



Sierra Vista City Council
[Work Session Minutes](#)
January 21, 2020

1. Mayor Mueller called the January 21, 2020 City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – absent

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure and Library Services Director
Matt McLachlan, Community Development Director
Judy Hector, Marketing and Public Affairs Manager
Adam Curtis, PIO
Tony Boone, Economic Development Manager
Jennifer Osburn, Interim Budget Officer
Jill Adams, City Clerk
Commissioners

1. Presentation and Discussion:
 - A. January 23, 2020 Council Meeting Agenda Items ([agenda attached](#))

Mayor Mueller stated that the Council Meeting for January 23, 2020 starts at 5:00 p.m. with the invocation, Pledge of Allegiance and the acceptance of the agenda followed by the Sierra VistAbility Award to the Sierra Vista Community United Church of Christ.

In response to Mayor Mueller, Mr. Potucek shared that staff is starting the development of the new fee process.

Item 2.1 Approval of the City Council Regular Meeting Minutes of January 9, 2020 – There was no discussion.

Item 2.2 Resolution 2020-003, Acceptance of Subdivider's Agreement and Improvement Security for Canada Vista subdivision – Mr. Pregler displayed a map and explained that this item is the City's acceptance of the subdivider's agreement and improvement security, a financial agreement to ensure that the public improvements, i.e., curb, gutter, sidewalks, sewer lines are completed and constructed in conjunction with the subdivision. Once the improvements are completed, the City will return the monetary security back to the developer. The subdivider's agreement is approved in conjunction with the plat, but due to the court case regarding water adequacy, the developer asked if the City could hold off on the subdivider's agreement until such time as they are ready to proceed with the subdivision.

In response to Mayor Mueller, Mr. Pregler stated that he recommends the acceptance. Mayor Mueller noted that this is a standard practice and normally this type of agreement would not come before Council because it would be a part of the plat.

Council Member Pacheco asked how long the subdivision has been stalled. Mayor Mueller stated that he believes that it has been about eight years. Mr. Pregler stated that it was approved in 2014.

In response to Council Member Pacheco, Mr. Pregler stated that this is a preliminary plat, but the final plat was approved. There are four phases as part of the final plat process. Construction might be seen out there now, which is simply the grading of the site as they have not started the public improvements.

Council Member Pacheco asked if there are plans to change the traffic pattern on the two roads that enclose the subdivision, specifically Lenzner. Mr. Pregler stated that there is a proposal to widen Lenzner Avenue. Lenzner is an easement from the State of Arizona and when Workman purchased the property, they purchased half of the right of way. Therefore, half of the right of way will be expanded to two lanes per the subdivision plat.

Mr. Potucek asked if the improvements on Lenzner would take place during phases three and four. Mr. Pregler stated that he is correct. Phase One is 29 lots and will include the improvements along Coronado and a multi-use path. There will also be a multi-use path along the wash and all the other streets/roadways will be completed as part of Phase One. The improvement is only for Phase One and there will be a separate improvement submitted for Phase Two and subsequently Phases Three and Four. The Lenzner improvements will take place during Phase Three and Four. He added that there was a development agreement with the developer that listed a requirement for additional parking to Joyce Clark Middle School to alleviate some of the congestion that is seen along that roadway.

Mayor Mueller voiced his concern on the far north end of Lenzner, which will still be State Trust Land and it will narrow there again. However, most of the traffic goes to the elementary school.

Item 3 Resolution 2020-004, an owner transfer of a Series 6 Liquor License for Christopher Guinter and Christine Alonso on behalf of PC's Lounge, 4700 E Highway 90, Sierra Vista, Arizona – Ms. Adams stated that this liquor license is for Christopher Guinter and Christine Alonso, who have purchased the bar on Highway 90 east of Highway 92 that is PC's Lounge. They are going to continue with the name of PC's Lounge. The notice of the public hearing was posted on the facility for the required 20 days and no comments have been received. She added that this is an interim and a new ownership situation as they are currently operating the bar. The Police Department has done their background check and do not oppose this matter going forward. If approved by Council, it will be returned to the State for final action.

Item 4 Resolution 2020-005, Request to rename a portion of Sherbundy Street to Watkins Way – Mr. Pregler stated that a request was received to change the name of a section or portion of Sherbundy Street. He displayed a map that highlighted the street, which is adjacent to North Garden Avenue, along the western boundary of Sherbundy Street. Sierra Vista Realty is to the north and the Westwood Apartments are to the south. He added that this section of Sherbundy

Street is disconnected from the rest of Sherbundy Street, east of the Regency Suites. The applicant, Beth Hughes, who is from Sierra Vista Realty has indicated that there is a lot of driver confusion, thinking that Sherbundy Street connects all the way through, which is not the case. Renaming the street will eliminate some of the driver confusion. There are not businesses that address on the portion of the roadway; therefore, it will not require address changes as a result of the street name. Staff contacted the Public Works Department, Police Department, Fire Department and Addressing Department and none of the departments had any issues or concerns about the street name change.

The Planning and Zoning Commission recommended unanimous approval at the December 17, 2019 meeting. The City is required to notify all adjoining property owners per the City's Street Renaming Policy. Staff sent notice to the Westwood Apartments, and there are no comments regarding the street name change.

Mayor Mueller asked about the price of changing a street sign. Mr. Pregler stated that there is one sign at the intersection of North Garden. Ms. Flissar stated that the cost is about \$100 a sign that includes labor.

Council Member Calhoun asked how the name was chosen. Mr. Pregler stated that Mr. Watkins is the owner of Sierra Vista Realty and a member of the community for years and the applicant's father is Bob Watkins. He added that included in Council's packets is a history for Bob Watkins.

Council Member Umphrey noted that Bob Watkins started the Chamber and various other things.

In response to Council Member Calhoun, Mr. Pregler stated that in this situation it is straight forward because there are not a lot of addresses off the roadway.

Council Member Pacheco noted that she is not opposed to renaming the street, but is curious about the process in naming a street. Mr. Pregler stated that there is a specific policy for street name changes and street renaming. They require two public hearings by the Planning and Zoning Commission and City Council. There may be a separate policy for City buildings. Mr. Potucek added that there is separate policy for the naming of parks, fields, facilities and those are Council approved as well.

Mayor Mueller stated that the other consideration is if they have a postal address. Mr. Pregler noted that Sierra Vista Realty does not have one. Mayor Mueller stated that the bottom line is that it would be more difficult if there is someone who has a street that they want to change with four/five addresses on it. Mr. Potucek noted that it is ultimately Council's decision.

Item 5 Resolution 2020-006, Development Code Amendments to Section 151.22.006, Matrix of Use Permissions by Zoning District (Permitting of private general education schools) and Declaring a 30-Day Public Comment Period – Mr. Pregler stated that this is a request for a proposed Code amendment to Section 151.22.006, Matrix of Use Permissions by Zoning District. This relates specifically to charter schools and to schools of general education.

The Development Code currently allows public schools and charter schools in all zoning districts. There is State Law that states that charter schools are exempt from local zoning regulations to include location requirements. The Development Code allows private schools of general education (multi-subject graded schools, K through eighth), i.e., the First Baptist Church and Veritas School. The Development Code currently allows these as conditional use permits within the Urban Ranch and the Commercial Zoning Districts.

Staff is proposing an amendment to allow schools of general education to be allowed by right in all zoning districts, which would meet the same standard as seen for a charter school and public schools. There would be one exemption prohibiting charter schools and schools of general education if they are located on property that is zoned Single Family Residential and is less than one acre. State Law stated that although charter schools are exempt from zoning regulations, they

can be prohibited if they are on Single Family Residential property, which is less than one acre.

This came about because the City was recently asked by a local church in town to expand their school of general education. At that point, staff looked at the Development Code to see what the standards would be and if the City followed State Law. Staff realized that the City is out of compliance and looked at ARS 41.14.93, which is the free exercise of religion. State Law states that government shall not impose or implement a land use regulation in any manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution regardless of compelling government interest. Even, if the City thought that there might be a potential issue with parking, landscaping etc., that is not enough to prohibit the schools of general education especially related to a church. Therefore, staff is recommending changes to the Development Code to be more in compliance with ARS 41.14.93.

In response to Council Member Pacheco, Mr. Pregler stated that currently the church is zoned in a Residential Zoning District, which prohibit outright schools of general education. They could not even go to a conditional use permit under the current Code and regulations. The proposed amendment will allow them by right to place the school in a Residential Zoning District if it is more than one acre.

In response to Council Member Pacheco, Mr. Pregler stated that a church can go in anywhere. A business would be vested if they are in an existing location where a church or school moves in, if they are already serving alcohol and do not have to remove the alcohol.

Council Member Pacheco stated that there are small schools popping up in strip malls and random places. Mr. McLachlan stated that the scope of the amendment pertains to only schools of general education and not churches. He explained that Mr. Pregler referenced a pre-existing church and if there was a bar that wanted to move in within the 300 feet, they are already prohibited because of the existing use. He added that this is not a new school. It is an existing school wishing to expand and there are no proposed amendments to the use allowances for churches. This puts private schools of general education on an equal basis with public schools pursuant to the City Attorney's recommendation.

Mr. Pregler added that although they will be allowed in most zoning districts, they still must meet Development Code requirements unlike charter schools and public schools which are exempt from local zoning regulations. They will still have to mee the City's Development Code Standards for parking, landscaping, height requirements etc.

In response to Council Member Calhoun, Mr. Pregler stated that this is an allowed use and does not require input from property owners. This would be like a site plan for new development. Mr. McLachlan stated that the Development Code provides for buffer requirements that will have to be followed for private schools of general education. Mr. Pregler added that they will require buffer walls, distances, and landscaping.

Mayor Pro Tem Gray noted that this is being recommended in order to bring the City into compliance with State Law.

Council Member Pacheco stated that she did not see a legend in the packet for the Development Code amendment. Mr. Pregler explained that the "P" means permitted use, "C" means conditional use permit and "NC" means non complaint. He added that for schools of general education, staff is changing the NC to P with the caveat that it must be an acre or more and not a Single Family Residential. Mr. McLachlan noted that the Development Code has the foot notes that explain the abbreviations.

Council Member Pacheco stated that it is not permitted in a Single Family Residential. Mr. Pregler stated that she is correct.

Item 6 Ratification of Resolution 2019-100, Modifications to Refuse Rates – Ms. Yarbrough stated

that this item will reaffirm Council's decision from December when the rate increase was approved with a 30-day public comment period. Since that time, the City has received 16 comments that were against the rate increase. Many of the commenters felt that services had been eliminated or reduced with the end of curb side recycling or the rate increase was simply not warranted. Four comments stated that they understood, not necessarily agreed and about 15 of the other comments received were regarding privatizing refuse, once a week pickup, asking for curbside recycling back or general statements on the Green Waste Program and other fees and did not indicate a feeling on the rate one way or another.

Before the Council's meeting in December, there had been 12 comments received that addressed various issues over all regarding the fees, recycling and rates in general. A total of 50 comments received since September 2019.

Mayor Muller asked about the number of refuse customers. Ms. Yarbrough stated that it is about 12,000.

Council Member Pacheco stated that she read every comment and asked why people's names are blacked out. Mayor Mueller stated that it has to do with a privacy issue. Ms. Adams stated that it is not a requirement to redact the identity, but staff did this when preparing the packet because the Department generally tries to protect individual's privacy.

Council Member Pacheco stated that people make comments ominously and use stronger language. There were a few and she believes that they should own it and put their name on it. Mayor Pro Tem Gray stated that she does not believe that the individual's emails should be put out to the public and she believes that this was staff's thought. Council Member Umphrey agreed.

Council Member Pacheco stated that there was a comment that came in early about the effect of the rate increases on the annual bills. Mayor Mueller stated that they will get a 10 percent discount by getting an annual bill. Mr. Felix explained that the year in advance customers, which are billed in July, will see the rate increase in their July 1 bill. The Department has never backed billed for any months that a rate increase may have come into effect. If the rate increase takes place on March 1, by paying year in advance will protect the customer from any rate increases during the year. Ms. Yarbrough added that the 10 percent discount year in advance will still be offered.

Council Member Calhoun asked if the bill is quarterly. Mr. Felix stated that it is bimonthly because that allows for savings in the utility bills, postage, printing but it is not so long that it could cause a person to get behind and in trouble with their bills.

Council Member Pacheco stated that there are a lot of comments that were the same and she wonders about the response that these people receive. Mayor Mueller stated that he receives an email, which is sent to Council Members as well, from his staff that lets him know about messages received that have been placed in the Council's Reading File. If they are personally addressed to the mayor, he responds to those. If it goes into the Reading File, then he goes into the Reading File and evaluates what is being said and if it requires a response, he may respond and he will ask staff to put his response in the Reading File. He recommended that Council do the same if they feel a comment is worthy of a response. He added that Council has not been doing this and he believes that this was the issue brought to Council by a citizen with a 30-signature petition. He further added that he read it, but he does not normally respond to petitions.

Council Member Pacheco asked if a response is sent to public comments on something that is being discussed on an agenda. She asked if it is an Open Meeting violation if a comment is sent to the whole Council and she is responding. She added that she cannot speak for the Council as she can only speak on her behalf. Mayor Mueller noted that he makes that abundantly clear when he does respond.

In response to Mayor Mueller, Ms. Adams stated that if it business of the Council and if it is available to all Council, a response by a Council Member is an opinion as to how they think something might

be or if that can be drawn out of that. It is always better to not do that on a large platform. Council can singularly communicate with an individual.

Mayor Mueller asked if it is a violation of the Open Meeting Law if he reads something in the Reading File and he responds to that person and he asks staff to put his response into the Reading File so that the rest of Council can look at it. Ms. Adams stated that it is a violation if it is business of the Council.

Mayor Mueller stated that the challenge is that Council wants to be responsive to the public and the way that they are receiving the comments, Council is not going to be able to respond in an adequate manner. Ms. Adams stated that they can look at business of the Council and at an individual's issue because those might be different, whereas comments regarding the sanitation rates is different or the response can be relayed to the rest of the Council in a different manner.

Council Member Benning asked if comments in the Reading File can be classified as an extended work session because it is already a public comment at that time and Council is already receiving public comments and Council is talking about what they think. Ms. Adams stated that it cannot because it is not noted, agenda sized. It would be a perpetual meeting and there have been questions about having meeting electronically.

Mayor Mueller asked if it is acceptable if he has a conversation with an individual via email and having everyone else read it, but not comment on it. Ms. Adams stated that if it is business of the Council, then his opinion has just been relayed to the balance of the Council and therefore, violated the Open Meeting Law.

Mr. Potucek stated that a lot of people simply like to know that the Council has received their comment. Staff can acknowledge the comment and state that it is being placed in the packet for Council consideration and that is as far as staff can go.

Mayor Pro Tem Gray stated that the response on a form email is that the email was sent successfully. She asked if that is the case at the City. Mr. Potucek stated that people should be getting that response, but sometimes people like to know what is going to happen to their comment.

Council Member Calhoun suggested a response where people are thanked for their email. Ms. Adams stated that will not be an issue.

Council Member Benning stated that he agrees with Council Member Calhoun, but if he cannot do it from the Reading File, where everyone on Council gets to see his opinion, he wants to know what the difference is through a public forum where there is an agenda and he shares his opinion. Council Member Pacheco stated that it is a posted meeting. Ms. Adams stated that generally that has been allowed and the State has not cracked down on that because it is not a City forum where it is being done, but if other Council Members see it, that they do not jump on it and comment. It is not perpetuated then Council is able to have their own opinion and put in on social media, print or however, they want to do that as it is their right. When it becomes more than that, that is when it becomes a problem. It is an education and discipline issue for the members of boards and commissions, Council, etc. She added that staff response is fine. The laws apply to Council Members. Mr. Potucek stated that they can have an easy response sent out. If there is any item that is going to be taken up by Council and a decision has not been made, staff cannot offer an opinion. Staff can acknowledge that the comment was received and that can help.

Item 7 Ordinance 2020-001, Amendments to Chapter 52 Solid Waste Collection and Disposal, City Code of Ordinances, to allow private recycling collectors – Ms. Osburn stated that on December 12, 2019, Council approved a 30-day public comment period for proposed amendments to Chapter 52 of the City Code of Ordinances to allow private recycling collectors. To-date the City has received seven comments, three in support, one comment not in support and stating concerns that private companies would increase street repair and administrative costs to the City, one suggested looking into compactor through Republic, one comment was in support if it did not cost the City or residents

any money and one comment questioned if residents would be charged for the services. The ordinance is for the adoption of proposed amendments.

Council Member Calhoun stated that she is struggling with this as many people in the community and she feels like the City is taking a step backwards in no longer providing recycling service at any cost. Council has gone over this many times and the City should continue to look for other possibilities/alternatives to recycling. There is a huge concern in the community in that most of the recycling is now going into the landfill, which will be looked at to measure to some degree if most of the recycling is going into the landfill. She added that the City cannot continue to do things the way that they have always done and there are probably regional and statewide solutions to this. Lastly, she requested that the City continue to look at possibilities because to stop collecting recyclables is not responsible. The country needs to take responsibility.

In response to Council Member Calhoun, Ms. Yarbrough stated that the cities of Tucson and Phoenix are giving up on recycling.

Mayor Mueller voiced his appreciation at Council Member Calhoun's comments, but disagreed on the inference that the City is quitting on recycling. He believes that Council feels that this is something worthwhile in pursuing. At present it is not cost effective and would in fact cause the citizens probably more than what they are willing to pay. However, that does not mean that the City should stop looking for other solutions. Markets change and at some point, in time, the market will shift again as well as improved technology. Perhaps waste to energy will mature enough where it does not require a huge civic investment to get it off the ground.

Mayor Mueller added that he does not believe that the City has given up on recycling. Council looked at several solutions and they did not see anything more viable than what is being proposed. This bothers him too because he believes that the right thing to do is to recycle, but it must be done cost effectively because they are a government. A private company also must do it cost effectively, otherwise they would not be able to stay in business.

Council Member Pacheco voiced her concern about the transition time and added that she did not like that it was an either to allow private pickup of recycling or have a City Recycling Center. It does not seem to her that Council has a say in that. She stated that she would not be in favor of changing this if it is either/or. The discussion was if the City allows private haulers to come in and do curbside pickup of recycling than the City will shut down their recycling center.

Council Member Umphrey stated that part of getting the funding right and the enterprise on track was to get rid of recycling, but Council did not want to leave the City without any way to recycle and so the Code is being changed to open it up to private haulers. It is not the other way. Mr. Potucek added that the ordinance does not preclude the City from having its own recycling program. The issue for the City in recommending that they stop the program are the costs involved with doing a very small amount of recycling at the City's center in order to help balance the refuse fund. Mayor Pro Tem Gray and Council Member Benning noted that it was the \$140,000.

Mr. Potucek stated Council can tell staff that they want to have a recycling center and then must figure out how to pay for it.

Council Member Benning asked if there are numbers available of the amount of people that partake of the recycling center in a month. Mr. Potucek stated that all he knows is that the City is getting five percent of what they were getting before. Mayor Mueller noted that it includes both County and City.

Council Member Benning stated that the County does not pick up trash and so they do not charge a trash fee, but they charge for recycling. If the City went to something like the County has set up for recycling, then they both could run a recycling center (\$140,000, looking at \$11,000 a month, roughly 2,000 people at \$5 each). Mayor Mueller stated that people could use the County if they want to recycle. The City is on a consolidated collection system with the County and there is a way to recycle. Mr. Potucek stated that the difference is that the County is charging people to drop off

and the City was not. Council Member Benning stated that he believes that the City should charge. Mayor Mueller asked why have the City doing it because it is available for County residents and everybody in the City is a County resident.

Council Member Benning stated that money must come from somewhere and the City cannot keep doing things and expect taxpayers to jump on because Council feels that it needs to be done. Council must pick what is best for the City and budget. He added that there are people who say that there should be privatization of refuse and Council is going to run into the same situation for recycling. Some people are going to be upset, and some are going to be for it. There is no win-win in any situation and Council must do what is best for the City.

Item 8 Resolution 2020-007, Approval of a Development Agreement with GL Mountain Vista LLC, Mountain Vista Mobile Home Park, 700 South Carmichael Avenue – Mr. McLachlan stated that this request pertains to Mountain Vista Mobile Home Park located at 700 South Carmichael, which is south of Busby and north of the Sierra Carmichael Apartments. The 16-acre site was included in the West Sierra Vista Infill Incentive District designated by the City Council in 2005 to promote and help facilitate the reuse and redevelopment of vacant and underutilized properties through certain incentives authorized by the State Statute.

In this case, the property owner is seeking relief from certain development standards, which by policy requires approval by the City Council. Specifically, the owner is seeking a five-foot reduction to the minimum front and rear yard setback requirements in the Manufactured Home Residential District going from 10 feet down to five feet. All building and fire separation standards will still be met.

The Park is approximately 40 years old contains 158 spaces with the middle section currently devoted to short term recreational vehicle rentals. The Park is in transition and dozens of older mobile homes have been demolished and removed in recent years. By last count, there are under 40 that remain, and the current owner has plans to refurbish the Park by renovating existing units that make financial sense. They will continue the removal of those that do not. They have ordered 10 new, two-bedroom, two-bathroom manufactured homes that measure 66 feet in length that are scheduled for delivery by the end of January 2020.

The development agreement will provide the needed flexibility to accommodate their placement. Each space will be landscaped with desert stone and low water use plants. As the units are sold or leased, they will continue to incrementally add more units to the Park in batches of 10 to 20 at a time. The president of Good Living Ventures will be present at the hearing on Thursday, January 23, 2020 to elaborate on their plans and their experience in turning around other parks in Arizona and other states. The proposed development agreement does secure a seven-foot wide public sidewalk easement along the eastern edge of the property bordering Carmichael Avenue for future sidewalk construction. This endeavor aligns with the City's affordable housing goals as well as revitalization of older areas of the community.

Council Member Calhoun stated that this looks like a positive move for the City and for the West End. She asked if the center part will be a recreation vehicle park. Mr. McLachlan stated that it is currently devoted for recreational vehicle use. However, they may look to convert that to manufactured housing depending on the response from the market to the newer manufactured homes and refurbished manufactured homes. They have not yet decided.

Council Member Calhoun stated that there is need in the community for affordable housing. She asked if this was mentioned as a probable resource for affordable housing. Mr. McLachlan stated that it is one of the goals that is being met through this project and that is the niche that this business serves – quality affordable housing.

Council Member Calhoun stated that she will continue to look for a definition for what really constitutes affordable housing and how that fits into the real needs for Sierra Vista. She added that she does not doubt that it is there, but she would like to know the numbers and descriptions. Lastly,

she asked about tax credit. Mr. McLachlan stated that it is private and that is another project that will be forthcoming to Council at a future agenda.

Council Member Calhoun asked if they do not have to scatter lower income housing into their planned cost housing. She stated that she is aware that it is affordable, but even lower than what that affordable is. She asked if the Council could put in a request. Mayor Mueller stated that the requirement would be put on if they are using federal monies. Since it is private, they are not using federal money. Mr. McLachlan stated that they will charge as much as the market will bare and the definition of affordable is 30 percent of area median income for Cochise County and it varies depending on family size.

Mayor Mueller noted that Mr. McLachlan had told him that this was coming up and he suggested that the City asked for the right-of-way because there is sheet flow when it rains, and it runs into the rest of the neighborhood. If the City could get curb, gutter and sidewalk to help slow it down and channel it so that the City can do the rest of the engineering that will be needed.

Mayor Pro Tem Gray stated that it is called a mobile home and they are putting in manufactured homes and she would like to know which it will be because those are two separate homes. Mr. McLachlan stated that it is the historic name and he believes that they will keep it, but they will have manufactured homes.

Council Member Calhoun asked if there would be a problem with the Code. Mr. McLachlan stated that it would not. Mayor Pro Tem Gray added that it is an improvement.

B. [Council Executive Report](#) - There was no discussion.

C. [Discussion of the Role of Commissions](#) [Previous presentation](#)

Mayor Mueller stated that he would like to review with Council on where they were on the consensus items:

- Current commissions going to five members to be accomplished through attrition except for the Youth Commission because the Council has not yet discussed the Commission.

Mayor Mueller suggested having two representatives from each of the schools (high school and middle school).

In response to Council Members Pacheco and Calhoun, Mayor Mueller stated that current commissions whether they become boards or committees would go down to five members. He explained that this is due to the workload. Council is still getting the input from the community, but the City will save on the administrative workload.

Council Member Calhoun asked how the City would save on the administrative workload. Mayor Mueller explained that an application must be first filled out, go through the process of joining, it goes before Council and this process is done seven times for each commission. When someone terms out, they get a letter and certificate and that is seven times versus five times and multiply by 14. This is streamlining the procedure.

- All meet not less than four times a year

Mayor Mueller stated that most commissions meet once per month and they can meet once a month if they have business. He suggested that commissions meet not less than four times a year. He explained that he is not stating that they meet quarterly because then they can run into more meetings in a month and miss other months in order to meet quarterly.

- Parks and Recreation Commission and the Planning and Zoning Commission will remain commissions

Mayor Mueller stated that the Parks and Recreation Commission and the Planning and Zoning Commission will remain as commissions because they are regulatory in nature and make recommendations to Council on park regulations or planning and zoning regulations. The other commission do not do that. Although, they may make recommendations, they do not make regulatory recommendations. These two commissions would have a Council Liaison and the current process would apply. However, there would be five members versus seven.

- Other commissions become committees

Mayor Mueller stated that the other commissions are recommending bodies and not regulatory bodies. These would be authorized under administrative directive and they would have a department head as a liaison.

Council Member Umphrey asked if the West End Commission is being included. Mayor Mueller stated that she is correct and noted that if this concept is applied to one commission it should be applied to all.

In response to Council Members Umphrey and Calhoun, Mayor Mueller stated that this was not discussed during the last work session, but there were two commissions that were not considered for change: West End Commission and Tourism Commission.

Council Member Calhoun asked if the West End Commission and the Tourism Commission would follow the new guidelines. Mayor Mueller stated that they would become committees because they do not have a regulatory mission. Mayor Pro Tem Gray concurred. Mayor Mueller stated that the only reason why one would be a commission and the other would not be is because they are regulatory in nature. Mayor Pro Rowles Gray noted that this was discussed and there was in depth discussion about a commission influencing policy.

Council Member Umphrey asked if they must be called committees. Mayor Mueller stated that they do not have to be called committees, he explained that he put it out there to differentiate a commission from a committee, but they can be called an advisory group. Mayor Pro Tem Gray and Council Member Benning stated that it is only a name. Mr. Potucek added that the Planning and Zoning Commission could become a board and the rest could be commissions instead of committees. He explained that it all depends on who appoints.

In response to Council Member Calhoun, Mayor Mueller stated that commissions would recommend policy to and with the department head to the City Manager, who would bring it to Council, if required.

Council Member Benning noted that there is a contradiction because if the reason that they are not commissions is because they do not change policy and only recommend policy, they cannot be told to bring policy to the staff and not to the Council. Mayor Mueller stated that the difference is between regulations and policy. Regulation means a code amendment or park regulation. Policy means that they looked at the possibility of having an award to recognize people for something. This is one that staff can act upon without coming to Council. Council will be in the net but not necessarily have to formalize a vote. Mayor Pro Tem Gray stated that another way to be involved would be during the budget process for events. This is a governance issue of how the Council wants to do this.

Council Member Calhoun asked about staff support. Mayor Mueller stated that they would be working directly with the department head and they would request from the department head any additional assistance that they may need to meet their mission.

Council Member Calhoun asked if Council would continue to meet with the groups. Mayor Mueller stated that the department head would meet with them and when they have an issue for Council, then they would meet with Council.

Council Member Calhoun asked if Council would continue to attend regular meetings. Council Member Umphrey stated that a Council Member could if they wanted too. Mayor Mueller explained the difference between the regulatory and nonregulatory. The Parks and Recreation Commission and the Planning and Zoning are regulatory, and they would have a Council Liaison. The others are working with the department head.

In response to Council Member Benning, Mayor Mueller stated that Council can attend any meeting that they want too.

Mr. Potucek asked Ms. Adams if that would be an Open Meeting violation. Ms. Adams stated that if there are not more than three and it does not expand after that. Mayor Mueller added that four is a quorum and the meeting would have to be posted.

- Committees

Mayor Mueller stated that there still needs to be discussion about the Environmental Affairs Commission. He added that Council Member Calhoun made some good points during the last work session, but he is on the fence about this commission. He further added that he is not sure that the commission is needed. If they become a five-member committee and they work specifically with the Public Works Director, he could live with it, but not happy with it.

Council Member Pacheco stated that a committee should exist when citizens are concerned enough about an issue to bring it forward to Council. It behooves Council to listen to their concerns; however, if some of these commissions, i.e., Cultural Diversity Commission, do not have enough citizen interest, she does not believe that it needs to be forced to happen. Mayor Mueller stated that a mechanism must be addressed if the City has a commission/committee that consistently can not meet or get anything done, then Council needs to consider them for elimination. He added that if the city has something come up that does not fit these commission/committees, the Council has the ability to form a task force with a cutoff date so that they can look at a specific issue that is a concern to the community and make recommendations to Council.

Mayor Mueller stated that Council is waiting to see if there is a response on the Commission on Cultural Diversity. He added that this is a concern for a couple of the Council Members. There currently is no consensus to eliminate the Commission. If there are not three for a quorum, the Council may have to consider terminating the Commission.

Council Member Calhoun stated that she believes that the community may need more knowledge about coming to the Council about specifics. Council gets people coming to them when they have a negative opinion about something that is happening. She added that in general, folks are not coming to Council with an issue that would rise to the level of a task force yet. Council needs to work with the community. Mayor Mueller stated that part of the reason that they do not come before Council is that there are several commissions and the City has a varied array. A task force would be needed if it is something that does not fit in any of the normal everyday criteria.

Council Member Calhoun stated that perhaps when a Council Member is approached by an individual, Council Members should get into the habit of referring them to a specific commission. She added that a lot of the community does not know that the commissions exist. Mayor Mueller stated that a larger issue is that when things are going well, most people have better things to do with their time, but when things are not going well, then everyone gets involved. The issue is in how to educate people on their civic responsibilities and get them engaged before it is the last minute.

Council Member Pacheco stated that the City has a lot of different community organizations that address issues and there are two that she is aware of that the Mayor attends that are not official committee nor commissions. The United Veterans Council and the Greater Sierra Vista Joint Service Clubs Council are not official City commissions, but the City attends, and things are brought up. Mayor Mueller added that the Chamber Meetings are attended as well.

Council Member Pacheco stated that she has reached out to different youth groups and has talked to them about polling together more of a council of these organizations that is not an official committee of the City. Every youth group that she has contacted has been on board. She does not know how to do this or what to call it, but she believes that the model for this is the Joint Service Clubs or the United Veterans Council, which works effectively in town without being an official City Commission. There is a possibility for the City to have a Youth Council or Joint Youth.

Mayor Mueller stated that the City would help host and do some of the administrative things for them.

Council Member Calhoun stated that she would like to continue playing with the committee/commission idea. Mayor Mueller stated that the discussion is not done.

Ron Faulkner, Chair, Environmental Affairs Commission, stated that the Commission has six members and one vacancy to be filled and they do not have a problem with membership. He explained that after attending several of the work sessions, he would like to know what the value of commissions is to Council. He believes that there are individuals that come forth with ideas and it is not as strong as a group that has the time to massage it and conduct research. The City will lose that if they are no longer a commission. If the group is to meet no less than four times a year, may the group meet 12 times per year. He has also heard other commissioners mention that if they go to the format of committees, that they would seek other uses for their time. This discourages them from being in a group, but maybe they need to get used to the new definition of what they will be doing or providing. The Environmental Affairs Commission is looking at issues on water, regeneration of water in the aquifers and the recycling options. The Commission is discussing energy from waste, which would take a multicounty approach plus a lot of money and time. Lastly, he asked what the purpose is of having a commission if they would only be contacted occasionally. The Commission generates ideas versus having the Council tasking them.

Mayor Mueller asked the Council if the Environmental Affairs Commission should become a committee because they are a nonregulatory group. He added that they can continue to be called a commission. There was Council consensus.

D. Report on Recent Trips, Meetings and Future Meetings

Mayor Mueller announced that he will be testifying on January 22, 2020 before the Transportation Committee in the House. He explained that they have asked for him to talk about the conditions of the roads, local streets and how the City is financing and not receiving the same amount of money. This is all a prelude for non-gas vehicles and the City will have to contribute, which has not yet been figured out. They want to get an idea from outside the metropolitan areas on the status of roads.

Council Member Calhoun reported on the Continuum of Care Meeting Balance of State for communities that are not in Maricopa or Pima County. Various agencies are coming together to provide services for those who are homeless or almost homeless, which looks like will be a very effective program to help the City to help those agencies to assist the homeless.

Council Member Calhoun reported on her visit to the Arizona Community Foundation Board Meeting. There is funding available to help a business coming into town that wants to build affordable housing to help with the preliminary stuff that businesses have to do with permits, surveys and, etc.

E. Board and Commission Liaison Update

Council Member Benning reported that there are applications coming in for the Cultural Diversity Commission. He also reported on the Parks and Recreation Commission having a forum with the community regarding unmanned aerial systems/drones and an upcoming Veterans Memorial Park cleanup to push the Adopt a Park Program.

F. Future Discussion Items and Council Requests – There was no discussion.

2. Adjourn

Mayor Mueller adjourned the January 21, 2020 work session of the Sierra Vista City Council at 4:30 p.m.

Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk