

Sierra Vista City Council
Meeting Minutes
December 8, 2022

Mayor Mueller called the December 8, 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 (5:13 p.m. telephonically)
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Marta Messmer – 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
Sharon Flissar, Public Works Director
Laura Wilson, Leisure, Library, and Parks Director
Matt McLachlan, Community Development Director
Nathan Williams, City Attorney
Jill Adams, City Clerk
Tony Boone, Economic Development Manager
David Felix, Finance Manager
Dianna Cameron, Management Analyst
Jennifer Dillaha, Budget Officer
Adam Curtis, PIO

Invocation – Greg Rowles, God is Good Church, led everyone present in prayer.

Pledge of Allegiance - Council Member Rodriguez 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 December 8, 2022, be approved. Council Member Landry seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Council Members Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Council Member Johnson moved to remove Item 5, Resolution 2022-075, Intergovernmental Agreement with Patagonia Union High School to provide Commercial Driver's License Training and Exam Licensure from the table, and to remove Item 5 from the agenda. Council Member Rodriguez seconded the motion.

Mayor Mueller noted that this item was deemed unnecessary as the City has updated the structure of the program for CDL licenses, which is going to include Patagonia. Council Member Johnson added that this does not include training. It is merely examination for the CDL licenses.

Mayor Mueller noted that the training is occurring at Cochise College as it is a requirement to be in two separate locations; therefore, there is no need for an amendment.

The motion to remove Item 5 from the agenda unanimously carried, 6/0. Mayor Mueller, Council Members Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Council Member Umphrey moved that the agenda for the Regular City Council Meeting of December 8, 2022, be approved as amended. Council Member Landry seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Council Members Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Awards and Presentations

Council Member Messmer introduced Evan Messmer, Board Member for the Sierra Vista Historical Society, who presented a \$100,000 check to renovate the Sierra Vista Museum. Mayor Mueller thanked the Sierra Vista Historical Society and stated that Sierra Vista has a great museum and there is still a need to raise money and assist the City in getting a separate building built, which may take a few years, a project that he is handing off to the new mayor. He added that this project is supported very well in the community and noted that there are great people on the Historical Society. Lastly, he encouraged people who are interested in preserving the history of Sierra Vista and Cochise County, to become an active member in the Sierra Vista Historical Society.

City Manager's Report: Mr. Potucek stated that the Council Work Session for December 20, 2022 and the regular Council Meeting on December 22, 2022 have been canceled in deference to the Christmas Holiday, and as a result of the Christmas and New Year's Holidays, City offices will be closed on Monday, December 26, 2022 since Christmas falls on a Sunday and of course then on Monday, January 2, 2023 since the New Year also falls on a Sunday; therefore, refuse service will shift to Tuesday/Thursday, and Wednesday/Friday. The next regular Council Work Session will be on January 10, 2023, at 3:00 p.m. in the Council Chambers, followed by the Council's first meeting of the new year on January 12, 2023 that will include the ceremonial swearing in of the new mayor and council. He reported that there were interviews with two finalists for the Strategic Leadership Planning Consultant, and he has selected a firm and once that award is accepted, he will announce who that is and get them going on the planning process, which will involve Council and probably a survey. He also reported that the RFP for a transit bus for the 25 to 30-passenger has been issued, which are due back on January 9, 2023; the bid for the roofing project for the Police Department, Public Works, and the Sports Center was issued on November 18, 2022 and are due on January 5, 2023; the bids for the aviation fuel tank conversion from AVGAS to JET A Repairs and Maintenance Project were issued on November 7, 2022 with the bid opening on December 16, 2022; the audio visual upgrades at the Police Department award recommendation is expected on December 9, 2022, and hopefully he will be able to break that news to Council soon. He noted that a fairly large improvement project was done at the Wastewater Plant several years ago that was financed, and it is going to come time to do that once again; therefore, staff will start that planning process, a lot of moving parts associated with that; but around the 2027 timeframe is when there will probably be construction of the new improvements at the Wastewater Plant. He also noted that pricing was received from the firm of A5 Design and Construction for the Good Neighbor Alliance Project and staff is currently in final negotiations; the conference room downstairs will also need improvements and the kickoff meeting for that was on December 8, 2022; therefore, the conference room will be closed while it is under construction during the holiday season. Lastly,

he reported on the SEACOM Joint Powers Authority Board meeting where he learned that they have two new hires for full time dispatchers and three are in the pipeline. However, they have a long way to go, and they are working very hard to try to stand up the Dispatcher Academy in conjunction with Cochise College with classes commencing on January 17, 2023.

