

The Yuma County Board of Supervisors met in a regular session on December 17, 2012. The meeting was held at 198 South Main Street, Yuma, Arizona.

**CALL TO ORDER:** At 9:00 a.m., the Chairman convened the Board of Supervisors in open session, also sitting as the board of directors of all special taxing districts where noted. Supervisors present were: Greg Ferguson, Russell McCloud, Lenore Loroña Stuart, Marco "Tony" Reyes, and Kathryn "Casey" Prochaska. Others present: Administrator Robert L. Pickels, Jr.; County Attorney Jon Smith; Chief Civil Deputy County Attorney Bill Kerekes; Deputy County Attorney Edward Feheley; Budget Director/Deputy County Administrator Jim Flory; Trial Court Administrator Kathy Schaben; Planning Director Paul Melcher; Planner II Chad Bahr; County Engineer Roger Patterson; Library Director Susan Evans; Planning Section Manager Maggie Castro; Planner II Javier Barraza; and Executive Assistant Desarae Doten.

The Pledge of Allegiance was led by Supervisor Stuart.

Chairman Ferguson held a moment of silence for the recent Connecticut shooting victims.

**CALL TO THE PUBLIC:** **1)** Supervisor Stuart reported that the County Supervisors Association orientation will be held on Wednesday January 23<sup>rd</sup>, which is the same date as a scheduled Board meeting; therefore staff was directed to move the Board of Supervisors meeting to January 22<sup>nd</sup>. **2)** Bob McClendon commended the Board for a job well done, and provided well wishes to Supervisor Prochaska who is retiring.

#### **PRESENTATIONS & APPOINTMENTS:**

##### **No. 1. Presentation of "The County Line" by Yuma 77, the Yuma County Government Channel.**

A special video presentation was shown congratulating Supervisor Prochaska for her twenty years of service.

MOTION (REYES/MCCLOUD): Approve Items Nos. 1 through 20 excluding Items Nos. 7, 13, 14 and 17.

VOICE VOTE: The motion carried 5-0.

#### **THE FOLLOWING ITEMS WERE APPROVED ON THE CONSENT CALENDAR:**

**No. 1. Assessor: Approve Tax Roll Corrections as listed in batch dated December 17, 2012, pursuant to ARS Title 42, Chapter 16, Article VI. (A full listing of all corrections is available from the Clerk of the Board of Supervisors.)**

**No. 2. *Financial Services:* Approve the Accounts Payable Demands disbursed in the amount of \$4,796,282.60 and Payroll in the amount of \$1,534,837.92 during the period of November 01, 2012 through November 20, 2012. (A detailed listing is available for review from the Clerk of the Board.)**

DATE	TYPE	WARRANTS TOTAL
11/01/2012	Accounts Payable	\$ 51,846.83
11/08/2012	Accounts Payable	1,394,417.98
11/15/2012	Accounts Payable	2,688,778.35
11/20/2012	Accounts Payable	581,021.37
11/19/2012	Payroll	1,534,837.92
HOUSING:		
11/02/2012	Vendors Payable	40,784.17
11/19/2012	Vendors Payable	36,617.90
11/19/2012	Security Deposit	268.00
11/19/2012	Section 8 Vouchers	2,548.00
	TOTAL:	\$ 6,331,120.52

**No. 3. *Clerk of the Board:* Approve the minutes for the: a) November 19, 2012 Regular and Work Sessions; and b) December 3, 2012 Executive Session.**

**No. 4. *Clerk of the Board:* Action to recommend State approval of a Regular Liquor License application Series No. 6, submitted by Sharon Lee Honsberger for the Tamarack Cafe & Tavern LLC, 4855 Avenue 38E, Roll, Arizona, State License No. 06140050.**

**No. 5. *Clerk of the Board:* Action to recommend State Approval of Special Event Liquor License applications submitted by Tina Marie McCash dba Yuma Jaycee's Silver Spur Rodeo, for the following events: a) Old Time Fiddler's Contests: Friday, January 11, 2013, 10:00 a.m. to 1:00 a.m.; Saturday, January 12, 2013, 10:00 a.m. to 1:00 a.m.; and Sunday, January 13, 2013, 10:00 a.m. to 8:00 p.m.; b) Horseman's Banquets and Dances: Friday, February 1, 2013, 4:00 p.m. to 2:00 a.m.; Saturday, February 2, 2013, 4:00 p.m. to 2:00 a.m.; and c) Rodeo Dances: Friday, February 8, 2013, 6:00 p.m. to 2:00 a.m.; and Saturday, February 9, 2013, 6:00 p.m. to 2:00 a.m.**

