



Sierra Vista City Council
Meeting Agenda
June 24, 2021

Call to Order

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

Roll Call

Invocation – Reverend Greg Adolf, St. Andrews Catholic 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 June 7, 2021

Item 2.2 Approval of the Special City Council Meeting Minutes of June 8, 2021

Item 2.3 Approval of the Regular City Council Meeting Minutes of June 10, 2021

Item 2.4 Resolution 2021-045, Approval of a Pre-Annexation Agreement with Veritas Christian Community School, 3992 S. Highway 92, Sierra Vista, AZ

Public Hearing

Item 3 Resolution 2021-046, Amendment to City Code, Chapter 33, City Departments, and declaring a 30-day public comment period

New Business

Item 4 Resolution 2021-047, Declaration of Intent for the Increase of Sewer Connection Fees

Item 5 Resolution 2021-048 Approval of the Tentative Budget for Fiscal Year 2021-2022

Item 6 Ordinance 2021-005, Adoption of Development Code Text Amendment to Section 151.22.026, Recreational Vehicle Park (RVP) Overlay District

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
June 7, 2021

Mayor Mueller called the June 7, 2021, City Council Special Meeting to order at 4:47 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 virtually
Council Member Carolyn Umphrey - present

Others Present:
Jill Adams, City Clerk

Item 1 Acceptance of Agenda

Council Member Johnson moved that the agenda for the Special City Council Meeting of June 7, 2021, be approved as written. Council Member Benning 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 – Council Vacancy Candidate Interviews of Jessica Kunkel and Kevin Weston.

Mayor Pro Tem Gray at 4:49 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 – Council Vacancy Candidate Interviews of Jessica Kunkel and Kevin Weston. Council Member Benning 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 June 7, 2021, meeting of the Sierra Vista City Council Executive Session, and Special Meeting at 6:35 p.m.

Mayor Frederick W. Mueller

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

Sierra Vista City Council
Special Meeting Minutes
June 8, 2021

Mayor Mueller called the June 8, 2021, City Council Special Meeting to order at 4:46 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 virtually
Council Member Carolyn Umphrey - present

Others Present:
Jill Adams, City Clerk

Item 1 Acceptance of Agenda

Council Member Benning moved that the agenda for the Special City Council Meeting of June 8, 2021, be approved as written. 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.

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 – Council Vacancy Candidate Interviews of Daman Malone and Mark Rodriguez.

Council Member Umphrey at 4:48 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 – Council Vacancy Candidate Interviews of Daman Malone and Mark Rodriguez. Council Member Benning 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 June 8, 2021, meeting of the Sierra Vista City Council Executive Session, and Special Meeting at 7:07 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
[June 10, 2021](#)

Mayor Mueller called the June 10, 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 (virtual)
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure and Library Services Director
Matt McLachlan, Community Development Director
Sharon Flissar, Public Works Director
David Felix, Chief Finance Officer
Tony Boone, Economic Development Manager
Nathan J. Williams, City Attorney
Judy Hector, Communications and Marketing Manager

Invocation – Pastor Becky Preiss, Hope and Healing Christian Church, conducted the invocation.

Pledge of Allegiance – Mayor Pro Tem Gray led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Umphrey moved that the agenda for the Regular City Council Meeting of June 10, 2021, be approved. Mayor Pro Tem Gray 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 next week begins Council's budget work sessions that starts on Monday, June 14, 2021, at 3:00 p.m. in Council Chambers for the purpose of going over the budget with an overall presentation so that Council may ask questions, and then, if necessary, on June 15 and 16, 2021 there are budget work session scheduled also for 3:00 p.m. in Council Chambers. The regularly City Council Work Session is scheduled at 3:00 p.m. on June 22, 2021, in Council Chambers. He reported that the rebid on North Garden Ave/Fry Boulevard Improvements Phase I Project was posted on May 26, 2021, that is due on Monday, June 14, 2021, and hopefully by the time that Council meets there will be news about it. The new lighted airport entrance sign proposals were opened on June 9, 2021, and High Desert Signs was the successful vendor at \$32,000 that was under budget. The JPA Board for SEACOM met during the morning for the purpose of interviews for the Executive

Director's position and voted to begin the contract negotiations with the successful applicant. Once those negotiations are complete and a contract is signed, he will be able to announce the new Executive Director.

Mayor Mueller stated that there is a new council person that is coming on board and there are budget work sessions scheduled for next week, who has not been privy to all the other discussions. He added that he hopes that staff has a plan to make sure that before the final vote is taken by Council, that the new council person is up to speed as much as possible on the budget.

Council Member Umphrey asked when the airport sign would be installed. Mr. Boone stated that the bid came in, and Ms. Downing is making a contract for it, and then there would be a follow-up meeting to confirm the design and timeline.

Council Member Umphrey asked if Council could view the design. Mr. Boone stated that he included information in the Executive Report, but he can provide it to her.

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

Council Member Benning moved that the Consent Agenda consisting of the Special City Council Meeting Minutes of May 27, 2021, and Regular City Council Meeting Minutes 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.

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

Council Member Johnson moved that Resolution 2021-041, Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff's Office, and the Cochise County Community College District to operate the Southeastern Arizona Law Enforcement Training Academy on the Cochise College – Douglas Campus, be approved. Council Member Benning seconded the motion.

Police Chief Thrasher stated that the resolution before Council is for authorization to proceed with the intergovernmental agreement to operate the academy down at the Cochise County Campus. This is a renewal of the agreement that was signed the last couple of years. This authorizes the Sierra Vista Police Department to provide the recruit training officer at the academy and to receive payment up to \$11,800 in overtime from the College for that officer's time while they are serving at the academy as well as using the defensive tactics room and the airport for driver's training.

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 2021-042, Annual Equipment Financing and Declaring an Emergency

Council Member Umphrey moved that Resolution 2021-042, Annual Equipment Financing and Declaring an Emergency, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Felix stated that this is the annual equipment financing that is usually done during this time of the year. This year the city is only financing two refuse trucks more so for the cash flow situation in the Refuse Fund. Council passed a rate increase last year and it is still working its way through, but this way the City can keep some cash in the fund and not have the fund go cash negative. The city received one bid; however, the bid was 1.32 percent, a phenomenal rate, that is even lower than the rate of inflation. It is awarded to Bankfunding LLC, and it is a bank qualified lease for their purposes, a financial advantage to them, an IRS code that allows banks to give loans to cities and municipalities for small lenders and gives them tax benefits as well. The emergency clause is necessary because the city cannot get a 30-day interest rate lock and normally, a resolution takes 30-days to go into effect. This way it can go into effect immediately and staff can start on the paperwork.

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 2021-043, 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

Mayor Pro Tem Gray moved that Resolution 2021-043, accepting the resignation of Patricia M. Olson, with regret, and appointing Daniel Coxworth to the Planning and Zoning Commission, said term to expire December 31, 2021, be approved. Council Member Umphrey seconded the motion.

Mayor Pro Tem Gray stated that Ms. Olson had to resign from the Planning and Zoning Commission earlier this year due to personal reasons. The city went out and advertised for applications and Mr. Coxworth applied and is very experienced to be on the Planning and Zoning Commission. Therefore, she is happy to recommend him for appointment.

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

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

Council Member Johnson moved that Resolution 2021-044, appointment of Mark A. Rodriguez to the City Council, said term to expire December 31, 2022, be approved. Council Member Benning seconded the motion.

Council Member Umphrey thanked everyone who submitted applications. Mayor Mueller stated that there were several folks that applied, who are very good folks. Council held four solid interviews – a tough competition. Council had to reach a consensus before putting a name forward, and the consensus was Mr. Rodriguez. Mayor Mueller congratulated Mr. Rodriguez.

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 Landry congratulated Mr. Rodriguez and stated that she looks forward to working with him on Council. She also gave a shout out to everyone who came together and made the Summit Challenge a success, everybody that worked hard before and after the event. She stated that she participated in the event and noted that all the trails were well marked, and there were people that went up the day before and spent the night to make sure that all participants were taken care of. The people that gave out the stamps and stickers had to hike and be present all day long. She further stated that she appreciates everything that was done, and she looks forward to next year's event. Lastly, she thanked everyone who made it possible for her to be able to participate in the Council Meeting and to be able to join from afar.

Mayor Mueller voiced his appreciation for the extra effort made by Council Member Landry in participating because everyone knows from experience that sometimes it can be very difficult when there is an ailment.

Council Member Umphrey congratulated and welcomed Mark Rodriguez, thanked all the people who applied and noted that Council was in a very fortunate position, but it was not easy because there were so many good applicants. She stated that she hopes to see all of them involved in some way in the future. She thanked Dan Coxworth for joining the Planning and Zoning Commission, mentioned that last Saturday, June 5, 2021, the city had the honor of hosting a ceremony recognizing Nacho Valenzuela's work to preserve and restore the Fry Cemetery. She noted that Representative Kirkpatrick was present and presented him with a certificate of congressional recognition. She added that Elizabeth Wrozek, new curator for the museum, along with her staff did a great job. Lastly, she voiced her gratitude to Council Member Landry for being present during the interviews because she knows that it was not easy, but she greatly appreciates all the extra effort she put forth, and she hopes to see her soon.

Council Member Benning welcomed Father Greg and noted that it is always a pleasure and blessing when he joins the Council Meetings, stated that it is great that Council Member Landry overcame surgery, and he looks forward to her coming back. He added that the selection process was fun to say the least, there were amazing applicants, all 22, from the beginning, narrowing it down, and then selecting the final Council Member. It was a good process, and he thinks that everyone came together and talked freely and shared what was on their mind, and he appreciates the process. Finally, he welcomed Council Member Mark Rodriguez, noted that he thinks that he will do a good job finishing out the term, looks forward to him running again, and he hopes that for everyone else, he hopes that everyone stays involved with the City.

Council Member Johnson welcomed Mark Rodriguez to City Council and stated that Council looks forward to working with him. He announced that Flag Day is on Monday, June 14, 2021; however, the flag ceremony will take place at the Elks Club Ramada on Sunday, June 13, 2021, at 2:00 p.m., where the scouts are involved, followed by a barbeque that is free to all veterans.

Mayor Pro Tem Gray welcomed Mr. Rodriguez and stated that she looks forward to working with him. She also thanked him for his willingness to take the crazy journey.

Mayor Mueller reported on a letter from the chief of the local Forest Service, where she stated that they are suspending any use of firearms within the forest on the east side of the Huachuca Mountains due to the dryness as they are afraid that even a ricochet bullet with a spark could set things off. He added that from his experience, she is probably right because in looking at the Huachuca Mountains, and coming down about an eighth of the altitude there is some yellowing and brown patches and that is where the Aspen Fire was about 35, 40 years ago. The aspens are already in distress, high up on the mountain, which is highly unusual. This tells him that as a civic leader, he must remind everyone not to throw things out like a cigarette, trash, or anything else, and when pulling a car off the road, they need to be parked so that the catalytic convertor does not catch the grass, and to mind all the normal, dry fire season stuff that would be done later in the year. Everyone needs to be aware of this, and if hiking/camping in the mountains, everyone needs to be on guard against fire. He noted that everyone remembers the Monument Fire and what everyone went through, and no one wants this to reoccur in the community.

Mayor Mueller announced that the Salvation Army put out a statement that they are accepting donations for the Telegraph Fire, a big fire in north central Arizona that has taken a few acres and is not yet under control. He added that in having gone through the Monument Fire, everyone knows that the Salvation Army came in and fed people for a couple of weeks. They need funds to be able to continue to do that up in that area as well. He encouraged people to donate to the Salvation Army so that they can spend it on food and other things that the folks may need. Lastly, he stated that there has been an increase on calls about suspicious vehicles. In the past there were people coming in with vehicles and parking them for people from the south, who would bring in drugs, to immediately go to Phoenix. He asked people that if they see a vehicle that is not usually parked in an area primarily between the city and the mountains, or the city and the area to the south, to call the Sierra Vista Police Department if it is in town, or the Sheriff's Department. He asked people not to stop and check it out because there could be someone hiding out with weapons, etc. because it has been known in the past and it is currently happening, that the cartels do in fact contact people in the Greater Phoenix area and have them drive the vehicles with a load to Phoenix. Sierra Vista has been lucky with the border crisis on impacts to the community, but the community does not want to allow criminal elements to abuse the good people that are coming across to convey drugs and other contraband into the State.

In closing, Mayor Mueller announced that on Monday, June 14, 2021, Vinny's Pizza is going to offer 25 percent of their proceeds to the fireworks for the July 4, 2021 celebration. This is a great community place that has been doing this through the years as well as other charities, high school events, Tip a Cop, etc.

Adjournment

Mayor Mueller adjourned the June 10, 2021, meeting of the Sierra Vista City Council at 5:25 p.m.

MAYOR FREDERICK W. MUELLER

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

June 24, 2021

MEMORANDUM TO: Honorable Mayor and City Council

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

FROM: Blake Fisher
Planner I

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-045
Pre-Annexation Agreement for 3993 S Highway 92 Property

BACKGROUND

Veritas Christian Community School (henceforth referred to as “Veritas”), a non-profit organization, is seeking permission to connect their property located on the northeast corner of E. Glenn Road and State Route 92 (APN # 107-56-014A) to the City of Sierra Vista sewer system. The property, which is currently hooked up to septic, was previously used as a feed store. Veritas is seeking to convert the facility to a school of private education for grades kindergarten through 12th grade. The existing on-site septic system is inadequate to handle the anticipated wastewater volumes resulting from the change in use.

The City’s Annexation Policy requires unincorporated properties desiring the use of the City’s wastewater treatment system to annex. This ensures that all properties using the urban infrastructure are part of the urban area providing the service. (Resolution 2008-149)

The subject property meets the statutory requirements for annexation. The pre-annexation agreement is a means for the applicant to proceed with the sewer connection while City Staff surveys any potential interest from adjoining property owners prior to proceeding with formal annexation procedures which can take three months or more to complete. The pre-annexation agreement conveys the Owner’s consent to annexation of the property into the City upon initiating a formal petition.

FINANCIAL IMPACT

Veritas will be responsible for paying the cost of all necessary on and off-site improvements to extend and connect to public sewer service as well as ongoing sewer rate charges.

Attachment: Resolution 2021-044: 3993 S Highway 92 Pre-Annexation Agreement
Exhibit A – Pre-Annexation Agreement

RESOLUTION 2021-045

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 VERITAS CHRISTIAN COMMUNITY SCHOOL, A FAITH-BASED NON-PROFIT ORGANIZATION, CONCERNING PROPERTY LOCATED AT APN # 107-56-014A, 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 Veritas Christian Community School, owner of the parcel numbered 107-56-014A, have reached a Pre-Annexation Agreement attached as Exhibit "A" to this Resolution and incorporated by reference, for the property 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 Veritas Christian Community School 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 24TH DAY OF JUNE 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Blake Fisher
Planner I

**PRE-ANNEXATION AGREEMENT BETWEEN
THE CITY OF SIERRA VISTA AND VERITAS CHRISTIAN COMMUNITY SCHOOL**

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 VERITAS CHRISTIAN COMMUNITY SCHOOL (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
107-56-014A	3993 S HIGHWAY 92	GB	GC	IN LOT 4 BY M&B BEG 100' E OF SW COR OF LOT 4 N675' TO POB E300' S675' W300' N675' TO POB EXC S40' DED TO CNTY PER #0140615933 & EXC .427AC DED TO STATE PER FEE# 2013-09239 SEC 19-22-21 3.942AC

B. All properties are located in portions of Section 19, Township 22 South, Range 21 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. **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.
6. **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.
7. **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.
8. **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.

9. **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.
10. **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.
11. **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.
12. **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.
13. **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: VERITAS CHRISTIAN COMMUNITY
SCHOOL
3993 S HIGHWAY 92
SIERRA VISTA, AZ 85650

14. **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.
15. **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.
16. **Applicable Law.** This Agreement shall be governed and construed in accordance with the laws of the State of Arizona.
17. **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.

18. **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.
19. **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.
20. **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:

PROPERTY OWNER NAME::

By: _____
Signature

Print Name

Title

APPROVAL AS TO FORM:

By: _____
NATHAN WILLIAMS
City Attorney

ATTEST:

By: _____
JILL ADAMS
City Clerk

STATE OF ARIZONA)
) ss.
County of Cochise)

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

Notary Public
My commission expires:

EXHIBIT B

DURABLE SPECIAL POWER OF ATTORNEY

VERITAS CHRISTIAN COMMUNITY SCHOOL is the owner of the following real property:

APN#	SITE ADDRESS	COUNTY ZONING	COMPATIBLE CITY ZONE	LEGAL DESCRIPTION
107-56-014A	3993 S HIGHWAY 92	GB	GC	IN LOT 4 BY M&B BEG 100' E OF SW COR OF LOT 4 N675' TO POB E300' S675' W300' N675' TO POB EXC S40' DED TO CNTY PER #0140615933 & EXC .427AC DED TO STATE PER FEE# 2013-09239 SEC 19-22-21 3.942AC

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 ____ day of _____, 20__.

By: _____

Print Name: _____

STATE OF ARIZONA)
)ss
COUNTY OF COCHISE)

On this _____, 20__, before me, _____, a Notary Public in and for the County of Cochise, State of AZ, on this day personally appeared _____ 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.

NOTARY PUBLIC

My Commission Expires: _____

June 16, 2021

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Victoria Yarbrough, Assistant City Manager
SUBJECT: Request for Agenda Item Placement
Resolution 2021 - 046 Resolution Approving an
Amendment to Chapter 33: City Departments, City Code
and Declaring a 30-Day Public Record

Recommendation:

The City Manager recommends approval.
The Assistant City Manager recommends approval.

Background

Chapter 33 of the City Code originally defined numerous specifics about city departments including the role of each director or chief, the divisions of the department, powers and duties, and various other details. Over the years, there have been administrative changes within many of the departments including new departmental names and reorganizations that make the current chapter obsolete.

The updates are intended to generalize the scope of services rendered by each department, thereby reducing the need for future changes.

This public hearing will be followed by a 30-day public comment period after which it will return for consideration in final form as an Ordinance.

Fiscal Impact

None.

RESOLUTION 2021- 046

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPROVING AN AMENDMENT TO CHAPTER 33: CITY DEPARTMENTS OF THE CITY CODE OF ORDINANCES; 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, Chapter 33: City Departments was originally included in the Code of Ordinances to specify various departments and their services, powers, and duties; and

WHEREAS, many administrative changes to departments, particularly in respect to names and reorganizations, have occurred over the years; and

WHEREAS, the chapter is now obsolete, and updating and simplifying the chapter is necessary; and

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 declaring proposed amendments to the City Code of Ordinances as a public record be, and hereby is, reaffirmed.

SECTION 2

That the document attached hereto as Exhibit A, Amendments to Chapter 33 of the Sierra Vista City Code of Ordinances, is approved and a 30-day public comment period is declared.

SECTION 3

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 resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 24th DAY OF JUNE 2021.

Frederick W. Mueller
Mayor

Approval as to Form:

Attest:

Nathan Williams
City Attorney

Jill Adams
City Clerk

CHAPTER 33: CITY ~~DEPARTMENTS SERVICES~~

Section

~~Police Department Law Enforcement Services~~

- 33.01 Establishment
- ~~33.02 Police Chief~~
- ~~33.03 Divisions of Police Department~~
- ~~33.04 Powers and duties~~
- ~~33.05 Rules and regulations~~
- ~~33.06 Police officers; appointments and promotions~~
- 33.0~~7~~ Police assistants/aides

~~Fire Department Fire & Emergency Medical Services~~

- 33.25 Establishment
- ~~33.26 Powers and duties~~
- ~~33.27 Fire Chief~~
- ~~33.28 Members; appointments and promotions~~
- 33.2~~6~~ Reserve fire-fighting personnel
- 33.2~~7~~ Response to calls outside corporate limits

~~Department of Public Works Services~~

- 33.40 Establishment
- ~~33.41 Divisions of Department~~
- ~~33.42 Powers and duties~~
- ~~33.43 Advice and assistance~~
- ~~33.44 Certain city properties assigned to custody of Department~~

~~Department of Parks and Leisure Parks, Recreation, and Library Services~~

- 33.50 Establishment
- ~~33.51 Divisions of Department~~
- ~~33.52 Powers and duties~~
- ~~33.53 Director of Parks and Leisure Services~~

~~Department of Community Development and Planning Services~~

- 33.60 Establishment
- ~~33.61 Divisions of Department~~
- ~~33.62 Advice and assistance~~
- ~~33.63 Director of Community Development~~

- 33.6~~1~~ Stop orders
- 33.6~~2~~ Entry powers

~~Department of Library Services~~

- ~~33.70 Establishment~~
- ~~33.71 Divisions of Department~~
- ~~33.72 Powers and duties~~
- ~~33.73 Director of Library Services~~

~~Department of Administrative Services~~

~~—33.80 Establishment~~

~~—33.81 Divisions of Department~~

~~—33.82 Powers and duties~~

~~—33.83 Advice and assistance~~

~~—33.84 Director of Administrative Services~~

Cross-reference:

Smoking during public meetings, see § 30.22

Uniform Fire Code, see Chapter 152

~~POLICE DEPARTMENT~~LAW ENFORCEMENT SERVICES

§ 33.01 ESTABLISHMENT.

~~There is hereby created the Sierra Vista Police Department, an executive department of the city. The City of Sierra Vista shall provide law enforcement services.~~ It shall consist of ~~the Police~~ Chief, who shall be the head of the department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Chief. The ~~Police~~ Chief shall supervise his or her department in accordance with the applicable personnel ordinances and Chapter 40 of this code and shall exercise the powers and perform the duties as are customarily conferred and required by applicable ordinance, resolution, or lawful directive. The position of the ~~Police~~ Chief is hereby declared as classified service, and the Chief shall be appointed and removed by the City Manager and shall serve and receive ~~the compensation as shall be determined in accordance with any applicable classification and compensation plan and the applicable~~ personnel ordinance.

Law enforcement services shall include, but are not limited to, preserving order, enforcement of the codes, ordinances, and laws of the city and state, preserving the peace, and mitigating the results and rendering aid in the event of a disaster or emergency.

('76 Code, § 4-1-1) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99)

Statutory reference:

Authority to establish, regulate Police Department, see A.R.S. § 9-240(B)(12)

§ 33.02 ~~POLICE CHIEF.~~

~~—The Police Chief shall have all the duties and powers assigned by this code, law, or ordinance to the chief of the Police Department.~~

~~('76 Code, § 4-1-3) (Ord. 936, passed 10-28-93)~~

§ 33.03 ~~DIVISIONS OF POLICE DEPARTMENT.~~

~~—There are hereby created within the Police Department divisions of police and administration and those other divisions deemed necessary for the efficient operation of the Department. The division commanders shall be appointed and removed by the City~~

Manager subject to the provisions of Chapter 40 of this title as it now exists or may be hereafter amended.

(‘76 Code, § 4-1-4) (Ord. 936, passed 10-28-93)

§ 33.04 POWERS AND DUTIES.

—It shall be the function of the Police Department to preserve order, enforce this code, ordinances and laws of the city, preserve the peace, mitigate the results and render aid in the case of disaster or accident. The Police Department will also be responsible for other duties as assigned by the City Manager.

(‘76 Code, § 4-1-2) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99)

§ 33.05 RULES AND REGULATIONS.

—The Police Chief may make or prescribe the rules and regulations for the conduct of this Department as he or she shall deem advisable. The rules, when approved by the City Manager, shall be binding on the members. The rules may cover the conduct of the members, uniforms and equipment to be worn or carried, hours of service, vacations, and other matters necessary or desirable for the better efficiency of the Department.

(‘76 Code, § 4-1-1) (Ord. 936, passed 10-28-93)

§ 33.06 POLICE OFFICERS; APPOINTMENTS AND PROMOTIONS.

—The members of the Police Department shall be appointed, and promotions within the Department shall be made, in the manner provided by law. Each member of the Department shall have all the responsibility, authority, and liability prescribed by statute or ordinance for a police officer.

(‘76 Code, § 4-1-6) (Ord. 936, passed 10-28-93)

§ 33.027 POLICE LAW ENFORCEMENT ASSISTANTS/AIDES.

(A) Unarmed police law enforcement assistants/aides are hereby appointed and authorized pursuant to A.R.S. § 28-627(E) and (F) to investigate traffic accidents within the city, and to commence an action before a court or judge for any violation of a state statute or local ordinance relating to traffic laws, provided that the violation is related to a traffic accident within the jurisdiction of the city and to commence an action or proceeding before a court or judge for any violation of the city code regulating the standing or parking of vehicles.

(B) Police Law enforcement assistants/aides shall, when performing accident investigations, file written reports as required pursuant to A.R.S. § 28-667.

(C) In no way shall this section be construed to grant other powers or benefits to police law enforcement assistants/aides to which peace officers of this state are entitled.

(‘76 Code, § 4-1-7) (Ord. 936, passed 10-28-93)

FIRE DEPARTMENT FIRE & EMERGENCY MEDICAL SERVICES

§ 33.25 ESTABLISHMENT.

~~There is hereby created the Sierra Vista Fire Department, organized in and for the City of Sierra Vista, Arizona. The City of Sierra Vista shall provide firefighting and emergency medical services. It shall consist of the Fire Chief, who shall be the head of the Department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Chief. The Fire Chief shall supervise his or her department in accordance with the applicable personnel ordinances of the city and shall exercise the powers and perform the duties as are customarily conferred and required by applicable ordinance, resolution, or lawful directive. The position of Fire Chief is declared as classified service and he or she shall be appointed and removed by the City Manager, and shall serve and receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance. receive the compensation as shall be determined in accordance with applicable Personnel Policies, and Chapter 40 of this code.~~

Firefighting and emergency medical services shall include, but is not limited to:

('76 Code, § 4-3-1) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99)
Statutory reference:

Authority to establish regulations to control and prevent fires, see A.R.S. § 9-240(B)(7)

§ 33.26 POWERS AND DUTIES.

~~The Fire Department shall be responsible for the following duties:~~

- ~~(A)~~ Protection of life and property from ~~destructive force of~~ fire.
- ~~(B)~~ Suppression and prevention of fire threat to life and property.
- ~~(C)~~ Provide emergency medical care at the pre-hospital level up to and including advanced life support; i.e., paramedic service.
- ~~(D)~~ Respond to and attempt to mitigate hazardous materials emergencies occurring within the corporate city limits.
- ~~(E)~~ Conduct public programs to educate the general public as to acceptable on fire prevention and life safety practices.
- ~~(F)~~ The Fire Department will also be responsible for oOther duties as assigned by the City Manager.

('76 Code, § 4-3-2) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99)

§ 33.27 FIRE CHIEF.

~~(A) The Chief shall formulate a set of rules and regulations to govern the Department and shall be responsible to the Manager for the personnel, morale and general efficiency of the Department.~~

~~(B) The Chief shall determine the number and type of companies of which the Fire Department is to be composed and shall determine and direct the response of the companies to alarms.~~

~~(C) The Chief shall cause to conduct regular and suitable drills or instruction necessary to maintain the proficiency of the Department in the achievement of its mission.~~

~~—(D) The Chief is hereby required to assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.~~

~~—(E) The Chief and/or his or her designated representative are hereby empowered to enter any and all buildings and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, any and all fire and life hazards that may be found.~~

~~—(F) The Chief shall ensure that complete records are kept of all fires, inspections, apparatus and equipment, personnel, and other information pertinent to the work of the Department.~~

~~—(G) The Chief shall be held accountable to the City Manager only and shall make written and verbal reports thereto as the Manager and Council may require.~~

~~(76 Code, § 4-3-3) (Ord. 936, passed 10-28-93; Am. Ord. 1090, passed 4-22-99)~~

§ 33.28 MEMBERS; APPOINTMENTS AND PROMOTIONS.

~~—The members of the Fire Department shall be appointed by the Fire Chief, as approved in advance by the City Manager. Promotions within the Department shall be made in the manner prescribed by applicable personnel ordinances, resolution, or lawful directive. Each member of the Department shall have all the responsibility, authority, and liability prescribed by statute or ordinance for fire fighters.~~

~~(76 Code, § 4-3-4) (Ord. 936, passed 10-28-93)~~

§ 33.29 RESERVE FIRE-FIGHTING PERSONNEL.

The reserve ~~fire-fighting~~ personnel shall be appointed by the ~~Fire~~ Chief, who shall be responsible for the development, supervision, and direction of the ~~Fire~~ Reserve Program. The personnel shall have all the responsibility, authority, and liability prescribed by statute or ordinance for ~~fire fighters~~ firefighting and medical services personnel.

(76 Code, § 4-3-5) (Ord. 936, passed 10-28-93)

§ 33.30 RESPONSE TO CALLS OUTSIDE CORPORATE LIMITS.

The ~~Fire~~ Department is authorized to respond to alarms beyond the corporate city limits whenever the ~~Fire~~ Chief, in his or her discretion, shall deem it necessary to protect lives and property, and only when the services of the responding units can be spared by the ~~Fire~~ Department with a margin of safety to protect the persons and property within the city. Unless otherwise precluded or prohibited pursuant to a mutual aid agreement or intergovernmental agreement, the city shall be entitled to charge the property owner or other individual or entity requiring a response by the ~~Fire~~ Department for the reasonable value of services rendered for responses beyond the corporate limits of the city.

(76 Code, § 4-3-6) (Ord. 936, passed 10-28-93)

DEPARTMENT OF PUBLIC WORKS SERVICES

§ 33.40 ESTABLISHMENT.

~~The City of Sierra Vista shall provide public works services. There is hereby created the Department of Public Works, an executive department of the city. It shall consist of the A Director of Public Works who shall be the head of the Department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director. The Director of Public Works shall supervise his/her Department in accordance with the applicable personnel ordinances and Chapter 40 of this title and shall exercise the powers and perform the duties as are customarily conferred and required by this code, applicable ordinance, resolution, or lawful directive. The position of the Director of Public Works is declared as classified service, and he/she shall be appointed and removed by the Manager and shall serve and receive the compensation as shall be determined in accordance with the applicable Personnel Policies, Chapter 40 of this code receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance. The Department of Public Works will have an individual that will possess a valid certificate of registration as a professional engineer as issued by the Arizona State Board of Technical Registration, and will be designated as City Engineer, pursuant to Title 32, Arizona Revised Statutes, as amended. The Director of Public Works shall be Superintendent of Streets as required by A.R.S. § 48-501 through 48-691 inclusive.~~

(76 Code, § 3-4-1) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1090, passed 4-22-99)

~~Services provided shall include, but are not limited to:~~

- ~~• Supervision over the care and maintenance of all streets, alleys, and other public ways under the city jurisdiction, together with the appurtenances thereto, which include the pavement, curbs, sidewalks, storm drains, and traffic control devices.~~
- ~~• The operation and maintenance of all buildings owned by the city, together with the appurtenances thereto, to include parking lots and driveways.~~
- ~~• Charge of and management supervision over the administration, planning, operation and maintenance of the enterprise activities and services of the city which include the airport, fleet services, sewer system, water system and refuse system; and the administration and planning of the city's environmental programs, which include ground water conservation, storm water conservation, energy conservation and recycling.~~
- ~~• Design and construction of assigned engineering projects and assure public improvement plans are designed and constructed in compliance with city standards.~~
- ~~• Other duties as assigned by the City Manager.~~

~~§ 33.41 DIVISIONS OF DEPARTMENT:~~

~~—The Department of Public Works will include a Division of Services, Operations and Maintenance, to carry out its operation and maintenance duties and a Division of Environmental, Planning and Administration to carry out its environmental management, planning, supervision and administrative duties, and a Division of Engineering to manage~~

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~~the design and construction of assigned projects in compliance with the city standards. The division heads and/or superintendents shall be appointed and removed by the Director of Public Works subject to the ratification of the Manager and the provisions of Chapter 40 of the code as it now exists or may be hereafter amended.~~

~~(76 Code, § 3-4-1) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1048, passed 10-23-97)~~

~~§ 33.42 POWERS AND DUTIES.~~

~~—The Department of Public Works shall have charge of the supervision over the care and maintenance of all streets, alleys and other public ways under the city jurisdiction, together with the appurtenances thereto, which include the pavement, curbs, sidewalks, storm drains and traffic control devices, but do not include the landscaping along public ways; and the operation and maintenance of all buildings owned by the city, together with the appurtenances thereto, parking lots and driveways. The Department of Public Works shall have charge of and management supervision over the administration, planning, operation and maintenance of the enterprise activities and services of the city which include the airport, fleet services, sewer system, water system and refuse system; and the administration and planning of the city's environmental programs, which include ground water conservation, storm water conservation, energy conservation and refuse recycling. The department shall also have charge of design and construction of assigned engineering projects and assure public improvement plans are designed and constructed in compliance with city standards. The department of Public Works will also be responsible for other duties as assigned by the City Manager.~~

~~(76 Code, § 3-4-1) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1048, passed 10-23-97; Am. Ord. 1090, passed 4-22-99)~~

~~§ 33.43 ADVICE AND ASSISTANCE.~~

~~—The Director of Public Works shall provide operational assistance to, and cooperate with, all other departments, boards, commissions, offices, or other official entities of the city.~~

~~(76 Code, § 3-4-5) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97)~~

~~§ 33.44 CERTAIN CITY PROPERTIES ASSIGNED TO CUSTODY OF DEPARTMENT.~~

~~—All physical properties of the city, including the sewage treatment system and all municipal utilities not assigned to some other department or officer, shall be and are assigned to the Department of Public Works. The Director of Public Works shall be the custodian of all tools, equipment and other personal property assigned to the Department of Public Works. The City Clerk shall furnish the Director of Public Works with a list of physical properties specifically assigned to other departments or officers.~~

~~(76 Code, § 3-4-4) (Ord. 302, passed 7-24-75; Am. Ord. 894, passed 1-9-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 931, passed 9-23-93; Am. Ord. 1044, passed 9-11-97)~~

~~DEPARTMENT OF PARKS, AND LEISURE, RECREATION, AND LIBRARY SERVICES~~

~~§ 33.50 ESTABLISHMENT.~~

~~The City of Sierra Vista shall provide parks, recreation, and library services. There is hereby created the Department of Parks and Leisure Services, an executive department of the city. It shall consist of the A Director of Parks and Leisure Services who shall be the head of the department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director. The Director of Parks and Leisure Services shall supervise his or her department in accordance with the applicable personnel ordinances and shall exercise the powers and perform the duties as are required by code, applicable ordinances, resolutions, or lawful directives. The position of Director of Parks and Leisure Services is declared as classified service and he or she shall be appointed and removed by the City Manager, and shall receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance. receive compensation as shall be determined in accordance with applicable personnel policies.~~

~~(‘76 Code, § 3-7-1) (Ord. 317, passed 4-8-76; Am. Ord. 894, passed 1-9-92; Am. Ord. 907, passed 8-27-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 1090, passed 4-22-99)~~

~~Cross-reference:~~

~~Public Parks regulations, see Chapter 94~~

~~Services provided shall include, but are not limited to:~~

- ~~• Administration of the care, expansion, operation, and maintenance of all existing parks and recreation areas, facilities, and programs.~~
- ~~• Plan for the acquisition, development, operation, and maintenance of all proposed recreational facilities and programs in accordance with policies and lawful directives of the City Council.~~
- ~~• Administer the care, expansion, operation of the library facilities and programs; plan for development and operation of all library facilities and programs.~~
- ~~• Inform the public of the services and facilities provided by the Department.~~
- ~~• Other duties as assigned by the City Manager.~~

~~§ 33.51 DIVISIONS OF DEPARTMENT.~~

~~—There are hereby created within the Department of Parks and Leisure Services the divisions of Administration, Leisure and Parks and other divisions as the Director deems appropriate for the efficient and expeditious operation of the Department. The division supervisors and division heads shall be appointed and removed by the City Manager subject to the provisions of Chapter 40 of this title as it now exists or may be hereafter amended.~~

~~(‘76 Code, § 3-7-2) (Ord. 317, passed 4-8-76; Am. Ord. 907, passed 8-27-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 957, passed 7-28-94)~~

~~§ 33.52 POWERS AND DUTIES.~~

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~~—The Director of Parks and Leisure Services shall:~~

~~—(A) Administer the care, expansion, operation, and maintenance of all existing parks and recreation areas, facilities, and programs; plan for the acquisition, development and operation, and maintenance of all proposed facilities and programs in accordance with policies and lawful directives of the City Council. When possible, incorporate the recommendations formulated by the Parks and Recreation Commission into practices and procedures as appropriate.~~

~~—(B) Prepare and submit the annual Department budget to the City Manager.~~

~~—(1) Each year, the budget of the City shall include an appropriation to the Arts and Humanities Fund in the amount of \$12,000. The appropriated fund shall be spent solely and completely and for no other purpose than for the execution, display, placement, and preservation of works of art, and cultural projects. Funds not expended, plus any accrued interest, shall be recognized as a reserve of fund balance and carried over and re-budgeted in the next fiscal year. Upon repeal of the Arts and Humanities Fund, all funds not expended and not encumbered in the Municipal Arts Fund shall revert to the general fund. The funding provided for in the above text is suspended for fiscal years 2001/2002 and 2002/2003, and may be reinstated after that time.~~

~~—(2) The Arts and Humanities Commission, the Science and Technology Commission, the Park and Recreation Commission, the Museum Committee, the Senior Advisory Committee, and the Sierra Vista Youth Commission may accept money or property in the name of the City of Sierra Vista either as a gift or otherwise. All cash, gifts, or revenues shall be deposited in the City's donation fund. Property other than money shall be accounted to the City, and use and disposition thereof shall be made through the City Manager or his designee.~~

~~—(C) Inform the general public of the services and facilities being provided by the Department of Parks and Leisure Services; address professional civic and lay groups on recreational subjects; solicit suggestions from the general public on increasing the effectiveness of the leisure and recreation programs; cooperate with governmental and voluntary agencies or organizations in solving recreation problems; provide, upon request, advisory assistance to community agencies and organizations on problems related to parks, leisure, and recreation facilities and programs.~~

~~—(D) Assist community organizations in the promotion of leisure and recreation services; conduct studies of local conditions and needs for leisure services; assist with the recruitment and training of professional recreation personnel and volunteer leaders.~~

~~—(E) Advise the City Council, City Manager, the Parks and Recreation Commission and community organizations concerning the expenditure of public funds for acquisitions, design and parks and leisure development of facilities or areas; and maintain effective, cooperative relations with all city officials, state and federal agencies, and with local, state, and national voluntary recreation organizations.~~

~~—(F) Post the rules and regulations as deemed necessary for the conduct of persons in all parks and other recreational facilities under city jurisdiction.~~

~~—(G) The department of Parks and Leisure Services will also be responsible for other duties as assigned by the City Manager.~~

~~(‘76 Code, § 3-7-4) (Ord. 317, passed 4-8-76; Am. Ord. 907, passed 8-27-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 1033, passed 4-24-97; Am. Ord. 1090, passed 4-22-99; Am. Ord. 1131, passed 6-14-01)~~

~~§ 33.53 DIRECTOR OF PARKS AND LEISURE SERVICES.~~

~~—The position of the Director of Parks and Leisure Services is declared as classified service and he or she shall be appointed and removed by the Manager in accordance with § 31.07(C) of this title; and shall serve and receive such compensation as shall be determined in accordance with the applicable personnel ordinance.~~

~~(‘76 Code, § 3-7-3) (Ord. 317, passed 4-8-76; Am. Ord. 894, passed 1-9-92; Am. Ord. 907, passed 8-27-92; Am. Ord. 908, passed 8-27-92; Am. Ord. 1090, passed 4-22-99)~~

~~DEPARTMENT OF COMMUNITY DEVELOPMENT AND PLANNING SERVICES~~

~~§ 33.60 ESTABLISHMENT.~~

~~—(A)—In accordance with A.R.S. § 9-461.03, there is hereby created the Department of Community Development, an executive department of the city the City of Sierra Vista shall provide community development and planning services. It shall consist of a the Director of Community Development, who shall be the head of the Department, and all the officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director.~~

~~—(B)—The Director of Community Development shall supervise his or her Department in accordance with the applicable personnel ordinances and Chapter 40 of this title, and shall exercise the powers and perform the duties as are customarily conferred and required by this code, applicable ordinance, resolution, or lawful directive. The position of the Director of Community Development is declared as classified service, and he or she shall be appointed and removed by the Manager and shall serve and receive compensation determined in accordance with any applicable classification and compensation plan and personnel ordinance, and shall serve and receive the compensation as shall be determined in accordance with Chapter 40, Personnel Policies.~~

~~—(C)—~~

~~Services provided by the department shall include, but are not limited to:~~

- ~~• The Department of Community Development shall be the planning agency for the city.~~
- ~~• Supervision of the preparation and/or the updating of the Sierra Vista General Plan, specific plans and the other plans and studies as are necessary and appropriate, which shall be prepared in accordance with the provisions of A.R.S. Title 9, Chapter 4, Article 6.~~
- ~~• Administration and enforcement of the provisions of Chapter 151 of this code.~~
- ~~• —(D)— The Department of Community Development will also be responsible for other duties as assigned by the City Manager.~~

~~(‘76 Code, § 3-12-1) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1058, passed 1-22-98; Am. Ord. 1090, passed 4-22-99)~~

~~§ 33.61 DIVISIONS OF DEPARTMENT.~~

~~—The Director of Community Development shall have the authority to create such divisions as are necessary and appoint and remove division heads subject to the ratification of the Manager and the provisions of Chapter 40 of this title as it now exists or may be hereafter amended.~~

~~(‘76 Code, § 3-12-2) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1058, passed 1-22-98)~~

~~§ 33.62 ADVICE AND ASSISTANCE.~~

~~—The Director of Community Development shall provide technical and operational assistance to, and cooperate with, all other departments, boards, commissions, officers or other official entities of the city.~~

~~(Ord. 1044, passed 9-11-97)~~

~~§ 33.63 DIRECTOR OF COMMUNITY DEVELOPMENT.~~

~~—The Director of Development Services shall:~~

~~—(A) Supervise the preparation and/or the updating of the Sierra Vista General Plan, specific plans and the other plans and studies as are necessary and appropriate. The Sierra Vista General Plan, specific plans and the other plans and studies as are necessary and appropriate shall be prepared in accordance with the provisions of A.R.S. Title 9, Chapter 4, Article 6.~~

~~—(B) Administer and enforce the provisions of Chapter 151 of this code, the Director of Community Development shall assume the powers and duties of the Building Administrator and Zoning Administrator.~~

~~—(C) Act as executive secretary for the Planning and Zoning Commission.~~

~~—(D) Act as the designated agent for the Planning and Zoning Commission.~~

~~—(E) Act as executive secretary to the Board of Adjustment.~~

~~—(F) Act as executive secretary to the Development Review Committee.~~

~~—(G) Act as ex officio Building Inspector.~~

~~—(H) Act as Building Official in the enforcement of the Uniform Building Code.~~

~~—(I) Act as the Floodplain Administrator for the city.~~

~~—(J) Require the testimony of any city official or employee to testify in support of the position of the city on any issue coming before the Planning and Zoning Commission, the Board of Adjustment, the Board of Appeals and the Development Review Committee.~~

~~—(K) At the time provided by law and rules of the Mayor and Council for submission of the annual budget estimates, he or she shall submit an itemized estimate of the contemplated expenditures for the ensuing year showing the amount proposed to be expended.~~

~~(‘76 Code, § 3-12-3) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1044, passed 9-11-97; Am. Ord. 1058, passed 1-22-98)~~

~~§ 33.614 STOP ORDERS.~~

The Director ~~of Community Development~~ shall have the power to order all work stopped on construction or alteration or repair of buildings in the city when the work is being done in violation of any provision of any code provision or ordinance relating thereto, or in violation of the Development Code. The work shall not be resumed after the issuance of an order except on the written permission of the Director provided that, if the stop order is an oral one, it shall be followed by a written stop order within 24 hours. The written stop order may be served by any Department employee.

(’76 Code, § 3-12-4) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1058, passed 1-22-98)

§ 33.65-62 ENTRY POWERS.

The Director ~~of Community Development~~ shall have the power to make or cause to be made an entry into any building or premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections, at any reasonable hour.

(’76 Code, § 3-12-5) (Ord. 867, passed 9-27-90; Am. Ord. 894, passed 1-9-92; Am. Ord. 1058, passed 1-22-98)

~~DEPARTMENT OF LIBRARY SERVICES~~

~~§ 33.70 ESTABLISHMENT.~~

~~—The Department of Library Services is hereby created. The Department of Library Services is an executive department of the city. This department shall consist of the Director of Library Services, who shall be the head of the department, and all offices and employees assigned thereto. All offices and employees shall perform their duties subject to the supervision of the Director. The Director shall supervise his or her department in accordance with the applicable personnel ordinances. The Director shall exercise the powers and perform the duties as required by code, applicable ordinances, resolutions and lawful directives.~~

~~(Ord. 1037, passed 6-12-97; Am. Ord. 1090, passed 4-22-99)~~

~~§ 33.71 DIVISIONS OF DEPARTMENT.~~

~~—The Department of Library services shall have divisions. These divisions specifically shall be Adult Services, Childrens Services, Technical services, and other divisions as the Director deems appropriate for the efficient and expeditious operation of the department. The division supervisors and employees shall be appointed and removed by the City Manager, subject to the provisions of Chapter 40 of this code as it currently exists or may be hereafter amended.~~

~~(Ord. 1037, passed 6-12-97; Am. Ord. 1090, passed 4-22-99)~~

~~§ 33.72 POWERS AND DUTIES.~~

~~—The Director of Library Services shall:~~

~~—(A) Administer the care, expansion, operation of the library facilities and programs; plan for development and operation of all library facilities and programs, in accordance with policies and lawful directives of the City Manager and City Council. Whenever possible, incorporate the recommendations formulated by the Library Commission into practices and procedures, as appropriate.~~

~~—(B) Prepare and submit the annual department budget to the City Manager.~~

~~—(C) Inform the general public of the services and facilities provided by the Department of Library Services; address professional civic groups on library subjects; solicit suggestions from the general public on increasing the effectiveness of the library programs; cooperate with governmental and voluntary agencies or organizations in solving library problems; provide advisory assistance to community organizations, related to library service programs.~~

~~—(D) Advise the City Council, City Manager, Library Commission and community groups concerning the expenditure of public funds for library services; maintain effective and cooperative relations with all city officials, employees, state and federal agencies.~~

~~—(E) The Department of Library Services will also be responsible for other duties as assigned by the City Manager.~~

~~(Ord. 1037, passed 6-12-97; Am. Ord. 1090, passed 4-22-99)~~

~~§ 33.73 Director of Library Services.~~

~~—The position of Director of Library Services is declared as classified service and he or she shall be appointed and removed by the City Manager, in accordance with § 31.07 of this code and shall serve and receive such compensation as determined in accordance with the personnel ordinance.~~

~~(Ord. 1037, passed 6-12-97; Am. Ord. 1090, passed 4-22-99)~~

~~DEPARTMENT OF ADMINISTRATIVE SERVICES~~

~~§ 33.80 ESTABLISHMENT.~~

~~—There is hereby created the Department of Administrative Services, an executive department of the city. It shall consist of the Director of Administrative Services, who shall be the head of the department and all officers and employees assigned thereto. All officers and employees shall perform their duties subject to the supervision of the Director. The Director of Administrative Services shall supervise his department in accordance with the applicable personnel ordinances and Chapter 40 of this code, and shall exercise the powers and perform the duties as customarily conferred and required by this code, applicable ordinances, resolution, or lawful directive. The position of Director of Administrative Services is declared as classified service and he shall be appointed and removed by the City Manager, and shall serve and receive the compensation as shall be determined in accordance with the applicable personnel policies, Chapter 40 of this code.~~

~~(Ord. 1090, passed 4-22-99)~~

~~§ 33.81 DIVISIONS OF THE DEPARTMENT.~~

~~—The Department of Administrative Services will include a division of services, Human Resources, Finance, Purchasing, and Management Information Services, or other divisions as assigned, to carry out its operation and duties. The division heads shall be appointed and removed by the Director, subject to the ratification of the City Manager and the provisions of Chapter 40 of this code as it now exists or may be hereafter amended. (Ord. 1090, passed 4-22-99)~~

~~§ 33.82 POWERS AND DUTIES.~~

~~—The Department of Administrative Services shall have such duties and responsibilities as assigned by the City Manager. The position of Director of Administrative Services is declared as classified service and he shall be appointed and removed by the City Manager and shall serve and receive compensation as shall be determined in accordance with the applicable personnel policies. (Ord. 1090, passed 4-22-99)~~

~~§ 33.83 ADVICE AND ASSISTANCE.~~

~~—The Department of Administrative Services shall provide technical assistance to, and cooperate with, all other departments, boards, commissions, officers or other official entities of the city. (Ord. 1090, passed 4-22-99)~~

~~§ 33.84 DIRECTOR OF ADMINISTRATIVE SERVICES.~~

~~—The position of Director of Administrative Services is declared as classified service and he shall be appointed and removed by the City Manager in accordance with § 31.07 of this title, and shall serve and receive such compensation as shall be determined in accordance with the applicable personnel sections. (Ord. 1090, passed 4-22-99)~~

June 17, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek
City Manager

FROM: David J. Felix, CPA
Finance Manager

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-047, Declaration of Intent for
the Increase of Sewer Connection Fees

RECOMMENDATION

The City Manager recommends approval

BACKGROUND

Staff is recommending an increase in the sewer connection fees for new construction. Sewer connection fees are collected to fund future plant expansion at the Environmental Operations Park when new construction reaches a point where more capacity is required. Sewer connection fees help ensure that future capital needs of the City's sewer infrastructure, including the EOP, are shared among those who have connections to the system.

The current fee amounts were established in 2009 based on a study by Tishler Bise. Since then, there have been no adjustments to the fees for increases in construction costs. The bases of the fees have not changed since the study, only the construction costs, so there is no reason to pay for a new study. Based on the Phoenix Construction Cost Index, staff recommends increasing the sewer connection fees by 20% per year for the next three years. This will bring fees to where they should be today. Staff will review the fees in 2023 to see if more adjustments are needed, or if the sewer infrastructure needs of the city have changed.

Arizona Revised Statute 9-511.01 specifies the process a municipality must take to raise its sewer rates, fees and/or charges. First it requires a report or date justifying the increased rates, fees and/or charges to be filed with the City Clerk at least 30 days prior to the hearing described below. A copy of the sewer cash flow report is currently on file in the City Clerk's Office.

Secondly, it must adopt a notice of intent by motion at a regular council meeting to increase rates, fees and/or charges and set a date for a public hearing on the proposed increase. This public hearing must be at least 30 days after the adoption of the notice of intent. This resolution, if adopted, fulfills the requirement, and sets the date of the public hearing as August 26, 2021.

Finally, after holding the public hearing, the Council may adopt an increase up to, but not more than, the proposed amount adopted in the resolution of intention.

RESOLUTION 2021-047

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING A PUBLIC RECORD THE WRITTEN REPORT AND DATA SUPPORTING A SEWER FEE INCREASE AND NOTIFYING THE PUBLIC OF A PUBLIC HEARING ON THE PROPOSED FEE INCREASE TO BE HELD ON AUGUST 26, 2021 AT 5:00 P.M. IN THE COUNCIL CHAMBERS AT 1011 N. CORONADO DRIVE, SIERRA VISTA, ARIZONA; 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, Arizona Revised Statute §9-511.01 requires that municipalities give a thirty day notice of intention to adopt an increase in sewer fees; and

WHEREAS, a public hearing on the proposed increase will be held on August 26, 2021, at 5:00 p.m. in the City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista; Arizona; and

WHEREAS, the data supporting the fee increase for sewer services shall be available for public inspection in the office of the City Clerk.

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

SECTION 1

That the City Code calls for the wastewater operation to be operated as an enterprise fund, and be self-sustaining through user fees.

SECTION 2

That the written report and data supporting the sewer fee increase be declared a public record for thirty days and notifying the public that a public hearing on the proposed fee increase will be held on August 26, 2021, at 5:00 p.m. in the City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

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 24th 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
Proposed Sewer Connection Fees

<u>Water meter size (inches)</u>	<u>Type of Meter</u>	<u>Rate (Current)</u>	<u>1-Oct-21</u>	<u>1-Jul-22</u>	<u>1-Jul-23</u>
0.75	Displacement	\$ 2,400.00	2,880.00	3,456.00	4,147.00
1.00	Displacement	\$ 3,913.00	4,696.00	5,635.00	6,762.00
1.50	Displacement	\$ 7,375.00	8,850.00	10,620.00	12,744.00
2.00	Displacement/Compound	\$ 11,649.00	13,979.00	16,775.00	20,130.00
3.00	Compound	\$ 24,022.00	28,826.00	34,591.00	41,509.00
3.00	Turbine	\$ 26,104.00	31,325.00	37,590.00	45,108.00
4.00	Compound	\$ 36,976.00	44,371.00	53,245.00	63,894.00
4.00	Turbine	\$ 44,554.00	53,465.00	64,158.00	76,990.00
6.00	Compound	\$ 71,612.00	85,934.00	103,121.00	123,745.00
6.00	Turbine	\$ 89,331.00	107,197.00	128,636.00	154,363.00
8.00	Compound	\$ 115,558.00	138,670.00	166,404.00	199,685.00
8.00	Turbine	\$ 130,328.00	156,394.00	187,673.00	225,208.00

Sewer Fund Cash Flow Projections

With 20% per year increase in connection fees

	2020	2021	2022	2023
<u>Increase (Decrease) In Cash and Cash Equivalents</u>				
Cash flows from operating activities:				
Cash received from customers	\$ 3,647,779	\$ 3,647,779	\$ 3,647,779	\$ 3,647,779
Cash paid to suppliers for goods and services	(1,284,278)	(1,284,278)	(1,284,278)	(1,284,278)
Cash payments to employees for services	(1,506,497)	(1,506,497)	(1,506,497)	(1,506,497)
Other operating revenues	102,542	102,542	102,542	102,542
Net cash provided by (used for) operating activities	959,546	959,546	959,546	959,546
Cash flows from noncapital financing activities:				
Transfers			-	-
Change in intrafund borrowing	122,679	122,679	122,679	122,679
Net cash provided by (used for) financing activities	122,679	122,679	122,679	122,679
Cash flows from capital and related financing activities:				
Interest paid on equipment contracts and bonds	(94,609)	(94,609)	(94,609)	(94,609)
Acquisition of capital assets	(466,687)	(466,687)	(466,687)	(466,687)
Sale of capital assets			-	-
Principal paid on equipment contracts and bonds	(855,262)	(855,262)	(855,262)	(855,262)
Connection fees	323,837	388,604	466,325	559,590
Net cash provided by (used for) capital and related financing activities	(1,092,721)	(1,027,954)	(950,233)	(856,968)
Cash flows from investing activities:				
Investment income	10,496	10,496	10,496	10,496
Net cash provided by investing activities	10,496	10,496	10,496	10,496
Net increase (decrease) in cash and cash equivalents	-	64,767	142,488	235,753
Cash and cash equivalents, July 1	-	-	64,767	207,255
Cash and cash equivalents, June 30	\$ -	\$ 64,767	\$ 207,255	\$ 443,008

June 16, 2021

MEMORANDUM TO: Honorable Mayor and City Council

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

FROM: David J Felix, CPA, Chief Financial Officer
Jennifer Osburn, Budget Officer

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT RESOLUTION
2021-048, Adoption of the Tentative Budget for FY 2021/2022

BACKGROUND

The proposed FY 2021/2022 Tentative Budget for the City is \$115,711,558. Council adoption of this resolution will effectively cap the FY 2021/2022 budget pursuant to A.R.S. Section 42-17105. The final budget amount may be less than, or equal to, the tentative budget, but it may not exceed it. The changes from the tentative budget book previously provided to you in the amount of \$115,711,558 are as follows:

1. General Fund
 - a. Increase SVMPO Contribution - \$16,263
 - b. Add Spotlight Breakfast Event Supplies - \$1,500
 - c. Increase Building Permit Revenue – (\$17,763)
 - d. Add Website Redesign - \$50,000
 - e. Increase CIF Transfer-In – (\$50,000)
 - f. Add Electrical Carryover for Sports - \$26,000
 - g. Increase CIF Transfer-In – (\$26,000)
 - h. Increase Fire PSPRS OT Contribution - \$150,000
 - i. Add Marijuana Revenue – (\$150,000)
 - j. Increase Notes Payable Proceeds – (\$1,799,529)
 - k. Increase Transfer Out-Grants - \$1,433,529
 - l. Reduce CIF Transfer-In - \$366,000

2. Capital Improvement Fund
 - a. Increase GF Transfer-Out – \$76,000
 - b. Reduce GF Transfer-Out – (\$366,000)
 - c. Add Schneider Carryover – \$51,880
 - d. Increase Carryover – (\$127,880)
 - e. Reduce Carryover - \$366,000
 - f. Reduce Grants Transfer-Out – (\$562,000)
 - g. Reduce Carryover - \$562,000

3. Sewer Fund
 - a. Increase Full-Time Salaries - \$4,096
 - b. Add Schneider Carryover - \$32,783
 - c. Increase Carryover – (\$36,879)

4. Grants Fund
 - a. Increase Transfer In-General Fund – (\$1,433,529)
 - b. Increase Building Expenditures - \$871,529
 - c. Reduce CIF Transfer-In - \$562,000

5. MPO Fund
 - d. Increase Expenditures - \$134,840
 - e. Increase Federal Share – (\$118,577)
 - f. Increase Local Match – (\$16,263)

As a special note, in recent land purchases the title company requested approval of the purchase by Council resolution. The potential purchase of land from the Sierra Vista Unified School District is therefore specifically noted in the Tentative Budget adoption resolution, should the SVUSD Governing Board approve the sale.

The proposed approval schedule is as follows:

- July 22, 2021 - Resolution to approve the final budget, Public Hearing on Property Tax
- August 12, 2021 – Resolution to adopt FY2021/2022 Property Tax Levy

RESOLUTION 2021-048

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING THE TENTATIVE BUDGET FOR THE CITY OF SIERRA VISTA FOR FISCAL YEAR 2021/2022; GIVING NOTICE TO TAXPAYERS ON THE ESTIMATED EXPENDITURES AND REVENUES PRIOR TO ADOPTING THE FINAL BUDGET AND FIXING THE TAX LEVIES FOR THE FISCAL YEAR 2021/2022; 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.

WHEREAS, pursuant to the provisions of Arizona Revised Statutes, Title 42, the Mayor and Council have completed reviews of the estimated amounts required to meet public expenses for the ensuing FY 2021/2022; and

WHEREAS, the Mayor and Council have likewise completed review of the projected amounts of revenues anticipated from all sources and found projected revenues in balance with estimated expenses as set forth in the statements and schedules hereinafter attached; and

WHEREAS, the said A.R.S. Section 42-17104 requires a public hearing on the budget and tax levies prior to the final adoption for FY 2021/2022; and

WHEREAS, the City of Sierra Vista proposes purchasing land from the Sierra Vista Unified School District, and the funds to purchase the land, APN 105-95-002X, is included in the FY2021/2022 budget should the school district governing board approve the sale.

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

SECTION 1

That the estimated expenditures, including a land purchase from the Sierra Vista Unified School District, and projected revenues, hereinafter set forth in the attached statements and schedules be, and hereby are, adopted as the tentative budget for the City of Sierra Vista, Arizona, for the FY 2021/2022.

SECTION 2

That the estimated expenditures, as hereinafter set forth, together with a notice that the City Council shall meet for the purpose of the public hearing from taxpayers to adopt the final budget for the City of Sierra Vista for the Fiscal Year 2021/2022 on or before the 1st Monday of August 2021, at Sierra Vista City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona, and will further meet for purpose of setting the property tax levy on or before the 3rd Monday of August, 2021, at Sierra Vista City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona, be, and hereby are, authorized and directed to be published in the manner prescribed by law.

SECTION 3

That the monies from any budgeted fund may be used for any of these adopted appropriations, except monies specifically restricted by State law or by City ordinance or resolution, and the transfer of any sums between funds which are less than \$10,000 shall be made upon approval by the City Manager, and \$10,000 or more shall be made upon approval by the Mayor and City Council be, and hereby is, approved and authorized.

SECTION 4

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 24th DAY OF JUNE 2021.

FREDERICK W. MUELLER, II
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

Nathan Williams
City Attorney

PREPARED BY:
Jennifer Osburn
Budget Officer

RESOLUTION 2021-048
PAGE TWO OF TWO

Official Budget Forms
CITY OF SIERRA VISTA
Fiscal year 2022

CITY OF SIERRA VISTA

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Schedule D—Other Financing Sources/(Uses) and Interfund Transfers

Schedule E—Expenditures/Expenses by Fund

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CITY OF SIERRA VISTA
Summary Schedule of Estimated Revenues and Expenditures/Expenses
Fiscal year 2022

Fiscal year	S c h	Funds									
		General Fund	Special Revenue Fund	Debt Service Fund	Capital Projects Fund	Permanent Fund	Enterprise Funds Available	Internal Service Funds	Total All Funds		
2021	Adopted/Adjusted Budgeted Expenditures/Expenses*	E	1	40,443,841	24,536,101	3,925,794	2,025,000	0	11,258,393	4,559,500	86,748,629
2021	Actual Expenditures/Expenses**	E	2	36,409,273	8,959,217	3,772,641	0	0	5,650,051	3,713,411	58,504,593
2022	Fund Balance/Net Position at July 1***		3		6,192,211		2,327,103		1,592,180	25,000	10,136,494
2022	Primary Property Tax Levy	B	4	377,145							377,145
2022	Secondary Property Tax Levy	B	5								0
2022	Estimated Revenues Other than Property Taxes	C	6	40,255,790	39,441,173	0	4,904,075	0	9,030,852	4,534,500	98,166,390
2022	Other Financing Sources	D	7	4,771,029	1,500,000	0	0	0	760,500	0	7,031,529
2022	Other Financing (Uses)	D	8	0	0	0	0	0	0	0	0
2022	Interfund Transfers In	D	9	4,487,910	4,126,703	2,701,373	0	0	0	0	11,315,986
2022	Interfund Transfers (Out)	D	10	3,113,529	1,523,159	0	6,679,298	0	0	0	11,315,986
2022	Line 11: Reduction for Fund Balance Reserved for Future Budget Year Expenditures										
	Maintained for Future Debt Retirement										0
	Maintained for Future Capital Projects		11								0
	Maintained for Future Financial Stability										0
											0
											0
2022	Total Financial Resources Available		12	46,778,345	49,736,928	2,701,373	551,880	0	11,383,532	4,559,500	115,711,558
2022	Budgeted Expenditures/Expenses	E	13	46,778,345	49,736,928	2,701,373	551,880	0	11,383,532	4,559,500	115,711,558

Expenditure Limitation Comparison

	2021	2022
1 Budgeted expenditures/expenses	\$ 86,748,629	\$ 115,711,558
2 Add/subtract: estimated net reconciling items		
3 Budgeted expenditures/expenses adjusted for reconciling items	86,748,629	115,711,558
4 Less: estimated exclusions		
5 Amount subject to the expenditure limitation	\$ 86,748,629	\$ 115,711,558
6 EEC expenditure limitation	\$	\$

The city/town does not levy property taxes and does not have special assessment districts for which property taxes are levied. Therefore, Schedule B has been omitted.

* Includes Expenditure/Expense Adjustments Approved in the current year from Schedule E.

** Includes actual amounts as of the date the proposed budget was prepared, adjusted for estimated activity for the remainder of the fiscal year.

*** Amounts on this line represent Fund Balance/Net Position amounts except for amounts not in spendable form (e.g., prepaids and inventories) or legally or contractually required to be maintained intact (e.g., principal of a permanent fund).

CITY OF SIERRA VISTA
Tax Levy and Tax Rate Information
Fiscal year 2022

	2021	2022
1. Maximum allowable primary property tax levy. A.R.S. §42-17051(A)	\$ <u>604,109</u>	\$ <u>622,737</u>
2. Amount received from primary property taxation in the current year in excess of the sum of that year's maximum allowable primary property tax levy. A.R.S. §42-17102(A)(18)	\$ _____	\$ _____
3. Property tax levy amounts		
A. Primary property taxes	\$ <u>372,034</u>	\$ <u>377,145</u>
Property tax judgment	_____	_____
B. Secondary property taxes	_____	_____
Property tax judgment	_____	_____
C. Total property tax levy amounts	\$ <u>372,034</u>	\$ <u>377,145</u>
4. Property taxes collected*		
A. Primary property taxes		
(1) Current year's levy	\$ <u>354,409</u>	_____
(2) Prior years' levies	_____	_____
(3) Total primary property taxes	\$ <u>354,409</u>	_____
B. Secondary property taxes		
(1) Current year's levy	\$ _____	_____
(2) Prior years' levies	_____	_____
(3) Total secondary property taxes	\$ _____	_____
C. Total property taxes collected	\$ <u>354,409</u>	_____
5. Property tax rates		
A. City/Town tax rate		
(1) Primary property tax rate	_____ 0.1106	_____ 0.1108
Property tax judgment	_____	_____
(2) Secondary property tax rate	_____	_____
Property tax judgment	_____	_____
(3) Total city/town tax rate	_____ 0.1106	_____ 0.1108
B. Special assessment district tax rates		
Secondary property tax rates—As of the date the proposed budget was prepared, the city/town was operating <u>zero</u> special assessment districts for which secondary property taxes are levied. For information pertaining to these special assessment districts and their tax rates, please contact the city/town.		

* Includes actual property taxes collected as of the date the proposed budget was prepared, plus estimated property tax collections for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
GENERAL FUND			
Local taxes			
Transaction Privilege Tax	\$ 15,439,593	\$ 15,327,717	\$ 16,515,177
Licenses and permits			
Franchise Fees	1,400,000	1,245,408	1,400,000
Business Licenses	145,000	149,255	145,000
Animal Control Permits	35,000	30,958	35,000
Right of Way Permits	20,000	20,110	20,000
Building Permits	275,000	300,617	292,763
Intergovernmental			
Grants	3,054,840	5,007,470	3,274,120
Local Government Payments	1,053,193	991,370	1,075,693
State Shared Sales Tax	3,902,096	4,443,545	4,801,435
State Shared Vehicle License Tax	2,150,000	2,488,151	2,375,000
Urban Revenue Sharing	6,151,732	6,151,732	5,016,338
Charges for services			
General Government	95,760	76,941	85,000
Public Safety	2,120,000	2,047,838	2,170,000
Public Works	1,376,500	988,901	1,436,500
Leisure & Library	679,872	437,736	961,848
Community Development	28,500	31,660	68,000
Fines and forfeits			
Library	18,000	1,768	
Interest on investments			
Investment Income	20,000	3,079	5,000
In-lieu property taxes			
Contributions			
Voluntary contributions	42,000	903	41,000
Miscellaneous			
Misc. Revenue	467,916	262,242	467,916
Sale of Fixed Assets	70,000	40,037	70,000
Total General Fund	\$ 38,545,002	\$ 40,047,438	\$ 40,255,790

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
SPECIAL REVENUE FUNDS			
Highway User Revenue			
State Shared Revenue	\$ 3,475,000	\$ 3,750,251	\$ 3,925,000
Grants	956,398		910,000
Local Government Payments	3,247,540	936,458	2,396,422
Designated Contributions			1,250,000
Misc.		16,610	
	\$ 7,678,938	\$ 4,703,319	\$ 8,481,422
Local Transportation Assistance			
Grants	\$ 1,395,466	\$ 645,505	\$ 4,936,185
Fares	100,000	49,789	100,000
Lease Revenue	19,200	21,352	19,200
Misc.	1,000	1,095	1,000
Sale of Fixed Assets		5,000	
	\$ 1,515,666	\$ 722,741	\$ 5,056,385
Police Special Revenue			
Police Special Revenue	\$ 125,000	\$ 73,348	\$ 125,000
	\$ 125,000	\$ 73,348	\$ 125,000
Grants			
Grants	\$ 6,329,465	\$ 413,239	\$ 10,286,781
	\$ 6,329,465	\$ 413,239	\$ 10,286,781
Airport			
Grants	\$ 1,098,595	\$ 92,208	\$ 10,051,405
Fuel Sales	685,000	1,255,198	830,750
Lease Revenue	190,000	164,307	190,000
Misc.		51,058	
	\$ 1,973,595	\$ 1,562,771	\$ 11,072,155
Judicial Enhancement			
Fines	\$ 10	\$ 7	\$ 10
	\$ 10	\$ 7	\$ 10
Donations			
Contributions	\$ 21,335	\$ 177,917	\$ 1,221,335
	\$ 21,335	\$ 177,917	\$ 1,221,335
Park Development			
Development Impact Fees	\$ 150,000	\$ 28,854	\$ 17,000
	\$ 150,000	\$ 28,854	\$ 17,000
Police Development			
Development Impact Fees	\$ 45,000	\$ 17,138	\$ 18,500
	\$ 45,000	\$ 17,138	\$ 18,500
Infrastructure Development			
Development Impact Fees	\$ 150,000	\$ 83,956	\$ 92,000
	\$ 150,000	\$ 83,956	\$ 92,000
Fire Development			
Development Impact Fees	\$ 45,000	\$ 11,404	\$ 12,500
	\$ 45,000	\$ 11,404	\$ 12,500
SEACOM			
SEACOM	\$ 2,633,965	\$ 928,179	\$ 2,448,273
	\$ 2,633,965	\$ 928,179	\$ 2,448,273
Metropolitan Planning Organization			
Grants	\$ 775,007	\$ 418,376	\$ 510,123
Local Government Payments	59,594	113,796	99,689
	\$ 834,601	\$ 532,172	\$ 609,812
Total Special Revenue Funds	\$ 21,502,575	\$ 9,255,045	\$ 39,441,173

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES	ACTUAL REVENUES*	ESTIMATED REVENUES
	2021	2021	2022

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
DEBT SERVICE FUNDS			
N/A	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
Total Debt Service Funds	\$ _____	\$ _____	\$ _____
CAPITAL PROJECTS FUNDS			
Transaction Privilege Tax	\$ 4,154,880	\$ 4,203,893	\$ 4,404,075
Misc.	500,000		
Federal Grants			
Sale of Fixed Assets			500,000
	\$ 4,654,880	\$ 4,203,893	\$ 4,904,075
Total Capital Projects Funds	\$ 4,654,880	\$ 4,203,893	\$ 4,904,075

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
PERMANENT FUNDS			
N/A	\$ _____	\$ _____	\$ _____
	\$ _____	\$ _____	\$ _____
Total Permanent Funds	\$ _____	\$ _____	\$ _____
ENTERPRISE FUNDS			
Sewer			
Charges for Service	\$ 3,734,493	\$ 3,846,982	\$ 3,857,139
Grants	_____	_____	_____
Capital Contributions	175,000	172,436	472,437
Misc.	100,000	122,701	125,000
	\$ 4,009,493	\$ 4,142,119	\$ 4,454,576
Refuse			
Charges for Service	\$ 4,263,584	\$ 4,645,212	\$ 4,571,276
Interest	_____	_____	_____
Misc.	5,000	746	5,000
	\$ 4,268,584	\$ 4,645,958	\$ 4,576,276
Total Enterprise Funds	\$ 8,278,077	\$ 8,788,077	\$ 9,030,852

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Revenues Other than Property Taxes
Fiscal Year 2022

SOURCE OF REVENUES	ESTIMATED REVENUES 2021	ACTUAL REVENUES* 2021	ESTIMATED REVENUES 2022
INTERNAL SERVICE FUNDS			
Health & Accident			
Premiums	\$ 4,409,500	\$ 4,348,438	\$ 4,409,500
Interest	25,000	3,452	25,000
Misc.	4,434,500	4,351,890	4,434,500
Self Insured Retention			
Misc.	\$ 100,000	\$ 17,252	\$ 100,000
	\$ 100,000	\$ 17,252	\$ 100,000
Total Internal Service Funds	\$ 4,534,500	\$ 4,369,142	\$ 4,534,500
Total all Funds	\$ 77,515,034	\$ 66,663,595	\$ 98,166,390

* Includes actual revenues recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated revenues for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Other Financing Sources/(Uses) and Interfund Transfers
Fiscal year 2022

FUND	OTHER FINANCING 2022		INTERFUND TRANSFERS 2022	
	SOURCES	(USES)	IN	(OUT)
GENERAL FUND				
Notes Payable	\$ 4,771,029	\$	\$	\$
Interfund Transfers			4,487,910	3,113,529
Total General Fund	\$ 4,771,029	\$	\$ 4,487,910	\$ 3,113,529
SPECIAL REVENUE FUNDS				
HURF	\$	\$	\$ 123,159	\$
LTAF			890,015	
Grants			3,113,529	
Airport	1,500,000			
Donations				1,400,000
Park Development				
Police Development				
Infrastructure Development				123,159
Fire Development				
Police Special Revenue				
Metropolitan Planning Organization				
Total Special Revenue Funds	\$ 1,500,000	\$	\$ 4,126,703	\$ 1,523,159
DEBT SERVICE FUNDS				
SVMPC I&R	\$	\$	\$ 2,701,373	\$
Total Debt Service Funds	\$	\$	\$ 2,701,373	\$
CAPITAL PROJECTS FUNDS				
Capital Improvements	\$	\$	\$	\$ 6,679,298
Total Capital Projects Funds	\$	\$	\$	\$ 6,679,298
PERMANENT FUNDS				
N/A	\$	\$	\$	\$
Total Permanent Funds	\$	\$	\$	\$
ENTERPRISE FUNDS				
Sewer	\$ 45,000	\$	\$	\$
Refuse	715,500			
Total Enterprise Funds	\$ 760,500	\$	\$	\$
INTERNAL SERVICE FUNDS				
Unemployment	\$	\$	\$	\$
Total Internal Service Funds	\$	\$	\$	\$
TOTAL ALL FUNDS	\$ 7,031,529	\$	\$ 11,315,986	\$ 11,315,986

CITY OF SIERRA VISTA
Expenditures/Expenses by Fund
Fiscal year 2022

FUND/DEPARTMENT	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
	2021	2021	2021	2022
GENERAL FUND				
City Council	\$ 103,959	\$	\$ 97,952	\$ 104,014
Administrative Services	3,447,200		3,523,294	4,399,947
City Manager	2,576,605		2,681,025	2,733,341
Legal	316,559		306,097	481,580
General Government	822,631		985,046	428,240
Police	13,054,499		10,141,360	16,107,708
Fire	7,836,469		7,104,622	9,284,331
Public Works	5,661,633		5,386,569	6,260,015
Leisure & Library Services	5,427,354		5,103,795	5,662,453
Community Development	915,052		754,203	1,034,836
Debt	281,880		325,310	281,880
Total General Fund	\$ 40,443,841	\$	\$ 36,409,273	\$ 46,778,345
SPECIAL REVENUE FUNDS				
HURF	\$ 9,197,970	\$	\$ 3,599,629	\$ 11,542,763
LTAf	1,623,666		847,788	6,057,932
Police Special Revenue	319,500		34,665	349,500
Grants	6,344,851		690,116	13,427,173
Tourism				
Judicial Enhancement	300			300
Airport	2,799,865		868,092	14,764,783
Donations	654,753		89,941	382,148
Park Development	126,630		374,229	
Police Development				
Infrastructure Development				
Fire Development				
SEACOM	2,633,965		1,822,591	2,602,517
Metropolitan Planning Org	834,601		632,166	609,812
Total Special Revenue Funds	\$ 24,536,101	\$	\$ 8,959,217	\$ 49,736,928
DEBT SERVICE FUNDS				
SVMPC I&R	\$ 3,925,794	\$	\$ 3,772,641	\$ 2,701,373
Total Debt Service Funds	\$ 3,925,794	\$	\$ 3,772,641	\$ 2,701,373
CAPITAL PROJECTS FUNDS				
Capital Improvements	\$ 2,025,000	\$	\$	\$ 551,880
Total Capital Projects Funds	\$ 2,025,000	\$	\$	\$ 551,880
PERMANENT FUNDS				
N/A	\$	\$	\$	\$
Total Permanent Funds	\$	\$	\$	\$
ENTERPRISE FUNDS				
Sewer	\$ 5,820,765	\$	\$ 2,484,834	\$ 5,532,387
Refuse	5,437,628		3,165,217	5,851,145
Total Enterprise Funds	\$ 11,258,393	\$	\$ 5,650,051	\$ 11,383,532
INTERNAL SERVICE FUNDS				
Health & Accident	\$ 4,434,500	\$	\$ 3,632,715	\$ 4,434,500
Unemployment	25,000		17,969	25,000
Self Insured Retention	100,000		62,727	100,000
Total Internal Service Funds	\$ 4,559,500	\$	\$ 3,713,411	\$ 4,559,500
TOTAL ALL FUNDS	\$ 86,748,629	\$	\$ 58,504,593	\$ 115,711,558

* Includes actual expenditures/expenses recognized on the modified accrual or accrual basis as of the date the proposed budget was prepared, plus estimated expenditures/expenses for the remainder of the fiscal year.

CITY OF SIERRA VISTA
Expenditures/Expenses by Department
Fiscal year 2022

DEPARTMENT/FUND	ADOPTED BUDGETED EXPENDITURES/ EXPENSES	EXPENDITURE/ EXPENSE ADJUSTMENTS APPROVED	ACTUAL EXPENDITURES/ EXPENSES*	BUDGETED EXPENDITURES/ EXPENSES
	2021	2021	2021	2022
City Council				
General Fund	\$ 103,959	\$	\$ 97,943	\$ 104,014
Sewer	12,996		12,996	13,003
Refuse	12,996		12,996	13,003
Donations	13,035		8	4,518
Department Total	\$ 142,986	\$	\$ 123,943	\$ 134,538
Administrative Services				
General Fund	\$ 3,447,200	\$	\$ 3,523,294	\$ 4,399,947
Capital Improvements				
Sewer	369,701		369,701	467,143
Refuse	383,958		383,958	481,857
HURF				
Department Total	\$ 4,200,859	\$	\$ 4,276,953	\$ 5,348,947
City Manager				
General Fund	\$ 2,576,605	\$	\$ 2,681,025	\$ 2,733,341
Donations	545			285
Grants	547,325		88,766	480,700
Sewer	337,324		337,324	326,354
Refuse	308,380		308,380	296,582
Department Total	\$ 3,770,179	\$	\$ 3,415,495	\$ 3,837,262
Legal				
General Fund	\$ 316,559	\$	\$ 306,097	\$ 481,580
Judicial Enhancement	300			300
Department Total	\$ 316,859	\$	\$ 306,097	\$ 481,880
General Government				
General Fund	\$ 822,631	\$	\$ 985,046	\$ 428,240
HURF	54,842		5,482	26,850
Sewer	109,684		109,684	53,700
Refuse	109,684		109,684	53,700
Health & Accident	4,434,500		3,632,715	4,434,500
Unemployment	25,000		17,969	25,000
Self Insured Retention	100,000		62,727	100,000
Department Total	\$ 5,656,341	\$	\$ 4,923,307	\$ 5,121,990
Police				
General Fund	\$ 13,054,499	\$	\$ 10,141,360	\$ 16,107,708
Police Special Revenue	319,500		34,665	349,500
Capital Improvements Fund				
Grants	65,329		43,003	142,829
Donations	362,131		85,365	207,052
Police Development Fee				
Department Total	\$ 13,801,459	\$	\$ 10,304,393	\$ 16,807,089
Fire				
General Fund	\$ 7,836,469	\$	\$ 7,104,659	\$ 9,284,331
Grants	582,000		12,676	3,424,423
Donations	5,150		183	4,696
Fire Development Fee				
Department Total	\$ 8,423,619	\$	\$ 7,117,518	\$ 12,713,450

Public Works

General Fund	\$ 5,661,633	\$	\$ 5,386,569	6,260,015
HURF	9,063,220		3,510,028	11,436,006
LTAF	1,623,666		847,788	6,057,932
Grants	4,000,000			4,000,000
Airport	2,724,518		792,746	14,764,783
Capital Improvements	525,000			
Sewer	3,918,192		1,518,974	3,720,253
Refuse	4,320,663		2,774,877	4,571,906
Donations				15
Park Development				
Infrastructure Development				
Metropolitan Planning Org	834,601		632,166	609,812
Department Total	\$ 32,671,493	\$	\$ 15,463,148	\$ 51,420,722

Leisure & Library

General Fund	\$ 5,427,354	\$	\$ 5,103,795	\$ 5,662,453
Grants	981,300		301,500	5,236,562
Capital Improvements	1,500,000			551,880
SVMPC Construction				
Donations	265,807		4,385	152,260
Department Total	\$ 8,174,461	\$	\$ 5,409,680	\$ 11,603,155

Community Development

General Fund	\$ 915,052	\$	\$ 754,203	\$ 1,034,836
Grants	168,897		244,221	142,659
Capital Improvements Fund				
Donations	8,085			13,322
Department Total	\$ 1,092,034	\$	\$ 998,424	\$ 1,190,817

Debt

General Fund	\$ 281,880	\$	\$ 325,310	\$ 281,880
HURF	79,908		89,601	79,907
Airport	75,347		75,346	
Park Development	126,630		374,229	
SVMPC I&R	3,925,794		3,772,641	2,701,373
Capital Improvements				
Sewer	1,072,868		943,923	951,934
Refuse	301,947		368,301	434,097
Department Total	\$ 5,864,374	\$	\$ 5,949,351	\$ 4,449,191

SEACOM

SEACOM	\$ 2,633,965	\$	\$ 1,822,591	\$ 2,602,517
Department Total	\$ 86,748,629	\$	\$ 54,161,549	\$ 115,711,558

CITY OF SIERRA VISTA
Full-Time Employees and Personnel Compensation
Fiscal year 2022

Fund	Full-Time Equivalent (FTE)	Employee Salaries and Hourly Costs	Retirement Costs	Healthcare Costs	Other Benefit Costs	Total Estimated Personnel Compensation
	2022	2022	2022	2022	2022	2022
GENERAL FUND	302	\$ 17,862,446	\$ 6,865,072	\$ 2,867,067	\$ 1,862,695	\$ 29,457,280
SPECIAL REVENUE FUNDS						
HURF	19	\$ 1,156,220	\$ 96,026	\$ 143,677	\$ 118,596	\$ 1,514,519
LTAF	10	497,010	52,244	94,249	62,006	705,509
Airport	2	61,926	4,565	8,395	5,747	80,633
Metropolitan Planning Org	1	180,891	19,793	8,507	14,134	223,325
SEACOM	25	1,417,945	151,092	187,164	138,782	1,894,983
Total Special Revenue Funds	57	\$ 1,896,047	\$ 172,628	\$ 254,828	\$ 200,483	\$ 4,418,969
DEBT SERVICE FUNDS						
N/A		\$	\$	\$	\$	\$
Total Debt Service Funds		\$	\$	\$	\$	\$
CAPITAL PROJECTS FUNDS						
N/A		\$	\$	\$	\$	\$
Total Capital Projects Funds		\$	\$	\$	\$	\$
PERMANENT FUNDS						
N/A		\$	\$	\$	\$	\$
Total Permanent Funds		\$	\$	\$	\$	\$
ENTERPRISE FUNDS						
Sewer	12	\$ 1,459,154	\$ 67,822	\$ 90,266	\$ 68,656	\$ 1,685,898
Refuse	18	1,511,604	87,008	130,271	91,490	1,820,373
Total Enterprise Funds	30	\$ 2,970,758	\$ 154,830	\$ 220,537	\$ 160,146	\$ 3,506,271
INTERNAL SERVICE FUND						
N/A		\$	\$	\$	\$	\$
Total Internal Service Fund		\$	\$	\$	\$	\$

**CITY OF SIERRA VISTA
Full-Time Employees and Personnel Compensation
Fiscal year 2022**

Fund	Full-Time Equivalent (FTE)	Employee Salaries and Hourly Costs	Retirement Costs	Healthcare Costs	Other Benefit Costs	Total Estimated Personnel Compensation
	2022	2022	2022	2022	2022	2022
TOTAL ALL FUNDS	389	\$ 22,729,251	\$ 7,192,530	\$ 3,342,432	\$ 2,223,324	\$ 37,382,520

June 24, 2021

MEMO TO: Honorable Mayor and City Council

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

FROM: Matt McLachlan, AICP, Director, Dept. of Community Development

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2021-005
Amending City of Sierra Vista Development Code by establishing
Section 151.22.06 Recreational Vehicle Park (RVP) Overlay District

REQUESTED ACTION:

Approval and adoption of proposed Development Code text amendments as shown on Exhibit "A".

RECOMMENDED ACTION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning and Zoning Commission recommends approval by a 4-0 vote.

APPLICANT:

City of Sierra Vista

BACKGROUND AND ANALYSIS:

Provided for your consideration are proposed Development Code amendments to establish a new zoning overlay district under Article 151.22 District Regulations. Overlay zoning is a regulatory tool that creates a special zoning district, placed over an existing base zone, which identifies special provisions in addition to those in the underlying base zone.

The proposed Recreational Vehicle Park (RVP) Overlay District provides an option to the owners of *manufactured home parks* on properties no less than ten acres in size to establish recreational vehicle parks as a primary or secondary use through the permanent or semi-permanent conversion of manufactured home spaces to recreational vehicle spaces. The purpose is to provide market flexibility while creating an attractive, functional, safe environment that is compatible with surrounding properties.

The impetus for the City drafting this overlay district is to facilitate the redevelopment, revitalization, and repositioning of underutilized manufactured home parks that have been a

source of blight for many years. Four manufactured home parks on the City's West End were acquired by new ownership last year and are in the process of being renovated: Sierra Grande, Garden Canyon, Mountain Vista, and Los Arcos. Within these parks, there are a total of 800 spaces approved for manufactured home use. The owners are on an aggressive demolition schedule to clear out non-livable mobile homes from the properties leaving vast swaths of empty, idle spaces. The current rate of demand for leasing/buying manufactured homes within these parks will likely require several years before they reach capacity. The amount and pace of needed reinvestment into rehabilitating the infrastructure and amenities is determined in part by the expected cash flow generated by the properties.

Interest has been expressed in testing the RV market at one or more of these manufactured home parks either as an interim or permanent use to make them more economically productive. Currently, an owner would have to rezone all or a portion of the manufactured home park to the standard Recreational Vehicle Park (RV) District to lease more than 30 percent of the overall spaces within the manufactured park for recreational vehicle use. The RV District does not permit manufactured homes so if the demand for RV drops the owner would have to go through a second rezoning process to revert the property back to Manufactured Home Residential (MHR) district. The proposed RVP Overlay District offers a hybrid alternative that allows an owner to retain the base zoning district allowances under the MHR district while being granted the additional ability to flex the spaces for recreational vehicle use subject to certain development standards being met.

The RVP overlay zone would be assigned through the regular rezoning process involving a public hearing before the Planning and Zoning Commission and approval by the Mayor and City Council. Each application would be evaluated against the City's review criteria to ensure compatibility.

STAFF FINDINGS:

- The Cochise County Tourism and Economic Council markets and promotes Sierra Vista and surrounding communities as a destination for tourists and economic investment.
- No bona fide recreational vehicle park currently exists within the City limits that accommodates snowbirds, tournament goers, and recreational tourists.
- The wide-scale demolition and removal of old, deteriorated manufactured homes has created an oversupply of non-revenue producing manufactured home park spaces.
- Manufactured home parks that are ten acres in size or greater, with appropriate buffering to maintain compatibility with neighboring properties, and are owned and managed as a single entity, can be adapted into appropriate locations for recreational vehicle parks on a primary or secondary use basis with additional requirements being met.
- Establishing a zoning overlay option that offers market flexibility for short-term rental opportunities can help improve the economic viability of large, manufactured home parks; facilitate their reuse and redevelopment; and increase tourism which is in the public interest.

WEST END COMMISSION:

On April 12, 2021, Staff consulted members of the West End Commission on the proposed amendments thereupon positive feedback was received.

PLANNING & ZONING COMMISSION:

On April 27, 2021, the Planning and Zoning Commission held a public hearing on this item and voted unanimously to approve the amendments. The Commission discussed whether the number of on-site community laundry and shower facilities should be specified relative to the number of spaces used for recreational vehicle purposes. Staff revised the amendments to establish ratios for washer/dryers and shower stalls to meet anticipated demands.

PRIOR CITY COUNCIL ACTION:

On May 13, 2021, the City Council held a public hearing on the proposed RVP Overlay District and voted to approve Resolution 2021-031 declaring the proposed text amendments as a public record and opening a 30-day public comment period.

PUBLIC COMMENTS:

Letter received from Good Living Ventures in favor of the amendments.

The following comments were received through the City's website public comment page:

Hi

You have received new feedback on the Guestbook on project **RV Park Overlay District** on your site,

-

I think this is a positive step. I am all for the proposal.

-

Added by **friogirl78_7896**

Hi

You have received new feedback on the Guestbook on project **RV Park Overlay District** on your site,

-

As to the RV Park overlay ok. ??? as to Garden Canyon will they be installing a new water system to include FIRE Hydrants. Having lived adjacent to it for 20 years, watching the various fires and storm damage, 24/7 365, not just a 3 minute ride by. Also there is a water valve in the north driveway at the Sterling Point Apts. which for the last several years floods, and the next thing you know Garden Canyon is over digging up ground on the NW corner, or along the wall that divides the 2 properties. What gives????

-

Added by **simmons**

Hi

You have received new feedback on the Guestbook on project **RV Park Overlay District** on your site,

-

This is an excellent proposal. They're just a few things left out of this plan that in the excitement of the proposal may be overlooked. #1 A time limit on the stay of these RVs. The Arizona housing dept, The Hud organization, and the entire RV industry say that living in an RV is not safe. The Arizona dept of housing does offer a guide to convert this RV to a safe and suitable living condition. I think that these parks should have a code of a limited time stay or see that these RVs are converted to a safe living condition according to the Arizona housing dept. I'm so tired of reading how an elderly couple and their dogs almost made it out of the fire in their RV!!! Mike

-

Added by **Loriton E Myers (Mike)**

From: Mary Jackson <Fjack39w@cox.net>

Subject: [your-subject]

Topic: RV Overlay District

Message Body:

While I live just outside city limits, much of my time & spending happens within city limits & therefore feel like I am eligible to comment on the PROPOSED RV OVERLAY.

It appears the City of Sierra Vista is entering a very hypocritical era if the council approves such plan. To allow one group to have RVs in a manufactured home park, but disallow it in another, would lead to not only law suits, but cause a lack of trust in the City leadership & staff. Why would you want that?

I am all for ONE of the manufactured housing properties being made ENTIRELY into a RV park. Sierra Vista needs a NICE RV park. But, I am NOT in favor of allowing all the properties in the current proposal be both RV & manufactured homes, unless ALL of Sierra Vista is allowed to do so.

Don't create another King's Court fiasco.

ATTACHMENTS:

Ordinance 2021-005

EXHIBIT "A"

PROPOSED DEVELOPMENT CODE TEXT AMENDMENTS

Section 151.22.026 RV - Recreational Vehicle Park (RVP) Overlay District

- A. Purpose. The purpose of the RVP overlay district is to allow the establishment of recreational vehicle parks as a primary or secondary use within manufactured home parks through the permanent or semi-permanent conversion of manufactured home spaces to recreational vehicle spaces to provide market flexibility while creating an attractive, functional, safe environment that is compatible with surrounding properties.
- B. Approval Required. The RVP overlay district may hereafter be established by amendment to the Official Zoning Map, pursuant to Article 151.31 of this Code.
- C. Location. The following criteria shall be met in establishing and maintaining a RVP overlay district:
1. The subject property shall not be less than ten (10) acres in size and be developed as a manufactured home park.
 2. The base zoning designation on the property shall be Manufactured Home Residence (MHR) District.
- D. Permitted Uses:
1. All principal and accessory uses permitted in the underlying zoning district.
 2. Recreational vehicles.
- E. Area and Dimensional Regulations:
1. Required Yards: No less than five feet from the space line and common drives.
 2. Maximum Building Height: 28 feet.
 3. Maximum Density: 10 manufactured homes per acre/15 recreational vehicles per acre.
- F. Development Standards.
1. No more than one manufactured home or recreational vehicle shall be placed on each space.

2. All manufactured homes shall install skirting as required by the Arizona Department of Housing, Manufactured Home Division, and the most recently adopted building codes. Skirting shall be maintained to its original installed condition.
 3. Each space shall be identified with a permanent and clearly marked identifying marker indicating the space number.
 4. Fire pits shall be restricted to designated communal areas.
 5. Community laundry and shower facilities shall be provided if the number of recreational vehicle spaces exceeds 30 percent of overall spaces within the park.
 - a. At least one washer and dryer per twenty-five spaces; and
 - b. At least one men's and women's shower stall per fifty spaces.
 6. Storage units containing a volume of no less than 180 cubic feet shall be provided for 25 percent of designated recreational vehicle spaces when the number of recreational vehicle spaces exceed 30 percent of the overall spaces within the park. Storage units may be consolidated within a structure provided they are individually secure and located within the recreational vehicle designated area or common area.
- G. Sign Regulations. In accordance with the provisions of Article 151.10.
- H. Off-Street Parking and Loading. In accordance with the provisions of Article 151.09.
- I. Landscaping, Screening, and Buffering. In accordance with the provisions of Article 151.15 for Recreational Vehicle or Mobile Home Park uses. For existing manufactured home parks, a minimum ten-foot wide landscape buffer shall be maintained along exterior property lines adjoining a public right of way exclusive of permitted driveways, pedestrian openings, or any significant natural feature to be retained. If the exterior boundary does not possess a wall as required by Section 151.15.005(5), a continuous hedge using shrubs that reach at least six feet in height at maturity may be used as a screening device unless an alternative plan is approved by the City that is determined to provide an equivalent amount of landscape buffering. Street frontages shall have an average of one tree per 50 feet of frontage. Street trees shall meet the minimum specifications of Section 151.15.004 of this Code.
- J. Access. Any new or modified access point shall be in accordance with the provisions of Article 151.17.



BEN WILDE
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April 27th, 2021

Mr. Matt McLachlan
City of Sierra Vista Community Development Department
1011 N. Coronado Drive
Sierra Vista, AZ 85635

RE: RV OVERLAY DISTRICT (RESOLUTION 1179)

Mr. McLachlan,

Our company appreciates the opportunity to voice our support for the proposed creation of an RV Zoning Overlay District (Resolution 1179). The proposed RV Overlay District will provide an opportunity to continue our aggressive renovation of our properties in the City's West End. We feel that travel trailer use is a path to greater economic stability for these properties with many empty home sites. We plan to apply for the overlay district at at least one of the properties, should it be approved by the Planning and Zoning Commission and the City Council.

We look forward to continuing our partnership with the City of Sierra Vista to improve our properties.

Sincerely,

GOOD LIVING VENTURES

Ben Wilde
Architecture and Planning Manager

ORDINANCE 2021-005

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE DEVELOPMENT CODE, BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR SEVERABILITY; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, AND CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista has previously adopted a development code;
and

WHEREAS, the provisions of A.R.S. 9-462.04 and Chapter 151, Development Code, of the City Code of Ordinances of the City of Sierra Vista, Arizona, allow text amendments to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista has proposed text amendments to the Development Code by amending Section 151.22.06 of the City of Sierra Vista Development Code to establish a Recreational Vehicle Park (RVP) Overlay District and implementing regulations; and

WHEREAS, on April 27, 2021, the Planning and Zoning Commission held a public hearing and unanimously approved Resolution 1179 recommending approval of the proposed text amendments;

WHEREAS, as required by Arizona Revised Statute § 9-802, on May 13, 2021, the Mayor and City Council unanimously voted to declare a thirty-day public record period for the proposed development code text amendments provided in Exhibit "A" of Resolution 2021-031 upon holding a public hearing; and

WHEREAS, as required by Arizona Revised Statute § 9-802, three copies of the proposed text amendments were filed with the City Clerk and kept available for public use and inspection during the public record period; and

WHEREAS, the City Manager, Assistant City Manager and Director of Community Development recommend that the amendments to the Development Code, as shown on Exhibit A of Resolution 2021-031, be adopted.

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

SECTION 1

That Resolution 2021-031 is hereby reaffirmed, and that the Development Code text amendments, as shown in Exhibit A, are hereby adopted.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed. 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 3

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 24TH DAY OF JUNE 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Matt McLachlan, AICP
Director of Community Development