

Sierra Vista City Council  
Meeting Minutes  
March 28, 2024

Mayor McCaa called the March 28, 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 – present  
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

Others Present:

Victoria Yarbrough, Assistant City Manager  
Chuck Potucek, City Manager  
Chris Hiser, Police Chief  
Brian Jones, Fire Chief  
Sharon Flissar, Public Works Director  
Laura Wilson, Leisure, Parks, and Library Services Director  
Matt McLachlan, Community Development Director  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney  
Adam Curtis, Marketing and Communications Manager  
Elizabeth Wrozek, PIO  
Michael Slania, Industrial Development Authority Attorney

Invocation – Pastor Justin McPeak, Thunder Mountain Church, led everyone present in prayer.

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

[Item 1](#) Acceptance of the Agenda

Council Member Messmer moved that the agenda for the Regular City Council Meeting of March 28, 2024 be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Awards and Presentations

A Proclamation declaring March 12 through 18, 2023 as the 112<sup>TH</sup> year of Girl Scouts in the United States was presented to Girl Scout troops Brownie 419, Junior 104, and Cadette Senior 1224.

City Manager's Report: Mr. Potucek stated that he attended the Cochise Conservation and Recharge Network Strategic Planning Session on Wednesday, March 27, 2024. He noted that recently, there has not been a lot of talk about water, but it is an ongoing issue and always will

be. The Cochise Conservation and Recharge Network is one of the key groups that oversees projects that help both the river and the Fort. He added that he believes there will be a good Five-year Plan coming out and they are working with their partners from Fort Huachuca, Cochise County, and the Bureau of Land Management. He reported that the sewer reroute bid is anticipated to be released Friday, March 29, 2024; the Annual Street Maintenance Project, asphalt patching, crack seal and liquid road sand seal, was awarded to KE&G Construction, and staff will get out the list of streets out to Council and the public as soon as possible, but they are awaiting the start date; however, that contract was signed on March 25, 2024. He also reported that the feasibility study for the Space Reentry Port at the Sierra Vista Municipal Airport and in support of Black Star Orbital was awarded on March 26, 2024 to the firm of Launch on Demand. Therefore, that will result favorably, and staff can move towards the permitting process for a Spaceport Reentry at the airport. He announced that on Friday, March 22, 2024, the City celebrated the retirement of Deputy Chief Boutte, who will be missed at the Police Department after 27 years of service, and on March 28, 2024, the City celebrated the retirement of Coralee Knippel, Kennel Tech at Animal Control, who is much beloved by those she worked with. Lastly, he announced that the next regularly scheduled work session is scheduled for April 9, 2024, at 3:00 p.m. in the Council Chambers that will be the first budget work session and include the preliminary revenue projections as well as projected debt service numbers for the year, followed by personnel, O&M, and capital in succession. The next regularly scheduled Council Meeting is scheduled for April 11, 2024 at 5:00 p.m. in the Council Chambers. In closing, he wished everybody a Happy and Blessed Easter weekend.

## 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

Council Member Johnson moved that the Consent Agenda consisting of the minutes of the March 12, 2024 Work Session, March 14, 2024 Special Meeting and Regular Meeting Minutes, and Resolution 2024-014, appointment of Richard Rhodes to the Sierra Vista Transportation Commission, said term to expire April 30, 2026, be approved. Council Member Rodriguez seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

## 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

Council Member Landry moved that Resolution 2024-015, a 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, be approved. Mayor Pro Tem Umphrey seconded the motion.

Ms. Adams stated that the application is for a multi-license acquisition of control for a restaurant liquor license. She explained that restaurant liquor licenses are not commonly transferable, but when it is an acquisition of control and merely a corporate shake up, they do allow for this and that is why this is allowed for a restaurant liquor license. This application is for several Applebee's throughout the state, but to the City of Sierra Vista located out by the mall. The notice of this public hearing was posted on the facility for the in-excess of the required 20 days and to date, there have been no comments pro or con received. The Police Department has no objection to this license acquisition moving forward and if approved, it will be returned to the State for final action.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

#### New Business

#### [Item 4](#) Discussion and Possible Action of Resolution 2024-016, Authorization to Take Legal Action Against Edwin Groover

Council Member Rodriguez moved that Resolution 2024-016, 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, be approved. Council Member Benning seconded the motion.

Mr. Williams stated that this item is to authorize the City Attorney's Office to act against Edwin Groover, a Cochise County resident who in January 2024 recorded two liens against the City. Neither of these liens have any basis in law or fact, they are groundless, but absent of voluntary retraction by Mr. Groover, the City must take legal action against him to have these set aside and removed from the City's chain of title. Approving this resolution would authorize the City Attorney's Office to act against Mr. Groover, including the retention of outside counsel as appropriate.

Council Member Johnson asked if the City would we be pursuing damages against Mr. Groover for filing fees, etc. Mr. Williams stated that the Statute that authorizes these types of actions also includes monetary penalties and awards of attorney's fees, if successful. Therefore, yes, the City will pursue damages.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

#### [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

Council Member Benning moved that Resolution 2024-017, 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, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. Slania stated that this resolution is an amendment to Council's previously approved resolution authorizing the proceedings. This reflects merely a change in the name of the firm doing the underwriting and the change to designate from 2023 to 2024 so that it is accurately reflected in the bond proceedings. Nothing else about the proceeding has changed. With Council's permission and direction, if granted, they will proceed with an official statement and answering document to proceed with the bond issue. All the proceedings of the Sierra Vista Industrial Development Authority do not result in any credit or analysis and no financial risk to the City or to the Sierra Vista.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

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

Mayor Pro Tem Umphrey moved that Ordinance 2024-003, adoption of proposed Development Code text amendments, Administrative Modification of Dimensional Standards, Section 151.04.005, be approved. Council Member Benning seconded the motion.

Mr. McLachlan stated that this ordinance puts into effect the development code changes that were previously considered on February 8, 2024 and put out for a 30-day comment period. No feedback has been received to-date. The essence of the proposal is to provide for an administrative modification to residentially zoned properties that adjoin a platted right-of-way that exceeds the minimum required right-of-way width under the development code. Essentially, the amount of the reduction would be proportionate with the space between the owner's property line and the back of the sidewalk, which functions as de facto yard space. If there is no sidewalk, the Department would determine its ultimate location based on the applicable cross section. The Planning and Zoning Commission did consider these amendments and unanimously recommended approval. Also, staff recommends adoption as proposed.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

#### Call to the Public

Mr. William Delicato who serves as the Chair of the Sierra Vista Transportation Commission and is an active community member of the Environmental Stewardship Commission and U.S. Service Member, stationed at Fort Huachuca, stated that he has heard the perspective that the City's public transit system is unprofitable and a burdensome expense to the City in the amount of \$400,000, which is being subsidized. He further stated that this perspective is only looking at it from one side because when an item costs a system, whether it be a city or a company, but does not return profits, it is known as an economic liability. Most of what the government does, whether it is local or national, involves liabilities. The exception is the tax base, which is the economic asset, and for as much debate people have about public transit earning an income, the roads do not turn a profit. Both new construction and maintenance of roads are economic liabilities. The counter to that argument often centers around the view that cars are a source of freedom and an economic driver. The City is structured so that citizens must use cars to go anywhere; therefore, each citizen is burdened with a \$10,000 tax just to move around and exist within the city. The burden is felt more acutely by the poor and marginalized populations and those who are unable to drive, including youth, elderly and disabled. These items are undertaken to provide a return on investment, whether for a company or for a city, and when

employees have access to public transit, they show increased productivity and businesses have access to a broader and more diverse hiring pool. Lastly, he stated that the public transit system does cost the city money and its citizens, and it is about .2 percent of the annual budget. The returns to the City include a more productive tax base, improvements to health, and benefits to the environment and climate.

#### Comments and Requests of the Council

Council Member Messmer announced the Easter Eggtravaganza at Veterans' Memorial Park on Saturday, March 30, 2024 from 9:00 a.m. until 11:00 a.m., and the Spring Bazaar at the Ethel Burger Center also on Saturday, March 30, 2024 from 9:00 a.m. until 3:00 p.m. In closing, she wished everybody a Happy Easter.

Council Member Johnson reported that the Economic Development Commission met on March 20, 2024 and the commissioners have been tasked with updating the Plan for Prosperity from 2018, and the recognition for veteran women's and minority-owned businesses for the coming year. Additionally, the commissioners discussed with Dan Valle the Sonora Fest, to have it kicked off, but there are some issues to address, especially on the Sonora side. He also reported that the Environmental Stewardship Commission met on Wednesday, March 27, 2024 where Mr. Jones was voted in. He noted that the Commission is discussing recycling as it is currently privatized and not very well participated in, as well as water issues, and elected Mr. Spearman as the chair of the Environmental Stewardship Commission. In closing, she wished everybody a Happy Easter.

