

Board of Supervisors  
February 16, 2005  
9:30 a.m.

The Board met in a Regular Meeting at the Santa Cruz County Complex, 2150 N. Congress Drive, Room #120, Nogales, AZ. Present: Robert Damon, Chairman; Manuel Ruiz, Vice-Chairman; John Maynard, Supervisor; Holly Hawn, Attorney; Melinda Meek, Clerk. Also present: Jennifer St. John, Mary Dahl, John DeStefano, Daniel Doyle, Marcelino Varona, Alberto Kramer, Beth Daley, Carol DeFazio, Carol Cullen, Garry Hembree, Sheriff Estrada, Gary Rose, Louie Chaboya, Gary Brasher, Neil Gustafson, Diana Corrales, William Neubauer.

The Meeting was called to order and the Pledge of Allegiance was recited, led by Mayor Alberto Kramer, City of Nogales.

**ADOPTION OF AGENDA:** Vice-Chairman Ruiz made a motion to adopt the Agenda, tabling Action item E-3 (Sub-contract Amendment with Southeast AZ Area Health Education Center for Public Health Response and Preparedness) for 1 week and to deviate from Agenda sequence as necessary; second by Supervisor Maynard; motion carried unanimously.

**CALL TO THE PUBLIC:** Carol Cullen, Tubac Chamber of Commerce Director, updated the Board on the success of the Festival of the Arts in Tubac last weekend and thanked the Board and the County for assistance; she stated that the Special Event Ordinance was instrumental in the organization of the event; she thanked the Community Development Department (Mary Dahl, Rick Hindmann, Angelica Ortiz), Mike Masee, Victor Gabilondo & staff, the County Road Crew, Norma Northcross, John Benedict and Alberto Verdugo, the Health Department (Kevin Irvine), Sheriff Estrada and the Santa Cruz County Sheriff's Officers, and the Community Foundation.

Garry Hembree, Tubac Chamber of Commerce President, thanked the Board of Supervisors, Santa Cruz County staff, the Sheriff's Department, Victor Gabilondo and Mary Dahl and their staff for their assistance during the Tubac Festival of the Arts.

Gary Rose stated that this was the 46<sup>th</sup> Annual Festival, 43 of them occurred without being controlled by the Special Event Ordinance; he feels that the Board of Supervisors is taking away 1 of his freedoms in controlling what he can and cannot do on his own property during special events; he stated that last year, Sheriff's Deputies approached him and his wife and informed them that they would be monitoring them for any violations; this year, Mr. Troy requested authorization from Community Development for some his friends to park their RVs on his property, the Community Development Director responded that the Ordinance would not permit such a request; however, there was an RV parked at Mr. Hembree's property during the entire festival; he believes that section 2119 of the Ordinance should be deleted and is in direct violation of the Arizona Statutes.

John DeStefano apologized to the Board of Supervisors for inadvertently interrupting last week's Executive Session.

Dan Doyle informed the Board that Allan Troy and his son are both members of the Nogales/Santa Cruz County Chamber of Commerce and are respectable and honest business people.

**REPORTS:**

**BOARD OF SUPERVISORS:** Vice-Chairman Ruiz welcomed City of Nogales Mayor -Albert Kramer and 2 former Mayors, Daniel Doyle and Dr. Marcelino Varona; congratulated the Tubac Festival of the Arts and all involved and encouraged Tubac residents to work together; thanked Mr. Rose for his service in the Air Force; reported that the Nogales High School Apache Basketball Team won their game last night against Moon Valley.

Supervisor Maynard thanked County staff and the Tubac Chamber of Commerce for assistance in the successful Tubac Festival of the Arts; reported that he attended a roadside cleanup on Saturday in Rio Rico and thanked the Landfill staff for assisting the community organizations who participated; he attended a Little League fundraiser event in Rio Rico on Saturday night.

**MANAGER:** None

**FINANCE:** Administrative Services Department Director, Jennifer St. John, reported \$8,797,368 in the General Fund of which \$8,301,365 is invested; \$1,078,395 in the Road Fund of which \$1,002,784 is invested; \$755,620 in the Flood Control District Fund of which \$736,484 is invested; \$13,083,917 total for all funds of which \$12,763,918 is invested; \$8,494,025 estimated end of month balance, compared to \$5,697,852 cash at February 2004, a difference of \$2,796,173.

**SHERIFF:** Sheriff Estrada reported that the current jail population is 83, 79 males and 4 females; 28 inmates have been sentenced to the County jail and 3 to the AZ Department of Corrections; 79 have been charged with felonies and 4 with misdemeanors; 14 (18%) are undocumented aliens; 6 have been committed to the County jail on a daily basis and 6 on a weekly basis. 43 persons were booked in during the past week.

Sheriff Estrada also reported that there were 2769 total bookings during 2004; the Sheriff's Office is investigating the seizure of 16 bags of cocaine involving 2 students at the Nogales High School.

**ACTION ITEMS:**

**TAX VALUATION ADJUSTMENTS** #102-19-042-D-3 – Lendo Lilia P/Moreno Annette, Resolution No: S20040000201; 109-47-021-0 – Fields Family LP, Resolution No: S20040000202; 105-58-015-3 – Southwestern Dist Conference of Brethern Church, Resolution No: S20040000203 and 101-42-033-0 – Teyechea Annie J, Resolution No: S20040000198 were approved as submitted by the County Assessor's Office. (MR/JM; c.u.)

**BOND FOR DUPLICATE WARRANT** #193802, payable to Lynette Rozwood, dated 2/2/05 in the amount of \$708 was approved as submitted. (MR/JM; c.u.)

**MINUTES** of 1/11/05 were approved as submitted. (JM/MR; c.u.)

**MONTHLY REPORTS** were approved as submitted. (MR/JM; c.u.)

**DEMANDS** were approved in the total amount of \$884,853.28 of which \$373,443.24 is from the General Fund. (MR/JM; c.u.)

The Board recessed the Regular Meeting to convene the Public Hearings published for 10:00 a.m. (MR/JM; c.u.) Details of these expenditures are available for inspection during working hours and are to be considered part of these minutes. **General Fund:** \$373,343.24; **Victim Rights Notification:** \$3,005.95; **Bad Check Collection:** \$1,295.44; **Cost of Prosecution:** \$1,099.64; **Citizen Corps/Cert Grant:** \$1,399.98; **Exercises:** \$169,669.23; **School Forest Fees Fund:** \$4,259.63; **Early Learn-Learning Together:** \$5,888.57; **Community Technology CTR Program:** \$1,103.55; **Carol M White-Phys Ed Grant:** \$6,776.74; **Law Library:** \$1,297.51; **Road:** \$121,665.99; **Anti-Racketeering #2:** \$9,250.71; **Atty's Victims Comp. Fund:** \$21,599.47; **Juvenile Probation Fees:** \$1,439.64; **Jail Enhancement:** \$3,152.35; **Juvenile Education Fund:** \$2,029.36; **Domestic Violence Education:** \$20,000.00; **Gear Up:** \$1,803.85; **Flood District:** \$6,605.89; **Flood Reserve:** \$1,223.62; **Cultural Youth At Risk:** \$19,072.74; **W.I.A. Youth Program:** \$3,981.08; **W.I.A. General:** \$46,379.37; **WIA/TANF Set A Side:** \$14,807.70; **W.I.A. Adult:** \$6,743.56; **W.I.A. Dislocated Worker:** \$2,313.11; **W.I.A. Administration:** \$2,999.69; **Projects With Industries:** \$2,165.76; **Work Incentive Grant:** \$1,637.49; **Landfill:** \$22,022.13

To review these demands for this date, refer to Binder #13 which accompanies this book.

#### PUBLIC HEARINGS

10:00 a.m.

**REZONING 4.25 ACRES OF LAND FROM B-2 (GENERAL BUSINESS) TO R-3 (RESIDENTIAL) IN BACA FLOAT #3 AT BARRIO DE TUBAC, SANTA CRUZ COUNTY, AZ (CASE NO. REZ-04-21: PARCEL NO. 112-44-023C-PORION):** Community Development Department Director, Mary Dahl, explained that this request, submitted by San Miguel Partners, is concurrent with a Planned Area Development (Embarcadero at Barrio de Tubac); the purpose of the rezoning request is to consolidate adequate residential zoning to provide for 180 town homes and 44 patio home lots.

At the Planning & Zoning Commission's Public Hearing in 10/2004, they recommended approval of the rezoning request subject to conditions. Condition #1 will be met if the Board of Supervisors approves the Final Plan on today's Agenda; condition #4 has been met because the Baca Float Water Company has become a designated municipal water provider in its service area; conditions #2 & #3 are standard requirements that the property be developed in accordance with the PAD and that the Land Development Agreement and Third Party Assurance Agreements be entered into and should remain as conditions of the rezoning.

PUBLIC COMMENT: None

**FINAL PLAN FOR THE EMBARCADERO PLANNED AREA DEVELOPMENT IN BACA FLOAT #E AT BARRIO DE TUBAC, SANTA CRUZ COUNTY, AZ (CASE NO. REZ-04-20: PARCEL NO. 112-44-023C-PORION):** Community Development Department Director, Mary Dahl, noted that the correct Case No. is PAD-04-20; informed the Board that this Planned Area Development (PAD) would provide for approximately 36 acres to be eventually platted for 180 attached town homes and 44 patio homes; adequate open space is provided throughout the development; parking for the town homes is to be provided adjacent to the buildings and in single story 3-sided parking structures along the west property line.

Concerns mentioned at the Planning & Zoning Commission Public Hearing included density and the possibility of the units being sold, marketed or used as time shares; the developer has assured staff that the units will not be time shares and they have been requested to include that statement in their CC&R's and indicated on the face of any final plat to be presented to the Board.

In 12/2004, the Final Plan went to the Planning & Zoning Commission and received favorable consideration with conditions.

PUBLIC COMMENT: Mayor Kramer, City of Nogales, commended Ms. Dahl for her professional presentation.

The Board adjourned the Public Hearings and reconvened the Regular Meeting. (JM/MR; c.u.)

ACTION ITEMS CONTINUED:

**REZONING ORDINANCE NO. 2005-01-SAN MIGUEL PARTNERS REZONING APPROXIMATELY 4.25 ACRES OF LAND FROM B-2 (GENERAL BUSINESS) TO R-3 (RESIDENTIAL), (CASE NO. REZ-04-21: PARCEL NO. 112-44-023C-PORION):** Supervisor Maynard made a motion to approve; second by Vice-Chairman Ruiz; motion carried unanimously.

**FINAL PLAN FOR EMBARCADERO AT BARRIO DE TUBAC PLANNED AREA DEVELOPMENT (CASE NO. PAD-04-20: PARCEL NO. 112-44-023C-PORION):** Supervisor Maynard made a motion to approve with conditions recommended by staff; second by Vice-Chairman Ruiz; motion carried unanimously.

Meeting adjourned at 10:15 a.m. (MR/JM; c.u.)

Melinda Meek

Clerk of the Board

Robert Damon

Chairman

