



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 10TH day of March 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 24TH day of March 2022

SEAL

A handwritten signature in black ink, appearing to read "Maria G. Marsh", written over a horizontal line.

Maria G. Marsh
Deputy City Clerk

A handwritten signature in black ink, appearing to read "Jill Adams", written over a horizontal line.

Jill Adams
City Clerk

Sierra Vista City Council
Meeting Minutes
[March 10, 2022](#)

Mayor Mueller called the March 10, 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
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Mark Rodriguez – present telephonically
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Chanel Kirkpatrick, Public Works External Service Manager
Laura Wilson, Parks, Recreation, and Library Director
Matt McLachlan, Community Development Director
Barbara Fleming, Chief Human Resources Officer

Invocation – Reverend Greg Adolf, Saint Andrews Catholic Church

Pledge of Allegiance – Mayor Mueller led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Landry move that the agenda for the Regular City Council Meeting of March 10, 2022, be approved. Council Member Johnson seconded the motion. The motion carried, 6/0. Council Member Rodriguez could not be heard due to technical difficulties. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, and Umphrey voting in favor.

Awards and Presentations:

Mayor Mueller and Council presented Jennifer Dillaha with the Government Finance Officers Association Distinguished Budget Presentation Certificate. Ms. Dillaha stated that the budget needs to obtain proficient ratings in all four of the overall categories. Not only did the City obtain the proficient ratings, but also outstanding ratings in several of the criteria. She thanked the Mayor and City Council for their guidance and suggestions for the book and department heads and staff for all their extensive knowledge and support.

Mayor Mueller noted that Ms. Dillaha is the person who pulls it all together, but the City has key employees year after year that provide the input and make it really a team effort.

City Manager's Report: Mr. Potucek announced that the next regular work session is scheduled for March 22, 2022, at 3:00 p.m. in the Council Chambers, and the next regular meeting follows on Thursday March 24, 2022, at 5:00 p.m., also in the Council Chambers. He reported that staff is currently in negotiations on price with the top-ranked company for the Construction Manager at Risk Services for the Nancy Brua Animal Care Center Improvement and Expansion Project as well as the Design Engineering Services. He further reported that there is work being done on the streets and the Annual Street Maintenance Project Patching and Sand Seals around town was awarded to KE&G for \$710,000, which was below budget. The Cyr Center Park Parking Lot Project, which is a Community Development Block Grant Project, was also awarded to KE&G for \$479,000, which was a little over budget. That contract is pending, and staff is expecting completion of that project around the middle of June. The bids for Avenida Escuela Extension and Charleston Road Pavement Replacement work started on Monday, March 7, 2022, and staff is also expecting completion around the middle of June. The lighted airport entrance sign, and the footings were poured for that finally and hopefully to be installed within the next two weeks. Lastly, he reported that the January sales tax report came in this week and that ran 9.6 percent. This is over last year. The City has been consistently running nine and a half to 10 percent on its sales tax month over month.

Mayor Mueller voiced his concern in that although the City is garnering more revenue, the City is also going to be impacted by inflation just like everybody else. Therefore, the City must be careful and watch its pennies just like the citizens are doing.

Item 2 - Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of February 24, 2022

[Item 2.2](#) Discussion and Possible Action of Resolution 2022-007, Piazza San Lorenzo Mino Subdivision Plat

Council Member Umphrey moved that the Consent Agenda consisting of the Regular City Council Meeting Minutes of February 24, 2022, and Resolution 2022-007, Piazza San Lorenzo Mino Subdivision Plat, be approved. Mayor Pro Tem Gray seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Public Hearings

[Item 3](#) Consideration of Funding Applications for Program Year 2022 Community Development Block Grant (CDBG) Annual Action Plan

Mr. McLachlan stated that this is the time of year when staff starts narrowing down what projects and programs to include for block grant funding in the Annual Action Plan for the upcoming program year. The formula allocations have not been announced by HUD; therefore, staff is using a \$260,000 estimate. At this stage in the process, staff is seeking preliminary input and feedback on which applications to include and at what amounts. Program services are capped at 15 percent or about \$39,000 if the \$260,000 estimate holds.

The purpose of the program is to stabilize and improve target neighborhoods that are socioeconomically disadvantaged through public facility and infrastructure improvements and housing programs. The City has used CDBG programs to eliminate blight through demolition

and site clearance activities. Program services must principally benefit low to moderate income individuals. The City is moving into the 4th year of its five-year consolidated plan. The chart in staff's memo outlines how the CDBG funding has been allocated in recent years. The City tries to take one large capital project to reduce or minimize the administrative burden associated with federal spending requirements. This year staff is recommending further public investment in upgrading the upland portion at Soldier Creek Park to include landscaping and lighting, tall slide, and other site amenities to create a more inviting and visually appealing environment that will complement the streetscape improvements that are being designed for North Garden Avenue. The City received two applications from outside agencies that will present to Council their request.

