

**PROCEEDINGS OF THE COCHISE COUNTY BOARD OF SUPERVISORS
REGULAR MEETING HELD ON
Tuesday, June 25, 2019**

A regular board meeting of the Cochise County Board of Supervisors was held on Tuesday, June 25, 2019 at 10:00 a.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Peggy Judd, Chairman; Ann English, Vice-Chairman; Thomas E. Borer, Supervisor
Staff Sharon Gilman, Associate County Administrator; Britt W. Hanson, Chief Civil Deputy
Present: County Attorney; Amanda Baillie, Public Information Officer; Arlethe G. Rios, Clerk of the Board

Chairman Judd 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 Judd opened the call to the public.

Mr. Tom Crosby, Sierra Vista resident, addressed the Board regarding the recent presentation of the Public Safety Personnel Retirement System (PSPRS) and his concern over the unknown liability amount.

Mr. and Mrs. Graves, Benson residents, addressed the Board regarding their concern over a commercial property zoning change in their neighborhood.

No one else chose to speak and Chairman Judd 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 June 11, 2019.
2. Approve naming Douglas Kooi as Cochise County's Chief Fiscal Officer per ARS 41-1279.07(E).

3. Approve a Proclamation in recognition of Earl Jerome Judd, Resident of Cochise County.
4. Approve Public Safety Personnel Retirement System (PSPRS) Pension Funding Policy as required by ARS 38-863.01 effective July 1, 2019.

County Attorney

5. Approve the proposed settlement of the Small Tax Appeal in Roger A. Nusbaum v. Cochise County, ST2018-000025, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.
6. Approve the proposed settlement of the Small Tax Appeal in Daniel F. O'Sullivan, Trustee Kenwin Exchange Trust v. Cochise County, ST2018-000132, now pending in Arizona Tax Court, a division of the Superior Court of and for Maricopa County.

County Recorder

7. Approve agreement between Cochise County and the Office of the Secretary of State for reimbursement for Systematic Alien Verification of Entitlements (SAVE) Program Usage for the purpose of verifying the citizenship and immigration status information when a person registers to vote in Cochise County.

County Treasurer

8. Adopt Resolution 19-12 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for Cochise County, and adopt Resolution 19-13 authorizing a Line of Credit Agreement between the Cochise County Treasurer and J.P. Morgan Chase Bank, for other political subdivisions of Cochise County.

Finance

9. Approve demands and budget amendments for operating transfers.

Legal Defender

10. Approve Funding Agreement with the Arizona Supreme Court for Public Defender Training Funds, in the amount of \$2,100, effective July 1, 2019 through June 30, 2020.

Risk Management

11. Approve Personal Protective Equipment (PPE) Policy, effective July 1, 2019.

Vice-Chairman English moved to approve items 1-11 on the consent agenda. Supervisor Borer seconded the motion and it carried unanimously.

PUBLIC HEARINGS

Board of Supervisors

12. Adopt Resolution 19-14 granting a renewal of a Telecommunications Services Franchise to Valley Connections, LLC. for five years from June 25, 2019 through June 24, 2024.

Mr. Britt Hanson said this was a standard telecommunication franchise that the Board had to formally consider by statute. He mentioned that if a company needed further access in the County, they would go through the right-of-way division to obtain proper permits.

Chairman Judd opened the public hearing.

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

Supervisor Borer moved to adopt Resolution 19-14 granting a renewal of a Telecommunications Services Franchise to Valley Connections, LLC. for five years from June 25, 2019 through June 24, 2024. Vice-Chairman English seconded the motion.

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

Community Development

13. Adopt Resolution 19-15 (Docket R-19-02 Subdivision Regulations) to repeal and replace the Cochise County Subdivision Regulations Amendments including: Updating the regulations to conform with current Arizona Revised Statutes; Removing the Minor Expedited Subdivision option, as well as the review of tentative plats by the Planning and Zoning Commission; Minor alterations to the Conservation Subdivision article, and performing clerical revisions to reflect current practices.

