

Sierra Vista City Council
Work Session Minutes
March 8, 2022

1. Call to Order

Mayor Mueller called the March 8, 2022 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

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Jon Kosmider, Deputy Police Chief
Brian Jones, Fire Chief
Laura Wilson, Parks, Leisure and Library Service Director
Chanel Kirkpatrick, Public Works External Service Manager
Matt McLachlan, Community Development Director
Jeff Pregler, Planner
Barbara Fleming, Chief Human Resources Officer
Chanel Kirkpatrick, Public Works External Service Manager

1. Presentation and Discussion:

A. March 10, 2022 Council Meeting Agenda Items ([agenda attached](#))

Mayor Mueller stated that the Council Meeting for Thursday, February 24, 2022, starts at 5:00 p.m. with the call to order, roll call, invocation, pledge, the acceptance of the agenda, and an award for Ms. Dillaha.

Item 2 Consent Agenda

Item 2.1 Discussion and Possible Action of the Regular City Council Meeting Minutes of February 24, 2022 – There was no discussion.

Item 2.2 Discussion and Possible Action of Resolution 2022-007, Piazza San Lorenzo Minor Subdivision Plat – Mr. Pregler stated that the proposed minor subdivision plat will be located at 500 South Garden Avenue. There are currently two office buildings on the property that were approved by site plan in 2005. The owner of the property will be splitting the property into two separate parcels, with one building per parcel. The parcels will be owned separately. No additional development is proposed on the property other than aesthetic improvements. The City Council approved a process for minor subdivision plats last year, and according to the Development Code, subdivisions with ten lots or less are considered minor subdivisions. The

City Council is to approve all minor subdivision plats, hence the reason for the request. A minor land division cannot be processed for this request, because according to Arizona Revised Statute, minor lot divisions apply to properties that are two and a half acres or less, and the subject property is a little over 3 acres. Hence the reason that they are going through this minor subdivision process.

No Monetary security is required as all public improvements were completed with the site plan. Also, a letter of water adequacy from ADWR is not applicable as this only applies to subdivisions within six or more land splits.

Mayor Mueller asked if there is need for an across parking agreement. Mr. Pregler stated that the owner has a separate agreement for across access, across parking and utilities as well. The agreement has already been recorded at the County Recorder Office to handle all those issues.

In response to Council Member Rodriguez, Mr. Pregler stated that the current office building will remain an office building. They are splitting the property into two separate properties.

Public Hearings

Item 3 Consideration of Funding Applications for Program Year 2022 Community Development Block Grant (CDBG) Annual Action Plan – Mayor Mueller noted that this is only a public hearing item where applicants will come and brief the Council.

Mr. McLachlan stated that it is that time of year where the City decides what projects and programs get included in the Program Year 2022 Annual Action Plan, which is essentially the City's grant application to HUD for the use of CDBG funding. The City does not have the actual apportionment number yet, but it is anticipated to be around \$260,000. Of that amount, 15 percent can be used for administration and 20 percent for program services, which equates roughly to \$39,000 max for nonprofit program services. The City received two applications by the deadline, March 4, 2022, one from the United Way and one from the Dream Center. The applicants will explain their proposals to Council on Thursday, March 10, 2022.

United Way already has an emergency crisis program that they administer, and the funding being applied for would go towards this program for food assistance, education assistance, rent and utility payment assistance, homeless assistance, employment assistance and a small amount for administrative costs. In working through their relationships with other area nonprofit agencies, the homeless assistance would be funneled through Good Neighbor Alliance for hotel/motel vouchers. The food assistance would be through the Sierra Vista Dream Center for low-income individuals. The education assistance would be through the Community Schools and the employment assistance would be resume writing services that they would offer to unemployed individuals.

The Dream Center wants to install three solar streetlights in their parking lot. They administer several programs that operate into the evening. They also want to partner with the City for overflow parking on the sports fields nearby because the increase in activity has created a need for additional lighting.

In terms of City applications, staff is proposing that the bulk of the money, in keeping with past precedents, go towards public facility improvements, specifically Soldier Creek Park. Last year, the City carried out walkway improvements, and staff wants to continue upgrading Soldier Creek Park to include landscaping, pedestrian walkway, lighting, and a tall slide from the top elevation

down to the base of the park as well as additional amenities as the budget will allow. Staff is in the process of getting specific cost estimates for each aspect of that work, but staff would recommend that the Council consider allocating at least \$225,000 towards public facility upgrades. As an alternate project, if Council wants to just do basic infrastructure, which is the traditional use of CDBG funds, Judge Street is a sidewalk segment that has been identified. There is a gap in the Soldier Subdivision between Timothy Lane and Busby Drive. The City will be filling in the other segments through the FTA Grant that was received last year along with Timothy Lane and South Carmichael. This would complete the pedestrian loop around that neighborhood. There are already solar streetlights there that were put in 2017 by using CDBG money. Staff is looking at the multi-use path portion of the project.

