

The Yuma County Board of Supervisors met in a Regular Session on January 18, 2005. The meeting was held at 198 South Main Street, Yuma, Arizona.

At 8:30 a.m., the Chairman called the meeting to order. Board members present were: Casey Prochaska, Marco A. (Tony) Reyes, Lenore Loroña Stuart, Greg Ferguson, Marco A. (Tony) Reyes, and Russell McCloud. Others present were: County Administrator David R. Garcia, County Attorney Jon Smith, Chief Civil Deputy County Attorney Robert Pickels, Finance Director Doug Allen, Facilities Management Director Fred Schultz, Construction Project Manager David Garrison, and Clerk of the Board Sue Stallworth.

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to authorize the Chairman to recess the Regular Session and convene an Executive Session pursuant to Arizona Revised Statute §38-431.03. The motion carried.

At 8:30 a.m., the Chairman recessed the Regular Session and following the Executive Session, reconvened and immediately recessed the Regular Session at 9:02 a.m.

At 9:10 a.m., the Chairman reconvened the Board of Supervisors in Regular Session. Board members present were: Casey Prochaska, Greg Ferguson, Marco A. (Tony) Reyes, Russell McCloud, and Lenore Loroña Stuart. Also present were: County Attorney Jon Smith; Deputy County Attorney Edward Fehelley; County Administrator David R. Garcia, Planning Director Monty Stansbury; and Deputy Clerk of the Board Christy Isbell.

Supervisor McCloud led the Pledge of Allegiance.

CALL TO THE PUBLIC:

Three (3) people spoke in favor of a petition to dissolve a General Improvement District (Foothills Mobile Home Estates No. 22): **1)** Dianna Hamberlin, 13341 E. 55th Lane, Yuma, speaking on behalf of the property owners. Submitted a petition on behalf of the property owners to dissolve the district; reviewed the circumstances prompting the petition; requested that the owners' 2004 tax statements be corrected; and requested the owners' surplus of \$64,000 be refunded. **2)** Dale Hamberlin, 13341 E. 55th Lane, Yuma; **3)** Lloyd Sandercock, 13288 E. 55th Street.

Chairman Prochaska accepted the petitions, explained the information will be reviewed by the County Attorney's office, and that the property owners will be contacted.

PRESENTATIONS:

- **Presentation of Yuma County's Enterprise Zone Re-Certification Certificate by Robert Rios, Regional Representative/Arizona Department of Commerce.**

Robert Rios read the certificate of Yuma County's Enterprise Zone Re-Certification, and presented it to Chairman Prochaska.

No official action was taken.

- **Presentation of the Yuma County Library District "Employee of the Year 2004" certificate to Elizabeth Butler.**

Susan Evans read the nomination and presented the certificate to Elizabeth Butler.

There was no official action.

CONSENT AGENDA:

At 9:20 a.m., the Chairman continued to convene as the Board of Supervisors and, solely for the purpose of Items Nos. 4 and 5, convened a Joint Session of the Board of Supervisors and the Yuma County Jail District.

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve Consent Agenda Items Nos. 1 through 9 as presented. The motion carried.

The **approved Consent Items** are:

No. 1: 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. 2: Financial Services: Approve the Accounts Payable & Payroll Demands disbursed in the amount of approximately \$3,154,698.13 for the period of December 20, 2004 through January 4, 2005. (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
12/21/04	Accounts Payable	\$ 111,216.17
12/22/04	Accounts Payable	651,700.15
12/22/04	Accounts Payable	1,549,344.72
12/23/04	Accounts Payable	279,849.01
12/28/04	Accounts Payable	70,373.12
12/29/04	Accounts Payable	298,155.94
	Housing	
12/27/04	Accounts Payable	35,275.70
12/27/04	Section 8 Vouchers	1,849.00
DATE	TYPE	WARRANTS TOTAL
12/29/04	Section 8 Vouchers	2,328.32
12/28/04	Security Deposit Refund	438.00
12/28/04	Section 8 Vouchers	154,168.00
	Total	\$3,154,698.13

No. 3: *Development Services:* Request by James V. Davey, P.E., Agent for Jesse Gomez, to approve the Final Plat of Fortuna Golf Subdivision located on County 10-1/2 Street, east of Foothills Boulevard. *(A full legal description of property is available for public review at the Yuma County Board of Supervisors' Office.)*

No. 4: *Jail District:* Authorize budget and spending authority to use State of Arizona funds in the amount of approximately \$6,746.81 as a result of an award from the Department of Education for special education programs for incarcerated juveniles at the Yuma County Detention Center, Account No. 02308/Jail/Other Grants. *(This item is continued from January 3, 2005, Item No. 5.)*

No. 5: *Jail District:* Approve the reappointment of Brenna Paulin as a member of the Yuma County Sheriff's Office: a) Public Safety Personnel Retirement System Board, and; b) Corrections Officers Retirement Plan Board. *(Terms will expire on December 31, 2008.)*

No. 6: *Facilities Management:* Award a contract for the purchase and installation of electrical equipment to provide an Uninterruptible Power Supply (UPS) for the Justice Center Court Complex from Network Infrastructure Corporation in the amount of approximately \$38,991.70 under State Contract No. AD020193.

No. 7: *Board of Supervisors:* Recommend State approval of a Special Event Liquor License Application submitted by Harland C. Robinson dba Hospice of Yuma for a fundraising event to be held on Saturday, February 5, 2005, from 12:30 p.m. to 10:00 p.m. at 4251 W. County 12th Street.

No. 8: *Board of Supervisors:* Recommend State approval of a Special Event Liquor License Application submitted by Leah B. Vought dba Yuma Jaycees for a fundraising event to be held on Friday, February 4, 2005, from 4:00 p.m. until 11:00 p.m. at 2577 E. County 14th Street.

No. 9: *Board of Supervisors:* Recommend State approval of a Special Event Liquor License Application submitted by Terrance J. Sullivan dba Yuma Foothills Rotary for a fundraising event to be held on Saturday, February 19, 2005 from 11:00 a.m. until 3:00 p.m. at 11423 S. Foothills Boulevard.

At 9:20 a.m., the Chairman adjourned the Joint Session of Board of Supervisors and the Yuma County Jail District, and continued as the Board of Supervisors in Regular Session.

DISCUSSION AGENDA:

No. 10: *Development Services:* Action to appropriate approximately \$9,500 for the removal of a dilapidated residential structure located at 1101 2nd Avenue, Yuma, in accordance with the Yuma County Zoning Ordinance, Hazard Abatement Procedure/Section 1213.00.

Mr. Stansbury presented the case for removal of the structure which has been condemned as being unsafe, and responded to questions. The property owner is deceased and the heirs have exhibited no interest in the property. The property taxes for 2003 and 2004 are unpaid, and taxes are due in the amount of \$3,252.

Mr. Feheley reviewed the process of removing the structure pursuant to the County's zoning ordinance and Arizona Revised Statute §11-268.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Item No. 10 as presented. The motion carried 5-0.

No. 11: *Board of Supervisors:* As required by Arizona Revised Statutes, the Board of Supervisors will appoint Board of Supervisor member(s) to serve on the following Boards for Calendar Year 2005: *(This item is continued from January 3, Item No. 11.)*

Chairman Prochaska announced the names of Board members who had agreed to serve on each committee as listed below:

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

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

Supervisor Ferguson for Items Nos. 11a and 11b.

No. 11c: Transportation Consortium. Supervisor Prochaska.

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

No. 11e: Yuma County Board of Health. Supervisor Stuart.

No. 11f: Yuma Metropolitan Planning Organization Executive Board. Supervisor Reyes, Supervisor Prochaska, and Supervisor Ferguson as the alternate.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to appoint the Board members as stated for Items No. 11a through 11f. The motion carried.

No. 12: Board of Supervisors: Chairman will appoint Board member(s) to serve on the following Boards/Committees for Calendar Year 2005: (This item is continued from January 3, Item No. 11.)

Chairman Prochaska appointed Board members to serve on each of the committees as noted below:

No. 12a: Chamber of Commerce Legislative Affairs Committee.
Supervisor McCloud and Supervisor Stuart.

No. 12b: Chamber of Commerce Transportation Committee.
Supervisor Ferguson and Supervisor Prochaska.

No. 12c: County Supervisors' Association Legislative Policy Committee.
Supervisor Stuart and Supervisor McCloud as the alternate.

No. 12d: Greater Yuma Economic Development Corporation:
Supervisor Ferguson and Supervisor McCloud.

No. 12e: Local Emergency Planning Committee: Supervisor Ferguson.

No. 12f: National Association of Counties: Supervisor Ferguson, Supervisor McCloud, Supervisor Reyes, Supervisor Prochaska, and Supervisor Stuart. *(Note: Supervisor Stuart currently holds a position with the National Association of Counties and will continue the same.)*

No. 12g: Next Step Group. Supervisor Ferguson and Supervisor Prochaska.

No. 12h: U.S./Mexico Border Counties Coalition: Supervisor Reyes and Supervisor McCloud.

No. 12i: Western Arizona Council of Governments Executive Board: Supervisor Reyes and Supervisor Ferguson.

No. 12j: Yuma Area Resource Water Management Group: Supervisor Stuart and Supervisor Prochaska.

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

No. 12l: Yuma Crossing National Heritage Area Corporation: Supervisor Stuart.

No official action was taken.

No. 13: Human Resources: Interview applicants, followed by action to appoint a person to fill the unexpired term of Justice of the Peace for Precinct 1.

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The Board interviewed the four (4) applicants in the following order: Anita R. Salisbury; Deann L. Sandry; Jimmy M. Slater; and Richard L. Stallworth.

Supervisor Reyes made a motion, seconded by Supervisor Ferguson, to appoint Richard L. Stallworth to fill the unexpired term of Justice of the Peace for Precinct 1. The motion carried by a roll call vote: Reyes-aye; Ferguson-aye; McCloud-aye; Stuart-aye.

Mr. Stallworth accepted the appointment and vowed to do the best job he can for the citizens of Yuma County.

At 11:09 a.m., the A.M.: Chairman convened a Joint Session of the Board of Supervisors, and all Special Taxing Districts directed by the Board of Supervisors.

No. 14: Board of Supervisors. Approve the January 3, 2005 Regular Session minutes.

Supervisor Reyes moved, seconded by Supervisor Ferguson, to approve the January 3, 2005 Regular Session minutes as presented. The motion carried.

At 11:10 a.m., the Chairman adjourned the Joint Session and continued as the Board of Supervisors in Regular Session.

No. 15: Board of Supervisors: Action regarding Yuma County's 2005 Legislative Agenda and related issues.

Public & Legislative Affairs Director Kevin Tunell, and County Administrator David Garcia reported on various issues.

No official action was taken.

EVENTS CALENDAR: The Board members will report on events attended and/or to be attended on behalf of the Board of Supervisors, and update the schedule for future Board of Supervisors' Meetings, as appropriate.

No official action was taken.

ADDENDUM No. 1: Discussion and action to authorize staff to offer the annual salary of \$50,000 which exceeds the mid-range amount for the classification range, to fill the position of Cablecast Producer, effective January 30, 2005, Fund No. 00100.01.1601 (Cable TV).

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve Addendum No. 1 as presented. The motion carried.

At 11:30 a.m., the Chairman recessed the Regular Session.

The Chairman reconvened the Board of Supervisors in Regular Session at 1:30 p.m. Board members present were: Casey Prochaska, Greg Ferguson, Russell McCloud, Marco A. (Tony) Reyes 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, Community Planning Manager Maggie Carrasco, and Planner II Bob Blevins.

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. 16: Rezoning Case No. 02-39: Request by Bruce Jacobson, Agent for John W. and Gail W. Guth, to rezone approximately 43.64 acres (gross) from Rural Area – 20 Acre Minimum Parcel Size (RA-20) to Planned Development (PD) located in the area of Martinez Lake, Arizona. (This item is continued from December 20, 2004, Item No. 19.)

Ms. Carrasco presented the staff report. Mr. Stansbury presented additional information and photographs of the project area. He and Ms. Carrasco responded to questions from the Board members.

The agent for the applicant, Bruce Jacobson, 1334 South 5th Avenue, Yuma, and the applicant, John Guth, owner of Martinez Lake Resort, spoke on behalf of the request and responded to questions from the Board members concerning issues of traffic, water and sewer, setback requirements, building height, parking, and number and type of housing units.

Wade Noble, attorney for the applicant, 1405 16th Street, Yuma, presented results of resident survey to the Board members and displayed a map that indicated where the survey respondent lived at Martinez Lake.

During the public hearing, six people spoke in opposition to the request and three spoke in support.

The public hearing was followed by additional discussion with the agent, Mr. Jacobson, staff and legal counsel.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Rezoning Case No. 02-39 and rezone approximately 43.64 acres from Rural Area – 20 Acre Minimum Parcel Size to Planned Development located in the area of Martinez Lake, Arizona. The approval is subject to Notes for the Record A, B, and C as recommended, addition of Note for the Record D to strike reference to the

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condominiums from the 2002 preliminary plat; include Performance Conditions 1 and 2 as recommended, and amend Condition 3 to include the Note for the Record D; and further to include the Schedule for Development items a), b) and c) as recommended. The motion carried 5-0 by a roll call vote: Reyes-aye; McCloud-aye; Stuart-aye; Ferguson-aye; and Prochaska-aye.

The **approved conditions** are: **Performance Conditions: 1)** A range disclosure statement to be recorded within 60 days of approval by the Board of Supervisors; **2)** A revised development plan and Covenants, Conditions, and Restrictions (CC&Rs) as required by Section 616.03 of the Zoning Ordinance shall be submitted within 90 days of approval by the Board of Supervisors; **3)** An informational disclosure statement shall be signed and recorded within 60 days of approval by the Board of Supervisors acknowledging that it is understood by the applicant that he or she is subject to any and all federal, state and local laws, ordinances and regulations, including, but not limited to, Notes for the Record A, B, C and D; **Schedule for Development: a)** The developer shall perform the inventory of those lots that will be required to remove existing structures/manufactured homes/recreational vehicles and submitted to the County within 6 months of approval by the Board of Supervisors; **b)** All required improvements including the filing and approval of a tentative plat within three (3) years of Board of Supervisors approval; **c)** Within five (5) years of Board of Supervisors approval, the filing of a final plat for the proposed subdivision or the rezoning will be reviewed to revert to RA-10 in accordance with Section 405.05 of the Zoning Ordinance and A.R.S. §11-832; and **Note for the Record – A:** All requirements of the Yuma County Zoning Ordinance shall be met. **Note for the Record – 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; **Note For The Record – C:** All requirements of the Yuma County Comprehensive Building Safety Code shall be met in construction, alterations or remodeling of buildings; **Note for the Record – D:** Strike reference to the condominiums from the January 2002 preliminary plat.

At 3:23 p.m., the Chairman recessed the meeting and reconvened at 3:32 p.m.

No. 17: Revocation of Special Use Case No. 04-02: Request by the Planning Director to revoke Special Use Case No. 04-02, an approved Special Use Permit per Section 601.039(G) of the Yuma County Zoning Ordinance for agricultural processing on a 10.0 acre (gross) parcel zoned Rural Area-10 Acre Minimum Parcel Size (RA-10), part of Assessor's Parcel No. 104-20-018C, located on Avenue B approximately 400 feet north of County 16th Street.

Mr. Blevins presented the staff report on the conditions of approval not yet met by the applicant. He reported that attempts to contact the applicant and agent for the applicant have not been returned.

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

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve the revocation of Special Use Case No. 04-02 as presented. The motion carried 5-0 by a roll call vote: Stuart-aye; Ferguson-aye; McCloud-aye; Reyes-aye; and Prochaska-aye.

No. 19: Rezoning Case No. 04-36: Request by Jim E. Vance, Successor Trustee of the Vergil J. and Bessie M. Vance Trust 08-29-70, to rezone three parcels totaling 10.0 acres (gross) from Rural Area-10 Acre Minimum Parcel Size (RA-10) to Suburban Ranch 2 Acre Minimum Parcel Size (SR-2), Assessor's Parcels Nos. 101-19-019B (0.12 acres gross), 101-19-019D (4.88 acres gross) and 101-19-020 (5.0 acres gross), located at 2604 W. County 17-1/2 Street.

Mr. Blevins presented the staff report. He and Civil Engineering Assistant Arturo Alvarez responded to questions.

The agent for the applicant, John Vance, 3544 West 15th Place, Yuma, was present and spoke on behalf of the request. He indicated an understanding of the conditions of approval.

Judith Vance, 3544 West 15th Place, Yuma, spoke on behalf of the request.

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 04-36 as requested, subject to Performance Conditions 1 and 2 as recommended, the Schedule for Development items a, b and c; and Notes for the Record A, B and C as recommended. The motion carried 5-0 by a roll call vote: Reyes-aye; Ferguson-aye; Stuart-aye; McCloud-aye; and Prochaska-aye.

The **approved conditions** are: **Performance Conditions: 1)** An informational disclosure statement shall be signed and recorded within 60 days of approval by the Board of Supervisors acknowledging that it is understood by the applicant that he or she is subject to any and all federal, state and local laws, ordinances and regulations, including, but not limited to, Notes for the Record A, B, and C; **2)** An agricultural disclosure statement shall be recorded within 60 days of approval of the Board of Supervisors; **Schedule for Development: a)** The entire project site shall be developed in accordance with a revised site map to be submitted within 60 days of approval by the Planning Director showing a twenty foot wide private access easement along the western edge of the subject parcels; **b)** The developer shall construct a 26 foot wide penetration and chip seal road along County 17-1/2 Street extending from Avenue A-1/2 to the westerly property line of the subject parcel (refer to Standard No. B – Penetration and Chip Seal) within six months of approval by the Board of Supervisors; **c)** A twenty foot wide private access and utility easement along the western edge of the subject property to be recorded prior to the development of the future parcels or within two years, as indicated on the revised

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siteplan with a minimum of twenty feet in width graveled; and **Note for the Record – A:** All requirements of the Yuma County Zoning Ordinance shall be met. **Note for the Record – 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. **Note for the Record – C:** All requirements of the Yuma County Comprehensive Building Safety Code shall be met in construction, alterations or remodeling of buildings.

No. 18: Revocation of Special Use Case No. 04-03: Request by the Planning Director to revoke Special Use Case No. 04-03, an approved Special Use Permit per Section 611.03(A) and 611.03(F) of the Yuma County Zoning Ordinance to allow food service as an outdoor activity on a 1.91 acre (net) portion of Assessor's Parcel No. 107-44-002E (part of), located on Highway 95 at County 5th Street in the Miner's Camp area.

Mr. Blevins presented the staff report on the conditions of approval not yet met by the applicant. The applicant requested by letter that the Board continue the item to the February 7, 2005 meeting.

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

Supervisor Reyes made a motion, seconded by Supervisor Ferguson, to continue Item No. 18 to the February 7, 2005 meeting. The motion carried.

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to adjourn the meeting until February 7, 2005. The motion carried.

There being no further business, the Chairman adjourned the meeting at 4:12 p.m.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 7th day of February, 2005. Agenda Item No. 9.

CASEY PROCHASKA, Chairman

ATTEST:

Sue Stallworth
Clerk of the Board

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