Council Member Landry thanked the Girl Scouts for leading the Pledge of Allegiance, thanked Dr. Rhodes for joining the Transportation Commission, and noted that there are a lot of commissions and encouraged people who want to get more involved to apply, to attend a meeting, or check it out online. She announced that the next Transportation Commission is on May 1, 2024 at 3:30 at City Hall in the upstairs conference room. She shared that earlier in the day she attended Coralee Knippel's retirement ceremony at Animal Control. Ms. Knippel started off as a volunteer dog walker, became part time, and then full time, who has been a huge part of the foundation of what makes the shelter what it is. She thanked the volunteers and noted that it is important to have volunteers at the Animal Shelter. The Animal Shelter has a cat room and dogs and there are so many different things to do in taking care of them, showing them love, and in socializing them so that they may be adopted, a thankless job. In closing, she shared a quote, "we can judge the heart of a person by their treatment of animals".

Council Member Rodriguez stated that he would like to discuss the Youth Commission at a work session regarding its future, thanked the Girl Scouts who did a great job in leading the Pledge of Allegiance, announced the Cars for Kids in the parking lot of Hobby Lobby/Cal Ranch/Dutch Brothers on Saturday, April 6, 2024 from 8:00 a.m. until 10:00 a.m., and noted that this year there will be a youth category open to teenagers that have cars that want to show them off at no charge because the fee was waived for the youth due to the Boys and Girls Club and the FOP, which is greatly appreciated. He also thanked the people who have been picking up trash on Fry Boulevard, announced that the Gridiron Desert Elite Youth Flag Football League is going to have their end of season celebration on Saturday, March 30, 2024 at Coach Hampton Field from 5:00 p.m. until 9:00 p.m., where there will be multiple games going on, along with a bounce house for the kids, and a few celebrities. He thanked Transit personnel who were taking a CPR class at the at the Fire Station a few Saturdays ago. He added that CPR classes are offered on the third Saturday of the month at Fire Station 203. He thanked Deputy Police Chief Boutte and Ms. Coralee Knippel, Kennel Tech at Animal Control, for their services, thanked the Parks staff

for taking care of the parks, and noted that Veterans' Memorial Park looks great, ready for the Easter celebration. Lastly, he reported on the Boys and Girls Club's Passport to Manhood Lunch, a great event that was sponsored by Doctor Squatch, a men's hygiene line. The Club applied for the grant, and they are the first Boys and Girls Club to ever receive the grant. Lastly, he noted that there were local donors sponsoring the eight weeks where the young men vouched to make it through the program.

Council Member Benning rooted Arizona playing Clemson, thanked Pastor McPeak for his blessing, thanked the Girl Scouts and stated that it is great to celebrate the year of the Girl Scouts, 112<sup>th</sup> years, as Women's History Month is closed. He quoted Eleanor Roosevelt, "the future belongs to those who believe in the beauty of their dreams". The Girl Scouts teaches that to those young ladies who then become outstanding leaders and members of society and community. In closing, he thanked the Girl Scout leaders around the City and the country for doing what they do, shaping future leaders, CEOs, and presidents one day. In closing, he wished everyone a Happy Easter and a blessed weekend.

Mayor Pro Tem Umphrey reported on the Meet and Greet on Thursday, March 28, 2024 at the Farmer's Market, where questions were asked about Roadrunner Park, State Route 90, etc. She commented that she met visitors to Sierra Vista making their way to the Farmers Market along with a lot of new Sierra Vistans. She thanked the Girl Scouts and noted that she recognized one of them from the sixth-grade field trip that played the part of Director of Public Works. She shared that she was a Girl Scout too, and Council Member Benning is right about the Girl Scouts/future leaders. In closing, she wished everyone a Happy Easter.

Mayor McCaa wished a Happy Retirement to Deputy Police Chief Boutte and congratulated Deputy Police Chief Armin Lewis, wished a Happy Retirement to Coralee Knipple, and thanked Mr. Potucek for his knowledge which he shared at the Cochise Conservation and Recharge Network Strategic Planning Session on Wednesday, March 27, 2024. He commented that some of the things that Mr. Potucek shared left him wondering how he can keep track of water and every agency in the County and what they do, which is remarkable and once again publicly thanked him and stated that he is a treasure jewel to Sierra Vista. In closing, he wished everyone a Happy Resurrection Day and a Happy Easter.

#### Adjournment

Mayor McCaa adjourned the March 28, 2024, meeting of the Sierra Vista City Council at 5:35 p.m.

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Clea McCaa II, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

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Jill Adams, City Clerk

A recording of the Council Meeting is available at:  
[https://www.youtube.com/channel/UC8PtUpIbkQsixIhSy-jeR\\_Q/videos](https://www.youtube.com/channel/UC8PtUpIbkQsixIhSy-jeR_Q/videos)