

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, APRIL 7, 2020**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, April 7, 2020 at 10:15 a.m. in the Board of Supervisors' Executive Conference Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Thomas E. Borer, Chairman; Ann English, Vice-Chairman, telephonic; Peggy Judd, Supervisor, telephonic

Staff Present: Sharon Gilman, Associate County Administrator; Christine Roberts, Chief Civil Deputy County Attorney, telephonic; Kim Lemons, Clerk of the Board, telephonic

Chairman Borer called the meeting to order at 10:15 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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***CONSENT***

**Adult Probation**

1. Approve Fiscal Year 2019-2020 Drug, Gang, and Violent Crime Control Program (DGVCCP) funding agreement as provided by the Arizona Supreme Court, Administrative Office of the Courts (AOC), in the amount of \$45,536 and the required \$15,179 matching funds as budgeted in the general fund budget submitted by Adult Probation, effective July 1, 2019 through June 30, 2020.

**Board of Supervisors**

2. Approve the Minutes of the regular meeting of the Board of Supervisors of March 24, 2020.
3. Pursuant to A.R.S. 11-584(10), authorize the Public Defender's Office to accept court-appointed representation of persons who are court-ordered for examination, monitoring, treatment, isolation or quarantine of an afflicted person pursuant to A.R.S. 36-726, and advise the Presiding Judge of the approved authorization.

**County Attorney**

4. Approve the proposed settlement of the Small Tax Appeal in Mr. Fix It Properties, LLC v. Cochise County, ST2019-000134, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

## **Development Services**

5. Approve appointment of Ms. Nancy Welch for the District 3 Commissioner position on the Planning & Zoning Commission to serve the remaining term of Ms. Carmen Miller, ending December 31, 2021.

## **Emergency Services**

6. Approve Sub-Recipient Agreement for the Regional Technical Rescue Equipment project, between the Arizona Department of Homeland Security (AZDOHS) and Cochise County's Office of Emergency Services, in the amount of \$26,742, effective March 1, 2020 through July 31, 2020.

## **Finance**

7. Approve demands and budget amendments for operating transfers.

## **Workforce Development**

8. Approve appointment of Dr. Janice Lawhorn to the Local Workforce Development Board to fill an unexpired term, effective immediately through June, 30, 2024.

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

## ***PUBLIC HEARINGS***

### **Board of Supervisors**

9. Approve a Series #10 (Beer & Wine Store) new liquor license application submitted by Mr. Kim Kenneth Kwiatkowski, for Circle K Store #9540, located at 3731 S. Hwy. 92, Sierra Vista, AZ 85635.

Ms. Kim Lemons, Clerk of the Board presented this item. Ms. Lemons said this application had been reviewed and recommended for approval by the appropriate departments; property taxes for the parcel were current; there had been no formal protests and the applicant has paid the \$100.00 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing and asked the Clerk if she received any comments regarding this public hearing and Ms. Lemons stated there were none.

Chairman Borer closed the Public Hearing.

Supervisor Judd moved to approve a Series #10 (Beer & Wine Store) new liquor license application submitted by Mr. Kim Kenneth Kwiatkowski, for Circle K Store #9540, located at 3731 S. Hwy. 92, Sierra Vista, AZ 85635. Vice-Chairman English seconded the motion.

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

10. Approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Demion Sergus Clinco for Sandor Vineyards, located at 13154 S. Highway 181, Pearce, AZ 85643.

Ms. Kim Lemons, Clerk of the Board presented this item. Ms. Lemons said this application had been reviewed and recommended for approval by the appropriate departments; property taxes for the parcel were current; there had been no formal protests and the applicant has paid the \$100.00 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing and asked the Clerk if she received any comments regarding this public hearing and Ms. Lemons stated there were none.

Chairman Borer closed the Public Hearing.

Vice-Chairman English moved to a Series #13 (Farm Winery) new liquor license application submitted by Mr. Demion Sergus Clinco for Sandor Vineyards, located at 13154 S. Highway 181, Pearce, AZ 85643. Supervisor Judd seconded the motion.

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

11. Approve a Series #6 (Bar) Owner Transfer liquor license application submitted by Ms. Amanda Susanne Salas for Mescal Bar & Grill, LLC., located at 70 N. Cherokee, Benson, AZ 85602.

Ms. Kim Lemons, Clerk of the Board presented this item. Ms. Lemons said this application had been reviewed and recommended for approval by the appropriate departments; property taxes for the parcel were current; there had been no formal protests and the applicant has paid the \$100.00 processing fee. Board staff recommended approval.

Chairman Borer opened the public hearing and asked the Clerk if she received any comments regarding this public hearing and Ms. Lemons stated there were none.

Chairman Borer closed the Public Hearing.

Supervisor Judd moved to approve a Series #6 (Bar) Owner Transfer liquor license application submitted by Ms. Amanda Susanne Salas for Mescal Bar & Grill, LLC., located at 70 N. Cherokee, Benson, AZ 85602. Vice-Chairman English seconded the motion.

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

## **Development Services**

12. Adopt Zoning Ordinance 20-05 amending certain Zoning district boundaries from SR43 (One dwelling per 43,000 square feet) to RU-4 (One dwelling per four acres), pursuant to the application of Jonathan and Ashley Longnecker.

Mr. Robert Kirschmann, Planner II, Development Services presented this item using a PowerPoint presentation. Mr. Kirschmann gave the background of the rezoning request and said the request will facilitate the use of the Owner Builder Opt-Out program and preserve open space. He referred to the parcel location and aerial photos of the area. He listed the factors in favor and against the rezoning; the department received two letters in support and six letters in opposition with compliance concerns. The Cochise County Planning and Zoning Commission recommended approval 5-2 at their March 11, 2020 meeting. Mr. Kirschmann said staff recommended conditional approval, and he listed those.

Chairman Borer opened the public hearing and asked if any additional comments regarding this public hearing were received and Mr. Kirschmann stated there were none.

Chairman Borer closed the public hearing.

Vice-Chairman English made a motion to adopt Zoning Ordinance 20-05 amending certain Zoning district boundaries from SR43 (One dwelling per 43,000 square feet) to RU-4 (One dwelling per four acres), pursuant to the application of Jonathan and Ashley Longnecker. Supervisor Judd seconded the motion.

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

13. Adopt Zoning Ordinance 20-06 amending certain Zoning district boundaries from SR43 (One dwelling per 43,000 square feet) to RU-4 (One dwelling per four acres), pursuant to the application of Charles and Karla Young.

Mr. Robert Kirschmann, Planner II, Development Services presented this item using a PowerPoint presentation. Mr. Kirschmann gave the background of the rezoning request and said the request will facilitate the use of the Owner Builder Opt-Out program and ensure the keeping of livestock in the future. He referred to the parcel location and aerial photos of the area. He listed the factors in favor and against the rezoning; the department received nine letters in support and thirteen letters in opposition with compliance concerns. The Cochise County Planning and Zoning Commission recommended approval 5-2 at their March 11, 2020 meeting. Mr. Kirschmann said staff recommended conditional approval, and he outlined those.

Chairman Borer opened the public hearing and asked if any additional comments regarding this public hearing were received and Mr. Kirschmann stated there were none.

Chairman Borer closed the public hearing.

Supervisor Judd made a motion to adopt Zoning Ordinance 20-06 amending certain Zoning district boundaries from SR43 (One dwelling per 43,000 square feet) to RU-4 (One dwelling per four acres), pursuant to the application of Charles and Karla Young. Vice-Chairman English seconded the motion.

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

## ***ACTION***

### **Emergency Services**

14. Approve the Public Safety Mutual Aid Agreement between Cochise County and Fort Huachuca, effective April 7, 2020 through September 30, 2025.

Mr. Gabe Lavine, Emergency Services Director presented this item. Mr. Lavine stated this two-year project will allow quick sharing of emergency resources with Fort Huachuca and also allow the Fort to leverage additional resources, beyond Cochise County proper, with all stakeholders across public safety and jurisdictional enterprises, inside and outside the County.

Chairman Borer asked the Clerk if she received any comments regarding this item and Ms. Lemons stated there were none.

Vice-Chairman English made a motion to approve the Public Safety Mutual Aid Agreement between Cochise County and Fort Huachuca, effective April 7, 2020 through September 30, 2025. Supervisor Judd seconded the motion.

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

## **Facilities**

15. Approve contract with Tecta America Arizona, LLC for roofing services, under State Contract ADSP017-174463, at the Bisbee County Jail in the amount of \$260,655.45 effective April 7, 2020.

Mr. Henry Meraz, Facilities Director, presented this item. Mr. Meraz said this contract was necessary in order to repair the roof within the next 30-60 days.

Chairman Borer asked the Clerk if she received any comments regarding this item and Ms. Lemons stated there were none.

Supervisor Judd made a motion to approve contract with Tecta America Arizona, LLC for roofing services, under State Contract ADSP017-174463, at the Bisbee County Jail in the amount of \$260,655.45 effective April 7, 2020. Vice-Chairman English seconded the motion.

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

## **Housing Authority**

16. Adopt Resolution 20-02 to approve AZ034 Streamlined 5-Year 2020-2025 and Section 8 Housing Choice Voucher Administrative Plans for Fiscal Year 2020.

Ms. Anita Baca presented this item using a PowerPoint presentation. Ms. Baca said this a follow-up to a January Work Session. She outlined the streamlined 5-year plan stating the Mission; Goal and Objectives; the Progress Reports from previous plans; Violence Against Women Goals; summarized Significant Amendments or Modifications to previous plans; stated Resident Advisory Board Comments; and the Certification by a State or Local Official of PHA Plans Consistent with the Consolidated Plan or State Consolidated Plan.

Chairman Borer asked the Clerk if she received any comments regarding this item and Ms. Lemons stated there were none.

Vice-Chairman English moved to adopt Resolution 20-02 to approve AZ034 Streamlined 5-Year 2020-2025 and Section 8 Housing Choice Voucher Administrative Plans for Fiscal Year 2020. Supervisor Judd seconded the motion.

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

## **Information Technology**

17. Approve acceptance of the 2018 Help America Vote Act (HAVA) Grant from the AZ Secretary of State Office for Cyber Security Assessments, in the amount of \$45,000, effective April 7, 2020.

Mr. Joe Casey, IT Director, presented this item. Ms. Casey said this is a grant to help improve the County's email security by reducing the amount of spam and phishing emails to

the end user throughout the system.

Chairman Borer asked the Clerk if she received any comments regarding this item and Ms. Lemons stated there were none.

Supervisor Judd made a motion to approve acceptance of the 2018 Help America Vote Act (HAVA) Grant from the AZ Secretary of State Office for Cyber Security Assessments, in the amount of \$45,000, effective April 7, 2020. Vice-Chairman English seconded the motion.

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

### **STATE & FEDERAL LEGISLATION**

18. 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.

Vice-Chairman English stated the legislature is not in session, however the County Supervisors Association (CSA) is working hard for all counties that are members. One of those items is the possibility of an all-mail ballot for future elections. The Board took no action on this item.

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

Mr. Gilligan was not present for this meeting.

### **SUMMARY OF CURRENT EVENTS**

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

Supervisor Borer recognized and thanked County staff and partners in the communities.

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

Supervisor English complimented County employees on continuing to provide County Services through this health emergency.

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

Supervisor Judd talked about a volunteer food pantry event where individuals participated while practicing social distancing.

Chairman Borer adjourned the meeting at 11:06 a.m.

APPROVED:

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Thomas E. Borer, Chairman

ATTEST:

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Kim Lemons, Clerk of the Board