

The Yuma County Board of Supervisors met in a Regular Session on October 1, 2007. The meeting was held at 198 South Main Street, Yuma, Arizona.

CALL TO ORDER: At 9:03 a.m., Chairman Prochaska convened the meeting of the Board of Supervisors, also sitting as the Boards of Directors of all special taxing districts. Supervisors present were: Casey Prochaska, Greg Ferguson, Russell McCloud, Marco A. (Tony) Reyes, and Lenore Loroña Stuart. Others present were: County Attorney Jon Smith, Chief Civil Deputy County Attorney Robert Pickels, Financial Services Director Scott Holt and Acting County Administrator/Clerk of the Board Sue Stallworth. Supervisor Stuart led the Pledge of Allegiance.

CALL TO THE PUBLIC: There were no comments from the public.

PRESENTATIONS, PROCLAMATIONS & ANNOUNCEMENTS:

Yuma 77, the Yuma Government Channel, presented *The County Line*.

Chairman Prochaska presented a proclamation to Ron Perkins, Chief of the Victim Services Division of the Yuma County Attorney's Office declaring October as Domestic Violence Awareness Month in Yuma County. Mr. Perkins made brief comments and introduced members of the Victim Services staff.

Chairman Prochaska presented a proclamation for National 4-H Week, October 7-13, 2007, to the 4-H Ambassadors.

The Board heard a presentation by Phil Smithers of Arizona Public Service on the North Gila to TS-8 230kV Transmission Line site project. Mr. Smithers described the project need and description, planning in the Yuma area, routing alternatives and public participation opportunities.

No legal actions were taken on any of the above items.

CONSENT CALENDAR

Supervisor Ferguson made a motion, seconded by Supervisor Stuart, to approve the Consent Calendar as presented, excluding Item 8. 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 Demands disbursed in the amount of \$4,475,093.16 and Payroll Demands disbursed in the amount of \$1,433,746.32 during the period of August 29, 2007 through September 6, 2007. (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 |
|---------|--------------------|----------------|
| 8/29/07 | Accounts Payable | 551,299.71 |
| 8/30/07 | Accounts Payable | 2,818,270.14 |
| 8/30/07 | Accounts Payable | 103,746.08 |
| 9/5/07 | Accounts Payable | 372,399.66 |
| 9/6/07 | Accounts Payable | 418,884.97 |
| 9/5/07 | Payroll | 1,433,746.32 |
| Housing | | |
| 8/29/07 | Security Deposit | 439.00 |
| 8/29/07 | Section 8 Vouchers | 197,882.00 |
| 8/30/07 | Vendors Payable | 12,171.60 |
| | Total | \$5,908,839.48 |

No. 3: *Clerk of the Board:* Approve the minutes for a) September 17, 2007 Executive Session: and b) September 17, 2007 Regular Session.

No. 4: *Clerk of the Board:* Recommend approval to the State Board of Liquor License & Control of a Regular Liquor License Application (Series No. 12/Restaurant with All Spirituous Liquor), submitted by Curtis L. Volk, dba Don Quijote II, L.L.C., located at 11411 S. Fortuna Road No. 214, Yuma, AZ.

No. 5: *Clerk of the Board:* Recommend approval to the State Board of Liquor License & Control of a Regular Liquor License Application (Series No. 6/All Spirituous Liquor), submitted by Robert C. Harley, dba Our Place, located 2.2 miles north of I-8 on Avenue 64E, Dateland, AZ.

No. 6: *Superior Court:* Authorize the appointment of Carolyn Stallworth as an Official Court Reporter at an annual salary of \$62,576 effective October 2, 2007.

No. 7: *County Attorney:* a) Adopt Budget Amendment Resolution No. 08-36, increasing budget authority by \$19,000 to \$22,760 for the Juvenile Incentive Block Grant; and b) Authorize the Chairman to sign the sub-grantee agreement with the City of Yuma Weed & Seed Grant.

No. 9: *Development Services/Flood Control District:* Approve Requisition No. 55067 in the approximate amount of \$453,633.81 to the Yuma County Water Users Association to construct spillways and channel improvements for the West Yuma Mesa Storm Drain System.

No. 10: *Public Works/Del Sur Improvement District No. 87-01:* a) Authorize the Superintendent of Streets to sell Parcel No. 14-112-33-101 B, located within Del Sur Improvement District No. 87-01; and b) Deposit the proceeds of that sale into the General Fund of the District.

No. 12: *County Administrator:* Authorize the reallocation of the vacant Budget Director position to a Deputy County Administrator position.

ITEM REMOVED FROM CONSENT:

No. 8: *Development Services*: Approve Requisition No. 54811 in the approximate amount of \$66,456.79 for the purchase and construction of a 94' x 60' post tension concrete basketball court from General Acrylics, Mohave Contract No. 05Q-GA13-0130, for the Esperanza Park Improvements.

Grants Administrator Yolanda Galindo explained the project schedule and said it is anticipated the vendor will be on site to begin work within 30 days.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Item 8 as presented. The motion carried.

DISCUSSION AND ACTION ITEMS:

No. 13: *County Administrator*: Authorize the Chairman to sign a letter on behalf of the Board of Supervisors to support Allied West Paper Corporation in applying for manufacturing sub-zone status, to receive Foreign Trade Zone (FTZ) benefits. (This item is continued from September 5, 2007, Item No. 16.)

Mr. Eric Ovanessian, a representative of Allied West, responded to questions from the Board members regarding water usage.

Mr. Brian Thompson, Director of the Foreign Trade Zone (FTZ) Operations for the Yuma International Airport said that FTZ status helps to keep businesses in the United States that might go elsewhere by providing a property tax reduction of 24-5% (in Arizona) in addition to other benefits.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Item 13 as presented. The motion carried 4-1 by a roll call vote: Reyes-aye; McCloud-aye; Stuart-no; Ferguson-aye; and Prochaska-aye.

At 10:06 a.m., Chairman Prochaska recessed the Board of Supervisors and convened as the Board of Equalization to consider *Petitions for Review of Real Property Valuations* on the following properties.

No.14: Jerry D. and Catherine Swift-Trust, Assessor's Parcel No. 663-31-104, 4428 W. 15th Place, Yuma, Arizona.

County Assessor Joe Wehrle responded to questions regarding the method used to determine the property valuation.

Petitioner Jerry Swift, 4428 W 15th Place, Yuma, spoke in support of his petition, stating it is not fair to determine valuation using a computer program and based on square footage. He argued that sales information for his area does not support the higher assessed valuation.

Further discussion followed with Mr. Wehrle on the process used to determine the valuation,

Supervisor Ferguson made a motion to uphold the Assessor's Decision for the Full Cash Value of \$469,602. The motion was seconded by Supervisor Stuart and carried.

No. 15: Lorrie Sweet, Practice Administrator Paradigm Tax Group LLC, Assessor's Parcel No. 700-47-002 Et al, Scottsdale East Estates AZ.

Mr. Wehrle advised he had met with the agent for these properties and following that the agent had indicated the petition would be withdrawn. The Clerk of the Board advised that as of the meeting time a letter of withdrawal had not been received from Paradigm.

The property agent was not present.

Following a brief discussion with Mr. Wehrle, Supervisor McCloud made a motion to uphold the assessor's decision in the amount of \$5,927,500 Full Cash Value. The motion was seconded by Supervisor Reyes and carried.

At 10:38 a.m., the Chairman adjourned the Board of Equalization and reconvened as the Board of Supervisors in Regular Session.

No. 16: *Development Services*: Request by Francisco Galindo, P.E., Yuma Territorial Engineering, agent for Tedford and Cynthia Males, James Hinton and Charles and Catherine Dodd for modifications from Sections 3.3D and 3.7 of the Yuma County Subdivision Regulations for the proposed Cannon Estates subdivision, consisting of 11.51 (gross) acres zoned Low Density Residential-20,000 square feet minimum (R-1-20), Assessor's Parcel Nos. 113-13-036, -037, -046 and -047 (new Assessor's Parcel Nos. 663-21-036, -037, -046 and -047) located on 12th Street, approximately 1,100 feet east of Avenue D, Yuma, Arizona. *The Planning Commission (with a 9 to 0 vote) and staff recommend approval of requested Modifications Nos. 1a and 2, and denial of Modification No. 1b.*

Community Planning Manager Maggie Carrasco made the staff presentation and Francisco Galindo of Yuma Territorial Engineering spoke on behalf of the property owners.

County Engineer Roger Patterson responded to questions from the Board regarding planned improvements for 12th Street.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve the recommendation of the Planning Commission to approve Modifications 1(a) and 2 and deny Modification 1(b). The motion carried.

The **approved modifications** from the Yuma County Subdivision Regulations are:

1(a): Modification from Section 3.3(D): Not to construct road improvements along Avenue C ¼; and **2. Modification from Section 3.7:** To develop 47th Avenue with a 58 foot right of way instead of a 50 foot right of way.

No. 17: *Development Services*: Resolution No. 07-54 (Pending Petition No. 07-02): Request to abandon the North 40 feet of the North West Quarter , North West Quarter , South West Quarter of Section 2, Township 10 South, Range 23 West, Gila and Salt River Meridian, Yuma County, Arizona, except the West 50 feet thereof. (aka County 16-1/2 Street, between Avenues 2E and 2-1/8 E).

Mr. Patterson presented the staff report and responded to questions. He confirmed that the easement cannot be used by the County for a roadway and cannot be used by property owners for access to their property.

The petitioner, Lorena Fidel Cabrera spoke on behalf of the request for abandonment.

There was discussion with staff, legal counsel and Ms. Cabrera regarding impact of abandonment on any existing easement for the irrigation ditch. Ms. Cabrera confirmed that the ditch would not be removed.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Resolution No. 07-54, and to include in the record there is a provision in the resolution to protect the adjacent property owners. The motion carried.

No. 18: *Board of Supervisors*: a) Action regarding Yuma County's Legislative Agenda for the 2008 Legislative Session; and b) Approve the 2008 City of Yuma/Yuma County and Yuma County Chamber of Commerce Legislative Summit Agenda.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve the agendas as presented. The motion carried.

Addendum 1: Authorize the reallocation of a vacant Attorney I position (Position No. 2151.001) within the Yuma County Attorney Civil Division to an Attorney II position effective October 1, 2007.

Supervisor Stuart made a motion, seconded by Supervisor McCloud, to approve Addendum 1 as presented. The motion carried.

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

At 11:34 a.m., Chairman Prochaska recessed the meeting until 1:30 p.m.

AFTERNOON SESSION:

At 1:33 p.m., the Chairman reconvened the Board of Supervisors in Regular Session. All Board members were present. Others present were: Deputy County Attorney Ed Feheley, Planners II, Greg Nelson and Michael Abraham and Acting County Administrator/Clerk of the Board Sue Stallworth.

REZONING AGENDA: 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.

REZONING CONSENT CALENDAR:

No. 20: Special Use Permit Case No. 07-04: Request by Jose G. Ambriz, agent for Iglesia Apostolica De La Fe En Christo, Jesus in the U.S. Phoenix District, Inc., AZ, Non-Profit (NP), for a Special Use Permit per Section 604.03(I) of the Yuma County Zoning Ordinance, for a church on a 1.93 (net) acre parcel zoned Low Density Residential-40,000 square feet minimum (R-1-40), Assessor's Parcel Nos. 631-39-073 and -074, located on the west side of Avenue C approximately 130 feet north of Riverside Drive, Yuma, Arizona. *The Planning Commission (with a 9 to 0 vote) and staff recommend approval subject to the Performance Conditions, Operational Conditions and Schedule for Development.*

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve Special Use Permit Case 07-04 as recommended by the Planning Commission. The motion carried.

The Conditions of Approval are: Performance Conditions: Within 60 days of approval by the Board of Supervisors; **(1)** An agriculture disclosure statement shall be recorded by the applicant; **(2)** The two parcels comprising the subject property shall be combined by the applicant by recorded deed; **Operational Conditions: (1)** All requirements of the Zoning Ordinance shall be met; **(2)** All requirements of the Arizona 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; **(3)** All requirements of the Yuma County Comprehensive Building Code shall be met in any construction, alterations or remodeling of buildings; **(4)** The approval of the Special Use Permit is based on the site plan submitted by the applicant on February 14, 2007. Any significant changes from this site plan will require the Special Use Permit to be reheard; and **(5)** If any, a driveway gate shall open towards the inside of the subject property and shall be set back a minimum of 25-feet from the right-of-way line. **Schedule for Development:** Prior to development or within three years of Board of Supervisor's approval, whichever occurs first: **(a)** The applicant shall apply for a building permit for construction of the church and said permit shall be finalized as per appropriate code requirements; and **(b)** Vehicular access to the combined lots shall be limited to one (1) point of ingress and egress on Avenue C.

ITEMS REMOVED FROM THE REZONING CONSENT CALENDAR:

No. 19: Rezoning Case No. 07-24: Request by Miguel Hernandez, agent for Diana Melody, to rezone a 7,500 square foot parcel from Low Density Residential-12,000 square feet minimum (R-1-12) to Manufactured Home Subdivision-6,000 square feet minimum (MHS-6), Assessor's Parcel No. 113-34-052, located at 3351 West First Street, Yuma, Arizona. *The Planning Commission (with a 9 to 0 vote) and staff recommend approval subject to the Performance Conditions and Schedule for Development.*

Mr. Kent Patrick, 3400 Columbia Avenue, Yuma, expressed opposition to the rezoning.

Mr. Feheley advised the Board that since there is an objection and before any action is taken by the Board, the case should be noticed for a future public hearing.

No legal action was taken.

EXPEDITED REZONING and PLAN AMENDMENT PUBLIC HEARINGS

No. 21: Special Use Permit Case No. 06-02: Request by the Planning Director to revoke Special Use Permit Case No. 06-02, a Special Use Permit under Section 601.03(P) of the Yuma County Zoning Ordinance to allow a second dwelling unit on 5.40 (gross) acres zoned Rural Area-5 acre minimum (RA-5), Assessor's Parcel No. 104-25-014B, located at 15307 South Avenue 3-1/4, Yuma, Arizona. *The Planning Commission (with a 9 to 0 vote) and staff recommend revoking Special Use Permit No. 06-02, based on the applicant's failure to meet the conditions of approval.*

Mr. Abraham explained that one of the applicants has moved to New Mexico and one of the applicants has passed away and the property is now up for sale.

Ms. Carrasco advised that the Special Use Permit had been issued. However, the Schedule for Development was not met.

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

Supervisor Reyes made a motion to approve the staff recommendation and revoke Special Use Permit No. 06-02. The motion was seconded by Supervisor McCloud and carried.

REZONING - REGULAR PUBLIC HEARING ITEMS:

No. 22: Special Use Permit Case No. 07-03: Request by James and Maggie Thrall for a Special Use Permit per Section 1108.14 of the Yuma County Zoning Ordinance for a kennel on a 2.5 (gross) acre parcel zoned Suburban Ranch-2 acre minimum (SR-2), Assessor's Parcel No. 112-52-022A, located at 9232 East Mae Drive, Yuma, Arizona. *The Planning Commission (with a 9 to 0 vote) and staff recommend denial based on incompatibility with the adjacent residential neighborhood. The primary issues are noise from barking dogs and increased traffic on unpaved roads.*

Mr. Nelson presented the staff report.

The applicant, Maggie Thrall, 11855 S Fortuna, Yuma, expressed her frustration with the opposition the project received at the Planning and Zoning Commission hearing and advised the Board she was withdrawing her application for a special use permit.

The Chairman opened the public hearing and John Gillis, 11755 South Adams Avenue, Yuma, and Victoria Griffis, 11808 South Adams Avenue, Yuma spoke in opposition to the special use permit. There were no comments in favor.

Supervisor Reyes made a motion, seconded by Supervisor McCloud, to approve the recommendation of the Planning Commission for denial of the special use permit, Case No 07-03. The motion carried.

There being no further action to come before the Board, the Chairman adjourned the meeting at 1:55 p.m.

YUMA COUNTY BOARD OF SUPERVISORS

Adopted this 15th day of October, 2007. Agenda Item No. 3.

CASEY PROCHASKA, Chairman

ATTEST:

Sue Stallworth
Clerk of the Board

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