In closing, Mr. Potucek wished everybody on behalf of the staff in the City of Sierra Vista a very Merry Christmas and a Happy and Safe New Year. It will be staff's pleasure once again to serve the great residents and a great community in the coming year. He thanked Mayor Mueller for his leadership and friendship through his many years as mayor and council member, and for all that he has done for the community, which is appreciated.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of Regular Meeting Council Meeting Minutes of November 10, 2022

[Item 2.2](#) Discussion and Possible Action of Special Meeting Council Meeting Minutes of November 22, 2022

[Item 2.3](#) Discussion and Possible Action of Resolution 2022-077, Appointment of Randy Wilcox and Re-appointment of Daman P. Malone to the Planning and Zoning Commission, said terms to expire December 31, 2024

[Item 2.4](#) Discussion and Possible Action of Resolution 2022-078, Re-appointments of Joseph Hayes and Jessica Kunkel to the Park and Recreation Commission, said terms to expire December 31, 2024

Council Member Johnson moved that the Consent Agenda consisting of Regular Meeting Council Meeting Minutes of November 10, 2022; Special Meeting Council Meeting Minutes of November 22, 2022; Resolution 2022-077, appointment of Randy Wilcox and reappointment of Daman P. Malone to the Planning and Zoning Commission, said terms to expire December 31, 2024; and Resolution 2022-078, reappointments of Joseph Hayes and Jessica Kunkel to the Park and Recreation Commission, said terms to expire December 31, 2024, be approved. Council Member Council Member Umphrey seconded the motion.

Council Member Landry thanked the commissioners for serving, welcomed Mr. Wilcox and thanked him as well for wanting to serve.

Mayor Mueller also thanked the commissioners for serving and reminded everyone that there are commissions with vacancies.

Council Member Rodriguez also thanked the commissioners for their service and noted that they are the eyes and ears of the citizens in Sierra Vista for Council. He added that there will be some changes to the commissions, but for the better.

Council Member Umphrey thanked all the commissioners for their willingness to serve, particularly with the Planning and Zoning Commission because a very important role is forthcoming in a couple of years with the General Plan being updated.

The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Public Hearing

[Item 3](#) Discussion and Possible Action of Resolution 2022-079, new In-state Microbrewery, Series 3 Liquor License for Matthew Onthank Brown on behalf of the Tombstone Brewing Company, 332 N Garden Avenue, Sierra Vista, Arizona

Council Member Johnson moved that Resolution 2022-079, a new In-state Microbrewery, Series 3 Liquor License for Matthew Onthank Brown on behalf of the Tombstone Brewing Company, located at 332 N Garden Avenue, Sierra Vista, Arizona, be approved. Council Member Rodriguez seconded the motion.

Ms. Adams stated this is an application for an in-state microbrewery license for the Tombstone Brewing Company. The notice of the public hearing for this license and the next item were posted on the facility for the required twenty plus days, and no comments have been received from the public other than that they are ready to go and drink there. She added that she received a message from Mr. Brown, notifying her that when brewing beer there is a hot part of the process and a cold part of the process, and they are going to be doing the cold part at the facility in Sierra Vista. They will do the hot part at a different facility and transport the product to Sierra Vista. The Police Department has done their background check and has no objection to this license being moved forward for approval, and if approved by Council it will be returned to State for final action.

Council Member Rodriguez stated that it is good to see the historical Daisy Mae's location repurposed that everyone used to love to frequent.

The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

[Item 4](#) Discussion and Possible Action of Resolution 2022-080, new restaurant license, Series 12 Liquor License for Matthew Onthank Brown on behalf of the Tombstone Brewing Company, 332 N Garden Avenue, Sierra Vista, Arizona

Council Member Landry moved that Resolution 2022-080, new restaurant license, Series 12 Liquor License for Matthew Onthank Brown on behalf of the Tombstone Brewing Company, located at 332 N Garden Avenue, Sierra Vista, Arizona, be approved. Council Member Umphrey seconded the motion.

