



Sierra Vista City Council
Meeting Agenda
March 28, 2024

Call to Order – McCaa

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call - Adams

Invocation – Pastor Justin McPeak, Thunder Mountain Church

Pledge of Allegiance - Girl Scout troops, Brownie 419, Junior 104, and Cadette Senior 1224, led the Pledge of Allegiance

Item 1 Acceptance of the Agenda

Awards and Presentations

Proclamation declaring March 12 through 18, 2023 as the 112TH year of Girl Scouts in the United States

City Manager's Report: Upcoming Meetings, Bid Openings and Bid Awards

Item 2 Consent Agenda

Item 2.1 Discussion and Possible Action of the Work Session Minutes of March 12, 2024

Item 2.2 Discussion and Possible Action of the Special Meeting Minutes of March 14, 2024

Item 2.3 Discussion and Possible Action of the Regular Meeting Minutes of March 14, 2024

Item 2.4 Discussion and Possible Action of Resolution 2024-014, Appointment of Richard Rhodes to the Sierra Vista Transportation Commission, said term to expire April 30, 2026

Public Hearings

Item 3 Discussion and Possible Action of Resolution 2024-015, Multi-License Acquisition of Control for a Series 12 Liquor License for Andrea Dahlman Lewkowitz on behalf of RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar

New Business

Item 4 Discussion and Possible Action of Resolution 2024-016, Authorization to Take Legal Action Against Edwin Groover

The doors to the City Council Chambers will open at 4:30 p.m.

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520)458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

Item 5 Discussion and Possible Action of Resolution 2024-017, Request to Amend Resolution to Issue Bonds – Education Facility Revenue Bonds (Champion Schools Project), Series 2024 - In an Amount Not to Exceed \$35,000,000

Item 6 Discussion and Possible Action of Ordinance 2024-003, Development Code Text Amendments - Administrative Modification of Dimensional Standards, Section 151.04.005

Call to the Public

Comments and Requests of the Council

Adjournment

The doors to the City Council Chambers will open at 4:30 p.m.

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520)458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

Sierra Vista City Council
Meeting Minutes
March 14, 2024

Mayor Pro Tem Umphrey called the March 14, 2024 City Council Special Meeting to order at 4:00 p.m., City Hall, City Manager's Conference Room, 1011 N. Coronado Drive, Sierra Vista, AZ

Mayor Clea McCaa – absent
Mayor Pro Tem Carolyn Umphrey – present
Council Member William Benning – present
Council Member Gregory Johnson – present
Council Member Angelica Landry – present
Council Member Marta Messmer - present
Council Member Mark Rodriguez - absent

Others Present:

Chuck Potucek, City Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Item 1 Acceptance of Agenda Messmer

Council Member Messmer moved that the agenda of the Special City Council Meeting of March 14, 2024, be approved. Council Member Johnson seconded the motion. The motion passed by a unanimous vote of 5/0, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, and Messmer.

New Business

Item 2 Request to adjourn into executive session in accordance with Arizona Revised Statute §38-431.03(A.3) discussion or consultation for legal advice with the attorney or attorneys of the public body – Edwin Groover and Conservation Easement with the Nature Conservancy.

Council Member Landry moved at 4:02 p.m. to adjourn into executive session in accordance with Arizona Revised Statute §38-431.03(A.3) discussion or consultation for legal advice with the attorney or attorneys of the public body. Council Member Benning seconded the motion. The motion passed by a unanimous vote of 5/0, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, and Messmer.

Adjournment

Mayor Pro Tem Umphrey adjourned the March 14, 2024 Sierra Vista City Council Executive Session at 4:28 p.m.

Mayor Pro Tem Umphrey adjourned the March 14, 2024 Special Meeting at 4:28 p.m.

Clea McCaa II, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

Sierra Vista City Council
Work Session Minutes
March 12, 2024

Mayor Pro Tem Umphrey called the March 12, 2024, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Clea McCaa – absent
Mayor Pro Tem Carolyn Umphrey – present
Council Member William Benning – absent
Council Member Gregory Johnson – absent
Council Member Angelica Landry – present
Council Member Marta Messmer - present
Council Member Mark Rodriguez – absent

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Chris Hiser, Police Chief
Brian Jones, Fire Chief
Sharon Flissar, Public Works Director
Irene Zuniga, Capital Improvements and Development Manager
Gabriel Squires, Public Works Internal Operations Manager
Allen Humphrey, Senior Civil Engineer
Laura Wilson, Leisure, Parks, and Library Director
Emily Duchon, Library, Recreation, and Cultural Services Manager
Jeff Pregler, Planner
Blake Fisher, Planner
David Felix, Chief Financial Officer
Jennifer Dillaha, Budget Officer/Management Analyst II
Tony Boone, Economic Development Director
Dianna Cameron, Economic Development Business Liaison
Lauren Healey, Management Analyst
Adam Curtis, Marketing and Communications Manager

2. Presentation and Discussion:

- a. March 14, 2024 Council Meeting Agenda Items ([agenda attached](#))

Mayor Pro Tem Umphrey stated that the agenda starts with the call to order, roll call, invocation led by Pastor Greg Rowles with God is Good Church, the Pledge of Allegiance led by Council Member Messmer, followed by a presentation of the Award of Financial Reporting Achievement.

In response to Mayor Pro Tem Umphrey, Mr. Potucek stated that out to bid is the RFP for the needs assessment for the municipal court that are due on March 15, 2024; at 10:00 a.m.; the Pedestrian Walkway Connections Project which is grant funded were opened and an award is pending; two bids were received for the Annual Street Maintenance Project and that award is pending; the Solar Street Lights Project in the Montebello/Whispering Springs Subdivision is pending its award for the bid results on the Pedestrian Walkway; and the contract is ready for

the feasibility study for the Space Re-entry port at the Sierra Vista Municipal Airport. Lastly, he reported that the January sales tax numbers are flat, but the City is still 2.82 percent over Fiscal Year 2023 and 5.68 percent over budget. There is still a slight decrease in retail numbers, but food is pretty much carrying the growth in the sales tax and that was up 18 percent; however, the rest of retail was down 1 percent, a concern for the City.

Item 2.1 Discussion and Possible Action of the Special City Council Meeting Minutes of February 20, 2024 – There was no discussion.

Item 2.2 Discussion and Possible Action of the Work Session Minutes of February 20, 2024 - There was no discussion.

Item 2.3 Discussion and Possible Action of Resolution 2024-010, Resignation of Shelly Short from the Sierra Vista Environmental Stewardship Commission - There was no discussion.

Item 2.4 Discussion and Possible Action of Resolution 2024-011, Acceptance of Sewer Easements from Northeast Highway 90/92 Limited Partnership - There was no discussion.

Item 3 Consideration of funding requests for Program Year 2023 Community Development Block Grant (CDBG) Annual Action Plan

Mr. Fisher stated that this item is for consideration for a funding request for the Community Development Block Grant. The City is expecting to receive \$250,000 to allocate this round, although the City will be receiving an official amount from HUD in the coming weeks. Applicants for this year include Good Neighbor, Alliance, United Way, and the Boys and Girls Club, as well as the City's own proposals. The applicants will have about 10 minutes at the dais to make their cases on Thursday, March 14, 2024, with five minutes for Q&A each. There is also a quick reference table in the back page of the staff memo that lists who is requesting what and for what purpose, as well as staff recommendations, which will be displayed on the screen on Thursday, March 14, 2024 for Council to reference. During their presentations, staff will use feedback given in preparation for the next Annual Action Plan, which will be heard about during the public hearing on April 11, 2024.

Mayor Pro Tem Umphrey asked if the applicants were informed about the change in the recommended amount. She noted that the applicants are asking for more than what would fit within the \$250.

Mr. Potucek stated that there are requirements/restrictions placed on the amount of money that may be awarded to nonprofits and asked Mr. Fisher to notify the applicants. Mr. Fisher stated that the applicants were notified, and Mr. McLachlan had discussions with them. Wheat Design agreed to split their allocation and Wheat Design understand that there is a maximum of 15 percent of the total funding allocation that can be given for public services.

Mr. Potucek noted that it is not even \$40,000. Mr. Fisher stated that he is correct.

Item 4 Discussion and Possible Action of Resolution 2024-012, Request to proceed with an Abandonment of a portion of Charleston Road Right-of-Way

Mr. Pregler stated that this item is a request to proceed with an abandonment of a portion of Charleston Road right-of-way and noted that the City owns quite a bit of right-of-way along Charleston Road. He displayed a map depicting the right-of-way, the area that is being

proposed to be abandoned adjacent to Cochise Crossroads Shopping Center.

There is an existing sewer line along State Route 90 that is failing and extremely difficult to maintain. To bypass the flow from this line, staff is proposing to construct a new sewer line which will parallel Charleston Road, extend from State Route 90, and continue through the abandoned area to conclude at the eastern property line of parcel 107-16-026H, south of the abandoned area owned by Cochise Crossroads. The failing sewer line will be abandoned once the new sewer line is connected.

A sewer easement is required to maintain public sewer lines located on private property and portions of the sewer line will be located on the subject property. Being proposed is a 22 1/2-foot-wide sewer easement. The owner of the parcel, Cochise Crossroads, has agreed to provide the City the easements that will be used for private development. The acceptance of these easements is a separate item under the Consent Agenda.

In exchange for providing the City the sewer easements, the City has agreed to abandon a portion of Charleston Road right-of-way. According to Arizona Revised Statutes, title to any vacated or abandoned roadway vest with the abutting property owner, Cochise Crossroads, which will obtain the title to the property. The City has no need for the property as it exceeds the 100 feet of right-of-way needed for arterial roadways. As part of the abandonment of the property, another 22 1/2-foot-wide easement will be obtained and recorded which will provide a continuous easement area extending the length of the sewer line.

Approval of the resolution by the Mayor and City Council directs staff to proceed with the process of abandonment which involves staff contacting all utility companies for their approval and a public hearing before the Planning Zoning Commission and the Mayor and City Council.

Mr. Potucek referenced the map and stated that he does not remember how the City acquired so much land in that area, but it could prove to be a hindrance to the future development of that area if the City were to hold on to it. Therefore, this might facilitate future development of that parcel.

Item 5 Discussion and Possible Action of Resolution 2024-013, Transfer of Funds from the General Fund to the Highway User Revenue, Capital Improvements, and additional FY24 PSPRS contribution

Mr. Felix stated that per City Policy, before finalizing the books for the prior fiscal year, staff looks at any fund balance to add to the General Fund and makes a recommendation to Council to leave it all in the General Fund, move it to other funds, or apply to it additional things as needs may come up and there are excess funds from that year. Staff is still closing the books and working with the auditors on finalizing and getting the ACFR done. The City is currently looking at about a \$5.6 million revenue over expenditure in the General Fund for last fiscal year due to the transaction privilege tax and state shared revenues that were up over expected. On the expenditure side, staff had budgeted the Animal Control Facility that did not yet get done and when projects carry over, per City Policy, staff budgets for that from new funds. There are \$2,000,000 from last year's Animal Care facility that was not expended, and there are also a couple vehicles and other things that carried over to this fiscal year as well. The recommendation is to move \$2,000,000 from the General Fund into HURF to help with streets in general. Also, if the City gets the grant for Garden Avenue, then those funds can be used for Wilcox or another pressing street that may come up. There is another \$1,000,000 to go into the Capital Improvement Fund for general purposes because there are a couple projects that are outstanding, and grants

for other things hanging out there. If the City does not get these funds, the City can use the funds for one of those projects.

The PSPRS Policy has been very good, and staff is looking at taking \$2,000,000 for an extra payment for this fiscal year, \$1.25 million to the Police and \$750,000 to Fire. When the Finance Report come outs, it will show as a \$2,000,000 reserve General Fund balance, not available for any usage because being approved is the expenditure this year from last year funds. Therefore, it will restrict the General Fund reserves and the payment would be made next week if Council approves this action on Thursday, March 14, 2024. This still leaves about \$700,000 that will go to the General Fund balance and the final number will be dependent on any audit changes or anything else the auditors have.

Mayor Pro Tem Umphrey asked for clarification. Mr. Felix stated that \$700,000 will be left for unrestricted General Fund reserve balance which will take the fund balance to about \$7.1 to \$7.7 million. Mr. Potucek stated that this is the City's reserve.

