

Sierra Vista City Council
Work Session Minutes
November 16, 2021

1. Call to Order

Mayor Mueller called the November 16, 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 (arrived 3:21 p.m.)
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

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Parks, Recreation and Library Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Jeff Pregler, Planner
Blake Fisher, Planner
Jennifer Osburn, Budget Officer
Tony Boone, Economic Development Manager
Judy Hector, Communications and Marketing Manager
Jill Adams, City Clerk
Mark Slania (telephonically)

2. Presentation and Discussion:

a. November 18, 2021 Council Meeting Agenda Items ([agenda attached](#))

Mayor Pro Tem Gray stated that the Council Meeting for Thursday, November 18, 2021, starts at 5:00 p.m. with the call to order, roll call, invocation, pledge, and acceptance of the agenda. She asked Council if there is anything to be added/deleted to the agenda. There was no response.

Mayor Pro Tem Gray stated that the City Manager's report will be for Thursday, November 18, 2021.

Item 2.1 Discussion and Possible Action of the Regular City Council Meeting Minutes of October 28, 2021 - Council Member Umphrey noted that the date on page one of the minutes is incorrect and on page two of the minutes, Mr. Potucek's report about the increase in revenue should be

10/11 percent over the previous year.

Item 2.2 Discussion and Possible Action of Resolution 2021-074, Acceptance of sewer easements for a sewer line extension to Veritas Christian Community School

Council Member Rodriguez asked if there is still going to be time to ask people again if they want to connect to the sewer. Mr. Pregler stated that the City has received all the sewer easement from the adjacent property owners. The sewer line extension runs over three separate properties, and all three have signed off on the sewer easement. Therefore, the City will be able to go in and maintain those lines in the future.

Council Member Rodriguez asked if Circle K is still not wanting to connect to the sewer. Mr. Pregler stated that this is a separate issue, and it is more of an annexation situation rather than connecting to the sewer.

Item 2.3 Discussion and Possible Action of Resolution 2021-075, Dedicating Public Right-of-Way at Seventh Street and Buffalo Soldier Trail – There was no discussion.

Item 3 Discussion and Possible Action of Resolution 2021-076, Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Young G Kim on behalf of Pinnacle Enterprise LLC dba Vista Beverage House at 999 E Fry Boulevard, Suite 101, Sierra Vista, Arizona – Ms. Adams stated that is for Young G Kim on behalf of Pinnacle Enterprises for the Beverage House for a Series 9 liquor store liquor license. The notice of the public hearing was posted on the premise for the required 20 days, and the City has not received comments from the public, pro or con. The Police Department has done a background of the applicant and has no objection to this license moving forward, and if approved Thursday, November 18, 2021, it will be forwarded to the Liquor Board for final action.

Item 4 Discussion and Possible Action of Resolution 2021–077, Series 12 liquor license application for a new license, interim permit, limited liability-type of ownership for Christopher Jinho Lee on behalf of KYJ Bros, LLC dba Hana Tokyo located at 1633 S. Highway 92, Sierra Vista, Arizona - Ms. Adams stated that this is an application for a restaurant license for Hannah Tokyo. Christopher Lee is the applicant on behalf of KYJ Brothers LLC. The notice of the public hearing was posted on the on the premise, and the City has not received no comments from the public. A background check was performed by the Police Department, and they have no objection to this license moving forward and, if approved Thursday, November 18, 2021, it will be sent back to the State for final action.

Item 5 Discussion and Possible Action of Resolution 2021-078, Amending City Code Chapter 30, and Declaring a 30- day public record – Miss Adams stated that during Council’s work session in September, there was discussion on updating the section of the City Code as it relates to the City Council. She added that she took the input and consensus that Council had, and for the most part, most of the changes that were written in during the first discussion were left the same. The change that seemed to be the consensus of Council on the appointment of the Mayor Pro Tem was clarified; therefore, rather than four dissenting council members, it was clarified to stated that the appointment is approved by resolution, and if approved on Thursday, November 18, 2021, the item will be open for the 30-day public record. This item will not make it back to Council for the December Council Meeting; therefore, it will come back to Council in January as an ordinance for final adoption, and then go into effect 30-days after.

