

Sierra Vista City Council
Meeting Minutes
May 23, 2024

Mayor Pro Tem Umphrey called the May 9, 2024, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Clea McCaa II – absent
Mayor Pro Tem Carolyn Umphrey – present
Council Member William Benning – present
Council Member Gregory Johnson – present
Council Member Angelica Landry – present
Council Member Marta Messmer - present
Council Member Mark Rodriguez – present

Others Present:

Victoria Yarbrough, Assistant City Manager
Chuck Potucek, City Manager
Lis Chatham, Police Department Commander
Brian Jones, Fire Chief
Irene Zuniga, Capital Improvements and Development Manager
Laura Wilson, Leisure, Parks, and Library Services Director
Matt McLachlan, Community Development Director
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Elizabeth Wrozek, PIO
Tony Boone, Economic Development Manager

Invocation – Pastor Dennis Dimitroy, New Hope Fellowship Church, conducted the invocation.

Pledge of Allegiance – Council Member Johnson led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Rodriguez moved that the agenda for the Regular City Council Meeting of May 23, 2024, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

City Manager's Report: Mr. Potucek stated that the next scheduled work session is on June 11, 2023, at 3:00 p.m. in the Council Chambers and the next regularly scheduled Council Meeting is on June 13, 2024, at 5:00 p.m. in the Council Chambers, and a budget work session scheduled on June 17, 2024, at 3:00 p.m. also in Council Chambers. He reported that the Greenbrier Road Four Winds Circle Pavement Replacement Project was awarded to K&G and that work is in process. Mr. Boone and his team met with the Firm of Launch On Demand that was selected for the Feasibility Study for the Space Reentry Port and that project is now underway. The Needs Assessment for the Municipal Court was awarded Rounds Consulting, and that work is in process as well. The metal roof repairs at Fire Station III should be beginning in June. Lastly, he announced the Wine, Beer, and Spirits Festival taking place on Saturday, May 25, 2024, with the Summit Challenge before that. In closing he reminded everyone that Monday is Memorial

Day which means that the refuse pickup schedule will change from Monday to Tuesday and Tuesday to Wednesday, and then back to Thursday and Friday. However, there will be no special pickups during that week.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Work Session Meeting Minutes of May 7, 2024

[Item 2.2](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of May 9, 2024

Council Member Benning moved that the Consent Agenda consisting of the minutes of the Work Session Meeting of May 7, 2024, and Regular City Council Meeting of May 9, 2024, be approved. Council Member Rodriguez seconded the motion. The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Public Hearings

[Item 3](#) Discussion and Possible Action of Resolution 2024-033, Request for Abandonment Portion of Charleston Road Right-Of-Way

Council Member Landry moved that Resolution 2024-033, reserving a 22.5-foot-wide sewer easement and approving an abandonment of a portion of Charleston Road right-of-way, be approved. Council Member Messmer seconded the motion.

Mr. McLachlan stated that this request encompasses two separate actions. The first is the abandonment of a portion of the Charleston Road right-of-way located directly across from the entrance to Plaza Vista Mall. It is also where complaints are received about from time to time about bags hanging from Mesquite trees. The site was previously owned by ADOT and subsequently conveyed to the City and encompasses 1.31 acres. Upon its abandonment being recorded in the public records it will attach to the adjoining parcel to expand its development area. The second action is reserving a 22 1/2-foot-wide sewer easement across the northern extent for a project that is currently under development.

The Planning and Zoning Commission heard this item at their May 15, 2024 meeting. Notice has also been sent out to all the utility companies for review and comment, and no objections have been received. Therefore, staff is requesting approval of the resolution.

The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

[Item 4](#) Discussion and Possible Action of Resolution 2024-034, Conditional Use Permit for New Hope Fellowship Church at 5420 E. Desert Shadows Drive

Council Member Messmer moved that Resolution 2024-034, a conditional use permit for New Hope Fellowship Church, located on parcel 107-49-001H, 5420 E. Desert Shadows Drive, be approved. Council Member Landry seconded the motion.

Mr. McLachlan stated that the church sits on a 7 1/2-acre parcel that's zoned SFR 36. Places of worship are classified as conditional use under the district regulations. The property was

previously developed prior to its annexation in 1994 that brought in the Mesa Verde and Campstone Subdivisions. Since that time, the use of the property has been legally nonconforming, which is allowed to continue in its current extent.

The proposed 1,200 square foot, one-story addition to the auditorium is located on the east side of the building. The new foyer will also be constructed between the existing classroom building and the fellowship hall to create a more prominent entrance. The City's staff report documents the consistency between the request and the standards of review. Staff finds that the site is suitable for the proposed use considering its parcel size and location and its ability to meet building set back and buffering requirements. The building upon its expansion will only occupy 3 ½ percent of the site, which is 12 percent of the maximum allowed. Moreover, there is an existing six-foot tall masonry wall along the east property line to screen the addition from the neighboring homes.

With respect to noise levels, the applicant has conditions that will be attached to the permit, if approved, to mitigate any potential noise impacts on surrounding properties. The recommended conditions match what was already contemplated as part of the development program but are being put into the public record to demonstrate their sensitivity and responsiveness to any neighbor concern on that issue.

Any outdoor lighting that is installed will be shielded and directed away from adjoining properties and not exceed maximum lumen levels.

The additional peak hour traffic on Sunday mornings is expected to be 37 additional vehicle trips, which is de minimis in terms of impact.

After factoring in the addition, the church exceeds the minimum on-site parking requirements by 16 spaces. Therefore, the church meets the all the parking needs will be met.

The proposed building elevations meet the City's architectural design requirements and will help better distinguish the property as a place of worship.

The site character will also be improved through additional landscaping to the vehicular use areas to spruce up the site.

Staff finds that the request is consistent with the General Plan and can meet the City's Development Code regulations. The results of the neighborhood meeting and the public correspondence received to-date are attached to staff's memo. Staff believes the conditions agreed to by the applicant and being recommended by the Planning and Zoning Commission will negate any objection on noise impacts:

- The expansion to the sanctuary will be masonry construction with insulated furred-out walls for sound absorption blocking.
- There will be no doors or windows, including the proposed additions which would create sound leaks.
- Additional landscaping such as trees will be planted between the expansion and the neighborhood for further sound absorption. Trees will be a minimum 15-gallon and be identified on the City's low water drought tolerant plant list.
- The new playground area will be in the middle of the property set back as far as practically feasible from the adjoining property lines.

In response to Mayor Pro Tem Umphrey, Mr. Burton representing the applicant had nothing to add.

Pastor Dennis Dimitroy stated that he considers himself a part of the neighborhood. The intent of the expansion is not just to serve his congregation, but to open that up to the neighborhood, both with the new park as well as the new existing facilities. Currently, the Church hosts several community groups, from Boy Scouts to various other groups, and he is very thankful for the opportunity to possibly be able to expand and serve more people.

The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

New Business

[Item 5](#) Discussion and Possible Action of Resolution 2024-035, Acceptance of Termination Agreements 4388, 4869, 4884, AND 4893, relating to the development of parcels 105-04-122B, 105-04-253, 105-04-254A, 105-04-252E, 105-05-121, 106-46-033, 107-51-336B, and 107-78-001 from The Sanctuary Revocable Living Trust and Lawley Holdings LLC

Council Member Johnson moved that Resolution 2024-035, acceptance of Termination Agreements 4388, 4869, 4884, and 4893, relating to the development of parcels 105-04-122B, 105-04-253, 105-04-254A, 105-04-252E, 105-05-121, 106-46-033, 107-51-336B, and 107-78-001 from the Sanctuary Revocable Living Trust and Lawley Holdings LLC, be approved. Council Member Messmer seconded the motion.

Mr. McLachlan stated that this resolution pertains to termination of four separate development agreements that were recorded on seven separate tax parcels affiliated with the Lawley Dealership. They were approved over 20 years ago with no sunset provision. Staff has gone through the terms and conditions of each one, have determined that the conditions and obligations of the party have been fulfilled and are no longer applicable. The request is motivated by the pending sale of the parcels and the owner's desire to transfer the title without any cloud.

On a side note, any future development agreement will include a duration provision laying out the obligations of each party to benchmark the termination of a development agreement and that provision was included in the BST development agreement that Council recently approved to eliminate this needing to come back to Council in the future. No public comments have been received on this item and staff recommends approval of the resolution.

Council Member Benning thanked Sean Lawley and his family and congratulated him on the sale of their dealerships. They have a footprint in Sierra Vista and gave a lot back.

The motion unanimously carried, 6/0. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Call to the Public

William Delicato stated that the Sierra Vista 2040 General Plan draft contains the word climate four times. It says that Sierra Vista has a good climate, a warm climate, and a desirable climate, but nowhere does it acknowledge the ongoing global crisis. Arizona is already experiencing higher temperatures and lower annual precipitation due to climate change, which has led to an

increase in the frequency, severity, and extent of wildfires. There has also been an increase in the heat related deaths due to record-breaking heat waves and under current projections, Arizona will suffer more deaths and economic losses than most of the rest of our country. When viewing the challenges of climate change, it is easy to be overwhelmed and intimidated, but just as these issues were created by human hands, everyone can come together to solve them. One example for addressing this challenge is to transition homes in Sierra Vista from fossil gas to electric appliances, including stoves, water heaters, and furnaces. Currently, developers in the City build homes on spec, and they install gas appliances in new construction as a standard practice. Gas stoves produce nitrogen dioxide, carbon dioxide and fine particulates, and when used these pollutant levels concentrations quickly surpass air quality limitations. The General Plan could accommodate electrical appliances to be the default in new home construction. Already across the country, electric stoves are more commonly installed than gas stoves. Electric stoves are cheaper, more reliable, and more efficient to run than gas stoves. Electric heat pumps, which functions both heating and cooling, are also more commonly installed than gas furnaces. Lastly, he stated that the City's commissions have recommended strategies and goals to be included in the General Plan that would work to address these issues, including reducing car dependency and transitioning to an electrified standard. Arizona as a state is blessed with an abundance of solar resources and can easily make this transition. However, these strategies were either watered down or removed entirely. The City can take meaningful steps to solve this existential threat to the planet by changing the default from gas to electric appliances. The General Plan represents a once in a decade opportunity to have a positive impact on the direction for communities. In closing, he asked Council to take a bold action and include more specific climate language in the 2040 General Plan and show that Sierra Vista is committed to the health and welfare of the community and environment.

Comments and Requests of Council

Council Member Benning thanked Pastor Dennis Dimitroy for his blessing, recognized Chris, his door dasher who commented that he watches the Council Meetings and apologized for not being present at the last Council Meeting, but he was attending his daughter's wedding. He congratulated his daughter and his son, John. In closing he touched on Memorial Day, "while we don't know them all, we do owe them all". He asked people to remember what the holiday is about and to say an extra prayer for them and thank them.

Council Member Johnson announced the Memorial Day service at the Veterans Memorial Cemetery at 8:30 a.m. on Monday, May 27, 2024, and concurred with Council Member Benning in that everyone has a lot to be thankful for. Lastly, he reported that Canine Bones, who was with the Sierra Vista Police Department from 2016 to 2021, recently passed away. He was deployed 679 times in both narcotic detection and patrol apprehension, helped locate 354 items of drug paraphernalia, 473 pounds of marijuana, and over 850 grams of illicit narcotics. He thanked Bones and noted that 206 arrests can be directly attributed to Bones' actions in the field.

Council Member Landry thanked Council Member Johnson for sharing information on Bones, congratulated all the graduates and encouraged them to celebrate with their family and friends and to have a safe weekend, move on and enjoy their new adventures and journey that life brings to them. She also thanked all the teachers and encouraged everyone to let them know that they are appreciated in all that they do because they have such a ripple effect in the lives of students and in the community. She announced the Summit Challenge on Saturday, May 25, 2024 and noted that there are always people out hiking the mountains, announced the Wine, Beer, and Spirits Festival also on Saturday, May 25, 2024, from noon until 7:00 p.m., where

there will be a lot of great wineries at Veterans' Memorial Park as well as food vendors, crafts, and live music. In closing, she stated there will be a public meeting regarding the General Plan on Wednesday, May 29, 2024, at 5:00 p.m. at the Sierra Vista Library meeting room. People can go to the City's website and on the top banner access the General Plan. People have their own passions and interests; therefore, everybody can take a close look at their areas of passion and interest and ask questions.

Council Member Messmer congratulated all the graduates, encouraged people to attend the Wine, Beer, and Spirits Festival, encouraged people to stop by at the Council meet and greet table and in closing, asked everyone to remember all who have served and are serving this Memorial Day.

Council Member Rodriguez encouraged people to come and check out the new artwork in Council Chambers which makes the walls look a lot nicer. He also encouraged people to check out the new art behind the OYCC, a mural that was done by 10 students under the direction of Ms. JenMarie Zeleznak from Cochise College. He congratulated all the graduates, namely his stepdaughter Maya who is graduating in Tucson, and Mayor McCaa's daughter, Marie. He also congratulated all the teachers and parents who made it happen. Lastly, he thanked the Parks Department for getting Veterans' Memorial Park set up for the Wine, Beer, and Spirits Festival.

Mayor Pro Tem Umphrey congratulated all the graduates, shared that she now has a middle schooler and a high schooler, and she is no longer a mom to little ones. She also wished everyone a safe weekend and asked people to remember those that are no longer with us.

Adjournment

Mayor Pro Tem Umphrey adjourned the May 23, 2024, meeting of the Sierra Vista City Council at 5:28 p.m.

Clea McCaa II, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

A recording of the Council Meeting is available at:
https://www.youtube.com/channel/UC8PtUplbkQsixlhSy-jeR_Q/videos