



EXTRAORDINARY SKIES.  
UNCOMMON GROUND.

## CERTIFICATION

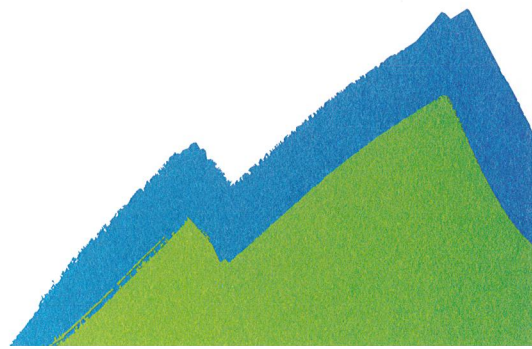
I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 12<sup>TH</sup> day of September, 2024. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10<sup>TH</sup> day of October, 2024

SEAL

\_\_\_\_\_  
Maria G. Marsh  
Deputy City Clerk

\_\_\_\_\_  
Jill Adams  
City Clerk



Sierra Vista City Council  
Meeting Minutes  
September 12, 2024

Mayor Pro Tem Umphrey called the September 12, 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 – present  
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  
Chris Hiser, Police Chief  
Brian Jones, Fire Chief  
Sharon Flissar, Public Works Director  
Laura Wilson, Leisure, Parks, and Library Director  
Matt McLachlan, Community Development Director  
Jeff Pregler, Planner  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney  
Adam Curtis, Marketing and Communications Manager  
David Felix, Chief Financial Officer  
Tony Boone, Economic Development Manager  
Dianna Cameron, Management Analyst  
Kennie Downing, Chief Procurement Officer  
Mark Slania, Attorney for the Industrial Development Authority

Invocation – Pastor Greg Rowles, God is Good Church, led everyone present in prayer.

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

Item 1 Acceptance of the Agenda

Council Member Landry moved that the agenda for the Regular City Council Meeting of September 12, 2024, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Presentations and Awards

Mr. Boone, Economic Development Manager, stated that as of 2021, minority owned businesses accounted for almost 1.2 million American businesses, generating over \$1.4 trillion per year in revenue and creating over 4.2 million jobs. The impact they have on our local economy and community culture cannot go unnoticed. The President of the United States has

declared Minority Enterprise Development Week for the nation for the last 40 years. This year marks the second year that Arizona has joined in a concerted effort to organize statewide events to celebrate minority owned businesses.

Mayor McCaa and Council presented a proclamation declaring September 16 through 22, 2024 as Minority Enterprise Development Week to Tony Boone, Gary Packard, Hannah Rainey, and Michelle Hagel.

Dr. Packard, Economic Development Commission Chair, presented Ruby Tran and her family with a certificate recognizing Sakura as the Sierra Vista Minority Owned Business of the Year for their unique role, impact and dedication to the community as expressed by their clients and employees. Ms. Tran thanked the community, staff, friends, and family for their support.

City Manager's Report: Mr. Potucek reported that he attended the SEACOM Joint Powers Authority Meeting held at the Sheriff's new building on N Garden Avenue where two major items were discussed, the fund balance estimates for SEACOM are going to come in probably over \$650,000; therefore, the enterprise is in good financial shape. The other item was the Board's decision to proceed with the process of moving the Human Resources function for SEACOM from the City to the County; however, there is still a lot of work yet to be done with employees, but that process continues.

Mr. Potucek announced the grand opening of the Sheriff's new building on N Garden Avenue on October 4, 2024, and that on Friday, September 6, 2024, the City took over the Pueblo Del Sol Golf Course that Paradigm is running. Things seem to be going well, but there are some issues that are outstanding with some of the nongolf related facilities that are being worked through. Paradigm will be present at the Council's Work Session on October 8, 2024 to provide a good briefing and answer questions as to how things are going.

Mr. Potucek reported that water issues are perking up again and there have been some decisions with regards to water rights, both the SPRNCA earlier and now Fort Huachuca. Legal interpretations are necessary to understand what those mean, both to the Fort and the community; therefore, staff will gather legal information to report to Council over the course of the next couple of months. He noted that there are significant decisions out there that will probably be appealed. Lastly, he reported that the sales tax report for July has come in and unfortunately from July of last fiscal year to July of this fiscal year, retail sales tax is down \$187,000 or 15.25 percent. Although, the City is still up with regards to its budget because it was budgeted very conservatively on sales tax revenues which the City very dependent on. In closing, he displayed a chart that showed total revenues and retail revenues being closely matched to each other, persistently flat, meaning no growth and maybe even drifting downwards.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Work Session Meeting Minutes of August 6, 2024

[Item 2.2](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of August 8, 2024

[Item 2.3](#) Discussion and Possible Action of Resolution 2024-058, Authorizing the Removal of Chanse Frenette and Liza Quinones, and Appointing Iris Allison and Lana Tompkins-Stutzman to the Commission on Disability Issues, said terms to expire April 30, 2026

[Item 2.4](#) Discussion and Possible Action of Resolution 2024-059, Acceptance of resignation from Alvira (Vera) Gates-Williams, with regret, and appointment of Presence Massie, Roger Hunter, said terms to expire April 30, 2026, and Angela Givens, said term to expire April 30, 2025, to the Sierra Vista Neighborhoods Commission

[Item 2.5](#) Discussion and Possible Action of Resolution 2024-060, Appointment of Gregory Loughran to the Sierra Vista Transportation Commission, said term to expire April 30, 2026

[Item 2.6](#) Discussion and Possible Action of Resolution 2024-061, Acceptance of resignation from Ryley Absalon, with regret, from the Youth Commission

Council Member Benning moved that the Consent Agenda consisting of the minutes of the August 6, 2024 work session and Council Meeting of August 8, 2024; Resolution 2024-058, removal of Chanse Frenette and Liza Quinones, and appointing Iris Allison and Lana Tompkins-Stutzman to the Commission on Disability Issues, said terms to expire April 30, 2026; Resolution 2024-059, acceptance of resignation from Alvira (Vera) Gates-Williams, with regret, and appointment of Presence Massie and Roger Hunter, said terms to expire April 30, 2026, and Angela Givens, said term to expire April 30, 2025, to the Sierra Vista Neighborhoods Commission; Resolution 2024-060, appointment of Gregory Loughran to the Sierra Vista Transportation Commission, said term to expire April 30, 2026; and Resolution 2024-061, acceptance of resignation from Ryley Absalon, with regret, from the Youth Commission, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Mayor Pro Tem Umphrey thanked all commissioners that served and noted that some have been involved in the community and on the commissions for quite a while and wished Ryley Absalon the best of luck at college.

Council Member Benning thanked everyone for stepping up and volunteering on a commission.

New Business

[Item 3](#) Discussion and Possible Action of Ordinance 2024-007, Text Amendments to Article 151.06.005(E), Marijuana Facilities Operational Requirements

Mayor Pro Tem Umphrey moved that Ordinance 2024-007, Text Amendments to Article 151.06.005(E), Marijuana Facilities Operational Requirements, be approved. Council Member Rodriguez seconded the motion.

Mr. Pregler stated that Trulieve of Sierra Vista is proposing a Code amendment to extend the hours of operation for marijuana establishments from the current 9:00 a.m. to 7:00 p.m. to the proposed 8:00 a.m. to 10:00 p.m. In analyzing the request, staff compared the proposed hours of operation with other communities and found that 10 out of 17 communities either have the same hours of operation or expanded hours as the proposed amendment. In reviewing the Arizona Administrative Code, one of the conditions of marijuana establishments is that they shall operate at least 30 hours a week between the hours of 7:00 a.m. and 10:00 p.m., which allows local

jurisdictions the flexibility to extend the hours of operation to these times. Staff also reviewed the criminal activity related to the marijuana establishment and found that since 2022, the year that Trulieve of Sierra Vista opened, there has not been a significant amount of criminal activity associated with the business, and the Police Chief has stated that he had no concerns about the expanded hours of operation given the data available.

With any Code amendment, the burden of proof is on the proponent. Trulieve of Sierra Vista's application for text amendments provides their reasoning and justification of their request. In reviewing the proponent's application and justification as well as staff zone analysis, staff recommends approval of the expanded hours of operation. The Planning Zoning Commission recommended approval of the text amendments at their July 23, 2024 meeting. The item was placed within a 30-day public comment period on August 8, 2024.

Staff received six written comments from the public, four in support and two in apposition which were provided to Council. Prior to the meeting, staff received another nine comments, mostly in support of the Code amendments.

Council Member Johnson stated that this issue came up for a vote originally to allow Trulieve into the City. He noted that he and Mayor Mueller were the two negative votes in allowing them to come into the City, and as a former felony prosecutor in the County, he knows what marijuana can do to people. However, for some unknown reason the folks in California threw a lot of money at the proposition and convince the voters of Arizona to make it legal. He added that he has reviewed the request, and he would be hypocritical if he voted for it because he feels that the petitioner has failed to meet their burden of why the City Council should allow the text amendment. The mere comparison to other cities does not meet that burden. It just provides more hours, opportunity to buy pot, and people to be driving impaired. Therefore, he will vote no on this item.

Council Member Landry stated that when this item came up last month, she visited the facility where she learned a lot, noted that during the work session there was discussion with Police Chief Hiser who answered questions, and encouraged people to view the meetings on You Tube. She thanked the public who sent comments because they allow Council to find out people's thoughts and concerns. She also stated that Council Member Rodriguez made a good point during the work session about the various stores that have alcohol available and the wide range of hours that are available for that. Some of the concerns by the public were about people using cannabis in the facility and parking lot, which they are not supposed to be doing. This is like somebody going into a liquor store and opening their beer and drinking it in the parking lot, which is also not allowed. She also brought up the issue that liquor licenses have come through Council for approval often and Council has not received comments from the public and nobody seems to be concerned and the Council's vote is unanimous.

Council Member Landry noted that at the work session, Police Chief Hiser mentioned the campaigns that other cities are doing, which would be a really great thing to do in Sierra Vista to remind people not to drive while under the influence of cannibals, just like the signs out on the highway, "hammered get nailed", reminding people not to drive if they are under the influence. She shared that she runs out in the community, and she never fails to find alcohol shooters. Lastly, she stated that a lot of people are upset about the cannabis facility, but she wonders who Council is to tell a business that they cannot do business or expand their hours. She shared that when she talked to the people at the facility, there was a need and their process is very streamlined with a lot of security measures in place, and the items that they sell are from a special facility in Arizona, and not from the cartels. In closing, she stated that the people voted in favor of this and as a business, they have a right to have their business in the community.

Council Member Rodriguez stated that this is a local business that supports the City's tax base. He also stated that he does not understand why people are ok with other businesses and not with this one and it would be an overreach for Council to not extend their hours just like any other business. This is FDA approved and it is regulated. All the other synthetic stuff is what people should probably be worried about that is sold at all the different smoke shops and corner stores because that is not regulated and is much more dangerous.

Mayor McCaa stated that the increased security risk during the late hours is what concerns him along with the potential community complaints about late night activity and the negative perception of catering to late night substance use. Therefore, he will be voting no.

The motion carried, 4/3. Mayor Pro Tem Umphrey, Council Members Landry, Messmer, and Rodriguez voted in favor. Mayor McCaa and Council Members Benning and Johnson cast the dissenting votes.

Item 4 Discussion and Possible Action of Resolution 2024-063, Authorizing the Issuance of its Education Facility Revenue Bonds, Liberty Traditional Project, Series 2024, in an aggregate Principal Amount not to exceed \$3,500,000, the Proceeds of which will be loaned to Liberty Traditional Charter School, Inc., an Arizona Nonprofit Corporation

Council Member Rodriguez moved that Resolution 2024-063, authorizing the issuance of its Education Facility Revenue Bonds, Liberty Traditional Project, Series 2024, in an aggregate principal amount not to exceed \$3,500,000, the Proceeds of which will be loaned to Liberty Traditional Charter School, Inc., an Arizona Nonprofit Corporation, be approved. Council Member Landry seconded the motion.

Mr. Slania stated that the resolution authorizes the issuance of these bonds. Council is approving the proceedings for a charter school. This is the same charter school that came before Council last year for a larger facility that they were looking to refund last year. This is a new facility in Marana that they are looking to expand, and they are satisfied with the lender that they participated with last year. This is not a publicly sold bond issue, but a bank loan that is made to the charter school, and by going through the Sierra Vista Industrial Development Authority, they can achieve a better rate on those bonds. This is not a financial obligation either to the Sierra Vista Industrial Development Authority or to the City, and not the state.

Council Member Rodriguez asked about the bond rating. Mr. Slania stated that it is not rated bond. Bond ratings are based on the security for the bonds, but sewer bonds have a different rating than different obligation bonds. This would be based on the borrower's revenues and will not affect the City.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Item 5 Discussion and Possible Action of Resolution 2024-064, Authorizing the City Attorney to act against Charles "Chuck" Long DBA Long's Affordable Hauling Services

Council Member Johnson moved that Resolution 2024-064, authorizing the City Attorney to act against Charles "Chuck" Long DBA Long's Affordable Hauling Services, be approved. Council Member Messmer seconded the motion.

Mr. Felix stated that Mr. Long contracted with the City for a dumpster for the removal of the debris at Burger King located at Charleston and the bypass. He finished the contract on May 3, 2024 and racked up a \$3,600 bill of which he paid \$300. There have been repeated attempts to contact him through telephone calls, mail, and registered mail which has been returned. Mr. Long has not contacted the City to pay the bill, and it has now been four months.

Mr. Felix reported that after the September 10, 2024 work session, when Council Member Rodriguez mentioned that he had reached out to Mr. Long, Mr. Long contacted the City staff via email admitting that he has never contacted staff and that he has not been paid by the contractor. However, it has been four months since his work, and gave no indication of any time frame to pay the City, nor did he request a payment plan. The City treats all customers the same and have taken people to court into debt set off for a 10th of this amount in this type of time frame, the City should proceed with going after him legally. However, for the City Attorney to start the process, Council must authorize for him to move forward with beginning collection proceedings.

Council Member Jonson stated that he would like to make sure that Mr. Long will be responsible for any attorney fees, court costs, and any other incidentals that the City might incur to collect the relatively small amount for a contract. Mr. Felix stated that a couple months back the Council approved all collection fees. Therefore, if there is a need to go through a collection agency that 30 percent that they charge will be added to the amount due. The City will get what is due to the City and the customer must pay for all the collection services.

Council Member Landry shared that she has used the City's dumpster service and noted that it was easy experience.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

#### Item 6 Discussion and Possible Action of Resolution 2024-065, Acceptance of Tohono O'odham Nation Grant for Air Bag Lifting Equipment

Council Member Messmer moved that Resolution 2024-065, acceptance of Tohono O'odham Nation Grant in the amount of \$36,000 for Air Bag Lifting Equipment, be approved. Mayor Pro Tem Umphrey seconded the motion.

Fire Chief Jones stated that the resolution is for the acceptance of a Tohono O'odham Nation Grant that the Fire Department applied for in the amount of \$36,000 for two sets of airbags. Currently the Department has two sets of airbags on Engine One and Two that are relied on to cover the West side of town. Airbags are primarily used for vehicle stabilization, building collapses, and for a heavy rescue. The bags come in six different sizes and this grant is for two sets. In closing, he thanked Battalion Chief Matt Irlmeier for filling out the grant and receiving it.

Council Member Rodriguez thanked Battalion Chief Irlmeier and anybody else in the City that puts grants together in trying to get more money for their sections and staff to make the City a better place.

The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

## Call to the Public

Susan Gamble stated that she lives close to the clubhouse and voiced her concerns over the proposals that were heard at the Parks and Recreation Commission Meeting about Paradigm's planning, the noise level that may be emanating from the new events, the expanded hours of the golf course, the tractors, mowers, and front-end diggers because they fire them up at 4:30 a.m.

Clyde Morris stated that he enjoys many nongolf activities at the course and he understands how important it is to the community. He further stated that he has heard many good things about the City's plans, but he also has concerns about some of the nongolfing recreational activities no longer being available. He noted that as a taxpayer, there should be recreational opportunities added since it is now a public course because the course is used before and after golfing hours by walkers, families with children, joggers, and bird watchers. He further noted that Pueblo del Sol has been designated by Cornell University as a birding hotspot along with other famous Cochise County hotspot birding locations, and much revenue was generated by out-of-town visitors coming to see birds. He shared that approximately 203 species of birds have been seen on the golf course when it was under private ownership and Castle and Cooke would have its annual Christmas Bird Camp to allow birders special access to the course. Lastly, he urged the City to ensure that Paradigm implements specific environmentally responsible best management practices such as increasing tree cover, improving water management, judicious use of pesticides and recycling. He also asked Council to create a Pueblo de Sol Advisory Committee to work with the City and Paradigm to ensure that the golf course provides nongolfing recreational activities and that it is operated in a sustainable and environmentally protective manner.

Bradley Clark stated that he is not a golfer, but he uses the golf course every morning as a dog walker and would hate to see nongolfing activities be minimized or prohibited without taking the residents' consideration. He shared his research of websites i.e., Dobson Ranch concerning improvements to golf courses, which caused him to envision the Caddyshack movie. Although, he is glad that the City has taken the golf course over, he would encourage Paradigm to find a way to keep those nongolf activities active. Lastly, he voiced his concern about all the folks who live there and feel like they did not sign up for this.

## Comments and Requests of the Council

Council Member Benning thanked Pastor Rowles for his blessing, congratulated Ruby Tran, and thanked Battalion Chief Sam Marshall, Retired Chief Bruce Thompson, Christy Barr, Principal at Colonel Johnston Elementary School, Stephanie Wright, Laura Wilhite, Mary Gutierrez, Christy Teran, Reverend Monsignor Greg Adolf, and Mayor McCaa for their participation during the 911 ceremony.

Council Member Johnson had nothing to report.

Council Member Landry congratulated Sakura, encouraged people to go eat at Sakura, announced the Oktoberfest 5K at 7:30 a.m. on Saturday, September 14, 2024, and encouraged people to find a safe way home so that they do not drive if drinking or using cannabis. Lastly, she announced that at Fort Huachuca's Urban Pool there will be a Doggy Dip Day from 8:00 a.m. to 10:00 a.m. where there will be a lot of events that people can have their dog participate in the long jump.



Council Member Messmer announced that September is Suicide Prevention Month (Lifeline number is 988 that can be called 24/7) and Hispanic Heritage Month.

Council Member Rodriguez thanked people for their comments during the call to the public and noted that it is always great to hear from people in person or via e-mail because all feedback is important to Council. He congratulated Ruby Tran and noted that Sakura is a great place to visit. He thanked Chef Tony, an amazing entrepreneur, landlord, and philanthropist who supports the community. He stated that the 911 ceremonies were very powerful, ALA in the morning where he spoke amongst great people amidst well behaved kids, and Station III's 911 ceremony where the Cananea Fire Department was present. He reported that there will be German beer at Oktoberfest and announced the Council Meet and Greet will be held on Saturday, September 14, 2024 at Veterans' Memorial Park. In closing he stated that the City is doing what it can with a situation that Castle and Cooke left the City to deal with. The City did not ask for the situation, and it is doing the best that it can to help with what there is. Lastly, he congratulated his current AOC class that will be graduating on Friday, September 13, 2024 on Fort Huachuca.

Mayor Pro Tem Umphrey echoed everything that was said before her.

Mayor McCaa stated that on Sunday, September 15, 2024, he and Mayor Pro Tem Umphrey will be going to Cananea, Sierra Vista's Sister City, to participate in the Mexican Independence Day and swearing in of their mayor. He reported that the Buena High School Football is playing Catalina on Friday, September 13, 2024, and the basketball team has started their practicing. In closing, he stated that he is excited about Buena High School's athletics and the things that they are going to do this season.

Adjournment

Mayor McCaa adjourned the September 12, 2024, meeting of the Sierra Vista City Council at 5:53 p.m.

  
Clea McCaa II, Mayor

Minutes prepared by:

  
Maria G. Marsh, Deputy Clerk

Attest:

  
Jill Adams, City Clerk

A recording of the Council Meeting is available at:

[https://www.youtube.com/channel/UC8PtUplbkQsixlhSy-jeR\\_Q/videos](https://www.youtube.com/channel/UC8PtUplbkQsixlhSy-jeR_Q/videos)