Ms. Christinne McLachlan, Planner II, presented this item using a PowerPoint presentation. She gave the history of the subdivision regulations, and presented the proposed changes and noted that staff recommended approval:

- Eliminating a provision that required septic testing on at least one-third of all subdivision lots. Current state law requires testing on all septic system prior to permit issuance.
- Removing obsolete technology references.
- Eliminating the "Minor Expedited Subdivision" process. The Minor Expedited Subdivision process was a no-fee planning review option that was used to circumvent the drainage review and more-intensive subdivision regulation process.
- Removing the requirement for the review of tentative plats by the Planning and Zoning Commission

Chairman Judd opened the public hearing.

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

Vice-Chairman English moved to adopt Resolution 19-15 (Docket R-19-02 Subdivision Regulations) to repeal and replace the Cochise County Subdivision Regulations Amendments including: Updating the regulations to conform with current Arizona Revised Statutes; Removing the Minor Expedited Subdivision option, as well as the review of tentative plats by the Planning and Zoning Commission; Minor alterations to the Conservation Subdivision article, and performing clerical revisions to reflect current practices. Supervisor Borer seconded the motion.

Vice-Chairman English said these changes have been discussed over time and it is good to have clarity for our citizens, as well as incorporate legislative changes into our regulations.

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

14. Adopt Zoning Ordinance 19-05 amending certain Zoning district boundaries from RU-4 (Rural one dwelling per four acres) to RU-2 (one dwelling per 2 acres), pursuant to the application of DCM Development.

Mr. Robert Kirschmann, Planner II, presented this item using a PowerPoint presentation. Mr. Kirschmann gave the background:

- DCM Development submitted an application for a Rezoning and Special Use Permit
- The subject property, 124-05-003N is located on the northwest corner of Mescal Road and Burro Lane
- The site is currently vacant and zoned RU-4
- The site is 4.82 acres

He showed a map of the location and stated that the Planning Commission heard the dockets at their April 10, 2019 meeting and requested additional information on:

- Signage
- Outdoor Lighting
- Flood Control
- Native Vegetation/Screening
- Traffic Safety

The dockets returned to the Commission on May 8, 2019 and were unanimously (6-0) approved as special use and recommended for approval to the Board.

He went over the surrounding zoning, site plan, and noted that zoning regulations had 15 factors used to evaluate a proposal; 13 of the criteria apply to this request and comply as submitted.

He stated that the original docket had received ten letters in support and ten letters in opposition when presented to the Commission and then 13 letters in support and 13 letters in opposition when presented to the Board.

He went over the factors in favor of approval:

1. With the recommended Conditions of Approval, the Rezoning would fully comply with the thirteen of the Rezoning factors used by staff to analyze this request;
2. The rezoning request is permitted in the Growth Category D, Rural Area Designation and therefore meets the mandatory compliance for rezoning;
3. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions;
4. Ten letters of support were originally received prior to the Planning Commission Hearing
5. An additional thirteen letters of support have been received in response to the rezoning notice

and the factors against approval:

1. Ten letters in opposition to the request were received prior to the Planning Commission meeting;
2. An additional three letters were received in response to the rezoning notification; and
3. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district

Vice-Chairman English said that she was not sure why the Board had to take action on something that was not necessary.

Mr. Kirschmann said that when a request is received, it has to be processed. He also clarified

that the matter at hand was whether or not the applicant would be able to use part of the parcel for other uses, however, it did not change the applicant moving forward with building the Dollar General.

Mr. Stanley, applicant, explained that the reason for the request was simply to have the flexibility to build something else with the remaining two acres in their property.

Mr. Hanson clarified that the approval would not change usage.

Chairman Judd opened the public hearing.

Mr. Ron Graves, Benson resident, addressed the Board regarding his concern over the zoning and noted that building this would cause the intersection in front of the property to become unsafe for pedestrians.

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

Supervisor Borer moved to adopt Zoning Ordinance 19-05 amending certain Zoning district boundaries from RU-4 (Rural one dwelling per four acres) to RU-2 (one dwelling per 2 acres), pursuant to the application of DCM Development. Vice-Chairman English seconded the motion.

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

15. Adopt Resolution 19-16 (Docket R-19-01 Foreclosure Registry) amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions.

Mr. Dan Coxworth, Development Services Director, presented this item using a PowerPoint presentation. Mr. Coxworth gave the background and explained that a foreclosure registry is registration of properties in foreclosure. He showed a map of the foreclosures in the County and noted that there were an estimated 500-2,000 properties.

He noted why a foreclosure registry would be beneficial to the County:

- Foreclosed properties often lead to new violation cases.
- It's common to find damaged windows and/or doors and/or large amounts of trash and debris on the property after the home has been vacated.
- Notifies the County that the property is vacant triggering active code enforcement.

and what a registry would accomplish:

- It protects the area from blight and nuisances resulting from foreclosed properties.
- Provides a point of contact of the Bank's Asset Manager: Holds the Mortgagee accountable for securing and maintaining the property and keep it free of trash and waste; Requires posting contact info in case of an emergency.
- Requires the Bank to pay County liens on the property.

He said that registration and payment would be done online or by filling out a form provided by the County. He said there would be a \$150 fee to register and no fee to un-register. He added that the Commission had recommended approval by a unanimous vote.

Chairman Judd opened the public hearing.

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

Vice-Chairman English moved to adopt Resolution 19-16 (Docket R-19-01 Foreclosure Registry) amending the Cochise County Zoning Regulations adding Article 25 Foreclosure Registry and amendments to Article 2 Definitions. Supervisor Borer seconded the motion.

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

ACTION

Board of Supervisors

16. Renew and/or revise committee appointments for members of the Board of Supervisors and executive staff for the 2019-20 Fiscal Year and approve continuing annual memberships for 2019-20, with payment of associated dues as described herein.

Chairman Judd removed the item from the agenda.

Community Development

17. Approve an extension request of the Assurance Agreement for Rancho Arizona Subdivision with Pioneer Title Agency, Inc, as Trustee under Trust No. 515034, and James W. Sandlin and Terry L. Russell, as Beneficiaries of Trust No. 515034 to July 6, 2022.

Mr. Paul Esparza, Planning Manager, presented this item using a PowerPoint presentation. Mr. Esparza gave the background:

- 48 lots on 160 acres, zoned RU-4, a residential subdivision. Average lot size is 3.33 acres.
- At the time of tentative plat approval, a density bonus was automatically granted to anyone subdividing ten or more lots.
- Development density is 0.30 RAC. 48 lots/ 160 acres = 0.30
- The Final Plat was approved on June 13, 2006. The Final Plat and Assurance Agreement were recorded on July 6, 2006.
- Phasing Plan with three phases proposed.
- If approved, the Assurance Agreement extension would expire on July 6, 2022.

He added that the requirements for an extension had been met.

Vice-Chairman English moved to approve an extension request of the Assurance Agreement for Rancho Arizona Subdivision with Pioneer Title Agency, Inc, as Trustee under Trust No. 515034, and James W. Sandlin and Terry L. Russell, as Beneficiaries of Trust No. 515034 to July 6, 2022. Supervisor Borer seconded the motion.

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

County Attorney

18. Approve the Crime Victim Compensation Grant No. VC-20-050 in the amount of \$75,460 for the period of July 1, 2019 through June 30, 2020.

Mr. Britt Hanson, Chief Civil Deputy County Attorney, presented this item. Mr. Hanson said it was a recurring grant which compensated victims of crime and provided some assistance with administrative costs for the part time coordinator.

Supervisor Borer moved to approve the Crime Victim Compensation Grant No. VC-20-050 in

the amount of \$75,460 for the period of July 1, 2019 through June 30, 2020. Vice-Chairman English seconded the motion.

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

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

Ms. Sharon Gilman, Associate County Administrator, was substituting for Mr. Gilligan. She said the Finance Director recruitment was moving forward.

SUMMARY OF CURRENT EVENTS

Report by District 1 Supervisor, Thomas E. Borer

Supervisor Borer reported on the status of Kings Ranch Road.

Report by District 2 Supervisor, Ann English

Vice-Chairman English deferred her report.

Report by District 3 Supervisor, Peggy Judd

Chairman Judd deferred her report.

Chairman Judd adjourned the meeting at 11:07 a.m.

APPROVED:

Peggy Judd, Chairman

ATTEST:

Arlethe G. Rios, Clerk of the Board