

The Yuma County Board of Supervisors met in a Regular Session on June 20, 2005. The meeting was held at 198 South Main Street, Yuma, Arizona. At 9:01 a.m., the Chairman called the meeting to order. 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, County Attorney Jon Smith, Chief Civil Deputy County Attorney Robert Pickels and Clerk of the Board Sue Stallworth.

Supervisor Stuart led the Pledge of Allegiance.

**CALL TO THE PUBLIC:**

Gayle Castricone, 3620 West 5<sup>th</sup> Street, Yuma, part of Colonia B&C area, stated this is a crisis area, and the Steering Committee has been involved in massive cleanup efforts for nearly one year, however, the area continues to decline. Ms. Castricone urged the Board to support the efforts to clean up the area and enforce zoning ordinance violations and other zoning issues that will impact the area.

Donald Nack, 13736 E Gatewood Lane, Yuma (Fortuna Palms) requested information on state statutes governing the County's authority to make road improvements on non-County roads and spoke on the need for better roads in the Fortuna Palms area.

Dolores Duran, 3640 West 1<sup>st</sup> Street, Yuma, agreed with the statements of Ms. Castricone and complained about the condition of the Squires Trailer Park, operated by Westridge Management.

**Presentation of "*The County Line*" by Yuma 77, the Yuma Government Channel.**

No official action was taken.

**CONSENT AGENDA:**

*At 9:22 a.m., the Chairman stated that solely for the purpose of Items Nos. 15, 16, 21a, 21b, a Joint Session of the Board of Supervisors and all Special Taxing Districts directed by the Board of Supervisors was convened.*

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to approve Consent Items 1 through 22, excluding Items 8, 15 and 18. 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 \$6,946,870.07 for the period of May 20, 2005 through June 7, 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
5/24/05	Accounts Payable	\$872,304.32
5/24/05	Accounts Payable	251,170.32
5/25/05	Accounts Payable	1,555,980.11
5/27/05	Accounts Payable	305,779.76
5/27/05	Accounts Payable	199,931.05
5/31/05	Accounts Payable	1,848,328.72
5/31/05	Accounts Payable	406,797.94
6/1/05	Accounts Payable	32,446.56
6/2/05	Accounts Payable	5,671.96
6/6/05	Accounts Payable	44,281.22
6/6/05	Accounts Payable	1,231,253.51
6/7/05	Accounts Payable	16,002.25
6/7/05	Accounts Payable	539.13
	<b>HOUSING</b>	
5/20/05	Security Deposit	113.00
5/20/05	Security Deposit	4,936.13
5/25/05	Security Deposit	556.00
5/20/05	Section 8	614.00
6/1/05	Section 8	276.00
6/1/05	Section 8	305.00
6/1/05	Section 8	167,834.00
6/1/05	Section 8	845.03
6/1/05	Section 8	555.03
6/1/05	Section 8	349.03
	<b>TOTAL</b>	<b>\$6,946,870.07</b>

**No. 3: *Juvenile Court:* Adopt Resolution No. 05-38 approving participation in the Fiscal Year 2005-06 Family Counseling Program and accept the program's funding allocation of \$24,385 with a match of \$6,096 from the General Fund No. 00100.01.1700.43480, for a total amount of \$30,481.**

**No. 4a: *Adult Probation:* Authorize a budget increase of \$5,066 (from \$1,243,564 to \$1,248,630) for the Fiscal Year 2004-05 *State Aid Enhancement Fund* reflecting the total grant appropriation of \$1,094,980, interest of \$2,500, fund balance of \$25,303, and Operating Transfer In of \$125,847 from the Judicial Collection Enhancement Fund No. 02321.02.3000.**

**No. 4b: *Adult Probation:* Authorize the amendment of budget authority for the *Judicial Collection Enhancement Fund (JCEF) IPS & SAE Assistance* regarding grant proceeds and Transfer Out for Fiscal Year 2004-05, effective July 1, 2004 through June 30, 2005, Fund No. 02321.02.3000, amending the budget authority for Judicial Collections Enhancement Fund (JCEF) IPS & SAE Assistance to reflect the total grant proceeds of \$282,365 an increase of \$5,066; interest of \$316; Fund Balance of \$355; Operating Transfer Out of \$125,847 to the State Aid Enhancement**

Fund No. 02288.02.3000, an increase of \$5,066; and Operating Transfer Out of \$156,518 to Intensive Probation Services Fund No. 02230.02.3000.

No. 5: *Superior Court*: Approve a Fiscal Year 2004-05 budget reduction in revenues and expenses of \$1,096 (from \$66,022 to \$64,926) in the local Judicial Collection Enhancement Fund (JCEF), Local JCEF Fund No. 02222.01.1000.

No. 6: *Superior Court*: Approve Fiscal Year 2004-05 Conflict Administration Budget adjustments of \$208,233 (\$158,233 from Public Defender; \$50,000 from Legal Defender) to satisfy estimated expenses through June 30, 2005.

No. 7: *Superior Court*: Approve the purchase of window coverings for the Justice Center in an amount estimated to be less than \$35,000, which funds are available from the Clerk of Superior Court and Superior Court for delivery by June 30, 2005; and if the coverings are not delivered by June 30, 2005, authorize and approve the transfer of \$25,000 from the Clerk of Superior Court, and \$10,000 from the Superior Court to the General Fund Contingency, with the intention that the transferred funds be appropriated in Fiscal Year 2005-06 for the purchase of the coverings.

No. 9: *Juvenile Court*: Approve a Fiscal Year 2004-05 Budget Decrease of \$5,746 (from \$59,877 to \$54,131) for the Aztec High School Fund No. 02257.22.1700, Project No. 10210, Award No. 225701.

No. 10: *Juvenile Court*: Approve a Fiscal Year 2004-05 Budget Increase of \$21,694 (from \$874,859 to \$896,553) for the Juvenile Intensive Probation Fund No. 02265.02.1800, Project No. 10201, Award No. 1015.

No. 11: *Development Services*: Authorize the County Engineer to retain summer engineering interns at a wage rate in accordance with the Arizona Department of Transportation's Summer Engineering Student Program and to pay the current returning intern per this schedule, retroactive to May 16, 2005 at \$10.96 per hour. (Funding: various engineering budgets.)

No. 12: *Development Services*: Authorize the County Engineer to acquire by donation, purchase or condemnation, the properties needed to implement the *Avenue C Project* between the limits of 8th Street & Figueroa Avenue. (Assessor's Parcels Nos. 113-04-50 and 53A; 113-06-46 and 47, 72, 73B, 75; 113-07-03 and 04A; 113-10-01 and 07, 08, 47, 49; 113-18-01 and 02; 113-28-07A and 8A, 12, 27, 33A, 39, 44, 45, 46, 52, 53, 55, 58, 59, 60; and 113-51-67F and 69 (HURF-Department of Development Services/Engineering Fund No. 02252.03.2700.)

No. 13: *Development Services*: Authorize the County Engineer to acquire by donation, purchase or condemnation, the properties needed to implement the *Avenue E Project* between the limits of County 23rd Street and the International Port

of Entry (Assessor's Parcels Nos. 102-54-2B and 4B, 4C, 11, 12, 39, 40; HURF-Department of Development Services/Engineering Fund No. 02252.03.2700).

**No. 14: *Development Services:*** Adopt Resolution No. 05-40, approving the abandonment of the north 30 feet of the south 420 feet and the west 30 feet of the east 365 feet of the Southeast Quarter, Southwest Quarter, Southeast Quarter of Section 35, Township 9 south, Range 23 West, Gila & Salt River Base & Meridian, except the south 33 feet thereof, *located near County 16th Street and Avenue 3-1/4E.* (Reference: *Petition No. 04-04.*)

**No. 16: *Public Health Services District:*** Clarify the Board's action of June 6, 2005, Item No. 2 of: "...at the rate of 0.1%, except that when the 0.1% rate exceeds the maximum allowed by state for certain classes of taxpayers", to: "...of 1.7858 per cent of the State Rate, which for most cases will be 0.10%" to accurately reflect and satisfy the Department of Revenue legal requirements (as recommended by the Arizona Department of Revenue).

**No. 17: *County Attorney's Office:*** Authorize the Chairman to execute the interlocal agreement (Memorandum of Understanding) with the City of Yuma for the 2005 Byrne Justice Grant (JAG) Program Award of approximately \$86,656.00 to be shared between Yuma County and the City of Yuma.

**No. 19: *Housing Department:*** Adopt Resolution No. 05-39 authorizing \$1,259.90 to be written off as bad debt accounts that are over 6 months past-due and all means of collection efforts have failed.

**No. 20: *Board of Supervisors:*** Recommend State approval of a Regular Liquor License Application (Series No. 10/Beer & Wine) submitted by Sadek H. Almuliki dba Esquire Mini Mart located at 12595 Somerton Avenue, Yuma, Arizona 85365.

**No. 21a: *Board of Supervisors:*** Approve the May 25, 2005 Special Budget Session minutes.

**No. 21b: *Board of Supervisors:*** Approve the June 6, 2005 Regular Session minutes.

**No. 21c: *Election Services:*** Authorize the Chairman to sign an Intergovernmental Agreement with the Yuma County Free Library District for the provision of Election Services for the November 8, 2005 Special Bond Election.

**No. 22: *Board of Supervisors:*** Re-appoint Pearl Jefferson (alternate) and appoint Dan Geygan to represent Yuma County on the Western Arizona Council of Governments' (WACOG) *Regional Council on Aging Advisory Board* for terms which will expire on June 20, 2008.

*At 9:29 a.m., the Chairman adjourned the Joint Session of the Board of Supervisors and all Special Taxing Districts and convened as the Yuma County Free Library District Board of Directors..*

**DISCUSSION AGENDA:**

**No. 8: *Superior Court:* Approve the appointment of the Honorable Jay R. Erwin IRWIN to serve as Superior Court Judge Pro Tempore for the period of Wednesday, June 22, 2005 through Friday, June 24, 2005.**

After noting the correct spelling of Judge Irwin's name, Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve Item No. 8 as presented. The motion carried.

**No. 15: *Yuma County Public Health Services District:* Authorize the County Administrator to sign Purchase Requisition No. 19027 to Wire One Technologies, Inc. in the amount of \$34,123.85 for the purchase and installation of teleconference equipment for the Arizona Telehealth Program for the Bioterrorism & Response Program. (Funding: Public Health Services District Budget.)**

Interim Health District Director Becky Brooks confirmed the amount of \$34,123.85 as correct.

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve Item 15 as presented. The motion carried.

**No. 18: *Facilities Management:* Authorize the County Administrator to sign and enter into an Intergovernmental Agreement with the Arizona Department of Environmental Quality (ADEQ) authorizing the placement of an Air Quality Monitoring Station and equipment at the Facilities Management site at 3007 Pacific Avenue in support of the Western Arizona-Sonora Air Quality Study (WSASBA) for the period of July 1, 2005 through approximately June 1, 2010, ADEQ Contract No. EV05-136.**

Facilities Management Director Fred Schultz and Mr. Garcia confirmed this issue is being re-evaluated. They requested that no action be taken.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to take no action on Item No. 18. The motion carried.

Chairman opened all of the sub-items under 23 for discussion...

**No. 23: *Yuma County Free Library District:* Action on the following items regarding the Library District Bond Election:**

*Chairman Prochaska opened Items 23a through 23c(5) for simultaneous discussion and action.*

**No. 23a: Presentation by Library Director Susan Evans on the Library Facilities Plan.**

**No. 23b: Presentation by Architecture West, a division of Nicklaus Engineering, of a proposed Foothills Library Site Plan and Conceptual Building Design.**

**No. 23c: Adopt Resolution No. 05-41 regarding a Special Bond Election to be held in and for the Yuma County Library District on November 8, 2005. The resolution will: 1) Order a Special Bond Election on November 8, 2005; 2) Order the preparation and mailing of informational pamphlets and sample ballots; 3) Designate election precincts and polling places; 4) Determine the estimated tax rate impact on average assessed value within the District; and 5) Approve an intergovernmental agreement between the District and the Yuma County Elections Department for the administration of the election and tabulation of the results.**

Library District Director Susan Evans gave a presentation on the Library Facilities Plan estimated to cost \$53,587,086 for the capital improvements.

Mark Nitcholas and John Baracy, bond consultants with RBC Dain Rauscher, presented options for the bond program and responded to questions. Mr. Garcia stated the staff recommends a 30 year bond issue.

Stephen Faust of Architecture West presented a conceptual design for the Foothills Library site plan and building and responded to questions.

Keith Hoskins, financial advisor with Gust Rosenfeld, stated the rate for a 30 year bond issue would be \$0.3426 per \$100 of assessed valuation, and explained the process that will follow calling for the Special Bond Election.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to adopt Resolution No. 05-41 ordering and calling a special bond election to be held in and for the Yuma County Free Library District on November 8, 2005 and based on a 30 year issue at the estimated rate of \$0.3426 per \$100 of assessed valuation. The motion carried 5-0 by a roll call vote: Reyes-aye; Stuart-aye; McCloud-aye; Ferguson-aye; and Prochaska-aye.

**CONSENT AGENDA – FREE LIBRARY DISTRICT:**

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Consent Agenda Items 24 through 27 as presented. The motion carried.

The approved Consent Items are:

**No. 24: Free Library District:** Authorize the Library Director to submit an *Application for Land for Recreation & Public Purposes* from the U.S. Department of the Interior/Bureau of Land Management (BLM), for property located north of Juan Sanchez Boulevard and in close proximity to 5th Avenue (Section 6, Township 11 South, Range 24 West, Gila & Salt River Base & Meridian), to be used for the new San Luis Branch Library.

**No. 25: Free Library District:** Authorize the Chairman to sign the Intergovernmental (Renewal) Agreement with the Hyder School District Board to maintain the *Dateland Branch Library* located within the Dateland Elementary School Library located at Avenue 64E and Interstate 8 in Dateland, Arizona 85333, effective July 1, 2005 through June 30, 2010. (Fund No. 02276.07.7000.40110 through .45450.)

**No. 26: Free Library District:** Authorize the Chairman to sign the Intergovernmental (Renewal) Agreement with the Mohawk Valley School Board to maintain the *Roll Branch Library* located within the Mohawk Valley School Media Center, 5151 S. Avenue 39E, Roll Arizona, 85347, effective July 1, 2005 through June 30, 2010. Fund No. 02276.07.7000.40110 through .45450.)

**No. 27: Free Library District:** Authorize the Chairman to sign the Intergovernmental (Renewal) Agreement with the City of San Luis, Arizona to maintain the *San Luis Branch Library* located at 731 North First Avenue, San Luis, Arizona, 85349, effective July 1, 2005 through June 30, 2010. (Fund No. 02276.07.7000.40110 through .45450.)

*At 10:22 a.m., the Chairman recessed as Yuma County Free Library District Board of Directors.*

*At 10:34 a.m., the Chairman reconvened and then adjourned as the Library District and reconvened as the Board of Supervisors in Regular Session.*

**DISCUSSION AGENDA:**

**No. 28: Treasurer & Assessor Offices:** Award a bid for Tax Notice Printing Services and authorize the Assessor and Treasurer to enter into the agreements and execute documents as needed to expedite the contracting process, subject to legal review. (Treasurer's Fund No. 00100.01.0200.41290; Assessor's Fund No. 00100.01.0300.41290.)

County Treasurer Karen Fritz presented the item on behalf of her department and the County Assessor. She responded to questions regarding the selection and evaluation process used to develop the recommendation for award.

Supervisor Stuart made a motion, seconded by Supervisor Reyes, to continue Item No. 28 to July 5, 2005 and direct staff to obtain legal review of the bidding process and determination of non-responsive bids. The motion carried 4-1 by a roll call vote: Stuart-aye; Reyes-aye; McCloud-aye; Ferguson-no; and Prochaska-aye.

**No. 29: *Human Resources*: Approve the renewal policy for Medical Stop Loss Insurance (Reinsurance) Coverage with Matrix Group Benefits, Inc. (Companion Life Insurance Company), in the amount of \$318,631.00. (Health Insurance Fund No. 06607.01.1600)**

Human Resources Director John Graham advised it is the recommendation of the Yuma County Employee Benefits Board of Trustees to award the renewal policy to Matrix Group Benefits, Inc. (dba Companion Life Insurance Company).

Supervisor Stuart made a motion, seconded by Supervisor Ferguson, to approve the renewal policy for Medical Stop Loss Insurance with Matrix Group Benefits, Inc. as recommended, effective July 1, 2005. The motion carried.

**No. 30: *County Attorney's Office*: Action to: 1) Authorize the Chairman to sign a Subgrantee Agreement with the City of Yuma for the receipt of \$34,545 to fund one (1) new Legal Secretary I position for the Restorative Justice Program; 2) Direct Finance to create a fund number and assign budget and spending authority to the County Attorney for the position, and; 3) Direct Human Resources to create an additional position of Legal Secretary I for a starting salary including employee related expenses in an amount not to exceed \$34,545 within the newly established budget code.**

County Attorney Jon Smith presented the item and confirmed the position and related expenses will be fully covered by the grant and there will be no shortfall for the County to fund.

Supervisor Stuart made a motion, seconded by Supervisor Reyes, to approve Item 30 as presented. The motion carried.

**No. 31: *Development Services*: Appoint two (2) persons from the public as Hearing Officers for terms to expire on June 30, 2007, to be paid at \$50.00 per hour during respective hearings (Development Services General Fund).**

Planning Director Monty Stansbury presented the item. He explained the intent would be to rotate the two hearing officers monthly and then responded to other questions from the Board.



Sharon Williams, Box 10610, Yuma, confirmed her interest in serving as one of the hearing officers.

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to appoint Gary Brown and Sharon Williams as the hearing officers for terms effective July 1, 2005 through June 30, 2007, to be paid at \$50.00 per hour during respective hearings. The motion carried.

**No. 32: *Development Services: Request by Planning & Zoning Director Monty Stansbury to review the Zoning Violation Hearing Officer's decision for Case No. 04-H-0149/David P. Tapscott; and to remand the Hearing Officer's decision per Section 1212.09H(7) of the Yuma County Zoning Ordinance.***

Mr. Stansbury presented the background of the case. He and Deputy County Attorney Ed Feheley responded to questions.

Supervisor Stuart made a motion, seconded by Supervisor Reyes, to remand the Case No. 04-H-0149/David P. Tapscott back to the hearing officer to render a decision. The motion carried 4-1 by a roll call vote: Stuart-aye; Reyes-aye; McCloud-no; Ferguson-aye; and Prochaska-aye.

**No. 33: *Development Services: Request by Christopher D. Robins, P.E. of Dahl, Robins & Associates, Inc., Agent for MTE Real Estate & Investments, L.L.C., for a modification (deviation) from Section 3.7 of the Yuma County Subdivision Regulations for the proposed *Citrus Business Park Subdivision*, Assessor's Parcels Nos. 104-02-023 and 104-02-038 zoned Light Industrial (LI), located on Avenue 4E south of County 12th Street. *The Planning Commission recommends (with a 9 to 0 vote) to require the developer to construct the interior street to 37 feet in paved-width, with a vertical curb and sidewalk.****

Community Planning Manager Maggie Carrasco presented the item.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to adopt the recommendation of the Planning Commission. The motion carried.

The **approved modification** is: The developer will construct a 30 foot wide pave industrial street with a vertical curb and sidewalk instead of the required 48 foot wide pavement with a vertical curb and sidewalk.

**No. 34: *Development Services: Request by James Davey & Associates, Inc., Agent for the Rick B. Kelland and Debi J. Kelland Living Trust, for modifications (deviations) from Section 3.7 of the Yuma County Subdivision Regulations for the proposed *Grande Vista Subdivision*, Assessor's Parcels Nos. 205-24-009A, 205-32-001, 205-31-003A, 205-31-002C, 205-31-002D, 205-25-002C, 205-25-002B, and***

**205-25-009A zoned Rural Area-10 Acre Minimum Parcel Size (RA-10), located at Avenue 37E and County 8th Street. *The Planning Commission recommends approval (with a 9 to 0 vote) to strike the requirement in Request No. 4 that the aggregate conform to the Yuma County Public Works Standards.***

Ms. Carrasco presented the staff report. She and Civil Engineering Assistant Arturo Alvarez responded to questions.

Agent for the applicants, James Davey , 204 South 1<sup>st</sup> Avenue, Yuma, spoke on behalf of the modification request.

Supervisor Ferguson made a motion, seconded by Supervisor Reyes, to accept the recommendation of the Planning Commission. The motion carried 5-0 by a roll call vote: Ferguson-aye; Reyes-aye; McCloud-aye; Stuart-aye; and Prochaska-aye.

The **approved modifications** are: **(1)** Construct 22 foot wide gravel interior residential streets consisting of two inches to four inches of ABC, instead of 26 foot wide pavement built upon four inches of ABC with eight foot shoulders, as required by Yuma County Public Works Standard #2-100; **(2)** Waive the construction of road improvements along the 33 foot private easement south of Mesquite Lane; **(3)** Waive the inclusion of Lot #1 as part of the proposed subdivision and eliminate approximately 666 feet of Rio Verde Street east of Ocotillo Drive; and **(4)** Allow the developer to utilize local uncrushed aggregate for the ABC roadway.

**No. 35: *Development Services: Request by Francisco Galindo of Yuma Territorial Engineering, Agent for Cactus West Developers, L.L.C., for modifications (deviations) from Section 3.22, 3.3D, and 3.7 of the Yuma County Subdivision Regulations for the proposed Cactus West Subdivision, Assessor's Parcels Nos. 104-27-004, 104-26-007, and 104-26-012 zoned Low Density Residential-40,000 Square Foot Minimum Parcel Size (R-1-40) located on County 16th Street and Avenue 3-1/2E. The Planning Commission (with an 8 to 1 vote) recommends approval of Requests Nos. 2a, 2b, and 3; modifying Request No. 1 to require protective fencing only along the north edge of the canal lateral (and not the ditches); and denying part of Request No. 2c to only construct a left-turn lane and approving the part of Request No. 2c to only require a two-inch overlay for the full 26-foot width.***

Ms. Carrasco presented the staff report. She, Mr. Alvarez and Senior Engineer John Savicky responded to questions.

Agent Francisco Galindo, 1420 South 5<sup>th</sup> Avenue, Yuma, spoke on behalf of the request and responded to questions.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Modification Requests No. 2a, 2b and 3, and 2c amended to require a geo-technical investigation, cost to be borne by the developer, to determine if the existing roadway is

usable and if so, allow it to remain provided the developer improves the entire 26 foot roadway with two inch overlay, and provides right and left turn lanes. The motion carried 5-0 by a roll call vote: Reyes-aye; McCloud-aye; Stuart-aye; Ferguson-aye; and Prochaska-aye.

The **approved modifications** are: **(1)** Waive the construction of a protective fencing adjacent to the canal lateral along County 16<sup>th</sup> Street and all internal irrigation ditches; **(2a)** Waive construction of road improvements along County 15 ¼ Street; **(2b)** Waive construction of road improvements along Avenue 3 ¾E; **(2c)** Waive improvement of County 16<sup>th</sup> Street in accordance with the Guide for Improvement of Perimeter Streets (GIPS), provided there is a geo-technical investigation, cost to be borne by the developer, to determine if the existing roadway is usable and if so, allow it to remain provided the developer improves the entire 26 foot roadway with two inch overlay, and provides right and left turn lanes; and **(3)** Construct a 26 foot wide paved (with pavement border) residential street instead of a 38 foot wide paved (with roll curb) residential street.

**No. 36: *Development Services: Request by Paul Barragan of Yuma Mesa Land, L.L.C., for a modification (deviation) from Section 3.3D of the Yuma County Subdivision Regulations for the proposed Citrus Grove Subdivision, part of Assessor's Parcel No. 112-22-044, located at Avenue 5E and County 13th Street. The Planning & Zoning Commission, with an 8 to 1 vote, recommends denial.***

Ms. Carrasco presented the recommendations of staff and the Planning Commission.

Selvan Paul, Desert Sun Engineering, 3064 South Avenue B, Yuma, spoke on behalf of the request.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to approve the modification contingent upon the results of a geo-technical study confirming the road is usable as a base and that it be improved over the entire wide with two inch overlay, with right and left turn lanes; and if not usable, the developer will be required to remove the existing half width road improvements and reinstate the pavement with a 13 foot half width of asphalt pavement. The motion carried 4-1 by a roll call vote: Reyes-aye; Stuart-aye; McCloud-nay; Ferguson-aye; and Prochaska-aye.

The **approved modification** is: **(1)** Waive the improvement of Avenue 5E and County 13<sup>th</sup> Street in accordance with the GIPS contingent upon the results of a geo-technical study confirming the road is usable as a base and that it be improved over the entire wide with two inch overlay, with right and left turn lanes; and if not usable, the developer will be required to remove the existing half width road improvements and reinstate the pavement with a 13 foot half width of asphalt pavement in accordance with the GIPS.

**No. 37: *Public Works: Action to reconsider a prior action regarding the Fiscal Year 2005-06 Landscaping Services bid awarded on June 6, 2005, Item No. 18 followed by action to: Rescind the award to JSA Company and award the bid to the correct low bidder, Bowman's Landscaping, LLC at the prices specified in Exhibit B, and;***

**authorize the Public Works Director to enter into and execute agreements and financial documents necessary to expedite the contracting process, subject to legal review.**

Ernesto Rodriguez, Civil Engineering Tech, presented the staff report.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Item 37 as presented and recommended by staff. The motion carried.

**No. 38: *Public Works*: Action to reconsider a prior action regarding the Fiscal Year 2005-06 bids for the Supply, Delivery & Application of *Liquid Asphalts (CSS-1h and MC-250)* followed by action to: (a) Rescind the award for CSS-1h to Continental Western Transportation on June 6, 2005, Item No. 19b; and award the bid for CSS-1h to Ergon Asphalt Products, Inc., at the unit price of \$165.00 per ton; (b) Rescind the award for MC-250 to Continental Western Transportation on June 6, 2005, Item No. 19c; and (c) award the bid for MC-250 to Ergon Asphalt Products, Inc. at the unit price of \$340.00 per ton.**

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve Item No. 38 as presented. The motion carried.

**No. 39: *Board of Supervisors*: Appoint an individual to fill the vacancy in the elected office of the Justice of the Peace, Precinct No. 1 effective July 1, 2005, or provide direction on the process to be used for filling the position of Justice of the Peace, Precinct No. 1.**

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to direct staff to proceed with the same process used previously to fill the vacancy in this office, to screen the applicants and forward three to four candidates to the Board for consideration of appointment. The motion carried.

**No. 40: *Board of Supervisors*: Award the bid for Fiscal Year 2005-06 Print Services bid to Yuma Printing for Standard Letterhead Stationery & Standard Envelopes, and to Cactus Press for Standard Business Cards; and qualify vendors for other County print needs.**

Supervisor Ferguson made a motion, seconded by Supervisor McCloud, to approve Item 40 as recommended. The motion carried.

Qualified Vendors for other County print needs are: Yuma Printing, Cactus Press, Fed Ex Kinkos and Sun Graphics.

*At 12:40 p.m., the Chairman recessed the meeting.*

At 1:36 p.m., the meeting was reconvened. 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 and Clerk of the Board Sue Stallworth.

**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.*

**CONSENT ITEMS:** *(These are not public hearing items)*

*Chairman Prochaska opened Items 42 and 43 for discussion.*

**No. 42: Special Use Case No. 05-06: Request by Sharon R. Despars, of STARA Technologies, for a Special Use Permit per Section 601.03(J) of the Yuma County Zoning Ordinance for the testing of small parachutes and model aircraft on an approximately 2,560-acre (gross) portion of an approximately 8,120-acre (gross) parcel zoned Rural Area-40 Acre Minimum Parcel Size (RA-40) on Assessor's Parcel No. 208-52-040, located at County 1st Street and Avenue 60E, Dateland. *The Planning Commission (with a 9 to 0 vote) recommends approval.***

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to approve Special Use Case No. 05-06 as recommended by the Planning Commission. The motion carried.

**Approved conditions are: Performance Conditions: (1)** A military training route disclosure statement shall be recorded within 60 days of Board of Supervisors approval and **(2)** A range disclosure statement shall be recorded within 60 days of Board of Supervisors approval; **Operational Conditions: (1)** 72 hours prior to any drops or use of the area, STARA Technologies will notify COMCABWEST (Range and Airspace Coordinator) so that testing operations do not interfere with low level operations within the IR-218; **(2)** This Special Use Permit will remain in effect until such time as the land is no longer used for this purpose for a period to not exceed two years.

**No. 43: Rezoning Case No. 05-18: Request by Gary and Dona Waggoner to rezone a 20.0-acre (gross) parcel from Rural Area-40 Acre Minimum Parcel Size (RA-40) to Rural Area-5 Acre Minimum Parcel Size (RA-5) on Assessor's Parcel No. 202-46-022, located on the County 9th Street alignment between the alignments of Avenue 43E and Avenue 44E in Tacna. *The Planning Commission (with an 8 to 1 vote) recommends approval subject to the performance conditions.***

Supervisors discussed the conflicting recommendations from the Planning Commission and staff. The discussion supported that Consent items should be those items where the staff and Commission recommendations are the same.

Supervisor Reyes made a motion, seconded by Supervisor Stuart, to direct staff to bring Rezoning Case No. 05-18 back to the Board as a public hearing item at a future meeting. The motion carried.

**EXPEDITED ITEMS:**

**No. 44: Rezoning Case No 05-17: Request by Dale Ross English and Darnal L. Bradshaw to rezone a 10.00-acre (gross) parcel from Rural Area-10 Acre Minimum Parcel Size (RA-10) to Suburban Site Built-2 Acre Minimum Parcel Size (SSB-2) on Assessor's Parcel No. 112-27-056, located at the northwest corner of County 16th Street and Avenue 5E. *The Planning Commission, with a 6 to 0 vote, recommends denial.***

The applicants were not present nor represented by an agent. A written request for postponement of the item to September 6, 2005 was received.

During the public hearing, three (3) individuals spoke in opposition to the request. No one spoke in favor.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to deny Rezoning Case No. 05-17. The motion carried 5-0 by a roll call vote: Ferguson-aye; Stuart-aye; McCloud-aye; Reyes-aye; and Prochaska-aye.

**FULL HEARING AGENDA:**

**No. 45: Special Use Case No. 05-05: Request by Antonia Aguayo for a Special Use Permit per Section 1108.15 of the Yuma County Zoning Ordinance for a mobile home as a permanent second dwelling on a 2.99-acre (gross) parcel zoned Suburban Rance-2 Acre Minimum Parcel Size (SR-2) on Assessor's Parcel No. 101-19-038L, located at 2380 West County 18th Street. *The Planning Commission, with a 6 to 0 vote, recommends approval subject to the operational and schedule of development conditions.***

Staff advised this applicant also has requested a continuance.

Ms. Carrasco and Mr. Stansbury responded to questions regarding authority to set a time limit for the permit and opposition received from surrounding property owners.

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to continue Special Use Case 05-05 to August 1, 2005. The motion carried.

***Addendum No. 1: Juvenile Court: Approve the fund transfer of one (1) Probation Supervisor, Position No. 20910 from 100% 02261.01.1800.40110.01, Project No. 10335, Award No. 226101, to 100% 02268.02.1700.40110.01, Project No. 10202, Award No. 226801, effective February 28, 2005.***

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

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

**No. 41: *Board of Supervisors:* Action regarding Yuma County's 2005 Legislative Agenda and related issues.**

No legal action was taken.

*There being no further business, Chairman Prochaska adjourned the meeting at 2:41 p.m. until July 5, 2005.*

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 5<sup>th</sup> day of July, 2005. Agenda Item No. 18.

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CASEY PROCHASKA, Chairman

ATTEST:

\_\_\_\_\_  
Sue Stallworth  
Clerk of the Board

/ss