The City started the process with a notice of funding availability that was published in the Sierra Vista Herald as well as sent out to social service agencies on the email distribution list. A public meeting was held on February 16, 2022, which was attended by the Salvation Army, Southern Arizona Legal Aid, and Arizona At Work, but they did not apply for this year. Staff will factor any feedback and guidance along with any public hearing testimony into the draft Annual Action Plan that will be presented to Council at the second meeting in April. The Plan must be finalized by May and submitted to HUD for their consideration and around August is when the City will receive their approval of the application.

Reverend Clea McCaa, President and CEO of the Sierra Vista Dream Center, stated that their mission is to provide through activities, athletic fitness, and support programs that are set in a positive and fun environment. The bottom line is that they mentor youth and through the collaboration of entities, they work with the Sierra Vista School District, Buena High School, Carmichael, etc.

The Dream Center was formulated in 2006, which started out of the Sierra Vista Library and their five core competencies are homework assistance, tutoring, mentoring, nutrition assistance, life skills, food and clothing giveaway, and athletic and fitness training. They restore hope, empower people, and build the community. They collaborate with a lot of entities from health and fitness, educational improvement, youth focus - team project of which they have about 100 youth involved in the program to turn them into leaders. They have a can-do attitude that continues within this society. Their goal is to promote and champion health, good science, technology, engineering, arts, math (STEAM) projects and to teach the importance of school and life skills. However, the issue is that there is limited parking for Cyr field activities, Cyr field attendees, high traffic, and minimal lighting after dusk.

In 2015, SVDC applied for CDBG funding to install lighting on the east side of Carmichael; therefore, the Dream Center is proposing to use part of its land for parking for Cyr field and to fund lighting poles to provide no risk to parking, collaborate with the City of Sierra Vista to have a shared parking lot and have 24-hour security monitoring by Dream Center, and to be able to service the community after dusk hours.

Council Member Johnson asked the City Attorney if a contract is needed with the Dream Center since they are going to permit Cyr Park parking on their property. Mayor Mueller asked if it could be hold harmless agreement. Mr. Williams stated that there should be some type of agreement, whether it is a license agreement or a use agreement that allows the public to park there and probably a reciprocal hold harmless agreement as well.

Mayor Mueller stated that he read the Dream Center's application with some great interest, and he appreciates what the Center does. He noted that last year, the City used part of the funds to

put in parking in another City-owned area, which has not yet been built. This would have been adequate parking for the City side of what the Dream Center is proposing. He asked Ms. Wilson if the City is meeting adequate parking needs for the Cyr Centre. Ms. Wilson stated that parking needs are not being met during big tournaments, and about 150 to 175 spots would be necessary twice a year for local folks on the youth side, but the adults are trying to bring people in as well.

Mayor Mueller asked if the 500 people/parking spaces are for people that visit the Dream Center on a regular basis. Reverend McCaa stated that he is correct and about 250 of these people usually visit in the evening.

Mayor Mueller voiced his concern about the lack of a sidewalk on the west side of the property and noted that due to the fence, it probably would not meet the current standard for a five-foot sidewalk. There would need to be additional street work to move the curb and the road itself to be able to do that. Reverend McCaa stated that the fence could be moved.

Mayor Mueller asked about the number of lamps for \$30,000. Reverend McCaa stated that he does not have a written estimate and the estimate is off a Google search of about \$5,000 per lamp.

Mayor Mueller stated that while the Dream Center helps the community, he is not sure what the connection is with the lower income family uses when they already have a substantial parking lot around the buildings. He added that he went out there during the evening and noticed that the security lights around the buildings are adequate in the upper parking lot. However, the request for additional parking to be lighted makes sense to him because the one light that is on the west side goes about 15 feet on either side of the bottom of the pole and everything else is dark. Lastly, he stated that there needs to be work done on the request to figure out how this is going to work because he is unsure if the request meets the criteria for this type of award since the major benefit will be to the City Sports Complex and probably a lesser benefit to the folks that should be focused on.

Council Member Rodriguez stated that he frequents Cyr Park because his son plays soccer there, and his stepson practices football there, and he has noticed that the corner of the property is very dark. Parking is premium in that area and during a soccer tournament, people park towards the Bypass. The Bypass connects to the Dream Center and there is a big and wide walking path that people use at night, which is a good healthy initiative for people to be doing that night because a lot of times the parents will walk around the park while their kids are playing soccer. He further added that bathrooms are in this area as well. Therefore, lighting, and additional parking would benefit citizens.

Council Member Johnson stated that he would be in favor of this project because the Dream Center focuses on youth, youth that is in perhaps the lower strata of wealth. The City struggled with this a year ago when the Salvation Army requested funds for a parking lot. He added that this request is similar in scope to what the organization does plus the additional property would enhance the neighborhood and help the City out at the same time. Lastly, he stated that he believes that there should be a hold harmless agreement and some solid bids for the lamps through the Schneider Project.

Council Member Landry thanked Reverend McCaa for sharing on what the Dream Center does. She asked if there are plans for making a parking lot already in the works along with an overflow parking lot. Reverend McCaa stated that the plan is to make the proposed parking; however,

since that is in a flood zone, they do not want to put a building there. This would just be for parking. The overflow parking is going to be for the admin buildings that they are going to build.

Mayor Mueller stated that the City had the same problem with the parking lot since it is in the flood zone. The City had to locate the parking lot in the right place so that it was out of the flood zone because federal money may not be used in a flood zone. Mr. McLachlan stated that the issue there was the federal prohibition on using CDBG funds in a flood way. The City had to go through an extra layer of permitting approvals for constructing the parking lot in the AE Flood Zone. However, he does not know the designation of this portion of the property.

Mayor Mueller stated that to him it seems that it is high enough where it should not be in a flood zone, but if it is, there needs to be extra steps taken. Mr. McLachlan stated that he originally understood this to be for their main parking lot and upon checking that, it was outside the floodplain. He added that he would have to revisit the flood mapping just to see the status there.

Mr. Potucek stated that he sees some potential in this project, but the lights may be the horse before the cart. There is some sidewalk that would need to be put in, and the parking lot would be asphalt, and that is not going to be a cheap thing to do, and probably hard to do on private property with CDBG fund. However, he does see the potential for some sort of a partnership arrangement overtime with the Dream Center to make the improvements down there.

Mayor Mueller stated that while the proposal is probably a good one. The City may need to wait a year or two to sit down and make sure that it can be done the right way and put in at the same time the asphalt on the sidewalks and lighting. He further stated that in the meantime, the staff needs to get together with the church and figure out if it is a go this year or not.

In response to Mayor Mueller, Mr. McLachlan stated that Action Plan is due to HUD in April and suggested that if there is room within the right-of-way, if the concern is safety, perhaps instead of installing them on private property, there would be adequate space within the Taylor Drive and Nelson Street right-of-way as opposed to a facility improvement.

Mayor Mueller stated that it is about three feet from the fence to the back of the curb.

Council Member Umphrey stated that she was going to ask about the budget, since it seems vague to her; however, since they are going to work on this, she does not have any questions.

Doctor Anthony Reed, Executive Director of the United Way of Sierra Vista in Cochise County, on behalf of the board, thanked Council for everything that was done with CDBG funds before and noted that it was helpful to a whole lot of people in the community. He further stated that United Way is requesting \$39,000 to help with food assistance or a summer reading program for education, hotel vouchers for the homeless, employment assistance and administrative costs.

The food assistance is in collaboration with Saint Vincent DePaul, Sierra Vista Dream Center, Peaches Pantry, local organizations, and individuals for food baskets. The funds would allow United Way to distribute food baskets and to stock up pantries to help people in need, mainly for the people in need in the Community. United Way has done it before, and it is always a big turnout of people in need. For the education portion of it, United Way found out years ago that between first and second grade is the most important time for reading retention. United Way has a program called the Bucks for Books and the Summer Reading Program where they buy the first graders eight books picked out by the teachers, along with a cool backpack, a letter in Spanish and in English so that everybody understands what United Way is doing to help the

kids retain their reading scores. These funds would enhance the program and instead of just first graders, they would be able to assist in the local area, i.e., Carmichael, which has one of the largest group of people that get free lunch and provide books through the fifth grade.

Mr. Reed stated that a lot of students because of COVID and remote learning have fallen behind or are playing catch up. This will allow United Way to reach a whole lot more students in in that area.

The hotel vouchers, in partnership with the Good Neighbor Alliance, would be used during those times when the Good Neighbor Alliance is at capacity, to send people to hotels. These vouchers would provide a steady stream and keep more people off the streets.

The employment assistance is to help people with resume writing, job fairs with local employers and have them come out and interview people, help people fill out forms, talk about dress for success, salary negotiation if possible, and job training. United Way will also work with the Cochise Housing Network, which has a new program, where they help the homeless. United Way is willing to work with them and have counselors ready to help people with filling out complete job resumes or at least start putting them together, and maybe even invite some of the employers to help people get back on their feet.

United Way will do what the City needs to have the administrative part done as well as the IT part of it.

Mayor Mueller thanked Mr. Reed for applying and noted that the local United Way worked very well with the City during the pandemic to do these types of services. They have a proven track record which is important. He noted that every year United Way has asked for money, but it does not automatically guarantee that they will get the money. However, based on the track record, I think the odds are pretty good. Lastly, he stated that he is glad to see that they want to work with the Carmichael School because when you look at the way the schools are rated in reading and math, etc., Carmichael seems to be the one that lags across the community. So, any help you can give to those kids to give them a leg up, I think is a great thing. He further stated that he read with interest the application and thinks that United Way has a lot of good programs, a proven track record, and he is looking forward to future adventures.

Mayor Pro Tem Gray thanked Mr. Reed for his assistance during the pandemic and everything that United Way did it. She noted that she spoke to quite a few people, and it was a very beneficial program. She then asked if United Way partners on a regular basis with the agencies that were mentioned. Mr. Reed stated that most of them are partner agencies with United Way in running those programs.

Mayor Pro Tem Gray asked if United Way partners with Arizona At Work on the employment section for the 7,900 job opportunities. Mr. Reed stated that he is familiar with Arizona At Work and United Way will be looking for other people to partner with as well, but he knows the people who work at Arizona At Work, and he works well with them.

Mayor Pro Tem Gray stated that her concern is in duplication of efforts. She encouraged United Way to reach out to the organization, i.e., Arizona At Work and talk with them about how a partnership could work to expand the resources should the City decide to offer the money to the United Way.

Council Member Benning noted that he is unable to talk about CDBG fund due to his relationship with United Way, but he wanted to voice his appreciation to all the organizations that come before Council and take advantage of it.

Council Member Landry thanked Mr. Reed for sharing with Council and noted that she loves all the different programs that United Way has and its partnering with so many people that touch so many lives and has a ripple effect. She added that she also loves the education assistance part because reading is super important especially for children at a young age and wanting to expand that to more ages of children. Lastly, she stated that she also appreciates anybody that helps Good Neighbor Alliance because any kind of support that can be given to them is great.

Council Member Rodriguez voiced his appreciation at the fact that United Way has partnered with Carmichael School. He added that he has a special love for Carmichael School and shared that his fiancé teaches there, and he gets to hear all the stories of how things come to fruition on the back end, the people who have taken the extra time and come in before school starts or stayed after school for the greater good of the community, and it is good to see that last year's money went to good use. He asked if there are any hotels in the City that have refused the vouchers. Mr. Reed stated that he is not aware of that and added that Brad Roland from the Good Neighbor Alliance has a good relationship with most of the hotels in the City and in fact a lot of times the hotels provide good deals because they know of the efforts that are being done in the City.

Council Member Umphrey stated that in the past the City awarded \$15,000 for a project and asked what the cap is for this year. Mr. McLachlan stated that the maximum that can be awarded is 15 percent of the overall allocation. Historically, it has been in the \$15,000 range, particularly when there are multiple requests. This year, the cap is \$39,000, if the \$269,260 estimate holds, which is 15 percent.

Council Member Umphrey thanked Mr. Reed for everything that he and United Way have been doing for the community and in looking to help the students catch up. She added that the Governor's Office launched the Arizonaontrack.com that is opened to school districts and community partners to set up programs that will help the kids get up to speed for next year.

Mr. McLachlan stated that the next step is for Council to provide staff with some preliminary guidance in terms of the proposals, i.e., United Way's services within their proposal that Council may have a consensus around funding because it does not have to be the entire scope if Council is not comfortable with the full 15 percent allocation. He added that the Dream Center's lighting proposal sounds like there is more legwork that needs to be done in terms of arriving at a consensus on that request. He added that if Council needs more time, that is ok too. These proposals can be revisited at the first meeting in April. Lastly, he stated that he reached out to HUD, and they were going to reach out to San Francisco to accelerate the approval of the environmental review so that the City can get going with the parking lot improvement for Saint Vincent De Paul. He added that the City's engineers have assured him that it is not a big endeavor and that this should be able to get done in short order.

Mayor Pro Tem Gray stated that she sees that the City has proposed two possible projects. One is the Soldier Creek Park improvements at \$225,000 and the other is the Judd Street improvements at \$235,000. If the City allocated \$30,000 or \$39,000, then the City would be short, and she wonders how that would be reconciled.

Mr. Potucek stated that he spoke with Mr. McLachlan regarding the projects, which are both good projects. Staff feels that the Judd Project may be eligible for some other transit or transportation funds like what was done during the fiscal year. Therefore, staff would be recommending the Soldier Creek Project. He added that there is the potential of using funds like that to get started on the Dream Center corner as well in terms of sidewalk improvements, maybe some lighting in the right-away while the other components of the project are worked out. Lastly, he stated that he believes that all these things can be accomplished, but not necessarily within the realm of CDBG.

Mayor Pro Tem Gray noted that this is still a \$4,000 shortfall, which is better than the \$24,000 on the other project. Mr. Potucek stated that if staff needs to make the cuts, then they will make those.

Mayor Mueller suggested going through this in more depth at the next work session. Mr. McLachlan stated that the final step is in May where staff will be presenting the draft that is going to get submitted to HUD, essentially the City's grant application. He added that there can be two meetings in between that timeframe.

Mayor Mueller suggested having a work session where staff can come up with a proposed recommendation and then at the next Council meeting having an agenda item for approval. Mr. Potucek stated that these ideas are just hitting him, but staff will be prepared at the next work session to discuss the various options.

Item 4 Discussion and Possible Action of Resolution 2022-008, Amendments to the West Sierra Vista Redevelopment Plan

Mayor Pro Tem Gray moved that Resolution 2022-008, amendments to the West Sierra Vista Redevelopment Plan, be approved. Council Member Umphrey seconded the motion.

Mr. McLachlan stated that this is the last step of the approval process to put into effect the revised redevelopment area boundary that was approved last November. This action will fulfill Council's Strategic Plan objective on expanding the district and the eligibility area for the West Sierra Vista Partnership Program as appropriate. The format and content of the Plan are crafted to fulfill statutory requirements for implementing a redevelopment area designation that essentially adds a little bit more detail on previously established goals and objectives with respect to West End revitalization initiatives. The maps and data have been adjusted to reflect the new boundary, which takes in all the non-residentially zoned properties west of 5th Street.

Based on the feedback staff received at the work session, staff has removed the concept plans for the Fab Fry property, which will come back to Council as a standalone item at a future work session to decide the future direction of that site. Staff left in the proposed improvements to the Fab Avenue right-of-way and drainage improvements, which staff intends to request in the upcoming fiscal year budget.

The proposed amendments come to you with a positive recommendation from the West End Commission as well as the Planning and Zoning Commission, who found the amendments to be consistent with and in furtherance of the goals and objectives of this City's General Plan Vista 2030. If approved, staff will begin accepting Partnership Program application requests for properties in the expansion area, which will be eligible for approval after the 30-day effective date of the resolution lapses. As noted in the Plan, the proposed expenditures are subject to the City Council's approval as part of the annual budgeting process. The amendments recommend

increasing the Partnership Program budget from \$50,000 to \$100,000 annually to incentivize the reuse, redevelopment and upgrading of vacant underutilized properties consistent with the City's community and economic development strategies. The Plan also recommends establishing a \$15,000 annual budget for increasing public art in public spaces to add vibrancy and visual interest to the City's downtown and create a stronger sense of place. The Plan recognizes future phases of extending improvements along North Garden Avenue and West Fry Boulevard consistent with City plans. The amendments have been posted on the City's website.

Joe Kraps stated that discussions about the West End started in 1996 and a lot of things have changed. He noted that towards the end of last year, General Motors made a statement that in 2035, 50 percent of the vehicles manufactured in the United States will be electric vehicles. He added that Ford came out with a similar announcement, although they did not give a percentage, but they talked specifically about electric vehicles, the production of the new electric Mustang, the F-150, etc. The City of Sierra Vista is lacking in EV charging stations. Currently there are five and some of those are in the West End. However, as the City moves forward, he is proposing that for any public parking that is around in or on the Fab Avenue parcel, that three spaces be allocated for EV charging stations, two for universal, and one for Tesla because Tesla can use a universal, but the universal cannot use Tesla. Some of the charging stations are at hotels, proprietary to hotel customers only. Others are available to the public, but there are only five in Sierra Vista, and that is never going to get close to the need that is going to come soon.

Mayor Mueller thanked Mr. Kraps and noted that he is reinforcing the point that he made to the City Manager about a month ago about the ideal places for EVs on the South end of the property just mentioned because there can be a whole row with more than three or four charging stations. The challenge is on whether they be City-owned or a commercial operator. He also talked to the City Manager about having EVs at the parks for big events. Lastly, he stated that staff is investigating and talking to Schneider Electric as well, which is an overall City plan to install those.

Mayor Pro Tem Gray asked Mr. McLachlan if he is seeing that the City's need is greater than what is currently proposed for the redevelopment. Mr. McLachlan stated that he believes that it is a combination of both. The economy is improving and hopefully it continues, but certainly the size of the expansion area is going to create more opportunity for eligibility. The Department is seeing an interest. He added that if the money is not spent, the money goes back to the General Fund. However, he is confident that through marketing, outreach and knocking on doors to generate the interest to get people to participate and improve properties.

Mayor Pro Tem Gray asked if staff has been talking to businesses that are within the expanded boundaries. Mr. McLachlan stated that she is correct.

Council Member Benning asked if there have ever been leftover monies of the \$50,000 since 2017. Mr. McLachlan stated that projects have had to be carried over that were not completed by the end of the fiscal. He noted that it is not carried over, it is budgeting and recognizing the approved amount because the money is reimbursed at the end of a project. He then provided a real-life example where Tombstone Brewery has an approved grant for construction, but it is unknown whether they are going to be done by June 30th. Therefore, he reached out to their CFO, and they are really going to try, but the City's inspectors think that it is unlikely. This is a project that is likely going to have to be carried over. Therefore, the Department's budget request will reflect that.

Council Member Benning asked if there has ever been someone getting denied funding because there were too many people asking for the funds. Mr. McLachlan stated that it has not yet happened.

Council Member Benning asked if there has been someone apply one year to use funds and then reapply the following year. Mr. McLachlan stated that applicants are eligible for funding consideration one application per fiscal year. However, they are different projects because not all property owners and tenants can afford to do everything at once. There may be an application for exterior paint or signage and then maybe landscaping the next year, and ADA improvements.

Council Member Benning asked if the funds are capped. Ms. McLachlan stated that there are caps within the grant categories that are eligible for consideration, and then there is an overall cap. They can stack their requests through multiple categories, but it is ultimately \$15,000 per property. High priority revitalization sites are eligible for more, with the City Manager's approval.

Council Member Umphrey stated that she is in favor of doubling the current grant amount in the year because she remembers a public meeting where there was a great turn out. There were a lot of business owners that did not fit into the previous phase, and they wanted that money. Lastly, she stated that she can see the \$100,000 being used.

Council Member Rodriguez thanked the people that made comments online regarding the Fab Avenue property. This goes along with the other survey that was done before where the public was asked how they wanted their information to put out. He further stated that he wants to make sure that all the avenues are covered so people can put in their comments.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

New Business

[Item 5](#) Discussion and Possible Action of Resolution 2022-009, Conditional Use Permit Amendment to Resolution 4501, 130' Communications Tower, 1300 Fort Avenue

Council Member Benning moved that Resolution 2022-009, Conditional Use Permit Amendment to Resolution 4501, 130' Communications Tower, 1300 Fort Avenue, be approved. Council Member Johnson seconded the motion.

Mr. Pregler stated that items five and six are both requests that are very similar in nature; therefore, he will be combining his staff reports. However, both will have to be heard separately. The conditional use permits are being requested by SBA structures and is to revise the existing communication tower elevations from a stealth monopole to a mono pine. The request applied to two separate tower locations, one at 1300 Fort Avenue that is west of Cyr Center Park, and the other location is at 1045 S Lenzner Avenue, west of Joyce Clark Middle School.

There will be no additional changes to the height of these towers, which is 130 feet tall, or an expansion of the ground lease area, which are currently screened by 8-foot masonry rock walls. The applicant has indicated that the design changes are necessary to provide capacity for carriers on the towers and to allow them to maintain their equipment to current technological standards. The 5G technology requires external antennas for complete functionality, and the mono pines can therefore minimize the visual impacts of these antennas. Staff worked with the

applicant to ensure that proposed mono poles provided a realistic design while meeting the screen and stealth requirements of the Development Code. The applicant integrated the following standards under the design specs:

- 1 - The length of the branches shall be in proportion to the height of the monopole as determined by the City.
- 2 - The density of the branches shall be a minimum of three branches per foot.
- 3 - Branches shall extend beyond all antennas by at least 12 inches.
- 4 - Branches shall begin a minimum of 15 feet from the ground.
- 5 - The top of the faux tree shall be a minimum of five feet above the highest antenna.
- 6 - Brown paint or bark cladding acceptable to the City shall be used to conceal the vertical sections of the structure.

These items were heard by the Planning and Zoning Commission on March 1, 2022, and the Commission unanimously recommended approval of the two requests. The Commission meetings were public hearings and as such, all standard public hearing notification requirements were met. The City did not receive any comments from the public and there were also no public attendees or comments from the required virtual neighborhood meeting that was scheduled on February 22, 2022. Fort Huachuca also reviewed these two requests and had no additional comments.

Alexander Novak, who is with SBA structures, commended the City's staff and stated that he has worked with SBA in the areas of zoning and permitting. SBA has been a client of his for 16 years, and he has been in the wireless industry and insight development for 22 years. He added that he has seen the iterations go from 2G to 3G to 4G to 5G, and the flagpoles that are existing in Sierra Vista are being replaced as the proliferation of those is seen at the end of 2G and 3G, but not so much in 4G; however, those are going to be nonexistent in 5G. The plans show that T-Mobile is using two different size antennas, one of which is 8 feet tall. These are called MIMO antennas, multi in and multi out that, are a very high-capacity antenna. These types of antennas are going to be the backbone of 5G. These types of antennas were a nice to have in 4G, but it is a must have in 5G. One of these towers has a new carrier, Dish Wireless, who is building the first truly standalone 5G network in the country that was a result of the T-Mobile and Sprint merger. Dish Wireless came in to be another carrier to increase competition. They have targeted Sierra Vista for one of their sites, and that is great news for Sierra Vista.

Mayor Pro Tem Gray stated that at the Planning and Zoning Commission meeting, Mr. Novak talked about the timeline of 5G and what that will look like going into the future. She added that he had mentioned that as 5G comes into play, there will be less need for these towers. Mr. Novak stated that these types of towers are called macro sites. These sites are designed to provide coverage over a wide area. Small cell sites go on light poles that are called capacity sites, which are closer together, lower to the ground where people live, work and play. The backbone of coverage will always be needed, but a shift is being seen in development. It used to be 320-foot guide towers blasting over 12 miles. The shift in the development in the budgets of carriers has been seen to flip flop from all macro sites and a small cell site to mostly small cell sites and much fewer macro sites. There will still be a need for these, but there will not be as many large tower applications as there have been in the past.

Mayor Pro Tem Gray asked if the ones in existence will go away as less of those are needed. Mr. Novak stated that they will remain, but there will be no new ones added.

Mayor Pro Tem Gray asked for a timeline as to when 5G is coming. Mr. Novak stated that it is here, and they are actively working on it, but consumers will not see the full impact of 5G for a

while because it is new technology and not everyone is an early adopter of the handsets or equipment in their house. This is truly the dawn of it and while these networks continue to be built out, more of those things become a reality.

Council Member Benning asked if there are any safety considerations with a big radar antenna. Mr. Novak stated that his answer is the same as it has been through 4G and 3G. This equipment operates on a very specific spectrum that is very closely regulated by the FCC, and what the carriers are allowed to broadcast and what they broadcast power-wise is a fraction of what the FCC deems safe. There are no credible studies out there that show that there really is any danger to any of this.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

[Item 6](#) Discussion and Possible Action of Resolution 2022-010, Conditional Use Permit Amendment to Resolution #4643, 130' Communications Tower, 1045 Lenzner Avenue

Mayor Pro Tem Gray moved that Resolution 2022-010, Conditional Use Permit amendment to Resolution #4643, 130' Communications Tower, 1045 Lenzner Avenue, be approved. Council Member Benning seconded the motion.

Council Member Rodriguez stated that he appreciates the fact that the City is going to have mono pines because it could have been a palm tree or a saguaro cactus. He asked about the ownership of the other tower over by Fry's on Charleston. Mr. Pregler stated that he is not sure who owns that tower, but he believes that this was brought up during the Planning and Zoning Commission meeting and it was stated that it is owned by SBA. However, he would have to check on that.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

[Item 7](#) Discussion and Possible Action of Resolution 2022-011, Authorization to approve Settlement Agreement regarding Civil Lawsuit – Mary Brown versus the City of Sierra Vista

Council Member Landry moved that Resolution 2022-011, authorization to approve a Settlement Agreement regarding Civil Lawsuit – Mary Brown versus the City of Sierra Vista, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Williams stated that this is the final step in the resolution of a lawsuit that was brought, brought by Mary Brown against the City of Sierra Vista. In June of 2019, Miss Brown was visiting Nancy Hakes Park, a small park over by village Meadows school, and while she was crossing a wooden footbridge, she tripped and fell on a couple of raised boards on that foot bridge. She incurred some injuries at that time, ultimately, she had surgery to address those injuries. She filed lawsuit against the City in 2020, and the City's insurance attorneys have been litigating that lawsuit on the City's behalf since that time. At the end of February, the contract counsel and Miss Brown attended a mediation where they reached a settlement that is agreeable to all parties. The City's budget appropriation would be \$5,000; that is the City's insurance deductible. By approving this item, Council is allowing the City Attorney's Office to finalize that settlement on behalf of the City and conclude that legal action.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 8 Discussion and Possible Action of Resolution 2022-012, Donation of Equipment and Vehicles to Cochise College in support of the Southeastern Arizona Law Enforcement Training Academy (SEALETA)

Council Member Johnson moved that Resolution 2022-012, Donation of Equipment and Vehicles to Cochise College in support of the Southeastern Arizona Law Enforcement Training Academy, be approved. Mayor Pro Tem Gray seconded the motion.

Police Chief Thrasher stated that the City is in a partnership with Cochise College and the Cochise County Sheriff's Office to provide basic peace officer certification training through the Southeastern Arizona Law Enforcement Training Center. As part of the training, they have a need for law enforcement rated vehicles to provide drivers training as well as high risk stops scenario-based training as well. The resolution before Council would allow for the donations of four of the City's surplus Crown Victoria Vehicles, Police interceptor vehicles. Three of these vehicles have sets of lights and these are surplus vehicles from the Police Department's fleet.

Council Member Landry stated that it is great to have the partnership with the Cochise College and being able to help them in any way. Mayor Mueller added that the City is really helping itself because having the Academy there allows the City to maintain its forces.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Item 9 Discussion and Possible Action of Resolution 2022-013, Amendments to the City Manager's Contract

Mayor Pro Tem Gray moved Resolution 2022-013, Amendments to the City Manager's Contract, be approved. Council Member Benning seconded the motion.

Ms. Fleming stated that this resolution is to amend the City Manager's contract by addendum. The addendum would include three changes to the current contract. The first one would be to increase the annual salary to \$188,698, which would be retroactive to July 1, 2021. The second portion of the addendum would be to increase the annual salary to \$193,218 that would be effective July 1, 2022, start of this fiscal year going forward. The third portion of the addendum would be to increase the 457b deferred compensation to \$25,000 annually that is on a calendar year, retro back to January 1 to December 31 to comply with the IRS regulations on deferred compensation.

Mayor Mueller noted for the public that Council did have some very interesting and in-depth discussions during a work session.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Johnson, Landry, Rodriguez, and Umphrey voting in favor.

Call to the Public

Ms. Pauline Fredericks, President of Saint Vincent DePaul Society of the Saint Andrew Conference, introduced Larry Powers, Food Bank Chair, and Stan Garner, Food Bank Director,

who could not be present. She stated that Saint Vincent DePaul did not close one day during the pandemic and served every single day. On average, the community food bank provides food boxes for the homeless, single persons, two very large families, and each month they have an average of 900 to 1,200 families that visit the food bank. From January to February, there was an increase of families to an extra 100. During February they gave out 938 boxes of food, served 2,939 people, those of which are 1,600 adults and 1,200 children.

Ms. Fredericks further stated that the cost of groceries has increased as well as the demand for food. The cost of transporting the groceries from one facility to the other has greatly increased, and they must have their trucks because they are necessary because what they purchase cannot fit in a regular vehicle. The residents of Sierra Vista have been extremely generous, and recently Saint Vincent DePaul wanted to give kudos to Jay Matchet, who put together Sierra Vista Community Connect where he has 30 organizations that have come together, and they are going to meet every first Tuesday of the month for three hours to let everybody know what each other person does. She reported that there has not been the necessary funding to correspond with the grave need because everything is increasing, but the money is not coming in as fast. Lastly, she stated that she hopes that her report will provide responses to her call with resources because Saint Vincent DePaul is always looking for resources where they can get food, who is willing to work with the Community Food Bank, grants, and agencies to provide more money to allow the City's food bank to feed these wonderful people and provide food for the needy.

Mr. Larry Powers stated that everyone hears about the food bank, but there is also a building over on Bartow, where they see on the average of 100 people a week that need help with rent, utilities, gas, car repair, hotel vouchers. The homeless are seen daily and it is not just for food. People are routinely provided with shelter, toiletries, etc. He added that the money raised through the thrift shop pays the minimal overhead, salary and helps to support what they do. However, they have a demand of more than \$11,000 a month just in direct support beyond food. They also know that the money that they get comes from donations from people that want to help those in need and Saint Vincent DePaul, good steward of it really tries to make sure that they shepherd it and that it goes to the people most in need.

Mayor Mueller thanked Ms. Fredericks and Mr. Powers and noted that Saint Vincent DePaul and other agencies have already been working cooperatively with each other, and that is the teamwork that he appreciates. Lastly, he encouraged people to donate if they have some extra money that they are looking to take off their taxes.

Council Member Landry thanked Ms. Fredericks and Mr. Powers for sharing and stated that Council is aware of what they do, but people do not realize that, and it is very eye opening, and she hopes that more people will donate resources, time, etc.

Comments and Requests of the Council

Council Member Rodriguez apologized for not being present, but in support of his son, who is playing in a soccer tournament, he is out of town. He asked everyone to wish the Sierra Vista boys good luck, noted that he is glad to see that the frame is up at the Sierra Vista Airport, as he saw debris on the ground that indicates that there is going to be some concrete work and the sign is coming along. He further added that he waited for the hottest point during the week and went out and sat on the metal benches on the West End and his legs did not burn up. The benches have been a concern for some people, and although, it is not yet summertime, he can assure people that currently those benches are not hot to sit on. In closing, he stated that he

appreciates the Six-Month Strategic Plan that shows the City's transparency and accountability for the projects that are going on, which keeps the City informed so that people can check the progress.

Council Member Landry thanked everybody who came out to the City Council Meeting and shared. She added that if anybody finds extra time or resources, they are now aware of places that they may help support. She announced that there is a puzzle exchange on Friday, March 18, 2022, at the Library at 3:30. In closing, she stated that she is currently on Cloud Nine because on Friday, March 11, 2022, she will be celebrating a decade of marriage with her best friend, who she thanked and stated that she loves.

Council Member Johnson had nothing to report.

Council Member Benning thanked Father Greg for his blessing, voiced his appreciation to him for bringing in his family member, who is spending his last night in town with Council. He congratulated Ms. Dillaha, the budget team, and entire staff, and noted that it was nice hearing from United Way and Saint Vincent DePaul, about what they have done during the year, and on how they are helping people, etc. In closing, he stated that it breaks his heart that so many people need help, but then his heart is warmed to learn that these people can be helped. He challenged everyone to volunteer one day, or an hour to a company, church, or someone, and make the community better. Lastly, he wished Council Member Landry and her husband a happy anniversary.

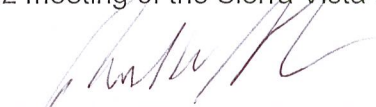
Council Member Umphrey had nothing to report.

Mayor Pro Tem Gray had nothing to report.

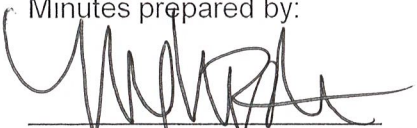
Mayor Mueller stated that the League is getting ready to do their policy statements from the Legislature, the initiatives for the next year, and those policy committees have started meeting before the League Meeting, where they go through and approve on what areas they are going to try to address with the Legislature. He added that Mayor Pro Tem Gray has done this before, and if there are Council Members that are interested in pursuing an issue, they may come talk to him or Mayor Pro Tem Gray so that they can be provided with the lowdown on what needs to happen. He added that they are nominated by the City to represent one of the four policy committees, and they then work on an issue or several issues, and nowadays there is no need to travel to Phoenix for the meetings because it can be done online.

Adjournment

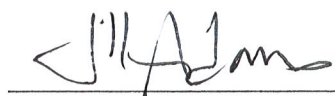
Mayor Mueller adjourned the March 10, 2022 meeting of the Sierra Vista City Council at 6:43 p.m.



Frederick W. Mueller, Mayor

Minutes prepared by:


Maria G. Marsh, Deputy Clerk

Attest:


Jill Adams, City Clerk