Item 6 Discussion and Possible Action of Resolution 2021-079, General Plan Amendment (Land

Use Map 1 Designation Alteration): Industrial to Public for parcels 106-61-016, 106-61-002, 106-61-005, 106-61-003, 106-61-004A

Mr. Fisher stated that staff initiated a minor General Plan amendment to change the land use designation of Cyr Center Park from its current industrial designation to public. This is being proposed because the City is applying for the use of federal Community Development Block Grant funds to carry out planned parking and access improvements to serve the growing needs of Cyr Center Park. During the application process, staff determined that the five subject properties that made up Cyr Center Park had industrial land use and zoning designations, which is inconsistent with its current use and master plans layout by the City as a park. To eliminate the inconsistency and demonstrate conforming land use through the grant application process, staff is proposing an edit of map, one of the land use sections of the General Plan on page 20. He explained that it currently has an industrial designation, but the pink color on the map represents industrial, even though staff knows that this is Cyr Center Park. This edit is required before any rezoning can be done on the property as well as they are also inconsistently zoned with for industrial use. Parks are not permitted in industrial zoned districts. During the public outreach for this, staff received no comments regarding the proposed General Plan amendment, or the rezoning proposed, and the Planning and Zoning Commission offered recommendations to both.

Mayor Pro Tem Gray added that the Planning and Zoning Commission unanimously approved the recommendation to come before Council.

Council Member Johnson asked why it is not designated as open space rather than what is being proposed. Mr. Fisher stated that the corresponding designation and the land use designation for parks is public. He noted that the map indicates that Veterans Memorial is also that same shade of Gray as to what is being proposed, but when talking about rezoning the properties, they will be changing from industrial uses, the industrial park, the heavy industrial and the light industrial to open space, which is the corresponding zoning designations.

Item 7 Discussion and Possible Action of Ordinance 2021-009, Rezoning: APN # 106-61-016 from Heavy Industrial to Open Space, 106-61-002 & 106-61-003 from Industrial Park to Open Space, and 106-61-005 & 106-61-004A from Light Industrial to Open Space

Mr. Fisher stated that this is a follow up to the previous item. The General Plan amendment is required before the rezoning can proceed, and this would basically entail rezoning the subject properties of Cyr Center Park as its master plan from their corresponding industrial designations to open space. These are the five properties the Cyr Center Park has been master planned to expand out with additional parking along with some additional amenities over here.

Item 8 – Resolution 2021-080, Proposed Expansion to the West Sierra Vista Redevelopment Area (WSVRA)

Mr. McLachlan stated that he thinks that there is a broad consensus on continuing the revitalization efforts on the West End, and this proposal is a step in that direction. This represents the second amendment to the redevelopment area. In 2017, the Council designated a 23-acre section along West Fry Blvd, then added additional 29 acres the following year to more than double the size. The resolution being considering for approval on Thursday, November 18, 2021, covers 162 parcels comprising 111 acres of property west of North 5th Street. The incremental approach that was taken, starting with the oldest blocks on the West End, has been a prudent course to help build support for the program, concentrating focus and

