



Sierra Vista City Council
Meeting Agenda
August 13, 2020

Call to Order: 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

Roll Call

Invocation – Pastor Greg Rowles, God is Good Church

Pledge of Allegiance

Item 1 Acceptance of the Agenda

City Manager's Report: Upcoming Meetings, Bid Openings and Bid Awards

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Special Meeting Minutes of July 21, 2020

Item 2.2 Approval of the City Council Regular Meeting Minutes of July 23, 2020

Public Hearing(s)

Item 3 Resolution 2020-049, Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Kevin Arnold Kramber on behalf of Sierra Pharmacy and Compounding Lab at 2085 E. Fry Boulevard, Suite B, Sierra Vista, Arizona

New Business

Item 4 Approval of the City Council Special Meeting Minutes of July 28, 2020

Item 5 Ordinance 2020-006, Fiscal Year 2020/2021 Property Tax Levy

Item 6 Resolution 2020-050, Donation of a 1997 Type 1 Pierce Quantum 1500 Pumper to Cochise College

Item 7 Resolution 2020-051, South Wardle Road Pre-Annexation Agreement

Item 8 Resolution 2020-052, Official Intent to be Reimbursed for Certain Capital expenditures

Call to the Public

Comments and Requests of the Council

Adjournment

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

Sierra Vista City Council
Special Meeting Minutes
July 21, 2020

Mayor Mueller called the July 21, 2020 City Council Special Meeting to order at 1:35 p.m., City Hall, City Manager's Conference Room 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present 1:44 p.m.
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present 2:06 p.m.
Council Member Carolyn Umphrey - present 1:39 p.m.
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Item 1 Acceptance of Agenda

Mayor Pro Tem Gray moved that the Agenda for the Special City Council Meeting of July 21, 2020, be approved as written. Council Member Wolfe seconded the motion. The motion passed by a 4/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Wolfe, and Calhoun.

New Business

Item 2 Request to adjourn into Executive Session in accordance with Arizona Revised Statute §38-431.03(A)(3) and 38-431.03(A)(4) discussion or consultation with the attorneys of the public body in order to obtain advice concerning a contract with Cochise County – Consolidate Court Services and Arizona Revised Statute §38-431.03(A)(7), discussion or consultation with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property located at Township 22 South, Range 20 East, Section 3.

At 1:38 p.m. Council Member Wolfe moved to adjourn into Executive Session in accordance with Arizona Revised Statute §38-431.03(A)(3), 38-431.03(A)(4) and §38-431.03(A)(7). Mayor Pro Tem Gray seconded the motion. The motion passed by a 4/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Wolfe, and Calhoun.

Item 3 Adjournment

Mayor Mueller adjourned the July 21, 2020 Executive Session of the Sierra Vista City Council at 2:45 p.m.

Mayor Mueller adjourned the July 21, 2020 Special Meeting of the Sierra Vista City Council at 2:45 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk



Sierra Vista City Council
Meeting Minutes
July 23, 2020

Mayor Mueller called the July 23, 2020 City Council Meeting to order at 5:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present (5:02 p.m.)
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Jeff Pregler, Planner
Blake Fisher, Planner
Nathan Williams, City Attorney
Jill Adams, City Clerk
David Felix, Finance Chief Officer
Jen Osburn, Interim Budget Officer

Invocation – Sabra Albritton, President, Sierra Vista Women’s Club, conducted the invocation by reading the Women’s Club Collect.

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

Item 1 Acceptance of the Agenda

Council Member Benning moved that the Agenda for the Regular City Council Meeting of July 23, 2020, be approved as written. Council Member Umphrey seconded the motion. The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

City Manager’s Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session will be held on August 11, 2020 at 3:00 p.m. in Council Chambers and the next regularly scheduled Council Meeting will be held on August 13, 2020 at 5:00 p.m. also in Council Chambers. He reported that the Ft. Huachuca Joint Resource Utilization Study (JRUS) Grant is out on the street as well as the National Environmental Policy Act (NEPA)

Environmental Clearance for the Emergency Medical Services (EMS) Substation, which is to be located across Seventh Street from Tompkins Park. He also reported on the sales tax numbers for the month May that were up \$205,000, 12 percent, over last year putting the City at 4.4 percent for Fiscal Year 2020 over Fiscal Year 2019 with a 6.6 percent over budget for that period. The local economy has responded well and that is a credit to all the people and businesses in Sierra Vista. Lastly, he stated that the Governor reported positive results from his recent Order over the past two weeks. The numbers seem to be dropping at a rapid rate, but there is a lot of work to do. Cochise County's numbers were down by 361 active cases, and the 85635-zip code is down to 66 active cases, and the 85650-zip code is down to 21 active cases.

Public Hearing

Item 2 Resolution 2020-045, Application for a Series 7 liquor license for Kevin Arnold Kramber on behalf of Delect Foods of Arizona LLC dba Pizza Hut #036994, 900 E Fry Boulevard, Sierra Vista, Arizona

Mayor Pro Tem Gray moved that Resolution 2020-045, an application for a Series 7 liquor license for Kevin Arnold Kramber on behalf of Delect Foods of Arizona LLC dba Pizza Hut #036994, 900 E Fry Boulevard, Sierra Vista, Arizona, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that this application is for an ownership transfer of a Series 7 liquor license, a beer and wine, for the Pizza Hut Bistro on the west side of town. The notice of the public hearing was posted on the premises more than the required 20-days and no comments from the public have been received, pro or con. The background check performed by the Police Department found nothing to prohibit the application going forward. If the item is approved, the application will be returned to the State for final action.

Ms. Adams thanked Council Member Umphrey in pointing out an error in the application. Mr. Kramber had indicated that there was no drive through but has submitted the appropriate amendment to the State indicating that there is a drive through.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

Item 3 Resolution 2020-046, Application for a Series 6 liquor license for Kevin Arnold Kramber on behalf of 1949 Investments dba Rookies, 2239 E Fry Boulevard, Sierra Vista, Arizona

Council Member Calhoun moved that Resolution 2020-046, an application for a Series 6 liquor license for Kevin Arnold Kramber on behalf of 1949 Investments dba Rookies, 2239 E Fry Boulevard, Sierra Vista, Arizona, be approved. Council Member Umphrey seconded the motion.

Ms. Adams stated that this application is for a Series 6 full bar liquor license as well as an ownership transfer. She noted that Mr. Kramber is the agent for this liquor license as well as that is his occupation, a professional liquor license manager. The notice of the public hearing was posted on the facility and no comments have been received, pro or con. The Police Department did their background check and have no objection to the application moving forward. If the application is approved, it will be returned to the State for final action.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

Item 4 Ordinance 2020-004, Proposed Development Code Text Amendments Section 151.22.011(E)(2), Property Development Standards for Manufactured Home Parks

Council Member Wolfe moved that Ordinance 2020-004, proposed Development Code Text Amendments to Section 151.22.011(E)(2), Property Development Standards for Manufactured Home Parks, be approved. Council Member Umphrey seconded the motion.

Mr. Pregler stated that there has been a recent trend with installing larger size manufactured homes within existing manufactured home parks, and some of the manufactured homes have exceeded building setbacks on the park spaces. The Council approved a development agreement on January 23, 2020 to reduce the setbacks with the Mountain View Mobile Home Park because the homes exceeded the setbacks. Rather than continuing with development agreements for every individual park, staff is recommending an amendment to reduce the setbacks for manufactured home parks. The specific amendment would reduce the front and rear yard setbacks from 10 feet to five feet. The side yard setbacks for the parks is already five feet. The setbacks will provide flexibility for the park owner.

The Development Code requires that each space provide parking for two vehicles. To ensure that there is flexibility, the language will not dictate the location of the parking, but only ensure that there is ample space available for the parking. The Building Code requires a minimum of 10-foot separation between buildings and this number would meet that requirement. The Fire Marshall has indicated approval of the amendment provided additional site mitigation, if necessary, is included with the issuance of the building permit, i.e., trimming some of the overhead trees so that fire would not spread from space to space.

The Planning and Zoning Commission recommended unanimous approval at the July 17, 2020 meeting and the Code Amendments have been posted on the City's web page since June, 2020 along with a link to the amendments, which was printed in the public notice published in the newspaper on June 21, 2020. To-date the City has not received any public comments.

Council Member Calhoun asked about foreseeable issues with parking spaces. Mr. Pregler stated that staff contacted the new owners of the Mountain View Mobile Home Park, who are in the process of purchasing Sierra Grande Mobile Home Park, and found that they have their own policy that they would provide enough space for two vehicles. He added that he does not foresee a problem, but if they cannot provide two vehicle spaces, they must provide a smaller manufactured home in that space.

Mr. Pregler was informed by the City Clerk of a public comment, which stated that the reduction of the setbacks will reduce green space that will push wildlife, i.e., hummingbirds out of town, and that the cost of the average house in the City would increase due to the increased size of the dwellings.

Council Member Calhoun asked if there is public space in the mobile home park. Mr. Pregler stated that Mountain View Mobile Home Park will be adding landscaping/green space, a community pool, and a recreation center.

Council Member Calhoun voiced her concern in that the whole landscape will be changed for the park. Council Member Pacheco stated that she was thinking back to the conversations with the park owners when the agreement first came up in January, 2020, and noted that the owner

at that time had mentioned that it is more common for manufactured homes to be larger. Mayor Mueller stated that he remembers that as well.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

Item 5 Resolution 2020-047, Adoption of the Final Budget for FY 2020-2021

Council Member Umphrey moved that Resolution 2020-047, Final Budget for FY 2020-2021, be approved. Council Member Wolfe seconded the motion.

Ms. Osburn stated that the resolution before Council is for the adoption of the FY 2020-2021 operating budget for the City in the final amount is \$86,748,629. The Tentative Budget as well as all State forms have been posted on the City's web site. In accordance with the State Statute, Council will meet on August 13, 2020 at 5:00 p.m. to vote on the primary property tax levy, which will conclude the budget process for FY 2021. Lastly, she stated that she will be completing the budget book that will be available to Council and the public at the end of September or early October.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

New Business

Item 6 Approval of the City Council Regular Meeting Minutes of July 9, 2020

Council Member Pacheco moved that the City Council Regular Meeting Minutes of July 9, 2020, be approved as written. Council Member Calhoun seconded the motion. The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, and Calhoun. Council Member Pacheco abstained.

Item 7 Ordinance 2020-005, Acceptance of Big O Tires Annexation

Council Member Benning moved that Ordinance 2020-005, Big O Tires Annexation, be approved. Council Member Calhoun seconded the motion.

Mr. Fisher stated that this is the final required Council action for the Big O Tires Annexation and acceptance into Ordinance. He further stated that on September 12, 2019, the City agreed to construct and finance a driveway access located within the Avenida Cochise right-of-way for Big O Tires. The driveway was to provide access for the subject property to Avenida Cochise and in return, the owner, Cochise Roadworks, LLC agreed to sign a pre-annexation agreement for the property. This decision was in line with ongoing annexation policy, which targets County enclaves like Big O Tires.

Noting the completion of Big O Tires, staff proceeded with the filing of a blank petition with the County Recorder on June 12, 2020, and the decision to proceed with the signing of the blank petition was approved by Council on July 9, 2020. Utilizing the signature ascertained from the pre-annexation agreement, the blank petition is now technically signed and ready for acceptance into Ordinance. If the annexation is accepted and recorded at the Cochise County Recorder, a 30-day challenge period will begin. Following the challenge period, the annexation will officially take effect. Upon that the zoning of the property would change from its current

designation as General Business to the equivalent City zone of General Commercial. The property will add property tax, sales tax, and license revenue to the City, and service cost should be minimal as this is a single parcel already surrounded by City right-of-way and there are no more proposed infrastructure improvements.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, Pacheco, and Calhoun.

Item 8 Resolution 2020-048, Court Consolidation Agreement with Cochise County

Mayor Pro Tem Gray moved that Resolution 2020-048, Court Consolidation Agreement with Cochise County, be approved. Council Member Umphrey seconded the motion.

Ms. Yarbrough stated the agreement will extend the partnership with Cochise County to provide for consolidated court services. Judge Conlogue had reviewed the previous agreement and proposed changes to streamline it, which would state that the municipal court is merged into and consolidated with the Sierra Vista Justice Court Precinct Five that would then provide the services of a municipal court. Therefore, references to the Sierra Vista Magistrate Court and City Magistrate are thereby removed as redundant.

There are additional terms added in Section Three, Subsection D that requires reporting from the County. The requirements are more vague than discussed with the Council previously primarily because work is still taking place on determining exactly what reports the City can get; although, the City has been able to receive a significant amount of information in the past few weeks from County staff.

Ms. Yarbrough shared that the Court reported that the reports are difficult to produce in a timely manner due to the limited ability within the County to run specific reports. The reports must be requested from the State Administrative Office of the Court. Once that data is pulled, the State Court Analyst prepares the report and sends it to the County, which it then passed on to the City. The State holds the official record/data and handles all information technology and therefore, they control the permissions of the County to the information.

Section Four, Subsection D was added to the agreement that states that the City's payment to the County is dependent upon receiving data. This will be an ongoing process as the agreement is extended for one year. Staff will come back to Council much earlier than one year with the information requested by Council. Staff will also continue the work on determining a formula on the money that the City spends on court services.

The financial impact is \$161,000, which is included in the Fiscal Year 2021 budget, for \$100,000 for court costs and \$61,000 for a part time magistrate pro tem.

Council Member Benning suggested tabling item 8, Resolution 2020-048, Court Consolidation Agreement with Cochise County because judges are holding a meeting on July 24, 2020 for the ethical process of the Justice of the Peace Five taking on the magistrate for the cities. Mayor Mueller noted that the meeting is about all the other courts and not Sierra Vista.

Council Member Benning stated that he is uncomfortable voting on a blank agreement rather than a permanent agreement that will not solve anything. Council Member Benning made a motion to table the item 8, Resolution 2020-048, Court Consolidation Agreement with Cochise County. Council Member Pacheco seconded the item.

Council Member Benning explained that the agreement with modifications, due to Ms. Yarbrough's meetings with the County and hard work, concerns him because the Council needs more information so that an informed decision may be made, not just for the City but for the City's constituents, and the courts as there are new judges coming in. He added that Council passed its annual budget and would not have approved it if City staff had not provided proper information; therefore, he finds it hard to approve an agreement with another entity that does not have all information needed to make a decision.

Mayor Mueller asked Council Member Benning about the type of information he needs to be able to decide. Council Member Benning stated that currently the figures from the County lack net profits for the Justice of the Peace. Mayor Mueller stated that it is not accurate and asked Mr. Potucek to elaborate.

Mr. Potucek stated that based on the budget report from the County, the fine revenue received from the court with all jurisdictions reporting is about \$300,000 per year. The City estimates based on the number of cases going into the court, of which the City is about 60 percent, about \$250,000 in fine revenue for next year.

Council Member Calhoun asked Council Member Benning what he meant about signing a blank agreement. Council Member Benning stated that the City does not know nor has the numbers that were asked for. Ms. Yarbrough stated that the number of data points requested by Council were the number of cases cited into the court by the Sierra Vista Police Department, which the City can get. The City also wants the total fines collected for Sierra Vista cases and the fines in arears, which is the information that is still being worked on. She added that she is able to get information that shows the total amount of fines received by the courts, the report which she has in her possession, but she does not have a breakdown of Sierra Vista and it is unknown if that information can be provided to the City. However, she has been reassured by the Court staff that they can provide the City with an estimate based on the number of cases that Sierra Vista cites into the court; although she may not be able to get that report. The annual cost breakdown, budget report, can be provided to the City and she can share that with Council.

Council Member Calhoun stated that it sounds like that is the information that would be needed.

The motion failed by a 3/4 vote. Mayor Mueller, Mayor Pro Tem Gray, Council Members Umphrey and Calhoun casted the dissenting votes.

Council Member Calhoun stated that she would prefer that the agreement be for six months rather than a full year. Mayor Mueller stated that normally the agreement would be for a year as a standard practice, but if the proper data is received, the agreement can be for more than one year because that would lock the City at a lower rate. It may cost more to approve it for six months and then for another six months because the rate can be adjusted every six months rather than every year. If the agreement is approved for two years, it would be to the City's advantage because the County would not adjust the rate unless they came back to the City and requested an amendment to the contract.

Council Member Calhoun stated that she understands that the City is requesting quarterly reports. Mayor Mueller stated that she is correct, and the City can also delay payment until the quarterly reports are provided, which was not in the previous agreement.

Council Member Pacheco stated that she thought of the six month period as a trial period to see if the County would hold up their end of the bargain because this was approved last year with the understanding that the County would provide the information requested, and they did not. Mayor Mueller stated that it was not for lack of trying, but if the contract is for less than a year, then the City would have to immediately come up with a way to establish its own court.

Mayor Mueller used Fire Station III as an example because it is a continuous service like court services. He explained that the City was able to build Fire Station III, with its meager tax funds, by building a reserve, group of fire fighters for personnel specialized just like court staff, and by buying the equipment to get up to the level of service needed. Fire Station III was built over several years, which was over \$3 Million. To set up a court for the City would be much like the build out of Fire Station III. The City must continuously provide the service and not stop to build a court. Therefore, he suggested approving the agreement for a year to see what happens during the first couple of quarters, and then strategically discuss how the court issue will be dealt with in the future, if it is still an issue.

Council Member Pacheco asked if Council can be assured that they will get a report. Mayor Mueller stated that if the City does not receive a report, the County will not get the money. He added that he is also concerned, but the Council needs to be practical.

Mayor Pro Tem Gray stated that during the meeting earlier in the week, Council was provided with information by staff on the proposed budget and number of cases that the City is citing in. She further stated that she does not see a discrepancy and is ok with those numbers and in knowing that the City can get these going forward. Lastly, she added that she does not see any issues going forward due to the amendments requiring the reporting, and no payment without reporting, which is typical in a contract.

The motion passed by a 5/2 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members, Umphrey, Pacheco, and Calhoun. Council Members Wolfe and Benning casted the dissenting votes.

Call to the Public

Mathew Haupt talked about the police training brief on the use of force and what justifies use of force, but he believes that it dehumanizes and builds a barrier when referring to people as subjects. He suggested a policy on de-escalation and the two recommendations by NAAP to prohibit choke holds and initiate civil review boards.

Donna O'Daniel reported on the Garret Lewis Talk Show on KNST Radio Tucson, where she heard statistics regarding the transmission rates of COVID-19 and the wearing of masks. She also reported on the Centers for Disease Control and Prevention's July 15, 2020 report that states that people are likely to suffer from a higher infection rate of COVID in their homes than from outside the home, and Steve Spain's, Candidate for Pima County Board of Supervisors, citations on several papers about the use of masks. Lastly, she stated that Arizona Revised Statute Title 36, Section 787, which allows the Governor and his agencies to limit and even remove the constitutional rights under the guise of a state of emergency, should have been nullified or removed long ago by State Representatives and Senators.

Dr. Ira Jaffrey talked about COVID-19 and stressed the importance of wearing masks.

Comments and Requests of the Council

Council Member Umphrey thanked everyone that came before Council to speak.

Council Member Benning thanked Sabra Albritton for the invocation, everyone that came before Council to speak, Mr. McLachlan for his briefing on the issue with homelessness as well as Alicia Fanning, intern, who gathered information. He stated that it is nice to see the City being able to host people from the College.

Council Member Calhoun thanked Sabra Albritton for the invocation and Mr. Haupt for his comments, especially his praise for Police Chief Thrasher. She also announced that there is a drop box at City Hall in the atrium for people to drop off their mail-in ballots in a secured box.

Council Member Wolfe had nothing to report.

Council Member Pacheco reported that she met with Eric Homes, Superintendent of Schools, and noted that the schools are facing tough choices in trying to adapt to ever-changing situations. She shared that as a mother of four children in school, she understands what parents are going through because there is a lot of discussion going on Facebook, but at the end of the day, each parent must make the best decision for their family. Lastly, she asked that everyone be kind to each other, and get their responses to the School District by next week on what option is best for their children. In closing, she noted that the School District is doing the best that they can to adapt to the circumstances, which she appreciates.

Mayor Mueller reported that during the Governor's briefing, he had the State School Superintendent present. This is continuing to evolve, change and taking into consideration concerns of parents on other things that have come up. There are options that will be talked about next week and the following week as well.

Mayor Pro Tem Gray thanked Sabra Albritton for the invocation and sharing the Women's Club Collect. She thanked Alicia Fanning, intern, for her poise, knowledge and dedication demonstrated during the meeting on homelessness. She stated that while she was pleased to see the numbers on COVID-19 cases trending downward as well as the City's numbers headed in the right direction, she cautioned everyone and shared that her father, a pastor, had to preach a funeral for his closest friend who died due to COVID, and who will be preaching next week for a childhood friend of his, with two sons not expecting to live. In closing, she stated that this is not the time to let up diligence and get careless. The City needs to continue what it is doing because it is working.

Mayor Mueller thanked Mayor Pro Tem Gray for attending the Women's Club meeting on his behalf, and announced that there is a Primary Election taking place on August 4, 2020, with polls being opened from 6:00 a.m. until 7:00 p.m. He noted that one of the issues that was experienced during the last election cycle was that there were a lot of folks going to vote. If people do not have their absentee ballot, which people should have already received, they can go vote at the following voting stations:

- Saint Andrews Church in Sierra Vista
- Shiloh Christian Ministries, east side of Sierra Vista
- United Methodist Church, south side of Sierra Vista
- Near Huachuca City Hall
- Mountain Baptist Church, Moson Road

- Palominas Fire District, south Kings Ranch Road

In closing, he encouraged people to participate in the Census, which has been extended because of COVID-19. The numbers in Sierra Vista are good, ahead of the percentage wise than where the City was last time, but there is still an opportunity to get counted. People will be going door to door and it is important to be counted because it has to do with the federal tax dollars that the City can qualify for – getting back the tax dollars from the federal government and into the community to use them the way that is important for the City. He asked people to stay healthy, stay home when possible, to wash their hands, social distance and wear a mask.

Adjournment

Mayor Mueller adjourned the July 23, 2020 meeting of the Sierra Vista City Council at 6:04 p.m.

Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

August 7, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager

FROM: Jill Adams, City Clerk

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2020-049, Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Kevin Arnold Kramber on behalf of Sierra Pharmacy and Compounding Lab at 2085 E. Fry Boulevard, Suite B, Sierra Vista, Arizona

RECOMMENDATION:

The City Manager recommends approval of this license.
The City Clerk recommends approval of this license.

INITIATED BY:

Kevin Arnold Kramber
Sierra Pharmacy and Compounding Lab
2085 E Fry Boulevard, Suite B
Sierra Vista, Arizona 85635

BACKGROUND:

The City received an application for a Series 9 liquor license application, an interim permit, owner transfer, limited liability co.-type of ownership for Kevin Arnold Kramber on behalf of the Sierra Pharmacy and Compounding Lab. The liquor store (series 9) license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, the liquor license is transferable from person to person and/or location to location within the same county and allows a spirituous liquor store retailer to sell all types of spirituous liquors, only in the original unbroken package, to be taken away from the premises of the retailer and consumed off the premises at 2085 E. Fry Boulevard, Suite B, Sierra Vista, Arizona.

As dictated by State law, a notice of public hearing was posted on the premises for 20 days prior to the public hearing and to date, no responses, either in favor or against, have been received. The Police Department has performed a background investigation and has given its approval for this license. The Council's decision concerning this liquor license application will be forwarded to the State Department of Liquor Licenses and Control, who will then issue the liquor license if no objections were received.

BUDGET APPROPRIATION:

Not applicable.

RESOLUTION 2020-049

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY BY RECOMMENDING APPROVAL OF SERIES 9 LIQUOR LICENSE APPLICATION FOR KEVIN ARNOLD KRAMBER ON BEHALF OF SIERRA PHARMACY AND COMPOUNDING LAB AT 2085 E. FRY BOULEVARD, SUITE B, SIERRA VISTA, ARIZONA; TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, a Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Kevin Arnold Kramber on behalf of Sierra Pharmacy and Compounding Lab at 2085 E. Fry Boulevard, Suite B, Sierra Vista, Arizona has been filed with the Arizona Department of Liquor Licenses and Control; and

WHEREAS, Arizona Revised Statutes §4-112 requires local municipalities to grant approval or disapproval of all liquor licenses being applied for within their jurisdiction; and

WHEREAS, the application has been posted on the premises of the business for twenty (20) days as required by State law; and

WHEREAS, it is the settled policy of the City Council that liquor licenses be recommended for approval if no objections are raised.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The City Council reaffirms its settled policy on liquor licenses within City limits.

SECTION 2

The City Council of the City of Sierra Vista recommends approval of Series 9 liquor license application for an interim permit, owner transfer, limited liability co.-type of ownership for Kevin Arnold Kramber on behalf of Sierra Pharmacy and Compounding Lab at 2085 E. Fry Boulevard, Suite B, Sierra Vista, Arizona, to the State Department of Liquor Licenses and Control.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 13th DAY OF AUGUST 2020.

Frederick W. Mueller
Mayor

Approved as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared By:
Jill Adams, City Clerk

State of Arizona
Department of Liquor Licenses and Control

Created 07/08/2020 @ 08:48:21 AM

Local Governing Body Report

LICENSE

Number:	09020046	Type:	009 LIQUOR STORE
Name:	SIERRA PHARMACY & COMPOUNDING LAB		
State:	Pending		
Issue Date:		Expiration Date:	06/30/2020
Original Issue Date:	09/09/1977		
Location:	2085 E FRY BOULEVARD STE B SIERRA VISTA, AZ 85635 USA		
Mailing Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA		
Phone:	(520)459-0705		
Alt. Phone:	(520)235-5684		
Email:	KKRAMBER75@GMAIL.COM		

Currently, this license has pending applications.

AGENT

Name:	KEVIN ARNOLD KRAMBER
Gender:	Male
Correspondence Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA
Phone:	(520)235-5684
Alt. Phone:	
Email:	KKRAMBER75@GMAIL.COM

OWNER

Name:	SIERRA COMPOUNDING LLC		
Contact Name:	KEVIN ARNOLD KRAMBER		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23001274	State of Incorporation:	AZ
Incorporation Date:	07/15/2019		
Correspondence Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA		
Phone:	(520)235-5684		
Alt. Phone:			
Email:	KKRAMBER75@GMAIL.COM		

Officers / Stockholders

Name:
ELIZABETH MARY DAVIE

Title:
MGR/MEMBER

% Interest:
100.00

SIERRA COMPOUNDING LLC - MGR/MEMBER

Name: ELIZABETH MARY DAVIE
Gender: Female
Correspondence Address: 536 E WAGON BLUFF DRIVE
TUCSON, AZ 85704
USA
Phone: (520)226-5729
Alt. Phone:
Email: ELIZABETH.DAVIE@GMAIL.COM

APPLICATION INFORMATION

Application Number: 112691
Application Type: Owner Transfer
Created Date: ~~06/24/2020~~ 7-8-2020 Aizee

QUESTIONS & ANSWERS

009 Liquor Store

- 1) Are you applying for an Interim Permit (INP)?
Yes
A Document of type INTERIM PERMIT (INP) NOTARY PAGE is required.
- 4) Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation?
No
- 6) Did the Premises name Change?
No
- 7) Did the Premises mailing address change?
Yes
What is the Premises' new mailing address?
536 E. Wagon Bluff Dr.
Tucson, AZ 85704
- 8) Did the Premises phone number change?
No
- 13) Please provide name, address, and Distance of nearest school.
Leman Academy
1000 E. Wilcox Dr., Sierra Vista, AZ 85635
3,173 feet
- 14) Please provide name, address, and distance of nearest church.
Sierra Lutheran Church
101 N. Lenzer Ave., Sierra Vista, AZ 85635
1,375 feet

- 15) Are you one of the following? Please indicate below.
 Property Tenant
 Subtenant
 Property Owner
 Property Purchaser
 Property Management Company
 Property Tenant
- 16) Is there a penalty if lease is not fulfilled?
 Yes
 What is the penalty?
 Loss of \$15,000 security deposit and Landlord Lockout
- 17) What is the total money borrowed for the business not including the lease?
 Please list lenders/people owed money for the business.
 \$150,000.00
 Sierra Pharmacy, LLC
 10949 S. Camino San Clemente, Vail, AZ 85641
- 18) Is there a drive through window on the premises?
 No
- 19) If there is a patio please indicate contiguous or non-contiguous within 30 feet
 None
- 20) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
 No
- 27) Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only)
 \$40,000.00

DOCUMENTS

DOCUMENT TYPE	FILE NAME	UPLOADED DATE
MISCELLANEOUS	Bill Of Sale.pdf	06/24/2020
QUESTIONNAIRE	Davie Q Training Certs.pdf	06/24/2020
DIAGRAM/FLOOR PLAN	Floor Plan.pdf	06/24/2020
ALIEN STATUS	Kramber Q Attach ASF Passport.pdf	06/24/2020
QUESTIONNAIRE	Kramber Q Attach ASF Passport.pdf	06/24/2020
INTERIM PERMIT (INP) NOTARY PAGE	Sect. 5.pdf	06/24/2020
MISCELLANEOUS	Sect. 9.pdf	06/24/2020

State of Arizona
Department of Liquor Licenses and Control

Created 07/08/2020 @ 08:47:46 AM

Local Governing Body Report

LICENSE

Number:	INP020011805	Type:	INP INTERIM PERMIT
Name:	SIERRA PHARMACY & COMPOUNDING LAB		
State:	Active		
Issue Date:	07/08/2020	Expiration Date:	10/21/2020
Original Issue Date:	07/08/2020		
Location:	2085 E FRY BOULEVARD STE B SIERRA VISTA, AZ 85635 USA		
Mailing Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA		
Phone:	(520)459-0705		
Alt. Phone:	(520)235-5684		
Email:	KKRAMBER75@GMAIL.COM		

AGENT

Name:	KEVIN ARNOLD KRAMBER
Gender:	Male
Correspondence Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA
Phone:	(520)235-5684
Alt. Phone:	
Email:	KKRAMBER75@GMAIL.COM

OWNER

Name:	SIERRA COMPOUNDING LLC		
Contact Name:	KEVIN ARNOLD KRAMBER		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23001274	State of Incorporation:	AZ
Incorporation Date:	07/15/2019		
Correspondence Address:	536 E WAGON BLUFF DRIVE TUCSON, AZ 85704 USA		
Phone:	(520)235-5684		
Alt. Phone:			
Email:	KKRAMBER75@GMAIL.COM		

Officers / Stockholders

Name:
ELIZABETH MARY DAVIE

Title:
MGR/MEMBER

% Interest:
100.00

SIERRA COMPOUNDING LLC - MGR/MEMBER

Name: ELIZABETH MARY DAVIE
Gender: Female
Correspondence Address: 536 E WAGON BLUFF DRIVE
TUCSON, AZ 85704
USA
Phone: (520)226-5729
Alt. Phone:
Email: ELIZABETH.DAVIE@GMAIL.COM

APPLICATION INFORMATION

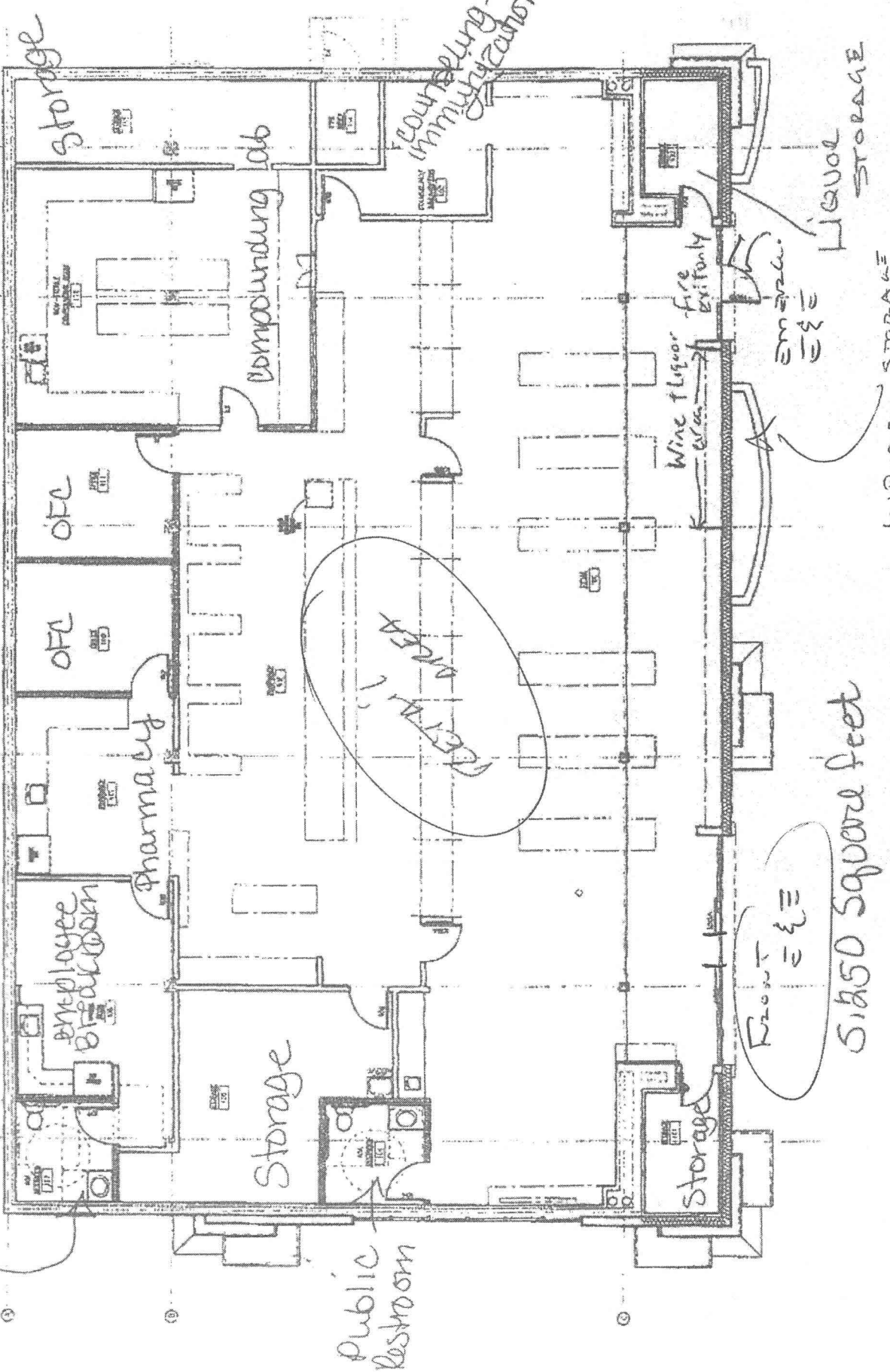
Application Number: 112696
Application Type: New Application
Created Date: ~~06/24/2020~~ 7-8-2020 *Arise*

QUESTIONS & ANSWERS

INP Interim Permit

- Chaya*
- 1) Enter License Number currently at location *09020046*
 - 2) Is the license currently in use? *yes*
 - 3) Will you please submit section 5, page 6, of the license application when you reach the upload page? *No*

Employee Restroom



Storage

Compounding Lab

Counseling-
Immunization

LIQUOR STORAGE

RECEIVING

Pharmacy

Employee Breakroom

OFC

OFC

Storage

Public Restroom

Storage

Wine & Liquor
fire exit only

5,125 Square feet

LIQUOR STORAGE



1 FLOOR PLAN

20 JUN 29 144, Lic. RM1046

20 JUL 8 144, Lic. RM 9 01

Employee Restroom

Storage

Employee Breakroom

Pharmacy

OFC

OFC

Compounding Lab

Storage

Public Restroom

RETAIL AREA

Counseling-
Immunization

Storage

Wine & Liquor
Fire Extinguisher

5,250 Square feet

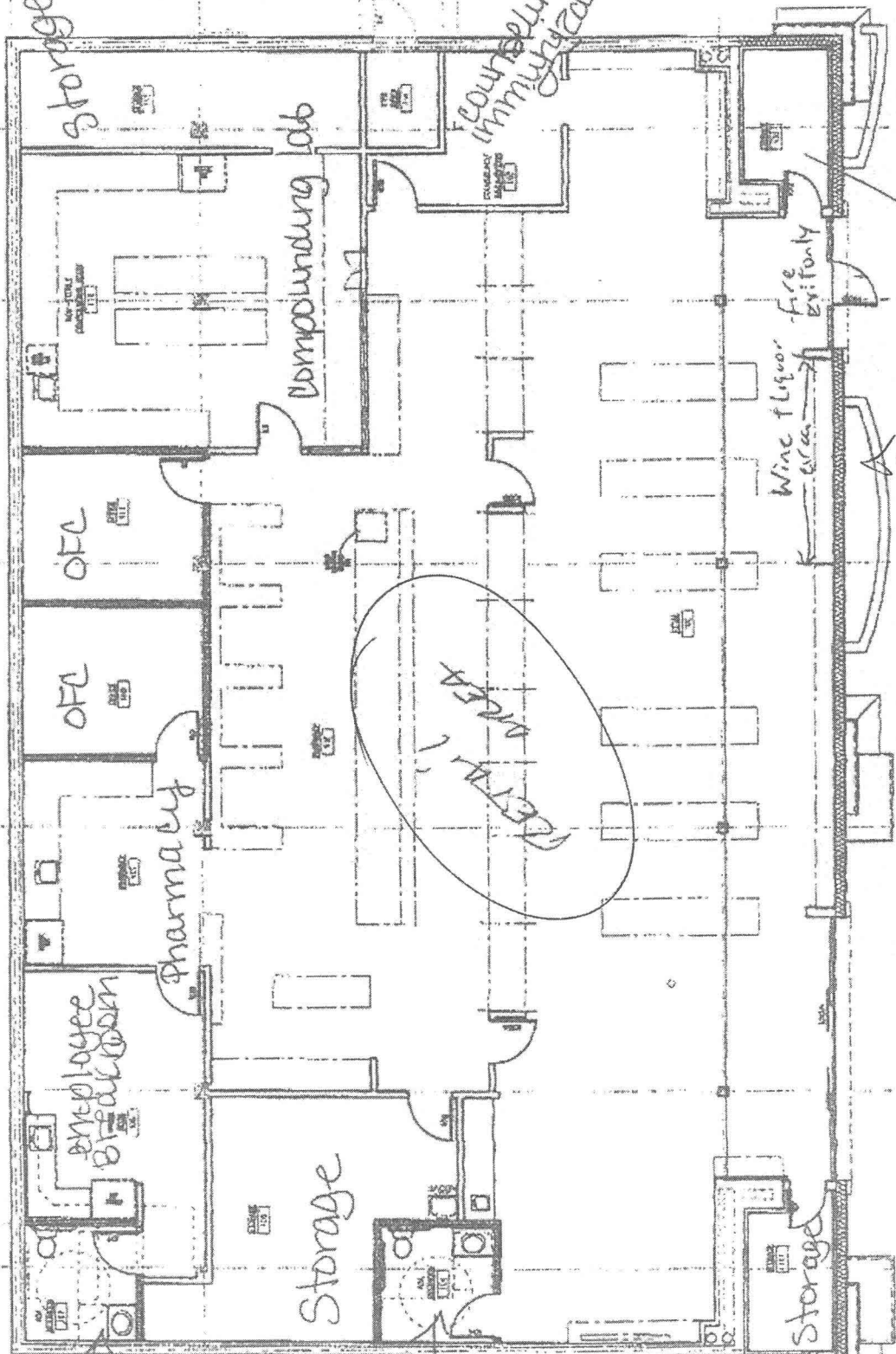
Liquor Storage

Liquor Storage

1 FLOOR PLAN



SCALE 1/8" = 1'-0"



CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA }

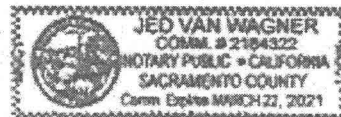
County of SACRAMENTO }

On 02 JUNE 2020 before me, JED VAN WAGNER, NOTARY PUBLIC
(Type your name and title in the office)

personally appeared ANTHONY MICHAEL ROETHEL,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Jed Van Wagner
Notary Public Signature (Notary Public Seal)

ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
INTERIM PERMIT
(Title or description of attached document)
LICENSE # 09020246
(Title or description of attached document continued)
Number of Pages 6 Document Data NONE

CAPACITY CLAIMED BY THE SIGNER

Individual (s)
 Corporate Officer

(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other

INSTRUCTIONS FOR COMPLETING THIS FORM

- This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*
- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
 - Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
 - The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
 - Print the name(s) of document signer(s) who personally appear at the time of notarization.
 - Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he/she/they~~, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
 - The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudged, re-seal if a sufficient seal permits, otherwise complete a different acknowledgment form.
 - Signature of the notary public must match the signature on file with the office of the county clerk.
 - ◊ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ◊ Indicate title or type of attached document, number of pages and date.
 - ◊ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
 - Securely attach this document to the signed document with a staple.

20 JUL 8 11:47 AM 9:00



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

QUESTIONNAIRE
 A.R.S. § 4-202, 4-210
 Type or Print with Black Ink

The fees allowed by R19-1-102 will be charged for all dishonored checks.

FP Current 6-14-19

ATTENTION APPLICANT: This is a legally binding document. Please type or print in black ink. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.

Liquor License#: 09020046 / 112691

1. Check the Appropriate Box →

<input type="checkbox"/> Controlling Person	<input checked="" type="checkbox"/> Agent	<input type="checkbox"/> Premises Manager (complete all questions except #12)
---	---	--

2. Name: Kramber Kevin Arnold Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: Arizona

4. Place of birth: Buffalo MN USA Height: 6'03" Weight: 235 Eyes: Blu Hair: Bro
City State COUNTRY (not county)

5. Name of current/most recent spouse: Kramber Michele Rene Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? Yes No If yes, what is your date of residency: 1976

7. Daytime telephone number: 520.235.5684 E-mail address: kkramber75@gmail.com

8. Business Name: Sierra Pharmacy & Compounding Lab Business Phone: 520/459/0705

9. Business Location Address: 2085 E. Mt Blvd, Ste B Sierra Vista AZ Cochise 85635
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
01/2009	CURRENT	Real Estate Salesperson	Town West Realty, Inc., 3002 N. Campbell Ave. #200, Tucson, AZ 85719
05/2009	Current	Co-Owner	AZLiquorTraining.Com, LLC, 536 E. Wagon Bluff Dr., Tucson, AZ 85704
03/2008	Current	Owner/Consultant	DBL K Liquor Consulting, LLC, 536 E. Wagon Bluff Dr., Tucson, AZ 85704

(ATTACH ADDITIONAL SHEET IF NECESSARY)

20 JUL 8 10:41 AM '19

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
11/1995	CURRENT	536 E. Wagon Bluff Dr., Tucson, AZ 85704

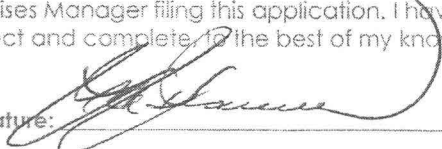
(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises? Yes No
 If you answered YES, then answer #13 below. If NO, skip to #14.
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? Yes No
 ~ / ~
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202,4-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

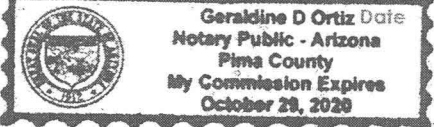
If you answered "YES" to any Question 14 through 18 **YOU MUST** attach a signed statement.
 Give complete details including dates, agencies involved and dispositions.
 CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

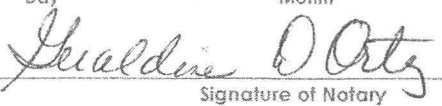
I (Print Full Name) Kevin Arnold Kramber hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature:  State of ARIZONA County of PIMA
 The foregoing instrument was acknowledged before me this

My Commission Expires on: 29 OCT 2020 24 Day of JUNE, 2020
 Day Month Year



Geraldine D Ortiz Date
 Notary Public - Arizona
 Pima County
 My Commission Expires
 October 29, 2020


 Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above License.

PRINT NAME: _____ SIGNATURE: _____

QUESTIONNAIRE CONTINUED

KEVIN ARNOLD KRAMBER

Questions 14:

On Thursday October 26, 2017 I was served with a lawsuit which involved Zuffa, LLC versus Manuel Cordova, et al. It is Civil Action Number 4:17-CV-00495-BPV United States District Court in Arizona. The subject of the lawsuit involves the alleged illegal broadcasting of a July 29, 2017 UFC fight at my client's licensed premises, The Neighborhood, LLC, DBA "Neighborhood", Pima County Liquor License Number 06100149. I am the Agent on behalf of the Licensee and as Agent I have been included in the lawsuit.

On November 3, 2017 I was dismissed without prejudice from the lawsuit.



20 JUL 8 11:41:13 AM '01



State of Arizona
Department of Liquor Licenses and Control
800 W. Washington 5th Floor
Phoenix, AZ 85007
(602) 542-5141

**ARIZONA STATEMENT OF CITIZENSHIP
OR ALIEN STATUS FOR STATE PUBLIC BENEFITS**

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I - APPLICANT INFORMATION

INDIVIDUAL OWNER/AGENT NAME (Print or type) Kevin Arnold Kramber

SECTION II - CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? Yes No

If Yes, indicate place of birth:

City Buffalo State (or equivalent) Minnesota Country or Territory USA

If you answered Yes, 1) Attach a legible copy of a document from the attached list.

2) Name of document: US Passport
Go to Section IV.

If you answered No, you must complete Section III and IV.

20 JUL 8 11:41 AM '18

SECTION III – ALIEN STATUS DECLARATION

To be completed by applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

Name of document provided

Qualified Alien Status (8 U.S.C. §§ 1621(a)(1), -1641(b) and (c))

- 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)
- 2. An alien who is granted asylum under Section 208 of the INA.
- 3. A refugee admitted to the United States under Section 207 of the INA.
- 4. An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.
- 5. An alien whose deportation is being withheld under Section 243(h) of the INA.
- 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.
- 7. An alien who is a Cuban/Haitian entrant.
- 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States.

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

- 9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

- 10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C))

- 11. A nonimmigrant whose visa for entry is related to employment in the United States, or
- 12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 et seq.];
- 13. A foreign national not physically present in the United States.

Otherwise Lawfully Present

- 14. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. § 1621(a).

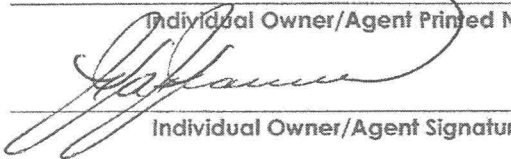
SECTION IV - DECLARATION

All applicants must complete this section.

I declare under penalty of perjury under the laws of the state of Arizona that the answers and evidence I have given are true and correct to the best of my knowledge.

Kevin Arnold Kramber

Individual Owner/Agent Printed Name


Individual Owner/Agent Signature

06/20/2020

Today's Date

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

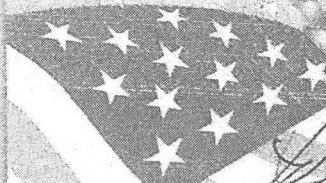
You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identification card.
2. A driver license issued by a state that verifies lawful presence in the United States.
3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after January 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)
4. A United States certificate of birth abroad.
5. A United States passport. ***Passport must be signed***
6. A foreign passport with a United States visa.
7. An I-94 form with a photograph.
8. A United States citizenship and immigration services employment authorization document or refugee travel document.
9. A United States certificate of naturalization.
10. A United States certificate of citizenship.
11. A tribal certificate of Indian blood.
12. A tribal or bureau of Indian affairs affidavit of birth.
13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

We the People

*Of the United States,
in Order to form a more perfect Union,
establish Justice, insure domestic Tranquility,
provide for the common defence,
promote the general Welfare, and secure
the Blessings of Liberty to ourselves and
our Posterity, do ordain and establish this
Constitution for the United States of America.*

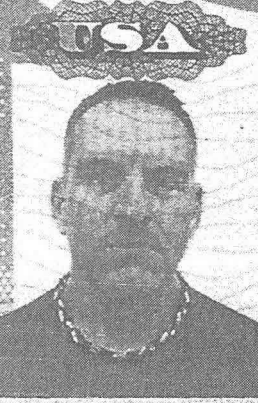


SIGNATURE OF BEARER / SIGNATURE DU TITULAIRE / FIRMA DEL TITULAR

PASSPORT
PASSEPORT
PASAPORTE

UNITED STATES OF AMERICA

Type / Type / Tipo: P Code / Code / Código: USA Passport No. / No. du Passeport / No. de Pasaporte: [REDACTED]



Surname / Nom / Apellidos

KRAMBER

Given Names / Prénoms / Nombres

KEVIN ARNOLD

Nationality / Nationalité / Nacionalidad

UNITED STATES OF AMERICA

Date of birth / Date de naissance / Fecha de nacimiento

[REDACTED]

Place of birth / Lieu de naissance / Lugar de nacimiento

MINNESOTA, U.S.A.

Date of issue / Date de délivrance / Fecha de expedición

14 Dec 2018

Date of expiration / Date d'expiration / Fecha de caducidad

13 Dec 2028

Endorsements / Mentions Spéciales / Anotaciones

SEE PAGE 51

Sex / Sexe / Sexo

M

Authority / Autorité / Autoridad

United States

Department of State

USA

20 JUL 8 14 15 AM '01



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

QUESTIONNAIRE
 A.R.S. § 4-202, 4-210
 Type or Print with Black Ink

804-897

The fees allowed by R19-1-102 will be charged for all dishonored checks.

ATTENTION APPLICANT: This is a legally binding document. Please type or print in **black ink**. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information may be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED BY EACH CONTROLLING PERSON, AGENT AND MANAGER BEING DISCLOSED TO THE DEPARTMENT. EACH PERSON COMPLETING THIS FORM MUST SUBMIT A **BLUE OR BLACK LINED FINGERPRINT CARD ALONG WITH A \$22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE. FOR AN ADDITIONAL \$13 FEE, FINGERPRINTS MAY BE DONE AT THE DEPARTMENT OF LIQUOR WHEN ACCOMPANIED BY A COMPLETED APPLICATION.**

Liquor License#: 09020046 / 112691

1. Check the Appropriate Box →

<input checked="" type="checkbox"/> Controlling Person	<input type="checkbox"/> Agent	<input type="checkbox"/> Premises Manager (complete all questions except #12)
--	--------------------------------	--

2. Name: Davie Elizabeth Mary Birth Date: [REDACTED]
Last First Middle (NOT a public record)

3. Social Security #: [REDACTED] Driver License #: [REDACTED] State: AZ

4. Place of birth: Tucson AZ USA Height: 5'11" Weight: 170 Eyes: Haz Hair: Red
City State COUNTRY (not county)

5. Name of current/most recent spouse: Julian Christopher Jamie Birth Date: [REDACTED]
Last First Middle (NOT a public record)

6. Are you a bona fide resident of Arizona? Yes No If yes, what is your date of residency: 1982

7. Daytime telephone number: 520-226-5729 E-mail address: elizabeth.davie@gmail.com

8. Business Name: Sierra Pharmacy & Compounding Lab Business Phone: 520 / 459 / 0705

9. Business Location Address: 2085 E. Fry Blvd. Ste. B Sierra Vista AZ Cochise 85635
Street (do not use PO Box) City State County Zip

10. List your employment or type of business during the past five (5) years. If unemployed, retired, or student, list residence address.

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
12/2019	CURRENT	Owner	Sierra Pharmacy, 2085 E. Fry Blvd. #B, Sierra Vista, AZ 85635
09/2017	12/2019	Pharmacist	Sierra Pharmacy, 2085 E. Fry Blvd. #B, Sierra Vista, AZ 85635
05/2009	09/2017	Pharmacy Tech	Sierra Pharmacy, 2085 E. Fry Blvd. #B, Sierra Vista, AZ 85635
		(REMOVED)	

(ATTACH ADDITIONAL SHEET IF NECESSARY)

11. Provide your residence address information for the last five (5) years: A.R.S. §4-202(D)

FROM Month/Year	TO Month/Year	RESIDENTIAL Street Address
01/2018	CURRENT	3976 Herba De Maria, Sierra Vista, AZ 85650
06/2017	01/2018	3860 Camino Del Vara, Sierra Vista, AZ 85650
06/2014	06/2017	6223 Ordaz Ave., Henderson, NV 89011

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As a Controlling Person or Agent, will you be physically present and operating the licensed premises?
If you answered YES, then answer #13 below. If NO, skip to #14. Yes No
13. Have you attended a DLLC approved Basic & Management Liquor Law Training Course within the past 3 years? Yes No
14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? Yes No
15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summonses pending against you? (Do not include civil traffic tickets.) A.R.S. §4-202,4-210 Yes No
16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? Yes No
17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No
18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? A.R.S. §4-202(D) Yes No

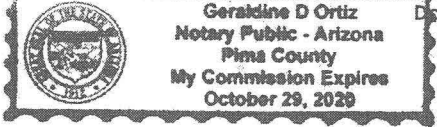
If you answered "YES" to any Question 14 through 18 **YOU MUST** attach a signed statement.
Give complete details including dates, agencies involved and dispositions.
CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

NOTARY

I (Print Full Name) Elizabeth Mary Davie hereby declare that I am the Agent/ Controlling Person / Premises Manager filing this application. I have read this document and verify the contents and all statements are true, correct and complete, to the best of my knowledge.

Signature: *Elizabeth Mary Davie* State of ARIZONA County of PIMA
The foregoing instrument was acknowledged before me this

My Commission Expires on: 29 OCT 2020 24 Day of JUNE, 2020
Date Day Month Year



Geraldine D Ortiz
Signature of Notary

The Licensee has authorized the person named on this questionnaire to act as manager for the above license.

PRINT NAME: _____ SIGNATURE: _____

Certificate of Completion
For
Off Premise Basic course (2 hours)

<input type="checkbox"/>	On-sale
<input checked="" type="checkbox"/>	Off-sale
<input type="checkbox"/>	On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Elizabeth Davie

Full Name (please print)



Signature

June 20, 2020

Training Completion Date

June 20, 2023

Certificate Expiration Date
(three years from completion date)

Training Provider Information

AzLiquorTraining.com

Company Name

536 E. Wagon Bluff Drive, Tucson, AZ 85704

Mailing Address

(520) 235-5684

Daytime Contact Phone Number

20 JUL 8 11P. Lic. RM 9 01

I, KEVIN A. KRAMBER (ON LINE), certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).



Instructor Signature

20 / 06 / 2020

Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

- | | | | |
|----------------------------------|----------------------------------|--------------------------|--------------------------------------|
| In-state Microbrewery (series 3) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Convoyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | Beer & Wine Store (series 10) |

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

Certificate # LH9ebGI0EX

Certificate of Completion
For
On/Off Premise Management (2 hours)

<input type="checkbox"/>	On-sale
<input type="checkbox"/>	Off-sale
<input checked="" type="checkbox"/>	On- and off-sale

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

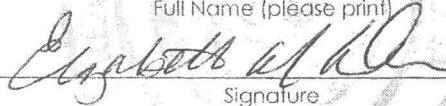
The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

Elizabeth Davie

Full Name (please print)



Signature

June 20, 2020

Training Completion Date

June 20, 2023

Certificate Expiration Date
(Three years from completion date)

Training Provider Information

AzLiquorTraining.com

Company Name

536 E. Wagon Bluff Drive, Tucson, AZ 85704

Mailing Address

(520) 235-5684

Daytime Contact Phone Number

20 JUL 8 11P. LIC. RM 9 01

I, KEVIN A. KRAMER (ON LINE), certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).



Instructor Signature

20 / 06 / 2020
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

- | | | | |
|----------------------------------|----------------------------------|--------------------------|--------------------------------------|
| In-state Microbrewery (series 3) | Government (series 5) | Bar (series 6) | Beer & Wine Bar (series 7) |
| Conveyance (series 8) | Liquor Store (series 9) | Private Club (series 14) | Hotel/Motel w/restaurant (series 11) |
| Restaurant (series 12) | In-state Farm Winery (series 13) | | Beer & Wine Store (series 10) |

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

BILL OF SALE

FOR VALUABLE CONSIDERATION of Ten Dollars (\$10.00) along with other valuable consideration Sierra Pharmacy, LLC, an Arizona Limited Liability Company, as Seller, hereby grants, bargains, sells and transfers to Sierra Compounding, LLC, an Arizona Limited liability Company, as Buyer, to have and to hold forever, Arizona State Series 9 Liquor License # 09020046.

FURTHERMORE, Seller warrants it is the lawful owner of the License, that it has the right, to sell/transfer the License and that the License is free and clear of all claims and liens whatsoever. Seller further agrees to warrant and defend the same against the lawful claims and demands of all persons whomsoever.

DATED this 22nd day of June 2020.

SELLER: Sierra Pharmacy, LLC
By: Prescription Help, LLC
Its: Member

By: Anthony Michael Roether
Its: Member

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of June 2020
by Anthony Michael Roether.

Notary Public

My Commission Expires:

SEE CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

DVW

20 JUL 8 14P. LIC. RM 9 00

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of CALIFORNIA }

County of SACRAMENTO }

On 22 JUNE 2000 before me, JED VAN WAGNER, NOTARY PUBLIC
(Print your name and title of the office)

personally appeared ANTHONY MICHAEL ROETHER who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Jed Van Wagner
Notary Public Signature (Notary Public Seal)



ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT
BILL OF SALE
(Title or description of attached document)
LIQUOR LICENSE # D9020046
(Title or description of attached document continued)
Number of Pages 1 Document Date NONE

CAPACITY CLAIMED BY THE SIGNER

Individual (s)
 Corporate Officer

(Title)

Partner(s)
 Attorney-in-Fact
 Trustee(s)
 Other _____

INSTRUCTIONS FOR COMPLETING THIS FORM

This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her examination followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

20 JUL 8 11p. Lic. #9301



Sierra Vista City Council
Meeting Minutes
[July 28, 2020](#)

Mayor Mueller called the July 28, 2020 City Council Special Meeting to order at 3:00 p.m., City Hall, City Manager's Conference Room 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – absent
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – absent

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk
David Felix, Finance Chief Officer

[Item 1](#) Acceptance of the Agenda

Council Member Umphrey moved that the Agenda for the Special City Council Meeting of July 28, 2020, be approved as written. Council Member Benning seconded the motion. The motion passed by a 5/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Umphrey, Calhoun, and Benning.

Public Hearing

[Item 2](#) Fiscal Year 2020/2021 Property Tax Levy

Mr. Potucek stated that a nuance in State Budget Law requires a public hearing on the property tax levy prior to a vote on the final budget, which did not take place at the July 23, 2020 meeting. Therefore, corrective action is being taken during the Special Meeting of July 28, 2020.

Ms. Yarbrough stated that this opens the public hearing for establishing the property tax levy for next year. It will establish the property tax levy rate at 11.06 cents per \$100 of assessed value. This means that an individual would pay \$11.06 per \$100,000 of value on their home. This lower the rate from .1124 cents because the increase in new construction and increased valuation raised the property tax assessment this year like last year. Lowering the rate avoids the necessity for the Truth and Taxation Notices and the City does not have to publish notices.

After the public hearing, Council would vote on the tax levy on August 13, 2020.

Mayor Mueller stated that the City has no problem in putting out the Truth and Taxation Notices; however, the cost of the publications would be more than the change in the tax evaluation. It would cost the City more to keep the same rate.

In response to Council Member Calhoun, Mayor Mueller stated that notice must be in the newspaper and published more than once. The document is available to the public. He further stated that the newspaper sets the rate, but the City is required by State Law to put it in the newspaper, and the newspaper of record must be used.

Mayor Mueller opened the public hearing. There was no response.

New Business

[Item 3](#) Ratifying Resolution 2020-047, Adoption of the Final Budget for FY 2020-2021

Mayor Pro Tem Gray moved that the vote to approve Resolution 2020-047, adoption of the Final Budget for FY 2020-2021, be ratified. Council Member Calhoun seconded the motion.

Mr. Williams stated that because of the administrative oversight at the July 23, 2020 Council Meeting, the vote that Council took to approve the final budget was premature. By ratifying the vote, Council is correcting that oversight.

The motion passed by a 5/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Umphrey, Calhoun, and Benning.

Adjournment

Mayor Mueller adjourned the July 28, 2020 Special Meeting of the Sierra Vista City Council at 3:10 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

July 26, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: David J. Felix, Chief Finance Officer
Jennifer Osburn, Interim Budget Officer

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2020-006, Fiscal Year 2020/2021
Property Tax Levy

BACKGROUND

Attached please find the property tax levy ordinance for FY2021.

The proposed primary property tax levy rate is \$0.1106 per \$100 of assessed value. This is a decrease in the rate the City has levied for FY20. This levy will generate an estimated \$372,034 this fiscal year. This is an increase from \$364,370 in FY20 and \$359,833 in FY19. The slight increase is due to new construction and increased valuation.

If the City kept the levy limits the same as 0.1124, it would raise additional revenue but would be subject to include disclosure, publication, advertising and roll call vote for the truth and taxation notice. The City believes it is more financially prudent to lower the tax levy amount from 0.1124 to 0.1106. The City is not required to publish truth in taxation notices for the property tax levy at this proposed new rate.

State budget law requires final adoption by the third Monday in August.

ORDINANCE 2020-006

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; LEVYING UPON THE ASSESSED VALUATION OF THE PROPERTY WITHIN THE CITY OF SIERRA VISTA SUBJECT TO TAXATION A CERTAIN SUM UPON EACH ONE HUNDRED DOLLARS (\$100.00) OF VALUATION SUFFICIENT TO RAISE THE AMOUNT ESTIMATED TO BE REQUIRED IN THE ANNUAL BUDGET, LESS THE AMOUNT ESTIMATED TO BE RECEIVED FROM FINES, LICENSES, AND OTHER SOURCES OF REVENUE; PROVIDING A GENERAL FUND FOR GENERAL MUNICIPAL EXPENSES ALL FOR THE FISCAL YEAR ENDING JUNE 30, 2021; AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY

WHEREAS, by the provisions of the state law, the ordinance levying taxes for the Fiscal Year 2020/2021 is required to be adopted not later than the third Monday in August; and

WHEREAS, the County of Cochise is the assessing and collecting authority for the City of Sierra Vista, the City Clerk is hereby directed to transmit a certified copy of this ordinance to the Assessor and the Board of Supervisors of Cochise County, Arizona; and

WHEREAS, it is settled policy of the City Council to adopt the ordinance levying property taxes for the fiscal year not later than the third Monday in August.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

There is hereby levied on each One Hundred Dollars (\$100) of assessed value of all property, both real and personal, within the corporate limits of the City of Sierra Vista, except such property as may be by law exempt from taxation, a tax rate sufficient to raise the sum of Three Hundred Seventy Two Thousand and Thirty Four Dollars (\$372,034) for the purpose of providing the City of Sierra Vista for the fiscal year ending on the 30th day of June, 2021, but not to exceed the \$0.1106 per each One Hundred Dollars (\$100) of the assessed valuation of all real and personal property in the City of Sierra Vista subject to taxation.

SECTION 2

There is no secondary tax levied upon the property within the corporate limits of the City of Sierra Vista for the fiscal year ending June 30, 2021.

SECTION 3

No failure by the county officials of Cochise County, Arizona, to properly return the delinquent list and no irregularity in the assessment or omission in the same, or irregularity of any kind in any proceedings shall invalidate such proceedings or invalidate any title conveyed by any tax deed; nor shall any failure or neglect of any officer or officers to perform any of the duties assigned to him or to them on the day within the time specified, work an invalidation or any proceedings or of any such deed or sale or affect the validity of the collection of the same may be enforced or in any manner affect the lien of the City upon such property for the delinquent taxes unpaid thereon, and no overcharge as to part of the taxes or of costs shall invalidate any proceedings for the collection of taxes or the foreclosure; and the acts of officers de facto shall be valid as if prepared by officers de jure.

SECTION 4

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 5

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Ordinance.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 13th DAY OF AUGUST 2020.

FREDERICK W. MUELLER, II
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN J WILLIAMS
City Attorney

PREPARED BY: Jen Osburn, Interim Budget Officer

August 3, 2020

TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Linda Jones, Interim Chief Procurement Officer
Sharon Flissar, Public Works Director

FROM: Brian Jones, Chief of SV Fire and Medical Services

SUBJECT: Request for agenda item placement Resolution 2020-050, Donation of equipment to Cochise College in support of Firefighter I and II certification program.

Recommendation:

The City Manager recommends approval.
The Director of Public Works recommends approval.
The Interim Chief Procurement Officer recommends approval.
The Chief of SV Fire and Medical Services.

Background:

Sierra Vista Fire and Medical Services (SVFMS) has committed to supporting the Firefighter I and II classes in Cochise County with instruction given at Cochise College Sierra Vista Campus and Sierra Vista Fire and Medical Services Station 3. The Firefighter I and II classes are an approved National Fire Protection Agency (NFPA) certification program. Students attend a 24-week training program, culminating in achieving State of Arizona Firefighter I and II certification.

Sierra Vista Fire and Medical Services would like to donate a 1997 Type 1 Pierce Quantum 1500 Pumper with a 750-gallon water tank. The 1997 Pumper was formerly part of the SVFMS operational fleet but was turned into the Public Works Department for public auction when a new KME Type 3 Pumper replaced the vehicle. The vehicle is valued at \$8500.00. In addition, the donated vehicle will retain its red and blue emergency lights for firefighting training purposes. Cochise College has expressed a desire to accept this donation. The vehicle will be used for the following firefighting training during class: emergency driving and field operations.

The vehicle specifics:
Manufactured Date 5/1997 - Pierce Quantum
VIN: 4P1CT02S7VA000427
City Vehicle # - 250

RESOLUTION 2020-050

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA: AUTHORIZING THE CITY TO DONATE A 1997 TYPE 1 PIERCE QUANTUM 1500 PUMPER TO COCHISE COLLEGE AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista has donated surplus vehicles and equipment in the past to help its neighbors; and

WHEREAS, the City has one surplus 1997 Type 1 Pierce Quantum 1500 Pumper to donate to Cochise College; and

WHEREAS, Cochise College and its Firefighter I and II certification program can realize tremendous benefit from obtaining this vehicle.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to the donation of surplus items to our neighbors, when feasible and appropriate to do so, is hereby reaffirmed.

SECTION 2

The Mayor and City Council hereby authorize the donation of a 1997 Type 1 Pierce Quantum 1500 Pumper to Cochise College. The City is donating the vehicle as is, with no guarantees or warranties.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 13th DAY OF AUGUST 2020.

Frederick W. Mueller
Mayor

Approval as to Form:

Attest:

Nathan J. Williams
City Attorney

Jill Adams
City Clerk

Prepared by:
Linda Jones, Interim Chief Procurement Officer

August 5, 2020

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP Community Development Director
Blake Fisher, Planner I

SUBJECT: Request for agenda item placement
Resolution 2020-051, Pre-Annexation Agreement for Four S Wardle Road Properties

Requested Action:

Approval and adoption of proposed annexation agreements for properties 105-16-785, 105-16-785A, 105-16-785B, and 105-16-785C.

Recommendation:

The City Manager recommends approval.
The Director of Community Development recommends approval.

Background

Larry Phase III LLC (henceforth referred to as “Mr. Larry”) has expressed an interest in connecting his four County properties, 105-16-785, 105-16-785A, 105-16-785B, and 105-16-785C (henceforth referred to as the “subject properties”), to the City of Sierra Vista sewer system, which runs along the adjacent S Wardle Road. In exchange, staff has proposed that Mr. Larry sign a pre-annexation agreement for the subject properties

Mr. Larry has stated his desire is to construct four, veteran-friendly houses upon the subject properties. Due to the potential strain this may place on the existing sewer system, Mr. Larry has agreed to provide City Engineering copies of the Cochise County approved site plan for the proposed houses (when available), which is to be submitted along with the standard Right of Way permit application to Public Works. These must be approved by City Engineering before he will be allowed to connect to City sewer.

S Wardle Road itself contains many properties defined as being within Sierra Vista’s Proactive Annexation Area. This agreement will circumvent the need for petitioning these four properties if an annexation attempt is done in the future, and the subject properties would automatically count as “yes” votes for the annexation, even after the properties are sold to new, private owners.

Financial Impact

Mr. Larry will be responsible for paying the cost of any sewer connection they wish to add to the subject properties, up to and including necessary improvements made within the public right of

way for the connection to be feasible. Once connected, the property owners will, from that time forward, be required to pay for ongoing sewer service as other city residents with sewer service must.

Attachment: Resolution 2020-051: S Wardle Road Pre-Annexation Agreement
Exhibit A – Pre-Annexation Agreement

RESOLUTION 2020-051

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE MAYOR TO EXECUTE A PRE-ANNEXATION AND DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIERRA VISTA AND LARRY PHASE III LLC, A DOMESTIC LIMITED LIABILITY COMPANY, CONCERNING PROPERTIES LOCATED AT APN # 105-16-785, 105-16-785A, 105-16-785B, AND 105-16-785C, AND AUTHORIZING DIRECTION TO THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista and Larry Phase III LLC, owner of parcels numbered 105-16-785, 105-16-785A, 105-16-785B, and 105-16-785C, have reached a Pre-Annexation Agreement attached as Exhibit "A" to this Resolution and incorporated by reference, for the properties whose locations and boundaries are shown on the map attached as Exhibit "A" to the Pre-Annexation Agreement; and

WHEREAS, the execution of this Pre-Annexation Agreement is in the best interest of the City of Sierra Vista.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

The Pre-Annexation Agreement between the City of Sierra Vista and Larry Phase III LLC, a domestic limited liability company, attached as Exhibit A to this Resolution, is authorized and approved.

SECTION 2

The Mayor is authorized and directed to execute the Pre-Annexation Agreement for and on behalf of the City of Sierra Vista and the City Clerk is authorized and directed to attest the same.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 13TH DAY OF AUGUST 2020.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:
Blake Fisher
Planner I

EXHIBIT A

**PRE-ANNEXATION AGREEMENT BETWEEN
THE CITY OF SIERRA VISTA AND LARRY PHASE III LLC**

This Pre-Annexation Agreement (hereinafter, the "Agreement") is made and entered into as of (date) _____, by and between the City of Sierra Vista, Arizona, a municipal corporation organized under the laws of the State of Arizona (hereinafter, the "City") and LARRY PHASE III LLC (hereinafter, the "Owner").

RECITALS:

A. Owner beneficially owns multiple, certain real properties, currently located in an unincorporated area of Cochise County and is contiguous to the exterior boundary of the City:

APN#	SITE ADDRESS	COUNTY ZONING	COMPATIBLE CITY ZONE	LEGAL DESCRIPTION
105-16-785A	(NONE)	R-36	UR	LOT 2 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB
105-16-785B	(NONE)	R-36	UR	LOT 3 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB
105-16-785C	(NONE)	R-36	UR	LOT 4 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB
105-16-785	(NONE)	R-36	UR	LOT 1 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB

- B. All properties are located in portions of Section 12, Township 22 South, Range 20 East, of the Gila River and Salt River Base and Meridian, and more particularly described in Exhibit A attached hereto and made part hereof (hereinafter, the "Properties").
- C. City and Owner desire that the Properties be annexed into the corporate limits of the City and be developed as an integral part of the City and in accordance with VISTA 2030, the existing comprehensive plan for the City.
- D. City and Owner have determined that entering into this Agreement will be in the best interest of the City, the public, and the Owner; will be proper and legal exercise of City power; will

promote orderly development of the Properties and the surrounding area; will promote the health, safety and welfare and economy of the community in general; and meets the economic development goals of the City.

E. The City and the Owner are entering into this Agreement pursuant to the provisions of A.R.S. §9-500.05 in order to facilitate the annexation and development of the Properties by providing for, among other things:

1. Establishment of the terms for annexation of the Properties into the City.

AGREEMENT

In consideration of the foregoing premises, the mutual covenants and promises in this Agreement and the intent to legally bind City and Owner, the following is agreed:

1. **Annexation Consent.** Owner hereby consents to annexation of the Properties into the City of Sierra Vista pursuant to A.R.S. § 9-471. This consent to annex the Properties into the City shall operate as a covenant and shall run with the land and bind each of Owner's heirs, executors, administrators, successors and assigns to the Properties.
2. **Durable Special Power of Attorney.** To facilitate annexation of the Properties in a manner convenient to the City, Owner shall execute, simultaneously with the execution of this Agreement, a durable special power of attorney, attached and incorporated herein as Exhibit B, designating the City Clerk with the irrevocable power to sign and execute, on behalf of the Owner, any lawful annexation petition or other annexation document for the purpose of annexing the Properties into the City of Sierra Vista. Any successor(s) to Owner shall execute a similar annexation petition or documents necessary to accomplish the annexation.
3. **Applicable Zoning.** Pursuant to A.R.S. §9-471(L), upon annexation, the City shall adopt a City zoning classification for the Properties that permits densities and uses no greater than those permitted by the existing Cochise County zoning (the "Original City Zoning").
4. **City Wastewater Services.** The City agrees to provide wastewater services to Owner, should Owner so choose in the future, in the event that all required improvements are made as part of the sewer connection permitting process, as detailed by the City engineering department. If Owner, in his sole discretion, decides to connect to City sewer in the future, Owner shall bear all costs associated with said connection.
5. **Future City Refuse Service.** Owner agrees that within one year following the date of annexation into the City, Owner shall secure refuse service from the City of Sierra Vista.
6. **Private Properties Rights Development Act.** By signing this Agreement, Owner agrees to waive claims for diminution in value under the Private Properties Rights Development Act in connection with annexation of the Properties as well as for any claim for diminution in value as a result of any subsequent rezoning of the Properties by the City.
7. **Entire Agreement.** This agreement sets forth the entire understanding between the parties concerning the subject matter of this agreement and incorporates all prior negotiations and understandings. There are no covenants, promises, agreements, conditions or understandings, either oral or written, between the parties relating to the

subject matter of this agreement other than those set forth herein. No modification or amendment of this agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.

8. **Negotiated Effort.** The parties agree that this Agreement represents the negotiated joint efforts of the parties. In the event a court of competent jurisdiction finds ambiguity, this Agreement shall not be construed against either party in favor of a non-drafting party.
9. **Authority.** All persons executing this document for City and Owner have all necessary and legal authority to enter into this Agreement for their respective corporations and the individual(s) executing this Agreement on behalf of their respective parties are authorized and empowered to bind the party on whose behalf such individual is signing.
10. **Covenants Running with the Land.** This Agreement is made as part of a common scheme or plan for the development of the properties and a "Development Agreement" as defined in A.R.S. §9-500.05 and all rights and obligations hereunder subject to the provisions of Paragraph 3 contained herein shall be considered to run with the land and benefit and burden all owners of all or any portion of the Properties, including owners who acquire title to any portion of the Properties subsequent to the execution and recording of this Agreement. Nothing in this Agreement shall be construed as creating a partnership between Owner and the City.
11. **Governing Venue.** The laws of the State of Arizona shall govern this agreement and, in the event of a dispute, venue shall be in Cochise County, Arizona.
12. **Attorneys' Fees.** Should litigation be necessary to enforce any term or provision of this Contract, or to collect any damages claimed or portion of the amount payable under this Agreement, then all litigation and collection expenses, witness fees, court costs, and attorneys' fees will be paid to the prevailing party.
13. **Mediation.** If a dispute arises out of or relates to the Agreement or this Amendment, or the breach thereof, and if the dispute cannot be settled through negotiation, the parties agree first to try to settle the dispute through mediation before resorting to arbitration, litigation or some other dispute resolution procedure. In the event that the parties cannot agree upon the selection of a mediator within seven (7) days, either party may request the presiding judge of the Superior Court of Cochise County to assign a mediator from a list of mediators maintained by the Arizona Municipal Risk Retention Pool.
14. **Notices.** Any notice required pursuant to the provisions of this Agreement shall be in writing and be sent by certified mail to the following addresses until notice of change of address is given and shall be deemed received on the fifth business day following deposit in the United States Mail.

City Clerk
City of Sierra Vista
1011 N. Coronado Drive
Sierra Vista, AZ 85635

Owner: Larry Phase III LLC
ATTN: Gerald A. Larry
2331 Mission Dr
Sierra Vista, AZ 85635

15. **Non-Severability.** In the event any provision of this Agreement shall be held invalid or unenforceable by any court or competent jurisdiction, such holding shall not invalidate or render unenforceable all other provisions hereof.
16. **Amendments, Modifications and Waivers.** This Agreement may not be amended, none of its terms may be modified and none of the provisions or any of its terms may be waived without the written consent of the parties hereto.
17. **Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Arizona.
18. **Captions.** The captions or headings in this Agreement are for convenience only and in no way define, limit, or describe the scope or intent of any provisions or Section of this Agreement.
19. **Additional Documents and Acts.** The parties hereto shall execute, acknowledge, if applicable, and deliver such additional documents and do such other acts as may be reasonably required to fully implement the intent of this Agreement.
20. **Execution in Counterparts.** This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same agreement.
21. **Term.** The term of this Agreement shall commence on the date of execution by both parties hereto.

CITY OF SIERRA VISTA:

By: _____

Frederick W. Mueller, Mayor

STATE OF ARIZONA)
) ss
County of Cochise)

This instrument was acknowledged before me
this ____ day of _____, 20____, by

Notary Public

My commission expires:

By: _____
Signature

Print Name

Title

APPROVAL AS TO FORM:

By: _____
NATHAN WILLIAMS
City Attorney

STATE OF ARIZONA)
) ss.
County of Cochise)

This instrument was acknowledged before me
this ____ day of _____, 20____, by

Notary Public
My commission expires:

STATE OF ARIZONA)
) ss.
County of Cochise)

This instrument was acknowledged before me
this ____ day of _____, 20____, by

Notary Public
My commission expires:



Exhibit A (map)

EXHIBIT B

DURABLE SPECIAL POWER OF ATTORNEY

LARRY PHASE III LLC is the owner of the following real properties:

APN#	SITE ADDRESS	COUNTY ZONING	COMPATIBLE CITY ZONE	LEGAL DESCRIPTION
105-16-785A	(NONE)	R-36	UR	LOT 2 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB
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105-16-785	(NONE)	R-36	UR	LOT 1 PER R/S BK34 PG37 AKA A POR OF NENE SEC 12-22-20 1.04AC 5-07 LV MB

I hereby appoint the CITY CLERK of the City of Sierra Vista, Arizona as its true and lawful Attorney for it and in its name, place, and stead, with full authority and full powers of substitution, to do and execute any or all of the following acts, deeds and things, relating to or in any way connected with the following described matter **AND NO OTHER**:

To execute all **ANNEXATION** documents, including, but not limited to, petitions, waivers, notices, grant all approvals or consents, and to do every act or perform everything necessary to authorize and achieve the **ANNEXATION** of the above described properties into the boundaries and limits of the City of Sierra Vista, County of Cochise, State of Arizona. It is the express intention and desire that said properties be annexed to the City of Sierra Vista.

I further certify that I have all necessary and legal authority to enter into this Durable Special Power of Attorney.

THIS SPECIAL POWER OF ATTORNEY SHALL NOT BE AFFECTED BY MY DISABILITY.

IN WITNESS WHEREOF, I have hereunto set my hand, this 4 day of Aug, 2020.

By: Gerald A. Larry

Print Name: GERALD A. LARRY

STATE OF ARIZONA)
)ss
COUNTY OF COCHISE)

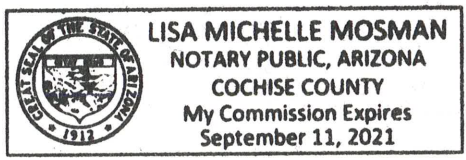
On this 4 August, 2020, before me, Lisa Michelle Mosman a Notary Public in and for the County of Cochise, State of AZ, on this day personally appeared Gerald A. Larry to be the person whose name is subscribed to within this instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

Lisa Michelle Mosman

NOTARY PUBLIC

My Commission Expires: 9-11-2021



August 6, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek
City Manager

FROM: David J. Felix, CPA
Chief Financial Officer

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2020-052, Official Intent to be
Reimbursed for Certain Capital expenditures

RECOMMENDATION

The City Manager recommends approval

INITIATED BY

David J. Felix, Chief Financial Officer

BACKGROUND

Federal Treasury regulations require the City pass a resolution indicating its intent to reimburse itself for capital expenditures it makes, if the expenditures take place before the related financing is in place. This resolution fulfills this requirement and covers the vehicles, equipment and land that is budgeted to be financed by the FY21 annual capital financing listed in the FY21 tentative budget book that will be completed in June 2021.

RESOLUTION 2020-052

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING, FOR THE PURPOSES OF SECTION 1.150-2 OF THE FEDERAL TREASURY REGULATIONS, OFFICIAL INTENT TO BE REIMBURSED IN CONNECTION WITH CERTAIN CAPITAL EXPENDITURES, AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista, Arizona, a municipal corporation of the State of Arizona (hereinafter referred to as the "City"), is authorized and empowered pursuant to law to issue or cause to be issued obligations to finance the costs of various capital assets owned or to be owned by the City; and

WHEREAS, Federal Treasury regulations require a reimbursement resolution for certain items before financing is in place; and

WHEREAS, it is contemplated that certain expenditures made by the City with regard to capital assets and improvements owned, or to be owned, by the City will be reimbursed from the proceeds of obligations to be issued in the future by or on behalf of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

Definitions. The following terms shall have the meanings assigned thereto as follows:

"Official intent" means a declaration of intent of the City to reimburse an original expenditure with proceeds of an obligation.

"Original expenditure" means an expenditure for a governmental purpose that is originally paid from a source other than a reimbursement bond.

"Reimbursement bond" means the portion of an issue of obligations allocated to reimburse an original expenditure that was paid before the issue date of such issue.

SECTION 2

Official Intent. This Resolution is official intent relating to reimbursement for the original expenditures indicated in Schedule C hereto which are capital expenditures (being any cost of a type that is properly chargeable to a capital account (or would be so chargeable with a proper election) under general federal income tax principles).

SECTION 3

Project Descriptions. The projects for which such original expenditures are to be paid are for are described on Schedule A attached hereto and the maximum principal amount of obligations to be issued for such projects is \$2,117,800.

SECTION 4

Reasonableness of Official Intent. On the date of this Resolution, the City has a reasonable expectation (being that a prudent person in the same circumstances as the City would have based on all the objective facts and circumstances) that it will reimburse such original expenditures with proceeds of such obligations. (Official intents have not been declared by the City as a matter of course or in amounts substantially in excess of the amounts expected to be necessary for such project. Moreover, the City does not have a pattern (other than in extraordinary circumstances) of failure to reimburse actual original expenditures covered by official intents.)

SECTION 5

Reimbursement Period. With certain exceptions, an allocation in writing that evidences use of proceeds of the reimbursement bonds to reimburse the original expenditures shall be made not later than 18 months after the latter of the date that the original expenditure is paid or the date the project is "placed in service," but in no event more than 3 years after the original expenditure is paid.

SECTION 6

Public Record. This Resolution shall be included as of the date hereof in the publicly available official records of the City, such records being maintained and supervised by the Clerk of the City, being the main administrative office of the City, and shall remain available for public inspection on a reasonable basis.

SECTION 7

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE
CITY OF SIERRA VISTA, ARIZONA, THIS 13th DAY OF AUGUST 2020.

FREDERICK W. MUELLER
Mayor

ATTEST:

JILL ADAMS
City Clerk

APPROVED AS TO FORM:

NATHAN WILLIAMS
City Attorney

PREPARED BY:
DAVID J. FELIX, CPA
Chief Financial Officer`

FY21- Lease Purchase Financing

1. General Fund

3 x 1/2 Ton Pick up - Leisure	\$ 105,000
Crown Vic Replacement - Leisure	\$ 25,000
1-Ton dump truck - Leisure	\$ 60,000
2 x Vans - Leisure (carryover)	\$ 90,000
Van - Facilites	\$ 45,000
2 x Fire staff vehicles	\$ 67,000
School District Land Purchase	\$ 1,000,000
Down Payment	\$ 39,200
Finance Amount-General Fund	\$1,352,800

2. HURF Fund

Vehicle replacement	\$ 110,000
Down Payment	\$ 11,000
Finance Amount-HURF	\$ 99,000

3. Sewer Fund

Vehicle replacement	\$ 45,000
Down Payment	\$ 4,500
Finance Amount-Sewer Fund	\$ 40,500

4. Refuse Fund

Frontloader	\$ 330,000
Sideloader	\$ 330,000
Vehicle replacement	\$ 35,000
Down Payment	\$ 69,500
Finance Amount-Sewer Fund	\$ 625,500

Total Lease Purchase Finance Amount **\$2,117,800**