

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING HELD ON  
TUESDAY, MAY 10, 2022**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 10, 2022 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Peggy Judd, Vice-Chairman; Tom Crosby, Supervisor  
Staff Richard G. Karwaczka, County Administrator; Sharon Gilman, Deputy County  
Present: Administrator; Christine Roberts, Chief Civil Deputy County Attorney; Tim Mattix, Clerk  
of the Board; Camila Rochin, Public Information Officer

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**

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***CALL TO THE PUBLIC***

Mr. Fred Kern, Mr. Gregory Woods and Mr. Terry McClure addressed the Board and discussed their concerns with the maintenance and condition of Calle Principal.

Mr. James Mullen addressed the Board and discussed taxes on vacant land and vacant buildings in the Old Bisbee business district, and various reasons in opposition to agenda item 15.

Ms. Rachael Stewart addressed the Board and discussed her concerns with the proposed Active Management Area in Douglas and its impact on wells and farms.

***CONSENT***

**Board of Supervisors**

1. Approve the Minutes of the regular meeting of the Board of Supervisors of April 19, 2022.

2. Approve an application for a Temporary Extension of Premises liquor license submitted by Mr. Bruce Michael Callaghan for American Legion Post 52 located at 12 Theater Dr., Sierra Vista, AZ 85635.

### **County Sheriff**

3. Approve Governor's Office of Highway Safety (GOHS) Contract 2022-CIOT-006 providing the Cochise County Sheriff's Office with \$8,400 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 23, 2022 through June 5, 2022.

### **Court Administration**

4. Approve the reappointment of Superior Court Judge Pro Tempore, Terry Bannon, pursuant to ARS 12-141 and ARS 8-231, and authorize Court Administration to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances, pursuant to A.R.S. 12-144, effective July 1, 2022 through June 30, 2023.
5. Approve the reappointment of Candyce Pardee to serve as Superior Court Pro Tempore, on a part-time basis pursuant to ARS 12-141 and ARS 8-231, and authorize Court Administration to call upon an appropriately appointed Superior Court Judge Pro Tempore from another county in extenuating circumstances pursuant to ARS 12-144, effective July 1, 2022, through June 30, 2023.
6. Approve the reappointment of Justice Court Precinct Five Pro Tempore, Gary W. Ramaeker, the reappointment of Gerald F. Till, C.J. Garan, Pamela Housh and Candyce Pardee as county-wide Justice of the Peace Pro Tempores, all for emergency or temporary coverage pursuant to ARS 22-121; and, approve authorization to call upon an appropriately appointed Justice of the Peace Pro Tempore from another county in extenuating circumstances pursuant to ARS 22-122, effective July 1, 2022, through June, 30, 2023.

### **Finance**

7. Approve demands and budget amendments for operating transfers.

Vice-Chairman Judd made a motion to approve items 1-7 on the Consent Agenda. Supervisor Crosby seconded the motion and it carried unanimously.

### ***PUBLIC HEARINGS***

### **Board of Supervisors**

8. Approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. William John Sanders, for Desert Blossom Winery, located at 5557 Calle Alamo, Sierra Vista, AZ 85650.

Mr. Mattix presented this item. He stated that the application was reviewed and recommended for approval by the appropriate departments. An approved Special Use Permit is required prior to operating the business; the applicant applied for the Special Use Permit and it will be considered by the Planning and Zoning Commission in June, 2022. The Health Department will work with the applicant on proper permitting. Property taxes are current. Notice was posted as required by statute and no formal protests were filed. The applicant paid the \$100 processing fee. Board staff recommends approval.

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

Supervisor Crosby made a motion to approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. William John Sanders, for Desert Blossom Winery, located at 5557 Calle Alamo, Sierra Vista, AZ 85650. Vice-Chairman Judd seconded the motion.

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

9. Approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Carlos Eugene de Leon, for Soaring Wines, located at 6809 S Lucky Lane, Willcox, AZ 85643.

Mr. Mattix presented this item. He stated that the application was reviewed and recommended for approval by the appropriate departments. The Health Department will work with the applicant on proper permitting. Property taxes for the parcel are current. The notice and application were posted as required by state law, and no formal protests were received. Two letters of support were received. The applicant paid the \$100 processing fee.

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

Vice-Chairman Judd made a motion to approve a Series #13 (Farm Winery) new liquor license application submitted by Mr. Carlos Eugene de Leon, for Soaring Wines, located at 6809 S Lucky Lane, Willcox, AZ 85643. Supervisor Crosby seconded the motion.

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

## **Development Services**

10. Adopt Zoning Ordinance 22-04 to rezone parcels 403-54-354 and 403-54-355 from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Kimberly Bianco.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. The request is to rezone two parcels from R-36 to RU-4. He gave the property's location, parcel number, total acreage, and existing and proposed uses,

and displayed the site plan and photos of the area. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of approval, noting that none were identified as being against, and the three standard recommended conditions of approval.

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

Supervisor Crosby made a motion to adopt Zoning Ordinance 22-04 to rezone parcels 403-54-354 and 403-54-355 from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Kimberly Bianco. Vice-Chairman Judd seconded the motion.

In response to Board discussion, Mr. Mattix clarified that the Ordinance number listed on the agenda is correct.

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

11. Adopt Zoning Ordinance 22-05 to rezone parcels 101-36-192 and 101-36-193 from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Rachel Cunkle.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. The request is to rezone two parcels from R-36 to RU-4. He gave the property's location, parcel number, total acreage, and existing and proposed uses, and displayed the site plan and photos of the area. The Planning and Zoning Commission recommended approval. He reviewed factors in favor of approval, noting that none were identified as being against, and the three standard recommended conditions of approval.

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

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 22-05 to rezone parcels 101-36-192 and 101-36-193 from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Ms. Rachel Cunkle. Supervisor Crosby seconded the motion.

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

## ***ACTION***

### **Board of Supervisors**

12. Approve Community Enhancement Fund expenditures for District 2: purchase of a limb chipper for Douglas, in the amount of \$35,000.

Chairman English presented this item. She stated that the City of Douglas offered to provide limb chipping services for free. This item is to share in the purchase cost. Douglas will be responsible for operation and maintenance.

Chairman English made a motion to approve Community Enhancement Fund expenditures for District 2: purchase of a limb chipper for Douglas, in the amount of

\$35,000. Vice-Chairman Judd seconded the motion.

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

## **County Sheriff**

13. Approve Master Services Agreement between Cochise County, Cochise County Sheriff's Office and Off Duty Management for coordination of off-duty employment of Sheriff's deputies, effective May 10, 2022, for a period of two years, with two 1-year renewal periods.

Lieutenant Sean Gijanto, Sheriff's Office, presented this item. He stated that Off Duty Management (Vendor) will be responsible for the logistics of managing off-duty assignments, such as traffic control. The Vendor will collect the fee directly from the company contracting for the services. This Agreement will streamline and improve the process.

The Board and Lieutenant Gijanto discussed overtime management and the amount of overtime allowed per Deputy. In response to the Board, Lieutenant Gijanto confirmed that off-duty Deputies currently receive off-duty assignments, such as traffic control.

Vice-Chairman Judd made a motion to approve Master Services Agreement between Cochise County, Cochise County Sheriff's Office and Off Duty Management for coordination of off-duty employment of Sheriff's deputies, effective May 10, 2022, for a period of two years, with two 1-year renewal periods. Supervisor Crosby seconded the motion.

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

14. Approve acceptance of donation of \$120,000 from the National Criminal Enforcement Association to the Cochise County Sheriff's Office to be used to support the Canine Program.

Lieutenant Gijanto presented this item. He reviewed the history and benefits of the Canine Program, and noted that the Program can be costly. In response to the Board, Lieutenant Gijanto discussed various factors associated with the cost of the Program, including purchase and lifespan.

Supervisor Crosby made a motion to approve acceptance of donation of \$120,000 from the National Criminal Enforcement Association to the Cochise County Sheriff's Office to be used to support the Canine Program. Vice-Chairman Judd seconded the motion.

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

## **Development Services**

15. Adopt Ordinance 051-22 to authorize staff to enter into a purchase, sale, and development agreement, as well as other agreements as necessary, with Sunny Tempe Investments, LLC DBA Old Bisbee High School, LLC (OBHS) for the sale, purchase, and development of County-owned property located at 100 Clawson Avenue in Bisbee, Arizona.

Ms. Christine McLachlan, Planner II, presented this item using a PowerPoint presentation. She reviewed the building size, history, location, number of parking spaces, and the timeline and steps involved to make the building redevelopment ready. She reviewed the Request for Proposals (RFP), including the County's vision and objectives, and the firm with the most responsive bid. She displayed a conceptual site plan, project renderings, and played a video showing the concept in further detail. The respondent will gather community feedback and will go through City of Bisbee site plan and reviews; there is a three-year permitting and construction timeframe. Multi-density housing is a permitted use.

Ms. McLachlan reviewed financial, tax, and community impacts of the proposal, and discussed the need for housing and affordable housing initiatives. This will help ensure that the building remains a part of Bisbee; it may be a development catalyst for downtown Bisbee. Staff recommends approval; approval will authorize staff to negotiate a purchase, sale and development agreement.

The Board and Ms. McLachlan discussed the developer's project budget; the number of housing (32) and parking units (50), some of which the developer may convert to landscaping; and, the parking regulations being the City of Bisbee's, rather than the County's. The Board and Ms. McLachlan also discussed the City's involvement throughout the process; the rezoning process; and, the RFP advertisement.

Mr. Bruce Kuehnle addressed the Board and discussed various reasons in opposition to the item.

Chairman English clarified that the item before the Board is to allow staff to enter into an agreement with the developer and discussed various Board goals for the property.

Vice-Chairman Judd made a motion to adopt Ordinance 051-22 to authorize staff to enter into a purchase, sale, and development agreement, as well as other agreements as necessary, with Sunny Tempe Investments, LLC DBA Old Bisbee High School, LLC (OBHS) for the sale, purchase, and development of County-owned property located at 100 Clawson Avenue in Bisbee, Arizona. Supervisor Crosby seconded the motion.

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

16. Approve an Intergovernmental Agreement (IGA) between the City of Tombstone and Cochise County for Planning and Zoning, Subdivision Development, GIS Mapping, Survey, Engineering, and other Long-Range Planning services, effective upon approval by both entities for a one-year term, with automatic one-year renewals.

Ms. McLachlan presented this item. The IGA covers planning division activities and limited engineering resources and is similar to IGAs in place with other jurisdictions. The hourly rate is stipulated in the IGA.

Supervisor Crosby made a motion to approve an Intergovernmental Agreement (IGA) between the City of Tombstone and Cochise County for Planning and Zoning,

Subdivision Development, GIS Mapping, Survey, Engineering, and other Long-Range Planning services, effective upon approval by both entities for a one-year term, with automatic one-year renewals. Vice-Chairman Judd seconded the motion.

In response to the Board, Ms. McLachlan confirmed that the County has adequate resources to provide the services; discussed various ways in which the IGAs are cost-effective for the jurisdictions; and, stated that she estimates approximately 20-30 hours are spent per month for all of the IGAs.

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

## **Facilities**

17. Approve Contract 22-06-FAC-01 for Landscaping Services at the Melody Lane Complex and Sierra Vista Regional Service Center with Southwest Desert Images, LLC, in the amount of \$42,642, effective May 10, 2022 through May 9, 2023, with four one-year renewal options.

Mr. Henry Meraz, Facilities Director, presented this item. Staff is seeking contracted services during five months, when the monsoons are more active, to keep up with the grounds at Melody Lane and Sierra Vista. In response to the Board, Mr. Meraz confirmed that the contract is only for landscaping, not painting.

Vice-Chairman Judd made a motion to approve Contract 22-06-FAC-01 for Landscaping Services at the Melody Lane Complex and Sierra Vista Regional Service Center with Southwest Desert Images, LLC, in the amount of \$42,642, effective May 10, 2022 through May 9, 2023, with four one-year renewal options. Supervisor Crosby seconded the motion.

In response to the Board, Mr. Meraz clarified that the Colonia de Salud Sierra Vista complex is included in the contract. The Board and Mr. Meraz discussed the cost and the estimated hours that the contractor will be working; Mr. Meraz estimates that it could be up to four days a month when the monsoons are heaviest. In response to the Board, Mr. Meraz stated that it would be more costly to hire staff for these tasks.

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

## **Health & Social Services**

18. Approve Intergovernmental Agreement (IGA) CTR059344, Senate Bill 1847 Funding, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services to help address communities affected by drug addiction and incarceration, with a one-time disbursement of \$91,500, effective for one year from the date of signing by both parties.

Vice-Chairman Judd made a motion to approve Intergovernmental Agreement (IGA) CTR059344, Senate Bill 1847 Funding, between the Arizona Department of Health Services (ADHS) and Cochise Health & Social Services to help address communities affected by drug addiction and incarceration, with a one-time disbursement of \$91,500, effective for one year from the date of signing by both parties. Supervisor Crosby seconded the motion.

Mr. Rafael Melendez, Finance Officer, presented this item, and Dr. Alicia Thompson,

Health & Social Services Director, responded to questions from the Board. Mr. Melendez stated that this IGA is to address overdose addiction and deaths. He outlined the six approved ways in which the funding will be utilized, including: bus passes for individuals; stipends for Overdose Fatality Review Board members; syringes and safe use supplies; supplies for on-site wound care; tests for Hepatitis C screenings; and, personal drug equipment and disposal backpacks.

In response to the Board, Dr. Thompson discussed the harm-reduction strategy of the personal drug equipment and disposal backpacks. Funding will also be used to train Sheriff's Office personnel on cardiopulmonary resuscitation (CPR), first aid, and administering Narcan.

The Board and Dr. Thompson discussed program measures of effectiveness; reporting mechanisms; various services to assist individuals; and, the effectiveness of syringe exchange programs.

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

### ***STATE & FEDERAL LEGISLATION***

19. 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 there is not currently much activity at the Legislature and summarized bills recently signed by the Governor. She noted concerns with impacts of the state budget on the County.

No action was taken on this item.

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

Mr. Karwaczka recognized Ms. McLachlan, Mr. Meraz, and Ms. Anne Coppola, Contract Administrator, for their work on various aspects of the Old Bisbee High School project. He also recognized Ms. Delores Putnam, Indigent Defense Coordinator office, for her years of service to the County and on her retirement.

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

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

Supervisor Crosby deferred his report.

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

Chairman English deferred her report.

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

Vice-Chairman Judd reported on the upcoming Willcox Ranching Heritage Festival, from June 3-5, 2022.

Chairman English noted that the Work Session scheduled for 11:00 a.m. will begin at noon.

Chairman English adjourned the meeting at 11:43 a.m.

APPROVED:

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Ann English, Chairman

ATTEST:

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Tim Mattix, Clerk of the Board