The notice of funding availability was advertised through email to all nonprofits on the distribution list as well as the newspaper and the Cochise Coalition on Ending Chronic Homelessness. In terms of the process, there is a public hearing on Thursday, March 10, 2022, where Council will provide staff with a tentative direction on what they would like to see included in the draft, which would come back to Council during their second meeting in April for consideration, and staff would make any tweaks at that time. Then the final adoption would be during the first meeting in May.

Mayor Mueller stated that he would like to know the status of the projects that have already been approved. Mr. McLachlan stated that he just received the environmental clearance for Cyr Center and the authority to use the grant funds. The City has already gone through the procurement process and that contract is now able to be awarded and it may have been awarded as he sent the green light to the City's procurement officer. Cyr Center is the bulk of the block grant funds from two program years, and it should be spent within the next 60 days.

The other projects have had the environmental part completed and they are pending acceptance by HUD on the Good Neighbor Alliance's kitchen remodel and the parking lot project at Saint Vincent DePaul. The City has done what was needed to do to get that clearance and now the City is waiting on HUD to push the button and send the authority to use the grant funds. A scope of work has been prepared that can go over to procurement to start the bidding process to get quotes. Davis Bacon will apply, which will drive up the costs, but staff is hoping that this can be done within budget.

Staff is also looking in terms of the parking lot project at maybe tagging on with another contract, rather than doing it as a standalone, and maybe achieve some cost savings, economy of scale by pairing that with another asphalt project that is going on in the City.

The emergency home repair is being handled by Mr. Fisher and he has completed the environmental review on that, and it has been submitted. The City has done everything on its end and are now waiting on HUD so that the program can be advertised. The applications have already been prepared. The social media has been prepared. The City is ready to launch, but it just needs that final environmental clearance.

Mayor Mueller stated that he drives by those areas, and he wonders why the City has not yet paved the parking lot, which seems simple, but he knows about government bureaucracy, especially the federal government, and the hoops that they will have to go through. He thanked Mr. McLachlan for continuing to push on that.

Council Member Umphrey asked if Soldier Creek would be complete if \$225,000 is granted towards its improvements. Mr. McLachlan stated that he would be reluctant to state that it would

be the last phase because the City is always looking to continue the improvement of its parks. However, it would move the City closer to the vision.

Mayor Mueller stated that there are probably at least two additional steps based on the amount of money available that would complete Soldier Creek, and that is if the City wanted to do the upper-level dog park. Mr. McLachlan stated that he is aware that Leisure Services is looking at a water feature as well, but there will be outreach with the community to determine the actual specific items that are carried out. Conceptually, the landscaping and the lighting are needed because it is currently a dusty lot. The slide has also been talked about in several public meetings with the Neighborhood Association in the West End Commission and there seems to be solid community support behind that.

Council Member Umphrey asked if the incline on the slide an issue because it was too steep. Mr. McLachlan stated that Leisure Services has been talking with vendors to change the slope of the slide. Mayor Mueller stated that the real challenge with the slide is being able to have ADA access at the top portion of the park. Mr. McLachlan stated that it will be professionally designed and constructed to comply with all codes.

Mayor Pro Tem Gray stated that it looks like that staff is estimating \$260,000, but the proposed projects add up to more than that. She asked if Council needs to decide.

Council Member Benning stated that he will recuse himself because of the nonprofits and the community discussion on the original amount of the CDBG funds. Mayor Mueller stated that he believes that it is probably ok for him to sit at the dais and listen and not participate since he is the Vice President of one of the nonprofits.

Item 4 Discussion and Possible Action of Resolution 2022-008, Amendments to the West Sierra Vista Redevelopment Plan – Mr. McLachlan stated that this is the last step of the approval process to put into effect the revised redevelopment boundary that Council approved last November. This action will fulfill the Council's Strategic Plan objective of expanding the district in the eligibility area for the West Sierra Vista Partnership Program as appropriate. The plan was drafted to fulfill the minimum statutory requirements to put the City into a position to implement the Partnership Program. The City is not looking to break any new ground or win any planning awards; essentially, it just adds a little more detail on previously established goals and objectives with respect to West End revitalization initiatives. The maps and data tables have been adjusted to reflect the new boundary, which takes in all non-residentially zoned properties West of 5th Street. The redevelopment area has expanded from 23 acres back in 2017 to 210 acres, which gives the City more latitude to work the program. The redevelopment area is principally planned for commercial use, but staff has noticed some inconsistencies on the future Land Use Map that will be addressed with the General Plan update that will be worked on over the next two years.

One of the items is Soldier Creek Business Park, which is planned for multifamily use and that should be changed to a commercial designation. The Planning and Zoning Commission also noticed that the apartments on North Garden Carol Drive are classified as medium density when they were built as high density, so those land uses will be amended to be consistent with what is on the ground and current zoning.

The Planning and Zoning Commission met on the amendments on March 1, 2022 to conduct a consistency review with the goals and strategies and the General Plan. The City has been diligently working to maintain, improve and revitalize older areas of the community, which has

been done through considering the redevelopment needs and capital improvements planning, identifying properties offering a redevelopment or infill opportunity, improving necessary infrastructure and redevelopment areas, pursuing financial commitments from private entities for redevelopment projects, offering incentives for private development and redevelopment areas, seeking grants on redevelopment projects, identifying buildings, and providing incentives for adaptive reuse projects and solving challenges associated with updating older buildings to current code compliance. Those are all goals and strategies that were adopted back in 2015 that the City is concentrating on carrying out through this redevelopment effort.

The Master Development Plan framework has been revised to include an urban framework plan that illustrates infill and redevelopment opportunities within the district, as well as potential major capital projects that the City will be concentrating on carrying out over the next decade. One of those projects is the redevelopment of the Fab and Fry property, where the City is at the conceptual planning stage. The project scope has been divided into three phases. The first phase entails right-of-way improvements along Fab Avenue to include curb, gutter, and sidewalk, as well as perpendicular parking along its length from Fry Boulevard down to Wilcox, as well as a pocket park fronting Fry Boulevard. The second phase would expand the park and include potentially a movie screen wall and places for public art – details that will be decided through the actual construction document phase.

Mayor Mueller stated that he does not have a problem with a potential park on the Fry Boulevard side. He further stated that he thinks that the City has some valuable property that was paid for at a good price but going from this to the construction document phase right away without getting permission or getting input from Council on exactly what they want to do with this piece of City property that was purchased, that the City can have money coming back is up to the Council. Council at some point in time before proceeding with this portion of it, needs to sit down and hear the proposals, and throw out the fact that Council may be able to take the bottom or the southern 3/4 of this property and turn it back for commercial development. Lastly, he stated that he has an issue with driveways that have a two-way arrow for an alleyway that is behind the building. There may be too much given up in proceeding to divide it up into three or four phases.

Mr. Potucek stated that the intent is to provide some master planning concepts for you Council to look at so that Council may make these decisions. Staff will not proceed without Council approval.

Mayor Mueller stated that this needs to be presented as a potential concept and Council needs to have the opportunity to say whether they like it or not, there is a potential to do whatever else and have a work session with the Council, but that has not been done yet.

Council Member Rodriguez stated that he does not disagree, and the public's opinion should be a part of this, which is important. The comment period is currently open.

Mr. McLachlan stated that the comment period just closed and apologized for not prefacing his presentation by stating that these are concepts, and that staff is seeking Council's input and guidance. He further stated that staff is seeking feedback and direction, not only from the Council, but from the public. Both concepts are being included in the Plan. Ultimately, it is going to be decided by the Council with the input from the community on which direction to go. Staff took some direction from the West Sierra Vista Master Plan that was done back in 2000, which provided a baseline direction to explore with Council and the community.

Mayor Mueller stated that the City did not own the property at that time. Mr. McLachlan stated that there was a desire at that time to own property in this location. Conceptually, the north half of the property could be for public enjoyment. The humanities would be determined by the budget, some ideas would include landscape features, potentially art walls, places for sculpture, movie screen wall, and respite areas, i.e., benches, places for people to park and walk and meet up and enjoy the vibe of Fry Boulevard. The south end of the property coupled different concepts, direction to be decided by Council. One would be private redevelopment, and this illustrates one scenario that has been expressed in plans and by commissions in terms of a desire to see more mixed-use projects on the West End.

Mr. McLachlan displayed a Site Map depicting a live work village with supporting parking lot improvements and stated that Option B is an extension of the public park. He reported that staff learned through public involvement, the Engage Platform, which has been up since February 23, 2022 that most people who responded live in Sierra Vista. About 84 percent who took the poll favor Option 2, the public development option. Some of the specific comments that were entered include adding more off-street parking and they liked the movie and artistic walls that were shown in the A2 concept. They would like to see that in both A1 and A2 for phase two.

One person really would like the City to consider emulating Heritage Square in Flagstaff, which has like terrace seating within the plaza, a venue for music and events, and it would probably add to the proposed budget. However, the City is already working on holding more events, festivals, and live music, i.e., the West Fest that is coming up at the end of April. One person wanted to see a splash park for kids using recycled water, which is already being contemplated potentially at Soldier Creek Park. Interactive play equipment that does not have to be formal; it could be just like a rock wall or something for the kids to experience while the parents are enjoying the park. Not traditional play equipment, but maybe a landscape feature there that would be interactive with the children.

Somebody commented that they would rather see existing building stock use for live workspaces rather than building new buildings, but these would need to meet the environmental aspects of the project low water use, less concrete, more shade.

The Department is pursuing through the partnership program, already identified businesses for outdoor seating close to businesses with offers of grant assistance; and maybe instead of the buildings for private development, considering a civic use there, such as community classrooms, a small library, or police substation.

Council Member Umphrey added that the Museum should be considered. Mr. McLachlan stated that the museum was favored by the West End Commission. He noted that all these are just ideas that came to the department through the Engage Platform. Also included are the restrooms and benches, making sure there are trash receptacles and hydration stations, installing pull-ups and hookups for food trucks and EV chargers for spaces along Fab Avenue.

The concept plan is really the broad strokes of what is being considered for the reuse of the property. Those details would come later through a second phase once the framework is established as to what direction the property will go. Staff needs the Council's input and feedback so that a budget may be built to start making recommendations to Council on how to how to approach the project.

For planning purposes, staff used the consultants cost estimates for phases one and two. The south half of the property would be revisited down the road. Staff is proposing the North Garden

Avenue and Fry Boulevard phases of the project that came from the Long-range Transportation Plan in terms of those cost estimates, which are relatively current. Staff is recommending establishing a public art in public spaces program at \$15,000 per year. Then doubling the proposed funding level for the partnership program for \$50,000 to \$100,000.

In terms of process, all property owners within the district were notified by mail of the public hearing on Thursday, March 10, 2022. Legal advertisement was run for two consecutive weeks in the Herald, and staff presented the amendments to the Planning and Zoning Commission, who found them to be in conformance with the General Plan as required by the Statute. Staff presented the amendments to the West End Commission and there was unanimous support for moving that forward to Council. This action will require a supermajority vote of Council for its adoption. If it is adopted on Thursday, March 10, 2022, staff would start accepting grants for the properties in the expansion area. There is a 30-day effective date on the resolution; therefore, staff would have to hold any approvals on those applications until the 30-day clock is up.

Mayor Mueller stated that he has a concern and noted that he does not have a problem with voting for the Redevelopment Plan, which to him is expanding what they already got as the area, but when Council votes on this item, the other piece of property should be a separate item - the park and the park development. This appears to be two different items together and asking the Council to vote on it when in fact, to expand the area. He added that there is no need to have the plan for what Council wants to do with the park and the property that is there. Ms. Yarbrough stated that the concepts and the Fab Avenue component of the West Sierra Vista Redevelopment Plan are saying is that the Plan says that the City is going to develop a plan for Fab Avenue. It is not committing Council to any of those specific possibilities or layouts. It says a plan will be developed for that property. Mr. McLachlan stated that improvement of that property is integral to the overall revitalization period. It does not lock Council into a specific course of action.

Mayor Mueller stated that his concern is that in the past when this has been done this, Council started with one, defined the area, what the City is going to do in those areas, and what can be offered. Then it is expanded and now there is another expansion. He added that to him it is a different thing to say that this is the plan for the park, not park or redevelopment of the City property that the City acquired during the process. There should be two different things rather than combined. Mr. McLachlan stated that he can delete the concepts from the Plan and just put in a proposed budget.

Mayor Mueller suggested a general statement that stated that the City will be looking at this other piece of property in the future. However, it is already in the zone. Mr. McLachlan stated that the Statutes asks to include proposed expenditures to facilitate the redevelopment, revitalization of the district, and staff could put a placeholder in terms of a proposed expenditure in the Plan without including the specific concepts.

Mayor Mueller stated that he hates to be hardheaded, and maybe it is going to take Mr. McLachlan to sit down with him and explain this because he sees these as two separate things. He added that this does not include a street expansion program, nor the redoing of other streets. This only states the properties - expanding the zone, not just expanding the one City piece of the park. Council Member Johnson concurred.

Mr. McLachlan stated that the designation happened in November and staff is now presenting a proposed plan on how to carry out redevelopment within the district. Mr. Potucek stated that this item can be easily fixed by designating a City-owned property, and future use to be determined.

Currently staff is planning on a budget item for that property, which would be phase one, the Fab Avenue parking improvements and then the north end pocket area because of the drainage issues. The intent was to start the project by taking care of the drainage problems which both do in tandem, and then the determination as to finishing out the park would be up to the Council at a future date. This is just a concept.

Mayor Pro Tem Gray asked if the City owned property on Fab and Fry when the City developed the Plan, current one that is being looked at being amended. Mr. McLachlan stated that the person we bought the property from did not lend their support to being included in the redevelopment area, but it has been included in the revised boundary that was approved last November.

In response to Mayor Pro Tem Gray, Mayor Mueller stated that he is concerned the is development process and they should be two different tracks.

Mayor Pro Tem Gray asked Mayor Mueller if he would be more comfortable if the concepts were taken out and it just shows that the City now owns that property, and that the City is going to do something. Mayor Mueller added that whoever eventually either owns the property or leases the property, or if it becomes all public park, at that time, they have the option of going in and approving things and asking for assistance. Mr. McLachlan asked if it would make a difference if staff wiped it out phases two and three, and just showed the pocket park and the parking along Fab. He added that there appears to be a strong consensus amongst the community and perhaps Council as what the City is going to do.

Mayor Mueller noted that he still sees this as two separate items. Obviously, the area will be expanded, which needs to be done first. As far as what the City does with the pocket park is a separate issue. It is going to be City-owned for a period and the first thing that the City needs to do is to deal with the drainage on the northern end where it makes sense to have a park. However, what is unresolved is to what the City, as the owners going to do with the property. Is it going to be sold, developed, and that has not really been discussed?

Mayor Pro Tem Gray asked Mayor Mueller if he feels that the staff is getting the cart before the horse. Mayor Mueller proposed to go ahead with this item and approve the expansion of the area. However, he is not sure that there is a need for Council's action at this point on what the City is going to do with its own property unless there are funding ties; however, the City should not be borrowing money from itself to pay for something that is wanted – a wonderful program set up for commercial operators.

Mr. Potucek stated that Council does not have to currently designate anything. Council can just denote it on the map. Mr. McLachlan stated that the properties were added last November. Staff is now just putting in place a plan to address the properties that were added to the boundary.

Mr. Potucek stated that it is only the use to be determined. Mr. McLachlan stated that this can be as general or specific as the Council wants in terms of articulating a vision and revitalization strategy. If Council is more inclined to go general, staff can be general, and it can be color-coded green or just with a statement of use to be determined.

Mayor Mueller stated that he is prepared to vote on this on Thursday, March 10, 2022 if it is about expanded zones, united going to do sit down, talk about exactly what it means, cause. And bring it up for discussion on Thursday.

Council Member Johnson suggested that page 35, the concepts, be removed because the language on the Fab Avenue property basically says that the City acquired this piece of property and has some concepts, and this is what the City may be doing with it. This way the item is addressing the issue of the Fab Avenue property without any concepts at all. Mayor Mueller stated that he will discuss this with Mr. McLachlan.

Council Member Johnson stated that his main concern is that the City fix the drainage issues.

New Business

Item 5 Discussion and Possible Action of Resolution 2022-009, Conditional Use Permit Amendment to Resolution 4501, 130' Communications Tower, 1300 Fort Avenue – Mr. Pregler stated that Item 5 and Item 6 are both similar requests, he is going to address both at the same time. The conditional use permits are being requested by SBA Structures to revise the existing communication tower elevations from a stealth monopole to a mono pine. Their requests apply to two separate existing towers in town. The first is at 1300 Fort Avenue, which is identified in Resolution 2002 009, and located to the west of Cyr Center Park. The second location is at 1045 S Lenzner Avenue, identified in Resolution 2022-010, and located just to the west of the Joyce Clark Middle School and to the east of AV Anderson Park.

There will be no changes to the height of the towers, which are currently 130 feet tall, and there will also not be an expansion of the ground lease area, which are currently screened by 8-foot masonry walls. The applicant has indicated that the design changes are necessary to provide capacity for the carriers on the towers and to allow them to maintain their equipment to current technological standards. The 5G technology requires external antennas for complete functionality rather than the internal antennas. Therefore, the mono pines can minimize the visual impacts of these antennas.

Staff worked with the applicant to ensure that the proposed mono pines provided a realistic design while meeting the screening and stealth requirements in the Development Code. As a result of these discussions, the applicant integrated the following standards into the design specs:

- 1 - The length of the branches shall be in proportion to the height of the monopole as determined by the City.
- 2 - The density of the branches shall be a minimum of three branches per foot.
- 3 - Branches shall extend beyond all antennas by at least 12 inches.
- 4 - Branches shall begin a minimum of 15 feet from the ground.
- 5 - The top of the faux tree shall be a minimum of five feet above the highest antenna.
- 6 - Brown paint or bark cladding acceptable to the City shall be used to conceal the vertical sections of the structure.

These items were heard by the planning and Zoning Commission on March 1, 2022, and the Commission unanimously recommended approval of the two requests. The Commission meetings were public hearings and as such, all standard public hearing notification requirements were met. There was a mailing to all property owners within 500 feet of the property. A public notice ad in the newspaper and a sign was posted on the property identifying the date and time and location of the public hearings.

The City did not receive any comments from the public. There were also no public attendees or comments from their required virtual neighborhood meeting that was scheduled on February 22, 2022. The Fort Huachuca Encroachment Board also reviewed the two requests and had no

additional comments.

Staff is recommending approval of Resolution 2022-09 that includes amending the original Exhibit A from Council Resolution 4501 from a monopole design to a mono pine, and then approving Resolution 2022-010 that includes amending original Council Resolution 4643 from a monopole design to a mono pine.

Mr. Pregler stated that present at the Council Meeting will be representatives from SBA to answer questions.

Council Member Landry stated that as a resident of Sierra Vista, she can see these things and wonders if these are telecommunications towers or a tree. She added that it is cool to see all the thought in the planning that goes into these towers. Mr. Pregler stated that SBA is one of the biggest companies in the country and they deal with numerous jurisdictions throughout the country. They have mono pines, mono palms, saguaro cactuses, and eucalyptus trees.

Mayor Pro Tem Gray asked for clarification on the antennas. Mr. Pregler stated that according to the City's specifications, the branches would not be showing because the branches would extend five feet beyond, and 12 inches above the right top antennas as well.

Council Member Benning asked if these are the same ones by the hospital. Mr. Pregler stated that he is correct in that it is a mono pine.

Item 6 Discussion and Possible Action of Resolution 2022-010, Conditional Use Permit Amendment to Resolution #4643, 130' Communications Tower, 1045 Lenzner Avenue

Item 7 Discussion and Possible Action of Resolution 2022-011, Authorization to approve Settlement Agreement regarding Civil Lawsuit – Mary Brown versus the City of Sierra Vista

Mr. Williams stated that this item would allow the City Attorney's Office, through the City's insurance counsel, to finalize a settlement and enter a proposed settlement between Mary Brown and the City of Sierra Vista. The City has a park over by Village Middle Schools called Nancy Hakes Park. In 2019, Mary Brown and a friend were over at Nancy Hakes Park, and they were crossing a wooden footbridge that had some planks that were displaced. They were approximately two inches higher than the rest of the grade of this wooden footbridge. Miss Brown tripped, fell, and injured herself on this bridge and subsequently after several months had knee surgery that she claimed was a result of or was aggravated by this fall. After filing a lawsuit against the City, the City's insurance counsel and Miss Brown entered in a mediation on February 22, 2022, where they arrived at a settlement of all of Miss Brown's claims against the City. To finalize that settlement and have the judge sign off on it, it requires City Council's approval for the City Attorney's Office to direct the insurance carrier to finalize that settlement. The out of pocket for the City is just the deductible through the insurance carrier, which is \$5,000, and then the insurance carrier will cover the remainder of this settlement.

Item 8 Discussion and Possible Action of Resolution 2022-012, Donation of Equipment and Vehicles to Cochise College in support of the Southeastern Arizona Law Enforcement Training Academy (SEALETA)

Deputy Police Chief Kosmider stated that the Sierra Vista Police Department is committed to supporting Southeastern Arizona law Enforcement Training Academy (SEALETA). This is where the Police Department currently sends its recruits for training, which is in Douglas at the

Cochise College Campus. There is a significant cost savings by having the recruits go to SEALETA, and it also provides an opportunity for the Police Department's general instructors and specialty instructors to teach. They do a lot of the teaching there, and in the past the City has donated property to Cochise College, especially, when the first Academy started.

This resolution is for authorization to provide Cochise College with four Crown Victoria's, all of which have over 100,000 miles on them, and have been taken out of service. They have been transferred to the Public Works Department and would otherwise go to auction. Their value is estimated at about \$1,500 a piece, and there are three light systems. Three of the vehicles will have the light bars still attached, which is good for training/scenarios, another \$2,000 in value.

Item 9 Discussion and Possible Action of Resolution 2022-013, Addendum to the City Manager's Contract

Ms. Fleming stated that this resolution is for consideration to do an addendum to the City Manager's contract. This would be an addendum following the annual performance evaluation and the recommendation for some salary changes to the contract.

Mayor Mueller noted that Council had good discussion in executive session.

B. Update/Report on [Council's Six-Month Strategic Plan](#)

Ms. Yarbrough stated that this is the six-month update to Council's annual Strategic Plan. She stated that most things seem to be progressing as planned except for one item, but they are all marked as either ongoing or on schedule. Goal 17, commission item, on page 21 is marked behind. Staff has been sharing regular updates on the Executive Report, and it is not a secret that some commissions have been struggling to get participation. There are a few that are doing very well, notably Commission on Cultural Diversity that was kind of reinvigorated through a citizen-led drive. It is fully seated, and they have a good plan of action. They are working on doing some things with Fort Huachuca. The West End Commission continues to be very active. Staff have been making efforts to draw attention to the need for community participation, and for reasons that everyone is still working to understand, there has not been a lot of interest there. Staff is looking at drumming up more interest and at other ways to look at commissions.

Mayor Pro Tem Gray voiced her appreciation to all volunteers that come forward to serve on commissions, but as staff is going through the process, she wonders if commissions will need to be re-evaluated because of the lack of community interest. Ms. Yarbrough stated that staff is going to work through the next year and a half and see how they can garner interest. Staff has some other options, like Engage Sierra Vista and some virtual options. However, their time may be coming, and maybe for the next strategic plan, Council will need to look at some alternatives for commissions that for whatever reason at this point, people are just not interested in.

Item 6.2.1, page 5, Start of the West End revitalization

This is the completion of Fry Boulevard. The current construction is nearly finished and by the end of the month there should be seen substantial completion with the construction on Fry Boulevard. The only part of that is going to be hanging out there is completion of the intersection at Carmichael and Fry and that is because of access issues with the hotel there. The decision was made part way through the project to add a fourth leg onto that intersection, which means it will be turned into a four-way intersection. Therefore, there will be a traffic light access into the hotel that will give public safety fire trucks the ability to access that property safely.

Item 6.2.2, page 5, Next steps on the project

The master plan for the entire project, North Garden and Fry from Garden all the way down to 7th was completed as part of this first phase by the designers EPS group. This means that the City has a 25 percent plan done that tells the City to look at the concept and the preliminary design for the entire thing, which has come to fruition on the part of Fry that is underdeveloped.

In the current year's budget, included is the design for the North Garden piece to complete and that is about to be awarded if it has not already been awarded. In the meantime, there are a lot of grants out there, so staff are working to apply for grants to complete all components of the North Garden and Fry Boulevard components. Staff is working on infrastructure money to complete a chunk or all of it at one time.

Item 6.2.3, Activating the West End Entertainment District

The City has a great partnership between Parks and Rec and Library staff and Community Development. This is the re envisioning of the West End Fair, which has been renamed West Fest, planned for April 30, 2022. This will be the first event in the area to close the street and have a family focused event in the first part of the day, with bands and entertainment on the second part of the night and then as parks are finished on the West End, more events and things will be planned by staff to help activate that that area.

Item 6.2.4 Expanding West End Redevelopment Area and the Partnership Program

This is in motion.

Item 6.5.2, page 9, First Phase of the Veterans Memorial Park Sports Complex

This is in development and staff has been working on this every other week for the past couple of months in putting together a phase two plan with Schneider Electric that would encompass redoing a large part of the Sports Complex. Staff will be presenting the plan to Council for consideration during the capital projects work session scheduled for April 12, 2022. This would accomplish taking care of a large portion of that plan, rehabilitating, and focusing on the usability of those sports fields and revenue generation for the area.

Goal 10, page 11, Increasing sports tourism revenue

The City has amazing departmental partnerships getting ready for the El Tour de Zona, which happens at the end of the month. Every one of the City's departments has been involved in getting ready for this event; although it is not a City event, the City is supporting that. This goes a long way towards doing things and bringing in events to bring in that revenue, bring people to Sierra Vista and show them what a great location we have.

Goal 12.2, page 17, Public input for the Parks Master Plan

Continuation of this item is the public process for Road Runner Park, which is the land that the City owns and the land that the City purchased, corner of Saint Andrews in Canyon de Flores. The first public process meetings are scheduled for later in the spring.

Mayor Mueller asked about the name of the park. Ms. Yarbrough stated that the name has not

been decided, but Road Runner Park is what has been in the plan for many years.

Mayor Mueller stated that the City needs to come up with a name, even if it is Roadrunner Park and stick with that. Council Member Benning concurred.

Goal 14.1.3, page 18, Strategies for testing police officers

This goal did not go well, but staff had something else that came up that is going better than the original plan. Traveling to different military installations to do police recruitment did not work out all that well over the past few years because of the pandemic. Another opportunity came up in the meantime and that was the Police Department really focused on developing a partnership with both the Transition Assistance and Career Skills Program on Fort Huachuca that has had more success with this than what they were able to do in the past couple years at other installations. At this point, there have been multiple applicants from these programs to the Police Department. Two individuals did not make it through, but there is one that is still in the process, and then more in the future soldiers transitioning off Huachuca and coming over to work for the City of Sierra Vista.

Item 15.2, page 19, Animal shelter expansion

This is progressing as planned. The architect has been selected and because a different type of procurement is being done, the construction manager at risk has also been identified, and if not formally awarded at this point, it should happen any day. The architect and the contractor work hand in hand to design an expansion based on the master plan that identified the needs for the facility design and expansion that meets the City's budget. This should hopefully ensure that the City does not go over budget.

Item 15.4, page 19, Working with providers and implementing a plan to address homeless, mental health and affordable housing issues

The first one-stop resource and referral center were held last week on March 1, 2022 and it far exceeded everybody's expectations as to the number of providers and the number of people who showed up and were able to receive assistance.

Council Member Umphrey asked what the community connect will be called. Mr. McLachlan stated that it is proposed as a one stop resource and referral center. The nonprofit that staff is working through is termed Dubbed IT Community Connect.

Council Member Umphrey stated that she is glad that it was successful and asked about the number of people who received services. Mr. McLachlan stated that it was around 82 people.

Council Member Benning asked if placards are put up when there is clean up initiated by the community. Mr. McLachlan stated that the incentive is giving back to the community. Mayor Mueller stated that on Charleston Avenue there is a little blue sign that says that this is policed by the mobile group/retired officers' group. There are other places around town that have those as well, but the challenge is that there are more spaces that need to be policed, but not enough groups to be able to do it. The City provides bags, etc. so that the groups are not taking anything out of their pocket to pick up the trash or police the area. Council Member Rodriguez stated that those signs acknowledge them, and it gives them a sort of pride in that this is their area.

In response to Council Member Benning, Mr. McLachlan stated that for the ADOT roadways, they still do that, but not for City facilities. People can adopt a wash, pickleball court, a segment of a multi-use path. The City is looking for volunteer support across all City facilities and a sign at every segment or location or some other acknowledgement i.e., a dinner or whatever depends on what Council wants to do as well as the amount of money to put towards recognition. He added that there is growth in the program. People are signing up, and staff has not found that people are expecting anything beyond just the program.

Mayor Mueller stated that the NAACP does Martin Luther King Boulevard, north of the park and they have something that says twice a year or three times a year or whatever is the guidance so that they can get their sign. Mr. McLachlan stated that the City does not do signs outside of ADOT right-of-way.

In response to Council Member Umphrey, Mr. McLachlan stated that the Department does not do signs because there is turnover in groups, and there are just too many segments. Signs have not been asked for nor expected.

Council Member Landry asked about the process. Mr. McLachlan stated that the department has a website with a map that shows facilities that are available, which have been adopted. This is a one-page form that goes to Code Enforcement. Once they are contacted, staff will work with them on next steps.

Council Member Rodriguez asked if people could get volunteer hours on their own. He also asked if the City signs off on those. Mr. McLachlan stated that the Department can do that.

Council Member Umphrey asked if staff is actively seeking people for the Economic Development Commission. Mayor Mueller stated that he has been working with Mr. Boone. There is one person that can cover the military contractor phase. Mr. Boone and he are having lunch with somebody who is going to do the education phase, and they are looking for other people. The two individuals are going to do a good job, but it is about trying to pick out the right person in the community. There have been people who submitted applications, and the Chair of the Hispanic Chamber and the Chair of the Sierra Vista Chamber are welcome to come to the meetings, but he is not sure if those are the folks to be on the Commission as the City develops projects that need to be worked on. The best way is to have those subject matter experts work with task forces in the economic development field. It is going to take a little while to get the right people, but it is being worked on. They have some names in other areas, like the medical field and a few others that are important to the local economy that need to be courted. He added that they will not ask a whole lot of people, but they are going to ask a whole lot of people.

Council Member Johnson asked about Goal 6.1 that discusses exploring different technologies and partnerships regarding broadband, 5G and EV charging stations. Mayor Mueller stated that he does not know if the City needs to own and operate EV stations, but the EV stations are needed in town. Council Member Johnson stated that he agrees with his statement.

In response to Mayor Mueller, Mr. Potucek stated that as part of the Schneider Project, staff is looking at the feasibility of EV stations in town and there appears to be several grant sources available to the City as a municipality to do those. Staff will be making a presentation to Council on the Schneider Project soon because this phase of it is wrapping up before proceeding. There is a potential of getting outside funds to it and of course if the Council chooses to go with that, it would not be free. Mayor Mueller stated that it must pay for itself, but if staff can find a viable company to do it, and they can do it on a private basis then that is fine. If not, then the City

needs to look at how to do more than just break even by putting it in the parks or wherever it may be best suited. He further stated that Council must make a conscious decision whether it makes sense to have a separate company operate those things or whether the City is going to operate them. However, he would rather have the private folks do that.

Council Member Benning thanked Ms. Yarbrough for presenting the six-month update as well as the directors and their staff. He added that it is cool seeing the different things that Council said that they wanted to look at and then start seeing those differences physically.

Council Member Landry voiced her appreciation for the breakdown of the Strategic Plan and stated that it is great to see how things are moving along and to see so many things that are on schedule and moving on.

C. Report on Recent Trips, Meetings and Future Meetings

Mayor Mueller stated that they had an excellent Good Morning Sierra Vista report from one of the Council Members on what is going on in town. He added that he has not been to any meetings and does not have anything to report.

D. Future Discussion Items and Council Requests

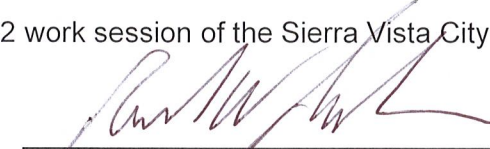
Ms. Yarbrough stated that she is still working on scheduling a legislative update for Council, and the next main thing on the calendar are the budget work sessions, which start on April 12, 2022.

Council Member Umphrey stated that during the first couple of sessions during the year, the Council was receiving the City Manager's report regarding procurement projects; however, during the last sessions, the report was no longer available, and she really liked having that report because it was handy. Mr. Potucek stated that he gets a list from Procurement, and a lot of them are duplicative, meaning that they are ongoing, or he has already reported on it. There is really no news to report on it; therefore, he picks and chooses a few out of that to present publicly during the Council Meeting. He further added that all the information is online on the procurement page.

In response to Mayor Mueller, Mr. Potucek stated that staff can add something in the executive report. He further stated that the report was never meant to be in the package.

3. Adjourn


Mayor Mueller adjourned the March 8, 2022 work session of the Sierra Vista City Council at 4:22 p.m.



Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk