



Sierra Vista City Council
Work Session Minutes
February 11, 2020

1. Mayor Mueller called the February 11, 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 – absent
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present (arrived 3:03 p.m.)
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Laura Wilson, Leisure and Library Services Director
Matt McLachlan, Community Development Director
Susan Papatrefon, Cochise County 9-1-1 Administrator
Judy Hector, Marketing and Public Affairs Manager
Adam Curtis, PIO
Jill Adams, City Clerk

1. Presentation and Discussion:

- A. February 13, 2020 Council Meeting Agenda Items ([agenda attached](#))

Mayor Mueller stated that the Council Meeting for February 13, 2020 starts at 5:00 p.m. with the invocation, Pledge of Allegiance and the acceptance of the agenda followed by a proclamation declaring February 7 through 14, 2020 as Congenital Heart Defect Awareness Week.

Consent Agenda

Item 2.1 Approval of the City Council Regular Meeting Minutes of January 23, 2020

Item 2.2 Resolution 2020 - 008, Appointment of Lawrence R. Goodhue, Adrienne Weiss, Brandy Kea-Robinson and Johanna Scott to the Industrial Development Authority, said terms to expire December 31, 2024

Item 2.3 Resolution 2020 - 009, Acceptance of the Resignation of Kathy Calabrese, with regret and Appointment of Julia V. McCaa to the West End Commission, said term to expire December 31, 2020

Council Member Wolfe stated that she will recuse herself from voting on the Consent Agenda

because she was not present at the January 23, 2020 meeting; however, she is not opposed to the proposed appointments on items 2.2 and 2.3.

Item 3, Public Hearing, Resolution 2020 - 010, Development Code Amendments to Section 151.08.002 - Public Improvement Standards - General Regulations, Article 151.19-Subdivision Platting Procedures and Requirements and Declaring a 30-day Public Record – Mr. McLachlan stated that as part of this year's work program, the Department reviewed the City's subdivision regulations with respect to processing procedures, information requirements, levels of approval and security requirements. The Department is looking at the practical aspect of how they evaluate submittals and making sure that each of the steps serve a purpose and the amount of information that is being required is proportionate to the decision being rendered.

The Department also factors in the feedback that is routinely received from the applicants on potential improvements. A subdivision in the State of Arizona for towns and cities is the division of land into four or more lots for the purpose of development or three or more lots if the boundaries have been fixed by a plat. If a new street is involved, any such property is divided into two or more lot tracks or parcels of land. Subdivision includes any condominium project involving four or more parcels.

The proposed amendments were designed to fulfill the requirements of Title IX, Article 6.2 of the Arizona Revised Statutes. Some of the specific issues that the Department seeks to resolve through the amendments are:

- Redefining and providing a more streamlined process for minor subdivisions of 10 lots or fewer where there are existing streets forming the boundary.
- It is outside of the Floodplain or erosion setback area.
- Utility services are readily available.

In these cases, the applicant can go straight to a final plat approval stage, saving time. The process is primarily geared to infill sites where the infrastructure is already in place and where the City is trying to facilitate redevelopment.

The Department is also building into the Code a process that does not currently exist for minor amendments to an existing approved plat. Currently any change regardless of its significance must be approved by Council. The proposed amendments would allow property owners to correct any errors, adjust any drainage/easement boundary, adjust lots in a manner that does not increase the number of lots, change existing utility easements, street access or other public dedication. The adjustments cannot exceed 50 percent of the total lots identified on the plat. This is useful in cases where a developer wants to combine smaller lots into larger lots based on changes and market demand. Since density is being reduced, the action would affect the water adequacy certificate. The minor amendments would be approved administratively versus going through a full replat process.

There is also no mechanism in the Code for doing a land split in the existed platted subdivision without going through the whole re-platting process. The Code requires owner permission on the application so in cases where lots within a subdivision have been sold off, it poses a challenge in gathering signatures from all the owners in the subdivision. Pursuant to State Law, this would apply to lot divisions consisting of two or three lots that are two and a half acres or less. This review would be administrative and could be accomplished in under 30 days.

Performance security is in place to ensure public improvements are constructed according to the City's standards. The Department is recommending that the City allow sidewalks to be deferred until after the home is constructed but no longer than five years from the final plat approval date. This was a request by developers who are having to replace damaged sidewalks post construction from the heavy equipment operators during the construction. ADA is a priority which is why the

Department is recommending a five-year maximum time frame.

Mr. McLachlan stated that if he must go back and recover any of those process changes, he would be glad to do it.

Mayor Mueller stated that the problem is that there are areas where the sidewalks were crumbled. The proposed amendment is a better way to fix this, but the problem has not been fixed in having a customer/pedestrian ADA-friendly sidewalk available from the time that they start developing the homes. People will complain because in the past sidewalks were provided while the neighborhood was being developed and now there may be a gap between lots.

Council Member Wolfe asked whose job is to fix the sidewalks that have crumbled. Mr. MacLachlan explained that there are two instruments. First is the performance security to make sure that they construct the sidewalk within the prescribed timeframe. The second is that they must post a warranty, which covers two years. If defects are found after the City accepts the public improvements, the City can give them the opportunity to correct it and if they do not correct it, the City has the funds in escrow to conduct the repairs.

Mayor Mueller stated that this would work out in a normal timeline, but in the Oakmont Subdivision there are still two lots that do not have houses and they have been there for at least 10 years. This was a factor of the economy and not the developer.

Council Member Wolfe asked if the City is responsible after two years. Mr. McLachlan stated that she is correct because it is past the warranty period.

Council Member Benning asked when the two-year period starts. Mr. McLachlan stated that it starts from the acceptance date of the public improvements.

Council Member Calhoun stated that she is concerned about the sensitivity to ADA and asked if a sidewalk can be put in if 90 percent of the homes have been built. Mayor Mueller explained that construction workers roll over sidewalks when developing a lot. Mr. McLachlan stated that a certificate of occupancy will not be issued until there is a sidewalk constructed on a lot by lot basis. The Department is suggesting enacting a five-year time limit from the final plat approval date for that entire phase to have a continuous public sidewalk. The clock starts ticking as soon as the final plat is approved. A sidewalk must be installed regardless of whether the development is fully built out or not.

In response to Council Member Calhoun, Mr. McLachlan stated that it is a Code requirement that a lot have a public sidewalk. Rather than putting in sidewalks as part of the street construction, developers prefer to do it on a lot by lot basis, post home construction so that they are not damaging the sidewalk.

Council Member Benning added that a lot of times, they do not know where the driveway is going to be on each lot.

Council Member Wolfe asked about the process in getting the signatures for owner occupancy. Mr. McLachlan stated that currently there is no avenue in the Code to do a minor amendment to an existing approved plat. They must go through the same manner as originally approved, which means that the owner must file the petition. In this case, down the road and it is not all under single development ownership, they must get signatures from all the lot owners that are part of the subdivision or to make application.

Council Member Wolfe asked what would be considered a minor amendment. Mr. McLachlan stated

that as defined under the proposed language, it would be adjusting an easement boundary. If a floodplain has been adjusted, they could potentially make that modification to coincide with the revised limits. If they want to combine lots and have fewer lots because they are not increasing the density and the impact to public services would be lower. These could be administratively approved. He added that a scripters error on a plat where the tangent of a cul-de-sac did not match the construction drawings could be adjusted administratively. This would be the same with lot divisions. They could do a lot split within a pre-approved plat administratively versus having to go through the full replat process, requiring the signatures of all property owners that are a part of the plat and going through a public hearing process.

Council Member Calhoun asked who and what is the Development Review Committee. Mr. McLachlan stated that the Committee is composed of the inter-departmental review teams, i.e., City Engineer, Fire Marshall, Community Development, Mayor, Assistant City Manager as well as two representatives from the Planning and Zoning Commission. He added that they are the conduit for comments, but it gives one last opportunity for everybody to do the final consistency review.

Item 4, New Business, Resolution 2020 - 011, Text to 9-1-1 Grant Agreement – Ms. Papatrefon stated that Text to 9-1-1 services ensure the members of the public, who are limited in their ability to use voice communications are able to communicate with primary service answering points. The Arizona Department of Administration and their State 9-1-1 Program Office have allocated funds specifically to implement text to 9-1-1 services in the State of Arizona.

Ms. Papatrefon stated that in the role as Cochise County 9-1-1 Administrator, they have secured a grant in the amount of \$67,200. This funding will cover the cost for equipment, installation and maintenance for primary service answering points in Cochise County. The award covers the period from the day of award through June 30, 2024. The tentative schedule for initial deployment in Cochise County is March 2021 through May 2021. Citizens requiring emergency services who are not able to communicate verbally will be able to utilize texting to reach a qualified dispatcher.

In response to Council Member Calhoun, Mr. Potucek stated that there is no requirement for matching funds. Ms. Papatrefon explained that currently they are not able to accept those calls; therefore, it is difficult to say how many will be received. It is not only for people who are not able to verbally communicate. It could be for people who feel that they are in danger and do not want to have their whereabouts known. There is always a situation, where people may feel more comfortable utilizing that service. Other counties across the State that have already implemented text to 9-1-1 the influx is not much but due to a recent law suit, ADA requirements and the Arizona Commission for the Deaf and Hard of Hearing, the State has allocated the funds to make sure that every piece application across the State has the ability to accept those calls.

Council Member Wolfe asked if people must register their number. Ms. Papatrefon stated that the voice override piece service would require that an individual change their address information. Calling 9-1-1 is strictly based on the location and the tower that they hit and where that tower is designated to send the calls.

Council Member Benning asked if the \$67,200 a yearly cap for the length of the contract. Ms. Papatrefon stated that it is for every piece application in Cochise County to be outfitted and it includes all the maintenance throughout that period through June 30, 2024.

Mr. Potucek stated that this is the second enhancement to services in the City that has been experienced recently in getting grant funds. He added that Ms. Papatrefon is doing a great job, who is also in the process of implementing emergency medical dispatch. Both are excellent enhancements to the 9-1-1 service.

B. Report on Recent Trips, Meetings and Future Meetings

In response to Mayor Mueller, Council Member Umphrey stated that she and Mayor Pro Tem Gray will be going to Washington, D.C. in March. Mayor Mueller stated that he and Mr. Potucek will be going to Washington, D.C. on March 2 through 5, 2020 with the Huachuca 50 to talk about issues dealing with Fort Huachuca. Bob Gomes from the hospital will attend as well to discuss the consolidation of medical services to the Defense Health Command. There is discussion about potentially changing the structure of authorizations for certain medical specialties in hospitals, which could affect the City drastically because of the amount of time that it takes to recruit the civilian side that would reinforce that. Lastly, they plan to talk to the Interior Department about the SPRNCA even though the adjudication is not quite there.

Mayor Mueller announced the Executive Session scheduled for Thursday, February 13, 2020 at 3:30 in the City Manager's Conference Room.

Council Member Calhoun reported on the Continuum of Care Meeting regarding homeless care and the availability of resources. This is an active commission that will make a difference and will soon present to the Council. Mr. McLachlan added that the Cochise Coalition on Homelessness is a subcommittee of the State Balance of Care Continuum of Care that has been revitalized under the leadership of Larry Singer, new executive director for the Good Neighbor Alliance. The year was started off by developing a strategic plan of what is hoped to be accomplished over the course of the upcoming year. One of the milestones looking to be hit is responding to the Council's direction in the Strategic Plan of quantifying and describing the extent of homelessness in the Sierra Vista area, what the gaps and services are. Mr. Singer is in the process of building a presentation that will be ready in the next three months for Council. The group is meeting monthly and the recent meeting was a planning subcommittee of the coalition on homelessness with a follow up meeting on Tuesday, February 18, 2020. All the nonprofit providers are engaged on this issue across Cochise County.

Council Member Calhoun stated that several VITA groups are meeting in the community to help people with their tax returns as well as AARP, a huge benefit to the community. She also stated that the School System has started the process in looking for a new superintendent with public forums in April so that the public can submit comments. Lastly, she talked about Ted Fortis' article on the night skies and its importance in maintaining a dark skies community event though the City is not a designated dark skies community.

Council Member Calhoun stated that she and Council Member Umphrey attended the Legacy Foundation Innovative Grant awards. Council Member Umphrey stated that Huachuca City received a grant from them to reinstate their bus system. They will be able to bring residents/passengers into the Sierra Vista Transit Station as well as Tombstone. They plan to start in March.

Ms. Yarbrough stated that the City has received the intergovernmental agreement, which will be forthcoming to Council at a Council Meeting. This is like Greyhound and the Cochise Connection to use some of the City's stops and the Transit Center.

Council Member Umphrey stated that she understands that they cannot duplicate the City's routes and asked if they would only come to the Transit Center. Ms. Yarbrough stated that they are going to stop at one or two stops as well, but they will not go on any of the City's specific routes. She added that those stops will be Cochise College and the hospital.

Council Member Pacheco stated that the executive report is not on the agenda, which was not discussed during the last work session and suggested having it put on a future agenda. Mr. Potucek

stated that the report will be placed on the next work session.

Council Member Benning stated that he is currently working with Mr. Singer and Captain Souza and reported that on March 20, 2020, he will be participating in the "Day of the Life Of". He will be shadowing an individual and spending the night at the Good Neighbor Alliance to raise funds. This is to create awareness because the Coalition's goal is to have someone participate monthly.

In response to Council Member Calhoun, Council Member Benning stated that he will be doing a live interview with a radio station and he will also participate in interviews with Mr. Singer, Saint Vincent De Paul and others. He added that he will also report on social media to get information out as they have a Go Fund Me that will start by the end of the week for the Good Neighbor Alliance.

C. Board and Commission Liaison Update

Council Member Benning stated that the Parks and Recreation Commission has been busy and reported that on Saturday, February 8, 2020, he and the Commissioners went out to Veterans' Park and heard about the Adopt a Park Program by the City and in order to bring it to the public and make them aware, they went out and painted the pavilions. There were five members of the public besides the commission members that participated. There were also a lot of people stopping by and asking questions, which was the goal – making the public aware. He added that he was approached by a company that wants to hold a business party, cleaning one of the parks. The Commission will be meeting to discuss Chapter 94, Commercial Vending for possible amendments. They will also be discussion at a future meeting about drones.

In response to Council Member Calhoun, Council Member Benning stated that he believes that there have been four applications come in for the Cultural Diversity Commission.

Council Member Umphrey announced that the Arts and Humanities Commission is actively working towards the Sixth Annual Youth Art Festival on Saturday, February 22, 2020 from 10:00 a.m. until 3:00 p.m. at Cochise College. She asked Council Member Pacheco to share the information where there are a lot of young people that might be interested.

D. Future Discussion Items and Council Requests

Mayor Mueller stated that if Council Members has questions on the executive report, they can always meet with Mr. Potucek.

Council Member Wolfe stated that during her absence, she watched videos of the Council Meetings and noted that some of the Council Members are not speaking into the microphones. She asked that Council Members be cognizant of speaking into the microphones.

Council Member Benning stated that he is writing a proclamation for the City to accept the challenge on the education program. He added that he would like to have a presentation on what is being done.

E. [Discussion/Consensus on Boards and Commissions](#)

Mayor Mueller stated that he wants to have Council review what he believes was agreed upon during the last work session and make sure that there is consensus on:

- Commissions will remain titled commissions
- Commissions will go from seven to five members through attrition
- Commissions will meet no less than four times per year
- There will be two types of commissions

- Regulatory bodies that will be authorized by Council resolution with Council as a liaison.
- Advisory bodies that will be authorized by an administrative directive with a department head as a liaison.

Mayor Mueller stated that Council Members may still attend the meetings if they so desire and participate.

Mayor Mueller asked Council if they had comments. There was no response.

Mayor Mueller proceeded to speak about the administrative things that need to happen:

- Update Administrative Directives to include commissions.
- Rescind resolutions establishing the commissions by a formal vote of Council
- Update the Boards and Commissions Handbook

Mayor Mueller stated that there are a couple of things hanging. One is the Youth Commission, which will stay intact and noted that Council Member Pacheco's idea about setting up the Youth Commission and run it as the Greater Sierra Vista Youth Council and use the Joint Services Club, as a model. They would meet once a month during the school year and try to attract not only student governments but also other youth groups ranging from the Scouts to a church group, Future Farmers, Key Club from the high school etc. The City would sponsor the meeting location and support to maintain minutes and share information. Attendance would be comprised by representatives from the various groups for a cross fertilization for what the youth is doing.