Council Member Landry thanked Mr. Felix for the breakdown and noted that taking care of the streets and people is important.

b. [Midyear Financial Review](#)

Mr. Felix stated that the City is well ahead of budget. The month of December is the biggest sales tax month of the year, this is the peak, and seen is the highest revenue budget variation that will continue to taper off through the rest of the fiscal year. In December, it was over six percent, but now 5.8 percent and it will continue to taper off. The biggest reasons for the revenue over expenses are one, the Animal Control Facility has not yet been started, there is over \$1,000,000 worth of vehicles that are still awaiting delivery which are budget to be cashed out, staff has not yet done any transfers, but those are done at the end of the year, and budgeted were one-time expenses for the extra \$2,000,000 in regards to the state shared income tax because that is being changed over a three-year period.

This next year there will be about \$1,000,000 of a one-time expense being put in for and the income tax, state shared income tax is expected at a low point, two years from now into the 2026 budget at about \$8.1 million when the City is expected to receive \$12 million this year. This is the reason that the staff budgets if Wheat Design know it is a one-time expense like this year. Staff knew that \$2 million was kind of a tapering off; therefore, staff took the \$2 million to budget to one-time expenditures and being fiscally conservative.

If the City at the end of the fiscal year has a larger revenue over expenditure fund balance, staff will come before Council probably in November of next year or later this year to give recommendations on where to move that if there is anything. The Animal Control facility will not be finished by the end of the year; therefore, there will be some funds leftover and that will be seen in the upcoming budget of being budgeted from new funds as well.

c. [Roadrunner Park Design Concepts](#)

Ms. Wilson stated that the Roadrunner Concept Plans have been over 20 years in the making. Ms. Laura Mielcarek with Wheat Design Group was going to present but due to technical difficulties will be unable to do so.

There was a large public comment period in 2022 in person and set up at the adjacent Garden

Canyon Linear Park area where there were discussions with the people that showed up. Also used was the Engage Platform, which was very successful as there were over 1,400 responses from the community; therefore, using these different formats really does lend itself to giving more of the demographic population a space to be heard.

The City awarded the contract at the end of August 2023 to Wheat Design Group and selected them as the City's partners to design Roadrunner Park. Wheat Design had their kickoff in September and are now ready with two concepts, which have been shared with the Parks and Recreation Commission for feedback by March 12, 2024. Their feedback will also go into a final conceptual plan and staff is hoping that after this there can be some consensus that they are on the right track and can move forward. Once there is a final concept, staff will come back to Council that will include the public comments as the centerpiece for these designs.

Ms. Wilson thanked the internal team for their help, Sharon Flissar, Tony Boone, Matt McLaughlin, the Parks Maintenance Team, and introduced the Wheat Design team, Laura Mielcarek, Wheat Design Group Professional Landscape Architect, the Principal, Wheat Design Group Designers Yennifer Yarosz, Aliz Potucek, Jenny Moscato, and Kevin Letendre, Psomas Civil Engineer. Their approach was a discovery phase, a vision phase, and a creation phase. Wheat Design came out and did a site analysis and inventory, walked the area, and studied the flora and fauna, and kept the Parks and Recreation Master Plan as a guiding point into their design. Wheat Design understands what the City is trying to accomplish, and the public is once again at the center of that.

A slide was shown of Wheat Design's word bubble of the biggest things that came out of the public comment period.

With respect to demographics, 34 is the median age of Garden Canyon Linear Park users provided by Placer and AI like Placer. Twenty-two percent of Sierra Vista is under 18 years of age, there are 9,900 visitors from September 1, 2022 through August 31, 2023, and the average stay is currently 43 minutes.

A graph was displayed of the public comments received through Engage. All the public comments that happened in person were rolled into the Engage platform so that everybody's voices were heard. Over 1,100 were virtual and the remainder were in person. It is important to note that everybody was counted and heard. The top things that were gleaned from those surveys were walking, playground, and a place to have picnics and exercise - a lot of outdoor activities.

Wheat Design included environmental context about the area and recognizes that the City is the Hummingbird Capital. A slide was shown of their environmental context, where it is located and all the beauty that surrounds it.

There was a lot of site analysis recognizing lines in the area, vegetation, etc. Wheat Design conducted a viewshed study to find the best places to sit and look at the sunsets, opportunities, and constraints. In the design, Wheat Design used some of the constraints as opportunities in unique ways that would be great for people who use the park.

A slide was shown of the process with drawings. The first time that staff met with Wheat Design, it was a dreaming session, talking about what the City wanted to see, how the park users are seen, what these people do, and what the City would like to be seen in a new park concept. This is a regional park, a large piece of land. Therefore, it was thought that this was enough

property to do a lot of things simultaneously, but with the feeling that they are separate, i.e., the Disney concept that has a center point like Main Street, but with different worlds that are easy to get through from the main gathering point. Wheat Design incorporated that into both designs, explored the challenges, and looked at passive and active recreation in a place that celebrates the rich native vegetation in the space.

Concept 1 - Adventurous Play, depicts a center area with everything else breaking out from it. This will be seen in both concepts, but Wheat Design will have different event spaces. This concept has large green space, which was talked about being important, while protecting as much vegetation as possible and using native plants and walking paths throughout. There is also shade and water features; however, it is unknown if these are going to make it in the final plan. There is a bicycle skills course, walking paths throughout the design for people to quickly go to the center and get to another space in the park. There are walking paths, a one-acre green space, a skills course, exercise area, splash pads, playground, and restrooms throughout. This design is a dream park design, more modern than the other one because the other one gets a little more rustic and natural.

The central area, a central plaza space, has a playground area, a lot of green space in the center and a splash pad location. There will be a water feature that mimics the lawn in Washington DC to bring in elements on how to bring water into the desert, a space in a recyclable fashion, along with a drop off point.

The southwest corner was a very important place when looking at an event space which is a drop-dead gorgeous backdrop of the Huachuca Mountains. Therefore, there were discussions on its importance and visualizing people playing frisbee, activities, or even putting up a large event tent for a private party with a large circular ramada location that could be used as a photo backdrop for family photos, weddings, and parties. Adjacent to that, but still far away, would be a challenge course.

The northeast corner, the back of it, is the fitness space which will have a lot of natural elements to it along with a bicycle skills course. There are walking trails throughout, restroom locations.

Examples were shown of what the central could be; however, it is not yet to the point where things are being picked out to be put there. There will be large, shaded area with wind sails that when damaged can have one piece replaced versus the whole. There are other natural elements and creative designs in the concept too.

Examples of water features when entering the park were displayed, something that is interactive, low maintenance, and using recirculating water.

The playground is a more modernized version than what will be seen in the next concept. This is a sweeping design space that would look great on aerial maps. There are a lot of elements, opportunity play for children to mitigate taking chances because a lot of time kids do not have safe spaces.

The splash pad is more of what would be expected to be found in larger cities, more traditional splash pads. Wheat Design made sure that inclusive play was in everything, every element of these designs was very important, making sure that there is ADA accessibility, and that children of all abilities would have spaces to play together.

Event space ideas were shown. Originally, Wheat Design was looking at octagon designs,

round for event spaces, but Wheat Design wanted to provide an overview of some other things that are out there. No pavilion style elements are going in there because this park is in the middle of a neighborhood. There could be music played, lower format bands, but no blown out concerts.

An example of a challenge course was shown that has a military throwback to it because the City has a large veteran community. The elements enable people to start slow and increase stamina and be able to work out with family and friends. There is a bike skills course designed with a lot of options, movable pieces that can make the bike skills course different throughout time. There are large shade trees around it so that there is a lot of natural shade.

One thing that was talked about on both concepts with Wheat Designs was the need to also have workout areas near playgrounds because sometimes parents want to work out while their kids play, but Wheat Design want to be able to see them. Therefore, having those things and incorporating seating within a playground area was very important.

Mayor Pro Tem Umphrey voiced her appreciation at this thought because this has been an issue for parents who are not able to sit comfortably anywhere while their children are playing.

Concept II - Where people and nature connect and thrive. This concept is very natural and focuses on the natural elements. Balance was the passive and active recreation and sustainable and low impact designs, focusing on the habitat in the area, the flora and fauna, and the animals.

The entrance is a center point that goes out and does not look like there is as much in it because Wheat Design left a lot of it very natural. This concept combined some elements of both concepts, which helps reduce costs if the natural space can be conserved. Also, this concept focuses on a lot of nature trails, the water play, and nature playgrounds. Things are very rustic, and there is a habitat restoration area that was made into an educational opportunity in the park space so that people can learn about the wonderful things that are being done in Cochise County and in the neighboring communities. As far as restoration work, there is a habitat boardwalk that is ADA designed, and three Hummingbird gardens sprinkled around everywhere. The riparian zone has a small amphitheater, a great opportunity to have schools come in for educational days. There are also bird watching points and a nature play area in this space.

The main entrance is a throwback to a hummingbird nest with interesting things to consider, an interactive sculpture, a Hummingbird garden, and nature play area.

In response to Mayor Pro Tem Umphrey, Ms. Wilson stated that the Hummingbird gardens would be specific plantings and sitting spaces that would be made for attracting hummingbirds that would also naturally attract a lot of butterflies, smaller pocket areas within the space.

Wheat Design designed a natural 75-seat amphitheater that could be used for bringing somebody in and teaching about Cochise County. There could be small acoustic musicians, somebody bringing in animals and teaching classroom students, a place to gather and learn, relax, or enjoy some music.

The Habitat boardwalk was designed in a way that allows people to get close to nature, to see animals that are naturally found out in the area, and it is accessible regardless of the person's abilities because it would be wide enough for wheelchair. The water play area is also in this

area along with a habitat restoration space which could be like used as a learning tool.

Wheat Design has the water play area built up on rocks and not a traditional splash pad, but everyone would be able to get through it by walking through, riding a bicycle through, or by laying down and rolling around in the water. However, people do not have to get wet because it is designed in a mindful approach to having sensory experiences for kids and adults alike, very low water use.

There are interactive sculptures, a hummingbird nest, that people could walk through or interact with. There are also interactive LED sculptures for inspiration.

Examples of nature playgrounds were shown that float into the background and are not as bright and contrasting to the area - things that would blend into the space. Examples of nature boardwalks were also shown that allow people to experience nature while allowing access to trails available to people who would normally not be able to access them. However, this would not be an option throughout the entire space, but having an experience in a smaller area might be something to consider.

There is a high side to the park and Wheat Design was talking about water harvesting there and having the water pool into a circular stone area that would create a birdbath experience with educational placards about what they are seeing, what they are doing, and what is replicating. This could be used to educate people on all the work that is already being done in the area. The amphitheater is a stone up into the high ground that looks down into the space, a good educational opportunity.

Mayor Pro Tem Umphrey stated that she loves so much of it.

Council Member Landry stated that she liked the slides, loved the site analysis, the breakdown and how it was layered to show the different sections of it, and the opportunities and constraints that was helpful when going through this. She added that if she was going to pick this park for herself, she probably would pick the second one, but based on the feedback from the public, the first concept has a lot more things that would hit all the needs and wants, 75 percent of Concept I and 25 percent of Concept II would be ideal. In closing, she stated that she likes the breakdown for the metrics in both concepts regarding the number of parking spaces and the number of acres developed.

Mayor Pro Tem Umphrey stated that merging the two is also a possibility.

Council Member Landry stated that keeping sustainability in mind is important, especially having a low impact on the environment and the wildlife, and not messing too much with the habitat around there. She also likes the idea about water harvesting because the public loves water features as well as the hummingbird gardens to embrace that Sierra Vista is the Hummingbird Capital. Lastly, she stated that Todd Ryan shared comments about having a hummingbird statue at one of the parks, which would be a great way for people to come in and see it, take pictures, and embrace that Sierra Vista is the hummingbird capital. She then asked if there is a way to be able to food truck setups.

Mayor Pro Umphrey noted that food trucks were included in Soldier Creek Park.

Council Member Messmer stated that it is too much for her to decide.

Mayor Pro Umphrey asked if Roadrunner Park could be renamed. Ms. Wilson stated that she is unsure where Roadrunner Park came from, but the Parks and Recreation Commission is currently looking into it which will then be brought before Council for consideration on how parks and public buildings are named.

Mayor Pro Tem Umphrey stated that she is impressed with all the work that went into this. Wheat Design made it beautiful and easy to understand and she can envision the potential that it has now and taking note of what the public provided to try and incorporate it in different ways. She added that she is aware that it is not currently possible, but she would like cost estimates. Ms. Wilson stated that it is going to cost some money. She spoke to Laura Mielcarek leading up to this and Wheat Design is going to get some higher estimates; however, they just wanted to know if they were going in the right direction before spending a lot of time on that. Wheat Design is standing by and ready to get started as soon as they know that they are heading in the right direction, and everybody is happy, to provide the City with preliminary numbers. Once staff works through this as well, coming up with a combined design, taking these elements that will be coming before Council, staff will be able to put some numbers together and then go into the actual design phase.

Ms. Yarbrough stated that since four members are not present and there were technology issues, staff will bring this item back to the next work session for review and comment and to also give folks the time to review for some feedback to Wheat Design.

In response to Mayor Pro Tem Umphrey, Mr. Potucek stated that there was extensive public input process, and once there is discussion, it will probably be a blend of the two concepts. He added that he is not opposed to have this posted online to get comments.

d. Report on Recent Trips, Meetings and Future Meetings

Council Member Landry reported that the Transportation Commission Meeting which is usually the first Wednesday of the month has been rescheduled due to previous commitments of some of the commissioners. Therefore, the Transportation Commission will meet on Wednesday, March 20, 2024 at City Hall in the second-floor conference room at 3:30 p.m.

Council Member Messmer reported that on March 13, 2025, at 4:30 p.m. at the Oscar Yrun Community Center, the Arts, Humanities, and Culture Diversity Commission will meet. She also reported that on Monday, March 11, 2024, the Tourism Commission met and discussed that Wheat Design will be bringing a few projects forward in the next month.

e. Future Discussion Items and Council Requests

In response to Mayor Pro Tem Umphrey, Ms. Yarbrough stated that there will be a review of the Roadrunner concept plans at the next work session for those who could not be present to get a chance to comment, and in April, the Six-month Strategic Plan update and the first budget presentations will be presented at the work session agenda.

3. Adjourn

Mayor Pro Tem Umphrey adjourned the March 12, 2024 work session of the Sierra Vista City Council at 3:56 p.m.

Carolyn Umphrey, Mayor Pro Tem

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

A recording of the Council Meeting is available at:

https://www.youtube.com/channel/UC8PtUpIbkQsixlhSy-jeR_Q/videos

Sierra Vista City Council
Meeting Minutes
March 14, 2024

Mayor Pro Tem Umphrey called the March 14, 2024, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Clea McCaa II – absent
Mayor Pro Tem Carolyn Umphrey – present
Council Member William Benning – present
Council Member Gregory Johnson – present
Council Member Angelica Landry – present
Council Member Marta Messmer - present
Council Member Mark Rodriguez – present (telephonically)

Others Present:

Victoria Yarbrough, Assistant City Manager
Chuck Potucek, City Manager
Chris Hiser, Police Chief
Brian Jones, Fire Chief
Don Foster, Fire Marshall
Sharon Flissar, Public Works Director
Irene Zuniga, Capital Improvements and Development Manager
Jeff Pregler, Planner
Blake Fisher, Planner
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
John Healey, Sports
Tony Boone, Economic Development Director
Adam Curtis, Marketing and Communications Manager
Elizabeth Wrozek, PIO

Invocation – Pastor Greg Rowles, God is Good Church, led everyone present in prayer.

Pledge of Allegiance – Council Member Messmer led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Benning moved that the agenda for the regular City Council Meeting of March 14, 2024, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Awards and Presentations

Mayor Pro Tem Umphrey and Council awarded Mr. Felix the Government Finance Officers Association of the United States and Canada Award of financial reporting achievement.

Mr. Felix thanked staff and City Council for participating in the award program and shared that this is the 35th year in a row that the City of Sierra Vista has won this award. It does go through a board, and staff works hard.

City Manager's Report: Mr. Potucek stated that the award is a source of pride not only for staff but for the City because it shows the community where the funds are invested and used, which are being put to good use and done properly. He voiced his appreciation to Mr. Felix and staff for what they do. He announced that the next work session is scheduled for March 26, 2024 at 3:00 p.m. in the Council Chambers that will include continued discussion on the Roadrunner Park design as well as the mid-year budget review focusing primarily on the Public Safety Retirement System, which leads into the budget work sessions in April. He also announced that the next regularly scheduled Council Meeting is on March 28, 2024 at 5:00 p.m. in the Council Chambers. He reported that the needs assessment for the Municipal Court Project proposals are due on March 15, 2024 at 10:00 a.m.; the contract is out for a signature on the RFP for the feasibility study of the Spaceport Re-entry Project, which will culminate in the City achieving a license for those activities at the Sierra Vista Municipal Airport and Libby Airfield; the annual Street Maintenance Project was awarded to KE&G in the amount of \$719,209 that will include asphalt patching, crack seal and liquid sand seal improvements. He added that the street list will be posted on the City's website and will be provided to Council, to make sure that the public is aware of the project. Lastly, he reported that the January sales tax figures were up 2.82 percent over Fiscal Year 2023 budget and 5.68 percent over budgeted amounts this year. Therefore, the City is still running positively, although there are signs of some issues, retail fell 1.1 percent which is about \$11,000, although the food tax made-up for that, which was up over 18 percent. However, the issue there is what the legislature will do with the food tax moving forward. This is an important revenue source for the community and although, nobody likes to pay taxes, it is something that would be difficult for the City to deal with if the legislature takes that away.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Special City Council Meeting Minutes of February 20, 2024

[Item 2.2](#) Discussion and Possible Action of the Work Session Minutes of February 20, 2024

[Item 2.3](#) Discussion and Possible Action of Resolution 2024-010, Resignation of Shelly Short from the Sierra Vista Environmental Stewardship Commission

[Item 2.4](#) Discussion and Possible Action of Resolution 2024-011, Acceptance of Sewer Easements from Northeast Highway 90/92 Limited Partnership

Council Member Landry moved that the Consent Agenda consisting of the minutes of the Special City Council Meeting of February 20, 2024, the Work Session Minutes of February 20, 2024, Resolution 2024-010, accepting the resignation of Shelly Short from the Sierra Vista Environmental Stewardship Commission, with regret, and Resolution 2024-011, accepting sewer easements from Northeast Highway 90/92 Limited Partnership, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

New Business

[Item 3](#) Discussion and Possible Action of Resolution 2024-012, Request to proceed with an Abandonment of a portion of Charleston Road Right-Of-Way

Council Member Messmer moved that Resolution 2024-012, a request to proceed with an abandonment of a portion of Charleston Road right-of-way located between Charleston Road and Parcel 107-16-026H, be approved. Council Member Landry seconded the motion.

Mr. Pregler stated that this item is a request to proceed with an abandonment of a portion of Charleston Road right-of-way located north of the Cochise Crossroads Shopping Center directly south of Plaza Vista Mall. There is an existing sewer line along State Route 90 that is failing and extremely difficult to maintain. Therefore, to bypass the flow from this line, staff is proposing to construct a new sewer line which will parallel Charleston Road. The line will extend from State Route 90 and continue through the abandoned area to conclude at the eastern property line on parcel 107-16-026H where it will connect with an existing line. The failing sewer line will be abandoned once the new sewer line is connected.

A sewer easement is required to maintain public sewer lines located on private property. Portions of the sewer line will be located on the subject property. There is an easement proposed on private property; therefore, the owner of the parcel, Cochise Crossroads Shopping Centre, has agreed to provide the City with these easements which are proposed to be 22 1/2 feet in width. The acceptance of the easements is a separate consent agenda item which was approved as part of the Consent Agenda. In exchange for providing the City sewer easements, the City has agreed to abandon a portion of Charleston Road right-of-way. According to Arizona Revised Statutes, title to any vacated or abandoned roadway vests with the abutting property owner. In this case, the owner of Cochise Crossroads would obtain the title to the property, which can then be used for future development. The City has no need for the property as it well exceeds the 100-foot right-of-way needed for arterial roadways. As part of the abandonment of the property, another 22 1/2-foot-wide easement will be obtained and recorded which will provide a continuous easement area extending the length of the sewer line.

Approval of the resolution by the Mayor and City Council directs staff to proceed with the process of abandonment which involves the City staff contacting all utility companies for their approval of the abandonment and a public hearing before the Planning Zoning Commission and the City Council.

The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Public Hearing:

[Item 4](#) Consideration of funding requests for Program Year 2023 Community Development Block Grant (CDBG) Annual Action Plan

Mr. Fisher stated that the purpose of the public hearing is to receive input on proposed projects and activities for next year's Community Development Block Grant funding. Staff is still working with an estimated budget of \$250,000 in terms of allocation; although, the City will be receiving an official dollar amount from HUD in the coming few weeks. The City follows a routine application process that starts with a broadly distributed notice of funding availability followed by a pre-application meeting where discussed are potential programs, projects, and responses to questions, which was performed on February 14, 2024.

Staff has determined that all the applications received are eligible for consideration. Staff will use feedback and direction received to prepare the draft for the Annual Action Plan that will be presented at a second public hearing on April 11, 2024, which will then go for final approval sometime in May.

HUD restricts how the CDBG funds can be used. There is a 15 percent cap on an overall grant amount that can be awarded to public services. The City has received applications for that amount from the Boys and Girls Club and United Way. However, after discussions with both applicants, they agreed and were amenable to potentially splitting that amount which is the recommended amount by the City.

The City in terms of the Montebello Subdivision is essentially planning on installing fire hydrants, which is a subdivision of about 250 lots within the low to moderate income area. This is a phased project; therefore, it is not going to be all the fire hydrants at once.

Ms. De Luca with the Good Neighbor Alliance was unable to attend, but their proposal is for public facilities; therefore, it does not fall within the public service cap amount. They are proposing replacing existing beds with industrial and bed bug resistant options that are needed at their facility.

Mayor Pro Tem Umphrey asked if Council had already approved Phase One for the fire hydrants. Ms. Yarbrough stated that she is correct. That was last year's selection. This is a phased project. Fire Marshal Foster explained that there was not enough funding the first time around. The cost has dramatically gone up and the Department was able to get funding to correctly supply that neighborhood.

Demetrius Drake, Development Coordinator with the Boys and Girls Club, stated that their mission is to enable all youth, especially those who need them the most, to reach their full potential as responsible, caring, and productive citizens. This is an after-school program located at Paseo, San Luis. There is a second location at Carmichael School and starting in August, there will also be a third location in Palominas. The Boys and Girls Club is normally open after school, during the breaks, and during the summer. Therefore, when schools are closed, they are still open. This grant would help the Carmichael area.

Jay Hamwright, Chief Professional Officer at the Boys and Girls Club, stated that Council knows about the Boys and Girls Club, the need for programs like this for the kids in the community. The Boys and Girls Club serves kids after school, spring break, winter break, summer break, fall break and a lot of it goes to make sure that kids are being provided with opportunities, that finances are not preventing kids from participating in these opportunities, to make sure that they are leveling the playing field for these kids, or offering brand new opportunities that they cannot get anywhere else. Part of this includes character building programs, STEM programs such as 3D printing and digital media, arts, sports and fitness, homework help and tutoring.

The funds will be used to serve every kid who needs the program and removing the barrier of finances for their family to participate. If it costs so much to attend the program, the Boys and Girls Club fundraise so that the kids and families only pay so much. The funds would make sure that the Boys and Girls Club can lower that amount even more to keep the cost low for those kids who really need this program.

Lastly, Mr. Hamwright stated that he is confident in that Council knows how important a program like this is for the kids in the community. The primary goal is to make sure that they are serving

kids in the Carmichael area, but they will be helping kids at both of their locations. In closing, he shared the following survey data received from parents in 2023. These are not only parents of the program, but also citizens of the community:

- 82 percent of the parents say the Club helps them keep a job in the community;
- 94 percent say the Club helps their child academically;
- 100 percent say the Club helps with their child's behavior;
- 56 percent say that their child's grades have improved since they started attending the Boys and Girls Club;
- 73 percent state that they could not attend the Club if typical day care or childcare rates were charged;
- 67 percent of Carmichael parents state if they did not have the Carmichael branch, they could not attend the Boys and Girls Club; and
- 100 percent of the parents said that the kids have fun at the Boys and Girls Club.

There is a huge focus on using this funding to help the kids in the West End and the survey highlights families who are unable to drive from their home to a Boys and Girls Club's location because they do not have transportation. Although, the Boys and Girls Club has buses that go from every school to their location, these are the folks in the community who are taking the City's bus to get groceries, etc.

