

Sierra Vista City Council
Meeting Minutes
July 28, 2022

Mayor Mueller called the July 28, 2022, 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
Council Member William Benning – present (telephonically)
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Mark Rodriguez – present
Council Member Carolyn Umphrey – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brad Dever, Deputy Fire Chief
Emily Duchon, Library, Recreation and Cultural Services Manager
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Blake Fisher, Planner
Barbara Fleming, Human Resources Chief Officer
Jennifer Dillaha, Budget Officer
Tony Boone, Economic Development Director

Invocation – Justin McPeak, Thunder Mountain Church, led everyone present in prayer.

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

[Item 1](#) Acceptance of the Agenda

Council Member Rodriguez moved that the Agenda for the Regular City Council Meeting of July 28, 2022 be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Council Members Benning, Johnson, Rodriguez, Landry, and Umphrey voting in favor.

City Manager's Report: Mr. Potucek stated that the next regularly scheduled work session is on Tuesday, August 9, 2022, at 3:00 p.m. in the Council Chambers and the next Council Meeting will be on August 11, 2022 at 5:00 p.m. also in the Council Chambers. He reported that the Public Safety Personnel Retirement System overall unfunded liability dropped from \$46,300,000 over the last fiscal year to \$35,250,000, a decrease of about 25 percent in one year. Council approved financial policies/strategies that are being employed that have been helpful to this. The main reason for the drop is because of a good investment performance by the Retirement System Fund's managers last year. He further reported that Charleston Road is now finished, and the Avenida Escuela extension is scheduled to be finished by the end of August 2022; the EMS Substation over on Buffalo Soldier Trail and 7th Street at Tompkins Park, will be going live on Monday, August 1, 2022. There are a few little punch-on list items, but the EMS Substation will be operational; the Garden Avenue Improvements Design from Fry to Buffalo Soldier Trail is

underway and completion is expected in April 2023; prefab restrooms at the Sports Complex have been ordered and completion of that project is expected in December 2022. Lastly, the Cyr Park Shared Use Path is underway by KE&G, and it is estimated to be completed in September 2022.

Mayor Mueller inquired about the bridge on Avenida Escuela and shared that he spoke with one of the construction managers, who said that the wash has been taking in a lot of water in last couple of days. Ms. Flissar stated that they are currently working on the gabion baskets, rock filled baskets, around that major drainage conveyance. It does take time to fill those gabion baskets. She added that she was out there in the morning and there was still a lot of rock left to be placed, and her best guess for completion is two to three weeks.

Mayor Mueller asked if there will be ribbon cutting ceremonies once that bridge is up as well as the EMS Substation. Mr. Potucek stated that there will be ribbon cuttings. He further stated that he talked to Fire Chief Dever, and they will be putting together a ribbon cutting and open house because they would like people to be able to walk through and be able to see it as well.

Item 2 Consent Agenda

[Item 2.1](#) Approval of the City Council Regular Meeting Minutes of July 14, 2022

[Item 2.2](#) Approval of the City Council Special Meeting Minutes of July 21, 2022

[Item 2.3](#) Discussion and Possible Action of Resolution 2022-052, Designating David J. Felix, Chief Financial Officer, as the person authorized to sign and submit the City's Annual Expenditure Limitation Report for FY 2023

Council Member Umphrey moved that the Consent Agenda consisting of the Regular City Council Meeting Minutes of July 14, 2022, the Special Meeting Minutes of July 21, 2022, and Resolution 2022-052, designating David J. Felix, Chief Financial Officer, as the person authorized to sign and submit the City's Annual Expenditure Limitation Report for FY 2023, be approved. Council Member Landry seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Council Members Benning, Johnson, Rodriguez, Landry, and Umphrey voting in favor.

Public Hearing

[Item 3](#) Discussion and Possible Action of Resolution 2022-053, Series 9 liquor license application for an interim permit, owner transfer, limited liability company-type of ownership for Mohammed Shafiqur Rahman on behalf of Vista Beverage House at 999 E Fry Boulevard, Sierra Vista, Arizona

Council Member Johnson moved that Resolution 2022-053, a series 9 liquor license application for an interim permit, owner transfer, limited liability company-type of ownership for Mohammed Shafiqur Rahman on behalf of Vista Beverage House located at 999 E Fry Boulevard, Sierra Vista, Arizona, be approved. Council Member Umphrey seconded the motion.

Ms. Adams stated that this is a series nine liquor license for a liquor store. This application is for an interim permit and an ownership transfer. The notice of this public hearing was posted on the facility more than the required twenty days, and the City has not received comments from the public pro or con. The police department has done the required background check on the

applicant and has no objection to the application moving forward. If approved, the application will be returned to the State Liquor Board for final action.

Mayor Mueller opened the public hearing to which there were no comments.

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

Item 4 Discussion and Possible Action of Resolution 2022-054, Reaffirmation to Continue Annexation Proceedings

Council Member Landry moved that Resolution 2022-054, reaffirmation to continue annexation proceedings, be approved. Council Member Umphrey seconded the motion.

Mr. Fisher stated that this is step two of three in the formal annexation process. This is a reaffirmation of Resolution 2022-049, South City Annexation request to proceed albeit done in a public hearing setting. The South City Annexation area as defined in the legal map consists of 19 general business owned properties totaling approximately 67 acres. Of these 19 properties, five are undeveloped, one is for utility services, three are quasi-public such as religious services, two are industrial, two are mini storage, and six are for retail/office space. Areas defined for annexation were largely depicted in the City's Long-term Annexation Map as approved by Council resolution in 2008. In addition to the described parcels, several pieces of right away have also been included in the annexation area. This includes a section of Golden Acres Drive, the entirety of east Monsanto Drive, and a portion of Glen Road. The City will also be annexing a section of the highway as the City has only currently annexed half of it that remains under the jurisdiction and maintenance of ADOT. There is also a section of undeveloped right-of-way connecting from Golden Acres down to the end of Monsanto, largely unimproved and is only serving as the current location for where the sewer main line is running down. For this annexation to be successful, staff is required to collect the minimum number of signatures of one half or greater in value of the real and personal property, and more than one half of the persons owning real and personal property that would be subject to taxation by the City. The City currently possesses eight qualifying pre annexation agreements for the annexation area which are of sufficient quantity and value to effectuate the annexation via ordinance. This can be done as soon as August in one of the next Council sessions. In addition to public outreach and notification, with relevant comments received and distributed to Council, staff has reached out to the City's Fire, Police and Public Works Departments for comments. No objections have been received from these departments.

During the work session Council Member Rodriguez asked about the City's capacity to serve about the Fire Department, staff investigated the issue to see essentially how the City is in terms of fire hydrants, and the City does have capacity to respond to Golden Acres Drive, on the north side as well as the south side; although, it is recommended that in the future a fire hydrant be placed on Monsanto.

Mr. Fisher stated that the City Manager mentioned during the work session that the City has an intergovernmental agreement with the Fry Fire District to respond to this area. The city is already responding to some of these calls in the area. Lastly, he stated that this resolution is a reaffirmation of the prior approved request to proceed and passing of this resolution does not constitute final approval of the annexation, but rather allow staff to schedule the final ordinance on the upcoming agenda and circulate the recorded petition to remaining property owners.

Mayor Mueller opened the public hearing for comments and stated that he received an email from Mr. Segal, who could not be present, and wanted to have his letter of opposition read into the record.

Enzo with City Creek Furniture, one of the proposed parcels in the annexation, stated that he understood that the annexation required more than half of the property owners that was 19, but Mr. Fisher stated that only eight of them have signed the documents. Mayor Mueller explained that the requirement is to have more than half of the property owners and more than half of the property value. Council was briefed that both standards have been met. Mr. Fisher clarified that several of the properties are owned by a single property owner, U-Haul Mini Storage owns two properties so that is why it may appear that there are 19 properties, but eight signed signatures. In total there are about fifteen property owners.

In response to Mayor Mueller, Mr. Fisher stated that if a property owner has two properties, it is counted as one vote.

Enzo stated that his property is next to Mr. Segal's property, who wrote the email to Council, and he initially told Mr. Fisher that he was not comfortable with being on board with the annexation as his clients would end up paying roughly two percent extra in sales tax on every transaction. Mayor Mueller noted that he would save on property tax.

Enzo stated that he would like to know what to state to his clients when asked about the benefit that they are receiving by paying an extra two percent sales tax. Mayor Mueller stated that by annexing, they now have available City services to include Fire, Police, and trash, if it is more economical from the City.

Council Member Rodriguez stated that he believes that Enzo's customers are asking where their money is going if they are paying Enzo two percent more and they may not even be residents of Sierra Vista. He added that Enzo will save money as a business owner, but as a customer they might be paying a percentage more in taxes and they want to know where that money goes. That is a question for how that goes into the City's budget and how does that come out of the City's budget and how does that affect the City as a whole, as a community, even if they are not residents of the City. They are contributing to that tax revenue that the City gets and then in turn the City uses it in many ways, i.e., roads, police, fire, and all the services. It would not directly affect somebody who lives in Hereford, but when they come into town to use facilities, that would affect them in that aspect.

Mr. Potucek stated that he had staff evaluate the fire hydrant situation, and the City should be able to improve fire service by adding one or two more strategically placed fire hydrants in the area. Staff is also looking to improve sewer service and extend sewer service to properties that may not currently be served, as well as improving the streets in that area. There are several benefits to the property owners.

Council Member Rodriguez stated that as the City annexes further south, Fry Fire has been the City's partner and they service the area as well. The City's fire department does not have any water tenders, whereas Fry Fire District does, but this will be a dispatch thing and their emergency plan is set up. Deputy Fire Chief Dever stated that there are more hydrants reflected in that area than previously thought. There are opportunities for the City to strategically place others in that area that would benefit that area for any type of fire response.

Council Member Rodriguez stated that another benefit to somebody frequenting Enzo's business is that there will be more fire hydrants in the area for safety purposes.

[Item 5](#) Discussion of the Proposed Fiscal Year 2022-2023 Property Tax Levy

Ms. Dillaha stated that in accordance with State Statute, this is the City's public hearing on the property tax levy. The Arizona Department of Revenue provides the fiscal year 2023 primary property tax rate and total collection amount to the City for fiscal year 2003. The rate is proposed at \$0.1098 per \$100 of assessed value, which will generate an estimated \$379,068 this fiscal year. The slight increase in revenue is due to new construction. The rate was adjusted slightly lower in Fiscal Year 2023 due to an increase in valuation of taxable property. The actual dollar amount paid by a citizen in Fiscal Year 2003 remains the same as the dollar amount paid in Fiscal Year 2022. For this proposed new rate, the City is not required to publish truth in taxation notices for the property tax levy.

Mayor Mueller opened the public hearing to which there was no response.

[Item 6](#) Discussion and Possible Action of Resolution 2022-055, Final Budget for FY 2022–2023

Council Member Rodriguez moved that Resolution 2022-055, final budget for FY 2022–2023, be approved. Council Member Johnson seconded the motion.

Ms. Dillaha stated that the resolution before Council is for the adoption of the Fiscal Year 2022-2023 operating budget for the City. The final amount being \$204,417,694. The tentative budget and all state budget forms have been posted on the City's website and to-date only two public comment emails have been received from citizens. Council will meet on August 11, 2022 at 5:00 p.m. to vote on the primary property tax levy for Fiscal Year 2023, which will conclude the budgeting process.

Mayor Mueller opened the public hearing to which there was no response.

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

New Business

[Item 7](#) Discussion and Possible Action of Resolution 2022-056, Donation of the Forensic Computer, Forensic Recovery Evidence Device (FRED), to Cochise County Sheriff's Office

Council Member Johnson moved that Resolution 2022-056, donation of the forensic computer, Forensic Recovery Evidence Device to Cochise County Sheriff's Office, be approved. Council Member Council Member Umphrey seconded the motion.

Police Chief Thrasher stated that this is a request for approval of the donation of the Forensic Recovery Evidence Device referred to as FRED to the Cochise County Sheriff Office to assist in their computer investigations. For years the Department has taken a regional approach to investigation/prosecution of internet crimes against children, and other criminal activity related to the internet. In 2010 the Department purchased this FRED with civilian grant funding and used it for many years as part of these investigations. Since that time the Department has been involved in the investigation cases with the Arizona Internet Crimes Against Children Task Force, Homeland Security investigations, and a partnership with the United States Secret

Service that provides free training and equipment to enhance these investigations. Since 2013 the Department has been able to get extensive training in over \$125,000 worth of equipment to assist in the investigations. The Department now has newer devices that are better equipped to handle these types of investigations and this computer is still functional and can be used by another agency for their computer investigations. The Cochise County Sherriff's detectives have expressed interest in accepting this donation to help and continue the regional approach.

Council Member Landry stated that it is great that there is newer equipment available, and that this equipment is still functional and can be shared and still be used.

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

Item 8 Discussion and Possible Action of Resolution 2022-057, Amendments to the Personnel Rules and Regulations

Council Member Landry moved that Resolution 2022-057, Amendments to the Personnel Rules and Regulations, be approved. Council Member Umphrey seconded the motion.

Ms. Fleming stated that this is a request to do an amendment to the Personnel Rules and Regulations regarding take-home vehicles. The current Personnel Rules and Regulations state that a sworn police officer must reside within fifteen miles of the corporate city limits to have a take-home vehicle. Staff is recommending removing that limitation and to put in a policy that would allow the police chief and the city manager the flexibility to determine in those situations where necessary for public safety that they could be further out than the fifteen miles. This policy is flexible to help the City with the current situation with both recruitment and retention.

Mayor Mueller stated that this is a good idea to help the City through the tight spot that everybody in the State is dealing with the hiring of police officers. Council Benning concurred.

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

Call to the Public

Shelley Limeriek requested a sign for an easement next to Casa Del Sol Apartment Complex on south Carmichael Avenue be installed as well as a \$500 fine. She explained that one of the tenants was hit by another resident that drove off and noted that this is a utility easement that is used a lot and people speed on it.

Mayor Mueller requested Police Chief Thrasher to meet with Ms. Limeriek because it may require the City to create a new sign or enact an ordinance to be able to enforce that. Ms. Limeriek stated that Casa Del Sol Apartment Complex is going to be building another property.

Comments and Requests of the Council

Council Member Benning thanked everyone and asked to keep him and Christy in their thoughts and prayers.

Council Member Umphrey stated that it is good to be back and thanked staff for making it possible for her to participate in meetings while she was gone, thanked staff for the new website

and encouraged everyone to check it out because it is exactly what she was hoping for when she first participated in the strategic planning, which was a request by the community and lastly, she announced that school starts on August 4, 2022, and there are going to be a lot more people on the road along with school busses; therefore, she urged all the drivers to take extra time and to keep an eye out for children crossing the street, especially in school zones and residential neighborhoods.

Council Member Johnson also asked everyone to be careful and to watch out for the children because they are used to summertime and they are now back to school, crossing streets, and doing things.

Council Member Landry also mentioned that school will be starting next week, and noted that teachers do so much, and they have such an impact that has a ripple effect. She encouraged people to give extra love to teachers, some encouragement, and maybe help them out as there are a lot of different back to school things going on.

Council Member Rodriguez stated that the Streets Department has been doing very well at fixing bulging/expanding sidewalks in the area due to the monsoon. He thanked the crews for the repairs, thanked Officer Bosworth for changing out a tire on Highway 92/La Linda Way, thanked the Cochise County Sheriff Office Search And Rescue that have done some amazing things, monsoon related and crazy weather, and in particular assisting a gentleman that fell off his horse at Brown Ranch. He reported that he has seen the Sierra Vista's Police Department Explorer out and about, which he follows on social media doing the recruiting, another recruiting tool, and he is hopeful that everything went well at Fort Bliss as well as with the take-home car to help with recruiting. He thanked the Parks' crew working along with Mr. Mills and Mr. Skully, who were fixing electrical boxes on Fry Boulevard.

Council Member Rodriguez noted that there are not a lot of fires in the area, but when they do occur, the City is lucky to have a good team of firefighters, which took care of a trailer fire last week due to a lightning strike. He reported that Buena High School had some issues with their roof because of the storm, but they jumped on it, and it looks like they are going to be good to go for next week's first day of school. Lastly, he thanked the Sierra Vista Police Department, and the Arizona Rangers that are going to be out next week keeping kids safe. However, there will probably be problems this year with recruiting bus drivers as it is already happening in other cities, i.e., Tucson that is planning to have a hub where people will drop off their kids. In closing, he stated that he attended the second annual Buffalo Soldiers Day Ceremony and noted that Sierra Vista is fortunate to be surrounded by the history of the Buffalo Soldiers, the true home of the Buffalo Soldiers.

Mayor Mueller stated that it is important to realize when driving in the early mornings, that there will be busses out and about and that for the first couple of weeks, kids are not going to be paying attention on their way to school. Therefore, he cautioned everyone to be careful when driving. He also stated that the Resource Officers in the schools are going back and making sure that security is up to speed with their policies and procedures to preclude events such as the recent event in Texas. In closing, he stated that Council has not yet appointed a council member. The Council had a lot of candidates apply and they met in executive session to develop a list of candidates to interview. There are four applicants to be interviewed very shortly and thereafter, Council will then vote on a selected candidate in a Council Meeting and have the new council member seated.

Adjournment

Mayor Mueller adjourned the July 28, 2022 meeting of the Sierra Vista City Council at 5:42 p.m.

Mayor Frederick W. Mueller

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk