

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
Tuesday, June 11, 2019**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 11, 2019 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Ann English, Vice-Chairman; Thomas E. Borer, Supervisor  
Staff Edward T. Gilligan, County Administrator; Sharon Gilman, Associate County  
Present: Administrator; Arlethe G. Rios, Clerk of the Board

Chairman Judd 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**

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***CALL TO THE PUBLIC***

Chairman Judd opened the call to the public.

Mr. Richard Searle, Cochise County resident, addressed the Board regarding a commendation for Mr. George Arvizu, Highways, who reported an illegal dumping incident and went above and beyond to ensure the responsible party picked up their own trash.

No one else chose to speak and Chairman Judd closed the call to the public.

*This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda.*

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 21, 2019.

**County Attorney**

2. Approve the proposed settlement of the Small Tax Appeal in Angela M. Rockefeller & James A. Purvis v. Cochise County, ST2018-000147, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

## **Elections**

3. Approve the appointment of 2 Democrat Precinct Committeemen and 18 Republican Precinct Committeemen by recommendation of their Cochise County Party Chairmen to serve through the October 1, 2020 term.

## **Finance**

4. Approve demands and budget amendments for operating transfers.

## **Information Technology**

5. Approve the partial assignment of the old Mule Mountain Communication Site between the Arizona Department of Public Safety and Cochise County, in the amount of \$1,000 to process the transfer, effective June 1, 2019.

## **Juvenile Probation**

6. Adopt Resolution 19-11 to approve Fiscal Year 2019-2020 Family Counseling funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC) effective July 1, 2019 through June 30, 2020, in the amount of \$12,584 and the required \$3,146 matching funds as budgeted in the general fund budget submitted by Juvenile Probation.

## **Procurement**

7. Approve Agreement with Armstrong Consultant, Inc. to provide professional engineering services for the Bisbee-Douglas International Airport rehabilitate runway lighting project, in the amount of \$73,710, effective June 11, 2019.

## **Public Defender**

8. Approve Funding Agreement with the Arizona Supreme Court for Public Defender Training Funds in the amount of \$3,600 effective July 1, 2019 through June 30, 2020.

Chairman Judd recused herself from item 3.

Vice-Chairman English moved to approve items 1-8 on the consent agenda. Supervisor Borer seconded the motion and it carried unanimously for items 1-2 and 4-8.

Item 3 on the consent agenda was approved 2-0-1 (Judd recused).

## ***PUBLIC HEARINGS***

## **Board of Supervisors**

9. Approve a Location/Owner Transfer Liquor License application for a series #6 (Bar) license submitted by Mr. Edward Martin Fee for Sierra Vista Wedding and Events, located at 6398 S. Hwy 92, Hereford, AZ 85615.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current;

the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the \$100.00 processing fee has been paid. Board staff recommended approval.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Supervisor Borer moved to approve a Location/Owner Transfer Liquor License application for a series #6 (Bar) license submitted by Mr. Edward Martin Fee for Sierra Vista Wedding and Events, located at 6398 S. Hwy 92, Hereford, AZ 85615. Vice-Chairman English seconded the motion.

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

10. Approve a new liquor license application for a series #13 Farm Winery license submitted by Mr. Brian Keith Russell for Woods Bay Winery, located at 4920 E. Chambers Road in Willcox, AZ 85643.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current; the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the \$100.00 processing fee has been paid. Board staff recommended approval.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Vice-Chairman English moved to approve a new liquor license application for a series #13 Farm Winery license submitted by Mr. Brian Keith Russell for Woods Bay Winery, located at 4920 E. Chambers Road in Willcox, AZ 85643. Supervisor Borer seconded the motion.

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

11. Approve a Location/Owner Transfer Liquor License application for a series #7 (Beer and Wine Bar) license submitted by Ms. Sharon Marie Kidd for Family In and Out, located at 3854 W. Country Lane, Mc Neal, Arizona 85617.

Ms. Arlethe Rios, Clerk of the Board, presented this item. Ms. Rios said the Sheriff's Office had no recommendation; the Treasurer's Office advised that the property taxes are current; the Development Services Department has recommended approval; and the Health Department is working with the applicant. There have been no formal protests and the \$100.00 processing fee has been paid. Board staff recommended approval.

Chairman Judd opened the public hearing.

No one chose to speak and Chairman Judd closed the public hearing.

Supervisor Borer moved to approve a Location/Owner Transfer Liquor License application for a series #7 (Beer and Wine Bar) license submitted by Ms. Sharon Marie Kidd for Family In and Out, located at 3854 W. Country Lane, Mc Neal, Arizona 85617. Vice-Chairman English seconded the motion.

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

## Community Development

12. Adopt Zoning Ordinance 19-04 to approve Dockets CP-19-01 & Z-19-01 (Skalak) to amend the Comprehensive Plan Designation from Enterprise to Neighborhood Conservation and amend the zoning from GB General Business and SR-12 Single-Household Residential; one dwelling per 12,000 square feet to MR-1 Multiple-Household Residential; one dwelling per 3,600 square feet.

Mr. Peter Gardner, Planner II, presented this item using a PowerPoint presentation. Mr. Gardner went over the background:

- The Applicant is requesting rezoning from SR-12 (Single Household Residential; one dwelling per 12,000 square feet) and GB (General Business) to SR-12 (Single Household Residential; one dwelling per 12,000 square feet) and MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet) on a 7.58 acre site in an enclave located in Sierra Vista.
- The parcels, 105-05-010A/B, are located at the southeast corner of S. Avenida Escuela and E. Blue Bird Drive.
- To amend the zoning to MR-1 the Comprehensive Plan category must be amended from Enterprise to Neighborhood Conservation.
- The request would replace all of the GB zoning with MR-1 and would amend the zoning of 33,500 square feet from SR-12 to MR-1. The total number of permitted homes would increase from 56 to 62.
- Under the current zonings, the SR-12 portion would permit up to 16 single family homes, and the GB portion would permit up to 40 single family, multi family, manufactured, or mobile homes, along with a wide array of commercial uses including RV Parks, Retail, Service Stations, Auto Repair, and Mini Warehouses as of right, and other more intense uses via Special Use Authorization.
- Under the requested zoning the SR-12 portion would permit up to 13 single family homes, and the MR-1 portion would permit up to 49 single or multi family homes, excluding manufactured or mobile homes, or RV Parks. Most commercial uses would also be prohibited.

Mr. Gardner then showed a map of the location and photos of the site. He said that on May 8, 2019 the Planning & Zoning Commission had voted unanimously to recommend approval of this request as recommended by staff.

He said that the only factor against approval were the two letters of opposition received.

He said the factors in favor were:

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. Nine of the applicable factors are met as submitted and the other four applicable factors are met with and the other four applicable factors are met with the recommended Conditions;
3. The request is limited, creating only a 10 percent increase in number of housing units permitted, while removing incompatible land uses from consideration.

He said that based on the factors in favor of approval, staff recommended a conditional approval of the request, subject to the following conditions and modification:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the

- rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
  3. Any single family development at a greater density than one unit per 12,000 shall be completed with an approved subdivision plat;
  4. Any new driveway access shall follow all applicable City and/or County standards; and
  5. All development will comply with County water conservation regulations adopted at the time of construction.

Chairman Judd opened the public hearing.

Mr. Tom Crosby, Sierra Vista resident, asked why the applicant had not been annexed to the city if that was the plan.

Mr. Gardner said that working with the County was easier, but once the project was complete, the applicant would apply to be annexed into the city.

No one else chose to speak and Chairman Judd closed the public hearing.

Vice-Chairman English moved to adopt Zoning Ordinance 19-04 to approve Dockets CP-19-01 & Z-19-01 (Skalak) to amend the Comprehensive Plan Designation from Enterprise to Neighborhood Conservation and amend the zoning from GB General Business and SR-12 Single-Household Residential; one dwelling per 12,000 square feet to MR-1 Multiple-Household Residential; one dwelling per 3,600 square feet. Supervisor Borer seconded the motion.

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

## **ACTION**

### **County Treasurer**

13. Approve a five year contract #19-40-TRE-01 between JP Morgan Chase Bank and the Cochise County Treasurer for banking services, effective July 1, 2019 through June 30, 2022.

Ms. Cathy Traywick, County Treasurer, presented this item. She noted that there was a typo on the fee schedule; the section reflecting 2010 is supposed to be 2019. She added that there had only been one bid for this service request and that the contract was actually for three years with an optional two year extension.

Ms. Roberts said that the document to be signed correctly reflected the information noted by Ms. Traywick.

Supervisor Borer amended the motion to approve a five year contract #19-40-TRE-01 between JP Morgan Chase Bank and the Cochise County Treasurer for banking services, effective July 1, 2019 through June 30, 2022; noting that it was for three years, with a two year extension. Vice-Chairman English seconded the motion.

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

### **Health & Social Services**

14. Approve a five year lease contract 19-2-HEA-02 between Cochise County and CorrecTek for an electronic medical records system for Jail Detention Medical Services, in an aggregate amount not to exceed \$154,240, effective June 11, 2019.

Ms. Carrie Langley, Health & Social Services Director, presented this item. Ms. Langley explained the purpose and gave the background. She noted that this would improve the efficiency and effectiveness for keeping medical records and that it had been included in the budget.

Vice-Chairman English moved to approve a five year lease contract 19-2-HEA-02 between Cochise County and CorrecTek for an electronic medical records system for Jail Detention Medical Services, in an aggregate amount not to exceed \$154,240, effective June 11, 2019. Supervisor Borer seconded the motion.

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

15. Approve contract amendment No.107-19-1 between SouthEastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Case Management services, in the amount of \$195,000, effective July 1, 2018 through June 30, 2019.

Ms. Belvet Elsouhag, County Public Fiduciary, presented this item. Ms. Elsouhag gave the background and said that the additional amount would help cover costs for services already provided.

Supervisor Borer moved to approve contract amendment No.107-19-1 between SouthEastern Arizona Governments Organization (SEAGO) and Cochise County Health and Social Services for Case Management services, in the amount of \$195,000, effective July 1, 2018 through June 30, 2019. Vice-Chairman English seconded the motion.

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

### **Legal Advocate**

16. Approve Funding Agreement with Arizona Supreme Court for Public Defender Training Funds in the amount of \$3,600 for the Legal Advocate Department for July 1, 2019 through June 30, 2020.

Ms. Delores Putnam, Administrative Manager, presented this item. Ms. Putnam gave the background and purpose and noted that this funding would help with training for both defense attorneys and staff.

Vice-Chairman English moved to approve Funding Agreement with Arizona Supreme Court for Public Defender Training Funds in the amount of \$3,600 for the Legal Advocate Department for July 1, 2019 through June 30, 2020. Supervisor Borer seconded the motion.

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

### ***REPORT BY EDWARD T. GILLIGAN COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS***

Mr. Gilligan gave an update on the water issue that occurred at the Bisbee Douglas International Airport. He stated that the County responded quickly with other folks assisting and the problem was resolved on Monday, June 10, 2019.

## ***SUMMARY OF CURRENT EVENTS***

### **Report by District 1 Supervisor, Thomas E. Borer**

Supervisor Borer deferred his report.

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

Vice-Chairman English said that the legislative session wrapped up last week and she provided a handout of the summary of the session. She highlighted the major impacts to the counties and noted that Mr. Craig Sullivan, County Supervisors Association Executive Director, would follow up this summer.

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

Chairman Judd said that the Eastern Counties Organization (ECO) would be hosting their 2019 legislative tour in Cochise County.

Chairman Judd adjourned the meeting at 10:49 a.m.

APPROVED:

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Peggy Judd, Chairman

ATTEST:

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Arlethe G. Rios, Clerk of the Board