Ms. Adams stated that this is the application for a restaurant liquor license which will allow Mr. Brown and his business to serve products other than beer at their restaurant. The notice of the public hearing was posted on the facility and no comments for or against the license have been received. The background was approved by the Police Department and if approved by Council, it will be returned to the State for final action.

The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

New Business

[Item 5](#) Discussion and Possible Action of Resolution 2022-075, Intergovernmental Agreement with Patagonia Union High School to provide Commercial Driver's License (CDL) Training and Exam Licensure – Removed from the table and agenda.

[Item 6](#) Discussion and Possible Action of Resolution 2022-081, Transfer of Funds from the General Fund to the Highway User Revenue, Capital Improvements and Health and Accident Funds

Council Member Messmer moved that Resolution 2022-081, a transfer of funds from the General Fund to the Highway User Revenue, Capital Improvements and Health and Accident Funds, be approved. Council Member Umphrey seconded the motion.

Mr. Felix stated that staff is in the process of closing the books on Fiscal Year 2022, and as per City policy, staff has come before Council with any excess revenues over expenses for the General Fund to give recommendation to Council on what to do with it. Due to the COVID revenues that the City has been receiving, good sales volume at the State level, both on the income tax and the privilege tax side, the City is approximately \$2.7 million revenue over expense. Staff has recommended shifting a million dollars of that to the Highway User Revenue Fund (HURF) for additional projects in the future. The Avenida Escuela extension and Charleston Road did take a chunk out of the HURF Fund reserve balance, and this will help to give more flexibility for projects in this current year and next year. Also, \$1,000,000 will be moved to the Capital Improvements Fund to help with the ACO expansion; but if there is another project that is deemed more important for the use of the funds, then this can be used for that. The amount of \$58,152 will be moved to the Health and Accident Fund for a temporary one-year reduction in the employee copay that the employees pay for their dependents. That amount would range from \$29 a month to \$62 a month gross, the net the employee receives, which would depend on their tax brackets; but this will give a temporary help to the employees given the inflation that they are seeing in the store. This also helps to have an Accident Fund whole for the gains that they did get this year. This leaves about \$700,000 going into the General Fund Reserves, which is about a ten percent growth from the current budget.

Council Member Rodriguez thanked staff for putting this together, and most importantly, the employee copay is a recruiting/retention tool in his eyes because there are a lot of employees that are looking to do the best that they can with their family.

The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

[Item 7](#) Discussion and Possible Action of Resolution 2022-082, Second Amendment to the Southeastern Arizona Communications (SEACOM) Intergovernmental Agreement

Council Member Umphrey moved that Resolution 2022-082, a second amendment to the Southeastern Arizona Communications Intergovernmental Agreement, be approved. Council Member Landry seconded the motion.

Ms. Yarbrough stated that there is an ongoing effort to update and revise the SEACOM Intergovernmental Agreement and Bylaws. The SEACOM Board is recommending making a change that affects the SEACOM Operations Committee. The change will establish a tier system for subscribers, where Tier One will be composed of all those entities that pay for full dispatching services of SEACOM and Tier Two will be those entities that receive basic service that is required by State Statute. If approved by Council, the Tier Two subscribers may still be allowed to be part of the Operations Committee; but they will no longer count towards the quorum and the Operations Committee will be able to meet again with fewer people counting towards the quorum.

The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Item 8 Discussion and Possible Action of Resolution 2022-083, Amendment to Judicial Services Contract with Kenneth J. Curfman, Justice of the Peace, Precinct V

Council Member Johnson moved that Resolution 2022-083, an amendment to the Judicial Services Contract with Kenneth J. Curfman, Justice of the Peace, Precinct V, be tabled. Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Call to the Public

Mr. Roderick Washington spoke about issues with dogs in the park on Seventh Street by Buffalo Solider. He noted that he was attacked by a dog, as well as someone else who was there with her three little girls; therefore, he has decided to crusade against this lawlessness as well as people who do not use signal lights, a clear and present danger.

Comments and Requests of the Council

Council Member Messmer announced a Posada on December 17, 2022, commencing on the West End, from Dominos to Julie's and Sammy's. She also wished everyone a Merry Christmas.

Council Member Johnson voiced his appreciation to Mayor Mueller and his ability to bring Council together and lead them in the right way. He added that Mayor Mueller will be missed. In closing, he wished everyone a Merry Christmas.