**No. 6. *County Administrator:* Approve requests for Commuting Vehicle Usage for Calendar Year 2013, pursuant to the Yuma County Commuting Use of County Vehicles Policy.**

**No. 8. *Human Resources:* Authorize employees in various offices to carry over, payout or a combination of both, vacation hours accumulated in excess of the maximum 240 hours, in accordance with PR-403(D).**

**No. 9. *Yuma Private Industry Council:*** a) Authorize the Chairman to sign Intergovernmental Agreement Contract Amendment No. 8 to Contract No. DE111015-001 between Yuma County and the Arizona Department of Economic Security; and b) Adopt Budget Amendment Resolution No.13-70, increasing budget authority in the Workforce Investment Act (WIA) Fund \$27,410.

**No. 10. *Public Health Services District:*** Adopt Budget Amendment Resolution No. 13-71, increasing budget authority by \$100,485 for the Immunization Services program; Contract No. HG854294.

**No. 11. *Juvenile Court:*** a) Authorize the Chairman to sign an Intergovernmental Agreement between Yuma County Juvenile Court, Yuma County School Superintendent and the Arizona Supreme Court for the FY 2012-13 Juvenile Detention Education Program; and b) Adopt Budget Amendment Resolution No. 13-69, increasing budget authority by \$182,843 in the Juvenile Detention Education Fund (including an increase in Contingency of \$232,472).

**No. 12. *Juvenile Court:*** Adopt Budget Amendment Resolution No. 13-72, increasing budget authority for the Aztec High School IDEA Fund by \$10,000.

**No. 15. *Sheriff:*** a) Accept the award from the Arizona Department of Homeland Security in the amount of \$734,540 which comprises Operation Stonegarden, and authorize the Sheriff to sign the grant agreement for operational overtime and equipment purchases (radios and car camera equipment); and b) Adopt Budget Amendment Resolution No 13-74, increasing budget authority by \$734,540 for the new award and \$1,386,555 for prior year awards that remain active.

**No. 16. *Sheriff/Jail District:*** Authorize the Chairman to sign the Intergovernmental Agreement between Yuma County and the Arizona Health Care Cost Containment System (AHCCCS), extending the term of the agreement for an additional twelve (12) months, effective October 1, 2012 through September 30, 2013.

**No. 18. *Development Services/Engineering:*** Approve the following for the 28th Street and Alameda Avenue Intersection Improvement Project: a) Adopt Budget Amendment Resolution No. 13-73, establishing budget authority for CIP No. 1.1204 and transferring \$110,000 from the HURF/DDS-Engineer contingency; and b) Approve the improvement plans and authorize the County Engineer to advertise for bids for the 28th Street and Alameda Avenue Intersection Improvement Project.

**No. 19. *Development Services/Engineering:*** Authorize the Department of Development Services to advertise a 20-year lease agreement with the Arizona Department of Public Safety (DPS) for one (1) office located within the East County Facility located in Wellton, for use by the Arizona DPS.

**No. 20. Superior Court Administrator: Authorize and approve the appointment of Commissioner-appointee David M. Haws as Judge Pro Tempore for Superior Court in Yuma County for a term beginning January 1, 2013 and ending June 30, 2013.**

**CONSENT ITEMS PULLED FOR DISCUSSION:**

**No. 7. County Administrator/Office of Management & Budget: Adopt the 2014-2018 County-wide Strategic Plan.**

Chairman Ferguson requested that this item be continued until January of 2013.

No legal action was taken.

*Chairman Ferguson opened Item Nos. 13 and 14 simultaneously.*

**No. 13. Free Library District: Authorize the Director of the Yuma County Free Library District to enter into a lease agreement between the Yuma County Free Library District and the Regional Center for Border Health, Inc./Main Street Café, for the purpose of operating beverage and light food service within the Main Library, and the Somerton and San Luis branch libraries.**

Supervisor McCloud questioned the request for proposal process for these services.

Ms. Evans was present and informed the Board that they advertised in the newspaper and on the Yuma County website. She noted that there was overlap on the submission for the Main Library, and they made their decision based on experience and the menu offered.

Supervisor McCloud mentioned the competition aspect noting he was under the impression the cafes would be run by private enterprises (for profit companies), however the bids received are taxpayer supported.

Supervisor Stuart stated she spends time in the library and observed that the past vendor did not really know how to run their business, therefore she was glad to see bidders with experience.

Supervisor Prochaska stated she believes it is difficult for small businesses to make a profit until the public is aware that they can spend time at a library and purchase food and coffee.

MOTION (STUART/PROCHASKA): Approve as presented.

VOICE VOTE: The motion carried 4-1, with Supervisor McCloud dissenting.

**No. 14. *Free Library District:* Authorize the Director of the Yuma County Free Library District to enter into a lease agreement between the Yuma County Free Library District and ACHIEVE Human Services, Inc., for the purpose of operating beverage and light food service within the Heritage and Foothills branch libraries.**

MOTION (REYES/PROCHASKA): Approve as presented.

VOICE VOTE: The motion carried 4-1, with Supervisor McCloud dissenting.

**No. 17. *Development Services/Engineering:* Adopt Resolution No. 2012-44, abandoning a part of County 19-1/2 Street from 4th Avenue Extension to Avenue 1E. (Ref. Pending Petition No. 12-02.)**

Chairman Ferguson announced that he pulled this item for discussion to allow anyone from the public in attendance to speak. There were no comments for or against this resolution.

MOTION (FERGUSON/MCCLOUD): Approve as presented.

VOICE VOTE: The motion carried 5-0.

**DISCUSSION AND ACTION ITEM:**

**No. 1. *Development Services/Engineering:* Discussion and possible action to adopt Resolution No. 2012-45, approving the abandonment of a part of County 17-1/4 Street, East one-eighth of a mile from Avenue A. (Ref: Pending Petition No. 11-02.)**

Mr. Patterson provided a brief summary and responded to questions.

Humberto Hernandez, 17309 S. Avenue A, Somerton, AZ, appeared on behalf of Virginia Hernandez and spoke in opposition to this road abandonment, noting that if they lose another road it would be a problem.

Juan Mendoza, 17309 S. Avenue A, Somerton, AZ, stated he requested that this item be brought before the Board today, and stated a carport which has been built along his property line which would have to be removed if this resolution is not adopted.

Discussion ensued between the Board and staff concerning options for solving these issues.

MOTION (MCCLOUD/STUART): Deny Resolution No. 2012-45.

VOICE VOTE: The motion carried 4-1, with Supervisor Reyes dissenting.

**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:** The following items will be opened and acted upon by a single motion to adopt the recommendations of the Planning & Zoning Commission.

**No. 1. Development Services. Special Use Permit Case No. 12-14:**  
**John Condon, LLC, requests a Special Use Permit per Section 612.03(K) of the Zoning Ordinance to allow mobile food vendors that remain at a specific site or on a single parcel for more than two (2) hours on a parcel 44,177.24 square feet in size zoned General Commercial (C-2), Assessor's Parcel No. 699-36-206, located at East ~~South~~ Frontage Road, Yuma, Arizona. \*Scriveners error: This is 8889 South Frontage Road, not east.**

MOTION (PROCHASKA/STUART): Approve Special Use Permit No. 12-14 as recommended by the Planning Commission and staff.

VOICE VOTE: The motion carried 5-0.

The following conditions were approved: **Operational Conditions:** **1)** The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan, including but not limited to the addition of tables and seats, will require approval by the Planning Director pursuant to Section 402.04 of the Yuma County Zoning Ordinance and may trigger additional on-site improvements. **2)** The Special Use Permit shall be valid for a period not to exceed ten (10) years from the date of approval by the Board of Supervisors. **3)** Hours of operation shall be limited to 7:00 a.m. to 12:00 midnight, seven days a week. **4)** No vehicle parking for the business shall be in the public right-of-way. **Performance Conditions:** **1)** Within 60 days of approval by the Board of Supervisors, the owner must provide an A.R.S. §12-1134 waiver. **2)** Within 60 days of approval by the Board of Supervisors, the owner shall record a range disclosure statement.

**EXPEDITED REZONING and PUBLIC HEARINGS:** These items will be opened as a group for public hearings and acted upon by one motion to adopt the recommendation of the Planning & Zoning Commission, except for any item that is removed by a Board member for separate consideration. That item will be discussed and acted upon separately following action on expedited items.

**No. 1. Development Services. Special Use Permit No. 12-15: McCarthy Building Company, agent for Arizona Public Service (APS), requests a Special Use Permit per Section 601.03(T) of the Zoning Ordinance to allow a solar power generating**

**facility on six parcels totaling 230.03 (gross) acres in size zoned Rural Area-40 acre minimum (RA-40), Assessor's Parcel Nos. 153-01-002 and -003, and 153-02-003, -004, -005 and -006, located approximately three-quarters of one mile north of Palomas Road on Avenue 75E, Hyder, Arizona.**

Mr. Bahr provided the staff presentation.

Discussion ensued concerning Operational Condition No. 4 which states "the engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a copy of each renewed estimate shall be provided to the County Engineer for review and approval concerning the five year renewal."

Andrea Bereznek, representing Arizona Public Service, Yuma, AZ provided a Power Point presentation.

The Board and staff briefly discussed how power is being transferred to Yuma County from the plant in Chino. Christie Thiel, McCarthy Building Company, reported that this project came online a week ago; therefore they are just beginning to collect data.

**PUBLIC HEARING:** John Morales, Yuma Private Industry Council, spoke in favor of this item and informed the Board that he has a relationship with McCarthy (the firm who will be building this project) and has plans to work with them next year to hold a job fair.

**MOTION (MCCLOUD/STUART):** Approve Special Use Permit No. 12-15 as recommended by the Planning Commission and staff.

**VOICE VOTE:** The motion carried 5-0.

The following conditions were approved: **Operational Conditions: 1)** The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from the site plan will require approval by the Planning Director pursuant to the Yuma County Zoning Ordinance. **2)** The applicant must install at least a 6-foot high security fence outside of the area of the installation of solar panel modules for security purposes. **3)** Post project construction dust palliative shall be applied to the soil for dust control mitigation. **4)** Should the project not be acquired by an Arizona public utility, prior to construction, applicant must provide to the Planning Director evidence of a valid decommissioning bond. If not verifiable to the County's satisfaction, then the applicant/SUP holder shall maintain a bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, net of salvage value, as estimated by a Professional Engineer registered in the State of Arizona. Said bond shall be reviewed and approved as to form, substance and amount by the Yuma County Engineer. The engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a copy of each renewed estimate shall be provided to the County Engineer for review

and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the County Engineer.

**Performance Conditions:** **1)** All owners, or their agents, must provide an A.R.S. §12-1134 waiver within 60 days of the Board of Supervisors approval. **2)** The applicant shall combine the existing six (6) parcels into one (1) - Yuma County Tax Assessor parcel within 60 days of the Board of Supervisors approval. **3)** A wildlife study shall be conducted prior to project construction to determine the presence of the western burrowing owl or other Species of Concern as listed by the United States Fish and Wildlife Service. If owls and/or other wildlife are encountered, they should be moved outside the construction site in accordance with the Arizona Game and Fish Department's "Burrowing Owl Project Clearance Guidance for Landowners" publication. **4)** All required permits must be issued to the applicant within two (2) years of approval by the Board of Supervisors and finalized as per appropriate code requirements or the Special Use Permit shall expire pursuant to the Yuma County Zoning Ordinance.

**REZONING -- REVERSION HEARINGS:** In accordance with Section 404.01(I)(7) of the Yuma County Zoning Ordinance, the Board will conduct a hearing to grant an extension, determine compliance, or cause the property to revert to its former zoning classification in the following cases:

**No. 1. *Development Services. Rezoning Case No. 05-33:* In accordance with Section 404.01(I)(7) of the Yuma County Zoning Ordinance, action to grant an extension to comply with the Schedule for Development or cause the property to revert to its former Rural Area-10 acre minimum (RA-10) zoning classification, Assessor's Parcel Nos. 748-44-033, -034, -035, -036, and 748-36-016, -017, -018 and -019, located within the vicinity of Sierra Sands Avenue and County 15th Street, Yuma, Arizona.**

Mr. Barraza provided the staff presentation.

Supervisor McCloud voiced concerns regarding the effects on the property owners in this area. Mr. Barraza noted that each of the property owners would be required to come together and comply with the regulations.

Ms. Castro reported that all of the owners have been contacted; however they have not received responses.

**PUBLIC HEARING:** Jerry Baliukas, 4474 W. 16<sup>th</sup> Yuma, AZ, provided information concerning the property history and noted his intent was to build a retirement home on his parcel, and that he has attempted to contact the other owners.

Supervisor McCloud stated he would be in favor of allowing additional time to allow the property owners to meet and discuss this matter.

**MOTION (REYES/STUART):** Grant a two year extension.

VOICE VOTE: The motion carried 5-0.

**No. 2. *Development Services*. Rezoning Case No. 06-10: In accordance with Section 404.01(I)(7) of the Yuma County Zoning Ordinance, action to grant an extension to comply with the Schedule for Development or cause the property to revert to its former Rural Area-40 acre minimum (RA-40) zoning classification, Assessor's Parcel No. 179-24-017, located in the vicinity of 3rd Street and 45th Avenue, Yuma, Arizona.**

Mr. Barraza provided the staff presentation.

Chairman Ferguson asked what would happen to the minor amendment which was previously approved, and Mr. Barraza reported it would not be affected.

There were no comments at the public hearing.

MOTION (PROCHASKA/REYES): Accept staff's recommendation and revert the zoning to its original zoning classification of Rural Area-40-acre minimum (RA-40).

VOICE VOTE: The motion carried 5-0.

**REGULAR SESSION ADDENDUM:**

**No. 1. *County Administrator*: Adopt Resolution No. 2012-46 approving the realignment of the boundaries of Yuma County Justice Precincts No. 1 and No. 3 effective March 1, 2013, and authorize submission to the U.S. Department of Justice for pre-clearance.**

Mr. Pickels reported that in March of 2012 the Supreme Court advised Yuma County that the judicial productivity credits in Justice Precinct No. 1 were over the threshold; therefore the Board made the decision in July of 2012 to realign the district boundaries. Today's action is the final stage of the process which will add the legal description and adoption of the resolution which would be submitted to the U. S. Department of Justice.

MOTION (PROCHASKA/REYES): Approve as presented.

VOICE VOTE: The motion carried 5-0.

**No. 2. *Superior Court Administrator*: Approve the Case Processing Assistance Fund ("CPAF") Grant and adopt Budget Amendment Resolution No. 13-76, establishing budget authority in the Capital Improvement Fund in the amount of \$31,961.63 for the Remote Interpreter Project.**

Mr. Pickels reported that the administrative office of the Supreme Court learned that Yuma County was moving forward with this project and wanted to enhance it so that they are included; therefore they are providing a grant.

MOTION (PROCHASKA/STUART): Approve as presented.

VOICE VOTE: The motion carried 5-0.

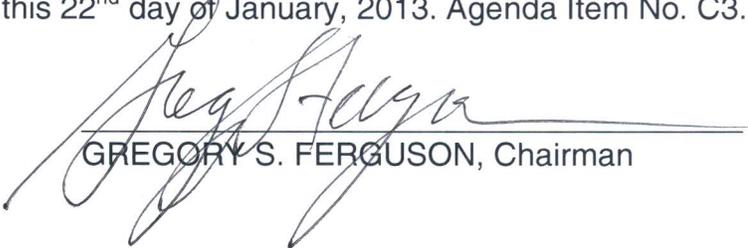
**EVENTS CALENDAR/CURRENTS EVENTS:**

Board members and County Administrator reported and discussed events attended or to be attended on behalf of the County, presented a brief summary of current events and updated the schedule for future Board of Supervisor meetings, as appropriate. No legal action was taken, pursuant to A.R.S. §38-431.02(K).

There being no further business to come before the Board, the Chairman adjourned the meeting at 11:13 a.m.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 22<sup>nd</sup> day of January, 2013. Agenda Item No. C3.

  
GREGORY S. FERGUSON, Chairman

ATTEST:

  
Robert L. Pickels, Jr.  
County Administrator/Clerk of the Board

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