

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
April 5, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., April 5, 2006, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andrew Kunasek, District 3; Max W. Wilson, District 4, and Mary Rose Wilcox, District 5 (entered late). Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; Bruce White, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

Father Bill Wack, Director of Andre House, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Jessica Berge, Office of the County Manager, led the assemblage in the Pledge of Allegiance.

**PET OF THE MONTH**

Julie Bank said she named the pet of the month, Clever, upon discovering his special ability to open and close car windows as she drove the schnauzer-mix, five-year-old dog from Maricopa County Animal Care & Control to today's meeting. She said he was "one smart dog" that would make a good pet for anyone, but especially for those liking lots of fresh air while driving. Clever will be available for adoption after 1:00 p.m. at the West Valley Animal Care and Control facility at 2323 S. 35<sup>th</sup> Avenue, or call for information about adopting a pet at 506-PETS.

~ Supervisor Wilcox entered the meeting ~

**PROCLAMATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried to approve and proclaim the month of April 2006 Fair Housing Month in Maricopa County, Arizona. All citizens of Maricopa County are encouraged to work for tolerance and equal opportunity in our own communities. Supervisor Wilcox read the proclamation into the record. (C1706039M00) (ADM654)

**PROCLAMATION  
April 2006  
Fair Housing Month**

**Whereas**, The Civil Rights Act of 1968 (The Fair Housing Act) and the Fair Housing Amendments Act of 1988 ensure full and fair access to housing opportunity; and

**Whereas**, Shelter is a basic human need and when shelter is denied, the quality of human life is greatly diminished; and

**Whereas**, People must not be denied equal access to and enjoyment of housing because of race, color, national origin, religion, sex, disability or familial status; and

**Whereas**, Maricopa County recognizes and values the efforts of those who seek to identify and eliminate barriers to full and fair housing opportunity; and

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**Now Therefore**, the Maricopa County Board of Supervisors do hereby proclaim the month of April as FAIR HOUSING MONTH in Maricopa County and encourage all citizens of Maricopa County to work for tolerance and equal opportunity in their own communities.

**DATED** this 5th Day of April 2006.

/s/ Don Stapley, Chairman, District 2  
/s/ Fulton Brock, Supervisor, District 1  
/s/ Andy Kunasek, Supervisor, District 3  
/s/ Max W. Wilson, Supervisor, District 4  
/s/ Mary Rose Wilcox, Supervisor, District 5

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**FEATURED ITEMS**

**“Maricopa County providing regional leadership . . .”**

**METHAMPHETAMINE PREVENTION PROJECT**

**Item Summary.** Direct David Smith, County Manager, to explore and present to the Board of Supervisors any and all potential arrangements with the County Supervisors Association, Arizona governments, agencies or departments, community organizations and media outlets to finance and implement a Methamphetamine Prevention Project in Arizona.

**Additional Information.** The Montana Meth Project has shown a significant impact on the number of methamphetamine users in the state. The program is available for implementation in the State of Arizona given appropriate involvement and funding. The County Manager and his staff are directed to explore arrangements for financing and in-kind contributions to implement the program in Arizona in order to decrease the number of individuals becoming involved with methamphetamine and its damaging effects on individuals, families and communities. (C0606054600) (ADM639)

David Smith introduced the new concept generated by the success of the Montana Meth Project to the Arizona populace by commenting on the increasing sense of outrage, frustration and dismay at the shocking growth of methamphetamine use in Arizona and in America. He confirmed Maricopa County's ongoing fight against this growing obsession in several accepted and traditional ways. He referenced Chairman Stapley's introduction to the Montana Meth Project at a recent NACo (National Association of Counties) meeting where he saw the video and subsequently met with its producer, Tom Siebel, of Great Falls, Montana. Mr. Smith said that the Montana anti-meth media campaign boldly and graphically strikes at the physical, emotional and mentally-debilitating results of meth use, and dramatically pushes its slogan "Not Even Once."

In Montana, Mr. Siebel financed the introduction of his anti-meth campaign with \$5 million of his own money and, until recently, only private sector monies have been used there. The resulting increase in public awareness from his year-long media and personal crusade has proven the worth of his efforts. Mr. Siebel is now making the many ideas and resources he developed available to other political entities at a minimal cost. Mr. Smith said these tools would give Arizona a huge head start in developing a similar hard-hitting peer campaign and would be augmented by the use of local and regional demographic information to adapt it for the diverse mix of residents in Maricopa County. And, since the

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methamphetamine addiction does not stop at the County border, other Arizona counties have been informed of this opportunity and invited to participate. Mr. Smith said that great interest has already been shown in partnering with Maricopa County to implement a similar meth offensive in Arizona by the Governor's Office, the Attorney General, the County Attorney, the Sheriff's Office and several private sources. A single, united effort throughout the state would have the greatest effect.

Chairman Stapley pointed out that in the past a lot of money has been spent on enforcement and treatment and it was time to focus more attention on educating the public as a whole. He said that the Montana offensive has shown dramatic success and has effected a huge reduction in the use of this destructive and highly addictive drug. The Chairman added that if Maricopa County could have similar results it would greatly impact several areas of the budget by lowering jail and prison populations by reducing crime, accidents and violent deaths attributable to the increased use of drugs. All of this would, in turn, reduce the increasing costs to taxpayers.

Supervisor Brock agreed that the County has an ongoing challenge and responsibility to its citizens with regards to dangerous drugs. He alluded to the many items on today's agenda that have as a basis the battle with illegal drug use. He noted that more than 80% of inmates booked into County jails are there on drug-related offenses. The use of illegal or addictive drugs has a recreational phase that usually leads to a very serious usage or addictive phase. Addiction often occurs after using meth only one time.

The Montana Meth Project video, giving unscripted personal stories from Montana teenagers talking about their meth experiences was shown.

Mr. Smith referred to the "graphic and in-your-face" emotional message on the video and said Tom Siebel believes it is vital to break through the clutter of the various kinds of anti-drug advertising that has been on the market and drive home a very dramatic, united message to teens, their parents and the public. The Chairman explained that the next step would be to get the project partners organized with an advisory council that puts someone in the "lead" to keep the project moving forward at a fast pace. Mr. Smith also referenced the several kinds of technical and messaging changes that would be necessary in shifting the message from one designed for a million people scattered throughout the State of Montana to a message that will impact five million people, with many different ethnicities, in the State of Arizona.

Supervisor Kunasek thanked the Chairman for bringing this project to the County and the State saying he felt it was a very positive approach to what has become a fact of life – "where kids think of themselves as invincible and indestructible." He felt that to appeal to them in this very direct manner would be more effective than some of the things that have been done in the past "that graphically show consequences they don't think would ever happen to them." He added, "This program is effective because it isn't some elected official or policeman preaching to the kids. It is a message from their peers that is graphically and forcefully presented and it should have a great impact." He added that the Board has become increasingly aware by interacting with the County's law enforcement and judicial departments of just how much of a teenage drug crisis actually exist in Arizona. He added that the public also needs to be made aware of this.

Supervisor Wilcox echoed the above comments and alluded to the successful programs from the State and the County Attorney in the past. She said these have laid the groundwork for this new program, which she felt complements and enhances earlier efforts.

Chairman Stapley reported that in speaking with Tom Siebel about his successful campaign at the last NACo meeting, Mr. Siebel had offered the program to Maricopa County and Arizona at minimal cost with

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a single caveat – which no politician, elected official or government gets any credit and no elected official's name or photo would appear in connection with it. Mr. Stapley will travel to Montana to attend a media event presenting the next part of the Montana project later in April.

Supervisor Wilson asked that copies of the Montana Meth Project be made available to youth groups and schools in the Valley and to as many civic and church organizations as possible.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to direct David Smith, County Manager, to explore and present to the Board of Supervisors any and all potential arrangements with the County Supervisors Association, Arizona governments, agencies or departments, community organizations and media outlets to finance and implement a Methamphetamine Prevention Project in Arizona.

### **METHAMPHETAMINE USE AND PRODUCTION EDUCATION**

**Item Summary.** Approve an intergovernmental agreement, accepting up to \$20,000 in state funds, to support prevention and education activities related to the impact and consequences of methamphetamine use and production in local communities.

**Additional Information.** This agreement, between the State of Arizona, Governor's Office for Children, Youth, and Families, Division for Substance Abuse Policy and the Maricopa County Attorney's Office, commenced January 23, 2006, and remain in effect until December 30, 2006. Acceptance of this agreement will allow the Maricopa County Attorney's Office to assemble and coordinate a community coalition to develop a strategic plan to implement environmental prevention strategies to combat methamphetamine use and production within Maricopa County.

**Budgetary Details.** The agreement restricts the use of the funds only for the support of the agreed upon activities which does not include expenditures for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.2%. The non-recoverable indirect cost of administering this grant is \$3,240. Approve revenue and expenditure appropriation increase adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$9,000 for FY 2005-06 and \$11,000 for FY 2006-07, the latter of which will be authorized after the FY 2006-07 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. (C1906036200)

Nicole Pena, Executive Director of Drug Free Arizona for the Maricopa County Attorney's Office, presented information on the success of this program in Maricopa County. Its mission is to prevent drug use by encouraging conversations between parents and children about the risks of drugs. They use three methods, a comprehensive media campaign, community outreach and an in-school substance abuse program. Their handbook, A Parents' Guide to Drug Prevention, is available in both English and Spanish and is distributed to the community and to the schools in various ways. She said the website [www.drugfreeaz.com](http://www.drugfreeaz.com) received 500,000 hits in March.

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve an intergovernmental agreement, accepting up to \$20,000 in state funds, to support

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prevention and education activities related to the impact and consequences of methamphetamine use and production in local communities.

**METHAMPHETAMINE TASK FORCE FUNDS**

**Item Summary:** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve Amendment No.1 for the High Intensity Drug Trafficking Area, Maricopa County Methamphetamine Task Force, to increase funds by \$7,263.00 and extend the term to September 30, 2007.

**Additional Information.** This amendment, to an Intergovernmental Agreement between Pima County Sheriff's Department and Maricopa County Sheriff's Office, increases the total award from \$364,437.00 to \$371,700.00 and extends the term from September 30, 2006 to September 30, 2007.

**Budgetary Details.** The Sheriff's Office indirect cost rate is 17.2%. The unrecoverable indirect cost associated with this increase is \$1,249.24. (C5005551301)

**MARICOPA COUNTY REGIONAL SCHOOL DISTRICT #509 BUDGET - WITHDRAWN**

Budget presentation for the Maricopa County Regional School District #509 (ADM3814-003)  
Dr. Sandra Dowling, Maricopa County Superintendent of Schools  
Shawn McCollough, Superintendent, Regional School District #509  
Steve Zimmerman, Deputy Superintendent, Regional School District #509

Clerk of the Board Fran McCarroll announced that this item has been withdrawn to be rescheduled later in the week.

**PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS**

Chairman Stapley called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Wilson, to recommend approval of the following liquor license applications "a", "b" and "c". Clerk of the Board Fran McCarroll announced that application 7d, Rivas Ranch, had been withdrawn by the applicant.

- a. Application filed by Robert Stanley McCurdy for a Special Event Liquor License: (F23191) (SELL725)

Business Name: Knights of Columbus Assembly, 1673  
Location: 14818 W. Deer Valley Drive, Sun City West, 85375  
Date/Time: April 27, 2006; 10:00 am to 4:00 pm

- b. Application filed by Samuel T. Crump, Sr. for a Special Event Liquor License: (F23191) (SELL726)

Business Name: Rotary Club of Anthem  
Location: 41703 N. Gavilan Peak Parkway, Anthem, 85086  
Date/Time: April 9, 2006; 10:00 am to 8:00 pm  
April 10, 2006; 10:00 am to 6:00 pm

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- c. Application filed by Judy Hawkins for an Agent Change, Series 14 Liquor License (MCLL011)

Business Name: Sun Lakes Homeowner's Association, Number 1  
Location: 25601 N. Sun Lakes Boulevard, Sun Lakes, 85248  
Previous Agent: James D. Graham

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

- d. Application filed by Eva Rivas for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from David Bromm, Agent: (LL6180) **WITHDRAWN**

Business Name: Rivas Ranch  
Location: 17805 S. 204<sup>th</sup> Avenue, Buckeye, 85236  
Former Location: Up Your Alley Bowling Center, 864 W. Wickenburg Way, Wickenburg, 85390

Planning and Development, Environmental Services, and the Treasurer's Office do not recommend approval of the Rivas Ranch application.

**PROPOSED PEST ABATEMENT DISTRICT - CONTINUED**

Chairman Stapley called for a public hearing to solicit comments regarding an impact statement for the proposed Pest Abatement District in Western Maricopa County located in the City of Phoenix area. At this time, the Board will hear interested parties who wish to speak for or against the proposed district and shall determine whether the creation of the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the public health, comfort, convenience, necessity or welfare will be promoted, the Board shall approve the district impact statement and authorize the persons proposing the district to circulate petitions regarding the organization of the district. The impact statement is on file in the Clerk of the Board's Office. Pending approval and in accordance with section A.R.S. §48-261(C), direct the persons proposing the creation of the district to post a reasonable bond to be filed with the Board of Supervisors. (C0606041700) (ADM4487-001)

Supervisor Wilcox said forming a special district has been an issue in the area for a number of years and while many have expressed interest she felt that not many residents really understood what the forming of a district would mean to them, or knew much about the process by which it would be done. She added that this was only a preliminary step in the process and this agenda item would not form a district. Districts are formed by a vote of the people living in the area encompassed by the proposal. Supervisor Wilcox explained that Vector Control deals with mosquitoes in that area but they do not eliminate other pests, such as crane flies, midge flies, and rodents that would be addressed by a pest abatement district. She felt there is definitely a pest issue in the area. Many residents are tired of having to live with this problem and there are many new people moving there who would also benefit from a well-run district.

Amy Hinderer-Feltes from Squire Sanders and Dempsey Law Firm appeared for the citizens in favor of the District and said a vote in favor of today's agenda item would only allow the circulation of petitions to learn how many people are in favor of creating a new district. The signatures would be verified and then a vote of the Board would approve an election to form a district and the people in the district would vote on it at that time.

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Chairman Stapley said that while this is an initial step, "once there is a vote to allow the circulation of a petition, we can't stop it." If petitions supply the proper number of voter signatures and the vote is for acceptance, he said, "it will happen irrespective of what this Board wants or doesn't want. Is that correct?" Kevin Costello, County counsel, confirmed that this was correct.

Supervisor Wilson asked if there was a time period to obtain signatures and what the cost of an election would be.

Ms. Hinderer-Feltes replied that the cost of an election is paid for by the group calling for it and statute gives one year to collect the signatures.

Chairman Stapley asked John Townsend, Environmental Services Vector Control, if the mosquito problem in that area was really bad enough to require a special district, considering what the County already does for mosquito control there.

Mr. Townsend said that a large number of mosquitoes are generated in that area and Vector Control only sprays when the mosquito count reaches a certain level. He added that some may wish to have more frequent spraying.

Supervisor Brock asked what pesticide would be used, who would make the decision to spray and how the public could learn when and where spraying would occur.

Mr. Townsend said the County's spraying information is on the website, published in the area newspapers, and sensitive people in the area, on a list, are personally notified. A District would determine how to notify residents on their planned sprayings.

Adron Reichert, one of the organizers of this effort, was asked by Supervisor Wilcox to give information gleaned from his years of working on this problem. He said that five cities discharge effluent into the river at this point and this produces many ideal breeding places for mosquitoes. There are also "catch basins" prescribed by the Flood Control District that create breeding areas to lay eggs. He told of the Yuma Pest Abatement District that used the maximum amount of money to buy equipment and materials to get started, but they have now reduced the tax rate by half to maintain effectiveness. He explained that the intention is to do the same thing here after the start-up expenses are completed. The cost of this district to property owners for start-up would be fifty-cents per 100 dollars of property value.

Chairman Stapley called for Pro/Con remarks from the public, asking each to limit themselves to three minutes.

Joel Supplee, citizen who spoke in opposition, responded that his opposition was due to the fact that only citizens of the district would pay for it. He felt that towns, cities and mining companies discharging effluent into the rivers for years have escalated the problem and should also be taxed. He felt they should be held accountable by helping to pay to alleviate the problem. He does like the idea of a district for the health and welfare of the residents and asked for a favorable vote.

Roland Wass, said he has been involved in mosquito management and vector control in that area since 1995 and that area has an historic incidence of vector-borne diseases and nuisance conditions, both natural and man-made, that include West Nile Virus and St. Louis Encephalitis in poultry and livestock. He felt that a district would focus the problem and give a coordinated and efficient approach to managing

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vectors in that area. He would include educating the public and source reduction/source control, by a focused body of people that are very familiar with their area. He added that over time this would reduce and control the problem.

Jeanette Fish, Executive Director of Maricopa County Farm Bureau, spoke for the farmers in the area in opposition to a District. She reported general apprehension over creating any new government entity that has the power to tax and questioned if the need was large enough to create a new, taxing, government entity. She said that while the impact statement gives the impression that it would cost property owners very little, the property tax statements of crop and dairy farmers in that area would be 10-100-1,000 times greater than a standard homeowner would pay. She said that dairies are already required to pay for pest control services on their properties and this would be a double payment for them. She asked for more information on how a district would work and who would make the decisions.

Bob Giocomo, Lakin Cattle Company, spoke in opposition. He said his farming operations own 1,400 acres in the proposed area, adding that there are only four residences on that property. He figured their annual share of the tax as being approximately \$26,084, a huge expense to protect inhabitants of four residences. He suggested that farmland should be at a discounted rate.

Bruce Lindquist, resident, asked for clarification on whether an agricultural property owner who provided documentation of an existing pest program had the ability to opt out of a district to avoid the district's assessment.

Fran McCarroll, Clerk of the Board, replied that this was an option that would come a little later in the process – at the next Board hearing but before the vote. She added that there was also an additional opt-out option after the District has been established. The Chairman asked who had the power to approve a request to be excluded. Ms. McCarroll replied that the agricultural property requests would fall under the purview of the Board of Supervisors.

Mr. Sheehan continued by saying that the amount of tax assessed against a property owner depends on whether they are residential, commercial or agricultural properties and the ratio was not as high as Ms. Fish had estimated but only 10%, 25% and 16%. He said property owners can approximate their cost by dividing the property value by the applicable percentage and divide by 100, and it is \$.50 times that amount - \$.50 of every \$100 of property valuation.

Ms. McCarroll said the number of signatures that would be required to petition for a special district had not been updated since territorial days, and it gives two options to the group forming a district. 1. Obtain a group of 15 or more persons who are owners of land (in the State): or, 2. Obtain signatures from persons who collectively own at least 75% of the acreage in the district.

Bruce Lindquist, resident of Laveen, said he lives on the northwest periphery of the proposed district in a Rural-43 zone. He quoted Arizona revised statute 48-2104 (B) as saying that any owner of agricultural land within the proposed district presenting evidence that their property is subject to an ongoing pest control program, shall have his property excluded from the proposed district. He said he is such an owner and requested to be opted out of any district.

Supervisor Wilson asked for clarification on this point, Kevin Costello, Deputy County Attorney, replied that agricultural property showing an ongoing pest control program could opt out at the next hearing when the petitions are considered and/or validated.

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Supervisor Kunasek added the fact that just because someone lives in an R-43 zone does not automatically mean their land receives the agricultural designation. He felt this could be misleading to some residents. The Assessor must designate property specifically as agricultural and the formation of a district would use the Assessor's designation. Discussion continued on the landowner's opt-out clause and any affect on the tax base, and also on qualified voter descriptions.

Supervisor Wilcox felt that the interest generated by this item indicates that additional study should be made on the question to frame what kind of a program could qualify as an opt-out for agriculture. She hoped a white sheet could be written giving thorough answers to neighborhood questions to improve public health and quality of life concerns.

Chairman Stapley supported this request and asked that the focus be narrowed. He suggested that a spokesperson be designated for each side to speak at the next hearing. Supervisor Wilcox will contact interested parties to meet with her on this subject. All members voiced their support in resolving the pest control problem in the area.

Clerk of the Board Fran McCarroll, informed the Board that she had received letters on this subject from interested citizens favoring the action and from the Laveen Planning Committee and Richard and Connie Buchanan in opposition to a district.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to continue this item to the May 3<sup>rd</sup> meeting. Ms. Wilcox asked Terry Eckhardt to establish a group of interested parties and to set a meeting for a more extensive examination of the matter.

~ Supervisor Brock left the meeting ~

#### **MOBILE GARDENS DOMESTIC WATER IMPROVEMENT DISTRICT**

**Item Summary.** Pursuant to A.R.S. §16-558, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a mail ballot election for the Mobile Gardens Domestic Water Improvement District to be conducted September 12, 2006. In addition, approve all subsequent elections to be mail ballot elections.

**Additional Information.** A special district may conduct a mail ballot election if the governing board of the special district obtains approval from the Board of Supervisors before publishing the call of election. The cost incurred for all elections are paid by the district therefore there is no financial impact to the county. (C0606052700) (ADM4302)

#### **CRIME VICTIM COMPENSATION PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve receipt of additional grant funds for FY 2005-06 for the Crime Victim Compensation Program in the amount of \$732,941.

**Additional Information.** The original grant (C19060033), from the Arizona Criminal Justice Commission Certification No. VC-06-056 was for State Monies, and commenced on July 1, 2005, and will terminate on June 30, 2006. This additional VOCA grant funding, coming from the U.S. Department of Justice, Office of Justice Programs, Office for Victims of Crime and passing through the Arizona Criminal Justice

Commission, will commence on October 1, 2005 and terminate on September 30, 2006 per the original Certified Assurances VC-06-056.

**Budgetary Details.** The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.2%. The non-recoverable indirect cost of administering this grant is \$118,736. Approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$23,717 for FY 2005-06. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906003301)

#### **ALCOHOL AND DRUG RELATED VEHICULAR CRIMES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve receipt of grant funds in the amount of \$34,605.75 for reimbursement of expenditures related to the prosecution of vehicular crimes involving driving and the misuse of alcohol and/or other drugs.

**Additional Information.** This grant agreement, from the Governor's Office of Highway Safety, commences on June 1, 2006, and will terminate on May 31, 2007. Operationally, this grant commences July 1, 2006, though all expenditures will be made during FY 2006-07.

**Budgetary Details.** The grant funds may not be expended for any indirect costs that may be incurred by the Maricopa County Attorney's Office or Maricopa County for the administration of this grant. The Maricopa County Department of Finance has calculated the County Attorney's composite indirect cost rate at 16.2%. The non-recoverable indirect cost of administering this grant is \$5,606.13. Approve revenue and expenditure appropriation adjustments to the County Attorney's Office (190) Grants Fund (219) associated with the grant in an amount of \$34,605.75 for FY 2006-07, the latter of which will be authorized after the FY 2006-07 budget is adopted. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C1906035300)

#### **VEHICLE EXEMPTION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve exemptions for the following vehicles from county markings and approve the issuance of regular Arizona license plates. These vehicles will be used for investigative activity.

- a. Vehicle 11615, purchased with RICO funds and replacing a RICO vehicle with an undercover plate. (C1906037M00) (ADM3101V)
- b. Vehicles 51605, 51606, 51607, 51608, 51609, 51610, 51614, and 11604, procured through standard county vehicle replacement procedures and replacing vehicles with undercover plates. (C1906038M00) (ADM3101V)

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**SETTLEMENT AGREEMENT WITH CLINIC ADMINISTRATOR**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the severance pay settlement agreement with Clinic Administrator of the Maricopa County Public Health Department and Maricopa County with a total expenditure of \$46,097.40. This item was discussed in Executive Session March 30, 2006. (C1906039M00) (ADM409)

**PETITION FOR REVIEW**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the filing of a Petition for Review to the Arizona Supreme Court in the matter of Falcon v. Maricopa County, et al., Court of Appeal No. 1 CA-CV 04-0801, Superior Court No. CV2003-007711. This action is scheduled to be discussed in Executive Session on April 3, 2006. (C1906040M00) (ADM413)

~ Supervisor Brock returned to the meeting ~

**SALE OF BOAT TRAILERS**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) on a roll call vote, with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting "aye," to approve an amendment to specifically include the sale of boat trailers, Trailer 383 for Boat LP56 and Trailer 385 for boat LP58, at \$1.00 each. The boats were approved for sale in Agenda Item C5006018M00. Pursuant to A.R.S. §11-251 (9) and (58).

**Additional Information.** Agenda Item C5006018M00 approved the sale of two 1993 Sunset Boats LP56 and LP58, to the Tonto National Forest Service in the consideration of \$1.00 each. This action adds the boat trailers. The two trailers associated with the boats conveyed to the Forest Service in October have unique equipment numbers assigned and must be designated as separate items for conveyance in this agenda item. This item was continued from the March 15, 2006 meeting. (C5006018M01) (ADM119) (ADM3104-001)

~ Supervisor Brock left the meeting ~

**SOFTWARE MARKETING AND LICENSING AGREEMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a five-year marketing and licensing agreement which will allow the county to be compensated as the owner of the Pre-Booking Software at a rate of 20% of gross sales revenue generated from the sale of the first three licenses sold, 15% from units four through eight, and 10% thereafter.

**Additional Information.** This agreement, between Maricopa County and eCORRIDOR, Inc., will provide eCORRIDOR a license to undertake a marketing program and offer the software to other potential users of these systems and to adapt the software for the successful use and operation by such other users. The county will provide no maintenance or support to eCORRIDOR or to any customer.

**Budgetary Details.** It is anticipated that \$100,000 will be generated in the first 12 months of the agreement. (C5006050000)

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**DEPUTY AND DETENTION OFFICER RADIO UNITS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Chairman to execute all capital lease documents required to finance the Sheriff's Office deputy and detention officer radio units in an amount not-to-exceed \$2,445,000 (principal).

**Additional Information:** The Department of Finance will facilitate the five-year reimbursement capital lease. The Sheriff's Office will be expending funds for the capital equipment (radio units) and is requesting reimbursement of their expenditures from the proceeds of the capital lease.

**Budgetary Information:** Estimated total capital lease payments, with an approximate 4.5% interest rate for the maximum amount financed, will not exceed \$2,592,000 (principal and interest) over 60 months. The funds are budgeted. (C5006051800) (ADM1831-003)

**WAIVE EMPLOYEE LEAVE PLAN**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following waivers to the Maricopa County Employee Leave Plan V & VI, due to serious injury as a result of an "Act of Violence" through no fault or negligence, while on duty:

- a. Deputy John P. Davison, S1038, who was injured November 10, 2005. Authorize payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective March 6, 2006. (C5006052M00) (ADM3320-001)
- b. Deputy Richard K. Lopez, S1342, who was injured March 8, 2006. Authorize payment of normal base salary and benefits to the employee for the duration of up to one year or return to full duty, whichever is earlier, effective March 9, 2006. (C5006053M00) (ADM3320-001)

**AID STATION AT APACHE LAKE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Special Use Permit to maintain and operate the Aid Station at Apache Lake.

**Additional Information.** This special use permit (previous agenda CS891140), between the U.S. Department of Agriculture, Forest Service and the Maricopa County Sheriff's Office, includes an office building, paved parking lot, helipad, boat dry storage area, concrete boat ramp, four-boat wet slip and boat house, access road with gate, cyclone security fence and a well. This permit will expire December 31, 2031. (C5006054400)

**SPORT UTILITY VEHICLE FOR COUNTER-TERRORISM/INTELLIGENCE DIVISION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a one-time addition to the fleet and undercover exemption from

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markings status, pursuant to A.R.S. §38-538.03, for a 2005 Ford Expedition Sport Utility Vehicle for the Counter-Terrorism/Intelligence Division, to be purchased using RICO funds.

**Additional information.** A specific vehicle has been identified and will be purchased. Confidential vehicle information will be kept on file in Clerk of the Board's office. The Sheriff's Office has responsibility of training and ensuring a proper response to man-made or natural disasters occurring within the jurisdiction of the Maricopa County Sheriff's Office, including the cities and towns where the Sheriff's Office is the provider of law enforcement/public safety services.

**Budgetary Details.** The cost of the vehicle is \$24,804.73, and will be supported by RICO funds for operation, maintenance, and fuel costs. The estimated annual operating costs are approximately \$4,500.00. This is a temporary addition to fleet and will be retired at the end of its useful life with no funding from the General Fund for replacement and the county's fleet will automatically be reduced. (C5006055M00) (ADM3101V)

#### **EXCEPTION TO TECHNOLOGY FINANCE PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an exception to the Technology Finance Program (TFP) that allows the Sheriff's Office to purchase one laptop computer in a lump sum payment.

**Additional Information.** This laptop will be installed in the 4-wheel drive SUV being purchased for the Threat Assessment Team. This authorization is required to complete the one-time purchase of this laptop computer within the grant period, which expires March 31, 2007. This laptop computer will be tracked separately from the Sheriff's Office computers that are included in the TFP with no automatic replacement from the general fund at the end of its useful life.

**Budgetary Information:** The estimated cost of the laptop computer is \$4,000. (C5006517302) (ADM3900-002)

#### **FORENSIC FIREARMS TESTING OVERTIME**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the grant agreement and acceptance of \$24,000 in continued funding from the Arizona Criminal Justice Commission, Project Safe Neighborhoods.

**Additional Information.** This funding will be used for overtime related to Forensic Firearms Testing/National Integrated Ballistic Information Network. The term of this agreement is from January 1, 2006 through December 31, 2006.

**Budgetary Information:** The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Unrecoverable indirect costs associated with this grant are estimated to be \$4,128. (C5006519300)

#### **APPOINTMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the appointment of Mike Wilkins, as Pro Tempore Justice of the Peace, for the period from April 5, 2006 through December 31, 2006, to serve in the various programs in the Justice Courts to reduce trial delay. (C3806015700) (ADM1001)

**PASS-THROUGH FUNDS FOR FIRE EDUCATION**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County Manager's Office to apply for Gila River Indian Community Gaming Funds in the amount of \$388,989 and pass through the funds to the Maricopa Integrated Health System (MIHS) for scald burn prevention and home fire safety education campaign.

**Additional Information.** The County Manager's Office, via a Partnership Resolution between Maricopa County and Maricopa Integrated Health System (MIHS), will apply for Gila River Indian Community Gaming Funds. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; approve the resolutions; and authorize the County Manager's Office to pass through the funds to MIHS. MIHS proposes to conduct a two-year scald burn prevention and home fire safety education campaign that reaches out to low-income families throughout Maricopa County, with children ages zero to six years. Because scalding is the number one cause for pediatric admission to the Arizona Burn Center and Hispanic children represent an alarming 64% of all children hospitalized for scald burns, a special emphasis will be placed on reaching Hispanic families. Maricopa County will act as the pass-through agency for MIHS and will pass through the entire amount of the grant.

**Budgetary Details.** This action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2005-06 revenue and expenditure budgets by \$315,861, and the creation of a new line item in General Government (470) General Government Grant Fund (249) Miscellaneous Revenue (4712) entitled "Maricopa Integrated Health System." Maricopa County will act as the pass-through agency for MIHS and will pass through \$315,861 in FY 2005-06 and \$73,128 in FY 2006-07. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C2006031300)

**GRIC FUNDS FOR SUN LAKES FIRE DISTRICT**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the Maricopa County Manager's Office to apply for Gila River Indian Community Indian Gaming Funds in the amount of \$17,333 pass through the funds to the Sun Lakes Fire District (SLFD) to increase public safety in and around southeastern Maricopa County by purchasing two audiovisual systems, one at each fire station.

**Additional Information.** The County Manager's Office, via a Partnership Resolution between Maricopa County and the Sun Lakes Fire Department, will apply for Gila River Gaming Funds. Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; approve the resolutions; and authorize the County Manager's Office to pass through the funds to the SLFD, a special district located in Sun Lakes, AZ, an unincorporated area of Maricopa County. Maricopa County will act as the pass-through agency for Sun Lakes Fire Department and will pass through the entire amount of the grant over the fiscal year. This grant award period is from the date of the award to September 30, 2006. Maricopa County will act as the pass-through agency for SLFD and will pass through the entire amount of the grant.

Each audiovisual system will consist of a conference/classroom series projector mounted on the ceiling, a 60" x 80" fixed wall screen, two wall-mounted speakers, an audio amplifier, and a DVD/VCR combination

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player TV tuner. High resolution computer cable will be included to allow the projector and speakers to be connected to the laptop computer. The project will require limited electrical modifications and millwork at Fire Station 231 (\$300), and more extensive changes to Fire Station 232 (\$1,150).

**Budgetary Details.** This action will require an appropriation adjustment to General Government Grant Fund (249), increasing the FY 2005-06 revenue and expenditure budgets by \$17,333, and the creation of a new line item in General Government (470) General Government Grant Fund (249) Miscellaneous Revenue (4712) entitled "Sun Lakes Fire Department-Gila River Indian Community." Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation; therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS § 42-17105. (C2006032300)

**REJECT CLAIMS DEMANDS**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to reject claim demands February 2006 for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to the A.R.S. §11-629 (not a proper charge against the county) and A.R.S. §11-622 (claims not having been filed within six months after the last item of the account accrues). (A.R.S. §11-629 \$1,612,381.20 and A.R.S. §11-622 \$0.00) (C3906014700) (ADM1804)

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<b>Vendor</b>	<b>Amb., Doctors, Hosp. ARS 11-629</b>	<b>Over Six Months ARS 11-622</b>
Advanced Cardiac Specialists	1,165.00	0.00
Allure Plastic Surgery Pc	69,540.25	0.00
American Physicians Inc	3,056.66	0.00
Arizona Cardiology Group	1,139.00	0.00
Arizona Cardiovascular Center	6,233.00	0.00
Associated Opthlmologists	75.00	0.00
Associated Retina Consultants	11,466.12	0.00
Az Kidney Disease Hypertension	524.00	0.00
Az Neurological Institute	295.00	0.00
Banner Good Sam Behav Hlth Ct	178.00	0.00
Banner Good Sam Trauma Service	1,652.00	0.00
Banner Good Samaritan Reg Med	131,822.29	0.00
Banner Mesa Medical	7,505.65	0.00
Cahill Bruce M	1,280.00	0.00
City Of Phoenix Ambulance	712.37	0.00
Clinical Diagnostic Radiology	286.00	0.00
Desert Anesthesia Consultants	420.00	0.00
Eacmc Arizona	6,363.35	0.00

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<b>Vendor</b>	<b>Amb., Doctors, Hosp.</b>	<b>Over Six Months</b>
Emergency Physicians Prof Asso	235.00	0.00
Emergency Professional Svcs Pc	715.00	0.00
Grewal, Harprett Mc Pc	6,621.00	0.00
Hulsey, Bradley S Md	1,260.00	0.00
Infectious Disease Consultants	210.00	0.00
Maricopa Health Systems	1,007,621.48	0.00
Medpro	59,318.77	0.00
Phoenix Anesthesia Consultants	1,120.00	0.00
Phoenix Infectious Disease	2,540.00	0.00
Phoenix Memorial Hospital	159,223.75	0.00
Premiere Physicians Inc	195.00	0.00
Professional Diagnostix	252.00	0.00
Professional Medical Transport	10,973.59	0.00
Progressive Medical	287.00	0.00
Rocky Mountain Hldgs, Llc	9,480.06	0.00
Rural Metro Ambulance	804.00	0.00
Scottsdale Health Osborn	79,775.82	0.00
Southwest Ambulance	6,772.70	0.00
St Josephs Hosp Arizona	18,615.08	0.00
Taach Pathology Ltd	520.00	0.00
Tempe St. Luke's Med Ctr	1,322.26	0.00
Tep @ Phoenix St Luke's	245.00	0.00
Valley Anesth Consultants Ltd	560.00	0.00
Grand Totals:	1,612,381.20	0.00
Restitution	0.00	
Total Denials:	1,612,381.20	

**RETENTION INCENTIVE AGREEMENT PAYMENT**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the Retention Incentive Agreement payment for Ms. Sharon Kosherek, Disease Management Program Manager, who was inadvertently missed. Eligibility for inclusion in the Retention Incentive Agreement was based on requirements under the AHCCCS contract. The amount of the payment is \$6,091.33 (including the fringe benefit factor). This retroactive pay was included in the funds in Board Action C35050240, which was approved on June 22, 2005. (C6006017000) (ADM2119)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas.

**AERIAL ORTHOPHOTOGRAPHY PROJECT**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the transfer of expenditure authority in the amount of \$264,654 for contractual costs associated with the aerial orthophotography project.

**Additional Information.** This appropriation adjustment allows for the funding for General Fund contractual costs associated with the aerial orthophotography project. General Fund departments with stakes in this contract include the Assessor, Air Quality, County Attorney, Elections, Emergency Management, Environmental Services, the Sheriff's Office, Parks & Recreation, and Public Health. The orthophotography project is an on-going effort to provide digital imagery and the associated data sets to Maricopa County Departments. The county, with the administrative assistance of the Flood Control District, contracts this project out annually on a rotating "Metro/Non-Metro" basis; the Metro area is imaged one year and the Non-Metro area is imaged the other. While entities outside of Maricopa County have been properly charged for their share of the costs of the contract during a "Metro" year, there has never been a proper allocation of the cost to internal customers. The cost has historically been borne by the Flood Control District, Maricopa County Department of Transportation, and the Assessor's Office. In FY 2005-06, as a part of a countywide effort to align the orthophotography images with various maps, it was decided that increasing the resolution of the image and spreading the cost to all internal users would assist in properly identifying the true cost of providing services. (ADM1825-003)

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), approves the transfer of expenditure authority between General Government (Dept 470) General Fund (100) General Contingency (4711) and General Government (Dept 470) General Fund (100) Other General Fund Programs (4712). The action will require the reduction of expenditure authority in General Government (Dept 470) General Fund (100) General Contingency (4711) by \$264,654, and increasing General Government (470) General Fund (100) Other General Fund Programs (4712) in a newly created line entitled "Orthophotography Program" by \$264,654. These adjustments will result in a countywide net impact of zero. The cost for this project in FY 2006-07 will require a budget in General Government (Dept 470) General Fund (100) Other General Fund Programs (4712) "Orthophotography Program" of \$288,579. This adjustment will be handled in the base recommendation of the FY 2006-07 general government budget. (C4906043800)

**INCREASED MAILING COSTS**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve transfers of expenditure authority: (ADM1700-003) (ADM3600-003)

- o In the amount of \$620,000 to cover the increased cost of mailing associated with the implementation of Proposition 200, and
- o In the amount of \$200,000 to cover the increased cost of mailing associated with growth in Maricopa County.

**Additional Information.** Approval of the first bullet point of this action will allow the Elections Department to cover the increased cost of mailing associated with the implementation of Proposition 200 which was passed by election in November of 2004. The Elections Department will be collecting an approximate \$1,000,000 for providing elections service for other Maricopa County jurisdictions. Approval of the second bullet point of this action will allow the Recorder's Office to cover the increased cost of

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mailing associated with growth in Maricopa County. The Recorder's Office has collected an approximate \$3,000,000 in additional fees in their General Fund in FY 2005-06.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), also approves the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Elections Department (210) General Fund (100). This action will require a year-end expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470), General Fund (100) General Contingency (4711) by not-to-exceed \$620,000, and increasing the FY 2005-06 Elections Department (210) General Fund (100) by not-to-exceed \$620,000. This adjustment will result in a countywide net impact of zero. Also pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority between General Government (Department 470, Fund 100) and the Recorder's Office (360) General Fund (100). This action will require a year-end expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470), General Fund (100) General Contingency (4711) by not-to-exceed \$200,000, and increasing the FY 2005-06 Recorder's Office (360) General Fund (100) by not-to-exceed \$200,000. This adjustment will result in a countywide net impact of zero. (C4906044800)

~ Supervisor Brock returned to the meeting ~

**MARICOPA EVENTS CENTER DEPARTMENT**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the creation of the Maricopa Events Center Department as a new department in Maricopa County and approve the transfer of expenditure authority in the amount of \$24,000.

**Additional Information.** The requested action is necessary to establish the department and provide a budget for the operation of the Maricopa Events Center.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), also approves the transfer of expenditure authority in the amount of \$24,000 between General Government (470) General Government Grant Fund (249) and the Maricopa Events Center (620) Events Center Fund (375). This action will require an appropriation adjustment decreasing the FY 2005-06 General Government (470) General Government Grant Fund (249) revenue and expenditure appropriations by \$24,000, and increasing the FY 2005-06 Maricopa Events Center (620) Events Center Fund (375) revenue and expenditure appropriations by \$24,000. These adjustments will result in a countywide net impact of zero. (C4906045800) (ADM3450)

**TOBACCO USE PREVENTION PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve Amendment No. 1 to Contract C86059091 in an amount not-to-exceed \$63,277.52 for the Circle of Friends Program Administration under the direction of the Maricopa County Tobacco Use Prevention Program.

**Additional Information.** This amendment, between Maricopa County Department of Public Health and Tanner Community Development Corporation, has a start date of March 1, 2006, and will end February 28, 2007. Funding for this contract is provided by a grant from The American Legacy Foundation and the Arizona Department of Health Services. This contract will not increase the county general fund budget. (C8605909101)

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### **HEALTH CARE FOR HOMELESS CLIENTS**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to retroactively approve the Medical Services ~~contract~~ IGA with the Special Health Care District, dba, Maricopa Integrated Health Systems (MIHS), through its business with the Seventh Avenue Family Health Center to provide services to Maricopa County Health Care for the Homeless (HCH) clients.

**Additional Information.** The term of the agreement is July 1, 2005, for a period of one year with automatic one-year renewals and a 90-day termination clause. MIHS Seventh Avenue Family Health Center provides the HCH homeless clients with access to procedures that the HCH clinic is not equipped to handle. HCH has had an agreement with the MIHS clinic for the past 20 years, and is requesting this contract be signed due to the MIHS status change in becoming a health district. The estimated yearly amount to be spent is \$500. (C8606055200)

### **HEALTH CARE FOR THE HOMELESS CLINIC**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Amendment No. 1 to the Health Choice Contract (C8606058100), originally approved by the Board of Supervisors on February 15, 2006, for the Health Care for the Homeless (HCH) clinic.

**Additional Information.** This amendment allows billing to Health Choice, an Arizona Health Care Cost Containment System Health Plan, at 100% instead of 90% as listed in the contract, for reimbursable client services provided at the HCH clinic. This allows HCH, a federally grant funded program, to generate additional revenue for the program.

**Budgetary Details.** The estimated revenue amount is \$20,000 and may change based on the number of clients actually served. There is no cap. The indirect rate for FY 2005-06 is 16.67%. Indirect costs are fully recoverable. Estimated indirect costs are estimated at \$2,858. (C8606058101)

### **FUNDS FOR HIV/AIDS SUPPORT**

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following:

- a. **Item Summary.** A contract, in an amount not-to-exceed \$116,258, for the provision of HIV **nutrition services** to individuals and families affected by HIV/AIDS.

**Additional Information.** This contract, with Body Positive, Inc., is retroactive to March 1, 2006, and continues through February 28, 2007. Body Positive was a successful respondent to a Request for Proposals (MC1-328) issued by the Department of Public Health on August 9, 2001. The original contract was approved by the Board of Supervisors on February 20, 2002 (C86026011) and subsequently renewed on March 5, 2003 (C86037161) and renewed on March 9, 2005 (C86058161). (C8606816100)

- b. **Item Summary.** A contract, in an amount not-to-exceed \$60,000, for the provision of HIV **targeted outreach services**, Minority Aids Initiative (MAI), to Hispanic individuals and families affected by HIV/AIDS.

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**Additional Information.** This contract, with Chicanos Por La Causa, Inc., is retroactive to March 1, 2006, and continues through February 28, 2007. The amount listed is subject to the final grant award received from the grantor agency and approval from the Ryan White Title 1 Planning Council. Chicanos Por La Causa was a successful respondent to a Request for Proposals (MC1-328) issued by the Department of Public Health on March 22, 2001. The original contract was approved by the Board of Supervisors April 3, 2002 (C86026271). The contract was subsequently renewed by the Board on March 5, 2003 (C86037201), March 8, 2004 (C86048201), and March 9, 2005 (C86058201). (C8606820100)

### **CHILD CARE MARKET RATE SURVEY**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a revenue intergovernmental agreement (IGA) in the amount of \$65,287 to conduct research related to a child care market rate survey in the state of Arizona.

**Additional Information.** This agreement, between the Arizona Department of Economic Security (ADES) and the Office of Research and Reporting has a term of four months, beginning April 1, 2006 through July 31, 2006. ADES has requested the Office of Research and Reporting to conduct the Child Care Market Rate Survey for 2006. The Office of Research & Reporting has conducted the Arizona Child Care Rate Survey for ADES bi-annually since it was mandated. The methodologies developed by the Office of Research & Reporting for conducting the survey are acceptable in meeting the federal requirement and have been used as models by other states.

**Budgetary Details.** Pursuant to A.R.S. §42-17106, also approves an increase to the Research and Reporting (460) Research and Reporting Fund (260) FY 2005-06 revenue and expenditure appropriations in the amount of \$65,287 for the additional revenue and expenses generated by this action. Intergovernmental agreement revenues are not local revenues for purposes of the constitutional expenditure limitation, therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. Research and Reporting anticipates incurring all expenditure associated with services delivered under this IGA prior to June 30, 2006. (C4606001200)

### **YOUTH PROGRAM SERVICES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following amendment 'b' which modifies the performance standards approved by the State of Arizona and the Department of Labor to provide Workforce Investment Act youth program services during FY 2005-06. Amendment 'a' was withdrawn prior to the vote.

- a. Amendment with Goodwill Industries of Central Arizona, Inc. A total of 107 In-School youth program participants will be served by this contract. (C2204095105)  
**WITHDRAWN – DUPLICATE ENTRY**
- b. Amendment with Arizona Call-A-Teen, Inc. A total of 107 Out-of-School youth program participants will be served by this contract. (C2204098108)

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**Additional Information.** These amendments are administrative amendments and there are no changes to the current amount of funding. These amendments are effective October 17, 2005. The terms of the contracts remain unchanged from July 1, 2005 to June 30, 2006.

**APPLICATION DATABASE DEVELOPMENT AND SUPPORT SERVICES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve a sole source procurement with Ensynch to provide application database development, and continued maintenance/support services on the existing custom built case management software system.

**Additional Information.** The system is currently used to support the Community Action Program divisions. The total cost of the system will not exceed \$170,000. (C2206170100)

**REVISED EASEMENT**

**Item Summary.** Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute a revised easement for Salt River Agricultural and Power District (SRP) for a recently constructed 12kV underground electrical service for McDowell Mountain Regional Park. The original easement, approved June 8, 2005, by the Board of Supervisors, was changed during construction which requires a revised easement. (C3005036201) (ADM2013) (ADM3229)

**AMENDMENTS WITH TOWN OF FOUNTAIN HILLS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following Amendments No. 1 to intergovernmental agreements (IGAs) between Maricopa County Animal Care & Control and the Town of Fountain Hills, which extend the current IGAs from an expiration date of June 30, 2006, for one year, to an expiration date of June 30, 2007.

- a. Animal shelter services for FY 2006-07 in the estimated amount of \$15,000. The estimated amount is based on fees approved by the Board of Supervisors on November 2, 2005 (C7906024700) and historical levels of service for this jurisdiction. The contract (C7904039200) was signed by the Board on December 3, 2003. (C7906095200)
- b. Animal control field services for FY 2006-07 in the amount of \$15,889. The FY 2006-07 full cost recovery for actual level of service is estimated to be \$15,889 based on historical levels of service for this jurisdiction. The contract (C7904015200) was signed by the Board on August 27, 2003. (C7906096200)

**PSYCHO-EDUCATIONAL ASSESSMENT AND PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve a non-financial agreement for the purpose of obtaining two or more social work graduate internship students to develop and implement a psycho-educational assessment and program for convicted animal abusers that are referred to the developed program by the court system.

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**Additional Information.** This agreement, between the Arizona Board of Regents for and on behalf of the School of Social Work in the College of Public Programs and the Department of Social Work in the College of Human Services and Arizona State University and Maricopa County, has a term effective upon execution and shall remain in effect indefinitely subject to periodic review and revision with rights to terminate with 30-day written notice by either party. (C7906097000)

Supervisor Brock asked that a copy of the developed assessment and program be given to each of the Supervisors upon completion.

### **NEW HOPE RESCUE PROGRAM**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following agreements with Maricopa County under the New Hope Program to rescue animals that have been deemed eligible for the New Hope Program. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older at no cost to the contractor. The cost for these services is \$27 for each animal rescued.

- a. Tara Brooksby, d.b.a. German Shorthair Pointer Rescue of Arizona, 1206 W. Central, Coolidge, AZ 85228. Animal Care & Control estimates 10 New Hope rescues over the term of the agreement, for a total of \$270. The term of this agreement is from execution by the Board of Supervisors through April 4, 2007. (C7906098100)
- b. Rebecca Knapp, d.b.a. Weimaraner Rescue, 5404 W. Sanna, Glendale, AZ 85302. Animal Care & Control estimates seven New Hope rescues over the term of the agreement, for a total of \$189. The term of this agreement is from execution by the Board of Supervisors through April 18, 2007. (C7906102100)

### **KENNEL PERMIT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the issuance of a kennel permit to Beverly Vasil, d.b.a. Vasil Kennels, 9402 S. 349th Avenue, Arlington, AZ 85322, Permit #304. The cost of a kennel permit is \$90, plus a return trip charge of \$49; totaling \$139 for the term of April 5, 2006 through April 4, 2007. (Supervisorial District 4) (C7906100C00) (ADM2304)

### **RENEW KENNEL PERMITS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of April 5, 2006 through April 4, 2007. The cost of each kennel permit is \$328.

- a. Nancy Chapman, d.b.a. Chapman Kennels, 4201 W. Tierra Buena Lane, Phoenix, AZ 85053, Permit #410. (C7906099C00) (ADM2304)
- b. Roberta Roth, d.b.a. Heelwyn Kennels, 1250 E. Mesquite Street, Gilbert, AZ 85296, Permit #412, District 2. (C7906099C00) (ADM2304)

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- c. Kenneth Swetman, d.b.a. KK's Kennels, 11255 W. Hidalgo Avenue, Tolleson, AZ 85353, Permit # 271. (C7906101C00) (ADM2304)
- d. Patrick Frase, d.b.a. Eye Dog Foundation, 8252 S. 15th Avenue, Phoenix, AZ 85041, Permit #335. (C7906101C00) (ADM2304)
- e. Susan Anderson, d.b.a. Clearwater Kennels, 7601 N. 185th Avenue, Waddell, AZ 85355, Permit #338. (C7906101C00) (ADM2304)
- f. Bonnie Yarnell, d.b.a. Bimini, 21039 S. 158th Street, Gilbert, AZ 85296, Permit #081. (C7906103C00) (ADM2304)

**FUND TRANSFERS; WARRANTS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, journal entries, allocations, loans, and paid claims and authorize the issuance of the appropriate related warrants. Said warrants and claims are recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and are incorporated herein by this reference.

**DOCUMENT IMAGING PROGRAM AND ELECTRONIC BUSINESS ENVIRONMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the transfer of expenditure authority to allow funding for the implementation of a document imaging project and authorize the Office of Management and Budget to review and approve the funding for the Department of Finance Electronic Business Environment Results Initiative Request.

**Additional Information.** The Document Imaging Program and the Electronic Business Environment are key process improvements which are alignment with the Board of Supervisors' Strategic Priority No. 6 "Maintain a quality workforce and equip county employees with the tools, skills, workspace and resources they need to do their jobs safely and well." In addition, it is in line with Strategic Priority No. 7 "Continue to improve the county's public image by increasing citizen satisfaction with the quality and cost-effectiveness of services provided by the county."

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), also approve the transfer of expenditure authority between General Government (470), Fund (100) the Department of Finance (180), General Fund (100) and the Office of the CIO (410), General Fund (100). This action will require a mid-year expenditure appropriation adjustment decreasing the FY 2005-06 General Government (470), General Fund (100) General Contingency (4711) line item "Technology Reserves" by \$563,542, and increasing the FY 2005-06 Department of Finance (180) General Fund (100) by \$503,348 and the FY 2005-06 Office of the CIO (410) General Fund (100) by \$60,194. This adjustment will result in a countywide net impact of zero. Authorize the increase in the Department of Finance (180), General Fund (100) base budget for FY 2006-07 in the amount of \$751,839 and authorizes the increase in the Office of the CIO (410), General Fund (100) base budget for FY 2006-07 in the amount of \$232,825. (C1806035800) (ADM1800-003)

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**INMATE BOOKING AND HOUSING FEES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the annual adjustment to the inmate booking and housing fees charged to other jurisdictions for the use of Maricopa County jails. The effective date of this adjustment will be July 1, 2006. The inmate booking fee will increase from \$134.19 to \$163.64 per inmate booked; the inmate housing fee will increase from \$56.23 to \$62.29 per day. (C1806036800) (ADM3911)

**LOT DIVISION OF THE HUMAN SERVICES CAMPUS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the lot division of the Human Services Campus.

**Additional Information.** Authorizes the Chairman to execute and convey all necessary easements and agreements to allow utilities, common access, driveways, and parking, between the new lots and authorize the law firm of Earl, Curley & Lagarde to file all necessary City of Phoenix applications needed to subdivide the Human Services Campus, and to amend the existing Special Use Permit, as authorized initially in the JGA with City of Phoenix under (C4003004200) and any other change or amendments that are necessary. The lot division of the Human Services Campus is needed for the future transfer of property pursuant to the lease between Maricopa County and Human Services Campus L.L.C. (Agenda Item C1806030400). The law firm of Earl, Curley & Lagarde, on behalf of the county, will file all necessary application with the City of Phoenix to accommodate the lot split, easements and zoning changes. (C1806039400) (ADM2519)

**SECURE FUNDING FROM ARIZONA DEPARTMENT OF HOUSING**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the encumbrances, covenants, conditions or restrictions to secure loans, grants or other funding from the Arizona Department of Housing for the Human Services Campus providers, Central Arizona Shelter Services (CASS), and NOVA Safe Haven, pursuant to the Lease-Purchase Agreement between Maricopa County, lessor, and Human Services Campus L.L.C., lessee (C1806030400), and authorize the Chairman to sign all necessary documents to obtain such funding from the Arizona Department of Housing. (C1806040400) (ADM2519)

**SOLICITATION SERIALS**

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

**Awarded**

- 05114-S**      **Fire Suppression Systems** (\$5,000,000 estimate/three years with three one-year renewal options). Price agreement for test, inspection and repair of building fire suppression systems located in Maricopa County facilities.
- o      Sun Devil Fire Equipment, Inc.

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- 05168-C Traffic Signal Heads & Components** (\$600,000 estimate/three years with three one-year renewal options). Price agreement to purchase traffic signal heads and components for installation/repair of traffic signals for the Maricopa County Department of Transportation.
- o Brown Wholesale Electric
- 05194-C Bio-Diesel (Petro/Agri Blends) Bulk Fuel Purchase & Delivery** (\$6,600,000 estimate/three years with three one-year renewal options). Price agreement to purchase bio-diesel fuel for use in county vehicles.
- o Pro Petroleum

**Contract Renewal/Extension:**

**The renewal/extension of the following contract.** (This is recommended with the concurrence of the using agencies and the vendors, upon satisfactory contract performance and, when appropriate, after a market survey is performed):

**Until July 31, 2009**

- 03017-S Electrical Services** (\$3,000,000 estimate/three years). Price agreement renewal for electrical services for county facilities as requested by the Facilities Management Department.
- o Hernandez Companies, Inc.
  - o Malone Electric, Inc.
  - o Kearney Electric, Inc.
  - o Rosendin Electric, Inc.

**Increase in the price agreement amount for the following contract.** This request is due to an increased usage by county departments. **CONTINUED**

- 05041-ROQ Specialty Legal Services Providers - County Attorney** (\$4,000,000 increase) Increase price agreement value from \$8,400,000 to \$12,400,000. This \$4,000,000 increase is requested by the County Attorney's Office and Risk Management to provide outside specialty legal services. The Board of Supervisors approved the original contract on July 6, 2005. The contract expiration date is July 31, 2008.

Bonnett Fairbourn  
Bryan Cave, LLP  
Burch & Cracchiolo, PA  
Calderon Law Offices  
Charles W. Whetstine, PC  
Cople, Boehm & Murphy, PC  
Dean M. Wolcott  
Fadell, Cheney & Burt, PLLC  
Frazer, Ryan, Goldberg, Arnold  
Grant Woods, PC  
Gray & Fassold, PC  
Green & Baker

Martin Hart & Fullerton, PC  
Meagher & Geer  
Miller LaSota & Peters, PLC  
Moyes Storey, LTD  
Meyer Hendricks & Bivens, PA  
Olson, Jantsch & Bakker, PA  
O. R. Colan Associates  
Paul F. Lazarus, PC  
Quarles & Brady  
Ridenour, Hinton, Kelhoffer  
Ryan Rapp & Underwood, PLC  
Ryley Carlock & Applewhite

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Greenberg Traurig, LLP	Sacs Tierney, PA
Gust Rosenfeld, PLC	Squire, Sanders & Dempsey
Helm & Kyle	Swenson Storer Andrews
Barbara Lee Caldwell, PC	Thomas, Thomas & Appel, PC
Hopkins & Kreamer, LLP	Wilenchik & Bartness, PC
Iafrate & Associates	Zwillinger & Georgelos, PC
Irvine Law Firm, PA	Cooper & Kirk, PLLC (added 07/21/05)
Jardine, Baker, Hickman & Hous	Harper Christian Dichter Graif
Jennings, Haug & Cunnigham	Law Offices of Douglas V. Fant
Jennings, Strouss & Salmon	Law Office of Jerry A. Fries
Jones, Skelton & Hochuli, PLC	Johnston Law Offices, PLC
Jorden Bishoff McGuire & Hise	Jones Day
Kenneth S. Countryman, PC	William M. Lawson Jr., PA
Klein, Lundmark, Barberich	Julie M. Lemmon
Kutak Rock	Ogletree Deakins, PC
Law Offices of R. Strohm, PC	Sanders & Park, PC
Lewis Brisbois	Schleier, Jellison, & Schleier
Littler Mendelson	Snell & Wilmer, LLP
Mariscal, Weeks, et al	Williams & Associates

This item was continued to April 19<sup>th</sup> meeting at the request of Chairman Stapley for additional review.

**CAPA**

The following individuals have successfully completed training provided by Materials Management and will be able to conduct nominal value procurements in selected areas for their individual agencies in accordance with the approved Certified Agency Procurement Aide Policy and Procedures.

**County Attorney**  
Janelle Winkler  
**Library District**  
Connie Vasquez

**Facilities Management**  
Scott Hodgson  
**Office of Management and Budget**  
Shannon L. Fitzgerald

**GRANT FOR WEB-BASED CRISIS MANAGEMENT SYSTEM AND GIS SOFTWARE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and accept \$155,000.00 in 2004 Federal Homeland Security Grant Program to purchase a web-based crisis management system and geographic information system (GIS) software. Authorize an expenditure appropriation adjustment, in the amount of \$68,047.44, to purchase a one-time maintenance contract for five years for the software purchased for this project.

**Additional Information.** This grant is from the State of Arizona Division of Emergency Management and Military Affairs. The goal of this project is to establish a web-based crisis information management system and GIS application that will aid in the management of any multi-jurisdictional emergency and deliver detailed geographic information in the County Emergency Operations Center and any city Emergency Operations Center through a web browser interface. The WebEoc/GIS capability project will allow the Maricopa County Emergency Operation Center to leverage and deliver its geographic data sets to key

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decision makers and responders who need it most. It is proposed to utilize the \$155,000.00 grant funds to purchase a web-based crisis management system and purchase GIS software to enhance the crisis management system and support the GIS functions of the department. This is a reimbursable grant. The funds are being awarded to a WebEoc Crisis Management System and GIS capability for the Emergency Operations Center.

**Budgetary Details.** The Maricopa County Department of Emergency Management's current indirect cost rate is 12.8% for FY 2005-06. Indirect costs of \$19,840.00 for this grant are unallowable and unrecoverable. This cost will be fully absorbed in the Department of Emergency Management's budget. Pursuant to A.R.S. §42-17106(B), approve the transfer of expenditure authority between the General Government Grants Fund (Department 471, Fund 249) and the Emergency Management Department Fund (Department 151, Fund 215). This action will require an expenditure appropriation adjustment decreasing the FY 2005-06 General Government Grants Fund by \$68,047.44 and increasing the FY 2005-06 Emergency Management Fund (215) by \$68,047.44. These adjustments will result in a countywide net financial impact of zero. 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 of Supervisors pursuant to A.R.S. §42-17105. (C1506010300)

#### **CITIZEN CORP PLANNER**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and accept \$38,650.00 in 2005 Federal Homeland Security Grant Program funds to support the position of Citizen Corp Planner.

**Additional Information.** Grant No. 2005-GE-T5-0030, from the State of Arizona, Division of Emergency Management, is a reimbursable grant. After September 11, thousands of Americans responded by volunteering to help in any way they could. In order to be most effective during times of emergency, volunteers must be organized and trained to work in emergency situations. The Maricopa Citizen Corps is designed to provide that organizational structure and promote appropriate training of volunteers for communities.

**Budgetary Details.** The Maricopa County Department of Emergency Management's (MCDEM) current indirect cost rate is 12.8% for FY 2005-06. Indirect costs of \$4,947.20 are unallowable and unrecoverable. This cost will be fully absorbed in the MCDEM 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 A.R.S. §42-17105. (C1506011300)

#### **EMERGENCY RESPONSE PLAN FOR PALO VERDE NUCLEAR GENERATING STATION**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the Maricopa County/State of Arizona Palo Verde Offsite Emergency Response Plan.

**Additional Information.** The plan will be valid until superseded by an updated version. The plan will be effective January 1, 2006. There is no cost to the county and no revenue will be generated. This plan is a joint plan that assigns emergency functions to the emergency response organizations of the State of

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Arizona and the County of Maricopa as delineated within the plan. The "Offsite Emergency Response Plan for Palo Verde Nuclear Generating Station" is based upon U.S. Nuclear Regulatory Commission and Federal Emergency Management Agency guidance to state and local governments. (C1506013000) (ADM903)

**TRANSFER FUNDS AND FISCAL AGENT MANAGEMENT TO S.T.O.R.M.**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the transfer of expenditure authority in the amount of \$33,052 to accommodate the transfer of funding currently maintained by the Environmental Services department as acting fiscal agent to a private bank account held by STORM (Storm water Outreach for Regional Municipalities).

**Additional Information.** Maricopa County Environmental Services is currently maintaining the balance and acting as the fiscal agent (C8806003200). STORM has established itself as a 501(c)(3) not-for-profit organization and is capable of managing its funds independently from the county/municipal government structure. Upon the completion of the funding transfer, Resolution ENV 2005R001 will be immediately revoked. Maricopa County is encouraged to continue to participate in the STORM program as a paying municipal member but would no longer be responsible for the fiscal agent management for the organization.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(b), approve the transfer of expenditure authority of \$33,052 between General Government (470), General Fund (100), General Government contingency (4711) and the Environmental Services department (880), General Fund (100), decreasing General Government (470), General Fund (100), General Government contingency (4711) and increasing the FY 2005-06 Environmental Services (880), General Fund (100). This adjustment will result in a net impact of zero to the county budget. (C8806011800) (ADM2365)

**EAST COURT BUILDING COURTROOM RENOVATIONS**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and authorize the execution of a contract, in the amount of \$1,060,000, to provide Maricopa County East Court Building Courtroom Renovations Construction Manager-at-Risk Construction Services Phase I.

**Additional Information.** Contract No. FMD-06-038, with Brignall Construction, of Phoenix, Arizona, will allow the Facilities Management Department to complete construction services for the 5th Floor of the East Court Building (Building No. 3303) in the following areas: Asbestos Abatement; Demolition; HVAC, Electrical and Plumbing work required to accomplish the Abatement and Demolition; and, the long-lead packages for millwork and doors, frames and hardware for this approved project. Construction of the project is scheduled to begin in April 2006. At this time, it is anticipated that approximately three more phased GMPs and contracts will be presented. The additional GMP construction phases of the contract will be presented to the Board of Supervisors for their approval prior to start of construction. (C7006030501)

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**MAJOR MAINTENANCE BUDGET ADJUSTMENT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following FY 2005-06 Major Maintenance budget adjustments in Year 1, Appropriated Fund Balance, Department (480), General Fund (100), Org (4832):

- o Decrease Bartlett Lake Improvements Project, Function Class (BLSO) by \$150,000 in Year 1
- o Increase Canyon Lake Aid Station, Function Class (CLSO) by \$150,000 in Year 1.

These adjustments have a net zero impact on the overall county budget. (C7006032800) (ADM800-003)

**SOUTHEAST JUVENILE DETENTION FACILITY**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Phase II Construction Services Contract for the guaranteed maximum price of \$1,870,000 for the construction of the Southeast Juvenile Detention Facility Improvements.

**Additional Information.** This contract, with Layton Interior Specialists of Arizona, is for the construction of the Southeast Juvenile Detention Facility (Building #2856) Improvements Project #2856-05-008 – Subproject #2856-06-159, located at 1810 S. Lewis Street, Mesa. This phase will accomplish the domestic hot and cold water line replacement portion of the project. (C7006033500)

**PROGRAM MANAGEMENT SERVICES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and authorize the execution of a contract, in the estimated amount of \$25,000,000 to provide the services of a program management consultant to assist the staff of Maricopa County Facilities Management Department in the management of planning, programming, designing, and constructing the Maricopa County Capital Improvement Program and Annual Major Maintenance Program.

**Additional Information.** Contract FMD-06-021, a Program Management Services Contract, with PinnacleOne, Tempe, Arizona has a contract performance period of five years, with two one-year options. (C7006034500)

**AMENDMENTS TO FIVE-YEAR CAPITAL IMPROVEMENT PLAN – CONTINUED**

**Item Summary.** Approve amendments to the FY 2005-06 Five-Year Capital Improvement Plan.

**Budgetary Details.** Pursuant to A.R.S. §42-17106(B), approve the following amendments to the FY 2005-06 five-year Capital Improvement Plan, Department 470:

- o Create a new project titled "Office Building" in the amount of \$160,000,000 (Year 1 \$100,000; Year 2 \$26,300,000; Year 3 \$56,320,000; Year 4 \$56,320,000; Year 5 \$20,960,000) in Fund (445) and authorize the Facilities Management Department to proceed with the implementation and management of the completion of programming, procurement, design and construction of the project.

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- o Approve an expenditure appropriation transfer of \$100,000 from Appropriated Fund Balance (480) General Fund (100) Reserved Items-CIP Contingency (4811) to Appropriated Fund Balance (480) General Fund (100) Other Programs-CIP Transfers (4812).
- o Approve a transfer of \$100,000 from Appropriated Fund Balance (480) General Fund (100) Other Programs-CIP Transfers (4812) to General Government (470) Capital Improvement Fund (445), which will be offset by corresponding Eliminations.
- o Direct the Office of Management and Budget to include the remaining fund transfers for this project in the FY 2006-07 Recommended Budget. (Supervisory District 5) (C7006038800) (ADM800-003)

This item was continued to the Special Board Meeting on April 7, 2006, at the request of Chairman Stapley and with the concurrence of all Supervisors.

**EXCEPTION TO EMPLOYEE COMPENSATION PLAN**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to request an exception to the Maricopa County Employee Compensation Plan, Section VI – Permanent Salary Advancements, granting approval of non-merit salary advancements retroactive to date of hire.

**Additional Information.** A market study was implemented in December 2005 to compare Planning and Development positions to a market study begun in Public Works on July 18, 2005, and completed later that year. Planner positions in Planning and Development were compared to the Public Works study and new planner market ranges were established. Planners already in their positions as of July 18, 2005, will receive market adjustments retroactive to July 18, 2005. It was discovered that Planners hired in November 2005, Jeffrey Clawson and Robert Mansolillo, and a Planner hired in December 2005, Hollie Burgus, and a Planner in March 2006, Jonce Walker, were hired in a hiring range below the newly established market range. In order to pay them their appropriate market to retain their services, these employees should receive salary advancement to the entry level of the new market range, \$ 21.45 per hour. (C4406016000) (ADM3308-001)

**QUEEN CREEK LANDFILL OPERATION – CONTINUED**

**Item Summary.** Approve an Amendment No. 1 which allows for the extended operation of the Queen Creek Landfill until ~~May 31~~ December 1, 2007. (Date correction announced by the Clerk of the Board.)

**Additional Information.** This amendment, to Landfill IGA No. C67040012, is between Maricopa County and the Town of Queen Creek. The additional expected revenues to Maricopa County for post-closure care are anticipated to be \$400,000. (C6704001201)

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the April 19<sup>th</sup> meeting for continued study.

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**LEASE FOR OFFICE/OPERATIONS SPACE**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve and execute a new full service lease for approximately 575 square feet of office/operations space and associated ingress/egress circulation roadways at the Queen Creek Tire Recycling Facility at 11400 E. Pecos Road, Queen Creek, AZ, for continued use by the Solid Waste Department.

**Additional Information.** Under Lease No. L7383 with the Crumb Rubber Manufacturers of America, LLC, lessor, the county will have the right to install all necessary county-owned weighing equipment adjacent to the office/operations leased building. Additionally, the county will have the right to use up to five parking spaces in the adjacent parking lot. The lease term will commence upon county occupancy of the leased space, but no later than October 1, 2006. The lease will expire on or about June 30, 2023. Rent will be pre-paid in the amount of \$150,000, including taxes, for the entire term of the lease, but will be reduced by \$25 per day after October 1, 2006, in the event the premises are not delivered by that date. This lease contains a 90-day termination provision, but may not be terminated prior to June 30, 2013, except for non-appropriation of funds. It contains a month-to-month holdover provision at \$1,000 per month rental after June 30, 2023. In the event of early termination of this lease, the lessor will reimburse the pre-paid rent balance to the county within 30 days of lease termination. Approval of this agenda item is contingent upon Board of Supervisors' approval of FY 2006-07 budget. (C6706004400)

**EASEMENT, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

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

- A138.004-1 Project No.: TT102 - Williamsfield Road and Higley Road - Letter Agreement for a  
(CS) Temporary Ingress and Egress Permit - Parcel No.: 304-39-007E - for the sum of \$100.00.
- A322.016 Project No.: TT171 - MC 85 Extension - Agreement for Right of Entry - Parcel No.: 401-06-  
(CS) 013H - Joan Hardison as Trustee of The Bypass Trust - for the sum of \$500.00.
- A339.044 Project No.: TE172 - Meeker Boulevard @ Camino del Sol - Agreement for Right of Entry -  
(JPM) Parcel No.: 503-59-003F - AZORE Property LLC, an Oregon limited liability company - for  
the sum of \$500.00.
- A339.045 Project No.: TE172 - Meeker Boulevard @ Camino del Sol - Agreement for Right of Entry -  
(JPM) Parcel No.: 503-59-001J - Sun Health Properties, Inc., an Arizona corporation - for the sum  
of \$500.00.
- DD-10128 Project No.: TL008 - Germann Road - Warranty Deed - Parcel No.: 304-62-007T -  
(CS) Gateway Airport Property Investors Limited Partnership, an Arizona Limited Partnership -  
for the sum of \$10.00.
- DD-10156 R/W Dedication - Warranty Deed - Parcel No.: 201-12-864 - Mark O. Ferro - for the sum of  
(LJS) \$10.00.

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- DD-10156 (LJS) R/W Dedication - Quit Claim Deed - Parcel No.: 201-12-864 - Yost Properties, L.L.C. - for the sum of \$10.00.
- DD-10181 (CS) Project No.: TL008 - Germann Road - Warranty Deed - Parcel No.: 304-62-007R - Darl J. Andersen and Kaye L. Andersen - for the sum of \$10.00.
- W-4198K (HH) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Avenue) - Warranty Deed - Parcel No.: 211-51-045K - Ray C. Freeland and Sarah M. Freeland - for the sum of \$133,920.00.
- W-4198K (HH) Project No.: TT011 - Joy Ranch Road (19th Avenue to 7th Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 211-51-045K - Ray C. Freeland and Sarah M. Freeland.
- W-6290 (JPM) Project No.: TT062 - Ellsworth Road (University Drive to McLellan Road) - Warranty Deed - Parcel No.: 218-07-040B - The Tom's Property, L.L.L.P., Limited Liability Limited Partnership - for the sum of \$3,550.00.
- W-6290-1 (JPM) Project No.: TT062 - Ellsworth Road (University Drive to McLellan Road) - Temporary Construction Easement and Agreement for Highway Purposes - Parcel No.: 218-07-040B - The Tom's Property, L.L.L.P., Limited Liability Limited Partnership - for the sum of \$1,450.00.
- W-6290 & W-6290-1 (JPM) Project No.: TT062 - Ellsworth Road (University Drive to McLellan Road) - Purchase Agreement and Escrow Instructions - Parcel No.: 218-07-040B - The Tom's Property, L.L.L.P., Limited Liability Limited Partnership

**CHANGE ORDER FOR SR 303L FROM I-10 TO US 60 PROJECT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve Change Order No. 13, to Contract No. CY 2001-36 with URS Corporation, in an amount not-to-exceed \$49,806, for the SR 303L from I-10 to US 60, Project No. T109.

**Budgetary Details.** Also approves an expenditure decrease of \$125,000 to Year 1 of the current FY 2006-10 Five Year CIP for Project T091, 83rd Avenue: Northern Avenue to Olive Avenue, Transportation Department (640), Capital Improvement Projects Fund (234). Approve an expenditure increase of \$125,000 to Project T109, SR 303L from I-10 to US 60, Year 1, Transportation Department (640), Capital Improvement Project Fund (234). The countywide impact will be zero. Expenditures in FY 2006-07 are contingent upon the Board approving the recommended FY 2006-07 budget. (Supervisorial Districts 4 and 5) (C6401241512)

**BIDS AND AWARD FOR PM10 ROADS PROJECT**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the solicitation of bids for PM10 Roads Project, Tuthill Road: Queen Creek Road and Pecos Road, Project Number T028 and approve the award to the lowest responsive bidder, provided that the lowest responsive bid does not exceed the engineer's estimate by 10%.

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**Budgetary Details.** Also approves an expenditure decrease of \$400,000 to Year 1 of the current FY 2006-10 Five-Year CIP for Project T091, 83rd Avenue: Northern Avenue to Olive Avenue, Transportation Department 640, Capital Improvement Projects Fund 234. Approve an expenditure increase of \$400,000 to Project T028, PM10 Program, Year 1, Transportation Department (640), Capital Improvement Projects Fund (234). The countywide impact will be zero. (Supervisorial District 5) (C6406190500)

#### **DESIGN AND CONSTRUCTION AGREEMENT**

**Item Summary** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve re-imbursement and acceptance of SRP's Design and Construction Agreement for costs incurred in the relocation of their facilities that are in conflict with Maricopa County Department of Transportation, Project T061 (68897), McDowell Rd: Pima Freeway to Alma School Road. The cost may not exceed the current estimate of \$1,040 by more than 10%. (Supervisorial District 2) (C6406208100)

#### **ENGINEERING DESIGN SERVICES AND POST DESIGN SERVICES**

**Item Summary.** Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve re-imbursement to Buckeye Water Conservation and Drainage District for engineering design services and post design services.

**Additional Information.** This re-imbursement is for the relocation and modification of their irrigation facilities and Roosevelt Irrigation District facilities in conflict with the Maricopa County Department of Transportation Project T171 (69075); MC 85 Extension (SR 85 to Turner Road). The cost may not exceed the current estimate of \$105,600 (\$85,800 FY 2005-06 and \$19,800 FY 2006-07) by more than 10%. Approvals of FY 2006-07 expenditures are contingent upon the Board of Supervisors' approving the recommended FY 2006-07 budget. (Supervisorial District 4) (C6406209100) (ADM2000-006)

#### **RAINBOW ROAD BRIDGE AT BUCKEYE CANAL PROJECT**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the addition of Rainbow Road Bridge at Buckeye Canal to the FY 2005-06 TIP and FY 2006-07 TIP.

**Budgetary Details.** Also approves the addition of the Project No. T253, Rainbow Road Bridge at Buckeye Canal with a budget of \$65,000 to the Department of Transportation's FY 2005-06 TIP (CIP) budget (Year 1), Department (640), Fund (234). Approve an amendment to the current FY 2006-10 five-year CIP for Fund (234) – Transportation Capital Projects Fund adopted by the Board of Supervisors on June 20, 2005, by decreasing the FY 2005-06 (Year 1) capital budget for the following project:

- o Project T102, Williams Field Road at Higley Road capital budget by \$50,000.
- o Project T006, Unallocated Force Account capital budget by \$15,000.

This decrease will offset the increase requested above for a county-wide impact of zero.

Also approves the addition of Project No. T253, Rainbow Road Bridge at Buckeye Canal with a budget of \$400,000 to the Department of Transportation's FY 2006-07 TIP (CIP) budget (Year 1), Department (640), Fund (234). Approve an amendment to the recommended FY 2007-11 five-year CIP for Fund

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(234) – Transportation Capital Projects Fund by decreasing the FY 2006-07 (Year 1) capital budget for the following project:

- o Project T002, Project Reserve Account capital budget by \$350,000.
- o Project T006, Unallocated Force Account capital budget by \$50,000.

Approval of FY 2006-07 expenditures is contingent upon the Board of Supervisors' approving the recommended FY 2006-07 budget. (C6406210800) (ADM2000-003)

### **ENGINEERING DESIGN SERVICES**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to award a contract for pending and new projects requiring engineering design services.

**Additional Information.** On-Call Contract No. 2006-017 with Prestige Engineering Consultant, LLC, is effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first. Approval of this agenda item is contingent upon the Board of Supervisors' adopting the recommended FY 2006-07 budget. (C6406213500)

### **EXCEPTION TO EMPLOYEE COMPENSATION PLAN**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to request an exception to the Maricopa County Employee Compensation Plan, Section VI – Permanent Salary Advancements, granting approval of non-merit salary advancements retroactive to July 18, 2005.

**Additional Information.** A market study was implemented in Public Works on July 18, 2005. It was discovered that the following employees in the Department of Transportation: Donn Carlson, Roderick Miller, Myron Richards, Sherman Gaines, and Edward Kaus were promoted on July 18, 2005, and would have been paid more had they stayed in their previous position instead of taking the promotion. Olin Sutton from the Department of Transportation also would have been paid more had he stayed in his previous position instead of taking the promotion. The effective date for his promotion was September 19, 2005. In order to remedy these inequities, it was determined that these employees should receive at least the pay rate they would have received had they not been promoted. (C6406214000) (ADM3308-001)

### **BRIDGE DESIGN SERVICES**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following on-call contracts for pending and new projects requiring bridge design services.

- a. Award On-Call Contract No. 2005-094 with Structural Grace, Inc. (C6406215500)
- b. On-Call Contract No. 2005-093 with T.Y. Lin International (C6406216500)

**Additional Information.** The contracts are effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of

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\$500,000 per contact, whichever occurs first. Approval of these agenda items is contingent upon the Board of Supervisors' adopting the recommended FY 2006-07 budget.

#### **POWER ROAD DESIGN AND CONSTRUCTION IMPROVEMENTS**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve an intergovernmental agreement between Maricopa County, the City of Mesa and the Town of Gilbert for design and construction of improvements to Power Road from the East Maricopa Floodway, south of Guadalupe Road to Baseline Road (Project No. T090). Approval of this agenda item is contingent upon the Board adopting the recommended FY 2006-07 and FY 2007-08 budgets. (Supervisorial Districts 1 and 2) (C6406217000)

#### **SIGNALIZED INTERSECTION IMPROVEMENTS**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the award of Job Order Contract No. 2005-089 with ITS Engineers and Constructors, Inc., for a total sum amount of \$3,000,000 for Signalized Intersection Improvements performed when requested by the Maricopa County Department of Transportation through a specific work assignment. Approval of this agenda item is contingent upon the Board of Supervisors' approving the recommended FY 2006-07 budget. (C6406218500)

#### **CIVIL ENGINEERING SERVICES**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to award an on-call contract for pending and new projects requiring civil engineering services.

**Additional Information.** On-Call Contract No. 2006-016, with Dibble & Associates Consulting Engineers, Inc., is effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first. Approval of this agenda item is contingent upon the Board of Supervisors' adopting the recommended FY 2006-07 budget. (C6406219500)

#### **CONSTRUCTION MANAGEMENT SERVICES**

**Item Summary.** Motion was made by Supervisor Kunasek, seconded by Supervisor Wilson, and unanimously carried (5-0) to approve the following on-call contracts for pending and new projects requiring construction management services. The contracts are effective for a period of two years with an option to renew for three additional one-year periods following Board of Supervisors' approval or until the expenditure of \$500,000, whichever occurs first.

- a. On-Call Contract No. 2006-006 with Consultant Engineering, Inc. Approval of this agenda item is contingent upon the Board of Supervisors' approving the recommended FY 2006-07 budget. (C6406220500)
- b. On-Call Contract No. 2006-008 with HDR Construction Control Corporation. Approval of this agenda item is contingent upon the Board of Supervisors' approving the recommended FY 2006-07 budget. (C6406221500)

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- c. On-Call Contract No. 2006-009 with PBS&J, Inc. Approval of this agenda item is contingent upon the Board of Supervisors' approving the recommended FY 2006-07 and FY 2007-08 budgets. (C6406222500)

**APPOINTMENTS AND RESIGNATIONS**

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the following:

- a. **Board of Adjustment** – Appoint Garry Hays, representing Supervisorial District 1, whose term is effective from Board of Supervisors' approval through February 5, 2010. (C0606049900) (ADM3409)
- b. **Industrial Development Authority Board of Directors** – Appoint Lisa James, representing Supervisorial District 3, whose term is effective from Board of Supervisors' approval through December 17, 2011. (C0606050900) (ADM4500-001)
- c. **Aggregate Mining Operation Zoning District in the West Valley:**
  - i. Accept the resignation of Jerry Black and appoint George Hoover, representing property owners, to fill the unexpired term which is effective from Board of Supervisors' approval through October 5, 2006. (C0606053900) (ADM3441-001)
  - ii. Appoint Walt Patterson, representing property owners, to fill the unexpired term of Allen White whose term will be effective from the date of Board of Supervisors' approval through October 5, 2006. (C0606055900) (ADM3441-001)
- d. **Travel Reduction Program Regional Task Force** – Accept the resignation of Michelle Serna, representing Supervisorial District 5. (C8506020900) (ADM2358-001)

**REGIONAL SCHOOL DISTRICT #509 – WITHDRAWN**

Item: Pursuant to its authority granted in A.R.S. §15-1001, approve vouchers presented by the County School Superintendent of Maricopa County to draw warrants on the County Treasurer against Maricopa County Regional School District #509 School District funds for necessary expenses against the school district and obligations incurred for value received in services as shown in the Vouchers. (ADM3814-003)

The Board of Supervisors may consider ratifying any Maricopa County Regional School District #509 vouchers and/or warrants approved in accordance with the procedures of A.R.S. §15-321 since the last meeting of the Board of Supervisors. The Board of Supervisors may hear staff reports on the vouchers and warrants being considered. The Vouchers are on file in the Maricopa County's Clerk of the Board's office and are retained in accordance with ASLAPR approved retention schedule. (ADM3814-003)

Staff may update the Board of Supervisors on regional schools operations and finances. (ADM3814-005)  
LeeAnn Bohn, Budget Administrator

This item was withdrawn by the Clerk at the request of the department.

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**HEARING SET - PLANNING AND ZONING CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, 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 May 3, 2006, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z2005006; Z2005067; Z2005129; Z2005100; Z2004011; CPA200602; CPA200603**

**ASRS CLAIMS**

No requests for payment of claims were submitted by the Arizona State Retirement System at this time. (ADM3309-001)

**APPOINTMENTS RESCINDED**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to rescind the following:

- o Appointments of Chairman and Vice-Chairman, approved on March 15, 2006, (C0606044900), to the Maricopa County Commission of Justice System Intervention for the Seriously Mentally Ill. These appointments do not require Board of Supervisors' approval. (ADM1008-001)
  
- o Re-appointment of David Yniguez to the Industrial Development Authority, approved on January 19, 2005. This re-appointment was correctly made on August 25, 2004 (C06050079), with a term expiration date of December 17, 2009. (ADM4500-001)

**CANVASS OF ELECTIONS**

No canvasses of elections were submitted by special districts for this meeting.

**CLASSIFICATION CHANGES**

No classification changes were received for this meeting. (ADM723)

**COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the Treasurer's Statement of Collections and Investment summary reports for February 2006 as on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

**DUPLICATE WARRANTS**

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

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**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Metropolitan Property & Casualty Ins Co	360533677	Expense	\$3,267.28
Amanda Milligan	260026611	Payroll	\$1,093.25
Tiffany Koning	360529089	Expense	\$312.38
Janis DeGraff	260031713	General	\$372.57
Mike Fusselman	260033725	Payroll	\$4,249.12
Jose Buendia	360505498	Expense	\$80.35

**SCHOOLS**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Soliant Health Care Inc	Isaac SD	460054314	\$3,888.00
Soliant Health Care Inc	Isaac SD	460056545	\$3,024.00
Anne Treadwell	Litchfield Elem SD #79	460081570	\$600.00
Cara Palmer	Treasurer	160150207	\$1,004.46
Deborah Faust	MC Regional SD #509	160084434	\$811.76
The Bagnell Company	Laveen SD #59	460086975	\$1,250.00
The Bagnell Company	Laveen SD #59	460075577	\$1,233.60
Olympic Trophy	Queen Creek SD #95	95550740	\$34.55
American Music	Litchfield Elem SD #79	450113607	\$957.67
Elsa H Holtzman	Madison SD #38	160072676	\$1,608.87
Christie Wright	MC Regional SD #509	160084416	\$290.90
Trejo Oil	Mobile SD #86	460082646	\$224.55
Debbie Payne	Queen Creek SD #95	1600084061	\$1,094.01

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the minutes of the Board of Supervisors meetings held January 18, 2006, January 26, 2006 and March 1, 2006.

**OFF-TRACK PARI-MUTUEL WAGERING PERMIT**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve application filed by Turf Paradise for Off-Track Pari-mutuel Wagering Permit for Waddel's Longhorn Corral, located at 1629 N. 195<sup>th</sup> Avenue, Buckeye, AZ 85236, covering races from April 5, 2006 through May 31, 2006. (ADM151)

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to authorize the appointment of precinct committeemen to fill vacancies in various precincts, pursuant to A.R.S. § 16-231.B, and/or removal of precinct committeemen due to disqualification in accordance with lists dated April 5, 2006, as submitted by the Elections Director, and on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with the Department of Library Archives, and Public Records retention schedule. (ADM1701)

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**SECURED TAX ROLL CORRECTIONS**

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

<b>YEAR</b>	<b>FROM NO.</b>	<b>TO NO.</b>	<b>NET AMOUNT</b>
2005	440	2902	-\$43,938.20
2005	2904	3554	-\$2,405,343.20
2005	6993	7224	\$185,369.90
2005	1	439	-\$1,879,573.64
2005	6122	6936	-\$3,638,604.42
2003	25214	25228	-\$6,634.44
2003	25146	25186	-\$5,793.46
2004	10949	10993	-\$78,458.60
2004	10813	10901	-\$264,979.22
2002	19324	19324	-\$33.46
2002	19307	19323	-\$17,181.42
2003	25107	25145	-\$31,273.00
2004	10750	10812	-\$142,357.98
2005	7313	7735	-\$2,846,611.56
1999	8296	8296	-\$195.58
2005	7736	8048	-\$649,777.62
2005	8049	8469	-\$935,869.72
2005	8470	8725	-\$554,559.58
2001	39961	39962	-\$2,643.94
2002	19360	19375	-\$38,638.16
2003	25229	25273	-\$218,070.00
2004	10994	11091	-\$297,169.68
2005	8727	8857	-\$124,760.92
2005	8869	9335	-\$531,043.90
2004	11092	11288	-\$501,600.18
2003	25276	25326	-\$47,550.58
2002	19376	19376	\$49.98
2003	25329	25453	-\$43,688.44
2004	11289	11423	-\$105,480.88
2005	9336	9448	-\$325,617.28

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the settlement of tax cases dated April 5, 2006 as follows. (ADM704)

**2005**  
ST2004-000323  
TX2004-000912

**2006**  
ST2005-000040  
ST2005-000056  
TX2005-050331  
TX2005-050337

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**STALE DATED WARRANTS**

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

Mark Louis, Sr.	\$4,178.54
Mid-Ohio FBO S. Larsen	\$2,243.21

**TAX ABATEMENTS**

No requests for tax abatements were received from the Treasurer's Office at this time. (ADM708)

**CALL TO THE PUBLIC**

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

**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox commented on Women's Recognition Week saying that Gwynn Simpson, Human Resources Director, moderated a panel of women who discussed their careers and obstacles they had to overcome to reach their current position. She said it had been an empowering experience for those who attended. (ADM606)

Supervisor Brock said that a clean-up day was planned for April 15 in an area between Tempe and Scottsdale and a number of groups had indicated they would come to help in the effort. He encouraged anyone interested in keeping Maricopa County looking its best to come and join them between 8:00 a.m. and noon by the river just north of ASU off of Scottsdale Road.

Supervisor Wilson spoke of a break-in and shooting in Sun City that had residents concerned. He said the Sheriff's mounted patrol is doing a good job but they can't be everywhere. He asked citizens observing something strange in their neighborhoods to be aware and report anything unusual.

Supervisor Brock said that Sheriff Arpaio has continued the Alpha Drug Treatment Program for inmates and a graduation ceremony was held last Friday. Graduation ceremonies for 50 to 70 inmates are held at the jails every six weeks. He added that some of the testimonies of inmates on how their lives, careers and families have been destroyed by drug use make it difficult for observers to leave with a dry eye. Statistically for the past 10 years, 63% of inmates who are addicted are back in jail within 18 months of their release. However, only 12% to 13% of those graduating from the Alpha Drug Program return to jail. He said the program is working and added that several judges have observed the graduations. However, to date no legislators have come to view the proceedings. Mr. Brock extended an open invitation for all legislators and State Government representatives to attend.

Supervisor Wilcox said that four West Valley towns had met together the previous night, Litchfield Park, Buckeye, Goodyear and Avondale, to discuss a joint resolution on transportation problems and solutions on the I-10 Freeway. Supervisor Wilson referenced a transportation meeting he would attend on Thursday and asked those wanting him to carry a "message" to give him details.

Supervisor Wilcox also addressed a large immigration march of approximately 100,000 people planned for downtown Phoenix on April 10 to ask for immigration reform.

Ms. Wilcox next referenced a local newspaper story in which William Herman lauded Maricopa County for its leadership in combating issues for the homeless, especially during the hot summer months. She said that by "stepping up efforts last year, we paved the groundwork for this year."

~ Supervisor Wilcox left the meeting and would not return ~

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Assistant County Manager, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, Deputy County Attorney, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **Z2005-043     District 3**  
       **Applicant:** Daniel Dain, Butler Design Group, Inc. for Venture Court Professional Plaza, LLC  
       **Location:** South of Anthem Way on the southwest side of Venture Drive (in the Anthem area)  
       **Request:** Precise Plan of Development in the C-2 CUPD zoning district (approx. 8.40 acres) – Anthem Venture Court Professional Plaza

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2005-043, subject to the following stipulations "a" through "p". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall comply with the Plan of Development entitled "Venture Court Professional Plaza Z2005-043", consisting of two (2) full size sheets, dated January 24, 2006, and stamped received January 27, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Venture Court Prof. Plaza", consisting of eight (8) pages of text and six (6) pages of elevations, but specifically excluding the sign package, revised January 23, 2006 , and stamped received January 27, 2006 , except as modified by the following stipulations.
- c.     Development of the site shall be in conformance with the landscape plan entitled "Venture Court Professional Plaza", consisting of three (3) pages, dated revised January 23, 2006, and stamped received January 27, 2006, except as modified by the following stipulations.
- d.     Prior to zoning clearance, the applicant shall demonstrate that the freestanding sign, retaining walls, and wall signs comply with Maricopa County Zoning Ordinance (MCZO) regulations and the Anthem Design Guidelines.

- e. Prior to zoning clearance the applicant shall provide a recorded cross access and shared parking agreement with a legal description and exhibit for Parcels A and B.
- f. Concurrent with the submittal for building permits the applicant shall submit a revised precise Plan of Development with the standard and handicap-accessible parking spaces detail revised to reflect an 18' parking stall length with wheel stops set two (2) feet from the front of the stall, adjacent to a minimum four (4) foot pedestrian sidewalk.
- g. The developer shall provide off-site improvements to Venture Court with sidewalk and sidewalk ramps at driveways consistent with Maricopa County Department of Transportation (MCDOT) standards.
- h. All trees shall be double-staked when installed.
- i. All roof-mounted equipment shall be screened from view.
- j. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be screened from view.
- k. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- l. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a Grading Permit. 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.
- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the Daisy Mountain Fire District. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the Fire District, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- o. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this Plan of Development with stipulations "a" through "p."

2.     **Z2005-105**     **District 3**  
   **Applicant:**     Elizabeth Ohep, Tait & Associates, Inc. for Anthem Heritage, LLC  
   **Location:**     North of Daisy Mountain Drive and west of Gavilan Peak Parkway (in the Anthem area)  
   **Request:**     Precise Plan of Development in the C-2 CUPD zoning district (Approx. 1.62 acres) – Anthem Circle K

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2005-105, subject to the following stipulations "a" through "l". Commissioner Jones seconded the motion, which passed with a unanimous vote of 8-0.

- a.     Development of the site shall comply with the Plan of Development entitled "Circle K Stores" – including a site plan, cross sections, landscape plan, and elevations, consisting of nine (9) full-size sheets, dated revised January 24, 2006, and stamped received January 30, 2006, except as modified by the following stipulations.
- b.     Development of the site shall be in conformance with the narrative report entitled "Circle K Convenience Store, Fueling Station and Car Wash", consisting of eight (8) pages, revised January 26, 2006, and stamped received January 30, 2006 , except as modified by the following stipulations.
- c.     All trees shall be double-staked when installed.
- d.     A continuous parapet shall screen all roof-mounted equipment.
- e.     All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- f.     The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - o     Modify existing sidewalks with ramps at all new driveways to meet ADA requirements.
  - o     Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from MCDOT for improvements within the public right-of-way.
  - o     Any landscaping in County right-of-way must comply with County requirements (Chapter 9, MCDOT Roadway Design Manual).
- g.     All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h.     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

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fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.

- i. The following Daisy Mountain Fire Department (DMFD) stipulations shall be met to the satisfaction of DMFD:
  - o Daisy Mountain Fire District recommends the building be protected by a fire sprinkler system.
  - o Obtain required fire permits after the County building permits are issued.
- j. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- k. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- l. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this Plan of Development with stipulations "a" through "l."

- 3. S2004-085 District 4**  
**Applicant:** Coe & Van Loo on behalf of Citrus & Northern LLC  
**Location:** Southeast corner of Olive Avenue and 183rd Avenue (in the northwest Glendale/Surprise area)  
**Request:** Final Plat in the R1-6 RUPD zoning district for White Tanks Foothills Parcel 7 (approx. 26.4 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

- 4. S2004-099 District 4**  
**Applicant:** Coe & Van Loo on behalf of Citrus & Northern LLC  
**Location:** Southeast corner of Seldon Lane and 181st Avenue (in the northwest Glendale/Surprise area)  
**Request:** Final Plat in the R1-7 RUPD zoning district for White Tanks Foothills Parcel 9 (approx. 45.27 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

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5.     **S2005-063**     **District 3**  
      **Applicant:**     Stanley Consultants, Inc.  
      **Location:**     South of Daisy Mountain Drive and southwest of Gavilan Peak Parkway (in the Anthem area)  
      **Request:**       Final Plat in the R1-6 RUPD and Rural-43 zoning districts for Anthem Unit 75B (approx. 20.94 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

6.     **S2005-097**     **District 3**  
      **Applicant:**     Stanley Consultants, Inc.  
      **Location:**     South of Daisy Mountain Drive and southeast of Gavilan Peak Parkway (in the Anthem area)  
      **Request:**       Final Plat in the R1-6 RUPD and Rural-43 zoning districts for Anthem Unit 77 (approx. 150.65 gross acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

7.     **S2006-003**     **District 4**  
      **Applicant:**     Champion Partners, LLC  
      **Location:**     North of the northwest corner of Dysart Road and Camelback Road (in the west Glendale/Litchfield Park area)  
      **Request:**       Final Plat in the C-O CUPD and C-S CUPD zoning districts for Veranda Commons (approx. 4.32 acres)

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this final plat.

**REGULAR AGENDA DETAIL:**

8.     **TA2006-001**     **All Districts**  
      **Applicant:**     Earl, Curley & Lagarde, PC on behalf of Trend Homes and Standard Pacific Homes  
      **Location:**     County-wide  
      **Request:**       Text Amendment to Section 201 of the Maricopa County Zoning Ordinance in regard to the definition of "Lot Coverage"

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of TA2006-001. Commissioner Munoz seconded the motion, which passed with a unanimous vote of 9-0.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of the following text amendment:

Sec. 201, Definition of "Lot Coverage":

The percentage of the area of a lot which is occupied by all buildings or other covered structures. The first two (2) feet of roof(s) overhang from the exterior walls of all structures shall not be included in the lot coverage.

9. **Z 98-103**      **District 5** – This item is continued from March 1, 2006 and March 15, 2006.  
                         **CONTINUED**  
**Applicant:** Gary Banta  
**Location:** West of the intersection of 39th Avenue and Broadway Road (in the Laveen/south Phoenix area)  
**Request:** Rezone from Rural-43 to IND-3 PD with a precise Plan of Development (approx. 2.75 acres) – Banta’s Auto Repair, Restoration & Impound Yard

**COMMISSION ACTION:** Commissioner Harris moved to recommend approval of Z 98-103, subject to the following stipulations “a” through “q”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 7-0.

- a. The applicant shall provide revised site plans to staff for review and approval within 30 days of Board of Supervisors approval indicating the following changes:
- Show all building lighting details (show a maximum parking lot lighting fixture height of 18 feet per the Maricopa County Zoning Ordinance).  
Indicate proposed location of monument sign as required by City of Phoenix. Also, indicate landscaping per City of Phoenix standards.  
Show correct/actual wall heights (6-foot maximum).  
Indicate secondary driveway as existing, not proposed.  
Clearly and correctly indicate the required 25-foot clear sight triangles at both driveway intersections.  
Indicate depth of proposed parking spaces on plan.
- b. The applicant shall provide a revised narrative report within 30 days of Board of Supervisors approval indicating the following changes:
- Remove all extraneous materials from the existing bound document including the following: flood plain information, reduced site plan, construction information, deed information and title information.  
Provide a business plan section outlining operational details of the business.  
Update remaining information as required.
- c. General compliance with the Grading and Drainage plan dated July 29, 2005 and stamped received November 1, 2005, except as modified by these stipulations.
- d. The primary use of the subject site shall be for automotive repair and the restoration of classic cars. Impoundment, storage and dismantling of vehicles shall be an accessory use only.
- e. The applicant shall clean and maintain the landscape area along Broadway Road on a regular basis. Any dead vegetation shall be replaced with new, drought tolerant, vegetation.

- f. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- g. All signs shall be in compliance with IND-3 regulations.
- h. The applicant shall erect a monument sign within the 25-foot wide landscaped front yard area along Broadway Rd. near the primary entrance (outside the clear sight triangles). This sign shall meet County requirements as to height and area. The applicant shall landscape the area around this sign as outlined in the letter from the City of Phoenix dated May 8, 2003.
- i. Prior to zoning clearance, the site shall be sewered and evidence of such shall be provided to the Maricopa County Environmental Services Department (MCESD) as required. Zoning is conditional upon providing documentation within one (1) year of approval by the Board of Supervisors.
- j. Prior to issuance of any building permits, a signed and recorded utility sewer and water service agreement with the City of Phoenix shall be submitted.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- n. Provide paved driveways within County right-of-way per Maricopa County Department of Transportation (MCDOT) requirements.
- o. Prior to issuance of permits, the applicant shall obtain a Floodplain Use Permit from the Regulatory Division of the Flood Control District of Maricopa County.
- p. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.

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- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the May 3, 2006, agenda.

- 10. Z2005-008 District 4**  
**Applicant:** Maracay Homes for Gerald & Juanita Meyers Trust  
**Location:** Northwest corner of Maryland Avenue and 125th Avenue (in the west Glendale area)  
**Request:** Rezone from Rural-43 to R1-10 RUPD (approx. 29.53 acres) – Falcon View

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2005-008, subject to the following stipulations “a” through “t”. Commissioner Aster seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the zoning exhibit entitled “Zoning Exhibit and Preliminary Plat for Falcon View”, consisting of three (3) full-size sheets, dated (revised) January 30, 2006, and stamped received February 13, 2006, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled “Falcon View Development Plan”, consisting of a bound document 21 pages plus exhibits, dated (revised) February 9, 2006, and stamped received February 13, 2006, except as modified by the following stipulations.
- c. Within 30 days of approval by the Board of Supervisors (BOS), the applicant shall provide a revised Zoning Exhibit/Preliminary Plat and narrative report with the following revised RUPD table.

<b>Development Standard</b>	<b>R1-10 Base</b>	<b>R1-10 RUPD Proposed</b>
Maximum building height / stories	30'/2 stories	30'/ 2 stories *
Minimum front setback	20'	10'
Minimum side setback	7'	7'
Minimum street side setback	10'	10'
Minimum rear setback	25'	15'
Minimum lot size	10,000 sq. ft.	11,500 sq. ft.
Minimum lot width	80'	90'
Average lot area per dwelling unit	10,000 sq. ft.	16,025 sq. ft.
Maximum lot coverage	30%	45%
Minimum distance between Buildings on same lot	15'	10'

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<b>Development Standard</b>	<b>R1-10 Base</b>	<b>R1-10 RUPD Proposed</b>
Required parking spaces per	2	2 **
Perimeter Fence Height	6'	7'
Retaining Wall Height	3'	4'
Terracing Wall Height	3'	4'
Walls Combined Height	N/A	11'
Signs Identifying Subdivisions		***
Maximum sign area	32 sq. ft.	72 sq. ft.
Maximum sign height	6'	8'
Hillside Development Standard	<del>15% or greater slope per MCZO Section 1201</del> <u>30 % Disturbance</u>	<u>Greater than 30 % slope</u> <u>100 % Disturbance</u>
Accessory Dwelling Unit	N/A	One (1) Accessory Dwelling Unit up to 1,008 sq. ft. per lot. Per MCZO Article 1002.9

\*Lots 1, 10, 19, 20, 29, 30, 41, 42 & 51 will be restricted to single-storey homes

\* MCZO Article 1002.9.11 requires one additional parking space per Assessor Dwelling Unit

\*\*\*As depicted on the approved landscape plan

- d. Development of the site shall be in conformance with the landscape plan entitled "Falcon View, consisting of two (2) sheets, dated (revised) October 18, 2005, and stamped received February 13, 2006, except as modified by the following stipulations. Within thirty (30) days of Board of Supervisors (BOS) approval the applicant shall submit a revised landscape plan. The plan shall provide a detail showing the lattice shall be attached to the CMU wall sign. The height of the lattice shall not exceed as 8 (h).
- e. All trees shall be double-staked when installed.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. The applicant shall comply with the following Maricopa County Department of Transportation (MCDOT) requirements:
  - o Provide a total half-width of 40 feet of right-of-way on Maryland Avenue.
  - o Provide a total half-width of 20 feet of right-of-way on 125th Avenue from northern project limit to Ocotillo Road (alignment) as shown.
  - o Access location on to Maryland Avenue subject to approval by Traffic Engineering.
  - o All perimeter roadways must meet County standards in effect at the time they are constructed.

- h. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- i. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- j. A minimum 6' (w) landscape buffer will be provided along the western property line, outside (west) of the perimeter wall except adjacent to Lot 64.
- k. The subdivision signs shall not be placed in the vision clearance triangle of Tracts A, B, or C at Maryland Avenue or 125th Avenue.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to Final Plat approval, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. Prior to Final Plat approval, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- n. The master developer shall notify future homeowners that they are located within the state-defined "territory in the vicinity of a military airport" with the following language:

"You are buying a home or property in the 'vicinity of a military airport' as described by State of Arizona statute A.R.S. §28-8481. Your house should include sound attenuation measures as directed by State law. You will be subject to direct over flights and noise by Luke Air Force Base jet aircraft in the vicinity.

Luke Air Force Base executes over 200,000 flight operations per year, at an average of approximately 170 overflights per day. Although Luke's primary flight paths are located within 20 miles from the base, jet noise will be apparent throughout the area as aircraft transient to and from the Barry M. Goldwater Gunnery Range and other flight training areas.

Luke Air Force Base may launch and recover aircraft in either direction off its runways oriented to the southwest and northeast. Noise will be more noticeable during overcast sky conditions due to noise reflections off the clouds.

Luke Air Force Base's normal flying hours extend from 7:00 a.m. until approximately midnight, Monday through Friday, but some limited flying will occur outside these hours and during most weekends.

For further information, please check the Luke Air Force Base website at [www.luke.af.mil/urbandevelopment](http://www.luke.af.mil/urbandevelopment) or contact the Maricopa County Planning and Development Department."

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Such notification shall be recorded on all Final Plats, be permanently posted on not less than a 3 foot by 5 foot sign in front of all home sales offices, be permanently posted on the front door of all home sales offices on not less than an 8½ inch by 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs) as well as the Public Report and conveyance documents.

- o. All habitable buildings constructed within this subdivision shall be constructed to attain a noise reduction level as per ARS § 28-8482(B).
- p. Prior to Final Plat approval, Approvals to Construct for the onsite and offsite water and sewer lines, including the proposed new sewer line along El Mirage Road, must be issued by Maricopa County Environmental Services Department (MCESD).
- q. The following Maricopa County Library District (MCLD) shall be complied with:
  - o A quality of life assessment of \$596 for each housing unit built is to be made available to the Maricopa County Library District.”
- r. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- s. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- t. Approval is subject to conditional zoning as per the Maricopa County Zoning Ordinance. If a Final Plat has not been approved within three (3) 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.

Joy Rich gave background information as reported from the Commission meeting on this item. The recommendation is for approval.

Motion was made by Supervisor Wilson, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to concur with the recommendation of the Planning Commission for approval of this rezoning request with stipulations “a” through “t” and revised language to stipulation “c” regarding the Hillside Development Standard, as shown below:

Hillside Development Standard	<del>15% or greater slope per MCZO Section 1201</del> 30 % Disturbance	<del>Greater than 30 % slope</del> 100 % Disturbance
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11.    **Z2005-102**    **District 1**  
      **Applicant:**   Salt River Project (SRP)  
      **Location:**   East of Cooper Rd. and north of Riggs Road (in the south Chandler area)  
      **Request:**     Special Use Permit (SUP) for a Wireless Communication Facility in the Rural-43 zoning district, Cellular Use District 1 (Approx. 0.34 acres) – T-Mobile Wireless Communication Facility at SRP San Carlos Substation

**COMMISSION ACTION:** Commissioner Masel moved to recommend approval of Z2005-102, subject to the following stipulations “a” through “n”. Commissioner Pugmire seconded the motion, which passed with a majority vote of 7-1, with Commissioner Aster dissenting.

- a.     Development and use of the site shall comply with the site plan entitled “Special Use Permit for T-Mobile Cellular Site at San Carlos Substation”, consisting of one (1) full size sheets, dated February 6, 2006, and stamped received February 8, 2006, except as modified by the following stipulations. Within 30 days of Board of Supervisor (BOS) approval, the applicant shall provide an amended site plan with the correct dimensions of the overall (SRP substation) site in relation to the Special Use Permit (SUP) area.
- b.     Development and use of the site shall comply with the narrative report entitled “San Carlos Substation Special Use Permit Application Narrative Report”, consisting of five (5) pages, dated January 5, 2006 and stamped received February 8, 2006, except as modified by the following stipulations.
- c.     Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- d.     All panel antennae and related hardware and cables that are mounted on an existing structure shall be painted to match that of the existing structure or camouflaged to reduce visual impacts.
- e.     Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f.     All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- g.     Both monopoles will be a galvanized steel (non-shiny) finish.
- h.     The maximum height of the monopoles shall not exceed 78’-9” and 83’-0 as shown on the approved site plan.
- i.     Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a ‘will serve’ letter substantiating coverage from the appropriate Fire Department servicing the site.

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- j. This Special Use Permit shall expire 20 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements associated with the wireless communication facilities shall be removed within 60 days of such termination or expiration.
- k. The applicants shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations. Should staff deem that the stipulations of approval have not been met staff may forward the Status Report to the Commission for further review and possible action.
- l. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department. Minor changes may be administratively approved by staff of the Planning and Development Department. Co-location shall be considered an administrative process.
- m. Non-compliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, non-compliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Joy Rich reported on this case's previous action and said that no comments were received from either Gilbert or Chandler and that it does conform with the Chandler General Plan. The recommendation is for approval.

Motion was made by Supervisor Brock, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the Planning Commission recommendation for approval with stipulations "a" through "n."

**MEETING ADJOURNED**

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

\_\_\_\_\_  
Don Stapley, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board