

MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK

**FORMAL SESSION
January 19, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., January 19, 2005, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Fulton Brock, District 1; Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Don Stapley, Vice Chairman, District 2. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

INVOCATION

Fran McCarroll, Clerk of the Board, delivered the invocation.

PLEDGE OF ALLEGIANCE

Betty Colwell, Clerk of the Board's Office, led the assemblage in the Pledge of Allegiance.

PUBLIC HEARING – LIQUOR LICENSE APPLICATIONS

Chairman Wilson called for a public hearing on liquor license applications. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek, to recommend approval of the following liquor license applications, a) and d): Motion carried by majority vote (3-1-1) with Supervisors Kunasek, Wilson and Wilcox voting "aye" and Supervisor Brock voting "no."

- a) Application filed by Alfonse Rudolph DiDomenico for an Original Series 12 Liquor License: (LL6137)
(This hearing continued from meeting of January 5, 2005).
Business Name: The Crooked Putter Restaurant
Location: 14260 W. Meeker Blvd. Sun City West, AZ 85375

- d) Application filed by John Bertaut for a Special Event Liquor License: (F23164) (SELL657 AND SELL658)
Business Name: Knights of Columbus Council
Location: 14818 W. Deer Valley Drive, Sun City West, AZ 85375
Date: 1/25/05 5:00 PM to 10:00 PM AND 2/5/05 9:00 AM to 5:00 PM

The Chairman called for a public hearing on liquor license Item b).

- b) Application filed by Norberta A. Tapia De Rocha for a Person-to-Person Transfer and a Transfer-of-Location of a Series 7 Liquor License from Maria Del Rufugio Robles-Ochoa/Kuki's Bar: (LL6133) (This hearing continued from December 15, 2004)
Business Name: El Vergel **DENIED**
Location: 18646 B. West Yuma Road, Goodyear, AZ 85338
Former Location: Kuki's Bar, 610 S. Martin, Gila Bend, AZ 85337
(See reports from various departments in backup)
 - Planning and Development (Does not meet requirements)
 - Environmental Services (Does not meet requirements)

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Supervisor Wilcox said that the applicant for El Vergel had been asked to contact her office to discuss the matter during the extra time provided by continuing the request at the December 15th meeting, but the applicant had not responded and, since there were serious deficiencies with the proposed facility, she felt the only alternative was to recommend denial to the State Liquor Department. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to recommend denial of application b), as the applicant did not meet the requirements of the Health Department or the Planning and Development Department for approval of the facility as presented in their application.

Chairman Wilson called for a public hearing on liquor license application c).

- c) Application filed by Milenko Spasojevic/Mangup Investments, Inc. for a Person-to-Person Transfer and a Transfer-of-Location of a Series 6 Liquor License from Milenko Spasojevic/Champions Sports Bar & Grill, Inc.: (LL6138).
Staff recommends continuing this public hearing to Wednesday, February 16, 2005.

Business Name: Desert Flame **CONTINUED**
Location: 11145 E. Apache Trail, Apache Junction, AZ 85220
Former Location: Champions Sports Bar & Grill, Inc. 1825 E. Apache Blvd., Tempe, AZ 8528

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue application c) to the February 16th meeting to allow more time for completion of departmental investigations.

FRANCHISE – WEST END WATER COMPANY - CONTINUED

Item: This is the time scheduled for a public hearing on an application for continuation of an existing franchise, filed by West End Water Company for a public service franchise to construct, maintain and operate a domestic water and wastewater distribution/collection systems, consisting of pipe lines, meters, connections, and all necessary equipment within Maricopa County. Continued from the October 6, 2004, November 17, 2004 and December 15, 2004 meetings. (F17643) Staff recommends continuing this public hearing to Wednesday, February 16, 2005.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to continue this to the February 16th meeting.

PUBLIC HEARING – SUPERIOR COURT – CASE MANAGEMENT FEE INCREASE

Chairman Wilson called for a public hearing pursuant to a request from the Presiding Judge of the Superior Court of Arizona in Maricopa County, to consider an increase of \$10.00 to the base Case Management fee (currently \$30.00), to a new total of \$40.00. No protests having been received and no speakers coming forth at the Chairman's call, Supervisor Wilcox confirmed with Marcus Reinkensmeyer of the Superior Court, that a fee-waiver or deferral accommodation would be applied for those too destitute to pay the \$40 fee. Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve this increase. The Case Management fee is assessed upon the filing of initial complaints, and initial answers or responses, in all civil, family, probate, and tax cases. This proposed Case Management fee increase will be assessed on cases filed after Board of Supervisors approval following the hearing required pursuant to A.R.S. § 11-251.08. Authority for this request is based upon A.R.S. § 11-251.08 and State of Arizona Attorney General Opinion I95-18 (R94-63). An increase to the Case Management fee is recommended in recognition that the combined actual cost of processing each filed case and its related documents far exceeds the annual amount generated by the current

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\$30.00 fee established in agenda item number C38980107. The proposed fee increase better reflects the actual cost of Court services provided. The fee will be deposited by the Clerk of the Court to the Special Revenue Fund (259) Caseflow Enhancement a special local revenue fund with the Maricopa County Treasurer, for disbursement by the Presiding Judge. Monies collected for this fund will be expended to support and improve all aspects of case and document management. Expenditure of these funds is subject to Board appropriation. Effective date of this action is March 1, 2005. (C3805016800) (ADM1005)

AUTOMATED SERVICES FEE – SUPERIOR COURT AUTOMATED SERVICES FEE INCREASE

Chairman Wilson called for a public hearing pursuant to A.R.S. §11-251.08 and by request of the Presiding Judge and the Clerk of the Superior Court of Arizona in Maricopa County, to consider an increase of \$10.00 to the base Court Automated Services Fee (currently \$10.00), to a new amount of \$20.00. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the fee increase. The Court Automated Services Fee (CASF/AUTO DEV) was established by the Board of Supervisors in agenda number C38980107 and is assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases. Upon Board approval, the fee increase will be assessed on cases filed after Board of Supervisors approval following the hearing required pursuant to A.R.S. § 11-251.08. The proposed fee increase proceeds will be deposited by the Clerk of the Court into the Court Automated Services Fund (258), for disbursement by the Presiding Judge with expenditure of the funds subject to appropriation by the Board of Supervisors. Effective date of this action shall be March 1, 2005. (C3805018800) (ADM1005)

CONTRIBUTOR LICENSE AGREEMENT – OUTERTHOUGHT BVBA & SCHAUBROECK NV

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the Contributor License Agreement between Maricopa County for the County Attorney's I.T. Department (Licensor) and Outerthought BVBA and Schaubroeck NV (jointly as Licensee) for all Licensor contributions of object code, source code and documentation to the xReporter project, an open source generated program used by the Licensor for preparing various reports both within and outside of the MCAO. Under this Agreement, the Licensee may use the software contributions made by the Licensor for its derivative works and may distribute such software internally and worldwide without charge to the Licensee. (C1905019C00)

AGREEMENT FOR LEGAL SERVICES WITH SQUIRE, SANDERS & DEMPSEY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve an Agreement for Legal Services with the law firm of Squire, Sanders & Dempsey, L.L.P. Timothy E. Pickrell has left the firm of Snell & Wilmer, L.L.P., and joined the firm of Squire, Sanders & Dempsey, L.L.P. The proposed form of contract with Squire, Sanders & Dempsey, L.L.P., is the standard agreement for Legal Services which has been developed by the Maricopa County Attorney's Office and used in contracting for outside counsel services. The rate for legal services under this contract is the same as under the contract with Mr. Pickrell's former firm. The contract term is from September 1, 2004, the date of Mr. Pickrell's move to Squire, Sanders & Dempsey, through June 30, 2005, the date when all of the county's outside counsel contracts will expire. (C1905021100)

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MARICOPA COUNTY IS ADDED AS PLAINTIFF TO PENDING LITIGATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to authorize the County Attorney's office to add Maricopa County as a Plaintiff to the pending drainage regulation enforcement case: Flood Control District v. Dana and Dathyl Feather CV2004-006604. (C1905022M00) (ADM413)

IGA AMENDMENT WITH DPS REGARDING COUNTER TERRORISM INFORMATION CENTER

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve amendment number 1 with the Department of Public Safety regarding participation in the State of Arizona Counter Terrorism Information Center (ACTIC). The purpose of this amendment is to modify Sections III, IV and VIII of the IGA, which was approved by the Board of Supervisors on November 3, 2004. This Amendment shall become effective upon the approval and filing with the Secretary of State three originals, signed by both parties, and will terminate upon 30-day written notice by either party. (C5005025201)

WAIVERS TO EMPLOYEE LEAVE PLAN

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for each of two Deputies, Harold Argetsinger and Sean Pearce, who sustained serious injuries as a result of an "Act of Violence" through no fault or negligence of their own, while they were serving a high-risk search warrant on the residence of a homicide suspect on December 16, 2004. Authorize payment of normal base salary and benefits of each of these employees for the duration of up to one year or return to full duty, whichever is earlier, to begin December 16, 2004. (C5005045600) (ADM3320-001)

REIMBURSEMENT AGREEMENT WITH POLICE DEPARTMENTS

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve Reimbursement Agreements between the Maricopa County Sheriff's Office and the Police Departments for Chandler C50055292 (\$169,507), Phoenix C50055302 (\$144,464), Mesa C50055312 (\$156,220), and the Arizona Department of Public Safety C50055322 (\$138,186). These agreements allow one police officer from each agency to be assigned to the Arizona Methamphetamine Program, for which the Maricopa County Sheriff's Office is the pass-through agency. The term of these Reimbursement Agreements is January 1, 2005 through December 31, 2006. (C50055282ZZ)

REIMBURSEMENT AGREEMENT WITH DEA

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve a Reimbursement Agreement between the Maricopa County Sheriff's Office and the Drug Enforcement Administration (DEA) for reimbursement of \$128,668. The term of this Reimbursement Agreement is January 1, 2005 through December 31, 2006. (C5005533200)

IGA WITH ARIZONA DEPARTMENT OF PUBLIC SAFETY

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve an Intergovernmental Agreement between the Maricopa County Sheriff's Office and the Arizona Department of Public Safety (DPS) for overtime reimbursement of \$80,000. The term of this Intergovernmental Agreement is September 1, 2004 through December 31, 2006. (C5005534200)

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LEASE WITH EASTGROUP PROPERTIES

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox and unanimously carried (4-0-1) to approve and execute new triple net lease No. L-7363 with EastGroup properties L.P., a Delaware Limited Partnership, Lessor, for 4,860 square feet of warehouse space located at 2095B E. Magnolia Street, Phoenix. The facility will continue to serve as the Treasurer's ballot storage warehouse. The term will commence on February 1, 2005 and expire on January 31, 2010. The lease rate will start at \$4.80 per square foot, per year, with 2.5% annual increases for the following base annual costs: Year 1; \$23,328.00, Year 2; \$23,911.20, Year 3; \$24,494.40, Year 4; \$25,077.60, Year 5; \$25,660.08. A 2.4% commercial lease tax is applicable to all rent payments. Tenant is also responsible for utilities to the premises and for a 7.69% share of building and project costs estimated at \$215,965.00. The Maricopa County Treasurer is charged with the storage and security of election ballots as stated in Arizona Revised Statute 16-624 Disposition of official returns and ballots: A. Upon receipt of the packages and envelopes containing the returns and the voted ballots, the officer in charge of elections shall deposit the package or envelope containing the ballots in the safe of the county treasurer, who shall keep it unopened and unaltered for twenty-four months for elections for a federal office or for six months for all other elections, at which time he shall destroy it without opening or examining the contents. B. Irregular ballots shall be preserved for six months after the election and the packages containing them may be opened and the contents examined only upon an order of court. At the expiration of such time, the ballots may be disposed of in the discretion of the officer or board having charge of them. C. The officer in charge of elections shall produce the other packages or envelopes before the Board of Supervisors when it is in session for the purpose of canvassing the returns. D. If a recount is ordered or a contest begun within six months, the county treasurer may be ordered by the court to deliver to it the packages or envelopes containing the ballots, and thereupon they shall be in the custody and control of the court. (C4305001400)

LEASE WITH JEFFERSON SQUARE LTD.

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve new full service lease No. L-7362, with Jefferson Square Ltd., Lessor, for 1,805 square feet of office space located at 45 W. Jefferson Street, Ninth floor, Phoenix Arizona. The term will commence March 1, 2005 or upon the date of possession by the Office of Contract Counsel and expire December 31, 2006. Monthly rent is \$2,105.83, plus 2.4% rental tax at an annual rate of \$14.00, per square foot, or \$21,058.30, plus tax, for calendar year 2005, and \$25,270.00, plus tax, for calendar year 2006. This lease contains a 6-month holdover provision and a 180-day termination provision. (C5605003400)

REJECT CLAIM DEMANDS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to reject claim demands (December 2004) 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 ARS §11-629 (not a proper charge against the County) and ARS §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$356,722.55 and ARS §11-622 \$0.00.) (C3905027700) (ADM1804)

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**MONTHLY REPORT
December 2004**

Vendor	Amb., Doctors, Hosp. ARS 11-629	Over Six Months ARS 11-622
Allure Plastic Surgery Pc	15,709.00	0.00
Arizona Arrhythmia Consultant	7,052.00	0.00
Arizona Cardiovascular Center	475.50	0.00
Arizona Heart Anesthesia	1,815.00	0.00
Banner Good Sam Trauma Service	159.00	0.00
Bna Neurosurgical Associates	9,400.00	0.00
Canyon Surgery Center	2,524.00	0.00
Cardio Pulmonary Surgery Assoc	12,406.50	0.00
Ehrler, Denise Crnfa	34,240.00	0.00
Emergency Professional Svcs Pc	4,536.00	0.00
Hospitalists Of Arizona	3,597.00	0.00
Kalyanam, Pattabi Md Pc	250.00	0.00
Medical Professional Assoc Of	7,495.00	0.00
Medpro	109,225.15	0.00
Obx-Az Pediatric Cardiology	1,257.00	0.00
Phoenix Memorial Hospital	108,197.34	0.00
Professional Diagnostix	69.00	0.00
Professional Medical Transport	2,069.93	0.00
Rural Metro Ambulance	1,221.04	0.00
Southwest Ambulance	8,188.09	0.00
St Josephs Hosp Arizona	26,886.00	0.00
Grand Totals:	356,772.55	0.00
Restitution	0.00	
Totals Denials:	356,772.55	

AMENDMENT TO LONG TERM CARE CONTRACT WITH AHCCCS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to retroactively approve amendment #18 to the Long Term Care Contract with the Arizona Health Care Cost Containment System (AHCCCS) to add language required by the recent Ball vs. Biedess court ruling. This amendment is effective October 1, 2004. This amendment is retroactive to October 1, 2004 as required by AHCCS, MMCS received the amendment on January 3, 2005. AHCCCS may terminate this contract upon 90 days written notice. This contract can be assigned only with the prior written approval of AHCCCS. (C6000289M11)

POOL OF FUNDS FOR HOSPITAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to retroactively approve creation of a new pool of funds in the amount not to exceed (NTE)

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\$60,000,000 for hospital services delivered from January 1, 2005 through December 31, 2005.
(C6005005100)

MMCS PROVIDER PANEL APPOINTMENTS/ REAPPOINTMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the recommendations of Maricopa Managed Care Systems (MMCS) Health Plan Provider Panel appointments and reappointments. (Discussed in executive session on January 18, 2005.) (C9004171M) (ADM2100-005)

Initial Appointment

Maria Gonzalez-Landestoy, M.D.	Internal Medicine	Contract
Sungchun Lee, M.D.	Internal Medicine/Nephrology	Contract
Nilesh T. Patel, M.D.	Internal Medicine/Nephrology	Contract
Sarah M. Przybyla, P.A.-C.	Surgery-Plastic Surgery	Medpro
Miriam L. Sell, M.D.	Fam. & Comm Medicine	Medpro
Cary J. Stegman, M.D.	Radiology	Contract
John W. Vanderhoof, M.D.	Orthopedic Surgery	Medpro
Darrell W. Wong, M.D.	Pediatrics/Allergy Immunology	Medpro
Valentin Zaharia, M.D.	Internal Medicine/Nephrology	Contract

Reappointment

Vance M. Abshire, M.D.	Internal Medicine-LongTerm Care	Medpro
Sandra R. Aviles, M.D.	Pediatrics	Medpro
Philip C. Barry II, Ph.D.	Psychiatry	Medpro
Brendan P. Cassidy, M.D.	Pediatric Ophthalmology	Medpro
Leslie A. Kanda, M.D.	Ophthalmology	Medpro
Arlene R. Karlin, C.N.M.	Nurse Midwife	Medpro
Susan M. Liebherr, N.P.	Nurse Practitioner	Medpro
William M. McLeish, M.D.	Ophthalmology	Medpro
Marc A. Merroto, M.D.	Neurology	Medpro
Andrew W. Parker, D.O.	Psychiatry	Medpro
Salil V. Pradhan, M.D.	Pediatrics	Medpro
Dorothy H. Rowe, M.D.	Pediatric Surgery	Medpro
Scott L. Van Da Huvel, D.D.S.	Dentistry	MIHS Employee
Carol E. Williams, F.N.P.	Nurse Practitioner	Medpro

MIHS-Administrative

Glenn Lippman, M.D.	Behavioral Health Medical Director	Employee
Mehrdad Shafa, M.D.	Medical Director-Health Plan	Employee

Denied

Cynthia Andrews, M.D.	Family Practice	Contract
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CONTRACTS FOR ASSISTED LIVING/ADULT CARE

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the following contracts:

- a. Contracts C60050861 through C60053351, for Assisted Living/Adult Care Home Services retroactively from November 1, 2004 through October 31, 2006. The not-to- exceed amount

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was established in Agenda Item C60050151 and approved by the Board of Supervisors on September 8, 2004. This Contract may be extended, not-to-exceed a total term of five years, and may be terminated by either party with 90 days written notice. Maricopa County may, upon ninety (90) days prior written notice, and without the consent of the other party hereto, assign this Agreement. (C60050851ZZ)

- b. Contracts C60056001 through C60056441 for Assisted Living/Adult Care Home Services retroactively from November 1, 2004 through October 31, 2006. The not-to-exceed amount was established in Agenda Item C60050151 and approved by the Board of Supervisors on September 8, 2004. This Contract may be extended, not to exceed a total term of five years, and may be terminated by either party with 90 days written notice. Maricopa County may, upon ninety (90) days prior written notice, and without the consent of the other party hereto, assign this Agreement. (C60056001ZZ)

PERSONNEL

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Maricopa County (includes the Health Plans) (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes.

AMENDMENT WITH PHOENIX SHANTI GROUP

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve amendment number 1 to Contract Number C8604800 with Phoenix Shanti Group, Inc. for the provision of Behavioral Health - Professional Services. The amendment increases the contract value by \$4,000 and replaces the narratives and fee schedule, effective upon Board of Supervisors approval. Total funding for the period ending February 28, 2005 will increase from \$45,108 to \$49,108. (C8604800101)

AMENDMENT WITH CHICANOS POR LA CAUSA FOR BEHAVIORAL HEALTH – PROFESSIONAL SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve amendment number 1 to Contract Number C8604803 with Chicanos Por La Causa for the provision of Behavioral Health – Professional Services (Spanish Speaking). The amendment increases the contract value by \$12,440 and replaces the budget narrative and fee schedule, effective upon Board of Supervisor approval. Total funding for the period ending February 28, 2005 will increase from \$50,000 to \$62,440. (C8604803101)

AMENDMENT WITH JEWISH FAMILY AND CHILDREN'S SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve amendment number 1 to Contract Number C8604805 with Jewish Family and Children's Services for the provision of Behavioral Health – Professional Services. The amendment increases the contract value by \$6,000 and replaces the narratives and fee schedule, effective upon Board of Supervisor approval. Total funding for the period ending February 28, 2005 will increase from \$18,765 to \$24,765. (C8604805101)

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GRANT AMENDMENT WITH CHICANOS POR LA CAUSA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve amendment number 1 to Contract Number C8604820 with Chicanos Por La Causa for the provision of Targeted Outreach – Hispanic Services. The amendment increases the contract value by \$69,012 and replaces the budget narrative and fee schedule, effective upon Board of Supervisors' approval. Total funding for the period ending February 28, 2005 will increase from \$125,000 to \$194,012. (C8604820101)

AMENDMENT WITH BODY POSITIVE FOR ALTERNATIVE/COMPLEMENTARY SERVICES

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve amendment number 1 to Contract Number C8604825 with Body Positive, Inc., for the provision of Alternative/Complementary Services. The amendment increases the contract value by \$30,000 and replaces the budget narrative and fee schedule, effective upon Board of Supervisor approval. Total funding for the period ending February 28, 2005 will increase from \$600,000 to \$630,000. (C8604825101)

AMENDMENT TO CONTRACT WITH DELTA DENTAL PLAN OF ARIZONA

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve amendment number 2 to Contract Number C8604830 with Delta Dental Plan of Arizona for the provision of Dental Services. The amendment increases the contract value by \$89,000 and replaces the budget narrative and fee schedule, effective upon Board of Supervisors approval. Total funding for the period ending February 28, 2005 will increase from \$477,000 to \$566,000. (C8604830102)

FEE-FOR-SERVICE AGREEMENT WITH VALUE OPTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve a Behavioral Health Fee-For-Service Agreement with Value Options, Inc. The agreement will allow the Maricopa County Department of Public Health's (MCDPH) Healthcare for the Homeless Program to bill Value Options for behavioral health services provided to eligible or enrolled clients. The initial term of the agreement is from Board of Supervisors approval through June 30, 2005, for a maximum amount of \$85,714. The agreement also contains a one-year automatic renewal to June 30, 2006. (C8605564100)

LEASE WITH THUNDERBIRD MEDICAL PLAZA FOR WIC PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve and execute new full service Lease No. L-7357 with Thunderbird Medical Plaza I, Lessor for a new 4,069 sq/ft WIC facility located at 5422 W. Thunderbird Road, Phoenix, AZ, 85306. The new facility will not only serve over-flow clients from near by WIC offices, but will also provide a convenient WIC facility in the North West Valley. The lease term is for seven (7) years commencing upon completion of the tenant improvements or on or about April 1, 2005 and terminating on March 31, 2012. Lessee has the right to renew the Lease for one (1) additional term of five (5) years at the prevailing market rate. Lessee has the option to terminate the lease with six (6) months written notice after the initial thirty-six (36) months. Should Lessee terminate after the thirty-sixth (36) month, a three-month rental penalty will be assessed. Lessee may holdover for four (4) months at the prevailing rental rate. (C8605566400)

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DONATION FROM TILE & STONE ACCENTS AND MONTERREY TILE COMPANY

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to authorize Maricopa County Human Services Department, Workforce Development Division to accept donated tile from Tile and Stone Accents and the Monterrey Tile Company for a total in-kind donation of \$10,600. The donations allow the Las Artes participants access to additional materials for mosaics at no cost to the program. (C2205116M00) (ADM2500)

FUNDS TRANSFER FOR A DEPUTY DIRECTOR

The Clerk announced corrections to this item as follows: In accordance with ARS-42-17106, approve the transfer of \$64,343 in expenditure authority (annualized impact \$85,790) from General Government (Department 470, General Government – General Fund General Contingency 100-4711) **and General Government Grant Funds General Contingency 249-4711** to Animal Care & Control (Department 790) Shelter & License Fund (\$41,806), General Fund Department 790 (\$5,626) and the Field Operations Enforcement Fund (\$16,911) to allow Animal Care & Control to appoint a Deputy Director. This action will require appropriation adjustments reducing the General Government, General Fund expenditure appropriation by \$5,626 and General Government Grant Fund expenditure appropriation by **\$58,717** and by ~~\$64,343~~ and increasing the Animal Care and Control Shelter and License Fund by \$41,806, the General Fund Department 790 by \$5,626 and the Field Operations Enforcement Fund \$16,911 for a net county-wide impact of zero. (C7905040700) (ADM2300-001)

Supervisor Kunasek asked what the duties of the deputy director would be in this department. David Smith responded that some difficulties had been experienced in this department on the internal/budgetary side, during the past year and a new director, Dr. Silva, had assumed those duties. It was felt that a deputy director would address a need and also retain talent in the department. Julie Bank has been acting director and would move into the deputy director position.

Supervisor Kunasek asked if the deputy director would be part of a succession plan in that department as it is in certain other departments with elected officials. Mr. Smith replied that they have not gone so far as to consider an automatic succession in this department. He felt there was a need to do some succession planning for the County, but in general, he felt that County departments should have several candidates that are cross-trained and prepared to move into any vacancy.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the transfer of funds as given above.

KENNEL PERMITS FOR VARIOUS INDIVIDUALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the following kennel permit renewals for Linda Shively, d.b.a. East Valley Rescue, 8125 E. 5th Avenue, Mesa, AZ 85208, District 2, Permit #312; Susan Anderson, d.b.a. Clearwater Kennels, 7601 N. 185th Avenue, Waddell, AZ 85355, District 4, Permit #338; Scott Heywood, d.b.a. Eye Dog Foundation, 8252 S. 15th Avenue, Phoenix, AZ 85041, District 5, Permit #335; and, Boyd Young, d.b.a. Chieftain Kennels, 2747 W. Highland Avenue, Phoenix, AZ 85017, District 5, Permit #314 for the term of January 5, 2005 through January 4, 2006. The cost of each kennel permit is \$90. (C7905055C00) (ADM2304)

DONATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the acceptance of donations as follows:

- a) Ms. Donna Miller, 5240 E. University Drive, Mesa, AZ 85205 to Animal Care & Control (AC&C) in the amount of \$1,000. Donation funds are deposited into Fund 573 as they are received. (C7905056700) (ADM2300)
- b) Ms. Elizabeth Raub, 1525 E. Muriel Drive, Phoenix, AZ 85022 to Animal Care & Control (AC&C) in the amount of \$300. Donation funds are deposited into Fund 573 as they are received. (C7905057700) (ADM2300)
- c) Ms. Drusilla Wylie, 2952 E. Nora Street, Mesa, AZ 85213 to Animal Care & Control (AC&C) in the amount of \$300. Donation funds are deposited into Fund 573 as they are received. (C7905058700) (ADM2300)

Supervisor Brock thanked these people on behalf of the County for their donations.

SOLICITATION SERIALS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

Solicitation Serials

- 04059-S VMX SUPPORT AND MAINTENANCE** (\$928,435.00 Est. Five (5) Years)
Pricing agreement to provide for annual maintenance, support, and repair for the Avaya Octel Voice Mail (VMX) System.
 - 3rd Wave Solutions
- 04153-S Asphalt Paving: Parking Lot And Related Work** (\$5,000,000.00 Est. Five (5) Years) Pricing agreement for asphalt paving services for parking lots and other related projects as requested by the Facilities Management Department.
 - Ace Asphalt Of Arizona, Inc.
 - Regional Pavement Maintenance Of Arizona, Inc.
 - Sunland, Inc.
- 04180-RFP Public Relations Services** (\$600,000.00 Est. 3 Years With 3 One-Year Renewal Options) Pricing agreement to provide public relations services county-wide on an as required basis.
 - Acs/Conaid, Inc.
 - Angeles Marketing Group
 - Barclay Communications, Inc.
 - Godec Randall & Associates, Inc.
 - Guerra Deberry Coody
 - Katherine Christensen & Associates, Inc.

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- Kristin Darr & Associates, LLC
- Riester-Robb
- Topete-Stonefield, Inc.

FUND TRANSFER REGARDING GUARDIANSHIP PROGRAM

In accordance with A.R.S. 42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to authorize an FY 2004-05 appropriated expenditure budget transfer from the General Government (470) General Fund (100) General Contingency (4711) to the Public Fiduciary (340) General Fund (100) in the amount of \$75,819. Approval of this action will allow the department to increase its staff complement to support increase in demand for the Guardianship Activity of the Public Fiduciary in Maricopa County. Approval of this action will require an appropriation adjustment reducing General Government (Dept 470), General Fund (100) budget and increasing the Public Fiduciary (340) General Fund (100) in the amount of \$75,819 for a county-wide net impact of zero for FY 2004-05. The annualized impact for this request for FY 2005-06 will be \$107,458. (C3405002800) (ADM3500)

RESOLUTION TO IMPLEMENT ADDITIONAL MEASURES REGARDING PM10 (SIP)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the resolution describing Maricopa County's commitment to implement additional measures for the PM10 State Implementation Plan for the Salt River Area and submit it as a revision to the Arizona State Implementation Plan (SIP) for PM10. Maricopa County may modify funding sources or schedules of implementation actions, if necessary. Exhibit A giving the five measures of the Plan is on file in the Office of the Clerk of the Board.) (C8505005000) (ADM2351-001)

**RESOLUTION TO IMPLEMENT ADDITIONAL MEASURES FOR THE
SERIOUS PM-10 NONATTAINMENT AREA**

WHEREAS, as the Arizona Revised Statutes grants authority to formulate policies, plans and programs to implement Title 49 for protection of the environment to the Arizona Department of Environmental Quality and its Director; and

WHEREAS, Maricopa County is designated as a Serious Nonattainment Area for particulate matter according to the Clean Air Act and has been granted an extension of the attainment date to 2006; and

WHEREAS, the Serious Area Particulate Plan for PM-10 with an approved extension request is required to include Best Available Control Measures and Most Stringent Measures for significant sources and source categories; and

WHEREAS, ADEQ's goal is to submit a State Implementation Plan (SIP) revision to address the inadequacy identified by the U.S. Environmental Protection Agency (EPA) for the Maricopa County, Serious PM-10 nonattainment Area at the Salt River monitor; and

WHEREAS, revision of existing rules, development of new rules, and additional fugitive dust control program inspection, enforcement and support personnel are required by the EPA to finalize action on the Revised PM₁₀ State Implementation Plan for the Salt River Area; and

WHEREAS, Arizona Revised Statutes 49-406 G. requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies

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\$100.00.

- A121.013 (TS) Project No: TT043 – McNeil Street (35th Avenue to 31st Avenue) – Easement and Agreement for Highway Purposes – Parcel No.: 300-15-012E – Ronald T. Reeder – for the sum of \$4,100.00.
- A121.013 (TS) Project No: TT043 - McNeil Street (35th Avenue to 31st Avenue) - Purchase Agreement and Escrow Instructions - Parcel No.: 300-15-012E - Ronald T. Reeder.
- A311.003 (JPM) Project No: 23012620 - MC85 at Miller Road - Warranty Deed - Parcel No.: 400-36-005 - Amerigas Propane, L.P., a Delaware Limited Partnership - for the sum of \$3,700.00.
- A311.003 (JPM) Project No: 23012620 - MC85 at Miller Road - Purchase Agreement and Escrow Instructions - Parcel No.: 400-36-005 - Amerigas Propane, L.P., a Delaware Limited Partnership.
- A317.014 (LS) Project No: TT012 - Avondale Boulevard (Gila River Bridge to Hildalgo Avenue) - Agreement for Right of Entry - Parcel No.: 101-44-019 - Celso Etrada - for the sum of \$500.00.
- LW-001 (EGA) Project No: TT007-Old US highway 80 (331st Avenue and Luke Wash) - Agreement for Right of Entry - Parcel No.: 401-40-008U - Barbara J. Morehead - for the sum of \$10.00.
- LW-003 (EGA) Project No: TT007 - Old US Highway 80 (331st Avenue and Luke Wash) - Agreement for Right of Entry - Parcel No.: 401-40-008D - James W. Sawyer and Latoyia D. Sawyer - for the sum of \$10.00.
- PRW-001 (EGA) Project No: TT007 - Patton Road and 259th Avenue - Agreement for Right of Entry - Parcel No.: 503-32-025 – Jukic Jozo - for the sum of \$10.00.

ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE TOWN OF AVONDALE

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the annexation by the Town of Avondale of county right-of-way within: The West 8' of the West 40' of 107th Avenue from 333' North of Buckeye Road North to Harrison Road, in accordance with Ordinance No. 1042-04. (C6405193500) (ADM4201)

ROAD ABANDONMENT (ROAD FILE NO. 5084)

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) that the following resolution be adopted: (C6405195500)

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

A portion of that certain roadway known as Old Lindsay Road alignment, lying within the South-half of the Northeast quarter (S½NE¼) of Section Six (6), Township Two (2)

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South, Range Six (6) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said portion is described as follows:

The West 30.5 feet of the East 55 feet of said S½NE¼, lying East of the Roosevelt Water Conservation District Canal; EXCEPT, beginning at a point 835 feet North of the East quarter (E¼) corner of Section 6; Thence, West to East right-of-way line of the Eastern Canal; Thence Northeasterly along said East right-of-way line to the intersection of said East right-of-way line and the East line of said Section 6; Thence, South to the point of beginning.

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

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

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

DATED this 19th day of January 2005.

CHANGE ORDER WITH RBF CONSULTING

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Change Order No. 18 in the amount of \$121,008.74 to Contract No. CY 2001-24 with RBF Consulting, to perform Phase 3H2 (T7N R4W, and T7N R5W, and T6N R1E) of the Geodetic Densification and Cadastral Survey Project. This change order will revise the total contract amount to \$1,425,889.13. (C6401128518)

CHANGE ORDER WITH HDR ENGINEERING, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Change Order No. 2 to Contract No. CY 2001-49 with HDR Engineering, Inc. to extend the contract performance period to June 30, 2006 for completion of the design and construction administration services for Phase 3 of the PM 10 project, T032, Work Order No. 16208, and to incorporate new 2004 rates. (C6401298502)

AMENDMENT TO THE IGA WITH THE TOWN OF WICKENBURG

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the First Amendment to the IGA with the Town of Wickenburg for the Improvements and Annexation of Jack Burden Road. The amended IGA states that the county agrees to allow the Town of Wickenburg to utilize the \$150,000 originally designated for Jack Burden Road to be used instead for Yucca Drive. A developer in Wickenburg plans to install a sewer line under Jack Burden Road, but a firm construction date has not yet been established. Under these circumstances, the county and the town agree that it would not be cost efficient for the town to make the roadway improvements to Jack Burden prior to the installation of the sewer line.

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The motion also approved an amendment to the current FY 2005-09 five year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2004-05 (Year 1) capital budget for the following project: Project T039, PM10: Box Bar & Needle Rock (MCDOT #16216) capital budget by \$50,000 and adjusting the following project by increasing the FY 2004-05 (Year 1) capital budget for: Project #T032, (MCDOT #16208), PM10 Roads: Phase 3 in NE Valley capital budget by \$50,000 for a net impact of zero. (C6402249201)

AMENDMENTS TO THE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve amendments to the Minority and Women-Owned Business Enterprise Program 2005 revision to January 1, 1992 program. A copy of the complete document is on file in the Office of the Clerk of the Board of Supervisors. (On file in the Clerk of the Board's Office.) (C6404173501) (ADM679)

AMEND PREVIOUS ACTION FOR CONSTRUCTION MANAGER AT RISK

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to amend action taken place on October 4, 2004 and September 8, 2004 to authorize the increase of expenditure impact to a total not-to-exceed amount of \$1,058,379.23 for preconstruction design support services. (C6405045503)

IGA WITH PEORIA FOR DEVELOPMENT OF A DESIGN CONCEPT REPORT

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek and unanimously carried (4-0-1) to approve the IGA between Maricopa County and the City of Peoria for the Development of a Design Concept Report (DCR) for Deer Valley Road from 91st Avenue to 83rd Avenue, project #T125. The county will contribute \$80,000 as their total financial contribution to this project, with the city acting as the lead agency for the development of the DCR.

The motion also approved an amendment to the current FY 2005-09 five-year CIP for Fund 234 – Transportation Capital Projects Fund adopted by the Board on July 12, 2004 by decreasing the FY 2004-05 (Year 1) capital budget for the following project: Project T002, Project Reserves Account (MCDOT #69998) capital budget by \$10,000 and adjusting the following project by increasing the FY 2004-05 (Year 1) capital budget for: Project #T125, (MCDOT #69049), Deer Valley Road from 91st Avenue to 83rd Avenue capital budget by \$10,000 for a net impact of zero. (C6405167200)

SALE OF PARCEL AT PUBLIC AUCTION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to authorize the department to sell the parcel at public auction after giving notice as required by ARS 11251(9). The parcel of land located near the southwest corner of Baseline Road and 27th Avenue is unnecessary for use by the county. Said parcel is approximately 2.65 acres in size and is identified as Assessor's Parcel Number 30014001N. A value for the property will be determined by an appraisal prior to the auction. (C6405184B00) (ADM812)

IGA WITH SUN LAKES FIRE DISTRICT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the agreement between Maricopa County and the Sun Lakes Fire District for Fire Preemption Equipment Installation and Maintenance on county-owned Traffic Signals. The agreement will not exceed

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five (5) years unless extended by appropriate actions by the county and the fire district. Either party may terminate this agreement at any time prior to the end of its duration by furnishing the other party with a written notice thirty (30) days prior to the termination date. (C6405192200)

LICENSE AGREEMENT FOR WORK WITHIN SRP RIGHT-OF -WAY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to execute a license agreement authorizing MCDOT to install facilities within the Salt River Project (SRP) right of way in connection with the MCDOT Traffic Signal Improvement Project #T158, at 67th Avenue and Lower Buckeye Road, (MCDOT #12615). (C6405196C00) (ADM2016)

CONSULTANT SERVICES CONTRACT WITH PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC.

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve Consultant Services Contract 2004-96 in the amount of \$282,467 with Parsons Brinckerhoff Quade & Douglas, Inc. to perform an Access Control and Corridor Study for the Sun Valley Parkway Project No. T179, (MCDOT Work Order No. 69082). (C6405200500)

CHANGE ORDERS WITH ENTRANCO

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to approve the following:

- a) Change Order No. 22 to Contract No. CY 1999-43 with Entranco, for a not-to-exceed amount of \$49,178.26 to perform Phase 3H2 of the Geodetic Densification and Cadastral Survey project, T013 Work Order No. 69012. This change order will revise the total contract amount to \$1,678,451.57. (C6499272529)
- b) Change Order No. 23 to Contract No. CY 1999-43 with Entranco, for a not-to-exceed amount of \$139,290.69 to perform Phase 3M2 of the Geodetic Densification and Cadastral Survey project, T013 Work Order No. 69012. This change order will revise the total contract amount to \$1,817,742.26. (C6499272527)
- c) Change Order No. 24 to Contract No. CY 1999-43 with Entranco, for a not-to- exceed amount of \$45,080.25 to perform Phase 3L1 of the Geodetic Densification and Cadastral Survey project, T013 Work Order No. 69012. This change order will revise the total contract amount to \$1,862,822.51. (C6499272528)

REAPPOINT HOS HOSKINS TO STATE BOARD OF EQUALIZATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to re-appoint Mr. Hos Hoskins as District No. 4 appointee to the State Board of Equalization, whose term will expire December 31, 2008. (ADM4908-001)

REAPPOINT WADE ACCOMAZZO TO THE AIR POLLUTION CONTROL BOARD

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to re-appoint Mr. Wade Accomazzo to the Air Pollution Control Board, whose term shall be January 19, 2005 to August 23, 2006. (ADM2353-001)

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APPOINT ABRAHAM HARRIS III TO THE PLANNING AND ZONING COMMISSION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to appoint Mr. Abraham Harris III to the Planning and Zoning Commission to fulfill the unexpired term of Mr. Abe Harris Sr.. Mr. Harris' term shall be January 19, 2005 to October 31, 2005. (ADM3415-001)

REAPPOINT DAVID YNIQUEZ TO THE INDUSTRIAL DEVELOPMENT AUTHORITY

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to re-appoint Mr. David Yniquez to the Industrial Development Authority whose term will be from January 19, 2005 to December 17, 2010. (ADM4500-001)

HEARING SET – ROAD FILE DECLARATION

Petition has been filed for declaration of the following road into the county highway system. Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to set a hearing for 9:00 a.m., Wednesday, February 16, 2005:

Road File No A322. In the vicinity of MC 85 - Turner Road to State Route 85.
(C6405194500)

HEARING SET – AIR QUALITY DEPARTMENT – AIR POLLUTION CONTROL REGULATIONS RULE 325

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to set a public hearing, as required by Arizona Revised Statutes (ARS) §49-479(b), for March 2, 2005, to solicit comments on proposed new rule, Maricopa County Air Pollution Control Regulation Rule 325, Brick and Structural Clay Products (BSCP) Manufacturing. (Clerk's Note: The hearing date of March 2 was corrected at the February 2 Board of Supervisors meeting to the correct hearing date of March 9, 2005.) (C8505006000) (ADM2354)

HEARING SET – CABLE LICENSE APPLICATIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock and unanimously carried (4-0-1) to set a public hearing, as required by Arizona Revised Statutes (ARS) 9-507 for February 16, 2005 to consider an application to transfer the cable television license held by Sun Lakes Cable, LLC to Western Broadband, LLC.

HEARING SET - PLANNING AND ZONING CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for February 16, 2005, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

Z2004-075: DMP2004-006

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HEARING SET – CLERK OF THE COURT ELECTRONIC DOCUMENT MANAGEMENT FEE

Pursuant to A.R.S. §11-251.08, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to consider authorizing an increase of \$20.00 to the Electronic Document Management fee (currently \$20.00) to a new total of \$40.00. The EDM Fee was established by the Board of Supervisors in agenda C16020028 and is assessed upon the filing of initial complaints, and answers or responses, in all civil, family, probate, and tax cases. The proposed fee increase proceeds will be deposited by the Clerk of the Court into the Electronic Document Management Fund (274). Also, per A.R.S. 42-17106, transfer revenue and expenditure appropriation from FY 2004-05 contingency funds in the amount of \$478,500.00 (annualized impact is \$1,450,000.00) from General Government (470) General Government Grants Fund (249) Reserve for "Potential Fee Increases" (4711) to the Clerk of the Superior Court's (160) Electronic Document Management Fund (274). Approval of this action will allow the Office of the Clerk of the Superior Court to expand services to the court, legal community, and the public. This increased fee is necessary to help defray the cost of providing the service of electronic document access and management to those who utilize the services of the Clerk of the Superior Court. This fee will not exceed the actual cost of providing this service. Effective date of this action is March 1, 2005. (Clerk's Note: See agenda and minutes for February 2, 2005, for the hearing date.) (C1605007800)

ARIZONA POLLUTION CONTROL CORPORATION

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to adopt a Resolution approving the proceedings of Maricopa County, Arizona, Pollution Control Corporation for the issuance of not-to-exceed \$163,980,000 Maricopa County, Arizona Pollution Control Corporation Pollution Control Revenue Refunding Bonds (Arizona Public Service Company Palo Verde Project) 2005 Series A, B, C, D and E. (ADM5134)

RESOLUTION

A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA APPROVING THE ISSUANCE BY THE MARICOPA COUNTY, ARIZONA POLLUTION CONTROL CORPORATION OF MARICOPA COUNTY, ARIZONA POLLUTION CONTROL CORPORATION POLLUTION CONTROL REVENUE REFUNDING BONDS (ARIZONA PUBLIC SERVICE COMPANY PALO VERDE PROJECT)

WHEREAS, the Board of Supervisors of Maricopa County, Arizona (the "Board of Supervisors") has received and duly considered the proceedings of the Maricopa County, Arizona Pollution Control Corporation (the "Pollution Control Corporation") in connection with the proposed issuance and sale of an issue of the Pollution Control Corporation's revenue refunding bonds, entitled "Maricopa County, Arizona Pollution Control Corporation Pollution Control Revenue Refunding Bonds (Arizona Public Service Company Palo Verde Project) in one or more designated series (hereinafter collectively referred to as the "Bonds"), in an aggregate principal amount not to exceed \$163,980,000, and the loan of the proceeds thereof to Arizona Public Service Company, an Arizona company (the "Company"), and

WHEREAS, the Bonds are proposed to be issued in order to refund the Maricopa County, Arizona Pollution Control Corporation Pollution Control Revenue Refunding Bonds (Arizona Public Service Company Palo Verde Project) 1994 Series C, 1994 Series D, 1994 Series E and 1994 Series F (hereinafter collectively referred to as the "1994 Series Bonds"), which were issued to refinance costs of the acquisition, construction, improvement or equipping of certain air and water pollution control and

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sewage and solid waste disposal facilities and certain related facilities (hereinafter collectively referred to as the "Facilities") relating to an electric generating station operated by the Company, known as the Palo Verde Nuclear Generating Station, located in Maricopa County, Arizona (the "County"), and

WHEREAS, the proceedings of the Pollution Control Corporation include a resolution duly adopted by the Board of Directors of the Pollution Control Corporation at a duly convened meeting held on January 6, 2005 (the "Resolution"), and

WHEREAS, the proceedings of the Pollution Control Corporation also include a draft form of (i) the Indenture of Trust relating to the Bonds, to be dated as of March 1, 2005, between the Pollution Control Corporation and The Bank of New York, as trustee, (ii) the Loan Agreement relating to the Bonds, to be dated as of March 1, 2005 (the "Loan Agreement"), between the Pollution Control Corporation and the Company, (iii) the Underwriting Agreement relating to the Bonds, to be dated the date of sale of the Bonds, among the Pollution Control Corporation, the Company, UBS Financial Services Inc. and the other underwriters named therein, and (iv) an Official Statement, describing the Bonds and related matters, and

WHEREAS, the principal of and interest on the Bonds are to be payable solely from the receipts and revenues of the Pollution Control Corporation received pursuant to the Loan Agreement, and other funds pledged therefor, all in conformity with Title 35, Chapter 6, Arizona Revised Statutes, as amended (the "Act"), and

WHEREAS, on May 3, 1994, in connection with the issuance of the 1994 Series Bonds, the Board of Directors of the Pollution Control Corporation conducted a public hearing (the "Public Hearing") on behalf of the Board of Supervisors pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), at which interested persons were permitted to express their views on the proposed issuance of the 1994 Series Bonds and on the nature and location of the Facilities being refinanced, and

WHEREAS, on May 4, 1994, the Board of Supervisors adopted a resolution (the "County Resolution") approving the issuance and sale of the 1994 Series Bonds to refinance the Facilities; and

WHEREAS, the Public Hearing and the adoption of the County Resolution constitute such action as is necessary to be undertaken by the Board of Supervisors under the Code in connection with the proposed issuance of the Bonds, and

WHEREAS, the above-mentioned actions of the Pollution Control Corporation and the above-mentioned documents, together with the Resolution, constitute the full proceedings of the Pollution Control Corporation to date in connection with the proposed issuance of the Bonds and the refinancing of the Facilities, and

WHEREAS, the Pollution Control Corporation has determined that the issuance and sale of the Bonds are in furtherance of the public purposes set forth in the Act and that the proceedings of the Pollution Control Corporation, including the Resolution, are in conformity with the provisions of the Act, and

WHEREAS, the Act requires that the proceedings of the Pollution Control Corporation by which the Bonds are to be issued be approved by the governing body of the County, and

WHEREAS, this Board of Supervisors is the governing body of the County;

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NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Maricopa County, Arizona as follows:

Section 1. The proceedings of the Pollution Control Corporation providing for the issuance and sale of the Bonds to refinance the Facilities are hereby approved, and such approval shall constitute such approval of the proceedings of the Pollution Control Corporation as is required by the provisions of the Act for the issuance and sale of the Bonds.

Section 2. This Resolution shall become effective immediately.

DATED this 19th day of January 2005.

/s/ Max W. Wilson, Chairman, Board of Supervisors

ATTEST:

/s/ Fran McCarroll, Clerk, Board of Supervisors

COUNTY TREASURER'S STATEMENT OF COLLECTIONS AND INVESTMENT

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to accept the Treasurer's Statement of Collections and Investment summary reports for October 2004 and November 2004 as on file in the office of the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule. (ADM4006)

DEPUTY CLERK

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize the Official Appointment and Oath of Office for Lori Pacini as Deputy Clerk, in the Office of the Clerk of the Board of Supervisors. (ADM700-001)

MINUTES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held October 18, 2004, October 26, 2004, November 29, 2004, December 1, 2004 and January 3, 2005.

ASRS CLAIMS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to authorize payment of claims submitted by the Arizona State Retirement Systemo behalf of current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System, as follows. (ADM3309) (ADM3309)

Anna Novak	\$ 3,546.76
Patricia Schaefer	\$ 2,379.88
George Chalanycz	\$13,314.63
Total	\$19,241.27

CANVASS OF ELECTIONS

No canvasses of elections were submitted by special districts at this time.

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CLASSIFICATION CHANGES

No requests were received to change classification and/or reduce the valuation of certain properties at this time. (ADM723)

DUPLICATE WARRANTS

Necessary affidavits having been filed pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approval is requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

COUNTY

NAME	WARRANT	FUND	AMOUNT
Michael Watkins Jr.	250039475	General	\$917.28
Robert Mangam	250032179	Expense	\$90.00
Jane Ann Phoenix	250033168	Expense	\$80.00
Bartt Fredrickson	AD00350510742	Expense	\$365.00
Martha Martin	250039328	Salary	\$547.60
Susan Redick	250038798	Payroll Clearing Account	\$260.05
William J Nastasiak	230068546	Payroll Clearing Account	\$1,274.04
Eugene F Hausner	250030928	Expense	\$80.00
Audra Burge	250029135	Expense	\$80.00
Julio Avilez Jr.	250001161		\$927.49

SCHOOL

NAME	SCHOOL	WARRANT	AMOUNT
Lauri Colbert	BUHSD #201	150032219	\$526.34
Western Organics	Isaac SD	450039248	\$188.63
Larry Job	Expense Fund	450063201	\$612,972.20
ProComm	Tolleson Union High	450052865	\$218.84
City of Avondale	Agua Fria Union High SD	450063095	\$9,511.29
Mary Makar	Osborn SD #8	450005229	\$270.30
Stella Duarte	Phoenix Elem SD #1	450061963	\$200.00
Jeanette Sanchez	Alhambra SD	150065026	\$230.97
Carol Portonova	Isaac SD	150045831	\$12.97
Annette Frazier	Supt of Schools	1562579	\$193.93
Juana Solis Ramirez	Osborn SD	15-0064022	\$492.55
Stewart & Stevenson Power Inc	Madison SD #38	450045071	\$408.80
Hillyard of Arizona	Roosevelt SD #66	450023025	\$457.65
Elisa Roesch	Supt of Schools	15-0060913	\$577.19
Emmanuel Briseno	Littleton Elem School	150064528	\$688.54

PRECINCT COMMITTEEMEN

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

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SECURED TAX ROLL CORRECTIONS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (ADM705)

Tax Roll	From No.	To No.	Net Result
2001	39307	39325	-\$3,476.62
2001	39340	39354	-\$15,997.80
2001	39355	39360	\$7,617.88
2001	39361	39634	-\$1,471.98
2001	39365	39374	
	39403	39407	-53,291.26
2002	16612	16643	-\$5,884.12
2002	16688	16700	-\$9,159.60
2002	16701	16711	-\$1,991.56
2002	16712	16734	
	16783	16788	-\$59,244.84
2003	20683	20724	-\$85,684.14
2003	20741	20778	19,750.56
2003	20779	20801	-\$255,145.84
2003	20802	20824	-\$15,592.70
2003	20825	20975	-\$613,364.18
2004	1	140	-\$350,031.08
2004	141	236	-\$329,712.00
2004	1084	1124	
	1437	1582	-\$729,587.30

SETTLEMENT OF TAX CASES

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve the settlement of tax cases, list dated January 19, 2005. (ADM704)

2004

- TX 03-000195 outside counsel
- TX 03-000104 outside counsel
- TX 03-000658
- TX 04-000105
- TX 04-000151
- TX 04-000455

STALE DATED WARRANTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) 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
Robert Vucurevich	\$397.12

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TAX ABATEMENTS

Motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. [Clerk's Note: This is not part of the official minutes, see the minutes of meeting November 16, 2005, to correct Tax Abatement Information.] (ADM708)

Parcel #	Year	Proposed Abatement
934-00-445-9	2003	\$298.40
304-08-002C-2	2004	\$3,422.85
159-48-022-3	2004	\$805.17
310-01-010-6	1999	\$67.73
310-01-010-6	2000	\$37.61
310-01-010-6	2001	\$33.15
310-01-010-6	2002	\$28.76
310-01-010-6	2003	\$9.12
310-01-010-6	2004	\$13.94
503-66-005U-4	2000	\$609.64
503-66-005U-4	2001	\$604.15
503-66-005U-4	2002	\$2,065.68
503-66-005U-4	2003	\$2,407.91
503-66-005U-4	2004	\$2,774.97
304-78-938-2	2004	\$130.51
304-78-938A-1	2004	\$69.72
301-32-014B-0	2003	\$2,753.74
300-26-008-6	1997	\$45.69
300-26-008-6	1998	\$37.52
300-26-008-6	1999	\$132.42
300-26-008-6	2000	\$103.58
300-26-008-6	2001	\$100.87
300-26-008-6	2002	\$124.11
300-26-008-6	2003	\$118.75
300-26-008-6	2004	\$103.41
300-26-006-1	1997	\$60.50
300-26-006-1	1998	\$51.16
300-26-006-1	1999	\$24.55
300-26-006-1	2000	\$67.77
300-26-006-1	2001	\$37.58
300-26-006-1	2002	\$131.27
300-26-006-1	2003	\$151.75
300-26-006-1	2004	\$151.27
203-35-006E-3	1992	\$35.69
203-35-006E-3	1993	\$34.72
203-35-006E-3	1994	\$33.42

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203-35-006E-3	1995	\$31.08
203-35-006E-3	1996	\$30.59
203-35-006E-3	1997	\$27.73
203-35-006E-3	1998	\$25.79
203-35-006E-3	1999	\$22.65

PUBLIC COMMENT

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

SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS

Supervisor Wilcox commented on the Governor's budget which she believes will "reflect well on the County" and said she hoped the legislators would agree with the Governor when the final budget is adopted. (ADM606)

Supervisor Brock informed the public that two lanes of the Alma School Bridge over the Salt River have just been re-opened after the force of run-off rainwater damaged the integrity of the riverbank supporting the bridge. He thanked McDOT and Cemax Concrete Company for working long hours and very diligently to repair the damage. Chairman Wilson added his thanks, saying that if the bridge had been lost it would have cost \$8 million to replace.

Supervisor Brock said that the County is trying to "get ahead" of the West Nile Virus in 2005 even though the expectation is for fewer cases this year. He said that property owners who leave their swimming pools unattended during the summer will be targeted for creating a hazard. He added that last year 9% of all swimming pools in the County were stagnate and provided optimal breeding grounds for mosquitoes.

Supervisor Brock sent a plea to those in the Administration Building to use the stairs instead of the elevators when going only one or two floors to save the constant use and wear and tear on the elevators.

PLANNING AND ZONING

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Lynn Favour, Acting Director of Planning and Development, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-nay-absent-abstain).

CODE ENFORCEMENT REVIEW – ROBERT AND SANDRA DIXON - CONTINUED

This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V200400185, Robert and Sandra Dixon, to be represented by W. Kent Foree, Attorney. (This hearing continued from meeting of January 5, 2005). (ADM3417-026)

Terry Eckhardt said that this is an appeal of a code enforcement matter on the Dixon's property in Rural-43 (R-43) zoning in the Southeast Valley. They are charged with operating a commercial enterprise by charging for giving horseback riding lessons. Rural-43 property is not zoned for commercial enterprises. This appeal is on the record of the hearing, and the Board is asked to consider whether the Hearing Officer had sufficient evidence for his finding.

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Dana Hogle represented Sandra Dixon in the matter and addressed the record of the hearing. He said that the enforcement officer found no signs or evidence of a business the three times he visited the site and never witnessed any kind of commercial transaction other than the fact that there were horses on site. The website the officer referenced gives no specific address and instead references three different locations in three distinct areas of the state. The officer had made no personal contact with Ms. Dixon. He said that Rural-43 zoning is mainly to preserve the agricultural integrity of the land. He felt that the enforcement officer's testimony "had little or no teeth" and didn't understand how the Hearing Officer came to the opinion he handed down. He said there was no definition of "commercial use" available and asked how an enforcement officer could have no practical definition to reference on this use, which made it difficult to know what fell under the heading of "commercial use" and what did not apply. He referenced a neighbor's complaint of dust and traffic and said that horses do sometimes cause the dust to rise and this was to be expected in R-43 zones. He stated that the photos submitted as evidence do not show evidence of commercial activity on the land and seemed useless. He explained that Ms. Dixon does have business dealings on some of her properties and often gives her daughter's friends some tips on riding horses but no commercial enterprise is going on at the property in question. He said she only has a little more than two acres and the property is clean and well kept.

Supervisor Brock quoted from the Hearing Officer's memo of October 20, 2004, regarding the fines imposed of \$300 and a daily non-compliance fine of \$30 until full compliance is verified. The fines will be suspended if the applicant applies for a Special Use Permit (SUP) by December 3, 2004, and the SUP is obtained by March 14, 2005. All fines were to be suspended if the enforcement officer verified respondent had ceased from commercial operations by December 3, 2004. He asked Mr. Hogle to report on this application.

Mr. Hogle said they have not applied for a permit because they do not believe there are any commercial transactions going on at the property. He said they have requested an explanation of what can and cannot be done as close to specifics as possible on the land and will comply with those without having to get a SUP. He said that money is an issue and the SUP costs \$2,800.

Supervisor Brock asked if riding lessons are offered on the website. Mr. Hogle replied, "No sir." He reiterated that the website references three different properties, one in Maricopa, another in Show Low and the third in Cave Creek. He indicated that Ms. Dixon did handle "horse products" as an intermediary for a distribution company but no products are for sale at this location. He added that all operations of this sort ceased when she received her first notification of a violation.

Supervisor Brock asked if Ms. Dixon offers to teach riding lessons. Mr. Hogle said that she currently has a ministry or fellowship and these people gather on her land and may ride, but there is no fee required to attend and there is no monetary requirement for the services. Supervisor Brock said the Hearing Officer had given specifics from the 1996 website regarding services, charges and riding lessons were being offered at that time. He said Ms. Dixon should get a SUP to continue her long-time activities at the site. However, he added that he would like the Board to help Ms. Dixon resolve the issue and felt that a two-week continuance would be beneficial so he could work with Ms. Dixon.

Supervisor Kunasek agreed that if the respondent seriously wants to stop these operations there should be no necessity of her having to go to the expense of getting a SUP. He explained that the Board must respond to allegations of misuse made by residents and as areas of the County grow more populated these usually become more numerous. He explained that the Board has a legal obligation to all residents to enforce the zoning code.

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Supervisor Wilcox asked counsel about the Code Enforcement Hearings in general, saying that they are presented to the Board almost as if in a courtroom. She asked if there was a way to get those involved in a case to meet with the Supervisor for their district earlier to allow them to have a better understanding of the matter. She felt that "it is hard to grapple with it all here (in the meeting)" since all they read prior to a meeting is the report from the Code Enforcement Officer" and the applicant isn't heard until the Board sits. She felt this causes too many cases to be continued.

Mr. Eckhardt replied that the procedure is set by statute and the Board sits as a quasi-judicial board and "you should not have contact with the parties because you're sitting as a judge in this matter." He said that statute provides that the matter come before the Board of Supervisors after the Hearing Officer's decision. He said, "it would be nice that when the resident gets notice of a code violation they would figure out who their supervisor is and come to them – that's before the hearing officer gets involved – but once that (code enforcement) process starts (and a hearing is set) it would probably be inappropriate for you to be involved because you're going to eventually have to hear the appeal." He said he understood the concern but added, "I do not suggest that you go down that road."

Supervisor Wilcox asked a follow-up question to clarify that prior to the Board of Supervisors meeting the Supervisor cannot get involved with the resident but it is okay to continue the meeting in order to meet with them.

Mr. Eckhardt responded that they try to be a little flexible in order to help resolve the issues, but there is a statute that must be followed.

Chairman Wilson said that in agreeing to Supervisor Brock's continuance it is like "retrying the case again" and he felt their option was to either agree or disagree with the hearing officer's order. However, he said he would allow Supervisor Brock a vote on a continuance.

Motion was made by Supervisor Brock, seconded by Supervisor Kunasek, and carried by a majority vote (3-1-1), with Supervisors Brock, Kunasek and Wilcox voting "aye" and Chairman Wilson voting "nay" (Supervisor Stapley was not present at this meeting) to continue this item to the February 2, 2005, meeting to allow Ms. Dixon time to meet with those in the District 1 office to resolve the non-compliance issue.

CONSENT AGENDA DETAIL:

1. **S2001-098** **District 5**
 Applicant: Rosendahl & Associates, Inc. for Spring Mountain Ski Ranch, L.L.C.
 Location: West side of Old U.S. Hwy. 80, approx. 2 ½ miles north of Patterson Road (in the Buckeye area)
 Request: Final Plat in the Rural-43 zoning district for Spring Mountain Ski Ranch Phases 1 & 2 (approx. 88.06 gross acres)

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

2. **S2004-034** **District 4**
 Applicant: Stantec Consulting, Inc., for Dietz-Crane Homes
 Location: Southeast corner of Dysart Road and Glendale Road (in the west Glendale/Litchfield Park area)

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Request: Final Plat in the R1-8 zoning district for Capistrano South (approx. 19.624 gross acres)

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

- 3. S2004-042 District 4**
Applicant: Stantec Consulting, Inc., for Dietz-Crane Homes
Location: Southeast corner of Dysart Road and Glendale Road (in the west Glendale/Litchfield Park area)
Request: Final Plat in the R-2 RUPD zoning district for Capistrano North (approx. 14.338 gross acres)

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

MEETING ADJOURNED

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

Max W. Wilson, Chairman of the Board

ATTEST:

Fran McCarroll, Clerk of the Board