The Commission on Cultural Diversity is the other issue. Currently Council is waiting on applications to reactivate the Commission, which will be the same as the nonregulatory commissions.

Council Member Calhoun asked about the process for reactivating the Commission on Cultural Diversity. Mayor Mueller stated that the applications would come before Council for approval and then the group can meet and elect a chair and go on.

Council Member Calhoun asked if the Environmental Affairs Commission will remain a commission. Mayor Mueller stated that it was the consensus (Note: During the 01-21-20 Work Session, Mayor Mueller asked the Council if the Environmental Affairs Commission should become a committee because they are a nonregulatory group. They can continue to be called a commission. There was Council consensus.).

Council Member Wolfe asked if the commissions would follow Robert's Rules of Order. Mayor Mueller stated that he believes that Council should recommend that they generally follow Robert's Rules of Order to conduct their meetings.

Council Member Wolfe asked if there needs to be quorum for them to meet. Mayor Mueller stated that if they are going to follow Robert's Rules, generally they must have a quorum to meet.

Council Member Calhoun asked if the Open Meeting Law applies to the commissions. Ms. Adams stated that bodies, whether they are called commissions or committees, that report to and organized at the staff department level do not have to abide by the Open Meeting Law. Only those bodies that are appointed by Council and are direct advisory bodies to Council must abide by the Open Meeting Law.

Mayor Mueller asked if the two regulatory bodies will have to follow the Open Meeting Law. Ms. Adams stated that he is correct as any commission where Council appoints the members and established as an advisory body for the Council must abide by the Open Meeting Law.

Council Member Benning asked if they must have published agendas. Ms. Adams stated that he is correct. Agenda posting is a part of the Open Meeting Law.

Council Member Wolfe asked if there would be two commissions, Planning and Zoning Commission and the Parks and Recreation Commission, that would need to abide by the Open Meeting Law. Ms. Adams stated that she is correct. Mayor Mueller noted that the other commissions are not required to post an agenda, but he would recommend that they have the Clerk post their meetings if they want public participation. However, it is their option and not a requirement.

Council Member Calhoun asked if Council may put recommendation in the Commission Handbook for what Council believes is the best way to run their business. She voiced her concern in not knowing when they will meet and asked if Council may attend the meetings, if they choose to do so.

Mr. Potucek stated that he has asked Ms. Osburn to start drafting a resolution and looking at all the documents that need to be changed. She will be working with Ms. Adams.

Council Member Pacheco stated that she agrees across the board and she hopes that the model will provide more flexibility on how they run the commissions, which was Council's goal. Mayor Mueller stated that he believes that it does, and he recommends that they follow Robert's Rules and make abbreviated minutes so that they can keep track of where they are. They will not have to worry about public votes and the Open Meeting Law will help as well.

Council Member Pacheco stated that since they will not be directed by Council, she would like to know if they are setting their own missions. Mayor Mueller stated that the direction on their mission comes in the administrative directive and that is what Ms. Osburn is working on. He added that he will be involved to make sure that verbiage is changed to state that they will advise the department head and not the Council. Mr. Potucek stated that each commission currently has a Council-approved statement or mission/support. Staff will check as there is probably some obsolescence and Council will be apprised of anything like that as well.

Mayor Mueller stated that it looks like the Commission on Cultural Diversity is coming along and Council needs to figure out how to get the Youth Commission support and information to contact the kids.

Council Member Calhoun asked what the Youth Commission's tie-in is to the City. Mayor Mueller stated that it makes the youth and their parents aware of everything going on in town, which is a good thing. It will provide the opportunity to put things on the internet. He explained that the Joint Services Club has people making a ten to 15-minute program. If the City has a youth program going on if there are questions that needs to be discussed, there will be forum to do that. Council Member Pacheco added that it is a platform for communication between the City and all the various youth groups.

Council Member Calhoun stated that the departments put a lot of work into the executive report and noted that it would be nice to caption what is going on with the different commissions. Mr. Potucek stated that it is a good idea and that can be included in the report.

3. Adjourn Mayor

Mueller adjourned the February 11, 2020 work session of the Sierra Vista City Council at 3:48 p.m.

Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk