

Sierra Vista City Council
Work Session Minutes
September 7, 2021

1. Call to Order:

Mayor Mueller called the September 7, 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 – present
Council Member Mark Rodriguez - present
Council Member Carolyn Umphrey - present

Mayor Mueller explained that he knows that roll call is not normally done during work sessions, but he thought it would be good for the record.

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Kilberg, Parks, Recreation and Special Events Manager
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Judy Hector, Marketing and Communications Manager
Tony Boone, Economic Development Manager
David Felix, Chief Finance Officer
Jennifer Osburn, Budget Officer
Jill Adams, City Clerk

2. Presentation and Discussion:

A. September 9, 2021 Council Meeting Agenda Items ([agenda attached](#))

Mayor Mueller stated that the Council Meeting for Thursday, September 9, 2021, starts at 5:00 p.m. with the call to order, roll call, invocation, Pledge, and the acceptance of the agenda.

In response to Mayor Mueller, Mr. Potucek stated that he will be reporting on the City's EMS Substation Project that is scheduled to kick off next week and hopefully will be done in the springtime frame. There has been a lot of work put into the project, so it is great to see that happening. The Fry Project is proceeding and if the rains stay away, the project can get done more expediently. He added that in the morning he attended the Advisory Review Board Meeting with the County, and it appears that the County system finished in the black last year. The supervisors are still owed about \$1.3 million and about half of that will be paid this year with the fund balance that was generated, hopefully by the end of next fiscal year and certainly by

the fiscal year after that the obligation will be met and should help to maintain stable tipping fees going forward.

Item 2.1 Discussion and Possible Action of the Regular City Council Meeting Minutes of August 12, 2021 – There was no discussion.

Item 2.2 Discussion and Possible Action of Resolution 2021-058, Designating the City of Sierra Vista as the official Destination Marketing Organization (DMO) for the City of Sierra Vista – Ms. Hector stated that the resolution is essentially a housekeeping item. The City of Sierra Vista began acting as its own Destination Marketing Organization (DMO) in 1990-1991. According to the Arizona Office of Tourism, A DMO is defined as a not-for-profit organization or governmental unit that is responsible for the tourism promotion and marketing of a destination on a year-round basis, has a dedicated marketing budget, and has a website, microsite, or social media presence. The City of Sierra Vista has all three of these things and has for years, but staff were unable to locate an official action that designated the city as its DMO. By officially designating Sierra Vista as its destination marketing organization, the city will be recognized by the State Tourism Office as the official DMO and thus remain eligible to apply for and participate in AOT Programs, such as the Rural Co-op Marketing Program, trade shows, FAM trips, grants, and other future opportunities.

Item 3 Discussion and Possible Action of Resolution 2021-059, application for a Location/Owner Transfer, Limited-Liability Company, Series 7 Liquor License for Cary Leroy Brown on behalf of BASH Enterprises LLC dba Urban Axe Yard – Ms. Adams stated that this application is for a series seven, which is a beer and wine bar liquor license/axe throwing store. It is located near Harbor Freight where the Spirit Halloween Store was located a few years ago. The notice of the public hearing was posted on the facility. It had originally been scheduled to be heard during the second meeting in August, but when that meeting was cancelled, staff reposted the notice for Thursday, September 9, 2021. There have been no comments, pro or con from the public. The Police Department has done their background check and has no objection to this license going forward, and if approved on Thursday, September 9, 2021, it will be returned to the State Liquor Board for final action.

Mayor Mueller stated that it sounds great as axe throwing is fun, but he has never done it with drinking at the same time. Ms. Adams stated that from what she can see from the drawing, is that people can drink and then go into the throwing room, so it is not at the same time kind of thing.

Item 4 Discussion and Possible Action of Resolution 2021-060, Declaration of Intent for the Increase of Sewer Connection Fees and declaring a 30-day public record – Mr. Felix stated that as discussed before in the prior resolution back in June, it has been many years since the city has raised its connection fees for the sewer system. Since then, construction costs have gone up significantly. He added that this resolution is to bring them back in line, but instead of doing a one large sixty plus percent increase based off the construction cost index over the last ten plus years, the city is phasing it in over a three-year period, about a fifteen to twenty percent each year. State Law requires a public hearing notification and Council did that and passed the resolution. There have been no comments so far and it has been on record with the City Clerk for the past sixty plus days. It has been noticed on the website and the city has received no comments at all on this.

Mayor Mueller asked if this is a fee for new connections. Mr. Felix stated that it is to connect new connections to the current infrastructure, and it is to have planned for the expansion of the

current plant. The original one had the package plant at \$10 million. This would be moved to expanding the current plant.

Council Member Umphrey asked about the last time there was an increased. Mr. Felix stated that it was in 2009.

Item 5 Discussion and Possible Action of Resolution 2021-061, Official Intent to be Reimbursed for Certain Capital Expenditures – Mr. Felix stated that this is the city's annual resolution that is passed every fall. The city purchases equipment throughout the year, packages it, and decides whether it needs to be financed at the end of the year. Based off last June 's interest rates of less than one and a half percent, it is kind of almost free money, and a good idea to do it, but if the city does not need to finance it when rates are higher, then the city does not do it. However, to have that option, the IRS requires that a reimbursement resolution be passed stating the intent to reimburse for the purchases that are done during the year. If Council does not pass this resolution, any items bought more than thirty days prior to the actual financing cannot be financed and it is not an option. This gives the city flexibility in how to do it. The city also does the financing at the end of the year, and last year was the perfect example in that the city only needed to finance some refuse trucks for cash flow for the refuse fund, and those trucks came in August. Therefore, the city would have financed them in June, July of 2020 and paying interest for over a year with no equipment, which is exactly why the city does not do the financing upfront. The city cashed out every other piece of equipment.

Item 6 Discussion and Possible Action of Resolution 2021-062, Authorization for the City Manager to execute a Memorandum of Understanding with Bureau of Land Management, Fort Huachuca, and Cochise County concerning water and ecological conservation – Mr. Potucek stated that this is a significant resolution that authorizes the city manager to sign a Memorandum Of Understanding in a Cooperative Agreement with Fort Huachuca, Cochise County, the City of Sierra Vista, and the Bureau of Land Management in support of the Bureau of Land Management's Resource Management Plan, which was approved in 2019, particularly as it pertains to water and the health of the river. Central to this agreement are provisions that identify 14 reaches of the river with a criterion established to determine the relative health of each individual reach, and then if there is an indication that a particular reach is in a state of some sort of distress, it triggers a mechanism whereby the cooperators, in this case the four signatories would then get together to discuss active management proposals to help deal with the state of the river in that reach. It does not commit the city to any funding or any courses of action. It just commits the city to work cooperatively with the other partners to try and address the problem and solve it. This agreement has been many years in the making and a lot of efforts went into it, particularly Mayor Mueller and Miss Yarbrough, who worked on this as well.

Mr. Potucek thanked the city's water and environmental attorney, Sara Ransom, who had a major hand in drafting and helping to negotiate some of the stickier points of the agreement. He added that he believes that this provides a good path forward for the city to move on, not only protecting the river, but protecting Fort Huachuca, the local economy, and the orderly development of it in the future.

Mayor Mueller mentioned that Council met earlier and had some lively discussion and questions.

Council Member Johnson asked if there is a timeline as to the other three signatories if the Council decide to have Mr. Potucek sign it on Thursday, September 9, 2021. Mr. Potucek stated that a lot of discussion has been focused on implementation of this Plan and the various

signatories and how to proceed with this. He added that he believes that the city will be first in the shoot on Thursday, September 9, 2021. The County is scheduled for the following week, and they will be voting at that time. The Fort and the BLM will sign during the signing ceremony scheduled for Tuesday, September 21, 2021 at the San Pedro House. Lastly, he stated that this has extreme importance and he felt that Council should weigh in and have a vote on this.

B. Discussion on Final Report FY20-21 Strategic Plan

Ms. Yarbrough stated that she is very pleased to present the final report on Council's previous Strategic Plan FY 2020-2021 and noted that out of the 40 or so initiatives and sub initiatives, there were only four that ended up being marked on hold or behind. One was on business incubation, which was accomplished in a different way without the assistance of the city; a shop local campaign because the pandemic held that one up, but staff were able to do some other things in relation to the pandemic, and it carried over to the next Strategic Plan; the item on homelessness, which was also carried over to the next Strategic Plan. There were 16 items that were marked as ongoing because she decided to mark things on going if they are going to continue as part of a regular work plan, and it may not be quiet right to mark them as complete, which may indicate that it is something that is finished. There were also words in each of the items on how it would continue or next steps or so on. There were 16 items that were marked complete, and four that were marked as scheduled for completion in the current fiscal year, which included the construction of the EMS Station, Phase One of Fry Boulevard/Avenida Escuela construction, and the Storm Water Master Plan completion that will all be done in the current fiscal year.

Staff was successful in finding and identifying the Engage Sierra Vista Platform, which statistics show the usership increasing steadily. Overall, staff enhanced social media strategy in several areas, both the city's and in different departments.

In the enhanced focus area, there are four projects that will be completed this fiscal year. In addition, staff was successful in identifying multi-use path funding through the Federal Transit Administration, which is something that has been on strategic plans for at least the past ten years.

Renegotiation of the Tribute Specific Plan was accomplished, the new Parks Master Plan that Council voted on, and the partnership with the Sierra Vista Unified School District led to two land purchases over the past couple of years. The process to purchase the land adjacent to Road Runner Park is almost completed, and the partnership with the School District will continue.

The success of the West Sierra Vista Redevelopment Area was demonstrated in the empower focus area as staff are working on developing partnership opportunities with higher education, and we have multiple potential projects to positively impact the community.

Under the enjoy focus area, the Parks, Recreation and Library staff were very successful in elevating several events with rather significant participation increases, as well as the successful implementation of sports, tourism prioritization.

Mayor Pro Tem commended staff on what was accomplished on this Plan. She added that she

thinks that it is great as far as the incubators are concerned because being seen is that private industry, and private people in the community can do something on their own without the help of government and that is not a bad thing.

