

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, APRIL 23, 2024**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, April 23, 2024 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Tom Crosby, Vice-Chairman, Telephonic; Peggy Judd, Supervisor

Staff Present: Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County Administrator/Interim Clerk of the Board; Amy Mignella, Deputy County Attorney; Lara Loewenheim, Deputy Clerk of the Board

Chairman English called the meeting to order at 10:00 a.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

**THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING**

***CALL TO THE PUBLIC***

Tricia Gerrodette highlighted the success of the jail district vote, along with the PPE vote, while discussing the rejection of appeals and lawsuits. She questioned the potential for smooth canvassing of future elections in 2024 in Cochise County and the supervisors' commitment to accepting certified results from the county Elections director.

Allison Morse expressed gratitude for the recent road improvements by the public works and Highway Department, while also raising concerns about non-functioning links on the elections web page and suggesting improved communication methods during website issues.

Johnny Wilson expressed concern about the perceived erosion of respect for the law and Constitution, advocated for border security due to personal experiences, and voiced dissatisfaction with current political leadership during a hearing.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of April 9, 2024.

2. Approve Governor's Office of Highway Safety (GOHS) Grant Agreement 2024-405b-502 providing the Cochise County Sheriff's Office with \$4,000 to cover overtime expenses, as well as employee-related expenses, to participate in the two-week "Buckle Up Arizona... It's the Law" program, effective May 20, 2024, through June 2, 2024.

### **County Attorney**

3. Approve the proposed settlement of the Large Tax Appeal Sierra Vista Mall Realty Holding, LLC v. Cochise County, TX2021-000472, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
4. Approve the proposed settlement of the Large Tax Appeal Sierra Vista Mall Realty Holding, LLC v. Cochise County, TX2022-000326, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
5. Approve the proposed settlement of the Large Tax Appeal Sierra Vista Mall Realty Holding, LLC v. Cochise County, TX2023-000069, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

### **Development Services**

6. Approve Funding Agreement 304-24 between Cochise County and the Arizona Department of Housing for a State Housing Trust Fund Owner-Occupied Emergency Home Repair grant in the amount of \$250,000.

### **Emergency Services**

7. Approve Amendment 2 to the Emergency Management Performance Grant Subrecipient Agreement amending the Award Number to EMF-2023-EP-00008-S01.

### **Finance**

8. Approve demands and budget amendments for operating transfers.

Supervisor Judd made a motion to approve items 1-8 on the consent agenda. Chairman English seconded the motion and it carried unanimously.

Chairman English acknowledged the presence of Dr. Rottweiler, President of Cochise Community College. Dr. Rottweiler introduced Crystal Wheeler, Executive Dean and Community Engagement, and Jennifer Watts, Public Information Officer, who were present with him for Agenda item number 12.

Chairman English read the Proclamation.

Dr. Rottweiler expressed gratitude for the recognition received, highlighting Cochise County Community College District's pride in serving the county for 59 years, focusing on providing educational services across communities. Dr. Rottweiler mentioned the college's upcoming 60th anniversary in September and projected significant growth in student enrollment, reflecting on the vision of the early founders and expressing pride in partnering

with various entities to enhance the quality of life for citizens.

Chairman English expressed personal significance in the recognition of Cochise College, reflecting on the college's establishment during her first year of teaching in Cochise County as a symbol of the growth and transformation witnessed over the years.

## **PUBLIC HEARINGS**

### **Board of Supervisors**

9. Approve Series 10 (Beer and Wine) new liquor license application submitted by Francisco Romero for Dollar General Store #24755, located at 5584 S. Santa Elena Avenue, Sierra Vista, 85650

Supervisor Judd made a motion to approve Series 10 (Beer and Wine) new liquor license application submitted by Francisco Romero for Dollar General Store #24755, located at 5584 S. Santa Elena Avenue, Sierra Vista, 85650. Vice-Chairman Crosby seconded the motion.

Ms. Loewenheim presented this item. Ms. Loewenheim stated that the application received from Dollar General Store # 24755 was reviewed and recommended for approval by the relevant departments and property taxes are current. She stated that the notice and application were posted as required by state law and the applicant paid the processing fee.

Chairman English opened the Public Hearing and no one chose to speak.

Chairman English closed the Public Hearing.

Chairman English called for the vote and it was approved 3-0.

### **Development Services**

10. Adopt Zoning Ordinance 24-05 to rezone tax parcel 104-12-016 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Wesley and Maranatha Jackson.

Vice-Chairman Crosby made a motion to adopt Zoning Ordinance 24-05 to rezone tax parcel 104-12-016 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres) pursuant to the application of Wesley and Maranatha Jackson. Supervisor Judd seconded the motion.

Matthew Taylor, Planner, presented this item using a PowerPoint presentation. Mr. Taylor stated that the proposed rezone from R2 to RU4 was requested by Valley Vista, represented by Wesley and Maranatha Jackson, for a property located at the northeast corner of Hwy 92 and Valley Vista Drive. Mr. Taylor stated that staff recommended approval of the rezoning based on factors including compatibility with existing residential growth patterns, lack of opposition from nearby property owners, and the Planning and Zoning Commission's unanimous approval at their April 10th, 2024 meeting.

Chairman English opened the Public Hearing and no one chose to speak.

Chairman English closed the Public Hearing.

Chairman English called for the vote and it was approved 3-0.

11. Adopt Resolution 24-06 to amend the Naco Area Plan, a component of the Cochise County Comprehensive Plan, changing the land use designation of 175 acres from Recreational Open Space and Business to Camp Riff Master Development Plan and adopt Zoning Ordinance 24-06 to rezone tax parcels 102-55-002 and 102-55-005 from RU-4 (Rural District, one dwelling per 4 acres) and R-36 (Residential District, one dwelling per 36,000 square feet) to PD (Planned Development District).

Supervisor Judd made a motion to adopt Resolution 24-06 to amend the Naco Area Plan, a component of the Cochise County Comprehensive Plan, changing the land use designation of 175 acres from Recreational Open Space and Business to Camp Riff Master Development Plan and adopt Zoning Ordinance 24-06 to rezone tax parcels 102-55-002 and 102-55-005 from RU-4 (Rural District, one dwelling per 4 acres) and R-36 (Residential District, one dwelling per 36,000 square feet) to PD (Planned Development District). Vice-Chairman Crosby seconded the motion.

Mr. Taylor presented this item using a PowerPoint presentation. Mr. Taylor presented a proposed development located at 1794 W Newell Street (Camp Riff), with proposed amendments from business and recreational open space to a planned development district. Mr. Taylor stated that the applicant, Savannah McDonald, outlined plans for a mixed-use project comprising RV hookups, dry camp sites, and various amenities across approximately 175 acres. He stated that the applicant's economic summary outlines a projected \$35 million investment, with a five-year development phase anticipated to generate an estimated economic impact of up to \$65 million, supported by confirmation of utility resources from local service providers. Mr. Taylor stated that despite some opposition from nearby property owners, both the planning and zoning commission and staff recommended approval based on factors favoring the project's economic impact and compliance with zoning regulations, with specific conditions regarding noise levels, access, and design standards.

In response to the Board, Mr. Taylor clarified that the county had not signed any deed restrictions related to the golf course, and indicated that the property owner had provided legal documentation stating that such restrictions had been removed, and suggested further discussion with the applicant and property owner on the matter. Mr. Taylor explained that while there was an original agreement with the City of Bisbee for a land transaction regarding the relocation of the golf course, the grantor-grantee provision no longer applied to the project.

Chairman English opened the Public Hearing.

Chairman English stated that there were 2 people that signed in support and 3 people that signed in opposition that did not wish to speak.

Al Anderson spoke in favor and discussed the reasons.

Genelle McCrary spoke in opposition and discussed the reasons.

Joel P. Borowiec spoke in opposition and discussed the reasons.

Tricia Gerrodette spoke in opposition and discussed the reasons.

Bruce Kuehnle spoke in opposition and discussed the reasons.

Kathleen Buchanan spoke in opposition and discussed the reasons.

Jennifer Schmidt spoke in opposition and discussed the reasons.

Tom Pantellas spoke in favor and discussed the reasons.

Sabrina Deitz spoke in favor and discussed the reasons.

Rosa Morales spoke in favor and discussed the reasons.

Tamara Birch spoke in opposition and discussed the reasons.

Joseph Lewis, applicant, highlighted the significant impact of the project on jobs and the community, emphasizing the importance of tourism as Bisbee's economic driver and expressing optimism about the positive impact on both Bisbee and Naco. Mr. Lewis noted efforts to improve the project's relationship with the community by increasing buffer zones and providing amenities like playgrounds and potentially a swimming pool.

Savannah McDonald, architect, emphasized the importance of community involvement and proposed amenities such as a community garden and dog park. Ms. McDonald highlighted a vision for a single-story development focused on preserving views and prioritizing landscaping to mitigate potential issues like sound disturbances.

Vice-Chairman Crosby expressed concerns about sewage disposal for RVs during dry camping and highlighted the approval of the Naco Sanitary District for the project. He emphasized the need for jobs and population growth while asserting individual rights in business ventures and responsibility for addressing any issues that arise from the development.

In response to Supervisor Judd, Mr. Lewis stated that there is no plan to charge the community admission to the playground and walking paths. Supervisor Judd stated that charging a nominal fee for a future pool access would be acceptable. Mr. Lewis stated that sewage dump stations are planned in the project.

Chairman English acknowledged the challenge of change and emphasized the importance of following established rules and regulations, as highlighted by Mr. Taylor's assessment of compliance with zoning rules, while expressing uncertainty about the appropriateness of a performance bond and deferring legal questions to the county Attorney's office.

Chairman English closed the Public Hearing.

Supervisor Judd expressed concern about noisy construction activities occurring on Sundays and at other inconvenient times in that small community, suggesting quieter activities be considered during those periods to alleviate disturbance.

Vice-Chairman Crosby discussed the possibility of a bond to address potential environmental concerns after the project's completion, and indicated that while it was established as a standard by the Development Services department, he didn't view it as applicable in this specific case.

Chairman English emphasized property owners' rights to develop within county-set parameters, noting the importance of adhering to established criteria for the Camp Riff project and expressing a willingness to provide the opportunity for success while ensuring

compliance with regulations.

Chairman English called for the vote and it was approved 3-0.

## **ACTION**

### **Board of Supervisors**

12. Approve a proclamation to declare April 2024 as Community College Month in Cochise County, to celebrate the contributions community colleges make in shaping the future of Arizona and its economy through high-quality education and workforce training.

Vice-Chairman Crosby made a motion to approve a proclamation to declare April 2024 as Community College Month in Cochise County, to celebrate the contributions community colleges make in shaping the future of Arizona and its economy through high-quality education and workforce training. Supervisor Judd seconded the motion.

Chairman English called for the vote and it was approved 3-0.

### **County Sheriff**

13. Adopt Resolution 24-07 accepting \$240,000, and any future disbursements from the Arizona Criminal Justice Commission (ACJC) for disbursement to local law enforcement agencies participating in the Cochise County Critical Investigation Response Team (CIRT), as described in Exhibit A, effective April 23, 2024.

Supervisor Judd made a motion to adopt Resolution 24-07 accepting \$240,000, and any future disbursements from the Arizona Criminal Justice Commission (ACJC) for disbursement to local law enforcement agencies participating in the Cochise County Critical Investigation Response Team (CIRT), as described in Exhibit A, effective April 23, 2024. Vice-Chairman Crosby seconded the motion.

Lieutenant Gijanto provided an overview of the Major Incident Division established by the state in 2022, which allocated funding to regional task forces, including the Sheriff's Office, for investigating significant uses of force. Lieutenant Gijanto detailed the flow of funds through the Department of Public Safety (DPS) to the Sheriff's Office and outlined the Resolution to accept and utilize these funds for training and professional development to ensure proper handling of such incidents.

Chairman English called for the vote and it was approved 3-0.

### **Emergency Services**

14. Approve the transfer of AreaRAE Pro Rapid Deployment Kit equipment from Cochise County Emergency Services to the City of Tucson Fire Department, per the terms of the Arizona Department of Environmental Quality (ADEQ) grant HM-HMP-0583-1601-HMEP.

Vice-Chairman Crosby made a motion to approve the transfer of AreaRAE Pro Rapid Deployment Kit equipment from Cochise County Emergency Services to the City of Tucson Fire Department, per the terms of the Arizona Department of Environmental Quality (ADEQ) grant HM-HMP-0583-1601-HMEP. Supervisor Judd seconded the motion.

Dan Duchon, Emergency Services Director, presented this item. Mr. Duchon requested to transfer a chemical sensor equipment kit from Cochise County to the City of Tucson Fire Department. Mr. Duchon highlighted its capability to detect various chemicals and its potential for better utilization by the Tucson Fire Department due to their expertise and involvement in more public events. Mr. Duchon mentioned that it would be possible to bring it back to Cochise County for specific needs, such as the potential landing of the Boeing Starliner in Willcox. In response to the Board, Mr. Duchon stated that some hazmat technicians within the fire departments in Cochise County are trained on the equipment. Mr. Duchon stated that during an emergency, mutual aid could be requested from the City of Tucson for the equipment.

Chairman English called for the vote and it was approved 3-0.

## **Facilities**

15. Approve Proposal 2401-26060 with Pueblo Mechanical and Controls, LLC, under cooperative contract Mohave 19F-PMAC2-0904, for the replacement of thirteen Heating, Ventilation and Air Conditioning (HVAC) units at 203 N. Judd Drive in Bisbee, AZ (Cochise County Jail) in the amount of \$271,862.46, effective April 23, 2024.

Supervisor Judd made a motion to approve Proposal 2401-26060 with Pueblo Mechanical and Controls, LLC, under cooperative contract Mohave 19F-PMAC2-0904, for the replacement of thirteen Heating, Ventilation and Air Conditioning (HVAC) units at 203 N. Judd Drive in Bisbee, AZ (Cochise County Jail) in the amount of \$271,862.46, effective April 23, 2024. Vice-Chairman Crosby seconded the motion.

Darrel Crowley, Facilities Management Director, presented this item. Mr. Crowley explained the necessity of upgrading HVAC systems to modernize them due to their age and extensive use, expressing the urgency of replacement as the current systems are becoming increasingly difficult to maintain.

Chairman English called for the vote and it was approved 3-0.

## **STATE & FEDERAL LEGISLATION**

16. Discussion and possible action regarding state and federal legislative matters listed or described in the attached County Supervisors Association Legislative Policy Committee Agenda, the Arizona Association of Counties (AACo) Legislative Policy Committee Agenda, and the proposed State budget, and other matters related thereto.

Chairman English stated that the Legislature is not taking any significant action.

## **REPORT BY RICHARD G. KARWACZKA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS**

Mr Karwaczka announced the upcoming Cochise County Healthcare Workforce Community Forum on May 3rd, emphasized the need for registration and directed inquiries to the County's Health Director. He highlighted the recent \$4.4 million AZ Smart grant awarded to the county for the design of a port of entry connection road and acknowledged Juan Frisby for receiving an award for distinguished budget presentation, underscoring the importance of maintaining a balanced budget and financial accuracy.

***SUMMARY OF CURRENT EVENTS***

**Report by District 1 Supervisor, Tom Crosby**

Vice-Chairman Crosby deferred his report.

**Report by District 2 Supervisor, Ann English**

Chairman English deferred her report.

**Report by District 3 Supervisor, Peggy Judd**

Supervisor Judd stated currently that a Junior Rodeo event is ongoing in Willcox, with the next one scheduled for the 4th and 5th of the month.

Chairman English adjourned the meeting at 11:30 a.m.

APPROVED:

---

Ann English, Chairman

ATTEST:

---

Sharon Gilman, Interim Clerk of the Board