



Sierra Vista City Council
Meeting Agenda
June 10, 2021

Call to Order

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

Roll Call

Invocation – Pastor Becky Preiss, Hope and Healing Christian 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 Special City Council Meeting Minutes of May 27, 2021

Item 2.2 Approval of the Regular City Council Meeting Minutes of May 27, 2021

New Business

Item 3 Resolution 2021-041, Authorization to proceed with Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff’s Office, and the Cochise County Community College District

Item 4 Resolution 2021-042, Annual Equipment Financing and Declaring an Emergency

Item 5 Resolution 2021-043, Accepting the Resignation of Patricia M. Olson, with regret, and Appointment of Daniel Coxworth to the Planning and Zoning Commission, said term to expire December 31, 2021

Item 6 Resolution 2021-044, Appointment of Mark A. Rodriguez to the City Council, said term to expire December 31, 2022

Call to the Public

Comments and Requests of the Council

Adjournment

Sierra Vista City Council
Special Meeting Minutes
May 27, 2021

1. Mayor Mueller called the May 27, 2021, City Council Special Meeting to order at 3:30 p.m., City Hall, City Manager's Conference Room, 1011 N. Coronado Drive, Sierra Vista, AZ

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson – present
Council Member Angelica Landry – present
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Item 1 Acceptance of Agenda

Council Member Landry moved that the agenda for the Special City Council Meeting of May 27, 2021, be approved as written. Council Member Umphrey seconded the motion. The motion passed by a unanimous vote of 6/0, Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, and Umphrey.

New Business

Item 2 Request to adjourn into Executive Session in accordance with Arizona Revised Statute 38-431.03(A.1) discussion or consideration regarding personnel issues - review of candidate pool to schedule interviews for Council Member Pacheco's vacancy.

Council Member Johnson at 3:31 p.m. moved to adjourn into Executive Session in accordance with Arizona Revised Statute 38-431.03(A.1) discussion or consideration regarding personnel issues - review of candidate pool to schedule interviews for Council Member Pacheco's vacancy. Mayor Pro Tem Gray seconded the motion. The motion passed by a unanimous vote of 6/0, Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, and Umphrey.

Item 3 Adjournment

Mayor Mueller adjourned the May 27, 2021, meeting of the Sierra Vista City Council Executive Session and Special Meeting at 4:35 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
[May 27, 2021](#)

Mayor Mueller called the May 27, 2021, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brad Dever, Deputy Fire Chief
Laura Wilson, Leisure and Library Services Director
Matt McLachlan, Community Development Director
Sharon Flissar, Public Works Director
Jill Adams, City Clerk
Tony Boone, Economic Development Manager
Nathan J. Williams, City Attorney

Invocation – Reverend Greg Adolf, St. Andrews Catholic Church, led everyone present in prayer.

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

[Item 1](#) Acceptance of the Agenda

Council Member Johnson moved that the agenda for the Regular City Council Meeting of May 27, 2021, be approved. Council Member Umphrey seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

City Manager's Report: Mr. Potucek announced that the regularly City Council Work Session is scheduled at 3:00 p.m. on June 8, 2021, in Council Chambers, and the regularly scheduled City Council Meeting is on June 10, 2021, at 5:00 p.m. also in Council Chambers. The annual budget work sessions will begin on June 14, 2021, at 3:00 p.m. in Council Chambers as well as other scheduled meetings if needed. He noted that June will be a busy month primarily focused on the budget. He reported that the rebid for the North Garden Avenue/Fry Boulevard Improvements Phase I was posted on May 26, 2021, with a due date of June 14, 2021; the new lighted airport entrance sign's bid was posted on May 25, 2021, with a due date of June 9, 2021; and the five-year capital financing for FY21 refuse trucks' bid was posted on May 23, 2021, with a due date of June 8, 2021. Also, the Taxiway J Rehab Project is projected to begin in late July or early August and work around the rainy season, the street maintenance by KE&G for

pavement patching and crack and seal is currently ongoing and expected to be completed by June 15, 2021.

Awards and Presentations

Mayor Mueller presented a Certificate of Appreciation to former Council Member Pacheco for service to the City of Sierra Vista. Ms. Pacheco thanked Council and stated that it has been a pleasure.

