

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, May 6, 2014**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 6, 2014 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Patrick G. Call, Supervisor
Absent: Richard R. Searle, Vice-Chairman
Staff Michael J. Ortega, County Administrator; Britt W. Hanson, Chief Civil Deputy County Attorney;
Present: Arlethe G. Rios, Clerk of the Board

Chairman English called the meeting to order at 10:08 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

Chairman English opened the call to the public.

Mr. Jack Cook addressed the Board on matters of personal concern.

No one else chose to speak and Chairman English 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 April 22, 2014.
2. Approve the Cooperative Grant Agreement (CGA) between Cochise County and the Elfrida Water Improvement District to make improvements to the Water District with funds received from Community Development Block Grant (CDBG) Award #120-14 in the amount of \$96,000.
3. Approve the Cooperative Grant Agreement (CGA) between Cochise County and the Bowie Water Improvement District to make improvements to the Water District with funds received from Community Development Block Grant (CDBG) Award #121-14 in the amount of \$68,000.

County Sheriff

4. Approve the Law Enforcement Communications Agreement between Cochise County and the Town of Tombstone to provide dispatching services to the Town of Tombstone effective May 6, 2014 to June 30, 2014.

Elections & Special Districts

5. Adopt Resolution 14-08 designating the polling locations for the 2014 Primary and General Elections.

Facilities

6. Approve Intergovernmental Agreement (IGA) between Cochise County and the City of Sierra Vista for general use of equipment on an as need basis effective for a one-year term beginning on May 6, 2014 with automatic annual renewals up to five years.

Finance

7. Approve demands and budget amendments for operating transfers.

Warrants Nos. 78712-78894, 78909-78925, 78931-79098 were issued in the amount of \$1,158,474.58.

Pursuant to A.R.S. §11-217(C), the published minutes shall include all demands and warrants approved by the Board in excess of one thousand dollars except that multiple demands and warrants from a single supplier or individual under one thousand dollars whose cumulative total exceeds one thousand dollars in a single reporting period shall also be published. The voided warrants are listed below:

<u>Fund</u>	<u>Vendor</u>	<u>Amount</u>
505	Az State Prison Complex	430.00
251	Az State Prison Complex	3,662.60
244	Juliana Ramage	127.12
505	Az Dept of Environmental Quality	600.00
505	Az Dept of Environmental Quality	600.00

Issued warrants are listed as an attachment at the end of the minutes.

Health & Social Services

8. Approve Amendment #1 to Intergovernmental Agreement (IGA) #ADHS13-041535, Immunization Program, between the Arizona Department of Health Services and Cochise Health & Social Services, in the amount of up to \$50,000 plus additional reimbursable activities at a per unit assigned value, for the period of 1/1/14 – 12/31/14.
9. Approve Amendment #1 to Intergovernmental Agreement (IGA) #ADHS13-0345334, Reproductive Health/Family Planning Program, between the Arizona Department of Health Services and Cochise Health & Social Services in the amount of \$49,200 for the period of 1/1/14 – 12/31/14.

Procurement

10. Approve the award for Request for Proposals (RFP) No. 14-23-PUR-04 for a Unified Electronic Payment System to Point & Pay, LLC for the period of May 6, 2014 through May 6, 2017 with annual renewals.

Supervisor Call moved to approve items 1-10 on the Consent Agenda. Chairman English seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

11. Approve a new liquor license application for a series #11 (hotel/motel) liquor license submitted by Ms. Lauren Merrett for Tombstone Monument Guest Ranch located at 895 W Monument Road, Tombstone, AZ 85638.

Ms. Arlethe Rios, Clerk of the Board presented this item. Ms. Rios said the Sheriff's Office and Planning and Zoning Department have recommended approval and the Environmental Health Division noted that the establishment meets all the requirements set forth by the Arizona Food Code; the Treasurer's Office has noted that all property taxes are not current, but that the applicant is not the owner of the property. The applicant has paid the \$100 processing fee; the Board staff recommended approval.

Chairman English opened the public hearing.

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

Supervisor Call moved to approve a new liquor license application for a series #11 (hotel/motel) liquor license submitted by Ms. Lauren Merrett for Tombstone Monument Guest Ranch located at 895 W Monument Road, Tombstone, AZ 85638. Chairman English seconded the motion.

Chairman English called for the vote and it was approved 2-0 (Searle absent).

Community Development

12. Adopt Zoning Ordinance 14-04 to approve Docket R-14-06 for the proposed amendments to the Cochise County Zoning Regulations to reduce complexity, contradictions, and unnecessary regulations.

Ms. Dora Flores, Permit and Customer Service Coordinator, presented this item using a PowerPoint presentation. Ms. Flores gave the background and listed the changes to articles 2, 5, 6, 7, 11, 12, 13, 14, 15, 17, 18, 19 and 23. She noted that staff recommended approval of the changes to the zoning regulations.

Chairman English opened the public hearing.

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

Supervisor Call moved to adopt Zoning Ordinance 14-04 to approve Docket R-14-06 for the proposed amendments to the Cochise County Zoning Regulations to reduce complexity, contradictions, and unnecessary regulations. Chairman English seconded the motion.

Chairman English called for the vote and it was approved 2-0 (Searle absent).

ACTION

Board of Supervisors

13. Approve a Letter to the Department of the Interior regarding the lack of United States Fish and Wildlife (USFW) compliance with National Environmental Policy Act (NEPA) and relevant Memorandum of Understanding (MOU) regarding the Mexican Wolf Environmental Impact Statement (EIS).

Supervisor Call moved to approve a Letter to the Department of the Interior regarding the lack of United States Fish and Wildlife (USFW) compliance with National Environmental Policy Act (NEPA) and relevant Memorandum of Understanding (MOU) regarding the Mexican Wolf Environmental Impact Statement (EIS). Chairman English seconded the motion.

Mr. Michael Turisk, Planning Manager, gave the background information, stated that there was frustration from the County regarding our participation and role in development plans and noted that the designation as a cooperating agency has not been honored.

Supervisor Call said it was a well written letter and that the County has been shut out of the decision making process.

Chairman English clarified that this was not an emotional outburst, but that the comments submitted regarding the Mexican Wolf Reintroduction were based on science and therefore should be at least considered.

Chairman English called for the vote and it carried 2-0 (Searle absent).

14. Approve an amendment to the Intergovernmental Agreement (IGA) between the City of Douglas and Cochise County to allow for an earlier purchase of the Douglas Regional Service Center by the County and an earlier sale of two County buildings to the City of Douglas, with a closing date of no later than September, 2014.

Supervisor Call moved to approve an amendment to the Intergovernmental Agreement (IGA) between the City of Douglas and Cochise County to allow for an earlier purchase of the Douglas Regional Service Center by the County and an earlier sale of two County buildings to the City of Douglas, with a closing date of no later than September, 2014. Chairman English seconded the motion.

Mr. Ortega, County Administrator, presented this item and stated that this agreement's purpose was to move up the sale date. He noted that different situations regarding ownership of the building had come up and both parties had decided to move the timeframe up and explained that the two main changes from the original agreement were that the County would have complete ownership of the building and that a communications tower use shared by both entities had been added to the amendment to allow the County continued use. Mr. Ortega stated that the County also gave two properties that it owned to the City of Douglas in exchange for a lower price on the purchase of the service center and that the final payment would be \$900,000. He also clarified that the County would continue to lease part of the service center to Customs and Border Protection for the next 4 years as outlined in the contract, at the end of that period the County would then revisit the contract for possible renewal.

Supervisor Call asked if the City was using either of the two properties.

Mr. Ortega said that they were using the one on 7th Street and G Avenue.

Chairman English said that this was a positive for both entities and she was glad an agreement was made.

Chairman English called for the vote and it was approved 2-0 (Searle absent).

Community Development

15. Approve a Substitute Assurance Agreement for the Ramsey Reserve Estates subdivision with Pioneer Title Agency as trustee under trust number 523986, and extending the deadline to complete improvements to May 6, 2017.

Supervisor Call made a motion to approve a Substitute Assurance Agreement for the Ramsey Reserve Estates subdivision with Pioneer Title Agency as trustee under trust number 523986, and extending the deadline to complete improvements to May 6, 2017. Chairman English seconded the motion.

Ms. Beverly Wilson, Planning Director, presented this item using a PowerPoint presentation. Ms. Wilson gave the background information, showed a map of the location, and said that the reason for the request was due to change in ownership of the subdivision. She stated that staff recommended approval and noted that if approved the new extension would expire on May 6, 2017.

Chairman English asked for the original deadline.

Ms. Wilson said that it had already expired on January 25, 2014.

Mr. Rick Lynton, owner of Ramsey Reserve Estates, Colorado resident, said that he had inherited the development after a second foreclosure. He clarified that the future of the development depended on the economy and that he would not be the developer.

Supervisor Call said that he was not inclined to extend the assurance agreement since it was obvious that it would not be developed and he was aware of other development challenges.

Chairman English stated that even though this was a substitute assurance agreement, leaving the plat as is, knowing that it will not be developed, also inclined her not to approve.

Mr. Lyndon asked what would happen if the assurance agreement is not extended.

Ms. Wilson said that if the assurance agreement was not accepted a plat would not be able to be developed, then we have to abandon it.

Mr. Hanson, Chief Deputy County Attorney, said that an option could be to abandon the subdivision, but that it would be a long process.

Mr. Lyndon agreed to assist in the abandonment of the subdivision if that is the Board's decision.

Supervisor Call stated that the County is trying to clean up the number of "ghost" plats.

Chairman English called for the vote and it failed 0-2 (Searle absent).

16. Approve the award of Invitation for Bids (IFB) No. 14-33-HFP-04 for the Gleeson Road Improvements Project for Community Development to KE&G Construction, Inc in the amount of \$321,200.

Supervisor Call moved to approve the award of Invitation for Bids (IFB) No. 14-33-HFP-04 for the Gleeson Road Improvements Project for Community Development to KE&G Construction, Inc in the amount of \$321,200. Chairman English seconded the motion.

Mr. Terry Hudson, Procurement Director, gave the background information, stated that this was on behalf of the Community Development Department, and said that staff recommended approval of the base bid be accepted.

Chairman English called for the vote and it was approved 2-0 (Searle absent).

17. Approve a request from Joe Schneider - Sonora Verde Estates, for a waiver of submittal fees totaling \$500 for an extension of an Assurance Agreement for the Sonora Verde Estates Subdivision, Phase III.

Supervisor Call moved to approve a request from Joe Schneider - Sonora Verde Estates, for a waiver of submittal fees totaling \$500 for an extension of an Assurance Agreement for the Sonora Verde Estates Subdivision, Phase III. Chairman English seconded the motion.

Ms. Beverly Wilson, Planning Director, presented this item. Ms. Wilson gave the background and stated that the subdivision was partially developed and then revived in 2005 when Mr. Schneider became the owner and developer. She noted that there are six remaining lots that need to be developed and that Mr. Schneider has cited physical problems and the current economic situation as a reason for the waiver. She clarified that this item was a fee waiver and not the actual assurance agreement extension.

The Board agreed that the reason given was not enough to waive the fees.

Chairman English called for the vote and it failed 0-2 (Searle absent).

County Treasurer

18. Approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance Numbers 2014-0401 and 2014-0402 pursuant to A.R.S. 42-19118.

Supervisor Call made a motion to approve the recommendation of the County Treasurer for the abatement of property taxes and interest on personal property and the removal of personal property tax liens on Treasurer's Certificate of Clearance Numbers 2014-0401 and 2014-0402 pursuant to A.R.S. 42-19118.

Chairman English seconded the motion.

Ms. Maria Pitzlin, Deputy County Treasurer, asked the Board if they had any questions.

Supervisor Call stated that he agreed with the recommendation from the Treasurer's Office.

Chairman English called for the vote and it was approved 2-0 (Searle absent).

REPORT BY MICHAEL J. ORTEGA, COUNTY ADMINISTRATOR -- RECENT AND PENDING COUNTY MATTERS

Mr. Ortega said that the budget meetings with the departments will continue through until next week and he noted that the budget work sessions with the Board would be held in two sessions on May 19th.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Patrick Call

Supervisor Call deferred his report.

Report by District 2 Supervisor, Ann English

Chairman English deferred her report.

Report by District 3 Supervisor, Richard Searle

Vice-Chairman Searle was absent.

Chairman English adjourned the meeting at 10:59 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Arlathe G. Rios, Clerk of the Board