The Yuma County Board of Supervisors met in Regular Session on December 15, 2008. The meeting was held at 198 South Main Street, Yuma, Arizona.

At 9:03 a.m., the Chairman convened the meeting. Supervisors present were: Greg Ferguson, Russell McCloud, Marco A. (Tony) Reyes and Lenore Loroña Stuart. Supervisor Prochaska was excused. Others present were: County Administrator Robert Pickels, County Attorney Jon Smith, and Deputy Clerk of the Board Christy Isbell. Supervisor Stuart led the Pledge of Allegiance.

**CALL TO PUBLIC:**

Stefanie Lord Day (9545 Avenue 7E), spoke regarding a breach of contract proceeding she will file against the City of Yuma related to the City’s purchase of her property for the Avenue 7E Project.

The Board viewed a presentation of “The County Line” by Yuma 77, the Yuma Government Channel.

Judge Richard Donato, County Recorder Susan Marler, and County Treasurer Karen Fritz were presented with plaques in recognition of their years of service to Yuma County and were congratulated on their retirement.

**CONSENT CALENDAR:**

Supervisor Stuart moved to approve the Consent Calendar, excluding Items Nos. 9 and 10. The motion carried following a second by Supervisor McCloud.

The items **approved under Consent** are:

**No. 1: Assessor:** Approve Tax Roll Corrections as listed in batch dated December 15, 2008, and pursuant to Arizona Revised Statute Title 42, Chapter 16, Article VI. *(A list of all corrections is available at the office of the Clerk of the Board.)*

**No. 2: Financial Services:** Approve the Accounts Payable Demands disbursed in the amount of $7,292,465.65 and Payroll in the amount of $3,016,859.80 during the period of November 07, 2008 through November 25, 2008. *(A list of all warrants is available in the office of the Clerk of the Board.)*
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No. 3: *Clerk of the Board:* Approve the minutes for: a) December 1, 2008 Executive Session, and; b) December 1, 2008 Regular Session.

No. 4: *Clerk of the Board:* Recommend State approval of a Special Event Liquor License application submitted by James M. Allen dba Yuma Jaycees Silver Spur Rodeo for fundraisers to be held on February 6, 13, and 14, 2009, at 2755 E. County 14th Street, Yuma, AZ.

No. 5: *Clerk of the Board:* Recommend State approval of a Regular Liquor License Application Series No. 7, submitted by Charna Sue Walker, dba Dateland Travel Center, 1737 S. Avenue 64E, Dateland, AZ, State License No. 07140014.

No. 6: *Sheriff:* Authorize the Sheriff to purchase a microwave system as the next step in the development of the Yuma Regional Communications System Radio Interoperability Project, through the State of Arizona Procurement Office under Contract No. EPS080080-2, in an amount not to exceed $78,000. Funding is provided through the award of Operation Stone Garden 6.

No. 7: *Sheriff:* Authorize the Chairman to sign an Intergovernmental Agreement for Law Enforcement Mutual Aid with Imperial County, California.

No. 8: *Sheriff:* Authorize the Sheriff to utilize funds from the State of Arizona Division of Emergency Management to reimburse the City of Yuma for the purchase of approximately five (5) 800/700 MHz XTL2500 mobile radios and fifteen (15) 800/700 MMHz
XTS2500 portable radios, antennas and miscellaneous Motorola equipment in an amount not to exceed $74,000, through the Regional Communications Intergovernmental Agreement with the City of Yuma.

No. 11: Juvenile Court: Adopt Budget Amendment Resolution No. 09-78, decreasing budget authority by $6,669 to $51,688 in the No Child Left Behind Fund.

No. 12: Development Services: Authorize publication of the "Notice of Intent to Grant Franchise and License" to Sun Leisure Utilities Company, Inc., located approximately between the 4th Avenue Extension (Avenue 1/2 E) and Avenue 3/4E; and between County 14th Street and County 14 1/2 Street; and set the date for consideration of action to grant a Franchise on January 21, 2009, that would be effective for 25 years.

No. 13: Human Resources: Authorize vacation carry-over of hours or payment of hours for employees as follows: James Eustace, Deann Sandry, Javier Barraza, LeeAnne Rachels, Geraldo Cabrera, Rafael Mendoza, William Ogram, Thomas Peeples, Candelario Rangel, Cecil Roach, Mario Rosas, and Laura G. Juarez.

ITEMS REMOVED FROM CONSENT:

No. 9: Sheriff/Jail District: Authorize the Chairman to enter into an Intergovernmental Agreement with the Arizona Health Care Cost Containment System (AHCCCS), allowing the Sheriff to offset medical costs by utilizing AHCCCS coverage for inmates who require inpatient medical treatment.

Lt. Henry Hernandez, of the Sheriff’s Office, responded to questions.

Following brief discussion, Supervisor McCloud moved to approve Item No. 9 as presented. The motion carried following a second by Supervisor Stuart.

No. 10: Sheriff: Authorize the Sheriff to purchase a License Plate Reader (LPR) for law enforcement, anti-terrorism and border security operations through the State of Arizona Procurement Office under Contract No. ESP060102-1, in an amount not to exceed $35,000, funding provided through the award of Operation Stone Garden 6.

Major Leon Wilmott explained the License Plate Reader operation and responded to questions.
Supervisor McCloud moved to approve Item No. 10 as presented. The motion carried following a second by Supervisor Reyes.

DISCUSSION AND ACTION ITEMS:

No. 1: Public Works/Avenue B&C Colonia Improvement District

No. 07-09: Award and authorize the Superintendent of Streets to:
  a) Enter into an agreement with the most qualified engineering firm, for the preparation of the Final Design of a wastewater collection system and; b) To execute all contracts and other documents to expedite the process, contingent upon review by legal counsel.

Grants Coordinator Nancy Ngai responded to questions regarding estimated cost for the project, funding sources, timeframes final design, loan payments, and start/completion schedule. The first property tax bills reflecting each parcel’s pay-back portion will go out in July of 2010. Additional public hearings will be conducted as the project proceeds.

Supervisor Stuart moved to approve Item No. D1 as presented, contingent upon review by legal counsel. Following a second by Supervisor McCloud, the motion carried unanimously upon a roll call vote: Reyes-aye; Stuart-aye; McCloud-aye; Ferguson-aye., Prochaska excused.

No. D2: Public Health Services District: Request the Board of Supervisors to appoint Gary Brown and John Nozar as Hearing Officers to hear violations under the Animal Control Ordinance.

Supervisor Reyes moved to appoint Mr. Brown and Mr. Nozar, as presented. Following a second by Supervisor McCloud, the motion carried.

No. D3: Development Services/Public Health Services District: Discussion and possible action to a) Create a new Capital Improvement Program project for the repair to the Health Building and b) Adopt Budget Amendment No. 09-86, transferring budget authority of $531,000 from the South Satellite County Office CIP Project No. 2.0502 to a new Health District CIP Project No. 2.0804.

Mr. Pickels reviewed the circumstances behind mold inside the walls, and structural steel corrosion recently discovered in the County Health Building, which conditions need to be remediated.

Funding sources for the projects were discussed. For the mold presence, funding would come from the Self-Insured Retention Fund, and partially from the South Satellite Office CIP Project (re-allocations) for structural steel replacement.
Following discussion on funding sources, Supervisor Stuart moved to approve Item No. D3 as presented. Following a second by Supervisor McCloud, the motion carried.

**No. D4: Public & Legislative Affairs: Discussion and possible action regarding Yuma County’s Legislative Agenda for the 2009 Legislative Session.**

Kevin Tunell, Public & Legislative Affairs Director, reported on the County Supervisors’ Association’s annual Christmas meeting scheduled for this week.

Mr. Tunell and Tom Dorn, Yuma County’s lobbyist consultant, reported on various aspects of the 2009 Legislative Session and transitions in Arizona government related to President Elect Barack Obama’s proposed cabinet appointments.

**EVENTS CALENDAR:** The Board members reported on events attended or to be attended on behalf of the County. No legal action was taken.

At 10:02 a.m., the Chairman recessed the Regular Session until 1:30 p.m.

**AFTERNOON SESSION:**

The Regular Session of the Yuma County Board of Supervisors was reconvened at 1:30 p.m. Supervisors present were: Greg Ferguson, Russell McCloud, Tony Reyes, and Leñore Stuart. Supervisor Prochaska was excused. Others present were: County Administrator Robert Pickels, Deputy County Attorney Edward Feheley, Planning Director Paul Melcher, Planner II J. P. Mahon, Planner II Juan Rubio, Planner I Javier Barraza, and Deputy Clerk Christy Isbell.

**PLANNING & ZONING AGENDA:** Full legal descriptions of property sites for all Rezoning Cases are available for public review at the Yuma County Board of Supervisors’ Office.

**REZONING CONSENT CALENDAR:**

**No. 1: Development Services: Special Use Permit No. 08-16:** Request by Arthur F. & Gwen L. Brown, for a Special Use Permit per Section 604.03D of the Yuma County Zoning Ordinance for a site-built house as a second dwelling on a 1.25 acres (net) parcel zoned Residential Low Density- 40,000 square feet minimum
(R-1-40), Assessor's Parcel No. 663-04-044, located at 5189 W. Poppy Street, Yuma, AZ. (Legal Description: Valley Citrus Estate No. 2 Subdivision lot No. 44.) The Planning Commission (10-0 vote) and staff recommend approval, subject to the Schedule for Development, Operational Conditions, and Performance Conditions as presented to the Commission on November 10, 2008.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Special Use Case No. 08-16, with the Operational Conditions, Performance Conditions, and Schedule for Development as recommended in the Staff Report. Following a second by Supervisor McCloud, the motion carried.

For Special Use Case No. 08-16, the Operational Conditions are:
1) All requirements of the Yuma County Zoning Ordinance shall be met;
2) All requirements of the Yuma County Comprehensive Building Code shall be met in future construction, alteration, or remodeling of buildings;
3) All requirements of the Environmental Health laws, including but not exclusively, Arizona Revises Statutes Titles 36 and 49, and Arizona Administrative Code, Rule 9 and 18, shall be met.; 4) The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from this site plan requires prior approval by the Planning Director. 5) The second dwelling unit may not be used for rental occupancy. Performance Conditions are: 1) An agricultural disclosure statement shall be recorded by the applicant within 60 days of approval by the Board of Supervisors; 2) All owners, or their agents, must provide an A.R.S. §12-1134 waiver within 60 days of approval by the Board of Supervisors. The Schedule for Development is: a) All required permits must be issued to the applicant within one (1) year of approval by the Board of Supervisors and finalized as per appropriate code requirements. The applicant shall obtain required permits for the unpermitted structures or provide evidence that such permits were previously obtained.

REGULAR REZONING PUBLIC HEARING ITEMS:

No. 1: Development Services: Rezoning Case No. 08-22: Guillermo and Tomasita Coronado request the rezoning an 8,138 square foot parcel from Low Density Residential-12,000 square foot minimum (R-1-12) to Residential Commercial (RC), Assessor’s Parcel No. 105-33-034, located at 2631 South 25th Avenue, Yuma, AZ. The Planning Commission (10-0 vote) and staff recommend approval, subject to the Performance Conditions.

Mr. Mahon presented the staff report and responded to questions. One (1) letter in opposition, from a neighbor to the south, has been received.
The applicant, Tomasita Coronado, was present but did not speak.

Chairman Ferguson opened the public hearing and one individual spoke in favor of Rezoning Case No. 08-02. There were no comments in opposition. Several letters were received in support of the rezoning case (copies included in agenda packets).

Supervisor Reyes made a motion to approve Rezoning Case No. 08-22 as recommended by the Commission. Following a second by Supervisor Stuart, the motion carried.

For Rezoning Case No. 08-22, the **Performance Conditions** are:

1) An infrastructure disclosure statement shall be recorded by the applicant within 60 days from the date of approval by the Board of Supervisors;

2) All owners, or their agents, must provide an A.R.S. §12-1134 waiver within 60 days from the date of approval by the Board of Supervisors.

**No. 2: Development Services: Minor Amendment Case No. 2008-MA-08:** A Minor Amendment to the Joint Land Use Plan, element of the Yuma County 2010 Comprehensive Plan (Plan) to change the land use designation for two parcels totaling 34,638.20+ square feet from Low Density Residential (R-1-8) to Medium Density Residential (R-2), Assessor's Parcels Nos. 664-09-005A (22,488.20 square feet) and 664-09-006 (12,150 square feet), located in the vicinity of Crane Street and Avenue C, Yuma, AZ. *(The Planning Commission [6-4 vote] recommends denial. Staff recommends approval.)*

Mr. Rubio presented the staff report and responded to questions.

There was discussion regarding plans for residential and visitor parking for the proposed apartment complex.

Francisco Galindo, Yuma Territorial Engineering, spoke on behalf of the applicant and responded to questions. He addressed residential and visitor parking, and water retention, and water and septic infrastructures.

The Chairman opened the public hearing and Brad Warrens (1052 Pageant Avenue) spoke in opposition, citing areas of concern as adequate emergency access, expensive sewer, and not enough space for the proposed number of units. Mr. Warrens submitted 7 letters of opposition from neighbors in the area.

Mr. Galindo responded to Mr. Warren’s concerns as follows: The project was designed for adequate emergency access including turnarounds for fire truck ladders; setbacks are within code requirements; density, at 10
units, is less than the allowable 12; and a total of 24 parking spaces are planned (6 more spaces than the required 18).

Mr. Reyes made a motion to approve Minor Amendment 2008-MA-08 as recommended by staff. Following a second by Supervisor Stuart and a roll call vote, the motion carried 4-0: Reyes-Aye; Stuart-Aye; McCloud-Aye; Ferguson-Aye, Prochaska excused.

There being no further business to come before the Board, the meeting was adjourned at 2:03 p.m.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 5th day of January, 2009, Agenda Item No. C3.

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GREGORY S. FERGUSON, Chairman

ATTEST:

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SUE STALLWORTH-REYNOLDS, Clerk of the Board

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