investment maximizes impact, and while there is still a way to go, staff is making progress. With respect to the redevelopment area, this is a two-step process. First is the designation of the district, then second is amending the redevelopment plan to cover the expansion area. The designation step requires Council to make a finding of a necessity by 2/3 vote. The study documenting conditions of the proposed expansion area was carried out by Stantec, the County's EPA Brownfields consultant. The report provides an objective analysis following statutory criteria that is based on the definition of what constitutes a blighted area. The data was collected using secondary sources that was filtered and sorted using GIS to create the composite picture. Factors that were evaluated include building age, condition, parcel size and shape, pedestrian/vehicular access, sewer availability, floodplain, and vacancy status. The conclusions of the study are provided on page 34 which find that one or more of the pertinent factors are present on more than 90% of the expansionary parcels. The study further finds that a significant number of the properties are vacant or underutilized and have the potential to support new community serving uses, i.e., housing, employment, retail, and entertainment spaces. There are also some gaps and infrastructure that should be considered during the redevelopment area planning process. The Department presented the findings at a public meeting on October 27, 2021. A mail notice was sent to all property owners within the expansionary at three weeks prior to the meeting, and according to the sign-in sheet, 16 property owners attended, but staff thinks that there were more in attendance that did not sign in. Staff went over the elements of the partnership program and how it is administered and answered questions. There was a general acknowledgement regarding the need for further City involvement on revitalization initiatives and capital projects. There was also an acknowledgement on the need for property owners to step up and maintain their properties better and band together to make the West End a more vibrant part of the community. The owner of 143 Street Tacos also provided powerful testimony and how beneficial the grant was to move his business to South Carmichael to address a longstanding vacancy that was there. Staff also spoke with multiple property owners ahead of the meeting, who provided letters of support which are included in Council's packet. Approval of this resolution fulfills a Council objective to expand the redevelopment area in the West End Partnership Program as appropriate. If approved on Thursday, November 18, 2021, staff will move immediately to begin the update to the Redevelopment Plan.

Council Member Landry commented that she loved the study. It was so neat to kind of see the breakdown and the different factors that were looked out and to have it all laid out. She also liked the positive feedback from those out there looking to be a part of that.

Council Member Rodriguez noted that it was a great meeting put on by staff, and he hopes that all the property owners are getting notified somehow. There was a lot more people there, than what was on the sign-in sheet.

Mayor Mueller stated that he asked Mr. McLaughlin to come up with a chart to indicate all the benefits that the City can provide if they are a part of the program. This way the business owners or the people that are looking at buying property or developing property will understand what that is in a one-shot paper. Mr. McLachlan has already developed that, and he plans to put it on the on the City website. Therefore, the realtor, investor, or somebody from the public can see what the potential benefits are and what the dollar amounts are for each one of the programs. This should be helped facilitate getting people involved and investing in the community.

Council Member Rodriguez stated that he wants to make sure that the public knows that this does not equal more construction because some people have the thought that the City is

expanding the area, construction, and tearing up roads. However, this is not necessarily the case, there is more to it. It is just about growth.

Mayor Mueller stated that this is a great point, because while the City is still responsible for upgrading the roads and the surface transportation, this is focused on the businesses themselves and the availability to conduct business in an empty or older building, etc. so that they can be brought up to code and safety standards/ADA standards etc.

Council Member Rodriguez applauded some of the local business owners and noted that one of them made a comment that there were two trains of thought there, turning the lights off when they leave their building, and the other one said to leave them on because it does not cost very much at all to leave the lights on to indicate that they are open, and that they are still in business. Some of the business owners agreed in that they would do what the other ones are doing in leaving the lights on, or at least their sign.

Item 9 Discussion and Possible Action of Resolution 2021-081, Council Policy and Procedure Manual - Ms. Adams stated that following the September 9, 2021 work session, she took the comments and consensus of Council on the proposed changes in these guidelines and made those and is presenting a new draft. The first change is on page 10 and relates to electronic participation in meetings. At Council's request, she reached out to her fellow clerks around the state and talked to them about how, and if they were doing this. Most of the data primarily related to when the meetings when the buildings were closed, and they had no other choice. They had to allow the public to participate electronically. There are a few cities that are maintaining that option as they have reopened, but most cities are not encouraging it. It is out there, but it is not something that is widely known to the to the community, nor widely used. The language was left in there that perhaps with 48-hours' notice, the City could allow either telephone or through Webex as both options are available, and the City has had some success with presentations. It is entirely up to Council, whether Council wants to make that option available to the public or not. This can be changed at any time, and it does not actually have to be in these guidelines for that to be available, because that is a policy of City in allowing people to participate; but because it is a Council meeting, it is why it is included in the booklet now.

Mayor Mueller stated that he does not personally have a problem if there is lead time and the capability to do it over the phone or zoom if it is a legitimate reason for them not being able to be present; however, if somebody can physically make it to the meeting on time, then they need to follow the regular procedures. This should be the exception and not the rule, and It must be consistent.

Ms. Adams suggested leaving in the language, trying it, and if it becomes problematic, then next time this is amended, taking it out and discontinuing that because for the most part, people who want to come to the meetings can do so. She added that she also put in language that states that people can submit their comments in writing if they choose to do that.

Mayor Pro Tem Gray stated that she is ok with the language if the 48-hour caveat stays in.

Council Member Benning stated that he agrees with it but is worried about the can of worms that may or may not be opened. However, anytime Council gets to listen to the public is good.

Ms. Adams stated that the next change is the Open Meeting Law training and wonders if the word "required" is a little strong. She also removed any reference to follow up other than the department posted and will continue to post information, any updates, and videos on the

website. This way, if a council member does not want to come and talk to her or Nathan, there are videos and sources of information if they have questions about Open Meeting Law.

Mayor Mueller stated that in his opinion, with the exception maybe of the City's lawyer who probably understands more about Open Meeting Law than the rest, one way to quickly get into trouble is not being able to understand or follow the Open Meeting Law. Council placed this requirement for new council members, and that is one of the few things that Council has requested/required, especially if there is not going to be training every four years because it changes often enough. Therefore, he is in favor of keeping the language

Council Member Johnson stated that he does not believe that word "required" is too harsh and it is necessary because this is a very complex law. There is a lot of intertwining with respect to social media, emails, and websites.

Council Member Rodriguez stated that he thinks that it is fine.

Ms. Adams stated that the next session section, which was not in the document that was reviewed on September 9, 2021 relates to the use of personal electronic equipment. Mr. Rubio, Chief IT Officer, wrote this section and is present to answer any questions or to explain this section.

Ms. Adams stated that there are some things that Council can do that City employees cannot; however, IT and cyber security is not one of those things. There is a certain amount of guidance that must be followed to do this because Council is connecting directly to the City's network, and that is mostly what this is - installing the proper software, using the proper hardware with the guidance of IT. IT will help and make it work, but there must be some rules because with the environment that we everyone lives in today, cyber security is incredibly important. She added that there is some specific jargon and references to certain applications that Mr. Rubio may be able to clear up.

Mayor Pro Tem Gray noted that it is explanatory. Mayor Mueller asked if this is workable because everybody has their own private systems that they work on, public media, etc.

Mayor Pro Tem Gray stated that based on the explanation, she will just make the choice to keep using the City's equipment because she does not have the security options on her personal stuff.

Council Member Rodriguez stated that he thinks that it is a good setup for him and noted the fake Rick Mueller emails that he has received requesting Amazon gift cards.

Ms. Adams stated that the only other major insertion was the social media policy and that has been tightened up and cleaned up a little bit, and other than this, there are no other changes from the last time this item was discussed.

In response to Council Member Benning, Ms. Adams stated that she will be going through this with a fine-tooth comb, making sure that there are no typos, and that all the pagination, and capitalization is taken care of.

Item 10 Discussion and Possible Action of Resolution 2021-082, Approval of the proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Charter School Refunding and Revenue Bonds, Harvest Preparatory Academy Project, and

Declaring an Emergency

Mr. Slania stated that this is an issue of charter school bonds that is a direct bank placement for Harvest Preparatory Academy in Yuma, Arizona. This is a transaction that is seeking to close again before the end of the month, so they have a desire to move rather rapidly. They have already got one bond issue outstanding that will be refunded by this transaction, but they are looking for additional new money, so they have a charter school right now that they are operating, and they are currently leasing and administrative building that they seek to buy. The First Fidelity Bank will be buying this. There will not be an offering document. In other words, there is no securities law that would be sold to a variety of purchasers. They approached Mr. Slania to get this done, and therefore, the Sierra Vista Industrial Development Authority was able to meet the timetable, if Council votes in favor with it; therefore, the Sierra Vista Industrial Development Authority would receive an annual fee rather than an upfront fee, as there was before. This is going to be an annual fee for the life of the bonds.

Item 11 Discussion and Possible Action of Resolution 2021-083, Approval of the proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Education Facility Revenue Bonds, AmeriSchools Academy Project, and Declaring an Emergency

Mr. Slania stated that this is a slightly different animal. It is also a charter school bond issue, but this one is going to be publicly offered and sold through Robert W. Baird. They are currently in three separate locations, one in Phoenix, one in Yuma, and one in Tucson. They are also including a refinancing of certain other debt that they have. This will be a more traditional bond offering more like Georgetown, which is the prior one that the Industrial Development Authority participated in, and that Council approved.

Mr. Slania explained that charter school revenue bonds means that the only one who is responsible for paying on those bonds is the charter school from the payments that they receive from the State of Arizona for their enrollment. If their enrollment goes up, they will profit. If the enrollment goes down, they must find a way to cover that enrollment or they must reduce expenses. The debt service on these bond issues is intended to be one of the first places that they would look to get paid, and they would then have to reduce other expenses accordingly. There is no cross collateralization. Harvest Prep is responsible for only its bond issue and AmeriSchools Academy is responsible only for its bond issue. In terms of AmeriSchools If they have more students at the Phoenix campus and less at the Yuma, they must adjust. But it is a pledge of all that charter, and in each case the Charter school must go through approval by the Arizona State Charter School Board. They go through and review every couple of years to make sure that they are meeting all their requirements. They have annual financial audits. They have monthly reporting requirements to the charter school board.

Council Member Benning noted that the first bond is not to exceed \$20 million, and the second bond is not to exceed \$11 million. He added that he knows that it is going to be issued at \$25,000 initially for 2021, plus it can go up in \$5,000 increments. He asked how much Sierra Vista would be issuing or wanting to issue for each of these bonds because there are no financials in the packet. Mr. Slania stated that he can get the financials for the school to Council, which is part of the application that was made to the Sierra Vista Industrial Development Authority. He added that the financials themselves are reviewed on an annual basis by the charter school board, and if any charter school starts getting into financial trouble, it is their job to check in with the actual school and to bring them to the charter school board. The Harvest Preparatory Academy, which is the charter school refunding revenue bonds, is an amount not to

exceed \$20 million, so the Sierra Vista Industrial Development Authority will be issuing an amount of bonds that will not exceed \$20 million. However, he is currently unable to say how much because he is awaiting on the bank underwriting. They try and do what is called a parameters resolution, where they provide the most that is being authorized the longest time, which would be 40 years, and then the kind of information on whether it is a fixed rate bond issue or a variable rate bond issue. This information will be included in the resolution that Council would be considering.

For AmeriSchools, the amount is not to exceed \$11 million, so their sources and uses for that bond issue is less. They have some of those facilities under lease right now and they are looking to acquire them.

Harvest Preparatory Academy has almost \$10 million outstanding right now from the initial acquisition of their charter school facilities in Yuma. They are looking for additional new money and for that administrative building, whereas AmeriSchools is much more an acquisition of their existing facilities.

Council Member Johnson asked if the Harvest Preparatory Academy would be paying the Industrial Development Authority of the City of Sierra Vista overtime. He asked what the total is anticipated from the issuance of this bond. Mr. Slania stated that he is unable to give an exact number. It is seven basis points on the outstanding amount which normally will go down. The assumption is like a mortgage. There will be payments that are made to put the principal of those bonds over the course of the years. As the bond issue is outstanding, the Sierra Vista Industrial Development Authority will receive a check annually from the school for that amount of money. He added that on a \$20 million bond issue, it would be about \$14,000 a year. The Sierra Vista Industrial Development Authority would receive that money on an annual basis for all the years that the bonds are outstanding.

In response to Council Member Johnson, Mr. Slania stated that with respect to AmeriSchools, it is the same thing. It is an ongoing annual fee of seven basis points. He added that he recommended that the Sierra Vista Industrial Authority give the borrower, who is the one ultimately paying the bill, the choice of paying an upfront fee because there has been a change within representation of industrial development authorities throughout the State. It is like Georgetown, where they pay a one-time fee and then they do not have to pay anymore into the future. This lessens their interaction with the Sierra Vista Industrial Development Authority, but it provides more money upfront versus paying it on an annual basis as Harvest Prep intends to do. The annual fee was set at seven basis points. If the school comes back to the Sierra Vista Industrial Authority and determines that they want to pay an upfront fee, then that will be a number that is negotiated with the president of the Sierra Vista Industrial Development Authority. However, it would be based on that same seven basis points per year.

Council Member Johnson asked what the City's liability would be if there is a default on either one of the bond issues. Ms. Slania stated that the joy of the Industrial Development Authority for the City of Sierra Vista is that there is no financial obligation. The Sierra Vista Industrial Development Authority on every one of these bond issues not only states that its general credit is not pledged, but it also states that the City's general credit is not pledged. There is no financial obligation if the bonds are not paid for the City or the issuer.

b. [Discussion of the Creation of an Economic Development Commission](#)

Mr. Boone stated that this is the third work session on an economic development commission

and pointed out that the draft resolution was drafted after he went through the past work session discussions and a good discussion with the City Clerk. There is no defined process to add additional commissions, whether regulatory, non-regulatory. He noted that he utilized the language from the City Administrative Directive Boards and Commissions Practice and Procedure Guidelines as approved by Resolution 2020-035 on June 11, 2020, which was later published with amendments officially on June 25, 2020. He took the language from the Non-Regulatory Commission and included it into the memo. Additionally, he went back and looked at the videos from the previous meetings and reviewed those as well as Council Member Johnson's proposal that went in as background for the proposed document. The last major point is that in utilizing a non-regulatory commission leverages the previously approved language, the things that Council has already approved, directing non regulatory commissions as included within the memo, specifically roles, responsibilities, membership selection, terms, meetings, and agendas, public record laws, administrative support, and budget. Additionally, there are thoughts included in the memo from Council Member Johnson's proposal, his own personal ideas and research, and other Council Member comments from the previous work sessions.

The proposed resolution directs the creation of the commission and per the Administrative Directive, it approves the mission statement, which again was derived from all the previous information.

Council Member Johnson thanked Mr. Boone and stated that this is the third time Council has talked about this, and he thinks that progress is being made. There are a few things that he has questions with respect to meetings and agendas. He added that he thinks that meeting four times per year based on these community leaders that are anticipated being able to serve on this commission, is more than sufficient. However, he would like to see language that could incorporate special meetings if called, if necessary, and leaving that option open for additional meetings if the circumstances lent itself.

Mayor Mueller stated that he reads this differently. In his mind, they would have them, and the four is the minimum. They would have the power to say that they need a subcommittee to do this and meet so often to do this project or etc. He added that he thinks that the language allows that and does not exclude that.

Council Member Benning agreed with Mayor Mueller; however, he is not sure about where it states that they can make a subcommittee and appoint other people on the sub committees, etc. Mayor Mueller stated that he does not think that it needs to be in there because the Planning and Zoning Commission that meets by Code every two weeks, but if they need to meet more often, they meet more often. Mr. McLachlan stated that the Code was amended to schedule the meetings on as a needed basis, application driven.

Mayor Mueller stated that this should read, "minimum four times a year and more often as necessary." Mayor Pro Tem Gray stated that it is as needed. Mr. McLachlan agreed and noted that the non-regulatory commissions are a little looser.

Mayor Pro Tem Gray asked Ms. Adams if the language in the memo is straight out of the Council approved resolution for non-regulatory commissions. Ms. Adams stated that she is correct, explained that by nature they are much more adaptable to what the needs are, or what the business might be, which is built into the proposal. The goal would be to have so many meetings per year just to set a framework, but if they meet every month because there is business to be done, then yes.

Mayor Pro Tem Gray stated that there are commissions that meet more frequently than four times a year, i.e., the West End Commission that is not a regulatory commission. The Parks and Recreation Commission is a regulatory commission.

Mayor Mueller stated that he thinks that Council Member Johnson is looking at the last sentence under meetings and agendas on the third page of the staff memo, "Non-Regulatory Commission shall meet at a minimum of four times a year." He noted that this implies that they may be able to meet more than that.

In response to Mayor Mueller, Council Member Johnson stated that he thinks the language is sufficient.

Council Member Benning stated that special meetings are like all the other ones, but the agendas must be published. Mayor Pro Tem Gray stated that nonregulatory commission do not have to post an agenda. Ms. Adams stated that all non-regulatory still have agendas and notices that are published/posted regardless of whether it is required by the Open Meeting Law.

Council Member Johnson stated that he thinks that there should be language regarding membership, that persons that are on this commission be employed within the City, or persons who have a business, occupational or professional activities carried out as a substantial degree within the City and once they no longer are doing business in the City, they should not be on the commission. They could be replaced, and although he does not see this happening too often, he thinks that language should be in there.

Mayor Mueller stated that the way that it is currently set is that the people that are eligible for boards and commissions except for the Planning and Zoning Commission must be residents. The non-regulatory commissions are open for anybody that lives in the ZIP codes. He noted that Council Member Johnson is suggested that these people should be significantly business active in the City of Sierra Vista. He then asked how it will read to say that Council wants business professionals.

Council Member Johnson suggested that persons whose business, occupational or professional activities are carried out in a substantial degree within the City. If Council wants to include the ZIP codes, he will not disagree. He added that there is a lot of substantial business that is going on at South 92.

Mayor Mueller stated that Council Member Johnson's suggestion is a special qualification and Council needs to be very careful because this requirement is not in the other commissions.

Mayor Pro Tem Gray asked how substantial would be defined. She added that people apply, and it then goes to the City Manager for appointment. She added that she would like to know who would define "substantial" and make that determination. Mr. Potucek stated that currently the Non-regulatory Policy gives him appointment authority, and there is no real firm definition of that, but he assumes that he could use discretion in making that appointment. He further stated that under what Council Member Johnson is suggesting, it is possible somebody living in Tucson or even out of state for that matter could have a substantial business interest in Sierra Vista. Whether or not they would want to serve on a local Commission, is doubtful, but that would open that up to people that have business interests in Sierra Vista.

Mayor Mueller stated that he thinks that the intent is there that it must be somebody who has a substantial business interest in the community that can assist. He asked Mr. Potucek about

guidance needed for him to appoint these folks to determine whether they do or do not have a substantial business interest or expertise. Mr. Potucek stated that in his mind, the current definition, using the ZIP codes, provides good guidance in terms of trying to stay within that policy. Most people that would serve would either be living in the community or adjacent to the community and probably have a business within the community, and this is what he would be looking for in terms of membership.

Council Member Johnson asked if these members would be voted on by Council. Mayor Mueller noted that it is not the process for non-regulatory commissions.

Council Member Benning suggested that page three, second paragraph, "voting members of regulatory commissions shall be appointed by Council resolution by a majority of members present", not be a part of the language for the non-regulatory commissions. He suggested that the language read, "voting members of non-regulatory commissions be appointed by the City Manager", and not bring up the regulatory commissions.

Mayor Mueller noted that Council is voting on the resolution draft, and the first part of that is a staff report that basically reiterates the current policies so that Council is aware of them.

Mayor Pro Tem Gray noted that item five under the expected duties states that commission membership should reflect wide representation in rotation, and that covers the types of members on the commission that Council is looking for. Council Member Benning noted that it is also stated in the resolution.

Council Member Johnson stated that he is not seeing structure. There are roles and responsibilities, but there is nothing discussing a chairperson, secretary, if minutes are going to be taken. Mayor Mueller stated that all that is referenced in the guidelines that have already been established.

Council Member Umphrey stated that in that same policy, staff should be bringing back reports to Council on what is going on with the commission. Mr. Potucek stated that those are in the executive report.

Council Member Benning thanked Mr. Boone.

Mayor Pro Tem Gray stated that this is a good resolution for what Council Member Johnson is trying to accomplish and it is workable.

In response to Mayor Mueller, Mr. Potucek stated that based on the time frame, the item would be on the agenda for the meeting in December.

Mayor Mueller stated that there will be discussion on this at the work session, and if there are other issues that come up, once Council has had a chance to review the resolution, then there is still a chance to make changes.

c. Report on Recent Trips, Meetings and Future Meetings

Mayor Mueller stated that he attended last Wednesday the first in person meeting of the League of Cities and Towns in Phoenix where they reviewed what happened at the conference, completed the evaluation of the director, a lot of appreciation for a fellow board member that was going off the board, looked at the financial policies, and reaffirmed those. There was a lot of

administrative business, and nothing that really affects the City. He added that there was some discussion about potentially restructuring the executive part of the of the board officers that did not appear to go anywhere other than delaying it for another quarter.

Mayor Pro Tem Gray announced that the Cochise County Board of Supervisors Redistricting Commission will be meeting at 6:00 p.m. in Council Chambers after the Council's work session to have a public hearing on what citizens want to see, a change which puts the West End and Fort Huachuca in the greater portion of Sierra Vista into one district, or no change and to leave it as it is. She added that Sierra Vista as a city is advocating for scenario one and she would like to have as many people come out and talk about this. There will be present some Council Members as well as the Mayor. The Commission will be voting on what to recommend to the Board of Supervisors, who will make the final determination, on Friday, November 19, 2021. The Cochise County Board of Supervisors will vote on this issue on November 30, 2021 to make a final determination.

Council Member Johnson stated that Becky Nutt, representative for LD 14, which encompasses Sierra Vista resigned as of November 1, 2021. He also stated that he attended a Precinct Committeeman Meeting at the Tombstone Legion, and it was an awfully long day because they went over five hours to appoint three individuals to be considered by the Board of Supervisors. He added that Lupe Diaz tossed his hat in the ring to replace Becky, Michael McKeon is also one of the nominees, and Robert Montgomery, who is the current CCRC Chairman.

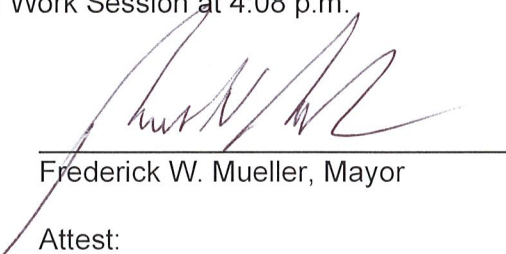
d. Future Discussion Items and Council Requests

In response to Mayor Mueller, Ms. Yarbrough stated that pending is the presentation of the MPO Short Range Transportation Plan, which will be on the December work session as well as the Executive Report.

Mayor Mueller stated that he put out a November 15, 2021 suspense that would give him back the evaluations for Mr. Potucek. He noted that he only has three, and once he has all seven evaluations, he will have a meeting set up to provide the evaluation as a group to the City Manager, which will take place in an executive session. He also noted that the other topic of discussion will be to whether Council needs to change compensation.

3. Adjourn


Mayor Mueller adjourned the City Council Work Session at 4:08 p.m.



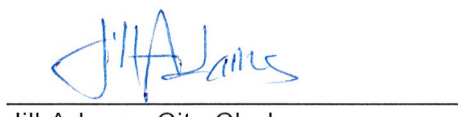
Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk