

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
TUESDAY, MARCH 28, 2023**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, March 28, 2023 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

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

Chairman English stated that item 9 has been removed from today's agenda and will be on the April 25th agenda.

CALL TO THE PUBLIC

Jeff Sturges discussed the petition to recall Supervisor Crosby and asked for his resignation.

Allison Morse asked for the Jail District election to be delayed and discussed reasons.

Tricia Gerrodette requested a presentation from Recorder Stevens regarding the paper that the Jail District ballot would be printed on and the voting machines.

Alfred Kern discussed his concerns about the maintenance of Calle Principal Road.

Radford Hyde spoke against the current election process and discussed the reasons.

Sandy Trull asked for the Jail District election to be delayed and discussed reasons and asked that Supervisor Crosby be nominated as Chairman.

Supervisor Crosby stated that he had a comment.

Ms. Roberts clarified that, during Call to the Public, the Board can respond to criticism, direct staff to take on an issue or direct something to be placed on a future agenda.

Supervisor Crosby stated that several people from both sides of the aisle expressed concerns about the election process and chain of custody and he will submit a request for another work session.

CONSENT

Board of Supervisors

1. Approve the Minutes of the regular meeting of the Board of Supervisors of March 14, 2023.
2. Approve a proclamation to declare April 2023 as National County Government Month - "Counties RISE" in support of how counties preserve public health, ensure public safety, and promote local economies and resiliency.

Finance

3. Approve demands and budget amendments for operating transfers.

Housing Authority

4. Approve a Fair Housing Proclamation to declare April 2023 as Fair Housing Month in Cochise County.

Workforce Development

5. Approve the appointment of Mr. Kevin Peck to the Local Workforce Investment Board, effective immediately through June 30, 2026.

Vice-Chairman Judd made a motion to approve items 1-5 on the consent agenda. Supervisor Crosby seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Development Services

6. Table until the May 9, 2023 Board of Supervisors Regular Meeting, consideration of Docket SUA 23-01 (Sirota Guest Lodging Appeal), an appeal of the February 8, 2023 Planning and Zoning Commission Meeting denial of special use SU 23-02 (Sirota Guest Lodging).

Chairman English stated that agenda item 6 was originally scheduled for the Board to consider an appeal of the Planning and Zoning Commission Meeting denial of special use SU23-02, for Sirota Guest Lodging. Due to an unanticipated, emergency medical procedure, the appellant has formally requested that this appeal be tabled until the May 9, 2023 Board of Supervisors Meeting.

Supervisor Crosby made a motion to table until the May 9, 2023 Board of Supervisors Regular Meeting, consideration of Docket SUA 23-01 (Sirota Guest Lodging Appeal), an appeal of the February 8, 2023 Planning and Zoning Commission Meeting denial of special use SU 23-02 (Sirota Guest Lodging). Vice-Chairman Judd seconded the motion.

Chairman English stated that both the public and the appellant need to be present at the same meeting.

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

7. Adopt Zoning Ordinance 23-05 to rezone parcel 116-19-251A from SR-22 (Single Residential, one dwelling per 22,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Kevin Blackburn and Ms. Letitia Young.

Vice-Chairman Judd made a motion to adopt Zoning Ordinance 23-05 to rezone parcel 116-19-251A from SR-22 (Single Residential, one dwelling per 22,000 square feet) to RU-4 (Rural, one dwelling per 4 acres), pursuant to the application of Mr. Kevin Blackburn and Ms. Letitia Young. Supervisor Crosby seconded the motion.

Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. Mr. Kirschmann stated that this is a request to rezone from SR-22 to RU-22 to allow construction of a permitted single residence in the Mid-Sulphur Springs Community Plan. The site has been cleared of a Recreational Vehicle (RV) that was on the property. Staff reports that there are two factors in favor of approval and none identified as against. Staff received a letter in opposition and after Staff spoke with this party and clarified that there would be a permitting process, they no longer had concerns with the request.

Chairman English opened the public hearing.

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

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

8. Adopt Resolution 23-11 to approve Docket CPA-23-01 (Patton), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 23-06 to rezone parcel 120-18-021 from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business), pursuant to the application of Mr. Caleb Malboeuf.

Supervisor Crosby made a motion to adopt Resolution 23-11 to approve Docket CPA-23-01 (Patton), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 23-06 to rezone parcel 120-18-021 from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business), pursuant to the application of Mr. Caleb Malboeuf. Vice-Chairman Judd seconded the motion.

Mr. Kirschmann presented this item using a PowerPoint presentation. Mr. Kirschmann stated that this is a request to rezone a parcel from R-18 to GB to allow construction of up to three 4-plexes. The property is located on State Highway 80 between Miller and Sibyl Roads. The proposed use is multifamily and the Planning and Zoning Commission unanimously recommended approval. Staff received three letters of opposition to the project. An aerial view of the site was displayed showing that the lot is heavily treed with

a single family home to the west, a mini storage to the east, and an RV park to the north. Mr. Kirschmann stated that there are 10 factors that the application complies with, and two with conditions involving the Arizona Department of Transportation (ADOT), which will include traffic studies and any other improvements that they might dictate. There are four factors in favor of approval and two against. The request does not comply with one factor as the St. David Plan does not allow for rezoning to general business.

Chairman English opened the public hearing.

In response to the Board, Mr. Kirschmann stated that the three people in opposition were concerned about increased density, and the potential of low income housing and attracting a nuisance to the area. The Board and Mr. Kirschmann discussed setbacks for commercial property versus residential and the use of a center turn lane instead of a deceleration lane. Staff did not receive feedback from the community and saw mixed reviews on social media. Mr. Kirschmann stated that the applicant has no intent for low income housing.

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

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

9. Adopt Resolution 23-12 for Cochise County to use its Regional Account Community Development Block Grant (CDBG) funds for Owner-Occupied Housing Rehabilitation/Emergency Home Repair within Cochise County.

This item was removed from the agenda.

ACTION

County Sheriff

10. Approve Agreement for Purchase and Sale between Cochise County and Rushmark Soldier Creek, LLC, in the amount of \$4,500,000, for the purchase of property located at 665 North Garden Ave, Sierra Vista, Arizona 85635, Tax Parcel 106-65-017A, to be utilized as the Southeast Arizona Combined Intelligence and Border Operations Center.

Vice-Chairman Judd made a motion to approve Agreement for Purchase and Sale between Cochise County and Rushmark Soldier Creek, LLC, in the amount of \$4,500,000, for the purchase of property located at 665 North Garden Ave, Sierra Vista, Arizona 85635, Tax Parcel 106-65-017A, to be utilized as the Southeast Arizona Combined Intelligence and Border Operations Center. Supervisor Crosby seconded the motion.

Sheriff Mark Dannels presented this item using a PowerPoint presentation. Sheriff Dannels stated that several months ago \$5 million was accepted from the state to seek a facility to house federal, state and local law enforcement for a collective border operations center. The building is 36,000 square feet, has been reviewed by state and local officials, and will accommodate operational needs to promote education, awareness, prevention and enforcement of border related issues. The facility will house 40 to 50 workers. Sheriff Dannels reviewed the building amenities, which include 16,000 square feet of office space, break rooms, conference and storage rooms and a 20,000 square foot warehouse. The warehouse will give staff the ability to fully process vehicles. There is a secure internet facility that will house the fusion center and the

current security system is compatible with what is already in place. Southeastern Arizona Border Region Enforcement Team (SABRE) discretionary border funds received from the state each year will be used to help sustain and upgrade the facility.

In response to the Board, Sheriff Dannels stated that there would not be a fence constructed on the property. The Board, Sheriff Dannels and Staff discussed the reasoning that the property will be sub-divided; the Sheriff's Office will only be purchasing one of the two existing buildings. Sheriff Dannels stated that this will be the first collective center in the County.

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

Housing Authority

11. Adopt Resolution 23-13 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2023.

Supervisor Crosby made a motion to adopt Resolution 23-13 to approve AZ034, Streamlined Annual and Section 8 Housing Choice Voucher Administrative Plans, for Fiscal Year 2023. Vice-Chairman Judd seconded the motion.

Anita Baca, Housing Executive Director, presented this item using a PowerPoint presentation. Ms. Baca reviewed in detail the annual and administrative plan for the United States Department of Housing and Urban Development (HUD), form HUD-50075-HCV, and the elements that are required. She noted that the Housing Choice Vouchers for Cochise County and Douglas are still separated until all of the Douglas waiting list is exhausted and then they will be merged.

In response to the Board, Ms. Baca stated that the Veterans Administration (VA) works with staff to continue offering housing services through HUD Veterans Affairs Supportive Housing (VASH) vouchers until the widow or widower can be moved over to the Section 8 voucher.

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

STATE & FEDERAL LEGISLATION

12. 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 the Board received information on this item. No Board action was taken on this item.

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

Mr. Karwaczka reported that the first Jail District Open House was yesterday. Upcoming meetings are on March 29th at the Willcox High School Auditorium, March 31st at Palominas High School, April 3rd in Bisbee in the Board of Supervisors Hearing Room, April 4th at Douglas City Hall and April 5th at the Benson School District Multi-Purpose Room. The meetings will be

recorded and will be online and available to the public.

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 reported that the Splash Cirkus will be running for another week in Douglas.

Report by District 3 Supervisor, Peggy Judd

Vice-Chairman Judd reported that West Fest in Willcox is coming up April 14-16.

Chairman English adjourned the meeting at 11:01 a.m.

APPROVED:

Ann English, Chairman

ATTEST:

Tim Mattix, Clerk of the Board