Item 2 Consent Agenda

[Item 2.1](#) Approval of the Special City Council Meeting Minutes of May 11, 2021

[Item 2.2](#) Approval of the Regular City Council Meeting Minutes of May 13, 2021

[Item 2.3](#) Resolution 2021-036, Electrical Utility Easement for the Veteran's Memorial Park Sports Complex Sports Division Building

[Item 2.4](#) Resolution 2021-040, Appointment of Gregory Johnson to the Sierra Vista Metropolitan Planning Organization Board of Directors

Council Member Umphrey moved that the Consent Agenda consisting of the Special City Council Meeting Minutes of May 11, 2021, the Regular City Council Meeting Minutes of May 13, 2021, Resolution 2021-036, an electrical utility easement for the Veteran's Memorial Park Sports Complex Sports Division Building, and Resolution 2021-040, appointment of Gregory Johnson to the Sierra Vista Metropolitan Planning Organization Board of Directors, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 5/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, and Umphrey voting in favor. Council Member Johnson abstained.

New Business

[Item 3](#) Resolution 2021-037, Authorizing the Submission of the Program Year 2021 Community Development Block Grant (CDBG) Annual Action Plan to the U.S. Department of Housing and Urban Development

Mayor Pro Tem Gray moved that Resolution 2021-037, submission of the Program Year 2021 Community Development Block Grant Annual Action Plan to the U.S. Department of Housing and Urban Development, be approved. Council Member Umphrey seconded the motion.

Mr. McLachlan stated that staff is seeking Council's authorization to submit the proposed annual Action Plan to HUD for the upcoming program year. The city's revised CDBG allocation amount is expected to be \$258,431. The recommended projects were selected through the regular application and public hearing process, which follows the requirements of the Citizen Participation Plan. There are four funding requests included in the Plan, two from the city and two from outside agencies. The city's application includes construction funds for installing 113 space parking lot at Cyr Center Park, which is an integral component of the master Plan for the property. The proposed funding will be combined with last year's grant amount to construct the project in a single phase to save costs. The total construction budget is \$446,255, which is in line with the engineer's estimate. Any savings realized during the bidding process will be applied to the landscape improvements.

The Plan designates \$50,000 for reactivating the Emergency Home Repair and Disabilities Modification Program. This program assists low-income residents, makes emergency repairs to

substandard housing conditions as well as accessibility modifications needed for the elderly and disabled.

With respect to nonprofit assistance, \$15,000 is earmarked for grading and paving seven additional parking spaces and a drive aisle to provide barrier free access to the food bank and conference offices at St. Vincent De Paul on Bartow Drive, and \$18, 945 for a kitchen remodel at the emergency shelter operated by Good Neighbor Alliance.

The 30-day public comment period was closed earlier in the week, and two comments were received in support of the proposed funding at St. Vincent De Paul. One citizen questioned the relative benefit and use of CDBG funds for carrying out the proposed parking lot improvements at Cyr Center Park.

Staff finds that the projects provided in the annual Action Plan are consistent with and furtherance of the goal objectives contained in the City's Five-Year Consolidated Plan for CDBG funding.

Council Member Benning thanked Mr. McLachlan for his hard work and stated that he thinks bringing back the home modification program is going to be great, and it also allows the city to partner with some other partners within the city. He also stated that he is glad that they were able to fund the projects for Good Neighbor Alliance and St. Vincent De Paul. They both do wonderful things for the community that is often overlooked.

Council Member Umphrey echoed Council Member Benning's comments, and thanked Mr. McLachlan. She pointed out that it is not just a parking lot that the city is funding. It is one piece of a bigger plan, but it must get done first to move forward. She also stated that she thinks that Council is doing the right thing.

The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

[Item 4](#) Resolution 2021-038, Approval of FY 2022-2023 Strategic Plan

Council Member Landry moved that Resolution 2021-038, FY 2022-2023 Strategic Plan, be approved. Council Member Benning seconded the motion.

Ms. Yarbrough stated that this item will approve the FY 2022-2023 Strategic Plan that would go into effect on July 1, 2021, through June 30, 2023. This would be the seventh strategic plan that Council has approved and within the new Plan defined are goals and accompanied actions under four priority areas. Within those priority areas, Council has identified 18 goals and 58 accompanied actions to fulfill those goals.

If the Plan is approved, the next steps are to assign each goal to staff objective leaders followed by updates and reports every six months.

Mayor Mueller noted that historically, this is not the Council's seventh plan. The first strategic plan was in 1968 and there have been a couple ever since then. This is the seventh of the two-year incremental plans that have been done. The bottom line is that every two years for seven times was put into law by Governor Napolitano. There were a few communities that did have strategic plans before that, and she saw those as beneficial and that is why she incorporated

the two-year requirements. The city has benefitted as a community for both the earlier plans and the current plan.

Council Member Umphrey thanked Ms. Yarbrough and staff for being patient and making sure that they got just right because it is important that everyone do the best that they can with this.

Mayor Mueller stated that if they did not get it just right, Council may review it within a year or two to modify it to make it better.

Council Member Landry voiced her appreciation at being able to be a part of the strategic plan process and to get together with different voices and discussion and collaboration that came together to make it what it is. It was a great process and experience; the future of Sierra Vista is going to be great.

Council Member Benning stated that the knowledge that Mayor Mueller provides is amazing, thanked staff because Council Members were heard during the retreat, which was better than last year's. They were all provided with time to provide input, and everyone was heard. He added that he is looking forward in seeing where the city is going with it because he thinks that it is a good plan.

Mayor Mueller stated that the goals have been set and asked about the next step. Ms. Yarbrough stated that she will be assigning objective leaders/key staff who will be tasked with carrying out the goal and the accompanying actions. The Plan will also be posted on the web site so that the public can review it as well as regular updates every six months and in every other month executive report.

The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

[Item 5](#) Resolution 2021-039, Ratifying the Sale of the City Property Located at 3514 King's Court Drive

Council Member Johnson moved that Resolution 2021-039, ratifying the sale of the City property located at 3514 King's Court Drive, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Boone stated that after several years of work, the resolution before Council if approved ratifies the sale of the property commonly known as King's Court, the former business. This will allow staff to do the final closing and work through all the mechanics to sell the property.

A brief history was included in the Council's packets and there was good discussion on Tuesday, May 25, 2021, that included Mr. Miller, future owner of the property from the Supreme Court in Toronto, Canada. The property has been shown to multiple folks and staff has worked hard over the last three years to move the property forward. Staff is also excited to work with Mr. Miller and his team as they see great potential.

Council Member Benning stated that back in 2012/2013 timeframe, this was the number one question by people and the basis for running for Council because it was huge. He added that he is honored to be a part of the team that sold King's Court.

Mayor Mueller stated that it is not just the sale because the company is interested in this and wants to rehabilitate and invest additional monies to bring the property up to quality playing standards and that is going to be a win-win for the entire community.

Council Member Umphrey voiced her appreciation in that Mr. Miller took the time to be in the community and speak to people. She added that she enjoyed his letter, and it sounds like he is the exact person that Council would want to invest in the community.

Mayor Pro Tem Gray asked if the company has done all their due diligence and past the point of uncertainty. Mr. Boone stated that the former report in 2014 was passed off, and an onsite inspection was done, where they had their own inspector present. They have done some additional background and staff has been coordinating with them to discuss with the County Assessor the property tax piece. The intent of the resolution is to authorize the City Manager to sign the offer on Friday, May 28, 2021. The remaining process will be worked through by staff to move the property forward.

The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

Call to the Public – There was no response.

Comments and Requests of the Council

Council Member Benning stated that he will not talk about the Summit Challenge and the wine festival because he is sure that other Council Members will do that, but the white fences are looking good, and he believes that it was one of the best things done. He announced that movies in the park are coming back this year. June 12, 2021 is the first movie, *Playing with Fire* followed by June 26, 2021, *Wonder Woman 1984*. He stated that he will see everyone out at the Wine, Beer and Spirits Festival, but not at the Summit Challenge, and noted that Father Greg said it the best, he wants everyone to have a great Memorial Day Weekend and to remember that some gave all, sacrificing so that others could enjoy themselves. As a Veteran, he is honored when someone says Happy Memorial Day to him, but these are young men and women that gave all and did not come home for defending everyone's freedom. He encouraged people to say a prayer or remembering those people and their families in mind. Lastly, he stated that he is glad that King's Court was sold, and that the city gets to keep it as tennis courts.

Council Member Johnson mirrored Council Member Benning's sentiments regarding Memorial Day. He shared that as a Veteran, he appreciates the sacrifices that some people made, who he went to boot camp with, that did not come back from Vietnam. In closing, he stated that he had the pleasure of sitting in as an observer at the Sierra Vista Metropolitan Planning Organization Meeting that was conducted by Mayor Pro Tem Gray. He noted that he has a lot of learning to do with respect to all these organizations that are combined to keep transportation and roads in good repair.

Council Member Umphrey stated that she is happy that Council Member Johnson has agreed to join the SVMPO because it is a lot, congratulated all students, graduates who finished school. She added that for the District May 27, 2021, was the last day, and she is now a mother to a middle schooler now and a fourth grader, whom she is super proud of as they both made honor roll for the first time.

Council Member Landry stated that Memorial Day is a day that is set aside to remember with gratitude and pride all of those who served and died for the country and freedom. She announced that on Fort Huachuca, they will honor America's veterans and salute fallen service members during their annual Memorial Day ceremony at 11:00 a.m. on May 31, 2021, at the Post cemetery. The event is open to the public for folks that have access to Fort Huachuca, but since there is limited parking at the cemetery, they will have a shuttle service in the parking lots of Christy and Chips Avenues and Hines and Andrews Roads. Lastly, she stated that she hopes to see everyone at Sips and Skies during the weekend on Saturday from noon to 7:00 p.m. and have a good time, have some drinks, see the vendors, have some food, and get out there.

Mayor Pro Tem Gray thanked Mr. McLachlan, Ms. Wilson, Ms. Flissar and all the people on the Parks Master Plan. She is aware that it has been a lot of hard work and Council appreciates all the ideas. She is also aware that it is a stretch, but she knows that it can be done. It is a good solid Plan and a lot of things for Council to consider. She announced that the Senate and the House adjourned until June 10, 2021, and no budget was passed, but the good news is that it looks like when they come back, they have a plan in place to hold cities harmless from the flat tax. This was a big stress and deal to the city and the legislators are working hard and trying to make deals and come up with ways to keep everybody happy, which is impossible but as far as cities/municipalities are concerned, it is looking like it is good news.

Mayor Mueller stated that they have been working on this issue together at the Legislature. He thanked Mayor Pro Tem Gray for her efforts and noted folks may not realize that it would be at least \$1.6 million income tax that the city normally receives that the city would not receive, but the latest numbers state that it is a little over \$2 million and that kind of revenue is very hard to make up and still be able to provide roads and all the other services that is provided to the citizens. This is something that Council has been very concerned about and will continue to watch. He shared a story about a republican legislator that decided that he was going to go hide for the day. The houses are relatively even with maybe just a little republic lead, so basically, he was showing that he was not ready to decide and pulled a shenanigan, but it got the Governor's attention and the leadership of the republican's side as well. He added that it is interesting what is seen at the different levels of government and what can be learned from it. In closing, he stated that Memorial Day Weekend has already been mentioned and it is a solemn weekend, but it is also a weekend where a lot of people travel and everyone is coming out of COVID, people are going to want to travel more this weekend and it is very important to keep safety in mind. The city is having an event where there will be wine and beer at the park, and alcohol and travel do not mix. He asked people to make sure that they have designated drivers and if they are going long distances to take breaks so that they are not overtired in getting back to work on Tuesday morning. The city will be closed on Monday with trash moved back a day for the first two days of pickup. He highly recommended that everyone goes out and enjoy the weekend, go out to Sips and Skies, and do the Summitt Challenge. Lastly, he stated that Council met in Executive Session, which he cannot talk about, but there were 22 applicants, and it was a very interesting and productive session. They have come up with people to be interviewed and they will be notified shortly as to when and where before deciding. Council is meeting all the statutory requirements and there will be more information forthcoming.

Adjournment

Mayor Mueller adjourned the May 27, 2019, meeting of the Sierra Vista City Council at 5:29 p.m.

June 4, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager

FROM: Adam D. Thrasher, Chief of Police

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-041, Authorization to proceed with
Intergovernmental Agreement between the City of Sierra
Vista, the Cochise County Sheriff's Office, and the Cochise
County Community College District.

RECOMMENDATION

The City Manager recommends approval.
The Chief of Police recommends approval.

INITIATED BY

Adam D. Thrasher, Chief of Police

BACKGROUND

Cochise County Community College District, the Sierra Vista Police Department and the Cochise County Sheriff's Office are continuing a partnership to operate the Southeastern Arizona Law Enforcement Training Academy (SEALETA) on the Cochise College – Douglas Campus. This resolution authorizes an Intergovernmental Agreement whereby one SVPD officer may serve as a recruit training officer (RTO) at the academy when classes are in session. In addition, Cochise College agrees to reimburse the City of Sierra Vista up to \$11,800 for overtime for this officer while assigned to the academy. SVPD also agrees to allow the academy to utilize the SVPD defensive tactics room for training when needed. The purpose of the agreement is to enhance law enforcement services by offering a locally available, cost effect, Arizona Peace Officer Standards & Training (AzPOST)-approved law enforcement training academy.

BUDGET APPROPRIATION

None.

RESOLUTION 2021-041

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH ANOTHER PUBLIC AGENCY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE COCHISE COUNTY SHERIFF'S OFFICER AND THE COCHISE COUNTY COMMUNITY COLLEGE DISTRICT; 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, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to Arizona Revised Statute 11-952;

WHEREAS, the City of Sierra Vista, the Cochise County Sheriff's Office, and Cochise County Community College District desire to enter into this agreement to enhance law enforcement services by offering a locally available, cost effect, Arizona Peace Officer Standards & Training (AzPOST)-approved law enforcement training academy through the cooperative efforts of all parties; and

WHEREAS, the City of Sierra Vista is able to meet the terms of the agreement; and

WHEREAS, the City of Sierra Vista desires to support and enhance law enforcement activities intended to provide AzPOST-approved basic training for new law enforcement officers.

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 entering into intergovernmental agreements when in the best interest of the citizens hereby is, reaffirmed.

SECTION 2

An intergovernmental agreement, attached and made a part hereof as Attachment A, between the Cochise County Sheriff's Office, the Cochise County Community College District, and the City of Sierra Vista hereby is approved.

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 10th DAY OF JUNE 2021.

FREDERICK W. MUELLER
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN J. WILLIAMS
City Attorney

PREPARED BY:
ADAM D. THRASHER
Chief of Police

INTERGOVERNMENTAL AGREEMENT BETWEEN
COCHISE COUNTY SHERIFF'S OFFICE

AND

SIERRA VISTA POLICE DEPARTMENT

AND

COCHISE COUNTY COMMUNITY COLLEGE DISTRICT

This Agreement is made by and between the Cochise County Sheriff's Office, through the Cochise County Board of Supervisors, hereinafter referred to as COUNTY, the City of Sierra Vista Police Department, hereinafter referred to as CITY, and Cochise County Community College District, hereinafter referred to as COLLEGE, each as Party and collectively, the Parties.

Recitals

Whereas, the County Sheriff and the City's Police Department desire to have a locally available, cost effective academy for training new law enforcement recruits so that they may become AZPOST certified; and

Whereas, the College desires to offer educational opportunities for county citizens and others to train them for gainful employment, and to that end desires to collaborate with the Sheriff and the City to establish such an academy.

Agreement

The purpose of this Agreement is to establish the Southeastern Arizona Law Enforcement Training Academy (the "Academy") through partnerships among COUNTY, CITY and COLLEGE to provide a program for recruits referred to the program by the City Police Department, the County Sheriff, or any other Arizona law enforcement agency or self-sponsored, qualified individuals to obtain necessary training to be successful AZPOST certified law enforcement officers.

1. The term of this agreement shall be **July 26, 2021** through **May 5, 2022**.
2. COUNTY shall provide access to its firing range, defensive tactics room, and related equipment at the Sheriff 's facility in Bisbee. The County will provide general liability coverage for the use of these facilities; provided, however, that the College will provide instructional liability coverage and cause its insurance carrier to name the County as an additional insured on its policy and will indemnify the County for any liability arising in connection with instruction at any County facility.

2. COUNTY shall assign one qualified law enforcement officer to serve as the academy sergeant, ensuring delivery of AZPOST approved curriculum. COLLEGE shall reimburse the COUNTY for overtime associated with the Academy up to \$12,000 for **21-2** (17-week academy), and \$14,200 for **22-1** (20-week academy). COLLEGE shall provide the assigned sergeant a meal ticket for use during the academy.
3. The parties anticipate offering two academies in FY 2021-22. The first academy will begin on **July 26, 2021** and end on **November 18, 2021**. The second academy will begin on **January 10, 2022** and end on **May 5, 2022**.
4. CITY shall provide access to its Defensive Tactics room in Sierra Vista and related equipment.
5. CITY shall provide one recruit training officer (RTO) to serve as a participant counselor who, among other things, will serve as a liaison with AZPOST and oversee and mentor recruits (if possible, based on the City's staffing needs). COLLEGE shall reimburse the CITY for overtime associated with the Academy up to \$10,000 for 21-2 (17-week academy), and \$11,800 for 22-1 (20-week academy). COLLEGE shall provide the assigned RTO a meal ticket for use during the academy.
6. COLLEGE shall provide facilities for the instruction and training of participants on the COLLEGE Douglas Campus located at 4190 W Highway 80, Douglas, AZ 85607, including one office, one classroom, access to an equipped fitness center, and an outdoor physical training course.
7. COLLEGE shall provide or arrange for instructors to teach AZPOST approved curriculum for the program.
8. COLLEGE shall provide access to housing for up to 16 participants at no charge with the purchase of a meal plan for the duration of the program at a rate of \$1,828 for the 17-week academy and \$2,150 for the 20-week academy.
9. The COUNTY and the CITY will assist the COLLEGE in securing a suitable location for the driving skills development portion of the curriculum. The COLLEGE will indemnify the appropriate entity providing services to support the driving skills development.
10. Any law enforcement agency that participates shall pay a rate of \$127 per credit per participant, plus a \$160 lab fee (\$3,970 total) to the COLLEGE. This fee shall be paid within 30 days of the program start date. The COLLEGE shall waive this fee for up to three COUNTY and up to three CITY participants per academy.
11. Participants shall be enrolled in a minimum of one credit (30 credits total) as a student at the college to provide accident coverage while participating in college provide instruction.
12. In the event that any one of the Parties believes that another has materially breached

any obligations under this Agreement, such Party shall so notify the other Parties in writing. The breaching Party shall then have ten (10) working days from the receipt of notice to cure the alleged breach and to notify the non-breaching Parties in writing that cure has been affected. If the breach is not cured within the ten (10) working days, the other Parties shall have the right to terminate this Agreement without further notice.

13. This Agreement may be cancelled pursuant to A.R.S. § 38-511, the pertinent provisions of which are fully incorporated herein by reference.
14. The Parties to this Agreement shall comply with all applicable laws and regulations, including those pertaining to equal employment opportunity and non-discrimination, and shall not engage in any form of illegal discrimination on the basis of race, sex, color, religion, national origin, ethnicity, age, handicap, or veteran status.
15. The Parties agree that should any part of this Agreement be held to be invalid or void, the remaining provisions shall continue to be valid and enforceable to the full extent permitted by law.
16. This Agreement shall be subject to and interpreted under the laws of the State of Arizona. Any controversy or claim arising out of or relating to this Agreement, its enforcement or interpretation, or because of an alleged breach, default, or misrepresentation in conjunction with any of its provisions, shall be submitted to arbitration, to be held in Cochise County, Arizona, in accordance with the Uniform Arbitration Act, A.R.S. § 12-1501 et. seq. The arbitrator shall be selected by mutual agreement of the Parties; if none, then by striking from a list provided by an organization such as the American Arbitration Association. In the event either Party institutes arbitration under this Agreement, the Party prevailing in any such arbitration shall be entitled, in addition to all other relief, to reasonable attorneys' fees relating to such arbitration.
17. All notices, or other correspondence between the Parties regarding this Agreement shall be mailed or delivered personally to the respective Parties at the following addresses:

IF TO COLLEGE: Dr. Wendy Davis
 Vice President for Administration
 901 N Colombo Ave
 Sierra Vista, AZ 85635
 davisw@cochise.edu
 520-515-3623

IF TO COUNTY: Sheriff Mark Dannels
 Cochise County Sheriff's Office
 205 N Judd Dr
 Bisbee, AZ 85603
 520-432-9500

IF TO CITY: Chief Adam Thrasher
Sierra Vista Police Department
911 Coronado Dr
Sierra Vista, AZ 85635
520-458-3311

18. The terms of this Agreement are intended only to define the respective rights and obligations of the Parties. Nothing expressed herein shall create any rights or duties in favor of any potential third-party beneficiary or other person, agency or organization.
19. In accordance with A.R.S. § 35-214, the Parties agree to retain all books, accounts, reports, and other records, and make such records available for inspection for a period of five years after completion of this Agreement.
20. The Parties do not contemplate joint acquisition of any equipment pursuant to this Agreement. Upon termination of this Agreement, equipment furnished or acquired by COLLEGE for the program shall be retained by COLLEGE, equipment furnished or acquired by COUNTY for the program shall be retained by COUNTY, and equipment furnished or acquired by the City for the program shall be retained by the City.
21. The parties agree that any dispute arising under this Contract involving the sum of \$50,000 or less in money damages only shall be resolved by arbitration pursuant to A.R.S. § 12-1501 et seq. The decision of the arbitrator(s) shall be final.
22. The parties hereby warrant that they will at all times during the term of this Agreement comply with all federal immigration laws applicable to each party's employment of its employees, and with the requirements of A.R.S. § 23-214(A) (together the "State and Federal Immigration Laws"). The parties shall further ensure that each contractor or sub-contractor who performs any work for the parties under this Agreement likewise complies with the State and Federal Immigration Laws.
23. This Agreement may be executed using electronic signatures, which shall have full force and effect as though signed with pen and ink.

COCHISE COLLEGE

J.D. Rottweiler, Ph.D. Date
President

COCHISE COUNTY

Ann English, Chair Date
Cochise County Board of Supervisors

June 8, 2021

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 2021-042, FY 2021 Capital Financing, and
Declaring an Emergency

RECOMMENDATION

The City Manager recommends approval.

INITIATED BY

David J. Felix, CPA Chief Financial Officer

BACKGROUND

The approval of this resolution awards the FY 2021 Lease Purchase Agreement for the financing of the acquisition of equipment to BankFunding LLC for a term of five years at a nominal interest rate of 1.32%.

Throughout the year the city has purchased, and paid for, various pieces of equipment. With this financing, we are reimbursing ourselves for the cash we have already paid the vendors.

RESOLUTION 2021-042

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY BY DESIGNATING CERTAIN FINANCING FROM BANKFUNDING LLC. TO ACQUIRE CAPITAL ITEMS AS TAX EXEMPT, STIPULATING TO OTHER REQUIREMENTS OF THE FEDERAL TAX CODE; 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; AND DECLARING AN EMERGENCY.

WHEREAS, the City has purchased various pieces of equipment; and

WHEREAS, the City desires to finance these acquisitions and has requested proposals from various financial institutions; and

WHEREAS BankFunding, LLC was the recommended qualified bidder; and

WHEREAS, it is in the best interest of this City that the financing be tax exempt.

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

SECTION 1

That the policy designating financing as tax exempt be, and hereby is, reaffirmed.

SECTION 2

The City of Sierra Vista does hereby enter into a Lease Purchase Agreement with BankFunding, LLC ("Lessor") in a total principal amount not to exceed \$593,691.90 for the acquisition and the use and possession of equipment described in Exhibit A, payable over a period not to exceed sixty (60) months, subject to the right of the City to terminate and cancel such Agreement and the City's obligation thereunder on each June 30 during the term of the Agreement, and subject to the right of the City to acquire such equipment at such times and on such terms as set forth in the Agreement.

SECTION 3

Mayor Frederick W. Mueller, City Clerk Jill Adams, Finance Manager David, J. Felix, CPA, and Purchasing Agent Kennie Downing are authorized, empowered, and directed to execute such other documents as may be necessary or appropriate to consummate the above-described transaction and to perform fully and timely all the City's agreement and obligations in connection herewith.

All actions taken by the said officers of this City with respect to this financing, prior to the date hereof be, and hereby, ratified and confirmed.

The Lessor may rely on this Resolution until notified of the revocation thereof in writing, and all actions taken by said officers of this City in accordance with this Resolution prior to Lessor's receipt of such notice of revocation may be relied upon by the Lessor.

SECTION 4

That the immediate operation of the provisions of this Resolution is necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, and this resolution shall be in full force and effect from and after its passage.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 10th DAY OF JUNE 2021.

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

Exhibit A

<u>Qty</u>	<u>Description</u>	<u>Amount</u>
1	Side Loader Refuse Truck	\$ 339,482.58
1	Front Loader Refuse Truck	320,175.09
		<hr/>
		\$ 659,657.67
	Down payment	65,965.77
	Total Five Year Finance Amount	<hr/> <hr/>
		\$ 593,691.90

June 10, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP
Director, Community Development Department

FROM: Jeff Pregler, AICP
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-043
Appointment to Sierra Vista Planning and Zoning
Commission and Acceptance of Resignation

BACKGROUND:

The Planning & Zoning Commission is comprised of five members. One of the current members, Ms. Patricia Olson, has submitted her resignation, opening a vacancy on the Commission. The city has received an application to fill the vacancy from Daniel Coxworth. If Mr. Coxworth is appointed to the Commission, the completion of the term would expire on December 31, 2021. Mr. Coxworth could apply for a full two-year term following the expiration of the existing term. The application has been submitted for City Council's consideration and appointment.

The city accepts the resignation of Patricia Olson with regret.

BUDGET APPROPRIATION:

None.

RESOLUTION 2021-043

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY ON BOARDS AND COMMISSIONS BY APPOINTING DANIEL COXWORTH TO THE SIERRA VISTA PLANNING AND ZONING COMMISSION, SAID TERM TO EXPIRE DECEMBER 31, 2021; AND ACCEPTING THE RESIGNATION OF PATRICIA OLSON WITH REGRET, 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, the City Council has established the Sierra Vista Planning and Zoning Commission by resolution; and

WHEREAS, the Board and Commission Practice and Procedure Guidelines limits the number of Commission members to five; and

WHEREAS, one vacancy exists on the Commission because of a commissioner resignation; and

WHEREAS, it is the reaffirmation of settled policy that the City Council fill vacancies on regulatory boards and commissions.

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

SECTION 1

The City Council reaffirms its settled policy on appointments to regulatory boards and commissions.

SECTION 2

The City Council hereby appoints Daniel Coxworth said term to expire December 31, 2021, to the Sierra Vista Planning and Zoning Commission, and accepts the resignation of Patricia Olson with regret.

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 10TH DAY OF JUNE 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:
Jeff Pregler, Senior Planner

Maria Marsh

From: dcoxworth@gmail.com <wordpress@sierravistaaz.gov>
Sent: Wednesday, May 05, 2021 5:13 PM
To: City Clerk; Maria Marsh
Subject: Commission/Board/Committee application

Application for Committee, Board, or Commission

Applicant name: Daniel Coxworth

Phone number: [REDACTED]

Email address: [REDACTED]

Residential address [REDACTED] City Sierra Vista, AZ 85635 Resident of Sierra Vista: Yes Registered to vote in Sierra Vista: Yes

Education: Masters

Occupation: Director of Development Services, Cochise County Commission or board applicant would like to serve on: Planning & Zoning Commission* Professional and community activities:

I've lived in Sierra Vista for over 15 years and believe in community service. Community activities include little league coach and Cochise Bike Advocates. As a county staff employee, I often coordinate with local organizations to help improve the community and quality of life for residents.

Qualifications and reason for interest in serving on this board or commission: Currently, I am Planning Director for Cochise County and would enjoy sitting on the Planning and Zoning Commission in support of the community where I live.

References:

1. Matt McLachlan, [REDACTED]
2. Amanda Baillie, [REDACTED]

RESOLUTION 2021-044

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE CITY COUNCIL'S SETTLED POLICY ON FILLING COUNCIL VACANCIES; APPOINTING MARK A. RODRIGUEZ TO THE CITY COUNCIL, SAID TERM TO EXPIRE DECEMBER 31, 2022; 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; AND DECLARING AN EMERGENCY.

WHEREAS, a vacancy currently exists on the City Council due to the resignation of Council Member Sarah Pacheco; and

WHEREAS, A.R.S. §9-235 and City Code Section 30.21 specifically state that the council shall fill, by appointment, the un-expired term a vacancy that may occur through resignation; and

WHEREAS, during executive sessions the City Council reviewed the applications; and

WHEREAS, based on their review, the City Council hereby appoints Mark A. Rodriguez to the position of City Council Member.

WHEREAS, it is the best interest of the citizens of Sierra Vista that this vacancy be filled immediately.

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

SECTION 1

The City Council reaffirms its settled policy, most recently reaffirmed by Resolution 3028, on appointments to the City Council.

SECTION 2

The City Council hereby appoints Mark A. Rodriguez to the Sierra Vista City Council, said term to expire December 31, 2022.

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 SIERA VISTA, ARIZONA THIS 10TH DAY OF JUNE 2021.

FREDERICK W. MUELLER
MAYOR

APPROVED AS TO FORM:

ATTEST:

NATHAN J. WILLIAMS
CITY ATTORNEY

JILL ADAMS
CITY CLERK

PREPARED BY:
Jill Adams, City Clerk