

The Yuma County Board of Supervisors met in a Regular Session on January 3, 2005. The meeting was held at 198 South Main Street, Yuma, Arizona.

At 9:00 a.m., Vice Chairman Reyes called the meeting to order. Board members present were: Marco A. (Tony) Reyes, Greg Ferguson, Russell McCloud, Casey Prochaska and Lenore Loroña Stuart. Others present were: County Administrator David R. Garcia, County Attorney Jon Smith and Clerk of the Board Sue Stallworth.

Supervisor Prochaska led the Pledge of Allegiance.

**Swearing-In Ceremony for Elected Officials of Yuma County:** Presiding Superior Court Judge Tom Cole administered the oath to the Board of Supervisors, Division 4 Superior Court Judge Andy Gould, Sheriff Ralph Ogden, Assessor Joe Wehrle, Treasurer Karen Fritz, Recorder Susan Marler and School Superintendent Tom Tyree.

No official action was taken.

*At 9:05 a.m., the Vice Chairman recessed the Regular Session and reconvened at 9:36 a.m.*

## **ACTION ITEMS**

### **No. 1: Elect a Chairman for Calendar Year 2005 for the Yuma County Board of Supervisors.**

Vice Chairman Reyes opened the floor to nominations. Supervisor Stuart made a motion to nominate Supervisor Prochaska. The nomination was seconded by Supervisor Ferguson. There were no other nominations.

Supervisor Stuart moved to close nominations and elect Supervisor Prochaska as the 2005 Chairman. The motion was seconded by Supervisor Ferguson and carried unanimously.

Chairman Prochaska thanked the Board for their support and said she looked forward to a productive year.

### **No. 2: Elect a Vice-Chairman for Calendar Year 2005 for the Yuma County Board of Supervisors.**

Supervisor Reyes nominated Supervisor Ferguson for Vice Chairman. The nomination was seconded by Supervisor McCloud. There were no other nominations.

Supervisor Reyes moved to close nominations and elect Supervisor Ferguson as the 2005 Vice Chairman. The motion was seconded by Supervisor McCloud and carried unanimously.

## CALL TO THE PUBLIC

Chuck Russell, represented the National Association for the Advancement of Colored People (NAACP), and invited the Board members to participate in the Martin Luther King Jr. Memorial March and Commemorative Service on January 16, 2005.

Gayle Rusing, President and CEO of the Greater Yuma Economic Development Corporation (GYEDC), introduced Chris Camacho, project manager for GYEDC.

There were no other public comments and no official action was taken.

## CONSENT AGENDA

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Consent Agenda Items Nos. 4, 6, 7 and 8 as presented. The motion carried 5-0.

The **approved items** are:

**No. 4: Sheriff's Office:** Authorize budget and spending authority to use \$77,867 from the Arizona State Parks State Lake Improvement Fund (SLIF) Project, Contract No. 78043; and authorize the Sheriff to proceed pursuant to terms of the contract

**No. 6: Health Department:** Authorize the Finance Director to increase budget authority by \$19,000 (from \$152,000 to \$171,000) for the HIV/AIDS Comprehensive Health Services Grant, Contract No. HG852332 (Y212-523/Project 10113, Award 226011, Task 01, Health Services Account No. 02260-5100).

**No. 7: Assessor's Office:** Approve Tax Roll Corrections pursuant to Arizona Revised Statutes Title 42, Chapter 16, Article VI. *(A full listing of Tax Roll Corrections is available for public review at the office of the Clerk of the Board.)*

**No. 8: Financial Services:** Approve the Accounts Payable & Payroll Demands disbursed in the amount of \$8,586,770.54 for the period of December 8, 2004 through December 20, 2004. *(A full listing of all paid warrants and demands is available for public review at the office of the Board of Supervisors.)*

DATE	TYPE	WARRANTS TOTAL
12/02/04	Accounts Payable	\$1,034,241.34
12/06/04	Accounts Payable	81,043.85
12/08/04	Accounts Payable	391,933.86
12/08/04	Accounts Payable	3,774.36
12/09/04	Accounts Payable	1,081,180.88
12/09/04	Accounts Payable	398,136.42
12/10/04	Accounts Payable	911,408.93
12/13/04	Accounts Payable	101,116.00
12/14/04	Accounts Payable	28,921.26
12/15/04	Accounts Payable	2,846,558.49
12/15/04	Accounts Payable	26,918.80

12/17/04	Accounts Payable	809,130.37
12/20/04	Accounts Payable	805,013.43
	<b>Housing</b>	
12/10/04	Accounts Payable	66,743.55
12/10/04	Security Deposits	225.00
12/10/04	Section 8 Vouchers	424.00
	<b>Total</b>	<b>\$8,586,770.54</b>

**DISCUSSION AGENDA:**

*At 9:48 a.m., the Chairman convened a joint session of the Board of Supervisors also sitting as the Board of Directors of the Jail District.*

**No. 5: Jail District: Authorize budget and spending authority to use State of Arizona funds in the amount of \$6,747 as a result of an award from the Department of Education for special education programs for incarcerated juveniles at the Yuma County Detention Center.**

Sheriff's Chief Deputy Leon Wilmot presented the item for staff. Mr. Garcia noted that the amount of the award was incorrect. He said the correct amount is \$6,764.81.

Subsequent to legal advice from Mr. Smith, Supervisor Reyes moved to continue Item No. 5 to the January 18, 2005 meeting. The motion was seconded by Supervisor Stuart and carried.

*At 9:56 a.m., the Chairman adjourned as the Jail District Board of Directors and continued as the Board of Supervisors in Regular Session.*

**No. 3: Superior Court: Approve the appointment of David F. Cooper as Superior Court Judge Pro Tempore for a term beginning January 1, 2005 and ending at the close of business on December 31, 2005.**

Superior Court Administrator Margaret Guidero presented the item for staff and responded to questions.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Item No. 3 as presented. The motion carried 4-1. Supervisor Ferguson voted no.

**No. 9: Human Resources: Action to fund the Flexible Spending Account (Healthcare Account) for Calendar Year 2005.**

Human Resources Director John Graham presented the item and responded to questions.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approved Item No. 9 as presented. The motion carried.

**No. 10: *Board of Supervisors*: Action regarding the scheduled Board of Supervisors' Regular Session and Tentative Budget Session meetings schedules for Calendar Year 2005.**

Mr. Garcia responded to questions from the Board members regarding the budget preparation process.

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve the 2005 Regular Session schedule of meetings; to keep the Special Budget Session calendar flexible; and move the date for adoption of the "tentative" budget to June 6, 2005. The motion carried.

Chairman Prochaska opened Items 11 and 12 for simultaneous discussion and action.

**No. 11: *Board of Supervisors*: As required by Arizona Revised Statutes, the Board of Supervisors will appoint member(s) to the following Boards for Calendar Year 2005:**

**No. 11a: Public Safety Retirement Board. (*Sheriff's Department*).**

**No. 11b: Correctional Officers Retirement Board. (*Sheriff's Department*).**

**No. 11c: Transportation Consortium.**

**No. 11d: Tri-County Economic Development District Board (*Mohave, La Paz, and Yuma Counties*)**

**No. 11e: Yuma County Board of Health.**

**No. 11f: Yuma Metropolitan Planning Organization Executive Board.**

**No. 12: *Board of Supervisors*: Chairman will appoint Board member(s) to serve on the following Boards/Committees for Calendar Year 2005:**

**No. 12a: Chamber of Commerce Legislative Affairs Committee.**

**No. 12b: Chamber of Commerce Transportation Committee.**

**No. 12c: County Supervisors' Association Legislative Policy Committee (*Alternate*)**

**No. 12d: Greater Yuma Economic Development Corporation.**

**No. 12e: Local Emergency Planning Committee.**

**No. 12f: National Association of Counties.**

**No. 12g: Next Step Group.**

**No. 12h: U.S./Mexico Border Counties Coalition.**

**No. 12i: Western Arizona Council of Governments Executive Board.**

**No. 12j: Yuma Area Resource Water Management Group.**

**No. 12k: Yuma Convention & Visitor's Bureau.**

**No. 12l: Yuma Crossing National Heritage Area Corporation.**

Chairman Prochaska asked the Board members to provide a list of those boards/commissions on which they want to serve. She further requested action to continue the appointments to the January 18, 2005 meeting.

For Items Nos. 11 and 12, Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to continue Items 11 and 12 to the January 18, 2005 meeting. The motion carried.

**No. 13: *Human Resources*: Action to appoint two (2) individuals to the Yuma County *Employee Benefit Trust Board*, terms effective January 1, 2005 through December 31, 2008.**

Supervisor Stuart made a motion, seconded by Supervisor Reyes, to appoint Cathy Gardner and Dr. James Paquin as recommended. The motion carried.

**No. 14: *Human Resources*: Provide direction on reviewing applications and the process for filling the position of Justice of the Peace Precinct 1.**

There was lengthy discussion by the Board regarding the process to interview all or a short list of the applicants.

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to appoint a selection panel of three individuals to include Joanne Williams, David R. Garcia and Veda Bishop, to interview the nine candidates and bring back to the Board a maximum of three names for consideration by the Board for appointment on January 18, 2005. The motion carried 3-2, with Supervisors Reyes and McCloud voting no.

**No. 15: *Public Works:* Award a bid for one (1) new Roll-Off Waste Transfer Truck and authorize the Public Works Director to execute all documents as needed to purchase the truck, contingent upon review by legal counsel.**

Civil Engineering Tech Ernesto Rodriguez presented the staff report. He and Public Works Director Bill Beck responded to questions.

Supervisor Reyes made a motion, seconded by Supervisor McCloud to award the bid for one new roll-off waste transfer truck to Rush Truck Center, Phoenix, in the amount of \$96,473.85 and to authorize the Director of Public Works to execute all documents as needed to purchase a new roll-off transfer truck contingent upon review by legal counsel. The motion carried.

**No. 16: *Board of Supervisors:* Approve the December 13, 2004 Special Joint Session minutes.**

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve the minutes as corrected to change the reference of 2005 to 2004 on page 3. The motion carried.

*At 10:42 a.m., the Chairman convened a Joint Session of the Board of Supervisors, Yuma County Jail District and Improvement District No. 00-01.*

**No. 17: *Board of Supervisors.* Approve the December 20, 2004 Regular Session minutes.**

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve the minutes with corrections to page 1 and page 8 as noted. The motion carried 5-0.

*At 10:45 a.m., the Chairman adjourned the Joint Session of said Districts, and continued as the Board of Supervisors in Regular Session.*

**No. 18: *Board of Supervisors:* Action regarding Yuma County's 2005 Legislative Agenda and related issues.**

Public and Legislative Affairs Director Kevin Tunell and Mr. Garcia responded to questions from the Board regarding the County's proposed legislation for an increase in state per capita funding for public health.

Supervisor Ferguson suggested the Board schedule discussion of the process to establish a health district at a future meeting.

No official action was taken.

**EVENTS CALENDAR:**

The Board members reported on events attended and/or to be attended on behalf of the Board of Supervisors and updated the schedule for future events and meetings.

No official action was taken.

*At 10:58 a.m., the Chairman recessed the Regular Session until 1:30 p.m.*

*At 1:31 p.m. the Chairman reconvened the Board of Supervisors in Regular Session. Board members present were: Marco A. (Tony) Reyes, Greg Ferguson, Russell McCloud, Casey Prochaska and Lenore Loroña Stuart. Others present were: County Administrator David R. Garcia, Deputy County Attorney Ed Feheley, Clerk of the Board Sue Stallworth, Planning Director Monty Stansbury, Planners Bob Blevins and Greg Nelson.*

**PUBLIC HEARINGS:** *Full legal descriptions of property sites for all Rezoning Cases and/or Commission Initiatives are available for public review at the Yuma County Board of Supervisors' Office.*

**No. 19: Special Use Case No. 04-19: Request by Isela De La Paz, Agent for Arturo & Rosa De La Paz, for a Special Use Permit per Section 1108.15 of the Yuma County Zoning Ordinance to allow a manufactured home as a permanent second dwelling unit on a 1.02-acre (gross) parcel zoned Suburban Ranch-1 acre minimum parcel size (SR-1), Assessor's Parcel No. 113-37-017, located at 8507 South Mohave Lane, Yuma Arizona.**

Development Services Planner II Greg Nelson presented the staff report and responded to questions.

Mr. Nelson advised the applicant could not be present due employment.

There were no public comments in favor or in opposition to the request.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Special Use Case No. 04-19 as requested and subject to Operational Conditions 1 through 4 as recommended. The motion carried 5-0 after a roll call vote: Ferguson-aye; Stuart-aye; McCloud-aye; Reyes-aye; and Prochaska-aye.

The **Conditions of Approval** are: **(1)** The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from this site plan will require prior approval by the Planning Director; **(2)** The second dwelling unit is limited to a manufactured home as defined by Section 201.00 of the Yuma County Zoning Ordinance; **(3)** The second dwelling unit may not be used for rental occupancy; and **(4)** The Special Use Permit shall be valid for a period not to exceed five years from the date of approval by the Board of Supervisors. Therefore, issuance of any placement permits shall be done as

temporary and not permanent upon review of the plans and application that will be submitted.

**No. 20: Special Use Case No. 04-21: Request by Scott Pearce, Agent for the Foothills Southern Baptist Church, for a Special Use Permit per Section 607.03(A) of the Yuma County Zoning Ordinance to allow motorcycle safety training twice monthly at the church parking lot on a 2.37-acre (net) parcel zoned Manufactured Home Subdivision-20,000 square-foot minimum (MHS-20), Assessor's Parcel No. 701-61-125A, located at 13148 E. 40<sup>th</sup> Street.**

Development Services Planner II Bob Blevins presented the staff report and responded to questions. He stated staff recommends adding a Performance Condition No. 2 to require a Restricted Air Space disclosure statement be recorded within 60 days of Board approval.

The agent for the applicant, Scott Pearce, 2207 Calle Alegre, Yuma, spoke on behalf of the request and responded to questions regarding noise and fencing. Mr. Pearce confirmed his understanding of the recommended conditions and notes for the record.

There were no public comments in favor or in opposition to the request.

Supervisor Reyes made a motion, seconded by Supervisor Ferguson, to approve Special Use Permit No. 04-21 as requested to include Notes for the Record A, B and C, delete Performance Condition No. 1 and add a new Performance Condition to require a restricted airspace disclosure statement, and further to include Operational Conditions 1 through 3 as recommended. The motion carried 5-0 after a roll call vote: Reyes-aye; Ferguson-aye; Stuart-aye; McCloud-aye; and Prochaska-aye.

The **approved conditions** are: **Performance Condition (1):** A restricted airspace and/or military training route disclosure shall be recorded within 60 days of approval by the Board of Supervisors; **Operational Conditions (1):** The approval of the Special Use Permit is based on the site plan submitted by the applicant. Any change from this site plan will require the Special Use Permit to be reheard; **(2)** The Special Use Permit shall be valid for a period not to exceed four years from the date of approval by the Board of Supervisors; and **(3)** The days and hours of operation are limited to two Saturdays per month from 9:00 a.m. to 1 p.m. during the months of October through March and from 8:00 a.m. to noon during the months of April through September; **Notes for the Record: (A)** All requirements of the Yuma County Zoning Ordinance shall be met; **(B)** All requirements of the Environmental Health Laws, including but not exclusively, Arizona Revised Statutes, Titles 36 and 49 and Arizona Administrative Code, Rules 9 and 18, shall be met; and **(C)** All requirements of the Yuma County Comprehensive Building Safety Code shall be met in construction, alterations or remodeling of buildings.



**No. 21: Rezoning Case No. 04-18: Request by Tedford C. Males, President of Colorado City Development Investments Company, to rezone a 7,630.58 square-foot (net) portion of a 32,972.5 square-foot parcel from Low Density Residential-20,000 square-foot minimum parcel size (R-1-20) to Low Density Residential-6,000 square-foot minimum parcel size (R-1-6) on the west 98.0 feet of the north 77.86 feet of Assessor's Parcel No. 113-07-032C.**

Mr. Blevins presented the staff report.

The applicant, Ted Males, 4232 West 7<sup>th</sup> Street, Yuma, was present and spoke on behalf of the request. Mr. Males confirmed he was aware of the time limits in the recommended Schedule for Development.

There were no public comments in favor or in opposition to the request.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Rezoning Case No. 04-18 as requested and subject to Notes for the Record A, B and C, and the Schedule for Development items a, b and c as recommended. The motion carried 5-0 after a roll call vote: Ferguson-aye; Stuart-aye; McCloud-aye; Reyes-aye; and Prochaska-aye.

The **approved conditions** are: **Notes for the Record: (A)** All requirements of the Yuma County Zoning Ordinance shall be met; **(B)** All requirements of the Environmental Health Laws, including but not exclusively, Arizona Revised Statutes, Titles 36 and 49 and Arizona Administrative Code, Rules 9 and 18, shall be met; and **(C)** All requirements of the Yuma County Comprehensive Building Safety Code shall be met in construction, alterations or remodeling of buildings; **Schedule for Development a)** Within six months of approval obtain all required permits to convert the illegal duplex into a single family dwelling; **b)** Within one year of approval improve the 20 foot wide easement with a minimum of four inches of gravel; and **c)** Within 18 months of approval final all inspections for the conversion of the illegal duplex into a single family dwelling.

**No. 22: Rezoning Case No. 04-21: Request by Stephen Sciortino, Agent for Yuma Mesa Land LLC, to rezone an 80.0-acre (gross) parcel from Manufactured Home Subdivision-10,000 square foot minimum parcel size (MHS-10) to Low Density Residential-6,000 square-foot minimum parcel size (R-1-6), Assessor's Parcel No. 112-19-006A, located on Avenue 9E south of County 11-1/2 Street. (This item is continued from October 4, 2004, Item #27.)**

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

The applicant, Yuma Mesa Land LLC was represented by Jeff Snow. He responded to questions from the Board members.

There were no public comments in favor or in opposition to the request.

Supervisor Reyes made a motion, seconded by Supervisor Ferguson, to approve Rezoning Case No. 04-21 as requested subject to Performance Conditions to require access to sewer and paved access on Avenue 8 1/2E from 32<sup>nd</sup> Street to the subject property prior to issuance of building permits or five years whichever comes first, and to include the Schedule for Development items a and b as recommended. The motion carried 5-0 after a roll call vote: Reyes-aye; Ferguson-aye; Stuart-aye; McCloud-aye; and Prochaska-aye.

The **approved conditions** are: **Performance Conditions (1)**: Provide access to sewer prior to issuance of building permits or five years whichever comes first; and **(2)** Provide paved access on Avenue 8 1/2E from 32<sup>nd</sup> Street to the subject property prior to issuance of building permits or five years whichever comes first; **Schedule for Development: a)** All required improvements including the filing and approval of a tentative plat within three years of Board of Supervisors approval; and **b)** Within five years of Board approval, the filing of a final plat for the proposed subdivision or the rezoning will be reviewed to revert to MHS-10 in accordance with Section 405.05 of the Zoning Ordinance and A.R.S. §11-832.

*At 2:37 p.m., the Chairman recessed the meeting and reconvened at 2:44 p.m.*

**No. 23: Rezoning Case No. 04-32: Request by Mark Spencer, Agent for the Gunlock Family Trust 10-11-83, to rezone a 10.0-acre (gross) parcel from Rural Area-10 acre minimum parcel size (RA-10) to Rural Area-5 acre minimum parcel size (RA-5), Assessor's Parcel No. 104-12-001C, located at 3885 East County 13<sup>th</sup> Street.**

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

The agent for the applicant, Mark Spencer, 13228 South Avenue 4E, Yuma was presented and spoke on behalf of the request.

Board members discussed a change from RA-5 to Suburban Site Built 5 Acre Minimum (SSB-5). Mr. Spencer, Mr. Blevins and Tom Manfredi, representing MCAS, responded to questions from the Board members regarding RA-5 zoning versus Suburban Site Built 5 Acre Minimum (SSB-5).

During the public hearing there were no comments in favor or in opposition to the request.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, approve Rezoning Case No. 04-32 as requested, subject to Notes for the Record A, B, C, D and E, Performance Conditions 2, 3 and 4, and Schedule for Development item a. The motion carried 5-0 after a roll call vote: Ferguson-aye; Stuart-aye; McCloud-aye; Reyes-aye; and Prochaska-aye.

**No. 24: Commission Initiative No. 04-01: Proposed Text Amendment for Article II (Definitions), Article XI (Additional Use & Setback Regulations), and possible inclusion as a Special Use Permit as part of the Yuma County Zoning Ordinance to address cargo containers.**

Mr. Stansbury presented the staff report.

During the public hearing 15 people spoke in opposition to the initiative. No one spoke in favor.

The Board discussion indicated support to direct staff to expand the text amendment to include, as appropriate, consideration for aesthetic controls; additional descriptions of containers to include specialty manufactured containers; restrictions with respect to zoning, for example: industrial versus residential; and to include a number of containers that would be allowed (density); consideration of a design review process; property tax liability; allowances for plumbing and electrical hookups; possibility of a new specific placement permit for storage containers; and research regulations being developed nationwide in addition to regulations being developed by the City of Yuma.

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to send Commission Initiative No. 04-01 back to the staff to expand and revise per the Board's discussion and then forward to the Planning and Zoning Commission for review and recommendation back to the Board at a future meeting. The motion carried.

There being no further business, the Chairman adjourned the meeting at 4:28 p.m.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 18<sup>th</sup> day of January, 2005. Agenda Item No. 14.

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CASEY PROCHASKA, Chairman

ATTEST:

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Sue Stallworth  
Clerk of the Board

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