

Sierra Vista City Council  
Work Session Minutes  
June 8, 2021

1. Call to Order:

Mayor Mueller called the June 10, 2021, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Rick Mueller – present  
Mayor Pro Tem Rachel Gray – present  
Council Member William Benning – present  
Council Member Gregory Johnson – present  
Council Member Angelica Landry – absent  
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Adam Thrasher, Police Chief  
Matt McLachlan, Community Development Director  
Tony Boone, Economic Development Manager  
Jennifer Osburn, Budget Officer  
Judy Hector, Marketing and Communications Manager  
David Felix, Chief Financial Officer  
Corporal Scott Borgstadt, Community Resource Officer/PIO  
Gilbert Fuentes, Code Compliance Officer  
Jessica Vannoy, Code Compliance Officer  
Jill Adams, City Clerk  
Barbara Fleming, Chief Human Resources Officer

2. Presentation and Discussion:

A. June 10, 2021 Council Meeting Agenda Items ([agenda attached](#))

Mayor Mueller stated that the Council Meeting for Thursday, June 10, 2021, starts at 5:00 p.m. with the roll call, invocation, Pledge of Allegiance, acceptance of the agenda, and all standard things.

In response to Mayor Mueller, Mr. Potucek stated that he will have a few projects to report on, but of particular interest is that there will be a JPA Meeting, where members will be interviewing a candidate for the new director position at SEACOM. He added that he and Ms. Yarbrough, will be attending the School Board District Meeting regarding the Roadrunner property.

**Item 2.1** Approval of the Special City Council Meeting Minutes of May 27, 2021 – There was no discussion.

**Item 2.2** Approval of the Regular City Council Meeting Minutes of May 27, 2021 – There was no discussion.

**Item 3** Resolution 2021-041, Authorization to proceed with Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff's Office, and the Cochise County Community College District – Police Chief Thrasher stated that this is a renewal of the Intergovernmental Agreement with Cochise College and the Cochise County Sheriff's Office regarding the academy that is operated at the Cochise College campus in Douglas. This intergovernmental agreement authorizes the city to have a Sierra Vista police officer serve as a recruit training officer and receive reimbursement for overtime for the officer as well as providing the defensive tactics room and driving track at the airport for the academy. It is a standard agreement and the only change to it is the amount of overtime that is authorized as the academy will be extending by several weeks in 2022.

Mayor Mueller asked if the city is getting good quality product. Police Chief Thrasher stated that it is good quality product, and the product is the City's because it is the City's and Sheriff's Office that do most of the instructing.

Mayor Mueller stated that he wanted to make sure that this was working and noted that Police Chief Thrasher has the responsibility for quality control.

Council Member Johnson asked if CALEA has anything to do with the training of the officers. Police Chief Thrasher stated that not at the academy. CALEA has some standards regarding certain things that need to be done at in-service training once they are out of the academy. The academy is guided by the Arizona Peace Officers Standards and Training Board, and they have a set curriculum with outlines that is taught at the academy.

Mayor Mueller stated that he would not be surprised if CALEA did not have a standard that say that whoever is hired, must be a graduate of a certified police academy. Police Chief Thrasher stated that he is not sure if they have that, but that is a requirement by State Law.

**Item 4** Resolution 2021-042, Annual Equipment Financing and Declaring an Emergency – Mr. Felix stated that this is the annual equipment financing. This year the city is only financing the two refuse trucks and it must do more with the cash flow in the Refuse Fund than any other reason. The Fund has a much smaller cash balance. The City just raised rates last year in the Fund; therefore, to keep the Fund from going cash negative, the city is doing the financing.

The city received only one bid this year because of the relatively small financing, but the bid came in at 1.32 percent, which does not even match the inflation rate. The reason for the emergency clause that is done in every financing, is that the city does not get a 30-day lock on the interest rate. If it is not completed within 30 days, they will always have the right to adjust the interest rates and it will not be in the City's favor.

Mayor Mueller stated that it is his understanding that six votes for the resolution are required to make this happen. He added that any time that the financing is short-fused, less than 30-days, there needs to be a supermajority vote. Mr. Felix stated that it is for the number of seats, even with the vacancy; therefore, six votes for the resolution are required.

**Item 5** Resolution 2021-043, Accepting the Resignation of Patricia M. Olson, with regret, and Appointment of Daniel Coxworth to the Planning and Zoning Commission, said term to expire December 31, 2021 – Mayor Pro Tem Gray stated that Ms. Olson resigned for personal reasons, and the seat was opened for application. Mr. Coxworth applied, and he is being recommended by staff and herself to fill the seat.

Council Member Johnson noted that he is very qualified.

B. [Presentation on the Better Bucks Program](#)

Corporal Scott Borgstadt, Community Resource Officer/PIO, stated that because the Better Bucks Program was a Council's objective, staff was to research the feasibility of developing a voucher program and bringing it to Sierra Vista to address the homeless population and panhandling.

The Better Bucks Program started in Flagstaff. In 2013 the City of Flagstaff was sued by the ACLU because they were enforcing an old statute on the books regarding panhandling that stated that if a person is standing on a street corner holding a sign, begging for money, that it would be illegal. The ACLU's contention was that this is freedom of speech and they won. Panhandling basically became legal, but there were still issues throughout the City of Flagstaff, business owners complaining that panhandlers were harassing customers at store fronts as they go into businesses, citizens felt that they were accosted by the aggressive panhandlers, general fear, and mistrust of what was going on. Plus, there was no organized program or treatment to address the mental health or addiction issues.

The Better Bucks Program was designed to provide donors an opportunity to give directly to panhandlers without compromising their sense of social responsibility. It provides panhandlers with a list of social services, cash vouchers that are used for living essentials at local businesses, food, nonalcoholic beverages, toiletry, clothing, pet food, etc. There is also a job service coupon in the booklet and a one-day bus pass to provide access to those services. It works by having citizens purchase the Better Bucks Booklet for \$6. There are five one-dollar vouchers inside to purchase a living essential, and the extra dollar goes towards printing cost.

Receipt of the Better Bucks goes to participating stores to use the vouchers and they must be as close to the dollar amount as possible. The store will then take the receipt and staple it to the Better Bucks coupons and once a month submit it to the Better Bucks Sierra Vista organization and be reimbursed dollar for dollar for the product purchased, if they are legitimate purchases. The individual gets no change on the product and that change goes back into the Better Bucks Program to help fund it.

A mockup of the booklet was displayed. The booklet lists the sponsors and on the front of the cover is Russell's Law Firm listed as a sponsor because they provided a donation. The back page lists local service providers with an explanation that food, nonalcoholic beverages, toiletries, and clothing may be purchased. Inside there will also be a service provider page along with a one-day bus pass. Other options of the program were looked at before the submittal of the booklet:

- Solicitation permit

A solicitation permit could be required from panhandlers, but the problem with that is in addressing the problem through law enforcement only and it does not work. These folks do not have the money to pay fines after they get arrested and it does not offer any social service recommendations to them.

- Modifying the environment

Safeway used to have benches and tables out front. The manager called to relay that they were having issues with people sitting there and harassing the customers for money as they came in;

therefore, they removed the tables and chairs, and the problem went away. Modifying the environment does help in a limited capacity.

- Regulating alcohol sales

This is difficult, especially with individuals who are professional alcoholics. It is very hard to tell if they are intoxicated and there is a law in the Arizona Books that states that alcohol cannot be sold to someone who is obviously intoxicated, but it is hard to tell sometimes when a person is intoxicated.

- Provide social services

Social services can be provided to folks as Fontana, California does; however, it is very expensive and not feasible.

- Change the way you give program

Chandler and other cities in the United States are using an app that is designed in a way that allows people to donate money to folks by sending out citizen navigators, who build rapport with the panhandler/transient and try to get them services.

- Create our own voucher program

Corporal Borgstadt stated that they have come up with an idea of a variation of this with the Better Bucks Program where someone can go in and donate directly to Better Bucks through an app. They can even pick a service provider that they want that donation to go to. The service providers that will be listed in the booklet will be provided voucher booklets to entice people to come in and seek their services, i.e., filling out forms necessary to get them into housing, etc. This is the concept behind the change the way you give app. Individuals can go onto this app and delegate their funds to a specific organization listed in the booklet.

He added that he has been working with Demetri Simington who has a company that designs these things and works with the Legacy Foundation. Mr. Simington has stated that he would be willing to work on this for the city or the city could create its own voucher program. However, this program works in Flagstaff, they have done all the leg work, know the short comings and have overcome them and they are going to help the city out with this.

A slide was shown containing the names of the Sierra Vista Better Bucks Board of Directors that was created to include merchants, police, government agencies, faith based and nonprofit organizations. The Board established requirements for a nonprofit that would be interested in applying to manage the program. Application process was February 1, 2021, through March 1, 2021, and there was only one nonprofit that applied. However, it was a very good application so that Board chooses to go ahead and go with that organization.

Corporal Borgstadt stated that when he called the individual that submitted the application, they told him that it had been done without board approval and they have questions. Therefore, he attended the board meeting, and they had no clue about what he was talking about and was informed that the individual that applied was no longer with the organization. Basically, that application became null and void; however, the Sierra Vista Better Bucks Board of Directors wanted to make sure to move ahead with this anyway. It was decided to move forward and get the funding, get the program set up and then after it is all ready to go, have another application

process to seek a 501C3 to run the program.

A slide was displayed listing the service agencies who agreed to be listed in the booklet. The Good Will Job Connections was just added; therefore, it was not on the list displayed.

Needed are:

- Startup funds in the amount of \$10,000 to \$15,000

The Sierra Vista Better Bucks Board of Directors has filled out grants with the Legacy Foundation, Arizona Community Foundation, and they announce next Monday, June 14, 2021. Applications were also filled out with Long Realty, a defense contractor, NCI, and Cosco. Donations have been accepted from the Citizens Police Academy Associates, the FOP, Police Officers Association, and Russell's Law Firm, and citizens in general.

Corporal Borgstadt stated that he is very proud of the Citizens Police Academy Associates because when he made the pitch to them, they stated that this falls within their charter, the police are involved, and they donated \$500. He then took in an additional \$600 from individuals at the meeting that night.

Mayor Mueller stated that if they do not have 501C3 organization, they need to make sure that someone is double checking on the cash because that keeps them from getting into trouble. Corporal Borgstadt stated that they started accepting the money is that they partnered with the originating nonprofit in Flagstaff, the Shadows Foundation. They are acting at this moment as the fiduciary for that. Through board meetings and all this work, it was brought up that they form their own 501C3, and they are in the process of doing this. There is a board meeting on June 9, 2021, and all the paperwork has been filled out for the board to vote and move forward and form the Better Bucks Sierra Vista Nonprofit to manage the program.

- Support for the program

This program is going to need volunteers, distribution of vouchers that the Rangers have offered to do, trainers for the merchants and the Better Bucks recipients, sign holders, help with reconciling the receipts monthly, and promoting the program.

A slide was displayed depicting people at a particular area where there is a lot of panhandling going on with signs stating to not give out cash, but to donate Better Bucks so that when people ask, they can be directed to the website to purchase Better Bucks This is something that is done in Flagstaff.

A slide was displayed of a mockup of one of the flyers that will be coming out. The Sierra Vista Better Bucks Board of Directors recognized early on that this program is not just for the homeless or panhandling. There are a lot of needy individuals/families in Sierra Vista and the focus will be to promote to give to anybody in need. The flyer is Flagstaff's version, and it states that this is a better way of giving, a compassionate solution to panhandling. Sierra Vista's version is going to state that it is a compassionate way to help those in need. This will be the theme as well throughout the forms, booklets, etc.

Corporal Borgstadt stated that it is the Sierra Vista Better Bucks Board of Directors is hoping that some of the city facilities will be willing to sell the Better Bucks, i.e., City Hall, Library, Police Department. There are currently people asking for these now, i.e., church wanting to pass these out to their congregates, but they are not ready.

The program is getting a lot of support throughout the community. The launch date is October 1, 2021, and the board would like to have a booth at Art in the Park to start selling the booklets.

Council Member Johnson stated that one of the slides indicates that Better Bucks will be allowed to use up to \$10 at participating location. He asked why there is a spending limit and noted that \$10 does not go very far. Corporal Borgstadt stated that this is a mockup. The Board has not moved forward because the Shadows Foundation logo will be replaced with the Sierra Vista Better Bucks logo. He added that the Board realized that \$10 is not enough and they are going to make the limit \$20.

Council Member Johnson stated that this is more functionable for someone who needs things and will maybe accumulated the Better Bucks from a couple of people and go shopping. Corporal Borgstadt stated that the Better Bucks can be used in conjunction with cash or EBT, but the merchants must be trained to take the cash or EBT first to show that transaction and then having the Better Bucks coming off after.

Council Member Johnson asked if any research has been done with respect to what retailers will take this. Corporal Borgstadt stated that he has a copy of Flagstaff's Better Bucks Booklet that contains a list of vendors. The Sierra Vista Better Bucks Board will have the same thing. In Flagstaff they have Fry's Food, Bashas or Food City. It is also in Prescott Valley where they have included Walmart and local organizations as well. He added that he has approached Safeway, Fry's, Food City, Walmart, Target and explained the program. They have the information, but it must go up to corporate to get approval. Fry's and Bashas should be an easy sell because they are already in the program, and they have barcodes for those stores on the booklet.

Corporal Borgstadt stated that he was at a Chamber event at the mall and got hit up by folks about the program, i.e., Friends of the Sierra Vista Library for entertainment.

Council Member Johnson stated that the Better Bucks logo is trademarked and asked if the Sierra Vista will have to pay for the trademark. Corporal Borgstadt stated that the trademark does not have to be paid for, but part of the money that is needed is going to be used to pay Vicki Burton for a consultation for the first year. She will come out to Sierra Vista for a week to help in getting things set up and then be on call 24/7 if there is a question or concern.

Council Member Johnson suggested having a booth at the Farmers Market, an ideal place for people doing shopping that are socially contentious. Corporal Borgstadt stated that the farmer's market in Flagstaff participates in the Better Bucks Program, and they accept Better Bucks through the farmer's market, but he does not know how that is done concerning the receipts because they are independent contractors.

Mayor Mueller stated that some of the people that sell at the farmer's market accept the welfare money from the State as well. Some people already know how to do it.

Council Member Johnson thanked Corporal Borgstadt and stated that he thinks this is a great thing. A lot of people concerned about panhandling and the homeless population is Sierra Vista. This goes a long way to maybe preventing people from buying alcohol, using that money for drugs and cigarettes.

Council Member Umphrey stated that people who hesitate to give money to panhandlers may

be more willing to help through the program. She stated that she appreciates all the work that is being done, especially Corporal Borgstadt, whom she has seen present this program before.

Council Member Benning thanked Corporal Borgstadt for his work on the program.

Mayor Pro Tem Gray asked if the expectation is that once the City gets rolling on this program, it will basically self-fund without needing additional donations, but if so, they can go out for those through sponsorships. She thanked Corporal Borgstadt for his hard work and added that she was present during one of his presentations, which was very well received. She believes that the community as the community does with a lot of things, will get behind it and be very supportive.

Mayor Mueller stated that there are individuals doing a stellar job for the community and one is standing before Council presenting the program. He asked Mr. Potucek if the City's additional contribution, \$10k in cash. Mr. Potucek stated that the seed money that the city has been asked for from the board is \$10,000 to get the program up and running. He added that he met with Eva Dickerson and went over that, and she was very happy. It is already in the budget so there is \$50,000 line in Mr. McLachlan's budget to do this. In the larger context, staff went through and studied the homelessness situation in Sierra Vista. Council was individually briefed about this, and homelessness has many different facets associated with it. This only addresses one of those facets. Good Neighbor Alliance addresses shelter needs, but there are other facets and clearly the homeless situation, panhandling is impacting the Police Department in terms of services and number of calls.

Corporal Borgstadt stated that since January of this year, he has been keeping statistics on the number of arrests that have been made throughout the city, and through May the homeless population account for 21 percent of all the arrests made in Sierra Vista. This is a huge number compared to the population of Sierra Vista. Based on the census of 2020, the homeless population equates to about .0013 percent, but the city is making 21 percent that are responsible for the arrests.

Mr. Potucek stated that this started with a Council goal in the last Strategic Plan where a study was done, and staff had the goal of creating this voucher-type system and using Better Bucks. Council has another goal in its next Strategic Plan to try and take this one step further.

Mr. Potucek stated that he is using these numbers as an example of how the situation, while talking about small number of people, are having an impact in terms of calls for service and cost to the taxpayers in terms of what they are dealing with. Currently, there has been discussion as a group about what the next step will be that is cost effective that passes the test of common sense and that can be done at arms-length because the city is not the expert in social services or homelessness, but there are several different groups in town. He added that he had thought of putting out a contract for a single point of contact so that the Police Department could have somebody to work with that could get them to the appropriate service, i.e., job service, mental health, shelter, food, etc. The city is not far enough along yet to tackle, but these are thoughts in terms of meeting Council's goal and the next iteration in terms of what else can be done to help with the homelessness situation without necessarily being the lead dog or creating the social service program. There are many groups in town that are very good and well versed at working with people that want the help, including the Better Bucks Board. Lastly, he stated that currently it is more prudent for the city to start with this and try and have some success with this and then build from there. The numbers show that the City has an issue that needs to be addressed somehow in the future.

Council Member Johnson asked for a breakdown on the types of arrests, i.e., shoplifting. Corporal Borgstadt provided the following for the homeless population:

- Month of May
  - o Shoplifting/theft, three
  - o Criminal trespassing, 10
  - o Drug charges, four
  - o Warrants, seven
  - o Other, five that could be burglary and assault.
- Month of April
  - o Shoplifting/theft, three
  - o Criminal trespassing, nine
  - o Drug charges, 11
  - o Warrants, 12

Corporal Borgstadt stated that this is indicative for every month. A theme is being seen between criminal trespassing, drugs, and warrants, but the hard part is in getting these folks to get to their court dates. Other ideas are being worked on for this to work with the courts to entice these people to make their court dates and not tying up resources with officers and having to arrest them. However, they are now taken to Sierra Vista, but they used to be taken to Bisbee for a year.

Police Chief Thrasher stated that unfortunately when arrests are made on criminal trespass or shoplifting, they also then fail to appear to their court dates that results in warrants that translates into rearrests and then typically, this is where drug possession comes in during a search to arrest, and it continues to snowball from there. This is another issue that needs to be addressed, getting them to court.

Council Member Benning asked about the percentage of the calls for the 21 percent arrest rate. He further asked if every call equals an arrest. Corporal Borgstadt stated that he does not have the percentage of calls. Police Chief Thrasher stated that they can get this number for Council Member Benning and noted that there are many calls where an arrest is not made. An example is a call for criminal trespassing at Circle K and they want the person trespassed, the officer trespasses them, they move on their way, but they tied up the officer during that time. He would have to go through all those calls and look at them because he does not know the percentage. It is a high percentage as they deal with this on a regular basis.

Corporal Borgstadt stated that he knows for a fact that the arrests are from homeless populations because when he gets the booking sheets, he can see the list of addresses or lack of. He added that Council Member Benning request would require that they go through call by call, and it would be time intensive.

Mayor Mueller voiced his appreciation at the fact that the city is looking at the next couple of steps, which needs to be done. He stated that Mr. Potucek is right in that the city needs to look for a gate keeper to help with these services that is nongovernmental, which is going to be a chore. He further stated that the seed money, \$10k cash, will start things and he wonders what else can be done as a city that is appropriate to help launch Better Bucks or the next programs. People are on Facebook and other medias and if the city could help create a page or other things to help publish this. The city needs to pursue these efforts to get it launched. Once it is launched, the city can decide when how much time is going to be spent in maintaining the program and who is going to be responsible in the future.



Corporal Borgstadt stated that the Board is motivated for this and in anticipation of the Board voting to move forward to become a 501C3, one of the board members who has a lot of experience in this has already created a web page and a Facebook page. Mayor Mueller suggested that the city needs to link to it or support it on the city's own network/outlets for information so that they are integrated. Mr. Potucek stated that Ms. Hector is aware of the need for the city to help promote the program to get it started. Since the city is going to be a sponsor, the city will be able to help.

Council Member Benning suggested including this in the newsletter that gets mailed out. Mayor Mueller stated that he is talking about all media.

Mayor Pro Tem Gray stated that this is also great way on top of the fact that the board is doing a good job. She added that she thinks that this is a great way in addition to the other programs that are within the city. Better Bucks is a way to offer dignity to those who are not always offered dignity, so she thinks this is very compassionate and human way for the city to try and help people. Lastly, she thanked Corporal Borgstadt.

Mayor Mueller thanked Corporal Borgstadt, Chief Thrasher and a lot of members on city staff that are helping as well as members of the community who have stepped up. He noted that there is already a lot of buzz on this out on the street. The challenge soon will be on how to stay focused on where it is needed and moving forward.

Corporal Borgstadt stated that when he usually talks to groups about this, he explains to folks that this is not a government program, it is sponsored by the City of Sierra Vista. The problem with the homeless population panhandling and those folks in need throughout the city is a community problem and that is why members of the community have been chosen to help. In closing he stated that if anyone is asked about the program, he asks that this point be stressed in that it is a community issue and the community has taken the approach of trying to solve it.

Mayor Mueller noted that it is his opinion that this is a private/public partnership. Otherwise, it will not work.

#### C. Report on Recent Trips, Meetings and Future Meetings

Mayor Mueller stated that he has not been anywhere lately. He announced that the League of Cities and Towns has opened the reservations for their conference at the end of August.

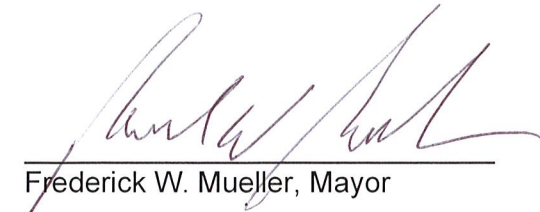
In response to Mayor Mueller, Ms. Yarbrough stated that on the calendar are the special budget work sessions starting on Monday, June 14, 2021.

#### D. Future Discussion Items and Council Requests

Mayor Mueller stated that there still needs to be discussion on the Economic Development Commission/Advisory Council/whatever it is going to be called. He suggested meeting on this after the budget. Mr. Potucek stated that once getting through the budget, end of June and stated that staff will have options available to Council by the August timeframe.

### 3. Adjourn

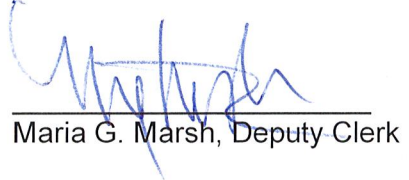
Mayor Mueller adjourned the City Council Work Session at 3:44 p.m.



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Frederick W. Mueller, Mayor

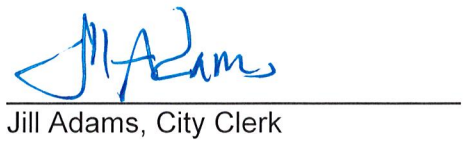
Minutes prepared by:



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Maria G. Marsh, Deputy Clerk

Attest:



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Jill Adams, City Clerk