narrative Report entitled "Major Amendment to an existing Special Use Permit Day Manufactured Home" consisting of pages, undated but stamped received May 6, 2003.
- c. This Special Use Permit shall expire on July 7, 2019. Any request for extension shall be made at least six months prior to the expiration date.
- d. Major changes to this Major Amendment to an existing Special Use Permit (site plan and narrative report) 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. Planning and Development Department staff may administratively approve minor changes.
- e. Noncompliance with the plan of development (site plan and narrative report) or 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 for revocation of the Special Use Permit in accordance with the Maricopa County Zoning Ordinance.

- f. 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.
- g. All outdoor lighting shall conform to Section 1112 of the Maricopa County Zoning Ordinance.

Joy Rich, said that this amendment would remove 2.5 acres from the original 4.7 gross acres in the original request, leaving 2.2 acres in the Special Use Permit area.

Linda Day, applicant, was present to answer questions, but there were none.

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

- 5. **Z2002-098** **District 5 (This case continued from the meeting of June 18, 2003.)**
This case was formally withdrawn by the applicant.
- 6. **Z2003-002** **District 4**
Applicant: Coe & Van Loo Consultants, Inc. for Ying & Chao, Inc.
Location: East of the Trilby Wash Outfall Channel at the northwest corner of the 123rd Avenue & Williams Drive alignments (in the north Peoria area)
Request: Rezone from Rural-43 to R1-6 R.U.P.D. - Rancho Silverado II (14.53 ac.)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2003-002, subject to the following stipulations "a" through "r". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development of the site shall comply with the zoning exhibit entitled "Residential Unit Plan of Development for Rancho Silverado II", consisting of one (1) full-size sheet, dated revised May 29, 2003, and stamped received May 30, 2003, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Rancho Silverado II, Case No.", consisting of seven (7) pages and twelve (12) exhibits, dated revised May 29, and stamped received May 30, 2003, except as modified by the following stipulations.
- c. The zoning for Rancho Silverado II shall expire in five (5) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- d. The applicant shall provide a minimum of 2.2 acres of useable open space. The open space shall include at least one tot-, one ramada structure and a barbecue area.

- e. Rancho Silverado II shall have a maximum of 50 dwelling units.
- f. Dedication of additional rights-of-way to bring the ultimate half-width dedication to 65' for Williams Drive and 40' for 123rd Avenue shall occur prior to zoning clearance.
- g. Prior to or concurrent with the submittal of a preliminary plat for any portion or phase of this development, a preliminary landscape plan is to be submitted. Landscaping in common areas shall largely limit turfed areas to active recreational areas. Passive recreational areas shall largely use plants listed on the Phoenix Active Management Area Low Water Use Plant List.
- h. Prior to final subdivision plat approval, the applicant shall provide a signed and recorded Development Agreement with the Peoria Unified School District.
- i. The conceptual Water and Wastewater Master Plans (on-site and off-site) for Rancho Silverado II project shall receive approval by Maricopa County Environmental Services Department prior to approval of the first Preliminary Plat by the Board of Supervisors.
- j. The designs for the backbone (or offsite) water distribution and sewer collection system supporting all phases shall be approved by the Maricopa County Environmental Services Department prior to approval of the first Final Plat by the Board of Supervisors.
- k. Designs of the water distribution and sewer collection system (on-site) for each phase of the Rancho Silverado II project shall be approved by the Maricopa County Environmental Services Department prior to Final Plat approval of each phase by the Board of Supervisors
- l. Written notification shall be provided to all future homeowners that they are located within the State-Defined Territory In The Vicinity Of A Military Airport and may be subject to loud noise and overflights from military aircraft. Such notification shall be consistent with ARS § 28-8484(A).
- m. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- n. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- o. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- p. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted.
- q. Major changes to the R.U.P.D. plan (site plan and narrative report) shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the

FORMAL SESSION
August 13, 2003

Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

- r. Noncompliance with the R.U.P.D. plan (site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action for revocation of zoning approval in accordance with The Maricopa County Zoning Ordinance.

Joy Rich announced that this rezoning request falls within the County's Area Plan and the Peoria Area Plan. It was recommended for approval by both the Planning Commission and staff.

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

- 7. **Z2003-006** **District 2 CONTINUED**
Applicant: Michael Campbell for City of Mesa
Location: 2762 N. Waterbury Road (City of Mesa water facility property) – south of McDowell Road and west of Waterbury Road which is ¼-mi. east of Hawes Road (in the northern east Mesa area)
Request: Special Use Permit (S.U.P.) for a wireless communications facility in the R1-35 zoning district, Cellular Use District 1 - Alltel Cellular Communication Site (1.3 ac.)

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2003-006, subject to the following stipulations "a" through "k". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "Alltel" – Request for a Special use Permit for a Wireless Communication Facility, Maricopa County case # Z2003006 – Ellsworth & McKellips" consisting of two (2) full-size sheets, dated revised March 25, 2003 and stamped received March 27, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Narrative for Submittal to Maricopa County Planning & Development" consisting of three (3) pages, dated revised March 14, 2003 and stamped received March 17, 2003, except as modified by the following stipulations.
- c. Major changes to this Special Use Permit plan of development (site plan and narrative report) 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 Special Use Permit 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.

FORMAL SESSION
August 13, 2003

- e. Dedication for an ultimate half-width of 65' on McDowell Road, for the entire length of the parent parcel, shall be completed prior to zoning clearance.
- f. 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.
- g. All future cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower. The monopole and all monopole-mounted equipment shall be painted a neutral, non-reflective, gray color to match with the purpose of being visually inconspicuous.
- h. The access driveway shall be paved within the public right-of-way.
- i. The applicant shall landscape the site with desert variety trees indigenous to this region of the Sonoran Desert as follows: at least two 15-gallon trees along the north side of the walled compound, one 15-gallon trees along the north side of the driveway, and on 15-gallon tree on the east side of the walled compound along the south side of the access driveway.
- j. The proposed antenna array is to consist of three (3) sectors with two (2) antennas per sector for a total of six (6) antennas. From base ground level the centerline of the array's proposed height at 75' 0" on the monopole and under no conditions will a catwalk type of array be permitted.
- k. A status report including photographs of the power pole and ground facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.

Joy Rich said the original request was for an 84-ft. monopole and ground equipment and the City of Mesa asked for a modification of the proposal to allow only a canister array rather than a wider array. The Planning Commission objected to Mesa's modification to stipulations as their ongoing policy is to have co-location on these poles and a canister array doesn't allow for that. It was also felt that Mesa should have made a canister array part of their lease agreement with the applicant if that is what was wanted. Alltel, the applicant, and Verizon Wireless, who also wants to locate on the site, met with residents in joint meetings. Ms. Rich said they would like to either co-locate or erect two poles. The Spook Hill Association would like two poles a 60 ft. pole and a 50 ft. pole, but limited to a 20 inch diameter and with a canister array. The Thunder Mountain group wants a single 70-ft. pole (the application is for 84 ft.) with a 4-ft. diameter array to allow co-location. The Madrid HOA is in complete opposition to the request. Letters and petitions in opposition have been received since the Planning Commission Hearing. The applicant has asked for a modification of his request to approve two separate poles but this has not been noticed or advertised and so, may not be considered at this meeting. In order to amend this request it needs to be remanded back to the Planning Commission for reconsideration.

Supervisor Stapley asked the applicant what he wished to do and said that if he wishes to move forward with this application he would need to meet with the Madrid HMO Association, and any other landowners in

FORMAL SESSION
August 13, 2003

opposition, to alleviate their opposition because the Madrid's large, luxury homes are immediately adjacent to this site. He hoped that continued meetings might persuade them to accept the two-pole application.

Michael Campbell, Alltel Communications, said that Alltel had conducted a search in this "limited area" and he had looked at three or four locations, none of which worked out. He said that the idea of co-location was not in question at the time of the application and he gave a history of the meetings that had been held with residents over the past year. He corrected the information given by Ms. Rich saying that they do not want two poles and the subsequent re-noticing. They are requesting either a 20 inch diameter, 60 ft. canister pole in the same general location or another design based on the original plan of a 70 ft. pole with external arrays not to exceed a one foot span from the pole. The second alternative would allow Alltel installation at the top, Verizon 10 feet below and a potential 3rd vendor located 10 feet below Verizon – all within a very tight external array. He recommended the second option as the one best suited to addressing the property owners' requests.

Discussion ensued on the two options vs. a double pole and also on the pressure being received from property owners who want improved coverage for their cell phones.

Supervisor Stapley recommended a two-week continuance for final meetings with property owners. He explained that he understood that the property owners in the Madrid location were in absolute opposition but felt they would have to understand that sites had been searched for during the past year and no other suitable sites had been found. He said that there are no other options and compromise would be necessary.

Citizens in attendance in opposition to this application were Alesa Carlin, Roy Bowen and Marilyn Nyler. Mark McGarey from Verizon Wireless was also present in favor.

Roy Bowen, homeowner in the Madrid subdivision, spoke in opposition and said he felt the record is incomplete. He said the Spook Hill Association originally opposed the tower in that location and had suggested an alternate location and "lastly agreed to some type of modification to the original proposal." He reported that the Madrid subdivision residents were unaware of this proposal until a few days ago. He said the opposition is "not the typical nobody-wants-a-cell-tower-next-to-their-house," rather it concerns the desert preserve where each property owner concedes 60% of their property to preserve the desert character of the area. He also reported that the City of Mesa enforces that and as a homeowner he is not allowed to go out into the land that he holds title to and disturb it in any way.

The cell tower location is directly west of the Madrid subdivision and in the direction of the view of the city. All of the homes were marketed and purchased based on the view. The likelihood of a cell tower installation was not considered. He said that there is an alternate location for the tower in the Thunder Mountain subdivision and it should be considered. He said that some residents living within the 300 foot requirement were not notified of this action and questioned the legality of it. He indicated that the opposition to towers on this site is overwhelming and is gaining momentum.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this item to the August 27, 2003, meeting.

8. **Z2003-026** **District 3**
 Applicant: Michael Cronin, Sprint PCS for Cheryl Kee
 Location: 6449 E. Lone Mountain Road - south of Lone Mountain Road and west of 56th
 Street (in the northeast Phoenix/north Scottsdale area.)
 Request: Special Use Permit (S.U.P.) for a wireless communications facility in the Rural-43
 zoning district, Cellular Use District 1 - Sprint PCS Amanda Cell Site (0.003 ac.)

COMMISSION ACTION: Commissioner Aster moved to recommend approval of Z2003-026, subject to the following stipulations "a" through "o". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall comply with the site plan entitled "AMANDA PH54XC050 REQUEST FOR A SPECIAL USE PERMIT SPRINT PCS WIRELESS COMMUNICATION FACILITY" Consisting of five (5) full-size sheets, dated May 1, 2003 (sheets A1, A2 and A3) and stamped received May 13, 2003, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "NARRATIVE REPORT FOR SPRINT PCS ANTENNA ATTACHMENT TO APS POLE" consisting of five (5) pages, dated revised May 6, 2003 and stamped received May 13, 2003 except as modified by the following stipulations.
- c. Major changes to this Special Use Permit plan of development (site plan and narrative report) 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. A status report including photographs of the power pole and ground facility shall be submitted within two (2) years of approval by the Board of Supervisors, or when fully equipped and finished - whichever occurs first.
- e. For future reference the designated S.U.P. area will be considered to exist over all property leased by Sprint PCS to include at a minimum the power pole, cable runs between antenna and equipment, ingress/egress onto the subject property, parking area for the technician, and the ground mounted switching equipment area.
- f. 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.
- 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. The ground equipment site will be walled in by a five-foot (5') high CMU wall.
- j. The antenna array height together with all attachments will not exceed 51' in height as measured from base ground level.

- k. The APS power pole shall be limited to a maximum of one antenna array.
- l. The antenna arrays shall be of a canister type, and under no conditions will a catwalk type of array be permitted.
- m. The APS power pole and all appurtenant equipment and structures will be painted to match each other in a neutral color designed to blend with the surrounding area.
- n. All future cabling between equipment on the ground and antennas on the tower shall be internal and not be allowed to run external to the tower, unless covered and be the same color as the tower.
- o. 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 wireless equipment including the monopole 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.

Joy Rich outlined the commission action on this item and said it had been referred to the City of Scottsdale but no comment had been received from them.

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

- 9. Z2003-051 District 1**
Applicant: Commission initiated on behalf of Malcolm Scott
Location: 17909 E. Warner Road – south of Power Road and east of 180th Street (in the Gilbert/Mesa area near Williams Gateway Airport)
Request: Rezone from AD-III to Rural-43 (8.46 ac.)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2003-051, subject to the following stipulations "a" through "d". Commissioner Harris seconded the motion, which passed with a unanimous vote of 6-0.

- a. Development and use of the site shall be in conformance with the Rural-43 zoning district.
- b. Prior to obtaining zoning clearance, a Declaration of Avigation Easement and Waiver shall be recorded for the entire subject property.
- c. In the event of property conveyance, the applicant shall disclose in the public report that these properties, due to their proximity to Williams Gateway Airport, are likely to experience aircraft overflights, which could generate noise levels that may be of concern to some individuals.
- d. Any new construction shall have sound attention measures to achieve a maximum interior noise level of 45 decibels.

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
August 13, 2003**

Ms. Rich reported on the action taken by the Planning Commission in this case and said that this airport zoning is a holdover from when Williams Gateway Airport was an airforce base and it is zoning typically seen around such a base. She said the family who owns this property would like to move a double-wide manufactured home unit into the portion of their land covered by the old, outdated zoning which restricts the number of dwellings.

Chairman Brock read a letter from the property owner, Malcolm Scott, giving a history of his family since his grandparents bought this homeplace dwelling 54 years ago for future generations and said they planned for it to be the "very heart of the family's legacy." They dug wells, made improvements and built two homes on their land. Their dream was cut short in 1978 when the Williams Field Military Base flight plan moratorium was adopted, restricting the building of any new dwellings. He said this moratorium and resultant zoning has devastated his family. Over the years they "applied numerous times for building permits to bring our family together with no success." None of the siblings or their children had a chance to build their family homes on their home land. The military no longer occupies Williams Field and the Scott Family is now asking for their dream to be returned by changing the zoning on their property to Rural-43.

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

MEETING ADJOURNED

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

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board