Council Member Benning concurred with Council Member Johnson, thanked Mayor Mueller for mentoring him and for his leadership, wished everyone a Merry Christmas and a Happy New Year. Lastly, he shared that he had surgery on his wrist and wanted to thank Chief Dever and his crew as well as Ms. Yarbrough, who was doing a ride-along, for coming to his aid. He also thanked staff for setting him up so that he could join the meeting telephonically.

Council Member Landry announced that there are great things happening at the park, and on December 9, 2022 there will be a Snips Event at Hoppin' Grapes hosted by the Friends of the Sierra Vista Animal Shelter. The proceeds will go to help people spay and neuter their pets. She stated that during this time of year there are people that are spending for the first time the holidays on their own; therefore, she encouraged people to reach out to them, family, and friends. She also encouraged people to shop local when buying Christmas gifts, and in closing, thanked Mayor Mueller, a strong and great presence in the community, and stated that it has been great working with him and learning from him.

Council Member Rodriguez encouraged people to read the Council Executive Report that is online, which contains a lot of information, especially on page 36 that lists projects and plans approved in the City. He also stated that the parade was awesome and announced that there is an ice-skating rink in the park, which will be available until January 2, 2023. He thanked Ms. Wilson for opening the rink to the Avengers Inclusion Organization, people with special needs that can have their time on the ice alone. He reported that he and Mayor Mueller were at

Boulder Crest Arizona, a retreat in Sonoita meant for combat veterans; but open to a lot of people as well as first responders, where the guest speaker was Captain Charlie Plum, and where they talk about post-traumatic growth. Lastly, he asked people to remember those individuals that are deployed and first responders keeping everyone safe while celebrating the holidays. In closing, he voiced his appreciation to Mayor Mueller, and stated that he hopes to see him around town and in the audience.

Council Member Umphrey thanked the Sierra Vista Historical Society for their generous donation to the museum and for everything that they are doing to preserve the history of Sierra Vista, thanked Mayor Mueller, and stated that it has been an absolute honor to serve with him and she will always be grateful for his leadership and mentorship. She noted that she came to realize by watching him, his level of experience, history and understanding of the City, which is something that is irreplaceable, and it is no wonder that he is the longest running mayor. She shared that this would not be a farewell speech of hers, if she did not reference the classic Christmas movie, Die Hard, and of the Mayor's 21 years of service on the Council, broken down into minutes, it is 11,037,600 minutes divided by the run time of 132 minutes and the Mayor's time on the Council that is the same amount of time it would take to watch Die Hard 83,618 times - a lot of Bruce Willis. Lastly, she quoted former U.S. President Lyndon B. Johnson, "when the burdens of the presidency seem unusually heavy, I always remind myself it could be worse. I could be a mayor." She thanked Mayor Mueller for serving the City and making the job easier for the rest of Council and added that she looks forward to working with Mayor elect Clea McCaa and wished everyone a Merry Christmas and Happy Holidays.

Mayor Mueller stated that a lot has been said about the mayor, his job and making it easy; but the fact is that the mayor or any leader of any organization cannot do anything or be effective unless he has quality people around him. He recognized Ms. Marsh, who has continually gone above and beyond what her duties are, with the Mayor's Award and Mayor's Coin. Ms. Marsh thanked the Mayor.

Mayor Mueller in closing thanked the Sierra Vista Historic Society for their generous donation, and on behalf of the United Veterans Council of Greater Sierra Vista, announced that the Veteran of the Year for 2023 is Mr. Shortie Larson, Commander of the VFW for several terms as well as the head guy for the VFW Color Guard along with many other things in the community. The luncheon to recognize him will be on January 19, 2023 at 11:00 a.m. at the VFW Hall. He thanked staff for the reception held in his honor as well as everyone present for all the kind words and his gift. Lastly, he noted that Sierra Vista is a great city and it is not great because he is the mayor, it is great because there are great people that want to have a great place to live, where there are great employees and a management team that run the City so that those folks can enjoy the great outdoors in Sierra Vista and all the amenities, and in his humble opinion this is the greatest community in Arizona, if not the country. He thanked everyone for the opportunity and privilege to be able to lead the community and wished everybody a Merry Christmas, Happy Hanukkah, a prosperous and enjoyable New Year.

Adjournment

Mayor Mueller adjourned the December 8, 2022, meeting of the Sierra Vista City Council at 5:430 p.m.

Mayor Clea McCaa II

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk