

BOARD OF SUPERVISORS MINUTES WITH SUPPLEMENTAL TRANSCRIPT
(Where a supplemental transcript is available, it is printed in bold type)

OFFICE OF BOARD OF SUPERVISORS
YAVAPAI COUNTY, ARIZONA

Prescott, Arizona

May 19, 2003

The Board of Supervisors met in regular session on May 19, 2003, in Cottonwood, Arizona, at 9:30 a.m.

Present: Chip Davis, Chairman; Gheral Brownlow, Vice Chairman; Lorna Street, Member; Bev Staddon, Clerk.

Also present: Jim Holst, County Administrator; Dave Hunt, Board Attorney/Assistant County Administrator; Randy Schurr, Deputy County Attorney.

Clerk's note: A copy of these minutes with a supplemental transcript is available in the Office of the Clerk of the board of Supervisors and is also available on the County website.

ITEM NO. 1. Presentation by the Y.E.S. the A.R.C. group. Led by Jennifer Schauffler-Vircsik, the group performed a dance routine for the Board.

ITEM NO. 2. Board of Supervisors.

1. Presentation of the CDBG award by Northern Arizona Council of Governments (NACOG) to Y.E.S. the A.R.C. Chairman Davis presented the award to Penny Vigil, Executive Director of Y.E.S. the A.R.C.
2. Consider request by the Yavapai County Fair Association for authorization to conduct the 2003 County Fair Race Meet. YCFA member Gary Spiker presented this request to the Board. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.
3. Study session for discussion only for the purpose of reviewing the proposed 2003-2004 fiscal year budget for the Verde Constable. Verde Valley Constable Ken Ellis presented his budget.

Mr. Ellis told the Board that with the exception of line items that he could not control, such as retirement contributions, health insurance and the like, that he had done everything possible to hold the line and not request any increases. He said he was asking for only \$1,900 for office supplies and items needed to actually operate the office. Chairman Davis said the Board appreciated Mr. Ellis' efforts to spend County funds wisely.

4. Consider appeal of Hearing Officer decision, Waxler Living Trust- Robert and Gillian Waxler, #03-Z-018, parcel 306-40-030Y and 306-40-030Z. Chief Zoning Inspector Steve Mauk provided information to the Board regarding this appeal. Supervisor Brownlow moved to overturn the decision of the Hearing Officer. Supervisor Street seconded the motion. Supervisor Brownlow then amended his motion to require that the commercial truck trailer(s) on the subject property be removed within 60 days. Supervisor Street seconded the motion, which carried by unanimous vote.

Mr. Mauk told the Board that staff believed the commercial truck trailer(s) on the property jeopardized the character of the neighborhood, and that staff would look at changing the wording in the Ordinance to make it more clear that this type of storage was not allowed. Chairman Davis said he believed the intent of the Ordinance was to allow some leniency, but that in this case he did not think the use was in accordance with the spirit of the Ordinance.

5. Discussion and possible action for a transfer from Contingency to the Sheriff's budget for overtime expenditures. Sheriff Buck Buchanan participated in this item, answering the Board's questions as requested. Upon a motion by Supervisor Street, seconded by Supervisor Brownlow, the Board voted unanimously to approve the transfer of \$39,000 from Contingency to the Sheriff's budget to pay for overtime for the remainder of the current fiscal year. No comments from the public.

Mr. Holst told the Board that the General Fund budget was functioning within the parameters of the overall budget and that there was still money available in Contingency. He said the budget was in about the same shape this year as it was at this time last year. Supervisor Street said she believed the Board needed to allocate some overtime money for the Sheriff, but that she was not certain what the amount should be. There was brief discussion regarding the Sheriff's original request for overtime in the 2002-2003 fiscal year budget, during which

Mr. Holst said he was not certain but believed the request was for \$60,000 plus a grant amount of about \$65,000. Supervisor Street said she believed that a transfer of \$39,000 from Contingency would get the Sheriff through the end of the current fiscal year. Chairman Davis asked Mr. Holst if he could recall what the expenditures for overtime had been in past years. Mr. Holst said it was about \$100,000 for Operations in prior years but that last year the amount expended for overtime, including the grant, was about \$200,000. Supervisor Street asked if it was just Deputies and Investigators who received overtime. Sheriff Buchanan responded Patrol Deputies, Animal Control Officers, Dispatchers, and others in his department all worked overtime. Supervisor Street said her thought was that overtime was just a cost of doing business and the Board had to provide some funding. Chairman Davis said he believed that checks and balances were also required in managing County departments so that resources are spent in the most cost effective manner. Supervisor Street said she agreed with that, and that everyone should be accountable. Supervisor Brownlow asked Sheriff Buchanan how he monitored overtime. Sheriff Buchanan said he had very stringent controls in place, and that his department was probably the most stringent in the County with regard to overtime.

6. Consider approval of items appearing on the Consent Agenda for Board of Supervisors and on the Consent Agenda for Special Districts. With the exception of items 1.a., 1.b., 6.b., and 11., all on the Consent Agenda for Board of Supervisors, all other items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow. No comments from the public. See Consent Agenda for Board of Supervisors for details.

ITEM NO. 3. Director of Juvenile Court Services Gordon Glau. Consider award of contract to provide Comprehensive Jail Medical Services to Yavapai County Adult Detention Facilities, Remanded Juvenile Facilities and Juvenile Detention Facilities. Sheriff's Captain Scott Mascher provided information on this item and answered the Board's questions. Following brief discussion, the Board voted unanimously to hold this item in abeyance until May 21, 2003. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

Captain Mascher said he wanted to thank the many people who had been involved in bringing this issue to the Board on this day, adding that people from several different County departments had all worked together. He explained that the contract was to provide health care in the Jail, saying that malpractice insurance was increasing every year and no one knew where it would cap out. He said that as a result, staff had looked at obtaining medical services for all the departments that need it. Chairman Davis asked if the Sheriff's Office was considered to be a higher risk with regard to malpractice insurance. Captain Mascher said the Jail did not have the oversight or the federal accreditation that some companies had. Mr. Hunt said staff's experience in obtaining malpractice insurance over the past year was that carriers were concerned when an operation was not run by an organization of medical professionals, and that was why there were concerns about the Sheriff's Office operating medical services for the Jail. Captain Mascher said that the bulk of the people in the County Jail had not had the level of medical care that most people have, and that when they come to the Jail they are generally in very poor health. Supervisor Street said there was no information about to whom the contract was to be awarded. Captain Mascher said the recommended provider was Wexford Health Sources, which he described as one of the three largest private providers in the country. He said that Wexford was currently providing medical services for 84,000 inmates nation wide, and that if the Board approved the contract, the County employees currently providing medical services would become employees of Wexford. Mr. Holst said he believed that everyone had agreed that it was critical to place medical services for the Jail either under an accredited private company or have the County Health Department provide the services. He said that if the Board decided not to go with a private contractor, it would need to approve setting up a new unit within the Health Department to provide services. There was brief discussion about other bidders and about what the current medical costs are, during which Chairman Davis said it had become very apparent to the Board during budget discussions this year that the Jail District was in bad shape and that the Board had to pay very close attention to it and not make any mistakes. Captain Mascher said he believed there were some cost-effective measures that could be considered with regard to Wexford, but that he felt good medical oversight was a necessity. Chairman Davis asked if there had been an analysis of what it would cost for the Health Department to provide the services as opposed to a private contractor providing them. Supervisor Brownlow said he believed the Board needed a complete report, on paper, and that this item should be held. Supervisor Street agreed that the

Board needed to see something on paper.

ITEM NO. 4. Resolve into Board of Directors of the Yavapai County Jail District.

Reference: Jail District minutes.

1. Approve minutes of meeting of May 5, 2003, and special meeting of May 6, 2003.
2. Consider award of contract to provide Comprehensive Jail Medical Services to Yavapai County Adult Detention Facilities, Remanded Juvenile Facilities and Juvenile Detention Facilities.

ITEM NO. 5. Resolve into Board of Supervisors. Consider establishment of Health Services Unit within the County Health Department to provide medical services to Yavapai County Adult Detention Facilities, Remanded Juvenile Facilities and Juvenile Detention Facilities. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to hold this item in abeyance until May 21, 2003.

ITEM NO. 6. Resolve into the Board of Directors of the Yavapai County Flood Control District.

Reference: Flood Control District minutes.

1. Approve minutes of meeting of April 21, 2003 and special meeting of May 7, 2003.
2. Consider approval of a Project Manager position, Range 64 (\$40,386.74 - \$54,980.43) as a permanent position within the Flood Control District, to be paid from Flood Control District budget.

ITEM NO. 7. Resolve into Board of Supervisors. Public Works Director Richard Straub.

1. Consider permission to contract the U.S. Forest Service and offer to blade Wolf Creek Road twice a year. Supervisor Street moved to approve this request with the understanding that it will be reviewed annually. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.

Mr. Straub explained that Supervisor Street had received a number of requests from residents in the area of Wolf Creek Road to have the road bladed for safety reasons. He said the Forest Service had limited equipment and ability to blade the road. He said he would like to offer to blade the road twice a year during fire season. Supervisor Brownlow said he was in favor of it. Supervisor Street said that for about two years people in both Groom Creek and Ponderosa Park had talked about how to get out in case of fire. Chairman Davis said he would like to see this considered on an annual basis so that the County did not end up with the road being grandfathered for maintenance. Supervisor Street said she agreed, and that what she was looking for was the ability for the County to grade the road if the Forest Service requested it, with the understanding that it was only for emergency access and that it was not a permanent situation. Mr. Schurr pointed out that the County has an existing cooperative agreement with the Forest Service for road maintenance, and that it was supposed to be reviewed on an annual basis. Supervisor Street said that was a good idea, adding that everyone who had ever wanted anything done was using fire danger as a reason to get it done and that she did not want the County to be locked into permanent maintenance on Wolf Creek Road.

2. Award or reject bids received for the Mingus Avenue Extension, Project #998144. Bids opened May 13, 2003, with bids received from the following vendors: Vastco, Inc., \$7,249,000; Ames Construction, Inc., \$7,447,109; Meadow Valley Contractors, Inc., \$7,710,634; Fann Contracting, \$8,038,020; and Kraemer, Edward & Sons, Inc., \$8,078,427.93. Recommend awarding bid to Vastco, Inc., in the amount of \$7,249,000. Half-cent sales tax project. Chairman Davis moved to award the contract to Vastco, Inc. as recommended by Mr. Straub. Supervisor Brownlow seconded the motion, which carried by unanimous vote. No comments from the public.

Mr. Straub told the Board that the recommended bid was nearly \$1 million under the engineer's estimate for this project. He said that with this project, the County would complete nearly \$70 million worth of regional road projects. Chairman Davis said this project had been on the books for more than 15 years and that the County had been actively pursuing it for the past six years. He named the multitude of agencies that the County had been required to deal with during the process, saying that each one of them put their two cents into the project but that the County had been committed to making the project work.

3. Consider approval of Authorization of Services #2312031 with Frank S. Strickler for Side Road Appraisal

Services, in an amount not to exceed \$4,000, to be paid from Outside Services. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

4. Permission to purchase an additional brush chipper for the mitigation efforts. No County funds involved. Costs will be covered 100% with fire mitigation funds. Approved by unanimous vote. Motion by Supervisor Brownlow second by Supervisor Street. No comments from the public.
5. Consider approval of items appearing on the Consent Agenda for Public Works. All items were approved by unanimous vote. Motion by Supervisor Brownlow second by Supervisor Street. No comments from the public.

CONSENT AGENDA FOR PUBLIC WORKS: Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street. No comments from the public.

1. Award or reject bids received for Supply and Delivery of Crack Fill Material in Yavapai County, Contract No. 2312020. Bids opened May 6, 2003, with bids received from the following vendors: Brewer Cote, Crafcro and Superior Supply. Recommend awarding bid to all bidders at various unit prices. To be paid from HURF.
2. Award or reject bids received for the Old Route 66 Rubberized-Polymerized Asphalt Chip Seal or Conventional Chip Seal Project, Seligman area Project #2111445. Bids opened May 6, 2003, with bids received from the following vendors: Alternate 1- Cactus Transport, Inc. - \$118,959.69; Caitlin Construction, Inc.- \$143,805.70; International Surfacing Systems, \$119,083.38 and Southern AZ Paving & Construction, \$133,382.90. Recommend awarding to Cactus Transport, Inc., in the amount of \$118,959.69. To be paid from HURF and half-cent sales tax project.
3. Consider approval of extension for completion of services to Authorization of Services until December 31, 2003, with Cannon & Associates for the following services: Design Services for State Route 89 and 89A and Traffic Interchange; AOS #008868. No additional funds required; Half-cent sales tax project.
4. Consider approval of Change Order #3 to the Sedona Airport North Hangar Ramp Reconstruction Project, AIP No. 3-04-00033-11 & 12; ADOT Grant Nos. 1157 & E 3F35 with Willow Springs Construction of Northern Arizona, for a decrease of \$1,575. Project funded by FAA Grant 12. No County funds involved.
5. Permission for the Public Works Department to enter into a Maintenance Parameter Agreement with the Burlington Northern and Santa Fe Railway Company for Drake Road and Hyde Park Road for safety issues. No cost to the County.

ITEM NO. 8. Development Services Director Ken Spedding and Planning Manager Elise Link. Planning and zoning. Planning & Zoning Commission member Curt Garner was present to represent the Commission.

1. Consider approval of items appearing on the Consent Agenda for Planning & Zoning. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street.
2. Hearing: Zoning map change from R1-35 to C-2, Rimrock Restaurant & Bar, 405-14-035, Rimrock area, Wilburn O. Palmer, #3030. Consideration of a Zoning Map Change from R1-35 (Residential; Site Built; 35,000 square foot minimum) to C-2 (Commercial; General Sales and Services) to allow construction of a restaurant and bar on a 1.1-acre portion of a parcel. Located at the northeast corner of the intersection of Beaver Creek and Dave Wingfield Roads in Rimrock. Situs: 5195 N. Dave Wingfield Road. Located in SEC 35 TWN 15N R5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Zoning Map Change with the following Stipulations: 1). Development and operation of the restaurant/bar shall be consistent with the Letter of Intent from Robert Flinn, dated January 3, 2003; 2). Building permit shall be issued within one year of board approval date, or the zoning map change becomes null and void; 3). A six-foot block wall fence shall be constructed along the northern property line, separating the new commercial zoning district from the residence; 4). A drainage report addressing on site and off-site runoff shall be submitted and approved prior to the issuance of building permits; 5). All state and local codes regarding design, installation and operation of an onsite wastewater treatment system shall be followed; 6). All other local, state, and federal regulations shall apply; 7). Parking light poles shall not exceed twelve (12) feet in height; 8). The citizen participation requirement shall be completed prior to the Board of Supervisors hearing on May 19, 2003. The applicant, Mr. Palmer, presented information to the Board and answered questions. Area residents Jim and Barbara Tucker, Gabriel Samano and Norma Sisco all expressed opposition to the application. Supervisor Brownlow moved to approve the recommendation of the Planning & Zoning Commission, with the addition of the following stipulations: (9) Applicant is not to open the bar prior to the restaurant part of the facility being fully operational; (10) Certificate of Compliance to be issued within 18 months of Board approval; and (11) Road improvements shall be participated in as recommended by the County Engineer as part of their review for ingress and egress to the site. Supervisor Street seconded the motion, which

carried by unanimous vote.

Ms. Link told the Board that the applicant was requesting the zoning map change to commercial in order to allow a restaurant and bar to be constructed on the property. She said the current owner was planning to sell the property to the owner of the McGuireville Bar, who she said wanted to relocate his bar and add a family style restaurant. She said that a drainage study would be required and that it had been included in the stipulations. Ms. Link said the Commission had said it would like the applicant to go back and talk to the neighbors some more, and that she had received a letter from the applicant indicating that he had done so. She said that most of the comments in opposition to the application indicated that people did not want "rowdy cowboys" in the area. She told the Board that she had added stipulations 9 and 10, as follows, for the Board's consideration should it decide to approve the application: (9) Applicant is not to open the bar prior to the restaurant part of the facility being fully operational; and (10) Certificate of Compliance to be issued within 18 months of Board approval. She added the applicant had no problem with either of the additional stipulations. Mr. Palmer said he had no problem with any of the stipulations. He said he had sent 84 letters to people in the area, but had received only a couple of phone calls and three letters back as undeliverable. He told the Board that a petition in opposition to his application was submitted the day before the Commission meeting, and that he had tried to talk to as many of the people who signed it as possible. Mr. Palmer said the intent was to build a restaurant and bar, and that there was already a restaurant and bar in the same area, as well as other commercially zoned property. He said the potential new owner of the property was planning to put about \$250,000 into a new facility, that moving the current McGuireville Bar would solve a parking problem, and that he, himself, would continue to live on the acre of property behind the proposed new restaurant and bar. Supervisor Street asked Mr. Palmer how he knew for certain that the restaurant and bar would be built once the property was sold. Mr. Palmer said that was the only way the sale of the property would take place, that he would be living there for quite a few years and that he was very involved in the community. Chairman Davis asked Mr. Palmer if he had let the neighbors know that the facility would be open until 1:00 a.m. Mr. Palmer said he had. Chairman Davis asked Ms. Link if all of the requirements stemming from the Commission meeting had been satisfied. Ms. Link said they had been. Chairman Davis asked Mr. Palmer who would be operating the restaurant. Mr. Palmer said he understood it would be the daughter of the future property owner. Mr. and Mrs. Tucker, and Mr. Samano all expressed concerns about safety, citing inadequate sight distance and speeding on Dave Wingfield Road. Supervisor Brownlow asked if the Board could add a stipulation requiring the driveway to the facility be approved by the County Engineer. Mr. Schurr said the Commission had considered adding a stipulation that the driveway be designed by an engineer, but that it was not necessary because approval would be required by the County Engineer. Chairman Davis asked if the Board could look at the potential of access from Beaver Creek Road instead of from Dave Wingfield Road. Mr. Schurr said it could. Ms. Link said there was already a turn lane on the road. Supervisor Brownlow said that the Planning & Zoning Commission had approved this application by a unanimous vote, and that as long as the County Engineer was going to look at the intersection it was okay but that he would like to see something requiring the applicant to participate in turn lane improvements. There was brief discussion regarding the hours of operation, during which Mr. Palmer said the restaurant would open at 5:00 a.m.

3. Hearing: Zoning map change/preliminary site plan from R1-10 to R1-12 and RCU-10 to residential PAD, The Orchards at Cathedral Rock, 408-30-004A, 408-30-021 and 408-31-001B, Sedona area, Jim Hofbauer agent for BySynergy, L.L.C., #3029. Consideration of a Zoning Map Change from R1-10 (Residential; 10,000 square foot minimum), R1-12 (Residential; 12,000 square foot minimum) and RCU-10 (Residential; rural; 10,000 square foot minimum) to residential Planned Area Development together with a Preliminary Site Plan to create 123 residential lots consisting of an average of 4137 square feet per lot and including approximately 60% common open space on a total of 53.13 acres. Located along the south side of Upper Red Rock Loop Road approximately 0.30 miles south of Chavez Ranch Road and approximately 1.8 miles south of Highway 89A in the Sedona area. Situs Address: 2202 Upper Red Rock Loop Road. Located in SEC 27 T2N 17N R5E G&SRB&M. The Planning and Zoning Commission recommended approval of the Zoning Map Change/Preliminary Site Plan with the following Stipulations: 1). Zoning Map Change from R1-10, R1-12 and RCU-10 to Residential Planned Area Development for the project known as the Orchards at Cathedral Rock to be consistent with the preliminary site plan map dated March 3, 2003 and letter of intent; 2). Preliminary Plat/Final Site Plan to

be submitted within two years of approval of the zoning map change in substantial conformance with the approved preliminary site plan or the zoning will be null and void unless an extension of time is requested by the applicant and approved by the Board of Supervisors; 3). Applicant to have a written commitment from the Arizona Water Company to serve the development prior to approval of the preliminary plat; 4). Preliminary Plat/Final Site Plan map to depict dimensions of structures and setbacks showing that County required minimum setbacks for Planned Area Developments are maintained; 5). No timeshares or rentals in less than thirty (30) day increments; 6). Approval of road waiver request to exceed the maximum length of a cul-de-sac; 7). Developments shall comply with the Sedona Fire District comments dated March 18, 2003, and shall also comply with the fire-wise plan; 8). All roads shall be accessible during a 100-year storm event. Michael Zito, Managing Partner for BySynergy, made a presentation to the Board regarding this application. The following individuals expressed in varying degrees their support for the application, or in some cases, simply stated they were not opposed but still had questions or concerns: Harry Easton; Carolyn Bickart; Stephen Bess; Sue Clemenz; Bennie Blake; and Betsy Henry. The following individuals expressed opposition to the application: Celinas Ruth; Michael White; Hugh Green; Sarah K. Braun; Carolyn Grebenstein; and Elinsa Turner. Following discussion, Supervisor Brownlow moved to approve the recommendation of the Planning & Zoning Commission, with the additional stipulations, as follows: add to stipulation number 1, "and letter from Michael Zito, Managing Partner, BySynergy, LLC dated May 12, 2003" to stipulation number 1, following ". . .and letter of intent. . ."; add new stipulation (9) Irrigation easement needs to be shown on the Preliminary/Final Plats and language stating that this easement shall remain in perpetuity and no interference with this easement shall occur; and add new stipulation (10) applicant to participate in off site road improvements to Red Rock Loop Road as required by the County Engineer. Supervisor Street seconded the motion, which carried by unanimous vote.

Ms. Link located the subject property off Lower Red Rock Loop Road, noting that the current zoning had been in place since about 1970. She said that the surrounding properties were all zoned residential and that some of the lot splits in the area were quite old. She said the applicant was requesting PAD zoning for 123 units with approximately 60% open space and a centralized water system. Ms. Link added that the applicant would also provide either an on-site wastewater treatment package plant or connect to the City of Sedona's sewer system. She said the interior roads would be private but built to County standard with the exception of one cul-de-sac. Ms. Link told the Board that she had not received any formal objections from any of the reviewing agencies, but that the City of Sedona would prefer to see the project tie into the City's sewer system rather than having an on-site plant. She added that the fire department had expressed concern about a road going through the flood plain of Oak Creek. Ms. Link told the Board that as a result of the written objections received from surrounding property owners, it would require a unanimous vote of the Board to approve the application. She said the Commission had felt that PAD zoning would be an improvement over the kind of development that has occurred in the area in the past. Ms. Link said a letter had been received from the applicant on May 12, 2003, stating additional changes he would make, including moving all roadways and housing units out of the flood plain; having only detached units and no townhomes; making all of the lots custom home lots instead of building a turn-key subdivision; and reducing the height of the single story units. She said that the applicant had also agreed to relocate the wastewater treatment plant to a location more acceptable to people in the area, and that she had added a stipulation to provide that the irrigation easement remain in perpetuity. Mr. Zito said his company had purchased the subject property in July of 2002, and that it was currently zoned for a maximum of 224 single-family units. He said the original plan submitted was for 202 or 295 units, but that it had been reduced to 123 units. He said that a great deal of work had already been done to clean up the property and that the existing mobile home park on the property would be closed down as of May 31, 2003. Mr. Zito said that following the Commission hearing, he had met with Mr. Easton, Ms. Blake and Ms. Clemenz and had also agreed to make additional changes, including: (1) removing any units and portions of roadways from within the 100-year floodway, and eliminate gated access; relocate the wastewater treatment plant to a more agreeable location if it is in fact necessary to have such a treatment plant; making all of the lots custom home lots, with CC&Rs to ensure that the project will fit with the surrounding homes; reducing the number of units from 123 to 106; limiting the height of single-story homes to no more than 26 feet; and eliminating the clubhouse and pool. Mr. Zito said that the old Schuerman residence would be rehabilitated and turned into a library, and that Arizona Water Company had been asked to have the project included in its certificated area. He said he had also spoken with

representatives of the City of Sedona regarding connecting the project to the City's sewer system, and had requested that an item be placed on the City Council's June 10, 2003, agenda to request approval to enter into formal discussions with the City regarding the same. He said his company was sensitive to the concerns of people living in the area, and that the project would not create higher density but would, in fact, reduce density. Supervisor Brownlow asked Mr. Zito how he would irrigate the park areas if the project was connected to the City of Sedona's sewer system. Mr. Zito said that if the project connected to the City's system, he would provide a stub out for the neighboring development to connect. He said he did not really want to do an on-site sewer system, and that if both water and sewer could be brought to the property at the same time it would be less expensive but would still cost approximately \$2.5 million. He said the plan had been to water the "orchards" with effluent from the on-site plant, but that if the project could connect to Sedona's system there would no longer be "orchards" but instead just natural landscaping. Chairman Davis noted that the property had about 340 acre feet of irrigation rights, and asked Mr. Zito what he planned to do with those rights. Mr. Zito replied that he did not know, but was open to discussion. Chairman Davis said he had concerns about how those water rights would be used. Mr. Zito said that if there were not going to be "orchards", the name of the project would need to change. He said that the property currently has five wells, three of which serve the mobile home park. He said there was no deal on the table to transfer water rights to Arizona Water Company. Chairman Davis asked Mr. Garner how what he had heard on this day was different from what the Commission had heard. Mr. Garner responded that the issues addressed by the applicant were all issues that the Commission had hoped the applicant would bring to the Board, and that in general this was the direction the Commission wanted the applicant to go. Mr. Garner said it would be very expensive for the applicant to provide the kind of infrastructure he was proposing, and that he thought the applicant might have understated the expense involved. Mr. Garner said that, for that reason, he felt the Board should look at what could be done with the effluent on-site, if in the end it was necessary to have a package plant on the property. Mr. Bess said he was president of the Red Rock Rural Community Association, and that his organization had held four community meetings about this project, with about 50 households attending one or more of the meetings. He said that his organization had concerns about traffic, density, water, sewer, and so on, but that he believed the applicant had listened to the concerns of the community and acted in good faith. He said that his organization had approved a motion to not oppose the application. Ms. Clemenz said that many of her concerns regarding the rural character of the area had been addressed and that she was no longer opposed to the zoning map change. She added that discussions with BySynergy had been cordial. Ms. Braun said she still had concerns about traffic and potential changes to the rural character of the area, adding that people in the area walked dogs and rode horses on the roads. Ms. Blake showed the Board pictures of Oak Creek at flood stage, saying that the Carroll Canyon area was the principal drain for all of Sedona and the Secret Mountain Wilderness Area, and that if the applicant was going to have an on-site sewer treatment plant it would need to be in an area well away from the creek. She said she also hoped that the rural nature of the area would be retained. Ms. Bickart said she was in favor of clustered development but that she still had some concerns about density and felt that even with 106 housing units it would represent a 20% increase in density. She said she would like to see the project approved, but was concerned that it might set a precedent. Mr. Easton said that the application met the requirements of the Red Rock Dry Creek Community Plan, but that he would like to see a stipulation added requiring the applicant to obtain service from Arizona Water Company in order to build the project. Mr. Green said he was a real estate investor and one of the property owners within 300 feet of the proposed project. He said he did not believe a zoning map change was necessary for the area and that people were willing to pay a great deal of money for lots in the area. He said he believed the marketplace would dictate the density and that approving the PAD zoning would result in higher density. Ms. Ruth said that most of the people she had spoken to were not in favor of the project because of density. She said there were market conditions that would control density in the area and that she believed bringing in infrastructure for water and sewer would be out of balance with the area. Mr. White said he was opposed to the application, and that less density meant less infrastructure, which meant less cost. He said that building fewer units would mean less impact, and he proposed that the applicant limit the project to 40 units. Ms. Henry said she was secretary-treasurer of the Red Rock Ditch Association. She said she was not opposed to the project, but that her organization had concerns about erosion along the ditch and wanted the developer to be

aware of the importance of the ditch and make sure that water continued to flow in it. In response to a question from Supervisor Brownlow, Ms. Henry said that the water in the ditch came from Oak Creek and that there was water in the ditch at all times unless the Association had to shut it down for maintenance. Chairman Davis said that County staff would also be keeping an eye on the ditch. Ms. Grebenstein said she lived across the street from the subject property and was concerned about losing her view of Cathedral Rock. She said she believed it was the County's responsibility to make sure there were no duplexes in the area, and that the last plan she had seen would result in her view being blocked. Ms. Grebenstein said she was also concerned about traffic, that the area was not properly patrolled now, and that when she had contacted the Sheriff's Office about it she was told there was not enough money to have a patrolman in that area. Ms. Turner asked whether the property could be sold once the zoning map change was approved. Ms. Link said it could be, but that any new owner would have continue according to what was approved by the Board. Ms. Turner said she did not want to deny the owners of the property the right to make a profit, but that she believed the proposal represented an urban project and did not balance with what was already in the area. Chairman Davis closed the floor to further public comment. Ms. Link said that Mr. Easton's concern about water was addressed in stipulation number 3. Mr. Garner said his main concern was that there was a "what if" question with regard to wastewater. He said if the applicant was able to connect the property to the City of Sedona's sewer system everything would be okay, but that he did not think it would happen and that there was a question about how effluent would be disposed of if an on-site treatment plant was required. He said he did not know that the applicant could adequately irrigate the area at build-out and that this issue might be something that the Board should ask the applicant to address and bring back to the Commission. Mr. Zito said initial studies had been done on how much effluent would be generated by an on-site package plant and that his first choice was to continue working with the City of Sedona. He said he knew that it would take a great deal of engineering, but that the process needed to start somewhere and that he also was concerned about cost. Supervisor Brownlow said he had been on the Board for 14 years and that he was not thrilled about all the development that had taken place in the County. He said that all of the new people moving into the area had really changed the rural character of the County, and that if those present wanted to see really bad development they should look at some areas in his district. Supervisor Brownlow told those present that if the applicant developed his property by lot splits, he would not have build roads and that this would result in problems in the future. He said that lot splits would also result in lousy addressing and that a well-designed subdivision was far preferable to lot splits. He said he did not like lot splits but that there was nothing the Board could do about them, and that people needed to be careful what they wished for because they just might get it. Chairman Davis said that this Board had inherited some things from the past, and that in 1970 someone probably made a deal with the owner of the property at that time to turn it into a high density property. He said that the current owner could split the property five ways and then those five splits could each be split five more times, and so on and that the property could end up with 225 homes on it. Chairman Davis said there were some things he had to look at, such as the fact that Sedona had experienced problems with its wastewater treatment plant because the ground could not absorb all the effluent. He said that eventually the EPA or ADEQ would require residents in the area to have some kind of wastewater treatment facility, and that if the applicant was able to bring in that kind of infrastructure it would much less costly for everyone than having to do an improvement district later on. Chairman Davis said he knew there were people in Yavapai County who could make a 225-house subdivision on the property happen and that it was better to have some protections built in than to end up with lot splits with wells. He said he did agree that the density was not appropriate, but that people had property rights and existing zoning rights and it was a question of how to make the best of a bad situation. He said he believed the developer had reached out to people as much as possible, noting that the multiple-family dwellings had been taken out of the plan, building heights were reduced and that density was also reduced. Chairman Davis said what made it difficult for the Board to manage the County was the fact that it really could not manage growth because the state legislature continued to allow lot splits. He said that if a developer comes to Yavapai County and the County beats him up, he will not come back, and then everyone ends up wondering why quality development doesn't happen and lot splits do. He added that if a developer was going to make a reasonable proposal, then the Board needed to make the best decision. Supervisor Brownlow asked if there was a stipulation about putting a deceleration lane on Red

Rock Loop Road. Ms. Link said there was not, and that this was just the preliminary plat and that there would be more detailed traffic studies required of the applicant. Mr. Spedding said that a stipulation could be added, but that the Subdivision Regulations required certain studies. Supervisor Brownlow said he would like to see a stipulation requiring the applicant to participate in improvements to Red Rock Loop Road as required by the County Engineer. Mr. Spedding noted that the applicant would also have to submit stormwater management plans at a later time. Supervisor Street said that these kinds of issues were never easy, and that the growth in the area was taking an enormous toll on water, traffic and the like. She said that Arizona is the second fastest growing state in the country, and that when a developer comes in and listens to people and tries to do the right thing the Board needs to pay attention to it. Chairman Davis said that with regard to stipulation number 4, he would like to ask the applicant to work with Ms. Grebenstein to help ensure that she does not lose her view as a result of the development. Mr. Zito said he would do that, and that one reason the number of units across the street from her property had been reduced from ten to five was to provide for adequate spacing in order to retain the view from her property.

CONSENT AGENDA FOR PLANNING & ZONING:

1. Final Plat, Cross Creek Ranch, 408-31-040, 408-31-109S, Sedona area, Art Beckwith, Shephard-Wesnitzer, Inc., agent for Daniel Maloney, Steven Maloney and Dushan Vojnovich, #2172. Consideration of a Final Plat consisting of eighty-four (84) Single Family Residential lots, having an average area per lot of 2.32 acres, on approximately two hundred eighteen (218) acres in an RCU-2A [Residential; Rural, minimum two (2) acres lot size] zoning district for the project known as Cross Creek Ranch. Located along the south side of Lower Red Rock Loop Road, approximately 2.7 miles from its intersection with State Route 89A in the Sedona area. Located in SEC 33 TWN 17N R5E G&SRB&M.

DEVELOPMENT SERVICES DEPARTMENT BUSINESS:

1. Hearing: Consider approval of a street name change to rename the street known as Long Canyon Road and Rancho Del Oro Parkway to Golf Club Way, in the Sedona area. 911/Addressing Coordinator Vincent Gallegos presented this item. Applicant Allison McCauley was present to answer the Board's questions. Chairman Davis moved to deny the request. Supervisor Brownlow seconded the motion. Following brief discussion, Chairman Davis withdrew his first motion and then moved to approve Resolution No. 1391, changing only the portion of the road known as Rancho Del Oro Parkway to Golf Club Way. Supervisor Brownlow seconded the motion, which carried by unanimous vote.

Mr. Gallegos said he had not received any objections to this street name change request. Chairman Davis said if the name change was not for health or safety reasons he was inclined to deny it. Ms. McCauley said the road was made a private road in September of 2002 and that she did not understand why there was a problem with the name change. Chairman Davis said the road was on the maps as Long Canyon Road and that if there was not a health or safety problem involved he did not want to change the name because it would result in inaccurate maps. Ms. McCauley asked if it would be better to change the name of the road to just one name, noting that it was currently listed with two names. Mr. Gallegos said it would be logical to have just one name. Chairman Davis asked if the name would be Long Canyon Road up to the point where it reached the subdivision gate. Ms. McCauley said that would be fine. Mr. Gallegos suggested changing the portion of the road known as Rancho Del Oro Parkway to Golf Club Way. Supervisor Street said if Rancho Del Oro Parkway was not currently listed on maps, then she had no problem with changing that portion of the road. Mr. Gallegos told the Board that the current street naming ordinance allows anyone to request a road name change for any reason and that it was not limited to health and safety reasons. He said it would probably be a good idea to look at amending the ordinance to include language that would limit road name changes to those needed for health or safety reasons.

ITEM NO. 9. Tour of the new Yavapai County Camp Verde Jail Facility. The Board met with the architect, Durrant, and the contractor, Sletten Construction, for a tour of the new facility.

CONSENT AGENDA FOR BOARD OF SUPERVISORS: Unless otherwise noted, all items were approved by unanimous vote. Motion by Supervisor Street, second by Supervisors Brownlow. No comments from the public.

1. Requests from Board of Supervisors:
 - a. Approve minutes of meeting of May 5, 2003, and of special meetings of April 28, 30, May 6 and 7,

2003. Approved by unanimous vote. Motion by Supervisor Street, second by Supervisor Brownlow.

- b. Liquor licenses for which there are no protests: (1) Series 7 Person Transfer, Rancho Sano Y Salvo, Paulden area, Amy Louise Gerber; and (2) Series 6 Person Location Transfer, Enchantment Resort, Sedona area, Harold Jerome Lewkowicz; (3) Series 12 Restaurant, Dusty Creek Steakhouse & Saloon, Peeples Valley area, Laurie G. Randler. Chief Zoning Inspector Steve Mauk presented information regarding the license for Rancho Sano Y Salvo. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to hold the liquor license for Rancho Sano Y Salvo in abeyance and to approve the others.

Supervisor Brownlow said staff had recommended denial of this liquor license, and he called upon Mr. Mauk to explain why. Mr. Mauk said the property at which the license would be used was not zoned for sale of alcohol.

- c. Approve appointment of the following precinct committeemen, as recommended by the Democratic Committee of Yavapai County: Deborah Wang, Chino Valley 1 Precinct; Sarah Litka, Whipple Precinct; Robert Culver and Amy Ledesma, Kirkland Precinct; Jettie Davis, Pine Knoll Precinct; Ed McNamara and Veola Vay McNamara, Beaver Creek Precinct; Joyce Irwin, Glassford Precinct; Emma Carpini, Red Rock 1 Precinct; Grace Lemmon, Country Park Precinct; Jim Swenson and Joan Swenson, Yavapai Hills Precinct; Robert Killion, Chino Valley 2 Precinct; John Baird, Holiday-Wells Fargo Precinct; Donna Brammer, Shadow Valley Precinct; Kasey Katherine Hayne, Willow Precinct; Peralee Strand, Mayer Precinct; Darrel Smith, Mountain Club Precinct; Ruth Bailey and Catherine Muldoon, Sandretto Precinct; Michelle Metzler, Big Chino Precinct; Lynn Macdonald, Cherry Creek 1 Precinct; Shirley Higgins and Phyllis White, Agua Fria 2 Precinct and Travis Holtzclaw, Prescott Country Club Precinct. Acknowledge the removal of the following individuals: Tom Kopezynski, Prescott Northwest Precinct; Paul Poyner, Badger Precinct and June Guidoboni, Kirkland Precinct.
 - d. Approve appointment of the following precinct committeemen, as recommended by the Republican Committee of Yavapai County: Robert V. Fox, Antelope Precinct; Floyd T. Wright, Humboldt Precinct; Deborah Strole, Prescott Country Club 2 and Judith M. Blackford, Montana Precinct. Acknowledge the removal of Robert "Marty" Martinez from the Cherry Creek 2 Precinct.
 - e. Authorize the County School Superintendent to sign contracts, contract amendments, and the like related to the Special Programs Division of the County School Superintendent's Office without bringing them to the Board for approval unless it is for a completely new program.
 - f. Appoint Becki Stolzberg to the Merit Award Board as a representative of District 2, replacing Vincent Gallegos, with term to expire May 18, 2005.
 - g. Approve funding agreement between Yavapai County and the Verde Valley Senior Citizens' Association for \$338,028 in CDBG funds per Arizona Department of Housing contract to renovate an existing historical building to be used as an ADA accessible senior center facility, located on County property in Cottonwood.
2. Consider approval of a request from Yavapai County Industrial Development Authority for adoption of a resolution approving the issuance of not to exceed \$70,000,000 Hospital Revenue Bonds (Yavapai Regional Medical Center) Series 2003 of the Industrial Development Authority of the County of Yavapai and certain matters related thereto. Resolution No. 1392.
 3. Request from Assessor to change parcels from Legal Class 4 to Legal Class 3 as of their date of conversion as evidenced by Board Memorandum No. 2003-1.
 4. Request from County Attorney, Victim Witness Division to consider acceptance of two grant agreements 2002-347 and 2002-348 between the Arizona Department of Public Safety and Yavapai County Attorney's Office, to be effective July 1, 2003 through June 30, 2004, with a grant match of \$32,010 for grant #2002-347 and \$10,313 for grant #348, to be paid from County Attorney/ Victim Witness Program budget.
 5. Request from Finance to approve the auction of a complete set of Arizona Revised Statutes for a minimum bid of \$400. Auction to be held on June 19, 2003.
 6. Requests from the Local Workforce Investment Board:
 - a. Approve appointment of new youth member to the Youth Council; Katelin Cambry Keown with a term to expire May, 2005.
 - b. Consider approval of LWIB Partner Memorandum of Understanding for recertification with the State of Arizona. NACOG Regional Director Teri Drew explained this item to the Board. Upon a motion by Supervisor Brownlow, seconded by Supervisor Street, the Board voted unanimously to approve this item contingent upon the County Attorney's review and approval of the MOU for Yavapai College.

Ms. Drew explained that there were five MOUs involved, but that the MOU for Yavapai College

had not yet been approved. She said that the College had asked the County Attorney's Office to review the MOU and approve it prior to the College governing board approving it.

- 7. Request from School Superintendent for letter of support from the Board to help facilitate the purchase of land and construction of a building, at no cost to the County.
- 8. Request from School Superintendent, Special Programs Division for approval of a three-year contract for Professional Services for the Prescott Unified School District to form an Arizona Regional Support Center for the Arizona READS-Reading First Program and the No Child Left Behind Act of 2001, at a cost of \$38,000 per year to be paid from the Arizona Regional Support Center, Title II-A funds.
- 9. Request from Facilities to approve purchase of turf equipment needed for use at various parks and the Courthouse Plaza. Equipment consists of an aerifier, topdresser, dragmat and boom sprayer at a cost not to exceed \$17,000 to be paid from each Supervisor's Park Fund and Facilities budget.
- 10. Request from MIS for permission to hire Kris Estes on a periodic basis to bring the existing application online and transitional training for the new person. Cost of \$50 per hour to be paid from unfilled position(s) at a cost not to exceed \$20,000, to be paid from budgeted funds.
- 11. Request from Fleet Management for approval of accident report for period January 1 through March 31, 2003. Fleet Management Director Dave Burnside answered the Board's questions with regard to this item. Approved by unanimous vote. Motion by Supervisor Brownlow, second by Supervisor Street.

Supervisor Brownlow asked Mr. Burnside what actions were taken when stupid accidents happened. Mr. Burnside said he was aware that both the Public Works Department and the Sheriff's Office took some sort of action in such cases. He added that all employees who drive County vehicles are required to complete a driver safety course. Supervisor Street said some of the accidents listed in the report were ridiculous.

- 12. Approve vouchers.

CONSENT AGENDA FOR DIRECTORS OF YAVAPAI COUNTY FLOOD CONTROL, FREE LIBRARY AND JAIL DISTRICTS, AND COUNTY IMPROVEMENT DISTRICTS:

- 1. Resolve into the Boards of Directors of the Yavapai County Flood Control, Free Library and Jail Districts and other County improvement districts for the purpose of approving vouchers.

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CLAIMS AGAINST YAVAPAI COUNTY

<u>ACCOUNT</u>	<u>AMOUNT</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
General Fund	1,396,611.10	Jail District	264,792.49
District 1 Park Fund	6,118.60	District 2 Park Fund	2,230.51
District 3 Park Fund	292.41	Child Health Grant	3,021.00
Comm. Health Center	13,057.80	AMPPHI	975.42
Family Planning	4,924.67	MCH Programs	1,894.53
Home Health Ser	11,622.59	Health Promotion	2,282.07
Nutrition	1,652.98	T.B. Control	1,454.19
WIC Program	17,491.77	Stop Violence Women	5,687.62
Jail Enhancement	6,229.61	Juvenile Delinq. Reduct	10,733.17
Juvenile IPS	15,292.90	Family Counseling	2,070.00
Juvenile Food Prog	2,283.11	Comm. Advis. Bd	177.75
Probation Serv	4,936.03	Adult IPS	28,335.86
Adult Probation Fees	16,115.87	Prob Enhance	36,502.40
Indigent Def/Dg	1,436.62	Misc Small Grants	634.30
Crim Just/Atty	6,125.40	Bad Check Prog	3,401.05
CDBG Grant	36,456.98	Juv Prob Svs	3,631.39
Commodity Fd	790.70	Azeip Case Mgmt	2,455.12
Sexual Trans Disease	78.45	Hi Risk Chld HI	2,992.63
Clerk's Storage	1,173.66	WIC/TOB Intervention	2,092.09
HIV Counsel & Test	1,394.56	Atty Anti-Racket	1,829.62
PANT	3,844.82	Law Library	628.17
CASA	4,139.65	Case Process	4,323.18
Prim. Care – V.V.	4,094.16	Azeip Coordinator	2,335.10

Vict Witns Prog	6,679.65	Court Enhancement	1,525.66
Council Court	2,097.20	Juvenile Dent. Enhan.	3,525.36
Primary Care Svs	8,875.84	PC Fees Verde V.	61.17
Victims Rights Impl	3,962.77	ADEQ WRA Grant	325.16
Hassayampa/LTC	871.64	Dietetic Intern	566.99
Immuniz Service	2,344.32	Personal Care Svs	327.77
Idea-Preschool	1,312.34	Public Defender Tr.	1,851.36
Subs Abuse/DARE	267.03	Chem Abuse	320.42
Family Drug Court	1,126.73	Juvenile Drug Court	3,095.70
Juv Det/PACE	4,261.40	Collab. Comp Rev	7,200.00
Prevent Child Abuse	697.75	Special Program	15,933.11
Sm Schools Ecia	685.46	Sm Schools Beha	19,440.15
Fill the Gap - Courts	7,555.11	Hurf Road Funds	367,074.55
Assessor App Dev	6,960.05	Health Fund	69,015.78
Jail Commissary	4,115.92	Environ. Services	1,956.08
Landfill Administ.	41,431.27	Water Advisory Comm	2,950.31
Clinical NICP	1,323.37	Tire Recycle	161,811.73
Safe School Pro	6,276.00	Adhs-Svs Coord	634.50
Local Incentive Awards	228.73	Fill the Gap – Attorney	734.20
Family Law Commiss.	6,085.50	Comm Punish Pro	3,485.75
Juven. Detent Ed Pro	1,098.73	Regnl Road Project	283,354.29
Contributions SO	32.20	Library Auto Consor	35.01
Health Start	5,072.72	Victim Compensat.	343.77
DUI Comm Gov Off.	600.00	Interstate Compact Pro	1,915.00
Ryan White II	3,119.02	Prepared. Bioterror	9,555.44
St Grant in Aid	1,826.26	Primary Care Fees	1,702.37
Perinatal Block	2,153.82	Well Woman Health	4,770.98
Tobacco Educ	12,779.10	Ad Prob Ed. H2002	62.36
St Imple. Grant	155.95	School Reso. – Mayer	1,361.80
St Grant in Aid	107.63	Direct Treatment Fund	4,130.78
Mental HealthRWJF	3,473.41	Mental Health Part.	3,465.95
Field Trainer	1,927.35	Comm. Access Pro	5,737.40
Attendant Care	24,401.37	HIV/CT	284.47
HIV Targeted	1,362.25	Childrens Justice	1,253.62
Child Sup & Vis	1,185.09	Self Service	216.82
VOCA	4,205.46	Yav. Drug Court	1,770.76
JTSF Treatment	5,624.57	Diversion Conseq.	2,464.57
Capital Projects	60,418.61	Jail Construction	859,184.45
Juv Jail Imp. Phase II	160,628.00	Selg. Runway Airport	16,503.00
ALTCS	1,752,264.47		

In addition, payroll was issued on May 16 for the pay period ending May 10; warrant numbers 2431387 through 2431833, in the amount of \$343,779.02. Jury certificates issued during this time; 6860390 through 6860578. Warrants issued for May 19 Board day, 4194215 through 4194642; 4194643 through 4195129.

There being no further business to discuss, the meeting was adjourned.

ATTEST:

Clerk _____Chairman

