

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, May 20, 2014**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, May 20, 2014 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Ann English, Chairman; Richard R. Searle, Vice-Chairman; Patrick G. Call, Supervisor
Staff Michael J. Ortega, County Administrator; Jim Vlahovich, Deputy County Administrator;
Present: Arlethe G. Rios, Clerk of the Board; Adam Ambrose, Civil Deputy County Attorney

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

Chairman English opened the call to the public.

Mr. Ted Forte, Sierra Vista resident, addressed the Board in opposition of LED Lights.

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

Mr. Claude Nagel, Hereford resident, addressed the Board on his support of no changes to the current lighting code.

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.

PRESENTATION

Presentation on outdoor lighting code and color temperature by Mr. Robert L. Gent, Owner/Operator of the Cochise Skies Observatory.

Mr. Robert L. Gent, Owner/Operator of the Cochise Skies Observatory, presented this item using a PowerPoint presentation. Mr. Gent gave his background and stated several reasons why the lighting code is important to all citizens in the County. He gave examples of the different LED lights and listed several problems with the blue-rich light. Mr. Gent also showed several examples of how lighting affects wildlife. He then listed recommendations.

Vice-Chairman Searle asked about blue headlights on vehicles.

Mr. Gent stated that he would let him know if there was any research on that topic and thanked the Board for the opportunity to speak on the LED Lights topic.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of May 6, 2014.

Elections & Special Districts

2. Adopt Resolution 14-11 to appoint Heather Lentz as the Administrator to the San Simon Fire District.

Finance

3. Approve demands and budget amendments for operating transfers.

Warrants Nos. 79099-79311, 79326-79339, 79341-79493 were issued in the amount of \$1,841,238.00.

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

Supervisor Call moved to approve items 1-3 on the Consent Agenda. Vice-Chairman Searle seconded the motion and it carried unanimously.

ACTION

Community Development

4. Approve an increase for Contract No. IFB 10-66-HFP-04 with Western Emulsions, Inc. in the not to exceed amount of \$1,690,000 for CRS-2 and CRS-2P emulsified asphalt products.

Vice-Chairman Searle moved to approve an increase for Contract No. IFB 10-66-HFP-04 with Western Emulsions, Inc. in the not to exceed amount of \$1,690,000 for CRS-2 and CRS-2P emulsified asphalt products. Supervisor Call seconded the motion.

Mr. Terry Hudson, Procurement Director, presented this item. He said that the increase was needed in order to move forward on several projects and noted the increase was for \$400,000.

Mr. Ortega said that this contract is approved on an annual basis, but due to the amount it was moved from the consent agenda to an action item. He noted that the increase was recommended by staff and was included in the operating budget.

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

5. Approve a request from Joe Schneider for a waiver of right-of-way permit fees totaling \$750 for final road work on the Sonora Verde Estates Subdivision, Phase III.

Supervisor Call moved to approve a request from Joe Schneider for a waiver of right-of-way permit fees totaling \$750 for final road work on the Sonora Verde Estates Subdivision, Phase III. Vice-Chairman Searle seconded the motion.

Mr. Terry Couchenour, Right of Way agent, presented this item. He said that the request was for a permit to add utilities and Mr. Schneider had requested a waiver due to financial hardship. Mr. Couchenour added that staff did not recommend approval.

Supervisor Searle asked if Mr. Schneider had paid for the assurance agreement.

Ms. Beverly Wilson, explained that the other payment had already been made.

Vice-Chairman Searle stated that this subdivision was one of the last to be approved with dirt roads and added that a waiver of \$750 would not dramatically impact Mr. Schneider's ability to continue with the development of the subdivision.

Chairman English said that the amount requested in the waiver covered inspections and the County should be paid for these services.

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

6. Adopt Resolution 14-12, approving an extension of the Assurance Agreement for The Oaks Subdivision with Pioneer Title Agency, Inc., an Arizona Company, as Trustee No.319061 for Castle and Cook Arizona, LLC, an Arizona Corporation as Beneficiary of Trust No. 319061, to May 9, 2017.

Vice-Chairman Searle moved to adopt Resolution 14-12, approving an extension of the Assurance Agreement for The Oaks Subdivision with Pioneer Title Agency, Inc., an Arizona Company, as Trustee No.319061 for Castle and Cook Arizona, LLC, an Arizona Corporation as Beneficiary of Trust No. 319061, to May 9, 2017. Supervisor Call seconded the motion.

Mr. Michael Turisk, Planning Manager, presented this item. Mr. Turisk gave the background of the subdivision and showed a map of the location. He noted that the assurance agreement had already been extended once on September 13, 2011 and if approved it would then expire on May 9, 2017 and said that staff recommended approval of the request to December 31, 2017.

Vice-Chairman Searle asked about the process if the extension was not approved.

Mr. Turisk said there were several options, the most common was that the plat would have to stop and possibly be dissolved.

Mr. Ambrose, County Attorney, clarified that if the agreement is not extended the title company would dissolve the trust and parcels would be available for sale without the completion of improvements.

Chairman English stated that since an effort to complete improvements was evident, she was in support of approving the extension as recommended by staff.

Mr. Ortega added that plats are established to guarantee certain improvements are made before lots are sold to the public.

Supervisor Call requested a work session to discuss the process for dealing with assurance agreements.

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

Human Resources

7. Adopt Resolution 14-10 to renew Cochise County's membership in the Cochise Combined Trust (CCT) effective July 1, 2014 through June 30, 2017.

Supervisor Call moved to adopt Resolution 14-10 to renew Cochise County's membership in the Cochise Combined Trust (CCT) effective July 1, 2014 through June 30, 2017. Vice-Chairman Searle seconded the motion.

Mr. Michael Ortega, County Administrator, presented this item. He said that this was a three year renewal and recommended approval. He stated that if not approved the trust would be dissolved and the County would have to look for a way to provide health insurance to employees.

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

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

Mr. Ortega said that there are two additional budget work sessions pending and that the tentative budget adoption is scheduled for July 21, 2014.

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 deferred his report.

7.

Chairman English adjourned the meeting at 10:48 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Arlthe G. Rios, Clerk of the Board