Council Member Johnson stated that the report was wonderful, and it is a great update as to how the city is progressing on the Strategic Plan. He referred to page nine of 18, engaged economic development stakeholders, and noted that there was a work session regarding the implementation of an Economic Development Advisory Council, group committee, or whatever Council wants to call it, and he wonders how that is progressing. Mr. Potucek stated that the item will be on the next work session, September 21, 2021. He explained that he and Mr. Boone have been working on a proposal as to how it will proceed, and they will make a recommendation at that time, but he thinks that they have a solid proposal for Council.

Council Member Landry stated that she thinks that it is been neat to see how things have progressed and how things have been checked off. She added that she really likes seeing the participation for some of the events increasing, and she is looking forward to seeing how it increases next year or two.

Mr. Potucek stated that this report reflects the value of the strategic planning process to the organization and to the city. It really has some concrete goals for the city to achieve and timelines attached to them, and as a result a lot of things are getting accomplished. He added that this a great process, as well as the next Plan that Ms. Yarbrough will go through.

Mayor Mueller stated that it also reflects a lot of good work from the staff. He thanked staff and the leaders on the staff for all the good work that they have done.

Mayor Pro Tem Gray referred to 8.2 and noted that it is on hold for the next Strategic Plan. She added that to her, this is more of an ongoing thing. Ms. Yarbrough stated that she left that there because that was what was on the previous report and she didn't change it, but there is a goal included on the next in the next one.

Mayor Pro Tem Gray noted that the city always continuously working on this item.

Council Member Benning stated that Council had that great report from the intern on the different partners that the city has, and the different elements that the city already has in the city. Therefore, he agrees with Mayor Pro Tem Gray in that it is ongoing. Mayor Pro Tem Gray commented on the continuing of care and in starting to meet regularly again and becoming more organized.

C. [Discussion on Implementation Plan for FY22-23 Strategic Plan](#)

Ms. Yarbrough stated that this Plan looks different from the last Plan because it was setup differently. In the previous Plan that was wrapped up, Council was involved in setting the goals and then Council left, and staff developed the initiatives, which was then seen by Council when they approved the Plan and expressed what they would like to see different the next time. When this Plan was developed, the goals were developed as a group and then Council was also involved in setting the initiatives. The language of the initiatives did not change from the Plan that was approved, and that expressed itself a little differently with how the implementation plan was then written. The initiatives are how the goals are accomplished that are in the Plan so. This gives a general road map on how the city is going to go about achieving the initiatives,

which are going to achieve the goals that were set. There are a lot of words used in the Plan that are, “develop”, “evaluate”, or “analyze”, and that is generally what will happen for many of these initiatives over the next year, with action then coming the following year. Not in every case, but that is often how it works.

Some of the initiatives that were developed with the Mayor, Council and staff were very specific, and there was not much to add when the implementation steps were written. Some good examples of that are where, Goals two and three which were on an ASRS and the PSPRS, and then maintaining a strong bond rating in general fund reserves, and so initiatives A and B on number two and A, B and C on number three were very specific. There is not a whole lot more to add, and that is why there is not a lot of detail on those specific items. It depends on the goal, and it depends on the initiative as to how much detail was given.

Council will receive continued updates every six months as some of these will end up in executive reports as well. Questions are always welcomed, and information may be shared on any of these items at any time.

Mayor Mueller stated that Ms. Yarbrough just stated that she is available and encouraged Council Member to go through this Plan and to think about it. He added that usually his problem with these is that it so detailed and he tries to remember what was discussed, what was really the goal, and it takes him time to digest and come back and ask questions, either of the city manager or the appropriate department head.

Mayor Pro Tem Gray thanked staff for their hard work and for listening to Council. She stated that she enjoyed this process and felt that she had more of a voice in going forward with this one, and she really appreciates that. Council Member Umphrey concurred and noted that this time around it was different and likes the way that the strategic planning was done.

D. [Discussion on Council Policy and Procedure Manual and Chapter 30](#)

Ms. Adams stated that it has been about four years since the Council’s Policy and Procedure Manual was updated. Some of the information had become dated and needed updating, therefore, she is bringing it before Council along with Chapter 30 of the Code of Ordinances because there are some inter relationship with some of the changes that have been requested in the Council Policy and Procedure Guidelines. The main changes that are in this document other than little nips and tucks are:

- Change in the appointment of the mayor pro tem and to have that position not be a council resolution. It would be a mayoral appointment.
- The city no longer rebroadcasts Council Meetings on channel twelve at this time, and therefore that has been deleted.
- There has been an insertion of the electronic attendance at council meetings and work sessions because of the capability of either WebEx or telephonic participation.

Ms. Adams asked if there should be any guidelines as to when WebEx or telephonic participation can be used, and whether it is for Council, staff, or the public. There is a lot more available to the city to let people attend the meetings that was not there before.

Mayor Mueller referred to page 10, 30, paragraph J, Council Chambers Audio Visual System, which has the capability to allow council members, staff, or public attendance via WebEx. He added that there is also an option for attendees to participate by phone, which has already been done and he thinks that it is moot point. He also stated that he believes that if Council is following the Roberts Rules of Order, generally, then they are ok. He asked if there are rules as to what can be submitted over the phone or whatever else from the public. Lastly, he stated that he does not really have an opinion, but if they can get as close to whatever it would be in person, he does not have a problem with that. He noted that people have called in and done presentations over the phone or electronically.

Ms. Adams stated that generally they have been arranged in the in advance, and that is one of the things that needs to be in the manual. Mayor Mueller stated that Council is very accepting of people presenting, no matter the subject, if it is a Call to the Public, which is still five minutes. If it is somebody that is working with a staff member to present an item there be a little more leeway, whether it is a phone call or presentation. The rules that are followed in person probably should apply as much as applicable to those that do it electronically. Council Member Benning agreed.

Council Member Johnson stated that his only concern is the public attendance via zoom because they already have that ability on You Tube, but as far as participation, he does not know. Maybe a presenter is ok. Mayor Mueller stated that a presenter for an item on the agenda is fine, but a Call to the Public is really the challenge due to not knowing ahead of time that somebody wants their five minutes.

Council Member Johnson stated that this would be the only thing that would concern him because Council did have a presenter from Tucson when Council was discussing the grant funds for the various, not for profits. Mayor Mueller noted that it was probably a staff presentation, not part of a Call to the Public.

Mayor Mueller stated that the challenge to Call to the Public is that Council wants the public to talk to Council, but the problem with that is that if they get the idea on the same night that they are listening to a presentation by staff, and they want to call in or buzz in, there is no way that it can be done effectively. It must be prearranged.

Council Member Benning asked if the ability to turn on a switch, basically a screener for people calling in to do a Call to the Public or on an item like they do at a radio station and have that person on hold waiting. Mayor Mueller stated that he is unsure if the city has that capability. Ms. Adams explained that there is an extension of the phone system for after hours. There is no one answering it after hours that could transfer a call.

Mayor Mueller stated that if someone wants to call, they almost must arrange it the Tuesday before to be able to be there.

Council Member Johnson voiced his concerned about prank calls.

Council Member Benning stated that on WebEx, people can call into the WebEx, and they can be put on hold, and screened on the WebEx.

Mayor Mueller stated that the easiest way to do it is to do it just like it is currently being done, where if someone wants to make a comment, they can either make a comment at the meeting or before the meeting and have it placed in Council's packets, which is the best way to do it.

Council Member Landry stated that it might be interesting to see what some of the other cities are doing and if they have that option. She noted that on the bottom of the agenda, it says that for special needs or accommodations, to please contact Jill Adams, City Clerk, 72 in advance prior to the meeting or activity.

Mayor Mueller asked Ms. Adams if she has done any research with other cities. Ms. Adams stated that she has not because she wanted to feel this out first. She further stated that part of the issue too with the WebEx, is that the city might not set up a WebEx if it is not known that people are going to call in. The preregistration would go a long way to help it out, but she can do some research.

Ms. Adams stated that another request that she would appreciate Council's input is on the requirement of an Open Meeting Law training on a regular basis of Council members. Currently there is no language in the manual other than council members will abide by the Open Meeting Law. She added that usually the council as part of the new council orientation will go through an Open Meeting Law training and that is usually about it.

Mayor Mueller stated that the initial training is critical, and it is good to have that. When there are changes, council tries to have the lawyer come talk to Council and explain what those major changes are, but there have not been any real major changes for some time. He then asked Council Member how they feel about a refresher and if it should be required. He added that he would hope, that if somebody felt they needed a refresher, that they would be able to get with Ms. Adams and then arrange for appropriate training or discussion or whatever it may be, rather than requiring council members to every two years to go to a class.

Mayor Pro Tem Gray asked if the handbook states that a council member is required to attend the initial training. Ms. Adams stated that it does not.

Mayor Pro Tem Gray stated that thing might be something that Council may want to consider because that affects Council and maybe, given the option for training with staff because she is assuming that Ms. Adams would be conducting the training periodically. Ms. Adams stated that it would either be herself or Mr. Williams.

Mayor Pro Tem Gray suggested having that option and noted that she personally likes refreshers because things do change that she might not even be aware of and with technology and the way that it is constantly moving, new things come up and new questions are pertinent to Council. She added that she would be comfortable if initially council members were required to take training for Open Meeting Law because it is important and then a possible refresher that council members can opt to attend or not.

Mayor Mueller added that it could also be requested by the Council any point.

Council Member Johnson stated that when he got on Council, he had to sit through some rather boring sessions from the Arizona League of Cities, and he did that through his phone. He added that there is a newly elected officials training for Open Meeting Law on December 11, 2021 and it is a two-hour presentation. He further added that he does not think that council should have mandatory refreshers.

Mayor Pro Tem Gray stated that she is not proposing mandatory refreshers. She is proposing mandatory training at the beginning.

Council Member Landry stated that if the training is done by the city, they there is more control on how it is presented and having the option to do it virtually.

Mayor Mueller stated that he thinks everyone understand that it is important to train on the Open Meeting Law, especially with the Records Law and the different types of media that is used. He added that he is in favor of an initial requirement, but not really in favor of a mandatory refresher. However, there needs to be refreshers available because things may change, or as in his case, forget.

Council Member Umphrey noted that it is true, and the League posts the new and updated ones on the League's YouTube page. Mayor Mueller noted that the League is a good source, and that is where council gets most of its instructional material.

Council Member Benning stated that if the training is posted on the city's website, it will allow the community to learn more about it as well. If someone has a question, they will know where to go now and they can take the training themselves because some are misguided or do not know what it is about.

The next major change was to update the Board and Commission Section to bring it in line with the changes in the system that Council approved a year and a half ago. This is standard and that information may be transferred over to layout the regulatory and nonregulatory commissions.

Ms. Adams stated that there was a question about rules related to use of personal electronic equipment.

Mayor Mueller referred to page 15, paragraph A and sub paragraphs one through four with language that has been stricken out. He noted that the numbers below the two and three need to be changed.

Ms. Adams stated that the discussion is held on a regular basis, to the consternation of IT, when the city gets new council members and existing council members about the provision of city-issued electronics for use of tablets for packets. Generally, most individuals like their own equipment and there are ways that it could possibly be worked out where the city could allow that to happen; however, IT does not like having outside equipment hooking into the city's network. This has become an issue on a regular basis with council members. The city has the equipment to give to each council member, but if council prefers an iPad over a Droid or their phone over the city-assigned phone, then this needs to be talked about.

Mayor Mueller asked if the issue is not the preference of council members wanting to keep their own phone or laptop. Ms. Adams stated that he is correct.

Mayor Mueller asked if the issue is that the city offers laptop X and because somebody prefers another system, they want to get the one that is offered by Y, which causes the purchasing folks to buy a Y device rather than the standard X device. Ms. Adams stated that the city does not generally buy it. She added that an example is a person that likes Apple and then there are people who like everything else, and the city does not do Apple, and therefore, people with Apple preferences are forced to use androids or Microsoft or whatever is the equipment that the city uses. This has been the issue and a lot of it is just preference and user knowledge too because people know how to use Apple and there are some differences.

Mayor Pro Tem Gray asked if the city is not buying that. Ms. Adams stated that she is correct. The city is not buying Apple.

Ms. Yarbrough added clarification and stated that she and Jill have had a lot of discussions on this over the past couple of years. This stemmed out of some previous council members and nobody who is currently on Council, who had had difficulty using some of the technology that they were required to use. The city requires the use of tablets and phones to access the city network. Therefore, staff wanted to pose the question to Council, whether Council wants to allow the use of personal devices, understanding some of the restrictions that that will come with. This would open some of council's personal information to public records requests, but the city does have security options to offer if council members choose to do that. If a council member is more comfortable using their iPad or personal laptop at home, they could be given that option and the city could make it so if you understand that the some of the restrictions and challenges that come with that.

Council Member Johnson stated that he would go for that.

Mayor Mueller stated that he does not have a problem with Council Member Johnson doing his own thing on his own equipment, but he must realize that part of that is going to be public documents and he could be required to provide copies or whatever electronic means based on an Open Meeting request. He added that if the council person is aware that if he is doing council business on the phone or laptop, that it is public information and subject to be able to be accessed by anybody. If they are ok with that, then he does see a problem with it, even though it is probably a pain in the neck to make sure that Council as a city government can ensure that that it is provided to the public.

Mayor Pro Tem Gray asked how it would be handled if someone asks to see correspondence between council members during a council meeting, or whatever, and they have their personal device. Ms. Adams stated that if a public records request is submitted to her and it referenced any information that she needs to get from a council member, she would put that out via email that she has a public record request that would cover emails, texts, any other notes, documents that the council member would have on their own private equipment and that council member must provide those to her and then she would provide those to the to the individual requesting it. There is also retention that must be considered because if a council member creates work-related documents, there is a multiyear retention period that those must be kept, whether it is on those or whether they are uploaded to the city if the council member goes off Council. There are different things that can be done, it can all be fixed. The main thing is that they are open for public scrutiny and on some levels, if people are challenging things, the devices may have to be temporarily surrendered, and then given back. If there is any other document that a city employee creates, there is that overlap of personal or that they may think it is theirs and they say something that they do not want to say, it cannot be deleted or part of it. It is a full public record that must then be the council member's responsibility to maintain that as such.

Mayor Pro Tem Gray stated that currently on the city phones and this is all just for clarification because she knows what she needs to do, but currently the city cell phone numbers are published for the public to be able to get ahold of the council member. She asked if that would be a requirement for personal cell numbers if a council member were to use their personal device. Ms. Adams stated that it would not, however, it is out there when running for office. Switching over to city equipment provides a buffer where people are not necessarily calling council members on their home phone. This is one of the nice things about having city issued

equipment because then this is for council's city life, and they still have a private life available to them.

Council Member Johnson stated that he has only had one conversation on the city-issued phone and that was with Mayor Mueller when they were trying to set up an appointment. The rest of them are voicemails about his automobile insurance. The other thing too is that on the tablet, he looks at the reading room and that is all that he does. He noted that he does not use it for anything else, and if he could download it on his MAC, iPad or phone, life would be a lot easier because he ends up forwarding a lot of stuff to himself, i.e., the agendas for example so he can print them.

Mayor Mueller stated that all of council uses their devices differently and for different things, and that is part of Ms. Adams' challenge for a standard that is going to suit everybody. Ms. Adams stated that it can be done. The whole idea is to have a policy that allows Council to do their best work and be most comfortable if the responsibilities are understood.

Council Member Johnson stated that he knows how electronic media can be construed as an open meeting, or conducting business amongst a quorum, and that is not permissible under the Law. He added that he also knows that if he belongs to a website and everybody else is a member of that Facebook website, it is possible that there could be conflicts. Council must remember to operate in the Open Meeting Law personally and forget about who is conducting business electronically.

Mayor Mueller asked Ms. Adams about her recommendation. Ms. Adams stated that with some guidelines and with input from IT, that there could be accommodation to allow it, but there would have to be some guidelines as far as retention and how the documents and any correspondence and all that kind of stuff is maintained.

Ms. Yarbrough suggested putting together for Council the requirements for using personal devices and the guidelines for public records retention.

The last major section that was changed was courtesy of Mayor Pro Tem Gray, a social media policy. Mayor Pro Tem Gray stated that this has nothing to do with anyone who is currently on Council, but she is looking into the future and trying to set a standard and a guideline for Council as well as into the future long term. This came from another city that she thought was a short, concise statement for best practices when it comes to social media and how council conducts itself. A lot of it is pretty much just common sense and common logic but is now in written form so that Council has a guideline. She added that one thing that she is guilty of not doing this and she must add that to her page to make sure that it is understood that when she expresses a personal view that it does not necessarily reflect the views of the Council, and the direction going forward.

Council Member Benning asked if the State has issued a social media policy. Mayor Pro Tem Gray stated that the State has not, and the word that she got from the League was that once the previous attorney left, and they now have a new attorney, that the new attorney would not be taking up this issue anytime soon.

Council Member Benning stated that he asked because he does not want to put something into the council's policy and then turn around because the State says that this cannot be done, and the city is saying that they can. Mayor Pro Tem Gray stated that it can always be amended. She added that the state government seems to be very slow in keeping up with these sorts of

things, and she has heard that guidelines from the State or the League will be seen anytime soon.

Mayor Mueller stated that he has a problem with the way this is written in the fourth paragraph and asked how it can be known if there is a quorum of council on a on a thread. Mayor Pro Tem Gray stated that it can be seen and explained that with Facebook, if there is a post and then council members start commenting underneath that, then it is simply a comment.

Mayor Mueller stated that a council member could be reading it and not commenting. Mayor Pro Tem Gray stated that it is unfortunate and noted that she and Ms. Adams had this discussion. Ms. Adams stated that Council members have the right to express themselves.

Mayor Mueller stated that if council members talk with each other, and there is two more or less than, technically that is a quorum. Ms. Adams stated that social media social media is not to debate opinions or items that Council will be addressing, but that does not mean that Council cannot have an opinion. She added that it is debate part that should stop. Mayor Pro Tem Gray added that there should not be any interaction.

Ms. Adams stated that as far as conversation amongst council - that would be part of an Open Meeting Law training. Council should not engage in back and forth commenting about business of council anywhere and especially on social media.

Mayor Pro Tem Gray stated that she tries her best to avoid that and added that if there is any group that is not public, she tries to make sure and she review that periodically, to not be a part of that group because it is not open to the public. Even as just Rachel Gray, people are going to go see pictures of her puppies most of the time, then it does not have this perception that all of Council is in this private closed group and seeing all these things that the public cannot see.

Mayor Pro Tem Gray that she wanted to get specific in the manual, but generic enough that it was really, just best practices and how council members have a guideline on what to do.

Council Member Benning stated that he is aware that if someone comments on it, people can see the comment because it will regenerate threads. If people are having a discussion on a matter of interest, people will like it to keep generating the comments. If four council members likes a post whether anyone knows the intent of a like, he wonders if that constitutes a quorum.

Council Member Johnson stated that he thinks that it is treading on the open meeting law. Mayor Pro Tem Gray stated that her rule of thumb is just not to do that, and not to express an opinion one way or the other when they're debating or talking about an issue.

Council Member Johnson stated that he uses his City Council Facebook page to inform the public, i.e., a meeting coming up, an event that maybe people want to go see. He added that he has blocked some people that want to get into a match about something because he is not going to go there.

Mayor Pro Tem Gray stated that she has noticed that Council Member Johnson always references back to the city, and that is in the manual about referencing a document like an agenda or something, and always posting a link back to that document. The intent behind that was so that portions are not being taken of it and only giving partial information to the public.

Council Member Johnson stated that he recently did that with the MPO plans that were

approved at that meeting to give the public a chance to look at those documents if they didn't know what it was about. He expressed no opinion whatsoever on it, but merely reported on it.

Mayor Pro Tem Gray stated that his post is a perfect example because he linked everything back to the original document so that there was no perception that he was trying to cloud any judgment of the public, and that is all that the manual is stating.

In response to Council Member Benning, Mayor Pro Tem Gray stated that the document had already been voted on it in the MPO. Ms. Adams stated that Council Member Johnson is putting out information and not discussing, debating, trying to get people to vote on something, or trying to sway opinions.

Mayor Pro Tem Gray noted that a lot of this has to do with just a trust factor as well. Council Members must agree to behave in the best way that they know possible, to do the most effective job for the public that they can.

Council Member Rodriguez stated that he thinks that it is commonsense. If Council is going to be on social media, they must know that it is going to be there forever, and Council should not infringe on so many people's amendments to do whatever they want on their personal stuff. Council should not get into that business, but if Council knows that whatever they put is out there and to just be careful. He added that he thinks Council should not get into making too many rules because it is too cloudy when it comes to social media.

Council Member Johnson stated that each council member has a unique IP address and asked if that is how the city would be able to see that he is on his MAC and he wants into the city's system. Ms. Adams stated that she will have to consult with IT and see how the best way to set this up, because they have their area, council has their area, and staff will do what they can to come up with a system that works best with everybody, their equipment, and that is safe.

Ms. Adams stated that Chapter 30 is tagged along because of the change in the mayor pro tem appointment process, and the very first section about compensation of council members. She added that she could not find any record that the required review ever happened of that after the last time it was passed.

Mayor Mueller stated that he thinks he was the one that said that council needed to put that in there and then as mayor, four years later, he forgot he did that.

Mayor Pro Tem Gray asked if this would be compensation for future councils. Mayor Mueller stated that she is correct. It is always future councils in Arizona because they must be reelected to the position before they can get their future compensation.

In response to Council Member Rodriguez, Mayor Mueller stated that if Council voted today to raise the salaries, the current council would not be able to get it until reelected. He added that there could be people re-elected before others getting the higher salary for two years than others, but that's the way it works.

Council Member Johnson stated that he did not run for City Council to get a salary, so he would not be in favor of any. Mayor Mueller stated that he figured that there is not going to be too much trouble, but at least Council did that, and it would have to be done every four years. Ms. Adams stated that the way it reads to her, is that Council only must do it the one time.

Mayor Mueller stated that he thinks that it is appropriate to review that on a periodic basis. Ms. Adams stated that the requirement can be taken out. It is not a State Statute that says that it must be reviewed four years after the passage and put in something that states that this shall be reviewed by Council at any time as required or as requested.

Mayor Pro Tem Gray asked who would review it. Council Member Umphrey asked how this work. Ms. Adams stated that Council would review it. Mayor Mueller stated that Council would do the review/discussion. Council. Ms. Adams stated that the last time there was a raise was in 2008.

Mayor Pro Tem Gray stated that for discussion's sake because some people don't seem to understand discussion as discussions sake, she is not saying that she is in favor one way or the other, but there is merit in reviewing it and doing and research on what the other cities are doing things, what that looks like, council responsibilities and roles. She further stated that there are people that want to run that, frankly, just cannot afford to because it would be such an infringement and imposition. Council may find that it is just fine the way it is, or it is not, but she would like to have some informed, educated options to look at.

Council Member Johnson stated that periodic review is OK with me.

Council Member Benning stated that this way they get to show you public too because it is important. Mayor Pro Tem Gray stated that it is never a bad idea to review something and make sure that the city is in line with where it needs to be. So.

Mayor Mueller asked Mr. Potucek that staff look at the like city sizes with similar population, budgets, and provide that to council first, and if there is a need, then there can certainly be a request for a work session and put it on the work session.

Ms. Adams stated that in Chapter 30, the only other real changes were to kind of bring it into the twenty first century, where notices of meetings are no longer served by the Police Department, and everybody knows that there is no smoking during the meetings. There is also the change in the mayor pro tem appointment process.

Council Member Johnson asked why the mayor pro tem process was that taken out. Mayor Pro Tem Gray stated that she asked for this and explained that the purpose of the mayor pro tem is to represent the mayor in his absence. This was a recent change to have council appoint the mayor pro tem, which was done when this manual was put together. She further explained that her standard and reasoning on that was that the voters elected the mayor and therefore the mayor is deciding who should be the pro tem to represent that position in his absence. It just did not make a lot of sense for Council, in knowing the history and the reason why it was put in again that was superficial and petty.

Council Member Umphrey stated that she cannot imagine a Council doing that. Mayor Mueller stated that he does not have a problem either way, and he would if he picked somebody that he did not think of. As mayor, if council picked somebody that is not going to try to build a consensus of the Council, then there is going to be a problem regardless of whether the mayor appoints them or whether four members of the Council do not like the person.

Council Member Rodriguez suggested taking out the that last sentence and asked how long before that can be reviewed. Mayor Mueller stated that it is every two years. If there would be a vacancy in the mayor pro temp slot, then it is going to be more frequent than that.

Mayor Pro Tem Gray stated that she also looked at this as council may not always agree with who the voters chose as mayor, but council does not stop that because the voters made that decision. This just made sense to her for the mayor to choose who he felt best represented that position in his absence.

Council Member Johnson stated that it is the mayor's prerogative. However, if the other council members do not agree, he thinks that being taken away is something that is council's right to disagree with who the mayor appoints as pro tem.

Council Member Umphrey asked if council would strong arm a different person in that position. Council Member Johnson stated that it must be according to resolution and that is being taken away. Mayor Pro Tem Gray stated that council may not necessarily agree with who is chosen as mayor and as a Council, they must work with that person. She added that this is where she is coming from on this is, but she is not married to either one. It just did not make sense to her to do it this way because it is literally representing that the position of mayor, not the position of the city or the council, and the voters have chosen who is their mayor and not the Council.

Council Member Umphrey agreed. Council Member Rodriguez asked if the voters have a pro temp pick too. Council Member Benning stated that he understands where Mayor Pro Tem Gray is coming from. He added that he does not care either way because anyone on council should be able to step in and represent the city and that is why council is present and why they were elected. As far as how the mayor pro tem is selected, the mayor selects other positions that are filled without council's vote/consensus. The people do not vote for the mayor pro tem, they voted for the mayor and council does not have a say. He added that he understands where Council Member Rodriguez is coming from in perhaps have the people vote for the mayor pro tem, but he wonders if there is anything in place. Would the highest vote out of the three be automatic because there are so many ways to do this. It is easier if the mayor sits down and talks to everybody, but he does not know if that is any better.

Mayor Mueller stated that as mayor, he looks at all six people, and he believes that this has been done by the past several mayors and look at strengths and weaknesses and whether they got the greatest number of votes during their selection cycle or not is irrelevant. It is the talent and the general agreement on issues. He added that he and Mayor Pro Tem Gray do not agree on everything, just like the previous mayor pro tem, but the cool thing is that everyone must work together and build council consensus. If they can do those two things, anybody on council could be the mayor pro tem. This is the whole point, and he cannot see in the current situation where there were four people that would violently oppose the selection of the mayor for the mayor pro tem.

Council Member Umphrey stated that it is odd to have this in the manual. She added that she remembers reading this a while ago and thinking that in what situation would that ever be appropriate. Mayor Mueller stated that it is also important for the council to vote on the mayor pro tem's appointment because that shows the public that yes, the council is united. Council Member Rodriguez agreed. Mayor Pro Tem Gray stated that it is important.

Council Member Johnson stated that this is on page two and three of the 30-page document, where Ms. Adams has suggested that unless there are four descending council member votes opposed to the appointment, the appointment of mayor pro temp will be approved by council resolution, but all of that has been stricken.

Mayor Mueller suggested wording to which Council Member Johnson agreed and added that if council votes on it as a council and as a resolution, there could be dissenting votes, but there will be a consensus regardless. Ms. Adams stated that it could be changed to sound a little more adultish and say that the mayor pro tem will be approved by resolution.

Mayor Muller stated that on the last page, item four, "City Council shall adjourn out of executive session to nominate and elect the replacement in an open public session of Council or place on the agenda for the next regularly scheduled Council Meeting". He stated that he thinks if there is a public session, it is the next Council Meeting. Ms. Adams stated that when Council has an executive session, council has a special meeting to go into executive session and when they come out of executive session, council is still in a special meeting, so there could be an item prepared, and council could appoint them at that time. Or council could wait until the next Thursday night meeting and do it just like the last process.

Mayor Mueller stated that he now understands why the language is needed. He added that if paragraph 30.22, smoking, the next one down, 30.99, paragraph b, "any person that violates the prohibitions of 30.22, etc." needs to be taken out as well.

Council Member Johnson stated that 30.16 should have stricken out he or she because it reads better.

E. Report on Recent Trips, Meetings and Future Meetings

Mayor Mueller stated that most of council went up to the League of Cities conference.

Council Member Benning thanked Mayor Pro Tem Gray for working on the social media policy because they have been talking about one for two years and waiting for the state

Council Member Rodriguez clarified for the public, that no one on council wants a better phone or a different laptop then they get. He added that he is fine with what they have and explained that the question is whether they can use their personal stuff or not. Council operates just fine, although, he would rather have his own little secure network on the side just like military wise, no spillage and he does not want to be responsible for any of that getting leaked into because he uses his personal stuff.

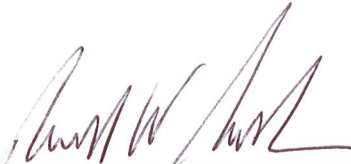
F. Future Discussion Items and Council Requests

Mayor Mueller announced that during the next work session, Council will talk about whatever economic development organization will work.

Mayor Pro Tem Gray stated that the MPO recently passed a short-range transportation plan and long-range transportation plan. She suggested a work session, especially on the short-range transportation plan because it deals so much with transit so that Council may decide on some of the recommendations that may come out of that. Ms. Flissar stated that she will check into this because the short-range transportation plan is a work product of the MPO.

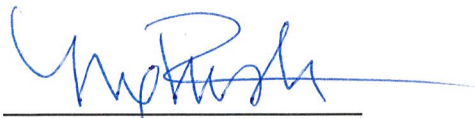
3. Adjourn

Mayor Mueller adjourned the City Council Work Session at 4:17 p.m.




Frederick W. Mueller, Mayor

Minutes prepared by:



Maria G. Marsh, Deputy Clerk

Attest:



Jill Adams, City Clerk