Council Member Landry voiced her appreciation at the Boys and Girls Club information and at the fact that they have grown. She shared that both of her kids attended the Boys and Girls Club, and it was nice to be able to know that they had a place to go after school that was safe. There are things that the Club offers children that they might not have in their homes, fun things to do, tutoring, and there are people there that they can look up to. This is needed in the community, and she wishes that there was not a cap for the amount to be received.

Council Member Rodriguez voiced his appreciation at the presentation and noted that they stated a lot of great points. The Council is aware that they do great things for kids, but the fact that highlighted was that they benefit the whole community is great. The parents having stated that they can have a job because their kids are somewhere safe while they are working and providing for their families is appreciated. There is a need not only in Sierra Vista, but all the way to Palominas.

Anthony Reed, Executive Director for United Way stated that they have been in a partnership with the City of Sierra Vista since COVID, when they started with assistance for rental, utilities, employment, food, and mental health. Everybody, whether they are currently doing well or not, is a paycheck away from poverty and the sad thing is that they used to see the same people coming in for help, but now they are seeing different people coming in for help. Also, a lot of the landlords are trying to recoup the money that they lost during COVID; therefore, they are not coming down on rent or negotiating for the assistance part. However, progress is being seen with everything that is being done by Council and United Way to help the community, it does not go unappreciated between organizations that they help and individual families.

Ramona McCaa, President of United Way stated that United Way is alive and well because of the City Council. She shared that about a month ago, there was a major in the reserve that was having hard times. He did not know whether to pay rent, pay for food, or daycare, and because of Council's generosity, he was able to go to Saint Vincent DePaul to get funding to help with rent.

Council Member Landry voiced her appreciation for the presentation, the information shared and added that sometimes people need a little boost to get going and it is great that there are people in the community that partner together to provide that help.

Council Member Rodriguez thanked Mr. Reed and Ms. McCaa for presenting and stated that Untied Way is another great organization that has been around for a while, helps the community, and focuses on making the community better.

Council Member Benning agreed with everything said and thanked United Way. He noted that what was shared about the major in the United States Army strikes a chord. Currently everyone is dealing with high gas prices, grocery bills, etc. and it does not matter who and what class they are in because everybody is one paycheck away from needing help. Therefore, places like United Way, Good Neighbor Alliance, and the Boys and Girls Club that offer people an out, a hand up is appreciated. Lastly, he stated that Michael Jordan went to Boys and Girls Club, and he is now giving back to his community. Therefore, highlighting all that these organizations do, for the people watching and the people that make comments on the CDBG funds, is important because the funds are not going to a director or someone that is running the organization. The funds are going to the people that need it. In closing, he asked people that are commenting to keep in mind all that these organizations do.

New Business

[Item 5](#) Discussion and Possible Action of Resolution 2024-013, Transfer of Funds from the General Fund to the Highway User Revenue, Capital Improvements, and additional FY24 PSPRS contribution

Council Member Benning moved that Resolution 2024-013, transferring funds from the General Fund to the Highway User Revenue and Capital Improvements Funds, and approving an additional payment to the Public Safety Retirement System, be approved. Council Member Messmer seconded the motion.

Mr. Felix stated that staff is still closing the books on Fiscal Year 2023, working with the auditors, and making final adjustments. Per City Policy, if there is revenue over expenditure in the General Fund, staff comes before Council with recommendations to make some budget adjustments. Based off very well above budget state shared revenues, transaction privilege taxes as well as Capital budgeted expenditures that did not occur or are under budget, the City is looking at over \$5 million of possible General Fund additions. Staff is recommending transferring \$2,000,000 of that to HURF mainly for North Garden Avenue. Staff is trying to get a grant for that, but if they do not get the grant, the City will have the money to do that. If the City gets the grant for the North Garden Project, then the funds will be moved over to the Wilcox Drive Project for another area that needs work.

The City is looking at an additional \$1,000,000 to go to the Capital Improvement Fund. There are a couple of projects that could use the funding, and \$2,000,000 is going towards PSPRS, \$1.25 million is going to the police portion and \$750,000 is going to the fire portion. The City's policy of over budgeting, budgeting for vacant positions, budgeting for people at maximum level are a big success for the unfunded amount. The City is showing positive progress on its unfunded liability, and this will be over and above which will help because PSPRS lost \$1,000,000 last year in the fire interest earnings last year. This is one of the only two ways that money can go into these funds. When the books are closed out, it will show a \$2,000,000 General Fund restricted fund balance because the fiscal year will be done. A transfer may be

done, but payment cannot be made from last year's funds. The payment would come from this year's funds, from the available budgeted projects, and show as going out this year from last year's revenues.

Council Member Landry stated that it is great to receive good news. The City benefits from Council being able to focus on the roads and taking care of its people and any other projects.

Council Member Johnson thanked Mr. Felix for the presentation and shared that PSPRS is a subject that he has been concerned about. He believes that great progress has been made in lowering the City's unfunded liability, but he wishes that the people that ran these funds would be liable for the losses. In closing, he voiced his appreciation to Mr. Felix and to City for everything that has been done with respect to keeping the public safety retirees secure in their retirement.

Mr. Potucek stated that things like this do not happen by accident. Staff has a very conservative approach to budgeting, and they try to make sure to over budget for PSPRS in the budget process. He thanked the Mayor and Council for tolerating staff's very conservative approach to the budget and hopes that this will help the community moving forward. He shared that there will be an extra \$600,000 going into General Fund reserves because of that and it should be about \$7.7 million; therefore, that fund is growing as well.

Mayor Pro Tem Umphrey noted that on Tuesday, March 12, 2024, Mr. Felix said that it was \$700,000, but the paper stated that it is \$600,000. Mr. Felix stated that it is about \$600,000, but he will have a final number due to any audit adjustments.

Council Member Benning asked if this funding is in addition to the money set aside for the Garden Avenue Project in relation to the grant that staff hopes to get. Ms. Yarbrough stated that Council approved \$2.5 million in the budget for the construction of North Garden Avenue. However, the design construction estimate was over \$2.5 million. Also, around that time, staff was notified that although the City could not receive RAISE grant funding for the project last year, the City was considered a project of distinction and strongly encouraged to apply again this year with a good chance for selection. Therefore, the decision was made to finish the design of the street and hold off until this year so that staff could put in the application for the RAISE grant. If the City does not receive the RAISE grant, then that additional money would go towards completing the North Garden Project, but if the City is fortunate to get the RAISE grant, then staff would propose Wilcox as the next highest priority project.

The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Call to the Public

Eric Peterman, a neighbor to King's Court, thanked the Police and Fire Departments for their responses. He handed out pictures of the property, noted that the Police Department has responded 18 times and stressed his concerns about the structure, which is in a deteriorated condition, and the police officers' safety because the floor is going to collapse. He added that he is aware that the City has filed a lien on the property and that there are unpaid expenses that the City incurred in putting up a fence around the property. The City's administration has been vigilant in monitoring this property, but the City is constrained by law. However, he is hopeful that this property can remain a priority because there are neighbors who are concerned due to the building's proximity to the Sierra Springs Subdivision, who would not be a surprise if the

building burned down considering the regular visits by people who have no place else to go or people looking to be mischievous. Lastly, he stated that the Toronto-based company that owns the property has not paid their 2023 taxes and their final installment is due on May 5, 2024.

Berlynda Schaff with the District 8 League, which covers eight local leagues, Bisbee, San Pedro, Benson, Douglas, Ponytail, Santa Cruz, Nogales, and Wilcox, announced that on March 23, 2024, the League Service and Ponytail are hosting opening ceremonies along with a lot of other things going on that weekend at the Stone Complex. Starting at 9:00 a.m. there will be games following the opening ceremonies. She further announced that this year, the Little League is celebrating 50 years of girlfriend games that strengthen self-esteem, promotes teamwork, sportsmanship, and develops on-field fundamentals while providing a competitive outlet for girls. It was founded in 1974 and the program has more than 25,000 softball teams and 300,000 participants worldwide working to grow the game of softball at the grassroots level. Little League has collaborated with more than 25 countries to create a foundation of success and Little League Softball includes divisions of play for girls ages from 4 to 16, which accumulates at three Softball World Series tournaments for international competition and friendship. The League Softball is proud to offer different initiatives to support local leagues, including Little League, University, affordable coach and player clinics, and opportunities for financial assistance. Little League also brings communities together and offers a premier softball experience to families in the US and around the world.

Ms. Schaff reported that the Avengers Division for special needs kids was started seven years ago by Michelle Henredder along with Service of Ponytail President Audrey Hildreth. At that time, they only had five kids, but currently they have 35 players enrolled, ages ranging from four to its oldest player, Nathan who is now 28 years old. Little League does not do an age cap on special needs and the Avengers Division allows everyone to play. There will be a different schedule starting Saturday, April 6, 2024 to accommodate the special needs kids. The first game for the Littles will be on April 6, 2024 at 8:30 a.m. and on March 29, 2024 at 5:30 p.m. the Bigs A, which are the Bigs 1 and Bigs 2, will play against each other at the Veterans Memorial Park Sports Center Softball Field. Lastly, she thanked the City Council for the support of the sports field improvements that have greatly contributed to the League's ability to host games and tournaments.

Felicia Sawyer voiced her concern about Council Meetings taking place at 5:00 p.m. due to the lack of transportation because the buses in Sierra Vista stop running after 3:30 p.m. Therefore, she had to walk about a half a mile to a mile. This availability cuts out people her age who do not have cars and the normal cab service in Sierra Vista is \$9 per trip, not per mile. She also stated that she has had wonderful experiences in the past with the Sierra Vista Farmers' Market, but because she uses a walker and has an oxygen tank attached to it, that is no longer available to her since the Farmers' Market has been placed over rocks. All this makes her feel discriminated against because she is unable to go. Lastly, she voiced her concerns about the crosswalk in front of Denny's on Fry Boulevard. It is hard for pedestrians, handicapped, elderly and youth to cross and although there is a traffic signal at the corner, it only gave her 23 seconds to get across.

Comments and Requests of the Council

Council Member Rodriguez apologize for not being able to be at the Council Meeting in person, but he was traveling to and from the National League of Cities Conference in DC. He stated that he is glad that the next work session will continue discussion on Roadrunner Park because he has comments. He thanked the people that spoke to Council, thanked the Boys and Girls Club

for all the great things that they do, congratulated the Little League on their 50-year anniversary, voiced his appreciation to the buddies who help the Avengers on the field who have practices on Monday, from 5:00 to 6:00 p.m. and games on Saturdays at 9:00 a.m. He thanked Mr. Peterman for mentioning King's Court, which is a building that he and Code Enforcement have had their eyes on as well as the Thunder Mountain Apartments that are behind Hana Tokyo.

Council Member Johnson had nothing to report.

Council Member Landry wished everybody a very Happy Pie Day, congratulated and voiced her appreciation to staff for the financial reporting award, an achievement to have received it for so many years. She wished everybody a Happy and safe Saint Patrick's Day, cautioned people to have a plan to get home safe if they are going out to celebrate, and announced that next weekend will be the Tour de Zona. There will be signs and a lot of cyclists on the road; therefore, people should make sure to watch out for them, take a few seconds to take an extra look to make sure everybody is safe and has a good time. She also thanked all the people that came to speak at the Call to the Public and added that it is important to have people share their thoughts and their concerns, whether it is about the Little League or anything else. She added that anybody interested in the Little League may log onto littleleague.org/softball. Lastly, she announced that the Sky Island Summit Challenge is open for registration that takes place on Memorial Day weekend, Saturday, May the 25, 2024. She encouraged people to check it out and stated that there are options for one peak, two peaks, or three peaks, and her favorite thing - a passport only given out once the peak is reached.

Council Member Benning thanked Pastor Rowles for his blessing, thanked everyone who presented and came out to talk to Council, shared that he enjoys the Little League's Girls with Game, especially in March, and thanked all the amazing strong women in attendance and to the thousands watching on YouTube for everything that they do for this country. In closing, he stated that Margaret Thatcher once said that if you want something said, ask a man, and if you want something done, ask a woman, which holds true today. Lastly, he stated that he would be nothing or nowhere without his Oma and mom.

Council Member Messmer announced that the Adaptive Adults Spring Formal is on Saturday, March 16, 2024, at the Ethel Berger Center from 4:00 p.m. until 7:00 p.m., announced that the Tourism Commission will be present during the Tour De Zona the following weekend passing out pamphlets and helping people find great things to do in Sierra Vista. In closing, she wished everybody a Happy Saint Patty's Day.

Mayor Pro Tem Umphrey thank everyone who attended and announced that although Mayor McCaa is not present, he is currently watching the meeting and has heard the people that came to speak at the Call to the Public. In closing, she thanked everyone who came to the meeting and wished everyone a safe weekend.

Adjournment

Mayor Pro Tem Umphrey adjourned the March 14, 2024, meeting of the Sierra Vista City Council at 5:53 p.m.

Carolyn Umphrey, Mayor Pro Tem

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

A recording of the Council Meeting is available at:

https://www.youtube.com/channel/UC8PtUpIbkQsixlhSy-jeR_Q/videos

March 21, 2024

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Sharon G. Flissar, P.E., Director of Public Works

SUBJECT: Request for Agenda Item Placement
Resolution 2024-014, Appointment of Richard
Rhodes to the Sierra Vista Transportation
Commission

Recommendation:

The City Manager recommends approval.
The Public Works Director recommends approval.

Initiated by:

Transportation Commission

Background

The non-regulatory Transportation Commission was established by Resolution 2023-015 on March 9, 2023. Dr. Richard Rhodes has expressed interest and submitted an application to join the new Transportation Commission. If approved, the commission would have four members and one vacancy. The term begins thirty days after Council approval and expires April 30, 2026.

Budget Appropriations:

Not applicable.

RESOLUTION 2024-014

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPOINTING RICHARD RHODES TO THE SIERRA VISTA TRANSPORTATION COMMISSION, SAID TERM TO EXPIRE APRIL 30, 2026, AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Mayor and City Council have created a Transportation Commission for the purpose of advising the Mayor and City Council on matters relating to transportation, including airport issues; and

WHEREAS, Richard Rhodes has expressed interest in joining the Transportation Commission; and

WHEREAS, it is in the best interest of the citizens to have a full complement of Transportation Commission members to address transportation-related concerns;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City Council policy on term expirations and appointments to boards and commissions when qualified applicants are available is hereby reaffirmed.

SECTION 2

The City Council hereby appoints Richard Rhodes to the Sierra Vista Transportation Commission, said term to expire April 30, 2026.

SECTION 3

The City Manager, City Clerk, and City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MARCH 2024.

CLEA MCCAA II
Mayor

Approval as to Form:

Attest:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

Prepared by:
Sharon G. Flissar, Director of Public Works



City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635
520-458-3315 - fax 520-458-0584 - www.SierraVistaAZ.gov

APPLICATION TO CITY BOARD/COMMISSION

DATE: February 10, 2024

BOARD/COMMISSION: Transportation

NAME: Richard W. Rhodes TELEPHONE: [REDACTED] / [REDACTED] (ONE PER FORM)
(HOME) (WORK)

E-MAIL ADDRESS: [REDACTED]

ADDRESS: [REDACTED] Calle Barona CITY: Sierra Vista, AZ ZIP: 85635

CITY RESIDENT? YES REGISTERED TO VOTE IN CITY? YES

EDUCATION: Ph.D. Aviation & Space; M.S. Aeronautical Science; B.S. Business Admin.

OCCUPATION: Aerospace Engineer
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: Directed all planning and execution of Worldwide Intel Conference Air Show at Libby Army Airfield (Ft Huachuca, AZ) in 1995 which included coordir display and demonstration of over 70 Intelligence-platform aircraft including U-2 Dragonfly.

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: FAA Licensed Private Pilot, Instrument, SEL FAA Licensed Air Traffic Controller, FAA Licensed Aviation Ground Instructor

REFERENCES: 1. Theodore Girouard, LTC (R), [REDACTED]
(NAME) (ADDRESS) (PHONE)
2. Tim Pace, [REDACTED]
(NAME) (ADDRESS) (PHONE)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER MAY BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

Please return completed application to the city clerk at: CityClerk@SierraVistaAZ.gov

RICHARD W. RHODES, Ph.D.

Current Address:

Sierra Vista, AZ 85635

Contact:

E-mail:

Telephone: Cell-

OBJECTIVE:

Appointed position on Sierra Vista, AZ Transportation Commission which allows me to utilize my extensive experience and education to contribute to the planning and direction for the Sierra Vista Airport.

EDUCATION:

Doctor of Philosophy in Aviation and Space. LaSalle University. 1999

Master of Aeronautical Science in Aerospace Management. Embry-Riddle Aeronautical University. 1994.

Bachelor of Science in Business Administration. West Virginia University. 1984.

WORK EXPERIENCE:

August 2013 – November 2023 Paramedic, Operations Supervisor

Manage organizational assets and personnel to efficiently meet operational requirements.

Understand and implement Company priorities and guidance. Maintain open, on-going communication with all EMS organizations and health care facilities. Provide Advanced Life Support to ill and injured patients utilizing skills and techniques, including the placement of peripheral and intra-osseous lines, endo-tracheal intubations, cardiac monitoring and EKG interpretations, defibrillation, and cardio-version. Recognize medical emergencies and make timely and accurate differential diagnosis-based patient physical assessment. Anticipate potentially life-threatening occurrences of cardiac and non-cardiac medical emergencies and provide appropriate emergency intervention within scope of practice. Respond to medical and emotional needs of victims of acute illness or injury with the goal of reducing mortality.

March 2019 – March 2020 Program Director, EMS Programs, Cochise College

Provide guidance, vision and day-to-day oversight of all EMT and Paramedic training programs.

Responsibilities included scheduling, budgeting and management of all allied health faculty.

March 1995 – December 2013 Assistant Program Manager/Operations Manager-

Northrop-Grumman Aerospace Corporation.

Responsible for all activities and personnel related to mission operations and training. Provide vision and managerial direction to four 24-hour per day operations crews, training department, planning section and operational staff including sub-contractor personnel. Hiring, evaluation, promotion and termination authority for 35 DoD contract personnel.

Resume for RICHARD W. RHODES, Ph.D.

March 1975 - March 1995 Commissioned Officer- United States Army
Increasing positions of responsibility directing the staff actions for a senior military intelligence staff, basic training company commander responsible for all facets of initial combat basic training to include health, welfare and training of over 300 soldiers as well as 18 drill sergeants and other company personnel, cavalry platoon leader responsible for 25 personnel and 4 M1A2 main battle tanks and aviation operations officer responsible for dispatch and mission control of 36 flight personnel and 12 rotary-wing aircraft.

CERTIFICATIONS:

Pilot, SEL, Instrument Rating

Air Traffic Controller, Tower Operator

Aviation Ground Instructor

National Registry of Emergency Medical Technicians (NREMT-P). 2013

Arizona Certified Emergency Paramedic License.

2014

Marsh 22, 2024

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Jill Adams, City Clerk
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2024–015, Multi-License Acquisition of Control
for a Series 12 Liquor License for Andrea Dahlman
Lewkowitz on behalf of RMH Franchise Corporation dba
Applebee’s Neighborhood Grill and Bar

RECOMMENDATION:

The City Clerk recommends approval of this license.

The City Manager recommends approval of this license.

INITIATED BY:

Ms. Andrea Dahlman Lewkowitz
2600 N Central Avenue #1775
Phoenix, Arizona 85004

BACKGROUND:

The City received an application for a Multi-License Acquisition of Control, limited liability-type of ownership for a Series 12 Liquor License for Andrea Dahlman Lewkowitz on behalf of RMH Franchise Corporation dba Applebee’s Neighborhood Grill and Bar located at 3899 El Mercado Loop, Sierra Vista, Arizona. The license is an on-premise sale, retail privileges liquor license that allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

State law on liquor licenses requires the applicant to apply for a liquor license from the Arizona Department of Liquor License and Control. That department then sends a copy of the liquor license application to the municipality for their approval. A notice of public hearing has been posted on the premises for 20 days prior to the public hearing and to date, no responses, either in favor or against, have been received.

The Council’s decision concerning this liquor license application will be forwarded to the State Department of Liquor Licenses and Control, who will then issue the liquor license if no objections were received. If objections were received, that department will conduct a hearing regarding the license.

BUDGET APPROPRIATION: Not applicable.

RESOLUTION 2024-015

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY BY RECOMMENDING APPROVAL OF A MULTI-LICENSE ACQUISITION OF CONTROL, LIMITED LIABILITY-TYPE OF OWNERSHIP FOR A SERIES 12 LIQUOR LICENSE FOR ANDREA DAHLMAN LEWKOWITZ ON BEHALF OF RMH FRANCHISE CORPORATION DBA APPLEBEE'S NEIGHBORHOOD GRILL AND BAR; TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, an application for a Multi-License Acquisition of Control, limited liability-type of ownership for a Series 12 Liquor License for Andrea Dahlman Lewkowicz on behalf of RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar has been filed with the Arizona Department of Liquor Licenses and Control; and

WHEREAS, Arizona Revised Statutes §4-112 requires local municipalities to grant approval or disapproval of all liquor licenses being applied for within their jurisdiction; and

WHEREAS, the application has been posted on the premises of the business for twenty (20) days as required by State law; and

WHEREAS, it is the settled policy of the City Council that liquor licenses be recommended for approval if no objections are raised.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The City Council reaffirms its settled policy on liquor licenses within City limits.

SECTION 2

The City Council of the City of Sierra Vista recommends approval of the application for a Multi-License Acquisition of Control, limited liability-type of ownership for a Series 12 Liquor License for Andrea Dahlman Lewkowicz on behalf of RMH Franchise Corporation dba Applebee's Neighborhood Grill and Bar, and to the State Department of Liquor Licenses and Control.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MARCH 2024.

Clea McCaa II
Mayor

Approved as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared By:
Jill Adams, City Clerk

State of Arizona
Department of Liquor Licenses and Control

Created 02/26/2024 @ 03:37:36 PM

Local Governing Body Report

LICENSE

Number:	<i>multiple - See attached</i>	Type:	012 RESTAURANT
Name:	APPLEBEE'S NEIGHBORHOOD GRILL & BAR		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:	<i>multiple - See attached</i>		
Location:			
Mailing Address:	USA 2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA		
Phone:	<i>multiple - See attached</i>		
Alt. Phone:	(602)200-7222		
Email:	ANDREA@LEWKLAW.COM		

Currently, this license has pending applications.

AGENT

Name:	ANDREA DAHLMAN LEWKOWITZ
Gender:	Female
Correspondence Address:	2600 N CENTRAL AVENUE #1775 PHOENIX, AZ 85004 USA
Phone:	(602)200-7222
Alt. Phone:	
Email:	ANDREA@LEWKLAW.COM

OWNER

Name: RMH FRANCHISE CORPORATION
Contact Name: ANDREA DAHLMAN LEWKOWITZ
Type: CORPORATION
AZ CC File Number: F18800288 State of Incorporation: KS
Incorporation Date:
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: (602)200-7222
Alt. Phone:
Email: ANDREA@LEWKLAW.COM

Officers / Stockholders

Name:	Title:	% Interest:
RMH FRANCHISE HOLDINGS INC	Stockholder	100.00
GUILLERMO PERALES	President, Director, Ceo	

RMH FRANCHISE HOLDINGS INC - Shareholder

Name: APPLE SUN LLC
Contact Name: ANDREA DAHLMAN LEWKOWITZ
Type: LIMITED LIABILITY COMPANY
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: (602)200-7222
Alt. Phone:
Email: ANDREA@LEWKLAW.COM

APPLE SUN LLC - Member

Name: GUILLERMO PERALES
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: XXXXXXXXXX
Alt. Phone:
Email: LEGAL@SUNHOLDINGS.COM

RMH FRANCHISE CORPORATION - Stockholder

Name: RMH FRANCHISE HOLDINGS INC
Contact Name: RMH FRANCHISE HOLDINGS INC
Type: CORPORATION
AZ CC File Number: State of Incorporation:
Incorporation Date:
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: (602)200-7222
Alt. Phone:
Email:

**RMH FRANCHISE HOLDINGS INC - President,
Director
RMH FRANCHISE CORPORATION -
President, Director, Ceo**

Name: GUILLERMO PERALES
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email: LEGAL@SUNHOLDINGS.COM

MANAGERS

Name: CHRISTOPHER JAY EUBANKS
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: GINNI LIN NAEGLE
Gender: Female
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: JESSE ALAN SCHWARZ
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: STEVEN DAVID GEHRTS
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: ROBERT LEE FENZEL
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: JAMES PATRICK FURNIA
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA
Phone: [REDACTED]
Alt. Phone:
Email:

Name: MILES WILLIAM JOSLIN
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: [REDACTED]

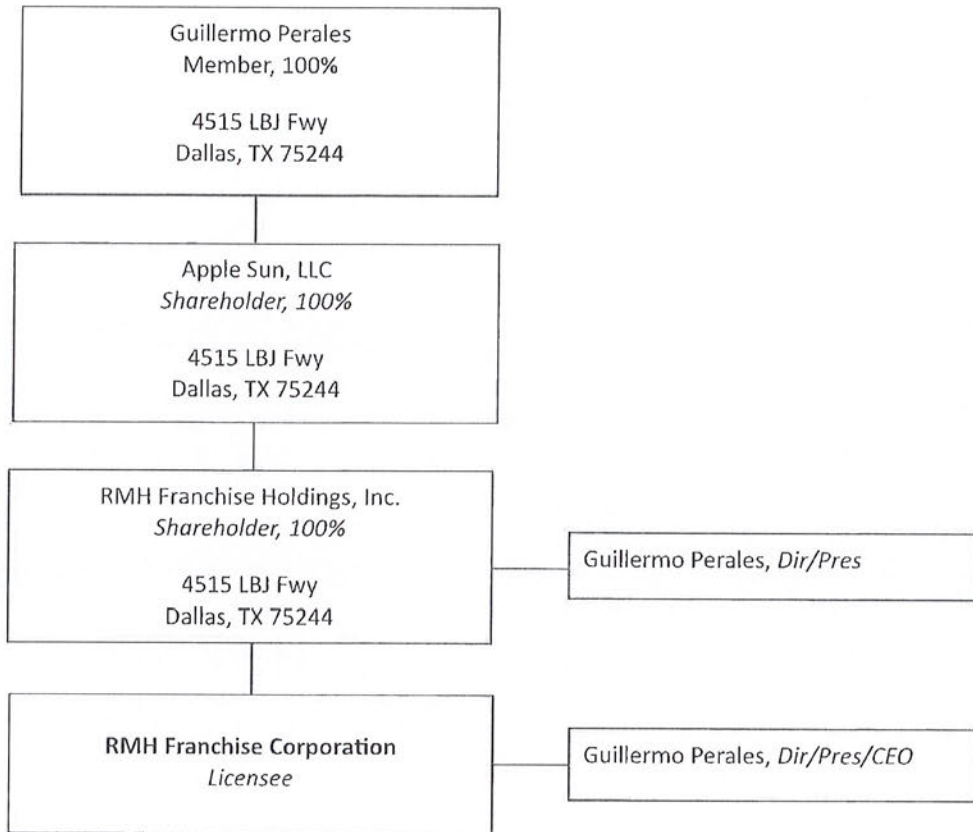
Name: JEFFREY SCOTT HUTCHINSON
Gender: Male
Correspondence Address: 2600 N CENTRAL AVENUE
#1775
PHOENIX, AZ 85004
USA

Phone: [REDACTED]
Alt. Phone: [REDACTED]
Email: SHUTCHINSON@RMHFRANCHISE.COM

APPLICATION INFORMATION

Application Number: 283480
Application Type: Multi-License Acquisition of Control
Created Date: 02/26/2024

RMH FRANCHISE CORPORATION | *dba* Applebee's
Ownership Chart | 1/9/2024
19 locations (see attached)



RMH Franchise Corporation
 AZ Liquor Licenses
 January 8, 2024

License No.	Business name	Address	City	Zip	Exp Date	Agent
12079744	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	5880 W PEORIA Avenue	GLENDALE	85302	3/31/2023	Andrea Lewkowicz
12079757	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	13832 W MCDOWELL Road	GOODYEAR	85338	3/31/2023	Andrea Lewkowicz
12079756	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	4712 E RAY Road	GILBERT	85236	3/31/2023	Andrea Lewkowicz
12079753	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	5210 W BASELINE Road	PHOENIX	85339	3/31/2023	Andrea Lewkowicz
12079758	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	6259 E SOUTHERN Avenue	MESA	85206	3/31/2023	Andrea Lewkowicz
12079760	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2032 E BASELINE Road	MESA	85204	3/31/2023	Andrea Lewkowicz
12079750	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	1143 N HIGLEY Road	MESA	85205	3/31/2023	Andrea Lewkowicz
12079754	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2053 S ALMA SCHOOL Road	MESA	85210	3/31/2023	Andrea Lewkowicz
12079759	APPLEBEE'S NEIGHBORHOOD GRILL AND BAR	9330 W NORTHERN Avenue	PEORIA	85305	3/31/2023	Andrea Lewkowicz
12079761	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	8001 W BELL Road	PEORIA	85382	3/31/2023	Andrea Lewkowicz
1207A102	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2651 N 75TH Avenue	PHOENIX	85035	3/31/2023	Andrea Lewkowicz
12079745	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2 E CAMELBACK Road	PHOENIX	85012	3/31/2023	Andrea Lewkowicz
12079746	APPLEBEE'S NEIGHBORHOOD GRILL AND BAR	2180 E BASELINE Road	PHOENIX	85042	3/31/2023	Andrea Lewkowicz
12079747	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2547 N 44TH Street	PHOENIX	85008	3/31/2023	Andrea Lewkowicz
12133580	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	1881 E HWY 69	PRESCOTT	86301	8/31/2022	Andrea Lewkowicz
12023179	APPLEBEE'S NEIGHBORHOOD GRILL AND BAR	3899 EL MERCADO Loop	SIERRA VISTA	85635	6/30/2023	Andrea Lewkowicz
12079751	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	13756 W BELL Road	SURPRISE	85374	3/31/2023	Andrea Lewkowicz
12104273	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	5870 E BROADWAY Blvd STE 3006	TUCSON	85711	9/30/2022	Andrea Lewkowicz
12104274	APPLEBEE'S NEIGHBORHOOD GRILL & BAR	2230 W INA Road	TUCSON	85741	9/30/2022	Andrea Lewkowicz

24 FEB 7 Lique. Lic. PM 2:59

CSR:
Amount:

ARIZONA DEPT. OF LIQUOR



AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY
Job #: 283464
Date Accepted: 02-26-2024
CSR: SG

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with **Black Ink**

*FP current
08-29-2023*

License Number: SEE ATTACHED

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box Agent Controlling Person

2. Name: LEWKOWITZ ANDREA DAHLMAN Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Drivers License #: [REDACTED] State Issued: ARIZONA

4. Place of birth: MANKATO MN USA Height: 5'8" Weight: 140 Eyes: HZL Hair: BLN
City State COUNTRY

5. Name of current/most recent spouse: LEWKOWITZ HAROLD JEROME Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes No If yes, what is your date of residency? 04/1961

7. Daytime telephone number: (602) 200-7222 Email address: ANDREA@LEWKLAW.COM

8. Premises Name: SEE ATTACHED Business Phone: SEE ATTACHED

9. Premises Address: SEE ATTACHED
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years, if unemployed; retired, or student, list place of residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/2004	CURRENT	ATTORNEY	LEWKOWITZ LAW OFFICE PLC
			2600 N. CENTRAL AVE. STE. 1775
			PHOENIX, AZ 85004

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years A.R.S. §4-202(D)

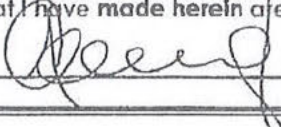
FROM Month/Year	To Month/Year	Street	City	State	Zip
02/1999	CURRENT	[REDACTED]	PHOENIX, AZ		85016

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer #13 below. If NO, skip to #14 Yes No
13. Have you attended a DLLC approved Basic Liquor Law Training Course within the past 3 years? Yes No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202, 4-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) ANDREA DAHLMAN LEWKOWITZ hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature:  Date: 01/08/2024

CSR:
Amount:



AGENT/CONTROLLING PERSON QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY
Job #: 2834104
Date Accepted: 02-26-2024
CSR: SG

Type or Print with Black Ink

805-502

License Number: SEE ATTACHED

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Check the Appropriate Box → Agent Controlling Person

2. Name: Perales Guillermo N/A Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Drivers License #: [REDACTED] State Issued: TX

4. Place of birth: Mexico City, CDMX Mexico Height: 5'10" Weight: 170 lbs Eyes: brown Hair: black
City State COUNTRY

5. Name of current/most recent spouse: Perales, Adriana N/A Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes No If yes, what is your date of residency? _____

7. Daytime telephone number: [REDACTED] Email address: legal@sunholdings.com

8. Premises Name: SEE ATTACHED Business Phone: SEE ATTACHED

9. Premises Address: SEE ATTACHED
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS <small>(Street Address, City, State & Zip)</small>
1997 (DEC)	CURRENT	CEO	Sun Holdings Inc. 4515 LBJ FWY Dallas, TX 75244

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years A.R.S. §4-202(D)

FROM Month/Year	To Month/Year	Street	City	State	Zip
12/2016	CURRENT	[REDACTED]	[REDACTED]	Dallas, TX	75220

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- 12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? If you answered YES, then answer #13 below. If NO, skip to #14. Yes No
- 13. Have you attended a DLLC approved Basic Liquor Law Training Course within the past 3 years? Yes No
- 14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
- 15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202.4-210 Yes No
- 16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
- 17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
- 18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 14 through 18 **YOU MUST** attach a signed statement.
 Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Guillermo Perales hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: [Signature] Date: Nov. 17, 2023



FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY	
Job #:	283464
Date Accepted:	02-26-2024
CSR:	SK

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. Please print clearly.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
Do not give the applicant the fingerprint card without first sealing it inside the envelope.
5. Write applicants name on front of sealed envelope.

PRINT the following information:

Date	Name of Applicant:		
12-23-2022	Guillermo Perales		
Name of Fingerprint Technician:			
Al-Vincent Joubert			
Fingerprint technician's Signature:			
<i>Al-Vincent Joubert</i>			
Fingerprint technician's Agency/company Name:		Phone Number:	
DFW Mobile Fingerprinting		972-200-2084	
Type of Photo ID Provided (check one):			
<input checked="" type="checkbox"/> Driver's License <input type="checkbox"/> Passport <input type="checkbox"/> Other (Please specify)			

CSR:
Amount:

Form 1 (5/2013) (Rev. 10/02)



PREMISES MANAGER QUESTIONNAIRE

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLIC USE ONLY	
Job #:	283461
Date Accepted:	02-20-2024
CSR:	SG

Type or Print with Black Ink

A000122461

License Number: MULTIPLE - SEE ATTACHED

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. Name: Furnia James Patrick Birth Date: [REDACTED]
Last First Middle (NOT a public record)

2. Social Security #: [REDACTED] Driver's License #: [REDACTED] State Issued: AZ

3. Place of birth: Troy, NY USA Height: 6'0" Weight: 244 Eyes: BL Hair: BR
City State COUNTRY

4. Name of current/most recent spouse: Furnia Kari Dawn Birth Date: [REDACTED]
Last First Middle (NOT a public record)

5. Are you a bonafide resident of Arizona? Yes No If yes, what is your date of residency? 1982

6. Daytime telephone number: [REDACTED] Email address: [REDACTED]

7. Premises Name: SEE ATTACHED Business Phone: SEE ATTACHED

8. Premises Address: SEE ATTACHED
Street (do not use PO Box) City State County Zip

9. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address. (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
11/29/1997	CURRENT	Manager, Director, RVP	RMH Franchise Holdings/Sun Holdings, 4515 LBJ Fwy, Dallas, TX 75244

10. Provide your residence address information for the last five (5) years A.R.S. §4-202(D) (ATTACH ADDITIONAL SHEET IF NECESSARY)

FROM Month/Year	To Month/Year	Street	City	State	Zip
12/2001	CURRENT		Peoria, AZ		85382

AMENDMENT

11. Have you attended a DLLC approved Basic Liquor Law Training Course within the past 3 years? Yes No
12. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
13. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202,4-210 Yes No
14. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
15. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
16. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 12 through 16 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 12-16 MAY NOT BE ACCEPTED

I, (Print Full Name) _____ hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: _____ Date: _____

MANAGER

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

Print Name: ANDREA DAHLMAN LEWKOWITZ Signature: _____ Date _____

AGENT AGENT

9. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
11/29/1997	CURRENT	Manager, Director, RVP	RMH Franchise Holdings / Sun Holdings

(ATTACH ADDITIONAL SHEET IF NECESSARY)

10. Provide your residence address information for the last five (5) years A.R.S. §4-202(D)

FROM Month/Year	To Month/Year	Street	City	State	Zip
2001	CURRENT		Peoria, AZ		85382

(ATTACH ADDITIONAL SHEET IF NECESSARY)

- 11. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? Yes No
- 12. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
- 13. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) A.R.S. §4-202,4-210 Yes No
- 14. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
- 15. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
- 16. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

If you answered "YES" to any Question 12 through 16 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions.

CHANGES TO QUESTIONS 12-16 MAY NOT BE ACCEPTED

I, (Print Full Name) James Patrick Furnia hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Signature: James Furnia Date: 12/19/2023

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

Print Name: ANDREA D LEWKOWITZ Signature: [Signature] Date 12.21.23

Certificate #694999

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

<input type="checkbox"/>	On-sale
<input type="checkbox"/>	Off-sale
<input checked="" type="checkbox"/>	On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

James Furnia

Full Name (please print)

James Furnia
Signature

12-21-2023

Training Completion Date

12-20-2026

Certificate Expiration Date
(three years from completion date)

Training Provider Information

Professional Server Certification Corporation (PSCC)

Company Name

P.O. Box 192, Madison, South Dakota 57042

Mailing Address

1- (800) 247-7737

Daytime Contact Phone Number

I, Robert Graham, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

Robert V. Graham

Instructor Signature

21 / 12 / 2023

Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)
Conveyance (series 8)
Restaurant (series 12)

Government (series 5)
Liquor Store (series 9)
In-state Farm Winery (series 13)

Bar (series 6)
Private Club (series 14)

Beer & Wine Bar (series 7)
Hotel/Motel w/restaurant (series 11)
Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

Certificate # 694999

FD-112 (Rev. 08/2012)

Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

James Furnia

Full Name (please print)

James Furnia
Signature

12-21-2023

Training Completion Date

12-20-2026

Certificate Expiration Date
(three years from completion date)

Training Provider Information

Professional Server Certification Corporation (PSCC)

Company Name

P.O. Box 192, Madison, South Dakota 57042

Mailing Address

1- (800) 247-7737

Daytime Contact Phone Number

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Robert V Graham

Instructor Signature

21 / 12 / 2023
Day Mo Year

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The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

ARIZONA

RECEIPT

Date: 12/19/2023

Order ID: 662499796736632

Authorization #: 5215331

Please reference these numbers in any correspondence regarding your transaction



Billing Information

James Furnia

[REDACTED]

Peoria AZ 85382

Phone #: [REDACTED]

Email: [REDACTED]

Account Information

Payment Method: Master Card

XXXXXXXXXXXX [REDACTED]

Product ID	Item Description	Amount	Quantity	Gross
PSAPT001	Conduct Criminal Background Checks for Pre-Employment Screening - State & Federal Agencies	\$22.00	1	\$22.00
PSPSPCC1	Service Fees	\$0.44	1	\$0.44
			TOTAL	\$22.44

Notes:

Arizona Department of Public Safety: This is a transaction for AZDPS for A000122461

March 21, 2024

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Nathan J. Williams, City Attorney
SUBJECT: Request for Agenda Item Placement
Resolution 2024-016, Authorization to Take Legal
Action Against Edwin Groover

Recommendation:

The City manager recommends approval.

Background:

On January 8, 2024, Edwin Groover recorded two "Security (15 U.S.C.) Claim of Commercial Lien and Affidavits" against the City of Sierra Vista (the "Liens"). The Liens have no basis in fact or law and are groundless. Absent a voluntary retraction of the Liens by Mr. Groover, the City's recourse is to file a special action in the Cochise County Superior Court against Mr. Groover to set aside the Liens pursuant to Arizona Revised Statutes § 33-420.

The City Attorney may pursue legal action but only if the Mayor and Council give direction to take such action. This resolution is intended to authorize the City Attorney to take the necessary actions, including retaining outside counsel, to seek the set-aside of the Liens through Special Action with the Cochise County Superior Court.

Budget Appropriation:

Outside Counsel Costs, Filing Fees and other related expenses for prosecution.

RESOLUTION 2024-016

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO TAKE SUCH ACTIONS, INCLUDING THE RETENTION OF OUTSIDE COUNSEL, TO SET ASIDE THE LIENS RECORDED AGAINST THE CITY OF SIERRA VISTA BY EDWIN GROOVER; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, On January 8, 2024, Edwin Groover recorded two liens against the City of Sierra Vista, Arizona; and

WHEREAS, under Arizona law, the liens are groundless and invalid; and

WHEREAS, absent a voluntary retraction of the liens by Mr. Groover, the City's recourse is to file a special action against Mr. Groover pursuant to A.R.S. 33-420; and

WHEREAS, before the City Attorney may pursue legal action, the Mayor and Council must direct him to do so; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that such legal action be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, which directs the City Attorney to initiate litigation by specific action of the Mayor and City Council be, and hereby is reaffirmed.

SECTION 2

That the City Attorney is hereby authorized and directed to take such action(s) as may be required, including retaining outside counsel, to set aside those certain liens recorded by Edwin Groover against the CITY OF SIERRA VISTA as Document Nos. 2024-00312 and 2024-00311.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MARCH 2024.

CLEA MCCA, II
Mayor

ATTEST:

JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN J. WILLIAMS
City Attorney

PREPARED BY:
Nathan J. Williams, City Attorney

CITY COUNCIL AMENDING MEMO

**THE INDUSTRIAL DEVELOPMENT AUTHORITY
OF THE CITY OF SIERRA VISTA
EDUCATION FACILITY REVENUE BONDS
(CHAMPION SCHOOLS PROJECT), SERIES 2024**

Although the Project did not change, the Borrower has requested a change to a different underwriter and a change in the series designation to 2024

- The Series 2024 Bonds The Authority will issue its Education Facility Revenue Bonds (Champion Schools Project), Series 2024 (the “*Series 2024 Bonds*”), in one or more series or subseries and in an original principal amount not to exceed \$35,000,000 and a maturity date not to exceed 40 years. The Bonds will bear interest at a fixed rate.
- Public Sale. The Series 2024 Bonds will be issued as unrated, fully registered Bonds and will be publicly sold by Herbert J. Sims & Co., Inc. (the “*Underwriter*”). The Series 2024 Bonds will be issued without a rating in denominations of \$25,000 and integral multiples of \$5,000 in excess thereof and sold only to “*Qualified Institutional Buyers*” within the meaning of Rule 144A of Rules adopted pursuant to Securities Act of 1933, as amended, or “*Accredited Investors*” within the meaning of Rule 501 of the Rules governing the limited offer and sale of securities without registration under the Securities Act of 1933, with an investor letter. The Series 2024 Bonds will initially be registered in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company.
- The Borrower Fit Kids, Inc. dba Champion Schools (the “*Borrower*”), an Arizona non-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, operating exclusively for charitable and educational purposes as a charter school under the Charter School Act, Arizona Revised Statutes Title 15, Chapter 1, Article 8, as amended. The Borrower has a charter school contract with the Arizona State Board of Charter Schools.
- The Series 2024 Project The proceeds of the Series 2024 Bonds will be used for the purposes of (i) financing or refinancing for the costs of the acquisition,

construction, improvement, renovation, operation and equipping of land and charter school facilities located at (a) 7900 South Jesse Owens Parkway in Phoenix, Arizona, (b) 250 South McQueen Road, Chandler, Arizona and (c) 1846 East Bella Vista Road, San Tan Valley, Arizona (collectively, the “*Series 2024 Facilities*”), (ii) funding of any required reserves, (iii) paying capitalized interest, if any, on the 2024 Bonds and (iv) paying certain issuance expenses;

Documentation

Pursuant to the Loan Agreement between the Authority and the Borrower, the Borrower has agreed to make payments to the Trustee (on behalf of the Authority) sufficient to pay the principal of, premium, if any, and interest on the Series 2024 Bonds when due. The Borrower’s obligations under the Loan Agreement will be secured by one or more Deeds of Trust, which will be recorded on certain of the Borrower’s properties, including the Series 2024 Facilities.

SLANIA LAW, PLLC

2980 N. Swan Road #222

Tucson, Arizona 85712

Michael A. Slania, Esq.
mas@slanialaw.com

520-600-2082 office
520-314-3663 fax

VIA EMAIL

March 21, 2024

Clea McCaa II, Mayor
Carolyn Umphrey, Mayor Pro Tem
William Benning, Council Member
Gregory Johnson, Council Member
Angelica Landry, Council Member
Marta Messmer, Council Member
Mark Rodriguez, Council Member
CITY OF SIERRA VISTA
1011 N. Coronado Drive
Sierra Vista, Arizona, 85635

Re: The Industrial Development Authority of the City of Sierra Vista – Request to Amend Resolution to Issue Bonds – Education Facility Revenue Bonds (Champion Schools Project), Series 2024 - In an Amount Not to Exceed \$35,000,000

Dear Mr. Mayor and Members of the City Council:

As you may recall, on August 7, 2023, The Industrial Development Authority of the City of Sierra Vista (the “*Authority*”) previously approved its resolution (the “*Authority Resolution*”) authorizing the issuance of its Education Facility Revenue Bonds (Champion Schools Project) (the “*Bonds*”), in one or more series and in an aggregate principal amount not to exceed \$35,000,000, the proceeds of which will be loaned to Fit Kids, Inc. dba Champion Schools (the “*Borrower*”), a duly organized and validly existing Arizona non-profit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, operating exclusively for charitable and educational purposes as a charter school under the Charter School Act, Arizona Revised Statutes Title 15, Chapter 1, Article 8, as amended. The Mayor and City Council of the City of Sierra Vista approved their resolution (the “*City Resolution*” and together with the Authority Resolution, the “*Resolutions*”) approving the proceedings regarding such Bonds on August 10, 2023.

At its meeting held on March 22 2024, the Authority will consider granting its final approval to an amending resolution regarding such Bonds, as requested by the Borrower. Because the Resolutions for the Bonds have already been approved, the Borrower is now requesting this amendment consisting of (a) a change of the Underwriter of the Bonds listed in the original Authority resolution from RBC Capital Markets, LLC to Herbert J. Sims & Co., Inc. and (b) a change in the series designation of the Facilities, the Project, and the Bonds from Series 2023 to Series 2024.

The proceeds of the Bonds will still be loaned to the Borrower for the purposes of (i) financing or refinancing for the costs of acquisition, construction, improvement, renovation, operation and equipping of land and charter school facilities located at (a) 7900 South Jesse Owens Parkway in Phoenix, Arizona, (b) 250 S. McQueen Road, Chandler, Arizona and (c) 1846 E. Bella Vista Road, San Tan Valley, Arizona (collectively, the “*Facilities*”); (ii) funding of any required reserves as set forth in the Indenture of Trust between the Authority and UMB Bank, National Association, as trustee

Mayor and City Council of Sierra Vista

March 21, 2024

Page 2

(the “*Trustee*”), (iii) paying capitalized interest, if any, on the Bonds, and (iv) paying certain issuance expenses (collectively, the “*Project*”).

As always, this issuance of the Bonds is subject to the approval of Mayor and City Council of the City of Sierra Vista. Therefore, the Authority respectfully requests that this matter be placed on the Mayor and City Council Regular Meeting Agenda scheduled for March 28, 2024, for the purpose of having the Mayor and City Council approve the amending resolution regarding actions of the Authority. Enclosed herewith are (a) the Resolution of the Mayor and City Council of the City of Sierra Vista amending its prior approval and (b) an Amending Memo to the City Council on the Bonds, together with a draft of the Resolution to be considered by the Authority.

The Bonds will still be issued in accordance with Title 35, Chapter 5, of the Arizona Revised Statutes, as amended (the “*Act*”). The Authority believes that the payment of the fee to it by the Borrower in respect of the Bonds will provide a benefit to the City of Sierra Vista, as such fee will be used by the Authority for economic development purposes within the City, as well as its general administrative costs.

The Bonds will be issued as unrated, fully registered Bonds and will be publicly sold by Herbert J. Sims & Co., Inc. (the “*Underwriter*”). The Bonds will be issued without a rating in denominations of \$25,000 and integral multiples of \$5,000 in excess thereof and sold only to “*Qualified Institutional Buyers*” pursuant to Securities Act of 1933, as amended, or “*Accredited Investors*” under the Securities Act of 1933, with an investor letter. The Bonds will initially be registered in the name of Cede & Co., as registered owner and nominee of The Depository Trust Company.

As always, the Bonds are special limited obligations of the Authority. The Bonds are payable solely from payments made by the Borrower pursuant to a loan agreement and secured by one or more deeds of trust (mortgage) on the Facilities owned by the Borrower. Such payments are pledged to the Trustee under the Indenture, for payment to the holders of the Bonds. Neither the faith and credit, nor the taxing power of the Authority or the City of Sierra Vista or any other political subdivision thereof, are pledged to the payment of the Bonds. The Authority has no taxing power.

I will be available prior to the meeting to answer any questions you may have, or to meet with you at your convenience.

Thank you for your consideration of this matter.

Sincerely,

SLANIA LAW, PLLC.

/s/

Michael A. Slania
Attorney for the Authority

MAS/jgs

Enclosures

C: Jill Adams, City Clerk

Nathan Williams, City Attorney

RESOLUTION 2024-_____

AN AMENDING RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA APPROVING CERTAIN CHANGES IN THE PROCEEDINGS OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA REGARDING THE ISSUANCE OF ITS EDUCATION FACILITY REVENUE BONDS (CHAMPION SCHOOLS PROJECT), SERIES 2024 IN AN AMOUNT NOT TO EXCEED \$35,000,000; AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY AND/OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; AND DECLARING AN EMERGENCY

WHEREAS, The Industrial Development Authority of the City of Sierra Vista (the "*Authority*") pursuant to the Industrial Development Financing Act, Title 35, Chapter 5, Arizona Revised Statutes, as amended (the "*Act*"), is authorized to issue and sell its Education Facility Revenue Bonds (Champion Schools Project), Series 2024 in one or more series or subseries (the "*Bonds*"), the proceeds of which are to be loaned to Fit Kids, Inc. dba Champion Schools (the "*Borrower*"), a duly organized and validly existing Arizona non-profit corporation as described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, operating exclusively for charitable and educational purposes as a charter school under the Charter School Act, Arizona Revised Statutes Title 15, Chapter 1, Article 8, as amended, for the purposes of (i) financing or refinancing for the costs of the acquisition, construction, improvement, renovation, operation and equipping of land and charter school facilities located at (a) 7900 South Jesse Owens Parkway in Phoenix, Arizona, (b) 250 S. McQueen Road, Chandler, Arizona and (c) 1846 E. Bella Vista Road, San Tan Valley, Arizona (collectively, the "*Facilities*"), (ii) funding of any required reserves, (iii) paying capitalized interest, if any, on the Bonds and (iv) paying certain issuance expenses (collectively, the "*Project*"); and

WHEREAS, on August 7, 2023, the Authority resolved to issue the Bonds in one or more series or subseries and in an aggregate amount not to exceed \$35,000,000 (the "*Original Resolution*"), such issuance being conditioned upon, among other things, the granting of approval to the issuance of the Bonds by the Mayor and City Council of the City of Sierra Vista; and

WHEREAS, on August 10, 2023, the Mayor and City Council of the City of Sierra Vista approved the proceedings of the Authority regarding the issuance of the Bonds (the "*City Original Resolution*"); and

WHEREAS, the Borrower has requested that the Authority (a) change the Underwriter of the Bonds listed in the Original Resolution from RBC Capital Markets, LLC to

Herbert J. Sims & Co., Inc. and (b) change the series designation of the Facilities, the Project, and the Bonds from Series 2023 to Series 2024 (the “Changes”).

WHEREAS, on March 22, 2024, the Authority approved an amending resolution to its Original Resolution approving the Changes, including the form of a Bond Purchase Agreement (the “*Bond Purchase Agreement*”), among the Authority, the Borrower and Herbert J. Sims & Co., Inc., as underwriter and such other documents as may be required for the issuance of the Bonds (the “*Authority’s Amending Resolution*”); and

WHEREAS, the terms, maturities, provisions for redemption, security and sources of payment for the Bonds are not expected to change and will be set forth in the Indenture, the Loan Agreement and the form of the Bonds themselves; and

WHEREAS, copies of said documents have been made available to the Mayor and City Council of the City of Sierra Vista, together with the Authority’s Amending Resolution; and

WHEREAS, the Mayor and City Council of the City of Sierra Vista have been informed that said documents have been reviewed by competent Bond Counsel, Kutak Rock LLP, and said Bond Counsel has determined that said documents adequately meet the requirements of the Act and the Internal Revenue Code of 1986, as amended (the “*Code*”); and

WHEREAS, in accordance with Section 35-721.B of the Act, the proceedings of the Authority under which the Bonds are to be issued, require the approval of the Mayor and City Council of the City of Sierra Vista of the issuance of the Bonds; and

WHEREAS, the Mayor and City Council of the City of Sierra Vista has had presented to it information regarding the Bonds and is further informed and advised with regard to the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, as follows:

Section 1. The policy of the City Council to support the Authority and its economic development mission in coordination with the City, and to approve the issuance of bonds of the Authority that are in the public interest in accordance with Arizona law is hereby restated and readopted.

Section 2. Pursuant to Section 35-721.B of the Act, the Mayor and City Council of the City of Sierra Vista, as the governing body of the Authority, hereby approves the Bonds and the proceedings under which the Bonds are to be issued by the Authority, including specifically the Authority’s Original Resolution and the Authority’s Amending Resolution (collectively, the “*Authority Resolutions*”), the Bond Purchase Agreement, and all other related or appropriate documents;

Section 3. This Resolution shall be in full force and effect from and after its passage as provided by law, and any provisions of any previous resolutions in conflict with the provisions herein are hereby superseded;

Section 4. The City Manager, the City Clerk, and the City Attorney or any appropriate officers of the Mayor and City Council of the City of Sierra Vista are hereby authorized and directed to do all such things and to execute and deliver all such documents on behalf of the City of Sierra Vista as may be necessary or desirable to effectuate the intent of this Resolution and the Authority's Resolutions in connection with the issuance of the Bonds; and

Section 5. The immediate operation of the provisions of this resolution is necessary for the preservation of the public peace, health and safety, and therefore an emergency is hereby declared to exist. This resolution shall be in full force and effect from and after its passage, adoption and approval by the Mayor and City Council of the City of Sierra Vista, Arizona.

PASSED, ADOPTED AND APPROVED by the Mayor and City Council of the City of Sierra Vista, Arizona this ____ day of March, 2024.

Clea McCaa II, Mayor
CITY OF SIERRA VISTA, ARIZONA

ATTEST:

Jill Adams, City Clerk
CITY OF SIERRA VISTA, ARIZONA

APPROVED AS TO FORM:

KUTAK ROCK LLP,
Bond Counsel

By:  _____

Nathan Williams, City Attorney

March 28, 2024

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP, Community Development Director

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2024-03
Adoption of Development Code Text Amendments-
Administrative Modification of Dimensional Standards
Section 151.04.005

REQUESTED ACTION:

Approval and adoption of proposed Development Code text amendments by reference.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval 4-0.

APPLICANT:

City of Sierra Vista

PLANNING & ZONING COMMISSION

On January 31, 2024, the Commission held a public hearing and recommended approval of the amendments by a unanimous vote 4-0.

30-DAY PUBLIC COMMENT PERIOD

On February 8, 2024, the Mayor and City Council approved a 30-day public comment period for the proposed text amendments during which time the City has not received any public comments regarding the amendments.

SUMMARY AND ANALYSIS OF PROPOSED CHANGES:

The Development Code provides a process and criteria for approving Administrative Modifications to Dimensional Standards on properties containing an existing single-family dwelling unit. The proposed amendment expands the scope of eligibility to include residentially zoned properties adjoining a platted right-of-way that exceeds the minimum required right-of-way width for the functional classification assigned to the street that the subject property abuts.

The minimum required right-of-way widths are being adjusted with the proposed Sierra Vista Roadway Design Manual and certain streets are being reclassified on the City's Traffic Circulation Plan Map in the General Plan to better reflect their current and future function. The proposed amendment would allow a property owner to receive credit for that portion of the right-of-way between the outside edge of an adjoining sidewalk and the property line that serves as de facto yard space. If no sidewalk exists, the City will determine its ultimate location based on the applicable cross section. Moreover, the modification applies only to front porch or room additions. No reduction will be granted for that portion of a building façade containing a garage or carport to preserve adequate space for on-site vehicle parking in the associated driveway.

Staff finds that the proposed text amendments shown in Exhibit "A" of the attached Resolution are consistent with the provisions under Section 151.31.005(C)(D)(2), Findings for Text Amendments, of the Code:

- a) *Demonstrates the need and justification for the change; and,*
- b) *Demonstrates the relationship of the proposed amendment to the City's General Plan with appropriate consideration as to whether the proposed change will further the purposes of this Code and other City ordinances and regulations; and*
- c) *Consistent with the purposes of the Development Code to promote the growth of the City in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general public welfare and does not constitute a granting of special privileges to an individual owner.*

Attachments:

Exhibit "A; from Resolution 2024-008

Ordinance 2024-03

EXHIBIT “A” FROM RESOLUTION 2024-008

Section 151.04.005 Administrative Modification of Dimensional Standards, is hereby amended as follows:

A. Applicability

1. In accordance with the provisions of this Section, staff may modify a required building setback in cases where the following conditions apply:

a. For properties located outside the Infill Incentive District Area:

- (1) The subject property contains an existing single-family dwelling unit; and
- (2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

b. For properties located inside of an Infill Incentive District Area:

- (1) The subject property is used or proposed to be used for residential purposes; and
- (2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.
- (3) The modified setback results in a building setback of no less than fifteen feet from a front lot line adjoining the primary frontage or no less than ten feet from a front lot line adjoining the secondary frontage (on corner lots); provided, however, no setback modification shall be granted for that portion of a front facade containing an enclosed garage or carport.

c. For residentially zoned properties that adjoin a street with a platted right of way that exceeds the minimum required right-of-way width for the functional classification assigned to the street that the subject property abuts:

- (1) The modification to the minimum required setback results in a reduction that is no greater than the width of the right-of-way between the owner’s property line and the outside edge of the sidewalk. If no sidewalk exists, the City shall determine its ultimate location based on the applicable roadway cross section. Provided, however, no setback reduction shall be granted for that portion of a front building façade containing an enclosed garage or carport.**

2. In accordance with the provisions of this Section, staff may modify the maximum fence or wall height on properties used for residential purposes, provided however, any existing wall proposed to be elevated shall be certified by a professional engineer or architect registered in the State of Arizona as being able to support the modification in accordance with local building codes.

B. Application. Requests shall be made on application forms provided by the Department of Community Development.

C. The City shall notify, by mail, the property owner(s) most affected by the proposed request. The notice shall include a sketch plan of the site.

D. Standards. The City shall grant a modification of the setback after these following standards have been met:

1. The request shall not substantially reduce the amount of privacy that would otherwise be enjoyed by nearby residents. This is determined by the responses from adjacent property owners and staff observations.

2. Significant views of prominent land forms or parks from nearby properties will not be obstructed any more than would occur if the request was granted.

3. Traffic visibility on adjoining streets will not be adversely affected;

4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;

5. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

6. The proposal will not interfere with the daily living activities or injure the rights of adjacent property owners. This is determined by the responses from the adjacent property owners and staff observations.

E. Determination by the City

1. The City shall review all the submitted information and provide a written response to the petitioner of the action.

2. The City shall approve the application if all the standards as stated in 151.04.006 .D are met. Once granted, the building permit may be issued. The permit must be issued within 120 days of the granting of the request. Approval of the request does not set precedent; each request is reviewed on an individual basis.

3. The request shall be denied if the standards as stated in 151.04.006 .D are not met. The decision shall indicate the reasons why the request was denied.

F. Fees. Fees for administrative modifications shall be determined according to a schedule established by the Council.

G. Appeals to the Hearing Officer. Any aggrieved person may appeal the decision of the City to the Hearing Officer, which will be heard in accordance with Section 151.30.008 . Upon filing an appeal, the applicant shall pay a filing fee established by the Council.

ORDINANCE 2024-003

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE DEVELOPMENT CODE; BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing Development Code text amendments to Section 151.04.005, Administrative Modification of Dimensional Standards ; and

WHEREAS, the City Manager, the Assistant City Manager, and Director of Community Development recommend that the amendments to the Development Code, be adopted; and;

WHEREAS, as required by City Code, the Planning & Zoning Commission held a public hearing on the amendments after proper notice had been given; and;

WHEREAS, the amendments have gone through the 30-day public comment period and no comments have been received.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2024-008 is hereby reaffirmed, and that the Development Code text amendments are hereby adopted by reference.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MARCH 2024.

CLEA McCAA, II
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Matt McLachlan, AICP
Director