

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
February 19, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., February 19, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman; Andy Kunasek, Vice Chairman; Don Stapley, Max W. Wilson, and Mary Rose Wilcox. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

INVOCATION

Clerk of the Board Fran McCarroll delivered the invocation.

PLEDGE OF ALLEGIANCE

Supervisor Andy Kunasek led the assemblage in the Pledge of Allegiance.

RESOLUTION FOR SUPER BOWL XLII

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to pass a Resolution of Support of the Bid to Host Super Bowl XLII (Year 2008 A.D.) at the Cardinals Stadium in Glendale, Arizona. (ADM681)

**A RESOLUTION IN SUPPORT OF THE BID
TO HOST SUPER BOWL XLII – YEAR 2008 A.D.**

WHEREAS, the National Football League (the "League") owns, produces and controls the annual professional football championship game known as the "Super Bowl", the largest national annual sporting event held in this country; and National Football League Properties, Inc. ("NFLP" or, together with the league, the "NFL") owns, produces and controls the "NFL Experience," and along with other NFL Affiliates, owns, produces and controls certain other events associated with the Super Bowl ("Official Events"); and

WHEREAS, the Maricopa County is desirous of hosting Super Bowl XLII and has within its jurisdiction facilities and their premises, access roads, thoroughfares and other areas which may be used for the purposes of organizing, financing, promoting, accommodating, staging and conducting Super Bowl XLII and its related Official Events and activities: and

WHEREAS, hosting the Super Bowl and Official Events will generate goodwill, enhance the worldwide renown and prestige of Maricopa County, create temporary jobs and create beneficial economic and fiscal activities; and

WHEREAS, Maricopa County has experience in hosting a successful Super Bowl experience by way of its involvement in hosting Super Bowl XXX in 1996; and

WHEREAS, the NFL has requested a declaration of support from Maricopa County and certain guarantees concerning the performance of reasonably necessary governmental services in connection with the Super Bowl and related Official Events as part of the formal bid made by the Arizona Host Committee to be designated as a site for Super Bowl XLII to be played in the Cardinals Stadium in Glendale, Arizona; therefore be it

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RESOLVED that Maricopa County welcomes Super Bowl XLII and related Official Events to its jurisdiction and to that end declares its full support of the Arizona Host Committee to have the Cardinals Stadium in Glendale, Arizona selected as the site for Super Bowl XLII; and be it further

RESOLVED that Maricopa County intends to provide an even superior experience for Super Bowl XLII than that provided for the successful Super Bowl XXX in 1996.

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

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

Supervisor Wilcox noted that Steve Moore, Director for the Greater Phoenix Convention Center, who will be leading the petition to obtain this Super Bowl for Phoenix, was present and might wish to speak.

Mr. Moore said he thanked the County for their partnership in the effort to bring this event back to the Valley of the Sun. He reported that Super Bowl XXX received the highest ratings as the most successful event ever held when celebrated here in the Valley of the Sun. With a new facility in place, he said that it is now time to "bring this wonderful event back to the Valley where it belongs." He said the NFL owners will be in Phoenix in March and he hoped to have more information to report at that time.

PROCLAMATION – PATRIOTISM WEEK

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to name the week of February 17 - 22, 2003, as Patriotism Week. (ADM650)

PROCLAMATION

WHEREAS, The Benevolent and Protective Order of Elks, through its Constitution, is a Patriotic Order, and

WHEREAS, The Order promotes the ideals that the citizens of this Nation live in freedom, won through the great sacrifice and many tribulations which have provided the foundation for a free, prosperous and independent life, and

WHEREAS, We realize that each generation must work to maintain this freedom, otherwise through carelessness or indifference, the rights and liberties enjoyed may vanish, and

WHEREAS, It is fitting and proper to recognize this freedom and to honor the Nation which provides it,

NOW, THEREFORE: I, Fulton Brock, Chairman of the Maricopa County Board of Supervisors, do hereby proclaim February 17-22, 2003, as PATRIOTISM WEEK, and during this event, urge all citizens to join with the Benevolent and Protective Order of the Elks in expressing gratitude for the privilege of American Citizenship with appropriate celebrations and observances.

DATED this 19th day of February 2003.

/s/ Fulton Brock, Chairman of the Board

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/s/ Don Stapley, District 2
/s/ Andy Kunasek, District 3
/s/ Max W. Wilson, District 4
/s/ Mary Rose Wilcox, District 5

ATTEST:
/s/ Fran McCarroll, Clerk of the Board

CERTIFICATE OF APPRECIATION – STAR CALL CENTER

David Sobieski, Director of the Star Call Center, recognized two of his employees who played a pivotal role in preventing a possible disaster at the Center. Fran Podlasinski, network administrator, smelled a strange odor of gasoline from somewhere within the premises and reported it to Steve Shinneman who managed to convince the facilities management for that building that it could evolve into a serious problem for all concerned. A search was made and they discovered the landscaping contractor had unknowingly decided to store the gasoline used for his lawnmowers inside the building and inside the janitor's closet, which also held a water heater fueled by natural gas. Mr. Sobieski said that a potentially tragic situation was prevented by the action and perseverance of these two people. Certificates of Appreciation were presented to Ms. Podlasinski and Mr. Shinneman. Chairman Brock said that this is the kind of vigilance that well deserves recognition and that more people might think of emulating. He congratulated and thanked both Mr. Shinneman and Ms. Podlasinski.

Chairman Brock recognized Doug Todd, County Treasurer, Michael Jeanes, Clerk of the Court and David Ortega, Scottsdale City Counsel, who were all attending the meeting.

BINGO LICENSE PERMIT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application filed by Gregg Stimpert for a Bingo License Permit: (ADM657)

Business Name: Dreamland Villa (2)
Location: 320 North 55th Place, Mesa

CODE ENFORCEMENT REVIEWS - CONTINUED

Item: This is the time scheduled for oral arguments in the review of Hearing Officer's Orders of Judgement in the following zoning code violation cases:

- a) Donald Hutman, 34515 West Baseline Road, Parcel No. 401-42-010F (west half), Case No. V2001-0718. (Continued from meetings of September 18, 2002, January 8, 22, AND February 5, 2003.) (ADM3417-12)
- b) Leo R. Leroy, 34515 West Baseline Road, Parcel No. 401-42-010F (east half), Case No. V2001-0041. (Continued from meetings of September 18, 2002, January 8, 22, and February 5, 2003.) (ADM3417-13)

These two cases are related and were discussed as one. Supervisor Wilcox said that work is progressing on these properties but more time is needed to complete the task and bring them into compliance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to continue this matter to August 27, 2003, to allow owners to continue the clean-up that has already

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been initiated on the parcel. Their efforts will be monitored every six months for progress achieved, the results assessed and a report made to the Supervisors. If their progress is satisfactory P&Z will continue to monitor the quadrants every six months until code has been satisfactorily met on all four quadrants. Ms. Rich said that this method has been ratified by the Hearing Officer. The compliance period is not to exceed a total of two years, or longer than February 19, 2005.

DEANNEXATION FROM TOWN OF PARADISE VALLEY, ANNEXATION TO CITY OF SCOTTSDALE APPROVED

A public hearing was held on ordinances filed by the Town of Paradise Valley, Ordinance No. 525, and the City of Scottsdale, Ordinance No. 3480, concurrently deannexing and annexing certain territory more particularly described as a strip of land located on the west side of Scottsdale Road between Indian Bend and Mountain View Roads, 7.6 acres more or less. (ADM4214)

No protests having been received, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution deannexing certain territory from the Town of Paradise Valley and annexing that same territory to the City of Scottsdale be approved.

RESOLUTION

WHEREAS, the Town Council of the Town of Paradise Valley, Arizona, has pursuant to Section 9-471.02, Arizona Revised s, passed and adopted by formal action Ordinance No. 525, deannexing from the Town of Paradise Valley, the territory described as follows:

Beginning at the southeast corner of Section 3, T2N, R4E, of the G&SRB&M, and following the south line of said Section 3 west a distance of 40 feet, to the true point of beginning; thence, continuing westerly along said south line of Section 3 a distance of 25 feet, and coincident with a segment of the common boundary between the Town of Paradise Valley and the City of Scottsdale, to a point, thence, northerly along a line 65 feet distant and parallel to the east line of said Section 3 to a point on the south line of Section 34, T3N, R4E; thence, continuing northerly parallel to and 65 feet distant from the east line of Section 34 to a point on the south line of Section 27, T3N, R4E; thence, continuing northerly parallel to and 65 feet distant from the east line of said Section 27 to a point of the east-west mid-section line of said Section 27; thence, easterly along said mid-section line, a distance of 25 feet, and coincident with a segment of the common boundary line between the Town of Paradise Valley and the City of Scottsdale, to a point 40 feet westerly of the mid-section point on the east line of said Section 27; thence, southerly along the existing common boundary line between the Town of Paradise Valley and the City of Scottsdale, and coincident with a line 40 feet distant and parallel to the east line of said Sections 27, 34 and 3 to the true point of beginning. Said parcel contains 7.6 acres, more or less.

WHEREAS, the City Council of the City of Scottsdale, has pursuant to Section 9-471.02, Arizona Revised Statutes, passed and adopted by formal action Ordinance No. 3480, annexing to the City of Scottsdale, the territory described above; and

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

WHEREAS, after such notice as was appropriate and legally required, the Maricopa County Board of Supervisors scheduled a hearing on the matter for 9:00 a.m., February 19, 2003; and

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

WHEREAS, no protests were filed,

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

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

DATED this 19th day of February 2003.

PUBLIC HEARING - ENVIRONMENTAL SERVICES

Item: This is the time scheduled for a public hearing to review and approve proposed revisions to amend the Temporary Food Service Establishment Permit Fee in Chapter I of the Maricopa County Environmental Health Code. A \$20 fee increase is proposed for Temporary Food Service Establishments that do not submit an application at least 7 days prior to the event. This fee increase is necessary to recover costs for services. (C88030277) (ADM2102)

Al Brown, Director of Environmental Services, said his report is in response to an audit taken in 2000 where requests had been made to find an accountable method of collecting fees from temporary food booth licensees in the field who had not paid for their permit in advance. There were 379 such events in 2002 with over 8 million people being served. In compliance with the request from Audit, this amendment to attach a \$20 late fee for last minute temporary food booth permits should encourage timely purchase of the permits and greatly lessen the need to collect monies in the field.

Supervisor Wilcox said this would provide a good method of checks and balances for event promoters who could become more responsible in notifying those wanting to set up a booth at their event of the time restrictions involved in getting the necessary permit.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve revisions to amend the Temporary Food Service Establishment Permit Fee to impose a late fee of \$20 if an application is not submitted at least seven days prior to an event.

LIQUOR LICENSE APPLICATIONS

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

- a) Application filed by Robert Duane Dominguez for a Person-to-Person Transfer of a Series 6 Liquor License from Tommy A. Trease: (LL6080)

Business Name:	Roadrunner Restaurant & Saloon
Location:	47801 North Black Canyon Highway, New River

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- b) Application filed by Dennis Frayer for a Person-to-Person Transfer of a Series 7 Liquor License from Dominick Accardi, et al.: (LL6079)

Business Name: Accardi's Italian Restaurant
Location: 7019 North Litchfield Road, Glendale

- c) Application filed by Fay Louise Stewart for a Permanent Extension of Premises/Patio Permit: (ADM664) **WITHDRAWN**

Business Name: Desert Rose
Location: 18300 South U.S. Highway 80, Arlington

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

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:

- d) Application filed by John A. Groff for a Special Event Liquor License: (F23105)

Organization: Wisconsin Club
Location: Sun City Recreation Center
10748 West Claire Drive, Sun City
Date and Time: Thursday, March 20, 2003; 9:00 a.m. – 3:00 p.m.

- e) Application filed by A. Jerry Sieve for a Special Event Liquor License: (F23105)

Organization: NOVA Youth Cycling Foundation
Location: McDowell Mountain Regional Park
15612 Palisades Drive, Fountain Hills
Dates and Times: Friday, March 21, 2003; 12:00 noon – 5:00 p.m.
Saturday, March 22, 2003; 8:00 a.m. – 5:00 p.m.
Sunday, March 23, 2003; 8:00 a.m. – 5:00 p.m.

- f) Application filed by Roger D. Kenny for a Special Event Liquor License: (F23105)

Organization: Frohsinn M.C. Inc. of the Sun Cities
Location: 13800 West Deer Valley Drive, Sun City West
Date and Time: Saturday, March 22, 2003; 3:00 p.m. – 10:00 p.m.

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

PUBLIC HEARING - FEE INCREASE FOR THE SUPERIOR COURT'S SELF-SERVICE CENTER

Item: In accordance with A.R.S. §11-251.08, approve an increase in the fee for the Superior Court's Self-Service Center forms and instructions production (FIP Fee) to \$4.00 per process step from the current fee of \$2.00 per process step. The fee will continue to be deposited by Court staff in a special revenue fund with the County Treasurer. The increase is necessary to defray the costs related to the production of

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Self-Service Center forms and instructions, and does not exceed the actual cost of the production and distribution of said products to the public. The fee increase will take effect on March 1, 2003. There is an impact on the County's expenditure limit as a result of the approval of this item. However, the Court has the flexibility within its existing special revenue budget to cover the increase in expenditures. (C38030138) (ADM1005)

Gordon Griller, Court System Administrator, spoke to explain the fee increase for informational packets made available to self-represented litigants. This fee will bring \$360,000 a year into the court system. He indicated that the self-service center forms are unique here and not commonly used across the country. The packets cover popular do-it-yourself actions such as divorce, guardianships and conservatorships, child support modification, etc. He said that a total of 45,000 people now go to the regional centers for these forms, which are available in both English and Spanish.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve this increase in the price of public self-service forms.

NOTICE OF APPEAL

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize filing a Notice of Appeal and taking all appropriate actions to prosecute the appeal in Banner Health v. Maricopa County, Maricopa County Superior Court No. CV2001-003616. (Discussed in Executive Session of February 18, 2003.) (C1903038M) (ADM412)

AMENDMENT TO LEASE WITH TOLLESON SHOPPING CENTER, INC.

Item: Approve and execute Amendment No. 2 to Lease No. L7156, with the Tolleson Shopping Center Inc., Lessor, for a 7,857 square foot Justice Court facility located at 9550 West Van Buren Street, Tolleson, Arizona. The term of the lease is extended five years, from March 1, 2003, through February 28, 2008. The lease contains an early termination clause requiring a 10-month notice period with no penalty for early termination. The new annual rent will be as follows: (C2498010402)

- Year one \$169,797.06 plus rental tax
- Year two \$178,294.50 plus rental tax
- Year three \$187,171.29 plus rental tax
- Year four \$196,503.30 plus rental tax
- Year five \$206,366.40 plus rental tax

Supervisor Wilcox asked about the length of the lease extension being five years since there has been discussion on establishing a regional court center in Avondale in the near future.

Tom Manos explained that this is an existing lease and there is a ten-month early termination clause giving the County a safe margin to cancel if a regional court center is finalized.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve extending this existing lease by five years.

AMENDMENT TO LEASE WITH TOWN LAKES ENTERPRISES, LLC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 4 to Lease No. L7014, with Town Lakes Enterprises, LLC,

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Lessor, for a 10,923 square foot Justice Court facility located at 1845 East Broadway, Tempe, Arizona. The term of the lease is extended five years, commencing January 1, 2004, through December 31, 2008. This amendment is for the purpose of remodeling the existing facility by improving the functionality and operations within the Court. Early termination by lessee (before 12/31/08) will require payment by lessee of un-amortized (1/60 x number of months remaining) cost of tenant improvements (paid by lessor, and not to exceed 60,000). The Lease contains an early termination clause no earlier than the end of the third year (December 31, 2006) by giving lessor 90 written notice of intent to terminate by certified mail. The new annual rent will be as follows: (C2499003404)

- Year one \$196,614 plus rental tax
- Year two \$202,075.50 plus rental tax
- Year three \$207,537 plus rental tax
- Year four \$212,998.50 plus rental tax
- Year five \$218,460 plus rental tax

AMENDMENT TO LEASE WITH LEROY OWENS aka THE SOLID ROCK CHURCH, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 2 to Lease No. L7252 with Leroy Owens, Lessor, aka The Solid Rock Church, Inc., for the 3,081 square foot Juvenile Probation Community Justice Center located at 5720 West Camelback Road, Suites 1-4, Glendale, AZ. The current rental rate of \$20.11 per square foot, per year, will remain the same. The term of the lease will be extended three years, from March 1, 2003, through February 28, 2006, and grants Lessee the option of renewing this lease for one additional three-year term. This lease is subject to termination pursuant to the provisions of A.R.S. §38-511. (C2797010402)

- FY 02-03 \$20.11 sq.ft. \$5,161.57/month \$21,064/annually including tax
- FY 03-04 \$20.11 sq.ft. \$5,161.57/month \$63,192/annually including tax
- FY 04-05 \$20.11 sq.ft. \$5,161.57/month \$63,192/annually including tax
- FY 05-06 \$20.11 sq.ft. \$5,161.57/month \$63,192/annually including tax

REJECT CLAIM DEMANDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reject claim demands (January 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$1,707,633.91 and ARS §11-622 \$-0-) (C39030097) (ADM1804)

**Monthly Summary Report
January 2003**

Vendor	Amb., Doctors, Hosp. Ars 11-629	Over Six Months Ars 11-622
Advanced Cardiac Specialists	11,663.00	0.00
City Of Phoenix Ambulance	541.80	0.00
Emergency Physicians Prof Asso	2,468.00	0.00
Hospitalists Of Arizona	3,274.00	0.00
Maricopa Health Systems	1,481,254.76	0.00

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Medpro	50,625.70	0.00
Phoenix Memorial Hospital	44,219.87	0.00
Physician Trauma Service	1,195.00	0.00
Professional Medical Transport	1,655.11	0.00
Rural Metro Ambulance	1,286.89	0.00
Southwest Ambulance	8,116.64	0.00
Southwest Neuro-Imaging	437.00	0.00
St Josephs Hosp Arizona	15,596.55	0.00
St Luke's Medical Center	79,234.59	0.00
Tep @ Phoenix St Luke's	285.00	0.00
Valley Anesth Consultants Ltd	5,780.00	0.00
Grand Totals:	1,707,633.91	0.00
Restitution	0.00	
Totals Denials:	1,707,633.91	

PERSONNEL AGENDA

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

REWARDING IDEAS EMPLOYEE AWARDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize employee awards from the Rewarding Ideas Program in the amount of \$1,361 and present awards on March 5, 2003. (C31030057) (ADM3333-002)

INCREASE IN FY 2003-2004 DETENTION FUND BUDGET TARGETS

Having found that such action is in the public interest and based upon a demonstrated need, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Office of Management and Budget (OMB) request to increase the FY 2003-2004 Detention Fund (255) budget targets for Correctional Health (260) and the Sheriff's Office (500) by \$933,179 and \$711,326, respectively, to offset significant increases in Risk Management charges. (C49030268) (ADM2135) (ADM3900-004)

APPOINTMENT TO COMMUNITY DEVELOPMENT ADVISORY COMMITTEE (CDAC)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the appointment of El Mirage Councilmember Bruce Baker (as the Primary Representative) and Councilmember Michele Kern (as the Alternate Representative) to the Community Development Advisory Committee (CDAC) to complete the remainder of a one-year term which began on July 1, 2002, and ends on June 30, 2003, per request of the City of El Mirage. (C17030809) (ADM1501)

ARIZONA PUBLIC SERVICE AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and sign the Arizona Public Service (APS) agreement to construct electric distribution facilities for the Lake Pleasant Desert Outdoor Center (DOC) entrance gate. The cost of providing the electrical distribution facility is \$2,246.60. This electrical distribution facility is needed to provide electrical service to

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operate an automated gate at the entrance to the DOC. The gate will have a digital keypad to allow designated users access to the DOC while providing added security to unauthorized entry. The \$2,246.60 cost of the facility has been budgeted and will come from the enhancement fund. (C30030151)

INCREASE IN EXPENDITURE BUDGET FOR LAKE PLEASANT FUND

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase in the FY 2002-2003 expenditure budget for the Lake Pleasant Fund in the amount of \$320,000. This amount is due to an underestimation of the required carry forward expenditure for certain contracts from FY 2001-2002. Parks and Recreation over estimated the percentage of project completion in FY 2001-2002 resulting in the need for more carry forward expenditure authority than previously requested. Also approve the following corresponding actions which will offset this increase. Countywide, these adjustments will have a net impact of zero. (C30030168) (ADM3200-004)

- a) A reduction in the FY 2002-2003 expenditure budget for the Donation Fund (Fund 243) in the amount of \$200,000;
- b) A reduction in the FY 2002-2003 expenditure budget for the Special Revenue Fund (Fund 230) in the amount of \$120,000.

FUND TRANSFERS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

SOLICITATION SERIALS

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

Award of Solicitation Serials:

- 02014-RFP FOOD SERVICES MANAGEMENT SYSTEM-SHERIFF'S OFFICE**
(\$650,000/est five (5) years).
Pricing agreement for a food services management system for the Sheriffs Office. This system will be used to eliminate duplicate data entry and provide inventory control menu design, and information to optimize the control and delivery of food for inmates.
 - Computrition Inc.

- 02059-RFP PROCUREMENT CARD SERVICES** (Five Year Revenue Contract with Five (5), One Year Renewal Options - \$100,000 Estimated Revenue Year One)
To provide for procurement, travel, fuel and one-card services as required. This is a joint RFP with the US Communities Cooperative Purchasing Group in which Maricopa County acted in the capacity as the "Lead Agency". This multiple award

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cooperative contract which will permit any USC participating agency to choose either one or both of the approved contractors to provide services as required. Maricopa County has determined that we will contract with GECF at this time. This is a revenue producing contract based on the level of expenditures paid with the card, estimated at \$100,000 or 40 bases points of total charges first year. The evaluation committee consisted of Hennepin County, Minnesota, Wichita Public Schools, City of Glendale Arizona, USC and members from OMB, Finance, and Materials Management P-Card Program.

- American Express CPC Remittance Processing
- GE Capital Financial Inc.

02111-S BUILDING MAINTENANCE, INSTALLATION AND REPAIR SERVICES, BIRD PROOFING (\$500,000/est three (3) years w/3 one year renewal options)

The intent of this bid is to establish contractors to install bird and bat control and devices that deter nesting and roosting on county buildings and bridges, and other structures. The majority of this work will be project work where the County will obtain quotes from all awarded contractors.

- Arizona Wing-N-Stings LLC
- Avian Flyaway Inc.
- Burns Pest Elimination
- Control 365 Plus Inc
- University Termite and Pest Control Inc.

02115-RFP CONTINUED TO MARCH 5, 2003 MANAGEMENT SERVICES, CORRECTIONS MANAGEMENT SERVICES (EXTERNAL REFEREE INMATE GRIEVANCES-MCSO) (\$250,000/est three (3) years with two (2) one (1) year renewal options).

To provide for external referees for inmate grievance as requested by MCSO.

- Clarence J. Beddome
- Edward J. Caddisy
- James M. Garitson
- Jerry W. Swatzell

02119-S FINANCIAL SERVICES-ESCROW AND TITLE (\$3,500,000/est five (5) years)

To provide for escrow and title services for MCDOT and Flood Control.

- American Title Insurance of Arizona, Inc.
- Fidelity National Title Insurance Company
- First American Title Insurance Company
- First Financial Title Agency of Arizona
- First Southwestern Title Agency of Arizona, Inc.
- Grand Canyon Title Agency Inc.
- North American Title Agency of Arizona, Inc.
- Security Title Agency, Inc.

02135-C AIR CONDITIONING, HEATING, VENTILATING: EQUIPMENT, PARTS & ACCESSORIES (\$30,000,000/est three (3) years with two (2) one (1) year renewal options)

Pricing agreement to purchase air conditioning, heating and ventilating equipment for use by Facilities Management throughout the county.

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- American Refrigeration Supplies Inc.
- Arizona Mechanical Equipment Inc/AZME Sales, Inc.
- Arizona Trane Parts/Service dba The Trane Company
- Plumbing Designs LLC dba Economy Supply
- Webb Distributors Inc.

Sole Source Approval:

Award a two (2) year sole source to SYBASE for Adaptive Server and EAServer, including software maintenance and support for the Environmental Services Department's Web Server. Adaptive Server is also used by the Department's Intergrated Application Environmental Management System (EMS). his software is proprietary to Sybase and this procurement has been advertised in accordance with the County's sole source procurement procedures. The approximate value of this sole source request is \$50,000. Any additional requests for this software and/or software maintenance is subject to individual departmental budgetary authorizations. (C73030121)

Contract Extensions:

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

Until February 28, 2004

98179-X FOODS: DAIRY PRODUCTS, FROZEN, PERISHABLE, AND STAPLE GROCERY AND GROCER'S MISCELLANEOUS ITEMS AKA SPECIAL FOOD BUY III (\$1,500,000/est one (1) year)

Pricing agreement renewal for the purchase of various food items for the Sheriff's Food Service's Department.

- | | |
|--------------------------------------|--|
| American Meat & Seafood | Arizona Statewide Gleaning Project |
| Atlantic Meat Co. | Blue Ribbon Commodity Traders |
| Benchmark Foods | Best Choice Foods |
| Bottomline Foods | Cell-Ebrity Food Distribution Systems, Inc |
| Cheese & Dairy Products, LTD | Custom Food Service |
| Desert Provisions | Direct Government Sales |
| Doheny Trading Inc. | Double "D" Intl Foods |
| Goal Line Foods LLC | Good Source |
| High Desert Sales, Inc | Highland Wholesale |
| JLE Enterprises Inc | LA Foods |
| Liberty Distributors | Lynco West Foods |
| Metropolitan Provisions Holdings | Michael Levin Dist |
| Somerset Industries | Shamrock Foods Co. |
| Shamrock Meats, Inc. | Spot Buy LLC |
| Star Foods & General Merchandise Inc | |
| Oppportunity Sales Inc | Pueblo Trading Co Inc |
| US Foodservice | Victory Wholesale Grocers |

00008-SC ADVERTISING SERVICES (\$940,000/est one (1) year)

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Pricing agreement renewal to provide advertising services (billboards, posters, mall kiosks, radio commercials, movie slides, public bus, and other media) for the offices of the Sheriff and the County Attorney.

Arizona Interscholastic Association	Arizona Republic
Arvizu Advertising & Promotions	Bliss Marketing/Multimedia
Clear Channel Communications	Cooley Advertising & Public Relations
Cablerep Arizona	Clear Channel Outdoor
Emmis Radio Corporation	Hispanic Broadcasting Corp.
KLNZ-FM	KNXV 15
KLJZ-FM	KQST RADIO
KTVK INC	KSAZ-TV
KTUC	KPNX Broadcasting
Tribune	Optimo Advertising
Viacom Outdoor, Inc.	Clear Channel Communications
Radio Station KAHM	SMP Communications
Yavapai Broadcasting Corporation	
Rita Sanders Advertising & Public Relations Agency, Inc.	

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

01045-SC

TEMPORARY MEDICAL PERSONNEL-CHS (\$3,000,000)

Recommendation by Correctional Health Services to increase the value of this contract. This contract provides temporary medical personnel for Correctional Health Services operation. Contract was initially awarded on July 25, 2001 for a three (3) year period with a value of \$4,500,000. Due to difficulties in the areas of on-going recruitment, retention program and staff reorganization, temporary staff utilization has exceeded original estimates. Correctional Health requests the contract value be increased by \$3,000,000, for a new total contract value of \$7,500,000, for a period ending July 31, 2004. Rates for temporary medical personnel related to this contract have remained constant.

Carestaf of Phoenix	Carrigan's Registry
Cypress Staffing Services	Dependable Nurses of Phoenix
Healing Hands Behavioral Health	Intelistaf Health Services
MD Home Health	Maxim Healthcare
Sacred Heart Nursing Services	StarMed Staffing Group
NCI/Nursing Centers, Inc.	NursesPlus Health Care

INCREASE IN REPROGRAPHICS EXPENDITURE BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an increase in FY 2002-2003 Reprographics expenditure budget (Fund 673) in an amount of \$95,000 with an offsetting reduction to Eliminations (Fund 900). Also approve an expenditure from the Reprographics Fund Balance for a one-time purchase of replacement reprographics equipment. These adjustments will result in a net impact of zero to the County budget. Funds will be used to purchase a replacement collator that has exceeded its useful life and requires continual maintenance to keep in operation. The collator is required for collating and binding materials produced by Reprographics in support of County operations. (C73030041) (ADM3004)

KENNEL PERMIT RENEWALS

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Item: Approve the following kennel permit renewals for the term of February 19, 2003 through February 18, 2004: (ADM2304)

- George Fune, dba Fune Kennels, 2527 East Southern Avenue, Phoenix, Permit No. 275 (C7903036C)
- Charles Sample, Jr., dba Sample Greyhound Kennel, 2527 East Southern Avenue, Phoenix, Permit No. 329 (C7903036C)
- Dr. Esther D. Jackson and Col. Elmer D. Jackson, dba El Pego Kennels, 1009-1013 West Madison, Phoenix, Permit No. 039 (mailing address: P O Box 1488, Camp Verde, AZ 86322) (C7903037C)

Supervisor Wilcox asked if these permits are automatically renewed or if records are checked to make sure there have been no complaints before renewal is granted. It was determined to ask Ed Boks to respond directly to her query since no one from Animal Control was present to answer her at the time.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve these kennel permits.

INTERGOVERNMENTAL AGREEMENT WITH ARIZONA DEPARTMENT OF HEALTH SERVICES

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement, Contract Number HG354249, STD Services, between Maricopa County Correctional Health Services (CHS) and Arizona Department of Health Services (ADHS). This is a continuation of IGA Contract Number 052011 approved under Agenda Item C2601006002. Approval of this IGA will allow ADHS to reimburse Correctional Health Services for the performance of syphilis screening at Maricopa County jail and detention facilities. By approving this item, the Board will be authorizing the acceptance of grant funding that is budgeted for FY 2003-2004. Grant funding will offset operational expenditures to administer the Program. Direct costs will be 2.5 FTE Medical Assistants @ \$60,114. IGA period is from January 1, 2003, through December 31, 2007. (C2601006003)

AMENDMENT TO EXPENSE CONTRACT WITH FOUNDATION FOR SENIOR LIVING, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 5 to the expense contract with the Foundation for Senior Living, Inc. (FSAL) to increase FSAL's funding in the amount of \$75,000. The total contract amount will increase from \$527,733 to \$602,733 for the operation of the low-income home weatherization and minor home repair program. Program funding resources are provided to Maricopa County by Arizona Public Service, Southwest Gas, the Department of Energy, the Arizona Department of Economic Security and the Department of Health and Human Services. There is no long-term commitment on the part of Maricopa County to continue this program. Continuation of this program is based on the availability of continued funding. There are no County General funds involved in this contract. The period of performance for this amendment is July 1, 2002, through June 30, 2003. This amendment represents an increase in Utility Repair and Replacement Program funding provided to Maricopa County by the Arizona Department of Economic Security. (C2202103105)

AMENDMENT TO CONTRACT WITH CATHOLIC SOCIAL SERVICES OF CENTRAL AND NORTHERN ARIZONA, INC.

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the contract with Catholic Social Services of Central and Northern Arizona, Inc., the Delegate Agency for Western Maricopa County Early Head Start, to provide Early Head Start services to low-income, families with children under age three and pregnant women. This amendment is necessary to increase the Delegate's budget and include the "Notification of Funding Availability" limits. The amendment increases the Federal budget from \$498,998 to \$516,724 in accordance with the Federal Financial Assistance Award – Number Two. In addition, funding for this contract is based on "Notification of Funding Availability" by the funding source, U.S. Department of Health and Human Services, not to exceed \$1,750,000. This contract amendment is effective upon approval by the Board and shall terminate June 30, 2003. This contract does not include any County general funds. (C2203006101)

AMENDMENT TO LEASE WITH FIRST EVANGELICAL LUTHERAN CHURCH OF MESA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and execute Amendment No. 1 to Lease No. L7325 with First Evangelical Lutheran Church of Mesa, Arizona, an Arizona corporation, Lessor, for additional use of classroom space at the facility located at 142 North Date Street, Mesa, Arizona. For the additional facility usage, Lessee shall pay Lessor in addition to the existing rental fee an additional amount of \$100 per month to defray the cost of utility usage. Lessor shall bill Lessee the additional fee on a monthly basis beginning on January 1, 2003, through October 2, 2007. The effective date of this amendment is the date of execution by the Board. All other terms and conditions of the original agreement remain the same and in full force and effect. This agreement contains a 90-day termination clause and does not include any county general funds. (C2203103401)

INTERGOVERNMENTAL AGREEMENT WITH FORT McDOWELL YAVAPAI NATION

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement with Fort McDowell Yavapai Nation for access to the SmartZone Infrastructure System and maintenance and repair services for the Town's radio fleet. The County will recover its costs for SmartZone access and radio maintenance through billing on a quarterly basis for each Fort McDowell radio on the system. The County will recover its costs for equipment maintenance and repair services not covered under this agreement through billing at the prevailing rates for time and materials. (C76030082)

AMENDMENT TO LEASE WITH U.S. POSTAL SERVICE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a Lease Amendment with the U.S. Postal Service (USPS) for space at the County's Thompson Peak facility. Originally approved by the Board in 1992, control number GS92-415 grants USPS building and tower space for a radio transmitter and antenna at Thompson Peak, one of the County's wireless communications sites. In return for space and access, USPS pays the County \$600 per year. The original lease expired December 31, 2002. This amendment renews the lease for 10 years, through December 31, 2012. (CS936006) (C76030092)

CABLE TELEVISION LICENSE AGREEMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the proposed Cable Television License Agreement between the County and Cable Arizona Corporation, DBA CableAmerica. Cable Arizona Corp. has been a licensee in good standing with the

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County since 1984 with service areas primarily in Mesa, Gila Bend, and Wickenburg. It holds two licenses, both approved in 1986: one transferred from Rural American Cable, the other under its dba name. Both licenses are now expired. This new agreement comprises service areas from both expired licenses in a single License Agreement. In accordance with the Maricopa County Cable Communications Ordinance of December 12, 1988, Cable Arizona Corp. has submitted to the County a fee of \$3,000 for the requested action. (C76030101) (ADM611)

EXPENDITURE AND TRANSFER FROM DETENTION FUND APPROPRIATED FUND BALANCE RESERVED CONTINGENCY

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an expenditure and transfer of \$1,000,000 from Detention Fund appropriated fund balance reserved contingency to a new appropriated fund balance program: Telecom: Durango Juvenile Court & Detention, so that the necessary equipment for the new Juvenile Court facility can be ordered. (C7603011M) (ADM5300)

CHANGE ORDER TO CONTRACT WITH PRIMO CONSTRUCTION, INC.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve and authorize Change Order No. 2 to Contract JE01-09 with Primo Construction, Inc. of Scottsdale, Arizona, in the amount of \$524,031. This change order is to change the installation and construction of a new design/build pre-engineered building from the Durango Equipment Services area one-quarter mile east to the FMD Operations and Maintenance Building. Parks and Recreation Trail Maintenance will use the new building, which will replace current leased space. (C4001031101)

AMENDMENT TO CURRENT FY 2002-2003 FIVE-YEAR CIP FOR DETENTION CAPITAL PROJECTS FUND

Having found that such action is in the public interest and based upon a demonstrated need, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an amendment to the current FY 2002-2003 five-year CIP for Fund 455 – Detention Capital Projects Fund adopted by the Board on July 22, 2002, by decreasing the FY 2002-2003 (Year 1) Project Reserve capital budget by \$3,635,298 (from \$10,000,000 to \$6,364,702) and adjusting the 4th Avenue Jail, Lower Buckeye Jail and Juvenile Durango projects as follows:

- Increase the FY 2002-2003 (Year 1) capital budget for the 4th Avenue Jail project by \$1,577,108 (from \$83,091,017 to \$84,668,125).
- Increase the FY 2002-2003 (Year 1) capital budget for the Lower Buckeye Jail project, by \$1,370,190 (from \$90,563,969 to \$91,934,159).
- Increase the FY 2002-2003 (Year 1) capital budget for the Juvenile Durango project, by \$688,000 (from \$42,665,497 to \$43,353,497).

The requested adjustments are necessary to add data and voice cabling and an antenna system to the 4th Avenue Jail, Lower Buckeye Jail and data and voice cabling to the Juvenile Durango projects which are currently under construction. (C40030105) (ADM414)

AMENDMENT TO CURRENT FY 2002-2003 FIVE-YEAR CIP FOR DETENTION CAPITAL PROJECTS FUND

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Item: Having found that such action is in the public interest and based upon a demonstrated need, approve an amendment to the current FY 2002-2003 five-year CIP for Fund 455 – Detention Capital Projects Fund adopted by the Board on July 22, 2002, and amended on February 19, 2003, by decreasing the FY 2002-2003 (Year 1) Project Reserve capital budget by \$4,765,000 (from \$6,364,702 to \$1,599,702) and adjusting the 4th Avenue Jail and Lower Buckeye Jail projects as follows:

- Increase the FY 2002-2003 (Year 1) capital budget for the 4th Avenue Jail project by \$1,985,500 \$1,952,500 (from \$84,668,125 to \$86,653,625)
- Increase the FY 2002-2003 (Year 1) capital budget for the Lower Buckeye Jail project, by \$2,779,500 (from \$91,934,159 to \$94,713,659).

The requested adjustment is necessary to add additional bunks to the 4th Avenue Jail and the Lower Buckeye Jails, which are currently under construction. (C40030115) (ADM414)

Supervisor Wilcox asked for a breakdown on what portion of the above listed amounts was for double-bunks in cells and what amount was for triple-bunks. She asked that only the monies for double-bunks be considered for approval at this time and funding for the remaining bunks be continued until a report provided the effect and/or success of using the triple bunks. Research on this question by OMB provided the monetary changes inserted below.

Supervisor Stapley said that triple bunking only affects trustees living in dormitory-type quarters but he felt it was reasonable to request additional information.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve this item for only the cost of the double bunks, as amended and shown below with the amended amounts provided by OMB (see below). Any portion of the above item relating to triple bunking has been continued to March 19, 2003, for consideration.

(Cost break-down of this item.) Approve an amendment to the current FY 2002-2003 five-year CIP for Fund 455 – Detention Capital Projects Fund adopted by the Board on July 22, 2002, and amended on February 19, 2003, by decreasing the FY 2002-2003 (Year 1) Project Reserve capital budget by ~~\$4,765,000~~ \$4,616,500 (from \$6,364,702 to ~~\$1,599,702~~ \$1,748,202) and adjusting the 4th Avenue Jail and Lower Buckeye Jail projects as follows:

- Increase the FY 2002-2003 (Year 1) capital budget for the 4th Avenue Jail project by ~~\$1,985,500~~ \$1,952,500 (from \$84,668,125 to ~~\$86,653,625~~ \$86,620,625)
- Increase the FY 2002-2003 (Year 1) capital budget for the Lower Buckeye Jail project, by ~~\$2,779,500~~ \$2,664,000 (from \$91,934,159 to ~~\$94,713,659~~ \$94,598,159).

AMENDMENTS TO FY 2002-2003 FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following amendments to the FY 2002-2003 five-year Capital Improvement Plan:

- a) Create a new project titled “Star Call Center/Research & Reporting Build-Out” in the amount of \$1,490,000 (Year 1 \$677,185 and Year 2 \$812,815);
- b) Transfer \$598,185 from the County Improvement Fund (435) Downtown Property Development/Acquisition project FY 2002-2003 Year 1 budget to the new Star Call Center/Research & Reporting build-out project.

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The Recorder's Surcharge Fund (236) will fund \$79,000 in design cost in Year 1. Year 2 cost will be funded with unexpended major maintenance and capital improvement funds in General Government. These unexpended funds will be added, through the budget process to the FY 2003-2004 Year 1 Capital Improvement Plan budget for the project. The requested transfer results in a net zero impact to the current five-year Capital Improvement Plan. (C70030338) (ADM1820)

REALLOCATION AND CALL FOR BIDS AND AWARD – CENTRAL COURT BUILDING NO. 3305 LOWER LEVEL RELOCATION OF THE COURT SECURITY DIVISION PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the reallocation of \$100,000 from FY 2002-2003 General Fund Major Maintenance Project No. 2001224724 Durango Juvenile Probation Building Infrastructure Improvements to Project No. 2002301360 Central Courts Building Infrastructure Improvements. And adopt plans and specifications, authorize a call for bids and award a construction contract to the lowest responsive bidder provided that the bid is not more than 10% over the engineer's estimate for the "Central Court Building #3305 Lower Level Relocation of the Court Security Division Project Number 2002301360. This project is funded as part of FY 2002-2003 Major Maintenance Fund 100, Agency 480, Organization 4832, Object Code 0825.02. (C70030345)

EASEMENTS AND RIGHT-OF-WAY

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

A080.010 Project No: 69010 - Dove Valley Road (223rd Avenue - EOP) - Agreement for Right of (AC) Entry - Parcel No. 503-17-004K - Gabriel E. Luque and Linda D. Davis - for the sum of \$100.00.

A080.010 Project No: 69010 - Dove Valley Road (223rd Avenue - EOP) - Easement and (AC) Agreement for Highway Purposes - Parcel No. 503-17-004K - Gabriel E. Luque and Linda D. Davis - for the sum of \$300.00.

A080.010 Project No: 69010 - Dove Valley Road (223rd Avenue - EOP) - Purchase Agreement (AC) and Escrow Instructions - Parcel No. 503-17-004K - Gabriel E. Luque and Linda D. Davis.

A165.006 Project No: 69010 – Bullard Avenue (EOP – EOM) - Easement and Agreement for (AC) Highway Purposes - Parcel No. 503-52-028U - Brent Newman and Karen Newman - for the sum of \$2,000.00.

A165.006 Project No: 69010 – Bullard Avenue (EOP - EOM) - Purchase Agreement and Escrow (AC) Instructions - Parcel No. 503-52-028U - Brent Newman and Karen Newman.

A195.004 Project No: 69010 – Circle Mountain Road (13th Avenue - New River Road) – (AC) Easement and Agreement for Highway Purposes - Parcel No. 202-21-013D – Gayla Sue Stein, Sara Andrea Reich, Andrew Phillip Reich and Pelman Limited Partnership - for the sum of \$6,623.00.

A195.004 Project No: 69010 - Circle Mountain Road (13th Avenue - New River Road) – Purchase

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- (AC) Agreement and Escrow Instructions - Parcel No. 202-21-013D - Gayla Sue Stein, Sara Andrea Reich, Andrew Phillip Reich and Pelman Limited Partnership.
- A225.004 & Project No: 69010 – Elmont Drive (4th Avenue - Apache Trail) - Easement and
A225.002 Agreement for Highway Purposes - Parcel No. 220-66-034Q & 034L - Evergreen
(AC) Hardware & Electric, Inc., an Arizona Corporation - for the sum of \$33,131.00.
- A225.004 & Project No: 69010 – Elmont Drive (4th Avenue - Apache Trail) - Purchase Agreement
A225.002 and Escrow Instructions - Parcel No. 220-66-034Q & 034L - Evergreen Hardware &
(AC) Electric, Inc., an Arizona Corporation.

CHANGE ORDER TO CONTRACT WITH ENTRANCO

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 12 to Contract No. CY 1999-43 with Entranco in an amount not-to-exceed \$176,736.65 for the Geodetic Densification and Cadastral Survey (GDACS), Phase 3E2 project, Work Order No. 69012. This change order will increase the total contract amount by \$176,736.65 to a revised contract amount of \$1,304,144.62. During this phase the consultant will be surveying the section and quarter section corners on the consultant's assigned area. The consultant will be following the detailed specifications that McDOT has developed in order to complete the work. (C6499272514)

INTERGOVERNMENTAL AGREEMENT WITH CITY OF PEORIA

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an Intergovernmental Agreement between Maricopa County and the City of Peoria for a traffic signal design and installation at the intersection of Beardsley Road and 99th Avenue, McDOT No. 12585. The County will act as the lead agency for this project, with the City of Peoria contributing 50% of the actual costs. This amount will not exceed \$50,000 in FY 2003, with the remaining balance, if any, payable in FY 2004. Maricopa County requested that the City of Peoria partner with the County for the design and installation of the traffic signal. The County and the City both own two legs of the intersection. Upon completion of the signalization of the intersection, the City has agreed to assume responsibility for the daily operation and maintenance of the signal and complete the formal annexation process of the intersection within six-months of the project being completed. (C64031472)

ADDITION OF COMMERCIAL DRIVER'S LICENSE TRAINING FACILITY PROJECT TO FY 2003 (YEAR 1) TIP (CIP) BUDGET

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the addition of the Commercial Driver's License (CDL) Training Facility Project, McDOT No. 68896, to the Department of Transportation's FY 2003 (Year 1) TIP (CIP) budget, and establish the project budget at \$290,000. Also approve the transfer of FY 2003 budgeted funds from Project Reserves Account (PRSA), McDOT No. 69998, in the amount of \$290,000 to offset for this added project. This results in a zero impact reallocation of the Department's TIP (CIP) FY 2003 budget. (C64031648) (ADM2000-004)

ADVANCEMENT OF TUTHILL ROAD AT GILA RIVER/SCOUR (MONITORING) PROJECT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the advancement of the Tuthill Road at Gila River/Scour (Monitoring) Project (TTGR), MCDOT No. 68938, from the Department of Transportation's FY 2005 (Year 3) TIP (CIP) Program, to FY 2003 (Year 1), and establish the project's FY 2003 (Year 1) budget at \$250,000. Also approve the transfer of

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FY 2003 budgeted funds from Project Reserves Account (PRSA), MCDOT No. 69998, in the amount of \$250,000 to offset for this advanced project. This results in a zero impact reallocation of the Department's TIP (CIP) FY 2003 budget. (C64031658) (ADM2000-004)

INTERGOVERNMENTAL AGREEMENTS WITH THE TOWN OF GILBERT

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Intergovernmental Agreements between the Maricopa County Department of Transportation (McDOT) and the Town of Gilbert, for the following projects:

- a) AZTech Smart Corridors Program, and requires the Town to assume operations and maintenance of all smart corridor equipment that will be constructed within the Town by the County. McDOT is constructing 10 "Smart Corridors" as part of the AZTech program. The County will be upgrading ten arterial corridors that includes the installation of vehicle detection systems (VDS), closed circuit TV (CCTV), and changeable message signs (CMS). The corridor upgrades are currently under design and are scheduled to be constructed in FY 2003 through 2005. This agreement makes the Town responsible for the maintenance and operation of all equipment that will be installed within the limits of the Town of Gilbert. The exact location and description of the equipment is contained in exhibit "A" of the agreement. (C64031672)
- b) Upgrade of Warner Road from Lindsay Road to Greenfield Road (WWGF), McDOT No. 68404. The County has agreed to participate as a financial partner in the \$3,600,000 project. The County's cost share will be a total of \$1,980,150, with \$530,000 budgeted in FY 2004, and \$1,450,150 in FY 2006. The project is budgeted under Project No. 68404 in the County's TIP. (C64031802)
- c) Upgrade of Elliot Road from Val Vista Road to Greenfield Road (EVVG), McDOT No. 68929. The County has agreed to participate as a financial partner in the \$2,000,000 project. The County's cost share will be a total of \$1,080,000, with \$680,000 budgeted in FY 2004, and \$400,000 in FY 2006. The County's cost share is funded under Project No. 68929. (C64031812)
- d) Upgrade of Val Vista Road from Ray Road to Warner Road (VRWV), McDOT No. 68955. The County has agreed to participate as a financial partner in the \$4,200,000 project. The County's cost share will be a total of \$1,240,000, with \$530,000 budgeted in FY 2004, and \$710,000 in FY 2006. The project is budgeted under Project No. 68955 in the County's TIP. (C64031822)

SOLICITATION OF BIDS, AND AWARDS – VARIOUS PROJECTS

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

- a) Beardsley Road at 99th Avenue, Work Order No. 12585. This work will consist of widening of each of the four approaches to the intersection to provide left turn lanes, and the installation of a traffic signal. This project has been requested to be added to the

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Department's FY 2003 CIP (TIP) with Agenda No. C64031528, and is being cost shared by the City of Peoria for 50% of the costs referenced in Agenda No. C64031472. (C64031685)

- b) Union Hills Drive at 107th Avenue, Work Order No. 30910. This work will consist of widening of each of the four approaches to the intersection to provide left turn lanes, and the installation of a traffic signal. This project has been added to the Department's FY 2003 CIP (TIP) with Board Agenda No. C64030665, and is being cost shared by the City of Peoria as referenced in Agenda No. C64031462. (C64031695)
- c) Rittenhouse Road at Power Road, Work Order No. 12578. This work will consist of widening the Rittenhouse Road approaches to the intersection to provide left turn lanes, and the installation of a traffic signal. This project has been requested to be added to the Department's FY 2003 CIP (TIP) with Agenda No. C64031528. (C64031755)

SOLICITATION OF BIDS, AND AWARDS – AzTECH SMART CORRIDORS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation for bids for construction of the following projects, and approve the award of contracts to the lowest responsive bidders, providing that the lowest responsive bids do not exceed the engineer's estimate by more than 10%. Funds have been budgeted in the Department's Transportation Improvement Program for FY 2003, and FY 2004. The projects are composed of four major elements to be completed partially in parallel on 10 corridors (routes). The project will instrument ITS elements on these corridors to help in reaching the goal to provide a seamless flow of traffic throughout the valley. The elements are: Vehicle Detection Systems (VDS), Closed Circuit Television Systems (CCTV), Changeable Message Signs (VMS, or CMS), Communications Systems integration. The ten corridors are:

- Route 1: 59th Avenue, from Interstate 10 to Loop 101 (North) (Beardsley Road)
 - Route 2: McClintock/Hayden Rd., from Loop 202 (North) (Salt River) to Loop 101(East) (Pima Road)
 - Route 3: State Route 87, from Loop 202 (South) (north of Germann Road) to Shea Boulevard
 - Route 4: Gilbert Road, from Loop 202 (South) (north of Germann Road) to State Route 87
 - Route 5: Chandler Boulevard, from Ray Road to Loop 202 (East) (west of Greenfield Road)
 - Route 6: Thunderbird/Cactus Roads, from Loop 101 (West) (west of 83rd Avenue) to Loop 101 (East) (east of Pima Road)
 - Route 7: Indian School Road, from Loop 101 (West) (east of 99th Avenue) to Loop 101 (East) (east of Pima Road)
 - Route 8: University Drive, from Interstate 10 to Loop 202 (East) (west of Ellsworth Road)
 - Route 9: Shea Boulevard, from State Route 51 to State Route 87
 - Route 10: Broadway Road, from Central Avenue to Val Vista Drive
- a) Project No. 68989 (6), AZTech Smart Corridors Phase II project, for locations within the City of Scottsdale. McDOT plans to complete Phase II of the AZTech Smart Corridors project by providing 10 additional corridors (180 miles) to the already existing 8 Phase I corridors (150 miles). (C64031705)
 - b) Project No. 68989 (7), AZTech Smart Corridors Phase II project, for locations within the City of Peoria. McDOT plans to complete Phase II of the AZTech Smart Corridors project by providing 10 additional corridors (180 miles) to the already existing 8 Phase I corridors (150 miles). (C64031715)

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- c) Project No. 68989 (8), AZTech Smart Corridors Phase II project, for locations within the Town of Gilbert. McDOT plans to complete Phase II of the AZTech Smart Corridors project by providing 10 additional corridors (180 miles) to the already existing 8 Phase I corridors (150 miles). (C64031725)

CONSULTANT SERVICES CONTRACT WITH PARSONS TRANSPORTATION GROUP

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Consultant Services Contract No. CY 2003-42 with Parsons Transportation Group in an amount not-to-exceed \$237,484.09 for the preparation of a Candidate Assessment Report for the 163rd Avenue project, Work Order No. 68884. (C64031735)

CONSULTANT SERVICES CONTRACT WITH INCA ENGINEERS, INC. AND TRANSFER OF BUDGETED FUNDS

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Consultant Services Contract No. CY 2003-50 with Inca Engineers, Inc. in an amount not-to-exceed \$227,732.72 to perform design services for the MC 85, 107th Avenue to 91st Avenue project (NAVE), McDOT No. 69024. Also approve the transfer of FY 2003 (year 1) budgeted funds from Project Reserves Account (PRSA), MCDOT No. 69998, in the amount of \$158,000, to increase the FY 2003 (year 1) budget for this project (No. 69024) to \$228,000, resulting in a zero impact reallocation of the Department's CIP (TIP) FY 2003 budget. (C64031745)

ANNEXATION OF COUNTY RIGHTS-OF-WAY BY THE CITY OF AVONDALE

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following annexations by the City of Avondale of County right-of-way:

- a) 115th Avenue from Van Buren Street North, to the South right-of-way line of ADOT Interstate 10. Together with portions of Van Buren Street adjacent to 115th Avenue, in accordance with Ordinance No. 900-03. (C64031785) (ADM4201)
- b) Durango Street, from El Mirage Road, East to 115th Avenue, in accordance with Ordinance No. 906-03. (C64031795) (ADM4201)

MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA

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

CONTRACT WITH NATIONWIDE VISION

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve contract with Nationwide Vision to provide Vision Services to Maricopa Senior Select Plan (MSSP), Maricopa County Long Term Care members and all Early Periodic Screening Diagnostic Testing (EPSDT) members effective January 1, 2003, through December 31, 2005. The aggregate contract not-to-exceed amount is \$500,890. (C60030251)

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ADDING 50 CONTRACT SLOTS TO ESTABLISHED ASSISTED LIVING ADULT CARE HOME SERVICES CONTRACTS

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the addition of 50 contract slots (C60030321 through C60030811) to the established Assisted Living-Adult Care Home Services contract pool. Each contract term is effective on date of execution through October 31, 2003. The aggregate contract pool not-to-exceed amount for the Assisted Living-Adult Care Home Services pool of funds remains at \$22,561,000. There is a 90-day termination clause in all Assisted Living-Adult Care Home Services contracts. (C60030311ZZ)

CANCELLATION OF LEASE WITH CITY OF SCOTTSDALE – MIHS FAMILY HEALTH CENTER

Item: Approve cancellation of the lease between Maricopa Integrated Health Systems and the City of Scottsdale for the MIHS Family Health Center (FHC) facility located at 6535 East Osborn Road, Building 8, Scottsdale, Arizona 85251. Authorize MIHS to waive \$28,384.31 in unused depreciable value of construction improvements in consideration for early termination of the lease and authorize the Real Estate Department to notify City of Scottsdale thereof. Approve closure of the Maricopa Integrated Health System, Family Health Center (FHC) effective on or before March 28, 2003. Lease specifies a termination notice of 180 days; lease amount is \$0 per month. (Discussed in Executive Session on February 3, 2003.) (This item continued from the meeting of February 5, 2003.) (C90970262YY) (C90030332YY)

Mary Manross, Mayor of Scottsdale, spoke in opposition to this closure. She said she understood the enormous financial issues surrounding this matter but their biggest concern is with the rapidity of the closure and that some patients may “fall through the cracks.” She said she is prepared to ask the Scottsdale City Council to amend the center’s lease for a few months to absorb all the utility, maintenance and operating costs so the County is only responsible for paying the physicians, nurses and staff. The Mayor indicated there had not been enough time to put a plan together to assure patients access to their chosen physicians. She asked for an extension on the closure until at least June 1, 2003. She also offered the Scottsdale city staff to help in the transition.

Supervisor Stapley asked if she or anyone from Scottsdale had discussed this proposal with anyone on the Maricopa Integrated Health System (MIHS) staff. Mayor Manross replied that she had not. Mr. Exham, Community Services General Manager for Scottsdale, said that he had not spoken with anyone prior to today. Mr. Exham indicated that the building would be free of charge but the Scottsdale offer does not include costs of medical personnel, utilities and custodial.

Supervisor Stapley continued that the County is also very concerned that no one is overlooked and the Board has been working on this with the MIHS staff for some time. He explained that the Scottsdale Clinic is the clinic that is losing the most money, having lost approximately \$168,000 last year. He indicated that this consistent deficit is the big problem. It is the cost of professional medical staff and the necessary instruments and equipment needed for high performance that constitutes the problem and that the utilities, custodial, etc., are relatively insignificant amounts.

Discussion ensued between Chairman Brock and Mayor Manross on the timing and also on the level of responsibility involved to assure patients a continuance of medical care. Mayor Manross was reminded by the Chairman that there are 75 other health care facilities within walking distance of the County’s Scottsdale clinic and these should provide a wide range of choice for patients. Also discussed was the Health Care Task Force recently appointed which is due to report to the Supervisors in 30-45 days with recommendations on what could be done to help solve the County healthcare system’s financial crisis.

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Mark Hillard, Director of MIHS, responded to a question by saying that a continued delay in closing the center would increase the losses already being incurred by a comparable monthly amount. He agreed that the main expense of running Scottsdale, or any of the centers, is the cost of the physicians and nursing staff. He acknowledged and thanked the offer of Mayor Manross to help with other costs, but he said that the yearly cost for the professionals runs to \$300,000 while the cost of utilities is approximately \$7,000. Through the end of December 2002, the Scottsdale Clinic's losses are \$78,000. The big issue in further delay is staffing. Mr. Hillard explained that the physicians are already in the process of transferring to the Chandler FHC and having to obtain a temporary medical staff would double expenses. He said it would be difficult to "keep it together if this matter continues to be delayed two weeks at a time."

Supervisor Wilcox asked Mr. Hillard to explain the transition plan the County has in place.

Mr. Hillard said that once the Board has acted, every effort will be made to notify all the patients to give them several options to help eliminate any who might fall through the cracks, although he admitted that there could never be total assurance that this might not happen. He is willing to meet with Scottsdale representatives to work on a satisfactory plan. He explained that it is well known that the State of Arizona does receive Disproportionate Share funds from the federal government for uncompensated care patients treated by MIHS. He definitively stated that if MIHS had been receiving their fair share of Dispro funding for the past ten years the County's hospital and healthcare clinics wouldn't be in such dire straits today.

Supervisor Wilson said he could see that if someone is just finding out that the County is being forced to do this it could seem like a rush but it hasn't been rushed and it shouldn't come as much of a surprise. The decision took months of projections and planning, and stories have been published about it in the newspapers. He said that he wants everyone to realize that it isn't a sudden thing.

David Ortega, Scottsdale City Councilman, said, "Scottsdale really does have to say thank you to the County Board. Since 1997 we have partnered with you in providing health care to the community and now we're all down to the hard decisions." He said that he doubted that the City of Scottsdale will ever get into the health care business, "we're not set up to fund health care at this time." He joined Mayor Manross in expressing his concern over establishing a smooth transition. He asked that the Board look at a way of consolidating back into Scottsdale instead of away from it, if this became feasible. He hoped there might be other programs that could be partnered between the City and County in the future.

Supervisor Kunasek asked when the next City Council meeting would be held. Councilman Ortega replied that there would be a special meeting next Monday and this matter could be put on that agenda if the matter can be deferred past that time.

Supervisor Kunasek said he wanted to make it clear that the County's staff would be available to brief the City Council members at their next session to exchange additional information on this matter.

Chairman Brock concurred and added that since the County has no taxing district, private hospitals to partner with or medical school, Maricopa County and its citizens have had to shoulder the complete load to pay for the rising health care costs and increasing numbers of undocumented patients that use the system. He stated that private hospitals and most other county hospitals in Arizona and other states have been provided sources of revenue through a tax stream, their full share of the dispro funds, or both, to augment the huge financial loss for indigent care. Maricopa County does not have any of these funding sources available to them. Chairman Brock assured the Scottsdale officials that this is not meant to be any kind of a political concern because the total healthcare system of the County is being reviewed. Scottsdale is the clinic losing the most money and so was looked at first for budgetary reasons.

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Dick White, East Valley Catholic Interfaith Services in north Scottsdale, also spoke on this matter and stated that the problem needed to be viewed from a broad stance to inform and enlist needed help from the voters. He said they certainly do not want the County to collapse under this burden, and they also do not want the health system to be eliminated. He said he realized that some knowledgeable people have advised the County to close everything and "get out of the healthcare business entirely." He offered the services of his organization to elicit citizen support and to help in smoothing the transition of patients.

Supervisor Stapley said, "The County would welcome their help and we need your support with a tax district if that's what it eventually comes to. But it's going to happen soon, so please stay in touch."

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to continue this matter to the March 5, 2003, meeting to give the Scottsdale City Council time to review the matter.

RESIGNATION AND APPOINTMENT

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to accept the resignation of Sateesh J. Nabar, effective January 1, 2003, and appoint John Knight to the Building Code Advisory Board. The term of the appointment will be from the date of Board approval through March 30, 2006. (C01030097) (ADM3414)

APPOINTMENT OF HEIDI BIRCH

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Heidi Birch to the Legislative Government Mall Commission, replacing Robert Williams. Mr. Williams retired from Maricopa County in January 2003. Ms. Birch is the Chairman's designee, and the term will be from the date of Board approval through June 30, 2004. (C01030107) (ADM105)

APPOINTMENT OF SUSAN SCHUERMAN

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Susan Schuerman as Chairman to the Correction Officer's Retirement Board. Ms. Schuerman will replace Peggy Allen as the Chairman's designee. ~~The term of the appointment will be from the date of Board approval through December 31, 2003.~~ The appointment is effective February 19, 2003. (This change was announced by Clerk of the Board Fran McCarroll.) (C01030117) (ADM3332)

APPOINTMENT OF RICK BOHAN

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Rick Bohan to serve on the Deferred Compensation Committee, replacing George Miller. Mr. Miller retired from Maricopa County in January 2003. (C04030067) (ADM3312)

APPOINTMENT OF VERONICA PIOTROWSKI

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to appoint Veronica Piotrowski to the Employee Suggestion Merit Award Board, representing District 4. The appointment will be from February 28, 2003, through January 31, 2004, at serves at the pleasure of the Board of Supervisors. (C04030077) (ADM3333)

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PUBLIC HEARING SET – PEST ABATEMENT DISTRICT

Pursuant to ARS §48-261, §48-263 and §48-2101 et seq, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to: (ADM4487)

- i. Schedule a public hearing for 9:00 a.m., Wednesday, March 19, 2003, at the Supervisors' Auditorium on the impact statement for a Pest Abatement District in the southwest valley generally bounded by Litchfield Road on the west, Lower Buckeye Road on the north, 51st Avenue on the east, and Baseline Road on the south. The Board will hear those who appear for or against the proposed Pest Abatement district and determine if the district will promote public health, comfort, convenience, necessity or welfare. If the Board determines that the above criteria and related requirements outlined in the statutes (i.e. endorsing resolutions or ordinances from incorporated cities or towns within the proposed district) are met it shall authorize the persons proposing the district to circulate petitions as provided by law, and
- ii. Direct the Applicant, with assistance from the Clerk of the Board as necessary, to obtain the certification letters identified in ARS §48-2103 from the Arizona Department of Agriculture and the County Health Officer. These letters must be obtained prior to the hearing on the impact statement, and
- iii. Set the bond identified in ARS §48-261(C) at \$6,900 to cover the projected expenses incurred by the County. Said bond is due and payable to the County by February 26, 2003.

PUBLIC HEARING SET - ROAD FILE DECLARATIONS

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve scheduling a hearing for 9:00 a.m., Wednesday, March 19, 2003:

Road File A169: General vicinity of Appleby Road from Arizona Avenue (State Route 87) to the Consolidated Canal. (C64031835)

Road File A178: General vicinity of 174th Street from Desert Lane to Melody Lane. (C64031855)

Road File A186: General vicinity of Williams Field Road from 222nd Street to Meridian Road. (C64031865)

Road File A187: General vicinity of 132nd Street from Chandler Heights Road to Brooks Farm Road. (C64031845)

HEARING SCHEDULED - PLANNING AND ZONING CASES

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

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Z2002-006

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held December 5 and 10, 2002.

PRECINCT COMMITTEEMEN

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, 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 removal of precinct committeemen due to disqualification in accordance with lists dated February 19, 2003, 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)

SECURED TAX ROLLS

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

Tax Roll	From No.	To No.	Net Result
2000	10177	10278	-\$298,628.98
2001	34883	34900	-\$334,565.70
2001	35040	35071	-\$60,747.28
2002	7878	7954	-\$3,832.66
2002	8591	8711	-\$162,575.84

OFF-TRACK PARI-MUTUEL WAGERING PERMIT

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve application filed by Phoenix Greyhound Park for Off-Track Pari-mutuel Wagering Permit for telecasting at New River Station, 47020 North Black Canyon Highway, New River, covering race dates March 1, 2003, through December 31, 2004. (ADM151)

DUPLICATE WARRANTS

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

COUNTY

Name	Warrant	Fund	Amount
Vicky Antrim	620144744	Fees/Jury Service	\$36.84
Rhonda V. DeLeon	13-0156194	779	\$797.07
Danielle Evans/Home Depot	00330530625	Expense	\$385.04
Town of Gila Bend	AD00330517327	Expense	\$1,365.00
Town of Gila Bend	00330501000	Expense	\$4,550.00

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Amberleigh Otero	036975	Payroll	\$989.11
April Theis	AD00330518701	Expense	\$88.22
Harold R. Vaile	554192	Parcel #17621149	\$51.23

SCHOOL

Name	School	Warrant	Amount
Az School Furnishings	Riverside #2	43-0028866	\$10,147.83
Lilia L. Meredith	FHUSD #98	13-0093462	\$259.01
The Federal News Services	Pendergast #92	43-2594	\$147.00
Ed Whitehead's Tires	District #71	43-0064640	\$1,595.55
Vincent Yasay	Tolleson Union	43-0073944	\$240.00

STALE DATED WARRANTS

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

Name	Amount
Brenda Bennett	\$25.00
Patricia M. Brown	\$65.99
Betty Caval	\$64.02
Wells Fargo Bank	\$106,327.87
Barb Hazen/Hm Amer Mortgage	\$51.32
Barb Hazen/Hm Amer Mortgage	\$66.60
Barb Hazen/Hm Amer Mortgage	\$621.60
Chaun D. Merriweather	\$26.83
Mirro Family Partnership	\$1,426.69
Ken Refner	\$10.00
Reliastar Life Ins. Co.	\$694.06
Patricia L. Sharit	\$40.83

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the settlement of tax cases, list dated February 19, 2003. (ADM704)

- 2000**
- 2001**
- CV 01-004136
- 2001/2002/2003**
- TX 00-000380
- 2002**
- TX01-000418
- TX 01-000441
- TX 01-000529
- TX 01-000625
- 2002/2003**

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2003
ST 02-000073
TX02-000407
2003/2004

CLASSIFICATION CHANGES

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

PARCEL NUMBER	YEAR	OWNER	FROM	TO
108-17-107	2000	Jose Amaya	LC/4	LC/3
108-17-107	2001	Jose Amaya	LC/4	LC/3
108-17-107	2002	Jose Amaya	LC/4	LC/3
123-21-038	2001	Gregory Streeter	LC/4	Mixed
123-21-038	2002	Gregory Streeter	LC/4	LC/3
127-24-125A	2000	Victor Pongo	LC/4	LC/3
127-24-125A	2001	Victor Pongo	LC/4	LC/3
127-24-125A	2002	Victor Pongo	LC/4	LC/3
131-30-078	2000	Catherine Brown	LC/4	LC/3
131-30-078	2001	Catherine Brown	LC/4	LC/3
131-30-078	2002	Catherine Brown	LC/4	LC/3
145-23-044	2000	Dora Gay	LC/4	LC/3
145-23-044	2001	Dora Gay	LC/4	LC/3
145-23-044	2002	Dora Gay	LC/4	LC/3
145-27-359	2001	Lawrence Greene	LC/4	Mixed
145-27-359	2002	Lawrence Greene	LC/4	Mixed
148-07-038	2000	Leah Stevens	LC/4	LC/3
148-07-038	2001	Leah Stevens	LC/4	LC/3
149-34-117	2000	Philip Cutter	LC/4	LC/3
149-34-117	2001	Philip Cutter	LC/4	LC/3
149-34-117	2002	Philip Cutter	LC/4	LC/3
154-11-126	2000	James B Brandt	LC/4	LC/3
154-11-126	2001	James B Brandt	LC/4	LC/3
154-11-126	2002	James B Brandt	LC/4	LC/3
156-39-087	2000	Linda Johnson	LC/4	LC/3
156-39-087	2001	Linda Johnson	LC/4	LC/3
156-39-087	2002	Linda Johnson	LC/4	LC/3
166-50-083	2000	Michael Parker	LC/4	LC/3
166-50-083	2001	Michael Parker	LC/4	LC/3
166-50-083	2002	Michael Parker	LC/4	LC/3
207-20-180	2000	Lorie Jordan	LC/4	LC/3
207-20-180	2001	Lorie Jordan	LC/4	LC/3
207-20-180	2002	Lorie Jordan	LC/4	LC/3
217-47-196	2000	Wende Czajka	LC/4	LC/3
217-47-196	2001	Wende Czajka	LC/4	LC/3
217-47-196	2002	Wende Czajka	LC/4	LC/3
301-54-616	2000	Rosa Botsko	LC/4	LC/3
301-54-616	2001	Rosa Botsko	LC/4	LC/3

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301-54-616	2002	Rosa Botsko	LC/4	LC/3
303-65-374	2000	Susan Bockleman	LC/4	LC/3
303-65-374	2001	Susan Bockleman	LC/4	LC/3
303-65-374	2002	Susan Bockleman	LC/4	LC/3
305-05-767A	2000	Joseph Mangino	LC/4	LC/3

COMPROMISES

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in executive session held February 3, 2003.) (ADM407)

William Colbert	\$ 250.00	Juan Carlos Contreras	\$ 3,000.00
Angel Estrada	1,800.00	Paul Guerrero	400.00
Martin Hernandez	4,000.00	Kerry Horacek	2,500.00
Jesus Jimenez	3,279.77	Jerry S. Kosiba	1,500.00
Kelly McDonough	4,200.00	Marie and Gilberto Santillian	3,000.00
Todd Thomas	23,696.90	Michael Velarde	16,621.97
Danica Kusmuk (formerly known as Danica Zdrale)			48,000.00

PUBLIC COMMENT

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

SUPERVISORS' COMMENTS

Supervisor Wilcox announced that Promise Keepers will meet at the Bank One Ballpark this week as they did a year ago. She asked everyone to note that the ballpark is used for many events other than baseball games. She also reported that a major soccer event had been held there last week between Mexico and Venezuela, an event that she said is growing in attendance and excitement every year. (ADM606)

Chairman Brock explained that the citizens of Maricopa County own the ballpark and they have hosted some very large and capacity crowds at several of the special events held there during baseball's off season. He said that the park has added a great deal to the quality of life in the community and he hoped residents recognize that.

Supervisor Wilson congratulated Sun City West on their 25th birthday kick-off celebration recently, which he said contained a lot of singing, dancing, reminiscing and eating of birthday cake (donated by Bashas) by the large crowds of people who attended.

Chairman Brock announced there would be a short break at this time.

~ Supervisor Wilcox left the meeting ~

MEETING RECESSED

Following the break, Chairman Brock declared that the Formal Meeting shall stand in recess to consider matters posted on a Special Meeting agenda for 10:30 a.m. (To allow for scheduling conflicts for some who wished to testify.) He said that the Planning and Zoning portion of the Formal Meeting would immediately follow that Special Meeting.

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MEETING RECONVENED

PLANNING AND ZONING

David Smith left the dais at the end of the formal portion of the Board meeting. Members, as given above, remained in session. Joy Rich, Director of Planning and Development, Darren Gerard, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

~ Supervisor Wilcox returned to the meeting

CONSENT AGENDA:

1. **S2002-054** **District 4**
 Applicant: D.E.I. Professional Services on behalf of Del Webb Home Construction, Inc.
 Location: Northwest of the northwest corner of El Mirage Road and Deer Valley Road (in
 the Peoria/Surprise area)
 Request: Final Plat in the R-2 R.U.P.D. and C-2 C.U.P.D. zoning districts for Corte Bella
 Country Club Phase 1-Unit 1B (approximately 121 gross acres)

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

2. **S2002-069** **District 3**
 Applicant: Matt Mandino of Pulte Homes
 Location: Anthem Way and Gavilan Peak Parkway (in the Anthem area)
 Request: Final Plat in the R1-6 R.U.P.D. and R1-7 R.U.P.D. zoning districts for Anthem
 Unit 22 (approximately 59 acres)

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

3. **S2002-070** **District 4**
 Applicant: D.E.I. Professional Services on behalf of Del Webb Home Construction, Inc.
 Location: Northwest of the northwest corner of El Mirage Road and Deer Valley Road (in
 the Surprise/Peoria area)
 Request: Final Plat in the R1-6 R.U.P.D. zoning district for Corte Bella Country Club
 Phase-1, Unit 1 (approximately 106 gross acres)

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

Chairman Brock announced that the Regular Agenda cases for Planning and Zoning would be taken out of order. Joy Rich, Director of Planning and Development, said that Items #9 (DMP2002-003) and #10 (Z2002-066) are related and all testimony would be relevant to both cases.

REGULAR AGENDA:

9. **DMP2002-003** **District 4**

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Applicant: El Dorado Holdings, Inc.
Location: On the northeast side of Grand Ave. (U.S. Hwy. 60) at 203rd Ave. (in the Surprise area)
Request: Development Master Plan (D.M.P.) for Sunhaven Ranch (2,121.2 acres)

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of DMP2002-003, subject to the following stipulations "a" through "qq". Commissioner Harris seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development shall comply with the Development Master Plan document (including all charts, tables, exhibits, maps, appendices and addendums) entitled "Sunhaven Ranch Planned Area Development Master Plan – Conceptual Zoning Submittal – DMP 200 2003 - Z 2002 066", prepared by El Dorado Holdings, Inc., et al, consisting of 35 pages including color and or large-size exhibits, dated revised December 4, 2002 and stamped received December 6, 2002, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the document shall be revised to clarify inconsistent parcel numbers between the site plan and the land use summary table.
- b. Changes to the Sunhaven Ranch Development Master Plan, with regard to use and intensity, or the stipulations approved by the Maricopa County Board of Supervisors, shall be processed as a revised application with approval by the Board of Supervisors upon recommendation by the Planning and Zoning Commission. Revised applications shall be in accordance with the applicable Development Master Plan Guidelines, Subdivision Regulations, and Zoning Ordinance in effect at the time of application(s) submission. The Maricopa County Planning and Development Department may approve minor changes administratively as outlined in the Maricopa County Development Master Plan Guidelines in effect at the time of amendment. Non-compliance with the approved Sunhaven Ranch Development Plan, including all narrative reports, maps, and exhibits, or the stipulations of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- c. If a final subdivision plat has not been approved within five (5) years from the date of Development Master Plan approval by the Board of Supervisors, Sunhaven Ranch shall be scheduled for public hearing to rescind the master plan. Further, if this development master plan is rescinded all zoning changes approved as part of the Sunhaven Ranch Development Master Plan shall revert to the previous zoning.
- d. Unless annexed, prior to approval of any final plat, the master developer shall enter into a development agreement with Maricopa County that addresses short and long-term service, infrastructure, operation, maintenance, financial assurances, and any other identified need(s) of Maricopa County agencies necessary to provide adequate services to future residents of the Sunhaven Development Master Plan. Further, prior to approval of any preliminary plat this development agreement shall be signed by both parties and provided to the Maricopa County Planning and Development Department for public record. Maricopa County reserves the right to modify the development agreement if it is determined that changes are necessary due to changing circumstances or conditions. However, such changes would be subject to approval by the Board of Supervisors. The master developer may also petition the Board of Supervisors for changes, which will also be subject to Board of Supervisors approval. This development agreement shall be

signed by the Sunhaven Ranch master developer and the designated representatives of Maricopa County.

- e. Prior to approval of any final plats for Sunhaven Ranch, the applicant shall provide a signed and recorded pre-annexation agreement with the City of Surprise that identifies when the proposed project will be annexed. No development shall occur in unincorporated Maricopa County after the annexation date identified in the pre-annexation agreement. This pre-annexation agreement shall be signed by the Sunhaven Ranch master developer and the City of Surprise.
- f. Prior to approval of the first preliminary plat, the applicant shall provide the Maricopa County Planning and Development Department with a document, signed by both the master developer and the Nadaburg School District, which acknowledges that the school district's service and infrastructure needs have been met. Further, prior to approval of the first preliminary plat the master developer shall provide the Maricopa County Planning and Development Department with written confirmation from the Nadaburg School District of their approval of the K-8 school sites, locations, and acreage set asides identified on the master plan maps. This written confirmation shall also acknowledge that high school site(s) are not necessary and will not be located in the Sunhaven Ranch Development Master Plan.
- g. Until such time that organization takes place, notification shall be provided to future residents that they are not located within an organized high school district, and that high school students will have to attend a high school either in the Town of Wickenburg or the City of Peoria. Such notification shall be placed on all final plats, be permanently placed on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs).
- h. Development shall comply with all applicable standards as identified in the Wickenburg Highway Scenic Corridor Overlay Zone.
- i. Master developer shall provide notification to future homeowners that they are located in close proximity to the Luke Air Force Base's Auxiliary Airfield #1 facility, and thus will be subject to loud noise from military aircraft overflights. Such notification shall be included on all final plats, 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 homeowner association covenants, conditions, and restrictions.
- j. Master developer shall incorporate measures into the design and construction of all residential structures that achieve an outdoor to indoor noise level reduction of at least twenty-five (25) decibels.
- k. Not less than two (2) community centers shall be provided by the master developer at the locations identified in the Sunhaven Ranch Development Master Plan. The amenities, services, and facilities included at the community centers shall be identified at the time of preliminary plat upon approval of the Maricopa County Planning and Development Department.
- l. A fire and police facility shall be provided by the master developer at the location identified in the Sunhaven Ranch Development Master Plan. Prior to approval of the first

preliminary plat, the master developer shall provide written confirmation from the Maricopa County Sheriff's Department and the applicable fire service provider that the proposed facility adequately meets their service needs. Further, all necessary fire and sheriff stations shall be completed concurrently with development in the service area(s). Master Developer shall provide documentation of compliance through written confirmation from the fire service provider and the Maricopa County Sheriffs Department.

- m. Not less than 113.2 acres shall be reserved for Recreational Open Space (ROS) land use. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the applicant shall include a description of the status of the cumulative Recreational Open Space land use acreage with respect to the minimum 113.2 acre requirement. The types of amenities and facilities that will be included within these areas shall also be listed on all applicable plats, and are subject to approval by the Maricopa County Planning and Development Department.
- n. Not less than 62.6 acres shall be reserved for Recreational Open Space/Educational (ROS/E) land use. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the applicant shall include a description of the status of the cumulative Recreational Open Space/Educational land use acreage with respect to the minimum 62.6 acre requirement. The types of amenities and facilities that will be included within these areas shall also be listed on all applicable plats, and are subject to approval by the Maricopa County Planning and Development Department.
- o. Not less than 281.2 acres shall be reserved for Dedicated Non-developable Open Space (NDOS) land use. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the applicant shall include a description of the status of the cumulative Dedicated Non-developable Open Space land use acreage with respect to the minimum 281.2 acre requirement. All areas identified on the Development Master Plan as Dedicated Non-developable Open Space shall be preserved in their natural state unless approved by the Maricopa County Planning and Development Department.
- p. Not less than 159.3 acres shall be reserved for Mixed-Use Employment (MUE) land uses. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the applicant shall include a description of the status of the cumulative Mixed-Use Employment land use acreage with respect to the minimum 159.3 acre requirement.
- q. Not less than 153.6 acre shall be reserved for Community Retail Center (CRC) land use. To help ensure compliance, the total acres of such land use shall be included on all plats. In addition, at the time of each preliminary plat submission, the applicant shall include a description of the status of the cumulative Community Retail Center land use acreage with respect to the minimum 159.3 acre requirement.
- r. The master developer shall be responsible for the construction of all public and private on-site roads within the Sunhaven Ranch Development Master Plan. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median

landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths.

- s. Prior to filing each preliminary plat, the master developer shall submit to the Maricopa County Planning and Development Department a landscape inventory and salvage plan which identifies and assesses the native vegetation within the development parcels, and which determines the preservation/disposition for each of the selected native vegetation. The project shall also comply with all Arizona native plant laws.
- t. Landscaping of all common areas and open spaces within Sunhaven Ranch shall consist of indigenous and near-native plant species of a xeriphytic nature.
- u. All water for irrigation/filling supplied to common/open space areas, and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years after approval of the first final plat. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of the conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the five (5) year requirement.
- v. The Sunhaven Ranch Development Master Plan shall be developed sequentially as depicted on the phasing diagram contained in the Sunhaven Ranch Development Master Plan narrative report.
- w. Prior to the first preliminary plat approval, the master developer shall submit to the Maricopa County Planning and Development Department the "covenants," as identified in the narrative report, agreed to between Sunhaven Ranch and the Daimler-Chrysler Proving Grounds. This document should be agreed to and signed by the Sunhaven Ranch master developer and the Daimler-Chrysler Proving Grounds prior to approval of the first final plat. If this document cannot or will not be signed by both parties, the master developer shall submit a report to the Maricopa County Planning and Development Department detailing the reasons why both parties cannot or will not sign this document, but that the master developer shall honor the covenants that are identified.
- x. The total number of residential dwelling units for Sunhaven Ranch shall not exceed 10,000. To help ensure compliance, the cumulative number of dwelling units, both single and multi-family, shall be identified on all plats. The number of units within each individual development parcel shall not exceed the maximum density as shown on the site plan. This cap of 10,000 units includes the future potential for dwellings within commercial and industrial zones that may be allowed with approval of Special Use Permits for specific development proposals.
- y. Residential development shall be prohibited on areas of 15% or greater slope, and building envelopes shall be required for all residential lots where at least 20% of the lot area is subject to slopes of 10% to 15% slope. This includes not only hillside features but also the banks of natural washes.
- z. An archaeological survey of the subject property shall be conducted prior to approval of any preliminary plat to locate and evaluate any cultural resources on the site. Once

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complete, a report of the results shall be provided to the Arizona State Historic Preservation Office for review and comment before any ground disturbing activities related to development are initiated. The applicant shall perform an archaeological analysis to evaluate the eligibility of cultural resource sites for the National or State Register of Historic Places. If Register eligible properties cannot be avoided by development activities, then the Arizona State Historic Preservation Office shall determine if a data recovery (excavation) program is necessary. Should federal permits be required for the project, then any archaeological work performed must meet the Secretary of Interior Standards, and will be subject to the National Historic Preservation Act.

- aa. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter and Certificate of Convenience and Necessity (CC&N) from a qualified public or private water and wastewater provider demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan with water and wastewater service, subject to approval by the Maricopa County Planning and Development Department.
- bb. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for electric power service from Arizona Public Service or another a qualified public or private utility demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.
- cc. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for fire protection service from a qualified public or private fire service provider demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.
- dd. Unless annexed, prior to approval of the first final plat, the master developer shall provide a development agreement with the Maricopa County Sheriffs Department demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan. This development agreement shall be signed by the Sunhaven Ranch master developer and the Maricopa County Sheriffs Department.
- ee. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for telephone service from a qualified public or private telephone company demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.
- ff. Prior to approval of the first preliminary plat, the master developer shall provide a "will serve" letter for refuse collection service from a qualified public or private refuse collection provider demonstrating commitment to serve the entire Sunhaven Ranch Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.
- gg. Should the master developer elect to develop with natural gas service, then prior to approval of the first preliminary plat the master developer shall provide a "will serve" letter from a qualified public or private natural gas service provider demonstrating commitment

to serve the entire Sunhaven Ranch Development Master Plan, subject to approval by the Maricopa County Planning and Development Department.

- hh. Notice shall be provided to all homeowners that the Sunhaven Ranch Development Master Plan is located adjacent to the Daimler-Chrysler Arizona Desert Proving Grounds, and as such residents may be exposed to loud noise from facility operations. Such notice shall be included on all final plats, be permanently placed on the front door of all home sales offices on not less than an 8½ x 11 inch sign, and be included in all covenants, conditions, and restrictions (CC&Rs).
- ii. The master developer shall submit a written report to the Maricopa County Planning and Zoning Commission outlining the status of the Sunhaven Ranch Development Master Plan every subsequent three (3) years following Board of Supervisors approval. The status report shall discuss development progress, including the total number of units built and platted, locations of areas/parcels under construction, status of infrastructure development, status of non-residential property, how the stipulations of approval are being implemented, and any other information as requested by the Maricopa County Planning and Development Department.
- jj. The master developer shall notify all future Sunhaven Ranch Master Plan residents that they are not located within an incorporated city or town, and therefore will not be represented by, or be able to petition a citizen-elected municipal government. Notification shall also state that residents will not have access to municipally-managed services such as police, fire, parks, water, wastewater, libraries, and refuse collection. Such notice shall be included on all final plats, 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 homeowners association covenants, conditions, and restrictions (CC&Rs).
- kk. All park and recreation facilities shall be completed concurrent with the residential development shown on each plat. Park facilities and amenities shall be identified on all applicable plats, and are subject to review by the Maricopa County Planning and Development Department. Park and recreation facilities and amenities shall comply with any applicable Maricopa County Standards for non-regional parks in effect at the time of platting.
- ll. The following Department of Transportation stipulations shall apply to development of Sunhaven Ranch:
 - 1. An approved traffic impact analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. The analysis shall be updated with each phase to reflect exiting conditions and any changed to the development plan.
 - 2. All arterial and collector alignments must be consistent with a County approved transportation plan.
 - 3. All-weather access shall be provided to all parcels and on all arterial roadways.
 - 4. A minimum of two (2) access points shall be provided and available to each development phase and/or subdivision unit.

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5. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
6. An underground conduit system (or comparable technology) shall be provided within the right-of-way throughout the development to integrate traffic signals and for future ITS uses.
7. Schools (Pre-High School) shall not be located on arterial roads.
8. Provide neighborhood access to commercial areas by means other than using the arterial street network.
9. Use of neighborhood electric vehicles shall be accommodated in this development. Routes and other design features shall be established as necessary, to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
10. Bike lanes shall be included on all arterial and major collector alignments. A bicycle circulation plan shall be provided with each phase of development.
11. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site, (e.g. bus bays, park-and-ride lots, internal trail systems).
12. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
13. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public right-of-way shall be the responsibility of the applicant.
14. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
15. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
16. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. Applicant is responsible for complying with these requirements.
17. A development agreement or comparable document, addressing access requirements in more detail, as well as internal transportation issues, shall be executed prior to approval of any preliminary plat.
18. The widening of 203rd Avenue and railroad tracks is the developers responsibility.
19. Developer to address water and wastewater location.
20. 203rd Avenue and Montgomery Road should be principal arterial inside this development (all weather).
21. Preserve the Dixileta Drive, 187th Avenue and Lone Mountain Road alignments as viable perimeter roads. Monitor and identify perimeter road needs as part of the traffic impact update with each new phase.
22. This Development Master Plan includes a road waivers to the provision of arterial routes along section line alignments and collector routes along mid-section line alignments, as per the circulation exhibit of the D.M.P. document referenced in stipulation 'a', and except as otherwise required in this list of stipulations. Therefore, road waiver requests will not be required as part of subsequent subdivision plats.

- mm. The following Environmental Services Department stipulations shall apply to development of Sunhaven Ranch:
1. The Water and Wastewater Master Plan for Sunhaven Ranches shall receive approval by Maricopa County Environmental Services prior to approval of the first Final Plat by the Board of Supervisors.
 2. The proposed Wastewater Treatment Facility shall receive 208 Water Quality Management Plan approval from the Maricopa Association of Governments prior to approval of the first Final Plat by the Board of Supervisors.
 3. Designs for the backbone (or offsite) water distribution and sewer collection system supporting all phases shall be approved by the Maricopa County Environmental Services Department prior to approval of the first Final Plat by the Board of Supervisors.
 4. Designs of the water distribution and sewer collection system (on-site) for each phase of the Sunhaven Ranches project shall be approved by the Maricopa County Environmental Services Department prior to Final Plat approval of each phase by the Board of Supervisors.
- nn. The following Flood Control District stipulations shall apply to development of Sunhaven Ranch:
1. The District is revising the Wittmann Area Drainage Master Study (ADMS). It is estimated the flows within the study area will increase. Development should accommodate the increased flow rate.
 2. The methodology presented in the Preliminary Master Drainage Report, Section 2 of the Drainage Master Plan for on-site drainage is acceptable. However, additional or relocation of retention basins may be necessary in the southern portions of Sunhaven Ranch. This is to be addressed with the preliminary plat.
 3. Prior to development, a Drainage Clearance and a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
 4. The final Master Drainage Report shall be completed by the applicant and approved by the Flood Control District prior to Planning and Zoning Commission approval of the first preliminary plat.
- oo. Prior to Planning and Zoning Commission approval of the first preliminary plat, the developer shall enter in a development agreement with the Library District of Maricopa County. Said agreement shall detail whether the developer will provide a site and/or facility for a library branch, or provide a monetary contribution for public library services. Said development may include a quality of life assessment of \$377 per unit that shall be made available to the Maricopa County Library District to be used for operational purposes only.
- pp. One hundred dollars (\$100) per house will be paid by the developer as each residential unit at the time the building permit is issued to a fund trails and park/recreational facilities enhancement and maintenance. The County shall deposit and hold all receipts in the parks enhancement fund for the specific purposes stated above. All interest earned on the fund shall remain an asset of the fund.
- qq. No residential development shall occur within the 65 Ldn. noise contour of Auxiliary Field #1 for Luke Air Force Base.

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Joy Rich, Director of Planning and Development, said she would begin with item #9 (DMP2002-003) which is the Development Master Plan for zoning item #10 (Z2002-066) and that both cases would be considered together, as they both pertain to Sunhaven Ranch, but voted on separately. She indicated the DMP would be a defacto amendment to the area comprehensive plan. The Development Master Plan does not fully comply with the City of Surprise General Plan but the City and applicant are working out differences and have come to an agreement. Daimler Chrysler's proving grounds are located adjacent to the site to the north and Ms. Rich indicated that they plan to voice some concerns on the matter. One item remains to be addressed with Luke Air Force Base in regards to locating the 65 LDN (Level Day Night) lines near Luke's Auxiliary One airfield. She said they have the noise contours but they cannot clearly identify the 65 LDN boundaries. Stipulation "qq" has been modified to address this by using 203rd Avenue as a western boundary. Planning Commission and staff recommend approval.

Mike Phalen, Chrysler Proving Grounds, stated that Chrysler objects to this project on two counts. The first is groundwater depletion, the second is boundary land-use conflicts. He also alluded to the fact that the Sunhaven project does not comply with any area or general plan of the County or the City of Surprise. He was curious as to why everyone was approving it regardless of this. He indicated that Chrysler had discussed both issues with Sunhaven earlier this year and had received no satisfaction on either of the issues. He explained that communications had broken down when the Sunhaven water consultant entered Chrysler property and opened their well without Chrysler's knowledge or permission. Over the last six weeks a concerted effort had been made to reopen communications with the applicant, but with little success.

Mr. Phalen said the question had been raised on why Chrysler had not purchased additional land around their property for added security. He said there are buffers to the east and north that evidences efforts have been made for this. The company's goal was to also acquire land to the south but it became economically impractical to do so. He offered revisions to the current stipulations and asked that they be considered. The added stipulations that he believed might be acceptable to Sunhaven included "r" "u" "ll.3" and "mm.5." Regarding concessions Sunhaven has recently made, he said their gesture was welcome "but in the big picture they are not really significant." He discussed the changes Chrysler has made in the stipulations and why they feel they would address the concerns satisfactorily. These include bringing in ground water to offset the shallow aquifer in the area; limiting the number of units; larger boundary buffer zones regarding density uses and height limitations, zoning issues and future use. He said an important request that has been refused is to re-arrange their phasing schedule to move the phase 3, common boundary, to phase 6 which he believed would delay many of the problems until they are the last thing to be resolved. He indicated that they have made an effort to solve some of the differences with these new stipulations, and added, "We have not been unreasonable and yet we have received no concessions for being reasonable." He asked for the Board's assistance in granting Chrysler some relief from "a development that we know . . . we don't guess . . . we know it will conflict with our land use. Please consider our revisions to the stipulations."

The applicant's attorney, Paul Gilbert, said he had the two owners and "a whole plethora of experts" present to consult in regards to water issues. He said that every reviewing agency has approved this request including the Planning Commission and staff. He indicated that staff has indicated that they feel this plan is an outstanding land use mix, and it is well thought out and put together.

On zoning issues, he said that this property already had zoning in place when Chrysler established their proving ground and they had to have known what it was when they bought the land. He pointed out that the existing zoning doesn't comport exactly with the White Tank/Grand Avenue Area Plan or the Surprise Area Plan but the town is here in support of the project. He reminded the Board that the White Tanks

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Plan had been written with the idea of making zoning and density changes as and where they were needed in order to serve future development plans.

On the issue of water, Mr. Gilbert said that both quality and quantity issues must be considered in development plans and in this instance the quality meets County standards. Quantity, which is the focus of Chrysler's opposition, may not be plentiful in some of the areas in question. He indicated that the ADWR (Arizona Department of Water Resources), by Statute, ultimately determines the "who and where" on water issues. He distributed a letter from that department that indicates there is no problem with water for the Sunhaven project and when two additional things had been completed, the final project would be approved. He said that Chrysler has not done the extensive water study that his clients have done to determine their future water needs and accessibility. He explained that their studies indicate that Chrysler has "a naturally impaired portion of the aquifer" under their land, which is very shallow, and they would have a problem using ground water whether or not Sunhaven was there. "We should not be placed in a position where we need to cure their problems." He said that they had also addressed the water issue in several other ways and that DWR is satisfied with what they are doing.

He indicated that Supervisor Wilson had raised some concerns and they have been addressed. The applicant has also worked closely with Luke Air Force Base and their development is not close to any of the AICUZ lines for Luke or to Luke's Auxiliary Field #1 (Aux. 1), and these points have all been discussed and settled with Luke. Luke had given the applicant certain conditions for approval, which they have complied with, and Mr. Gilbert discussed these, as follows.

- No residential development within the Aux. 1 65-LDN Noise Contour Lines, or, west of 203rd Avenue, and they have also added a wide buffer along the edge.
- Sound Attenuation measures will be built into all non-industrial use buildings.
- Notification provided to property buyers of the proximity to Aux. 1 and the overflights.
- Work with Luke on location of the school sites for compatibility.
- Focus on location of four churches in the development.
- Comport with the grid system, adding additional access points, and they have also agreed to improve the half-street for Lone Mountain Road.

Mr. Gilbert said that Sunhaven is a good plan that has been approved by all of the reviewing agencies except for the Board of Supervisors.

During discussion with Mr. Gilbert it was pointed out that changes have been made to relocate houses away from the railroad tracks by exchanging residential lots with industrial lots because of noise considerations with passing trains. Discussion continued on differences between the applicant and Chrysler around the "sticking points" on certain stipulations, such as placement of one and two story structures, roadways, water recharging, etc., and any resolution that may have resulted from previous discussions between the two.

Mr. Phillips, City of Surprise, said that after six months of negotiations on this project the city had come into an agreement on it. He said that they would like the applicant to comply 100% with the city's general plan, but they recognize that the property has not been annexed into the city. Since the applicant has addressed their concerns on design criteria and have entered into a pre-annexation development agreement on water and waste issues, the city does not oppose the application.

Mr. Phalan responded to Mr. Gilbert's remarks by noting that despite what was said on the water issue, nothing tangible is available for him to "take home to Detroit" for agreement. He believes the additional language he has submitted for Chrysler would clarify the meaning of certain stipulations, making them

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more readily agreeable to management. He said, "I need something on the record in the stipulations package that motivates everybody to come to the table, and I've advised my client that we don't have that under the current stipulation package." He indicated that "water issues need to be addressed in the planning stages and not left for another day for another jurisdiction to handle." He explained that "the big issue" for Chrysler is product confidentiality. He said, "It is a multi-million-dollar business and there are people who spy on us regularly." He said "spies" don't need a cell tower or a boom. "They just need to buy a multi-storied condo that overlooks our project day-in and day-out, and take pictures all day long. That's what we're concerned about. R-4 is just an unacceptable land use adjacent to a proving ground. Three-stories and 40 feet tall is just not acceptable next door to this kind of operation."

Joy Rich, Director of Planning and Development, said that prior to the vote on #10, which is the zoning case for this project, she will introduce a stipulation that will cover the height issue.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission, subject to modified stipulations 'a' - 'qq', with revised language to stipulations 'a', 'r', 'u', 'll.3', 'mm.1' and 'qq' as shown below:

- a. Development shall comply with the Development Master Plan document (including all charts, tables, exhibits, maps, appendices and addendums) entitled "Sunhaven Ranch Planned Area Development Master Plan - Conceptual Zoning Submittal - DMP 200 2003 - Z 2002 066", prepared by El Dorado Holdings, Inc., et al, consisting of 35 pages including color and or large-size exhibits, dated revised December 4, 2002 and stamped received December 6, 2002, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the document shall be revised to clarify inconsistent parcel numbers between the site plan and the land use summary table, AND TO INCLUDE THE REVISED SITE PLAN DATED FEBRUARY 11, 2003 AND PRESENTED TO THE BOARD OF SUPERVISORS ON FEBRUARY 19, 2003.
- r. The master developer shall be responsible for the construction of all public and private on-site roads within the Sunhaven Ranch Development Master Plan. Further, the homeowners association shall be responsible for the maintenance and upkeep of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping with public rights-of-way, and all pedestrian, bicycle, and multi-use paths. 203RD AVENUE SHALL BE CONSTRUCTED BY SUNHAVEN AS AN ALL-WEATHER, FOUR-LANE ARTERIAL PUBLIC ROAD AND ALL RESIDENTIAL PURCHASERS WILL BE NOTIFIED THAT 203RD AVENUE MAY CARRY TRUCK TRAFFIC TO THE CHRYSLER PROVING GROUNDS 24 HOURS A DAY, 365 DAYS A YEAR. DURING ANY CONSTRUCTION TO AND REALIGNMENT OF 203RD AVENUE, THE APPLICANT WILL PROVIDE CHRYSLER REASONABLE, ALTERNATIVE FULL ALL-WEATHER ACCESS TO ITS PROVING GROUNDS SITE.
- u. SUNHAVEN SHALL REUSE AND RECHARGE THE EFFLUENT FROM THE PROJECT. All water for irrigation/filling supplied to common/open space areas, and lakes shall be provided entirely by a renewable supply of water, such as treated effluent, surface water, or Central Arizona Project (CAP) water, within five (5) years after approval of the first final plat. Interim water for the purposes noted may be supplied by groundwater and shall comply with all Arizona Department of Water Resources regulations. Proof of the conversion from groundwater to a renewable water supply shall be provided to the Maricopa County Planning and Development Department within the five (5) year requirement.

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- ll.3 All-weather access shall be provided to all parcels and on all arterial roadways AND TO THE DAIMLER-CHRYSLER PROVING GROUNDS ALONG 203RD AVENUE.
- mm.1. The Water and Wastewater Master Plan for Sunhaven Ranches shall receive approval by Maricopa County Environmental Services prior to approval of the first Final Plat by the Board of Supervisors. THE WATER AND WASTEWATER MASTER PLAN FOR SUNHAVEN RANCH SHALL REQUIRE SUNHAVEN TO REUSE AND RECHARGE EFFLUENT FROM THE PROJECT.
- qq. No residential development shall occur WEST OF 203RD AVENUE ~~within the 65 Ldn. noise contour of Auxiliary Field #1 for Luke Air Force Base.~~

- 10. Z2002-066 District 4**
- Applicant:** El Dorado Holdings, Inc.
- Location:** On the northeast side of Grand Ave. (U.S. Hwy. 60) at 203rd Ave. (in the Surprise area)
- Request:** Rezone from Rural-43, R1-8, R-3, R-5, C-2 and IND-1 to R1-10, R1-6, R-4, C-2 P.D., and IND-1, with a P.A.D. overlay zone for the entire site for Sunhaven Ranch (2,121.2 ac.).

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z2002-066, subject to the following stipulations "a" through "n". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development shall comply with the Development Master Plan document (including all charts, tables, exhibits, maps, appendices and addendums) entitled "Sunhaven Ranch Planned Area Development Master Plan – Conceptual Zoning Submittal – DMP 200 2003 - Z 2002 066", prepared by El Dorado Holdings, Inc., et al, consisting of 35 pages including color and or large-size exhibits, dated revised December 4, 2002 and stamped received December 6, 2002, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the document shall be revised to clarify inconsistent parcel numbers between the site plan and the land use summary table.
- b. Prior to approval of any subsequent preliminary subdivision plats for Sunhaven Ranch, the applicant shall provide a signed and recorded pre-annexation agreement with the City of Surprise.
- c. This rezone does not include an R.U.P.D., C.U.P.D. or I.U.P.D. overlay zone to vary development standards of the underlying zoning districts, but the ultimate developers of individual parcels are not precluded from submitting zone change requests for such an overlay in conjunction with precise plans for specific developments.
- d. Residential development will be allowed within commercial zones with approval of a Special Use Permit. Residential development may also be allowed in industrial zones with approval of a Special Use Permit should accommodation be made for such a scenario due to a text amendment to the Maricopa County Zoning Ordinance.
- e. All commercial zones in Sunhaven Ranch are subject to a P.D. overlay (C-2 P.D. zoning district), and a precise Plan of Development will be required prior to any development.

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- f. A precise Plan of Development will be required prior to any industrial development within Sunhaven Ranch.
- g. The entire site shall be subject to a Planned Area Development (P.A.D.) Overlay Zone. Zoning district boundary lines shall be reflected on the subdivision plats.
- h. A Special Use Permit (S.U.P.) overlay zone will be required for the proposed wastewater treatment plant, and will be subject to a precise plan of development. This will be also be required prior to development of any of the well sites if treatment is proposed.
- i. Major changes to this plan of development shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- k. The zoning for Sunhaven Ranch shall expire in five (5) years from the date of approval by the Board of Supervisors if a final subdivision plat has not been approved. A request for extension must be received at least six months prior to the expiration date.
- l. Landscaping in common areas shall emphasize indigenous or near-native plant species of a xeriphytic nature.
- m. All development must comply with the development standards of the Wickenburg Highway Scenic Corridor (W.H.S.C.) overlay zone as outlined in the Maricopa County Zoning Ordinance.
- n. All stipulations of DMP2002003 shall remain in effect.

Supervisor Wilson commented that he would offer a motion to amend stipulation "a" and add stipulation "o" based on the previous discussion.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval, subject to modified stipulations "a" through "o", with revised language to stipulation "a" as well as new stipulation "o" as shown below:

- a. Development shall comply with the Development Master Plan document (including all charts, tables, exhibits, maps, appendices and addendums) entitled "Sunhaven Ranch Planned Area Development Master Plan - Conceptual Zoning Submittal - DMP 200 2003 - Z 2002 066", prepared by El Dorado Holdings, Inc., et al, consisting of 35 pages including color and or large-size exhibits, dated revised December 4, 2002 and stamped received December 6, 2002, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors, the document shall be revised to clarify inconsistent parcel numbers between the site plan and the land use summary table, AND

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TO INCLUDE THE REVISED SITE PLAN DATED FEBRUARY 11, 2003 AND PRESENTED TO THE BOARD OF SUPERVISORS ON FEBRUARY 19, 2003.

- o. AS LONG AS THE DAIMLER-CHRYSLER PROVING GROUNDS CONTINUES TO OPERATE, RESIDENTIAL DEVELOPMENT ALONG DOVE VALLEY ROAD SHALL BE LIMITED TO A MAXIMUM HEIGHT OF ONE-STORY FOR THE FIRST ROW OF HOUSING AND TWO STORIES FOR THE SECOND ROW OF HOUSING.

~ Chairman Brock left the meeting, passing the gavel to Vice Chairman Kunasek ~

4. **Z 99-97** **District 4 (84-103A)**
Applicant: H. E. "Bud" Coon and Castle Well Owners, et al
Location: North of S.R. 74 and east of Castle Hot Springs Rd., along the 251st Ave. alignment (in the Morristown area)
Request: Renewal of a Special Use Permit (S.U.P.) for a runway/airstrip in the Rural-43 zoning district

COMMISSION ACTION: Commissioner Clayburg moved to recommend approval of Z 99-97, subject to the following stipulations "a" through "j". Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Map of Record" consisting of one (1) full-size sheet , date-stamped by the engineer January 7, 2002 and stamped received December 24, 2002, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Renewal of the Castle Well Runway Permit", consisting of five (5) pages, stamped received December 24, 2002, except as modified by the following stipulations.
- c. The Special Use Permit shall expire fifteen (15) years from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.
- d. The airstrip shall be limited to the personal use of Castle Wells Homeowners Association property owners or tenants, their personal guests, or emergency maneuvers.
- e. The applicant shall submit a written report outlining the status of the development at the end of one (1) year 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.
- f. Within six months of Board of Supervisors approval, the applicant shall submit an agreement with the State Land Department to bring the request into compliance with M.C.Z.O. Article 1111.3. If such an agreement is not submitted within six months, the applicant may submit a letter from the State Land Department indicating that such an agreement is under negotiation. Such an agreement must be executed within one year of Board of Supervisors approval. In no instance shall the agreement be for less than ten years or the Board of Supervisors approved duration for the Special Use Permit. Proof of compliance with this stipulation shall be provided to the Planning and Development Department.

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- g. Within three months of Board of Supervisors approval, the applicant shall submit a Federal Aviation Administration approved Airport Master Plan. The Airport Master Plan shall indicate taxiways as shown on the approved site plan. The Airport Master Plan shall indicate that the runway will be operated in such a manner that aircraft takeoff only occurs toward the south and all landings occur heading toward the north. The applicant shall mark the runway in a manner acceptable to the Federal Aviation Administration regarding taxiways and maneuvering consistent with the aforementioned approved Airport Master Plan. Proof of compliance with this stipulation shall be provided to the Planning and Development Department.
- h. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- i. Major changes to this Special Use Permit shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- j. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Joy Rich, Director of Planning and Development, gave the particulars on this case from the Planning Commission meeting. She said that staff and the Planning Commission recommend approval.

H. E. Coon, the applicant, was present to answer questions.

Supervisor Wilson said that concerns with small planes and small, private airports have grown over the past 20 years into what is a considerable concern today. Pilots in small planes can get in trouble flying over and through commercial and military air paths and he asked Mr. Coon to respond to such concerns.

Mr. Coon said all the pilots using this airfield are commercial and/or air transport pilots, except for one who is a private pilot, and that all use small planes. The FAA has approved their take-off and landing patterns as of last January 16, and it has basically developed into a one-way airstrip to the north and south. He said there are five pilots presently and two more could be added.

Motion was made by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval, subject to stipulations "a" through "j" and with the amended language to stipulation "c" as follows:

- c. The Special Use Permit shall expire ~~fifteen years (15)~~ TEN (10) YEARS from the date of approval by the Board of Supervisors, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

~ Chairman Brock returned and the gavel was handed over to him ~

~ Supervisor Stapley left the meeting ~

5. **Z2001-029** **District 4** (This case requires $\frac{3}{4}$ majority vote of the Board to approve, due to opposition from adjacent property owners.)
Applicant: Darrel Lilly for Alison Berkowitz and Fast Arch, Inc.
Location: South and east of the southeast corner of Sarival Ave. and Glendale Ave. (in the west Glendale area)
Request: Rezone from Rural-43 to IND-2 P.D. with a Plan of *Development for a light metal fabrication shop for Fast Arch (1.89 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2001-029, subject to the following stipulations "a" through "r". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall comply with the site plan entitled "Proposed Plan of Development Fast Arch of America", consisting of two (2) full-size sheets, dated revised July 17, 2002, stamped by the engineer May 21, 2002, and stamped received September 13, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall comply with the narrative report entitled "Narrative Report", consisting of two (2) pages, dated January 31, 2002 and stamped received February 27, 2001, except as modified by the following stipulations.
- c. Prior to zoning clearance for the of development of Phase I the applicant shall revise the Plan of Development, such that:
 - i. The parking space located near the trash pad is relocated to the north side of the proposed building, and shall provide a 24'-wide back-up aisle adjacent to the parking spaces located to the north of the proposed building.
 - ii. The applicant shall further provide a landscape buffer located along the Sarival Avenue frontage that is a minimum of five feet (5') in width for that portion that will abut the parking spaces along the ultimate right-of-way for Sarival Avenue.
 - iii. The applicant shall relocate the freestanding sign proposed for the entrance of the facility so that it is outside of the required 25' x 25' sight visibility triangle and outside of the required 25' front building setback based upon the ultimate right-of-way for Sarival Avenue.
 - iv. The revised Plan of Development shall indicate a 25' front setback.
- d. Prior to the development of future phasing, a revised Plan of Development shall be submitted indicating the extent of the development to occur with that phase of the project, said Plan of Development to be approved by the Board of Supervisors prior to the commencement of any construction associated with that phase.
- e. Prior to zoning clearance for any construction associated with the development of Phase I, the property owner shall dedicate additional R.O.W. along Sarival Ave. adjacent to the subject property sufficient to bring the ultimate half-width to 55'.

- f. Prior to zoning clearance for any construction associated with the development of Phase I, the property owner shall provide to MCDOT a bond in the amount of \$20,458.90 for future R.O.W. improvements for Sarival Ave. adjacent to the subject property.
- g. Prior to zoning clearance for any construction associated with any future phases of development, the property owner shall dedicate additional R.O.W. along Glendale Ave. adjacent to the subject property sufficient to bring the ultimate half-width to 55'.
- h. Prior to zoning clearance for any construction associated with any future phase of development, the property owner shall provide to MCDOT a bond in the amount of \$10,329.00 for future R.O.W. improvements for Glendale Ave. adjacent to the subject property.
- i. Approval of the design, and for operation for the drinking water distribution system; and a permit for the installation and operation of the individual septic disposal system shall be obtained from the Environmental Services Department prior to occupancy of the building.
- j. At no time shall the applicant discharge into the septic system any motor oil, gasoline, paints, varnishes, solvents, pesticides, fertilizers, or other materials not generally associated with toilet flushing, food preparation, laundry or personal hygiene, nor shall any hazardous substances utilized or created on site be discharged into the septic system.
- k. Concurrent with the application for building permits for any portion of the current phase of development, the applicant shall submit a final grading and drainage plan, as well as a final drainage report, to the One Stop Shop. Prior to zoning clearance for any permits for the current phase of development, the applicant must obtain a drainage clearance.
- l. The applicant shall provide sound attenuation for any habitable portion of the proposed building as outlined in Section 1007 of the Maricopa County Zoning Ordinance.
- m. The applicant shall comply with all applicable federal, state and local laws regarding historic preservation and endangered species habitat loss mitigation.
- n. Prior to any construction or placement of any equipment, the applicant shall obtain the necessary construction permits from the Planning and Development Department for all structures approved under this Plan of Development. The applicant shall apply for these permits within 60 days of approval of this request by the Board of Supervisors, and shall make reasonable progress towards construction, and shall keep such permits active as required by the applicable building codes.
- o. Major changes to this Plan of Development (the site plan and narrative report), shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors, following recommendation by staff, as well as the Planning and Zoning Commission. Minor changes to the Plan of Development may be administratively approved by the staff of the Planning and Development Department. For purposes of this approval, the revisions as outlined in stipulations "c" above may be completed without benefit of an Amendment to the Plan of Development, as said revisions are a condition of zone change approval.

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- p. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- q. The applicant shall keep the property in a safe, neat and orderly condition, and shall provide whatever routine maintenance is necessary to ensure the property does not fall into a state of disrepair or neglect. All materials or products shall be stored behind the site enclosure as required under Section 902 of the Maricopa County Zoning Ordinance. All scrap metal bins shall be located north of the proposed shop building.
- r. Within 30 days of the issuance of the Final Certificate of Occupancy for the subject property, the applicant shall bring the property located at 16510 West Orangewood Avenue into full compliance with the provisions as set forth in the Maricopa County Zoning Ordinance. Failure to comply with this stipulation will result in a violation complaint being lodged against the owners of the Orangewood property.

Joy Rich, Director of Planning and Development, reported on action taken in this case by the Planning Commission. She said that a number of people have expressed opposition to this, most of whom are those living close to Luke Air Force Base whose residences were developed near the Base before any limitations were applied. She said that Luke does not oppose this application. Planning Commission and staff recommend approval.

~ Supervisor Stapley returned to the meeting ~

In response to a question from Supervisor Kunasek, Ms. Rich responded that all of the property is inside the 65 LDN (Level Day Night).

Darrel Lilly was present, as the applicant. Those present in opposition included Sharon L. McDannald, Margurite Blackmon, Jean Ramm, Don Williams, Norma McMullen and Laura Curtis.

Jean Ramm, citizen, said that Glendale needs to look at the area before they enforce a master plan on a community that has been established there for such a long time. Ms. Ramm has lived there 25 years and some of her neighbors have lived there even longer. She indicated that children are safe on their roads and if it is zoned for industry she feels their safety will be compromised. She asked the Board to consider one thing, "If it was your home, where you raised your kids and grandkids, would you want a factory next door?" She also voiced a concern that the factory would be next to the water tower and wondered if there could be a danger of contamination to her well from which she gets her drinking water as well as water supply for a dairy that supplies milk to an expanded area, including Phoenix.

Margurite Blackmon, citizen, said she has lived in her house for 27 years and the new business, a metal shop, would abut her property and be very close to her bedroom and she feared it would be noisy. She requested that zoning stay at Rural-43 to maintain their rural atmosphere. She indicated that the neighbors like living close to Luke Air Force Base and she, as the rest of the neighborhood residents, have always cooperated with everything Luke asked of them and said they don't mind the sporadic noise from the fly-overs. She said that factory noise would be more constant and more irritating. She believed that traffic would also be increased and said that once it is rezoned other industry will also come in and the value of their property will decrease. She stated that over 95% of the people who own land and live there are in opposition to this rezoning, although most could not take off of work to attend yet another meeting to express their opposition.

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Sharon McDannald, a neighborhood resident of 26 years, said the applicant states that traffic for his business will be minimal but she is sure he wants his business to grow and additional growth would clearly increase the traffic count.

Don Williams, citizen, said it is an old, established neighborhood that is under discussion and not just "some zoning area" located next to Luke. He stated, "It is right to try and protect Luke, but I hope that the County's intent is to control the growth in the area sensitive to Luke and not to drive people from their homes by allowing construction of industrial occupancies in rural neighborhoods." He cited the emphasis that staff has put on concurrence with Glendale's General Plan 2025, and said, "Glendale is many miles away from our neighborhood. Until they're picking up our trash, repairing our roads; until Glendale police officers and firefighters are responding to our emergencies; until we have a vote and voice in the leadership and future of Glendale; they cannot have a plan for us." He said that the Planning staff had noted that Fast Arch is not playing by the rules and is operating illegally "in a rather unkempt manner." He said it was also reported that they had misled the County in relation to its citizen participation process and there were questions about the validity of some of its submissions to the Board. He asked why anyone should believe that they will change from this kind of business practice in the future. Of more importance to him is staff's report of 300 acres of undeveloped, available property one-half mile away from the property in question, which is also closer to the "illegal operation of the applicant than the property under question."

Norma McMullen, citizen, called attention to the photos she had sent the Board of the unkempt and untidy surroundings at the Fast Arch property site now. She said their metal leftovers are strewn around and she fears these will be carried into her yard during rainstorms if they are allowed to relocate. She said, "We don't want an industrial business in our neighborhood."

Laura Curtis, citizen, said she and her daughter had moved to the area for the rural atmosphere and so they could keep horses. She works seven days a week to be able to maintain it. She echoed her neighbor's discontent at having industry move in with this rezoning.

Darrel Lilly, applicant, said he felt his company had been misrepresented by the residents and indicated that their operation would not pollute the groundwater system. There are major roads in the area now and he doesn't anticipate a rapid growth of his business that would change traffic that quickly. He indicated that the business was grandfathered in and they are not operating illegally. He reported that they had built their shop in 1974, before any of the residents had moved there. He said he chose this prospective property because it is not a desirable one for residential construction. The property has been for sale for many years but it was unsalable for residential since it's location next to Luke puts it within the 65 LDN noise contour area. He explained that his current location is unkempt because they are squeezed in and have no room available for proper storage. The County will require the new property to be completely fenced and he doesn't believe it would be possible for any scrap metal to float out and impact neighbor's yards. He stated, "Metal doesn't float. It will be contained and any problem can be addressed when and if one occurs."

Supervisor Kunasek asked about the machinery used in the sheet metal operation.

Mr. Lilly said it is light, normal machinery that could be found in any sheet metal shop. He indicated that OSHA doesn't even require them to have hearing protection for workers because it just isn't very noisy.

Supervisor Stapley asked if the property has already been purchased. Mr. Lilly replied that it has.

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Supervisor Stapley asked Mr. Lilly how he would feel if his bedroom was next door to a sheet metal shop. Discussion ensued that revealed that Mr. Lilly's parents actually do live next to the shop now as his shop is located on their property. He said he had asked them about noise and it doesn't bother them even though the shop building is uninsulated. He reiterated that they aren't a noisy operation. Their new building will be fully insulated, both to keep the noise from Luke out and any possible noise produced by their operation in.

Supervisor Wilcox said that they had just heard complaints voiced about the unsightly and messy area around his shop now. She asked, "what assurances do they have that the new location won't deteriorate as well?"

Mr. Lilly replied that one of the frustrations he now has to live with is that he can't get his parents to clean-up the junk that the rest of their family has brought out through the years to unload on them and store on their property. He leases a 20 ft. area around the shop building itself and said, "I am, quite frankly, embarrassed by the yard. I don't have clients come to my shop because I am embarrassed to do business at that location and it has slowed my growth." He has Fast Arch licensees in Texas, Florida and Minnesota who are expanding but his location here has been a detriment and is one reason he wants to relocate. He indicated that he had tried everything to reason with his parents to clean it up and they won't because the things belong to family members, so he has decided his only recourse is to move away from it.

Supervisor Wilson said it was too bad that he hadn't won-over the neighbors but he felt they had presented good reasons to retain their neighborhood life style by keeping his business away and maintaining the current zoning.

Motion was made by Supervisor Wilson and seconded by Supervisor Wilcox, to deny this application. The motion unanimously carried (5-0) on a roll call vote with Supervisors Wilson, Wilcox, Brock, Stapley and Kunasek all voting "aye."

- 6. Z2002-105 District 1**
Applicant: Waste Management of Arizona, Inc. for Western Organics, Inc.
Location: North and East of the northeast corner of Warner Rd. and Sossaman Rd. (in the east Mesa area)
Request: Plan of Development for a waste transfer station and truck terminal in the IND-3 zoning district for East Valley Waste Transfer (18.3 acres)

COMMISSION ACTION: Commissioner Beckley moved to recommend approval of Z2002-105, subject to the following stipulations "a" through "p". Commissioner Clayburg seconded the motion, which passed with a majority vote of 7-1, with Commissioner Gulbrandsen dissenting.

- a. Development of the site shall comply with the site plan entitled "Waste Management of Arizona, Inc. East Valley Transfer Station and Truck Terminal" consisting of two (2) full-size sheets, dated December 30, 2002 and stamped received January 2, 2003, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Narrative Report, Waste Management of Arizona, Inc., East Valley Transfer Station and Truck Terminal", consisting of eleven (11) pages, dated revised December 20, 2002 and stamped received January 3, 2003, except as modified by the following stipulations.

- c. Prior to zoning clearance all composting piles or other improvements specific to the composting operation approved under Z 96-61 shall be cleared or removed from the entire property.
- d. All fencing and walls shall be constructed with the first phase of development of the site.
- e. All proposed landscaping shall include plants consistent with the Arizona Department of Water Resources Phoenix Active Management Area Low Water Use Plant List. All proposed landscaping shall be watered with automatic irrigation devices.
- f. The landscaping area shall include a groundcover such as decomposed granite.
- g. In the event that the transfer station attracts wildlife that Williams Gateway Airport or USDA – Wildlife Services determines is detrimental and hazardous to the operation of the airport, the applicant shall implement management practices as deemed necessary by either one of those agencies. In addition, a wildlife biologist should conduct periodic monitoring of the facility to ensure that wildlife management concerns are being addressed in the most appropriate fashion. If necessary, the applicant shall enter into an agreement with USDA – Wildlife Services to provide on-call services to inspect and monitor the transfer station for wildlife hazards.
- h. Prior to zoning clearance, the applicant shall submit property owner consent for the off-site directional sign. Further, all off-site signs shall comply with the requirements of the Maricopa County Zoning Ordinance.
- i. Prior to zoning clearance, dedication of right-of-way to bring for a total half-width dedication of 40' on the north and east mid-section line boundaries of the site (Mesquite Road and 80th Street, respectively).
- j. 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.
- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for 80th Street along the perimeter of the site, and bonding for improvements to Mesquite Road along the perimeter of the site.
- l. All trees shall be double-staked when installed.
- m. Major changes to this site plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. Major changes to this site plan shall require the Citizen Participation Process of Section 305 of the Zoning Ordinance.

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- o. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- p. The main truck route to and from the site shall be kept reasonably clean of litter and debris.

Joy Rich, Director of Planning and Development, reported on the background of this case as perceived from the Planning Commission meeting. She said this site is designated for light industrial in the County and City of Mesa area plans however Mesa has some concerns about compliance with portions of their plan and they have worked with the applicant on design issues. Planning Commission and staff recommend approval with stipulations "a" through "p."

Those present from the City of Mesa were Gordon Sheffield and Janie Thom. Waste Management was represented by Don Cassano and Stephen Anderson. Robert King, citizen, was also present. All were in favor of approval of the application.

Supervisor Wilcox said that since the speakers all favor the application and time constraints have been raised, she would move for approval of this item if this was agreeable.

Supervisor Stapley commented that he had watched the Mesa City Council hear this case in a replay on TV recently and had been impressed at the presentation as well as the thoroughness of the stipulations. He felt that the City of Mesa was in full support of the project.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval subject to modified stipulations "a" through "r" with concurrence of staff, including revised language to stipulations "a", "b", "k" and "p" as well as the addition of new stipulations "q" and "r" as shown below:

- a. Development of the site shall comply with the site plan entitled "Waste Management of Arizona, Inc. East Valley Transfer Station and Truck Terminal" consisting of two (2) full-size sheets, dated ~~December 30, 2002~~ FEBRUARY 7, 2003 and stamped received ~~January 2, FEBRUARY 11, 2003~~, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Narrative Report, Waste Management of Arizona, Inc., East Valley Transfer Station and Truck Terminal", consisting of ~~eleven (11)~~ 21 pages, dated revised ~~December 20, 2002~~ FEBRUARY 10, 2003 and stamped received ~~January 3, FEBRUARY 11, 2003~~, except as modified by the following stipulations.
- k. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for 80th Street along the perimeter of the site, and bonding for HALF-STREET improvements (INCLUDING PAVING, GUTTER AND SIDEWALK) to ULTIMATE WIDTH FOR Mesquite Road along the perimeter of the TRANSFER STATION site. LANDSCAPING SHALL BE INSTALLED FOR 80TH STREET ALONG THE PERIMETER OF THE SITE DURING THE FIRST PHASE OF CONSTRUCTION, AND BONDED FOR MESQUITE ROAD ALONG THE PERIMETER OF THE TRANSFER STATION SITE, AT A RATION OF ONE TREE AND THREE SHRUBS PER TWENTY-FIVE LINEAL FEET.

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- p. The main truck route to and from the site shall be kept reasonably clean of litter and debris. THIS INITIALLY HAS BEEN IDENTIFIED AS SOUTH FROM THE SITE ALONG 80TH STREET TO WARNER ROAD, WEST TO SOSSAMAN ROAD, THEN NORTH TO ELLIOT ROAD AND WEST TO POWER ROAD. WHEN THE SAN TAN FREEWAY IS EXTENDED TO THIS VICINITY, THE MAIN TRUCK ACCESS ROUTE IS ANTICIPATED TO CHANGE AND LITTER CLEAN-UP EFFORTS ARE EXPECTED TO CHANGE ACCORDINGLY.
- q. THE USE OF PARAPETS, COLORS, BUILDING MATERIALS AND DESIGN GRAPHICS IN A MANNER THAT ADDS VISUAL INTEREST, COMPLEMENTS ALL THREE METAL BUILDINGS AND TIES THE BUILDING DESIGN TO THE DESIGN OF THE PERIMETER SCREEN WALL, AS SHOWN ON THE COLOR ILLUSTRATIONS ATTACHED TO THE NARRATIVE REPORT REFERENCED IN STIPULATION 'B'.
- r. PROVISION OF A MEANDERING (AS OPPOSED TO LINEAR) ALIGNMENT FOR THE PERIMETER SCREEN WALL WOULD BE EXTENDED ALONG THE SOUTH LINE OF THE DEVELOPMENT FOR TEN TO FIFTEEN FEET AT THE IMMEDIATE SOUTHEAST CORNER OF THE PROJECT. THE INTENT IS TO "WRAP" THE MASONRY WALL AROUND THE CORNER NEAR THE FRONT GATE, AND AVOID AN END VIEW OF THAT WALL WHEN VIEWING IT FROM THE SOUTH.

- 7. Z2002-117 District 4**
- Applicant:** Waste Management of Arizona, Inc. for Marwest Enterprises, L.L.C.
- Location:** Southeast corner of Perryville Rd. and McDowell Rd. (in the Goodyear/Buckeye area)
- Request:** Special Use Permit (S.U.P.) for a waste transfer station and truck terminal in the IND-2 zoning district – located within Accident Potential Zone 2 of Luke A.F.B. - for West Valley Waste Transfer (20.5 acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2002-117, subject to the following stipulations "a" through "y". Commissioner Harris seconded the motion, which passed with a majority vote of 5-1, with Chairman Pugmire dissenting.

- a. Development of the site shall comply with the site plan entitled "Site Plan for Waste Management West Valley Transfer Station and Truck Terminal" consisting of three (3) full-size sheets, dated revised January 10, 2003 and stamped received January 17, 2003, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled " Waste Management of Arizona, Inc., West Valley Transfer Station & Truck Terminal, Perryville Road and McDowell Road", consisting of twenty-four (24) pages, dated revised January 27, 2003 and stamped received January 28, 2003, except as modified by the following stipulations.
- c. All fencing and walls shall be constructed with the first phase of development of the site.
- d. All proposed landscaping shall include plants consistent with the Arizona Department of Water Resources Phoenix Active Management Area Low Water Use Plant List. All proposed landscaping shall be watered with automatic irrigation devices.
- e. The landscaping area shall include a groundcover such as decomposed granite.

- f. All hauler trucks, when loaded with waste and prior to exiting the property, shall be covered with tarp. The applicant shall regularly patrol the property and adjacent public right-of-way and remove all litter and debris.
- g. A sewer stub out shall be provided to McDowell Road right-of-way. The applicant shall connect to the City of Goodyear's central sewer system when it becomes available to the site.
- h. The transfer building shall have roll up doors and be fully enclosed.
- i. All outdoor lighting shall be directed downward.
- j. The transfer station and accessory uses shall not create and/or release any substances into the air that would impair visibility or otherwise interfere with operating aircraft.
- k. In the event that the transfer station attracts wildlife that Luke Air Force Base or USDA – Wildlife Services determines is detrimental and hazardous to the operation of the airport, the applicant shall implement management practices as deemed necessary by either one of those agencies. In addition, a wildlife biologist should conduct periodic monitoring of the facility to ensure that wildlife management concerns are being addressed in the most appropriate fashion. If necessary, the applicant shall enter into an agreement with USDA – Wildlife Services to provide on-call services to inspect and monitor the transfer station for wildlife hazards.
- l. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for McDowell Road and 65' for Perryville Road shall occur prior to zoning clearance.
- m. Development of the site shall include improvements (including paving, curb, gutter and sidewalk) to ultimate width for Perryville Road and McDowell Road along the perimeter of the site.
- n. The applicant shall provide any additional roadway improvements requested by the Maricopa County Department of Transportation as recommended in an approved Traffic Impact Study.
- o. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- p. Any landscaping in public right-of-way shall meet any requirements of the Maricopa County Department of Transportation.
- q. All trees shall be double-staked when installed.
- r. Major changes to this site plan (the site plan and narrative report) shall be process as a revised application in the same manner as the original application with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department. The movement of structures of buildings

shall be construed as a revised application and shall require submittal to Luke Air Force Base for review and comment.

- s. Major changes to this site plan shall require the Citizen Participation Process of Section 305 of the Maricopa County Zoning Ordinance.
- t. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- u. The Special Use Permit shall expire in 30 years from the date of approval by the Board of Supervisors. Any request for an extension must be submitted to the Planning and Development Department at least six months prior to the expiration date. Status Reports are required and shall be submitted to the Planning and Development Department every subsequent five (5) years to ensure compliance with the stipulations of Special use Permit approval and for record retention.
- v. Prior to obtaining Building Permits, the applicant shall submit building elevation plans to the City of Goodyear Community Development Department for review and comment. The elevations shall be in general conformance with the elevations pictured in the digital image simulations attached to the Narrative Report.
- w. No drywells shall be utilized on the property, except if required in the retention basins by the Flood Control District of Maricopa County.
- x. Light pole standards shall be gray or brown. Light fixtures shall include internal shields as is necessary to prevent spillage off the property or internal hot spots.
- y. The applicant shall participate in the Adopt-A-Highway program for a portion of I-10 as close to the property as possible.

Joy Rich, Director of Planning and Development, reviewed the actions taken by the Planning Commission and said this project is in concurrence with the general area plans for the vicinity. The City of Goodyear has approved it with several requested design and operational changes, which have been integrated into the revised stipulations, shown below. The City of Buckeye opposes this project. DMB, a developer working near the site, has requested, and received, changes to certain stipulations discussed and submitted by them a week ago, included above. Ms. Rich said DMB had offered additional stipulation changes this morning. She indicated that these new stipulations have not been included in the agreement as given above. Staff and Planning Commission recommend approval as given above.

Those present for this case included Fred Wolf, representing the homeowners of the area; Doug Jorden and Don Cassano, Waste Management; Brian Marshall, DMB Associates, Inc.; all favoring the project; and Phil Garthright, Town of Buckeye in opposition.

Phil Garthright, Buckeye's Senior Planner, said that although the town is not the vested jurisdiction for this Special Use Permit, they have been working closely with the applicant. He indicated their opposition was on the entry corridor area along the I-10 leading into the Town of Buckeye. He stated that essentially they are in support of the site plan but not the chosen location, preferring an earlier location that had been discussed. He also broached the subject of the lack of designation for an interchange for Perryville Road and he feels traffic will increase to the point that this would not only be desirable but prudent.

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Doug Jordan, Waste Management, clarified the three revised stipulations and one new stipulation regarding building materials that is believed to adequately address many of the aesthetic concerns that have been articulated to you and to Waste Management. These stipulations are agreed to by DMB and listed in the February 19th letter that was distributed to the Board earlier. With respect to the items cited by the Town of Buckeye, he said the applicant had made a number of site-plan changes to accommodate their concerns and one of the new stipulations should also deal fairly with the traffic improvement problems they cited.

Proposed stipulation "f" was discussed.

- f. All hauler trucks, when loaded with waste and prior to exiting the property, shall be covered with tarp. The applicant shall regularly patrol the property and adjacent public right-of-way ADJACENT TO MCDOWELL ROAD BETWEEN COTTON LANE AND A POINT ONE MILE WEST OF JACKRABBIT TRAIL (APPROXIMATELY THE TUTHILL ROAD ALIGNMENT) and remove all litter and debris. AT SUCH TIME THAT THE TRANSFER STATION RECEIVES AN AVERAGE OF 300 TONS OF WASTE PER OPERATING DAY (23.5 OPERATING DAYS PER MONTH) FOR A THIRTY (30) CALENDAR DAY PERIOD, THE APPLICANT SHALL DEDICATE AN AVERAGE OF FOUR (4) HOURS PER DAY, EACH DAY THAT THE TRANSFER STATION IS OPEN TO ACCEPT WASTE, TO THE COLLECTION AND REMOVAL OF LITTER AND DEBRIS ALONG THE RIGHT-OF-WAY ADJACENT TO MCDOWELL ROAD BETWEEN COTTON LANE AND A POINT ONE MILE WEST OF JACKRABBIT TRAIL (APPROXIMATELY THE TUTHILL ROAD ALIGNMENT). THEREAFTER, FOR EACH ADDITIONAL 300 TONS OF WASTE ACCEPTED AT THE TRANSFER STATION PER OPERATING DAY (ON AVERAGE PER 23.5 OPERATING DAYS PER MONTH) FOR A THIRTY (30) CALENDAR DAY PERIOD, THE NUMBER OF HOURS DEDICATED TO THE REMOVAL OF LITTER AND DEBRIS ALONG THE RIGHT-OF-WAY REFERENCED IN THIS STIPULATION SHALL INCREASE BY AN AVERAGE OF FOUR (4) ADDITIONAL HOURS PER DAY, UP TO A MAXIMUM OF 16 HOURS PER DAY. IF THE COUNTY DETERMINES THAT THERE IS AN UNACCEPTABLE AMOUNT OF LITTER ALONG MCDOWELL, THE COUNTY MAY REQUEST, AND THE APPLICANT SHALL PROVIDE, FOR A PERIOD OF UP TO SIX MONTHS PRECEDING THE REQUEST A CERTIFIED STATEMENT AS TO THE VOLUME OF WASTE AND THE NUMBER OF HOURS DEVOTED TO LITTER COLLECTION DURING ANY MONTH. ANY SUCH INFORMATION PROVIDED TO THE COUNTY SHALL BE CONFIDENTIAL AND NOT PROVIDED TO THIRD PARTIES.

Ms. Rich suggested eliminating all text following, "AT SUCH TIME THAT THE TRANSFER STATION" . . . because the specifics bind the County in an inappropriate manner. She indicated that the County would respond to littering on a complaint basis as they do with zoning complaints. If littering becomes a problem and complaints are received the applicant would be required to appear for a status report and a revocation of the permit would be a possibility.

Brian Marshall, DMB, said that stipulation "f" is of concern to them and also important to them. He indicated that the main portion of the stipulation, referred to by Ms. Rich as undesirable for retention, was necessary to keep, as it provides for the regular pickup of trash and is consistent with County requirements for other waste facilities. He suggested eliminating the last 8 lines of "monitoring language" originally included but asked for the retention of the language up to that point. He said Waste Management would also agree to that. Discussion ensued and indicated agreement among the Supervisors as well.

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Fred Wolf, homeowner, said Waste Management had visited with all the residents and all have concluded that this would be beneficial to their neighborhood.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval using the latest set of stipulations, and including revised language to stipulations "d", "f" (eliminating the last seven lines of stipulation "f" beginning with "IF THE COUNTY DETERMINES THAT") and "u" as well as the addition of new stipulation "z" as shown below:

- d. All proposed landscaping shall include plants consistent with the Arizona Department of Water Resources Phoenix Active Management Area Low Water Use Plant List. All proposed landscaping shall be watered with automatic irrigation devices. THE LANDSCAPE PLAN SHALL BE REVISED TO INCLUDE TALL, NON-DECIDUOUS TREE VARIETIES SPECIFICALLY INCLUDING MONDEL PINE, GHOST GUM EUCALYPTUS OR OTHER SIMILAR TALL NON-DECIDUOUS TREE VARIETIES ALONG THE SOUTHERN AND EASTERN BOUNDARIES OF THE SITE. A MINIMUM OF 115, 24" BOX TREES SHALL BE PLANTED ALONG THE SOUTHERN AND EASTERN BOUNDARIES OF THE SITE IN GROUPINGS OF THE SAME VARIETY; NO 36" BOX TREES SHALL BE REQUIRED ON THE SOUTH AND EAST SIDE. FORTY (40) OF THE 5-GALLON SHRUBS SHOWN ON THE SOUTH AND EAST SIDE OF THE LANDSCAPE PLANS SHALL BE REPLACED WITH 5-GALLON NATIVE MESQUITE TREES WHICH SHALL BE PLANTED IN AND AROUND THE SOUTHERN RETENTION BASIN ON THE SITE. REVISED LANDSCAPE PLANS SHALL BE APPROVED BY STAFF PRIOR TO ISSUANCE OF ZONING CLEARANCE.
- f. All hauler trucks, when loaded with waste and prior to exiting the property, shall be covered with tarp. The applicant shall regularly patrol the property and adjacent public right-of-way ADJACENT TO MCDOWELL ROAD BETWEEN COTTON LANE AND A POINT ONE MILE WEST OF JACKRABBIT TRAIL (APPROXIMATELY THE TUTHILL ROAD ALIGNMENT) and remove all litter and debris. AT SUCH TIME THAT THE TRANSFER STATION RECEIVES AN AVERAGE OF 300 TONS OF WASTE PER OPERATING DAY (23.5 OPERATING DAYS PER MONTH) FOR A THIRTY (30) CALENDAR DAY PERIOD, THE APPLICANT SHALL DEDICATE AN AVERAGE OF FOUR (4) HOURS PER DAY, EACH DAY THAT THE TRANSFER STATION IS OPEN TO ACCEPT WASTE, TO THE COLLECTION AND REMOVAL OF LITTER AND DEBRIS ALONG THE RIGHT-OF-WAY ADJACENT TO MCDOWELL ROAD BETWEEN COTTON LANE AND A POINT ONE MILE WEST OF JACKRABBIT TRAIL (APPROXIMATELY THE TUTHILL ROAD ALIGNMENT). THEREAFTER, FOR EACH ADDITIONAL 300 TONS OF WASTE ACCEPTED AT THE TRANSFER STATION PER OPERATING DAY (ON AVERAGE PER 23.5 OPERATING DAYS PER MONTH) FOR A THIRTY (30) CALENDAR DAY PERIOD, THE NUMBER OF HOURS DEDICATED TO THE REMOVAL OF LITTER AND DEBRIS ALONG THE RIGHT-OF-WAY REFERENCED IN THIS STIPULATION SHALL INCREASE BY AN AVERAGE OF FOUR (4) ADDITIONAL HOURS PER DAY, UP TO A MAXIMUM OF 16 HOURS PER DAY.
- u. The Special Use Permit shall expire in ~~30~~ 20 years from the date of approval by the Board of Supervisors. Any request for an extension must be submitted to the Planning and Development Department at least six months prior to the expiration date. Status Reports are required and shall be submitted to the Planning and Development Department every subsequent five (5) years to ensure compliance with the stipulations of Special Use Permit approval and for record retention.

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- z. THE OFFICE/ADMINISTRATION BUILDING AND THE MAINTENANCE SHOP SHALL BE CONSTRUCTED OF STUCCO, PLASTER, MASONRY, CONCRETE OR OTHER SIMILAR MATERIALS. ALL ROOF MOUNTED EQUIPMENT ON ALL STRUCTURES ON THE SITE SHALL BE COMPLETELY SCREENED FROM VIEW FROM THE ADJACENT INTERSTATE-10 FREEWAY.

8. **Z2002-123** **District 4**
Applicant: Mark Milhon
Location: East of the southeast corner of Perryville Rd. and McDowell Rd. (in the Goodyear/Buckeye area)
Request: Plan of Development for an office and contractor's yard in the IND-2 zoning district for All-Brite Fencing (4.5 acres)

COMMISSION ACTION: Commissioner Jones moved to recommend approval of Z2002-123, subject to the following stipulations "a" through "j". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Plan of Development – All Brite Fencing" consisting of two (2) full-size sheets, dated stamped by the engineer December 15, 2002 and stamped received January 10, 2003, except as modified by the following stipulations. Within 30 days of approval by the Board of Supervisors and prior to the issuance of zoning clearance, the applicant shall submit a revised Plan of Development with a 10' wide landscaped area along McDowell Road with perimeter fencing setback behind the landscaped area. The revised Plan of Development shall indicate proposed plantings and groundcover.
- b. Development shall be consistent with the narrative report entitled "All-Brite Fencing, Inc.", consisting of eight (8) pages, stamped received January 10, 2003, except as modified by the following stipulations.
- c. 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.
- d. Dedication of additional right-of-way to bring the total half-width dedication to 65' for McDowell Road shall occur prior to zoning clearance.
- e. The applicant shall bond for ultimate improvements on McDowell Road for pavement, gutter, curb and sidewalk prior to zoning clearance.
- f. Major changes to this Plan of Development (the site plan and narrative report) shall be process as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- g. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

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- h. Major changes to this Plan of Development (the site plan and narrative report) shall be coordinated with Luke Air Force Base.
- i. All outdoor lighting shall be directed downward.
- j. All uses on site shall not create and/or release any substances into the air that would impair visibility or otherwise interfere with operating aircraft.

Joy Rich, Director of Planning and Development, reported on the case saying she knows of no opposition to the request and that Planning Commission and staff recommend approval.

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

MEETING ADJOURNED

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

Fulton Brock, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board