

Sierra Vista City Council  
Work Session Minutes  
January 10, 2023

1. Call to Order

Mayor McCaa called the January 10, 2023, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Clea McCaa – present  
Council Member William Benning – present  
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  
Jon Kosmider, Deputy Police Chief  
Brian Jones, Fire Chief  
Laura Wilson, Leisure, Parks, and Library Director  
Chanel Kirkpatrick, Public Works External Service Manager  
Gabriel Squires, Public Works Internal Operations Manager  
Matt McLachlan, Community Development Director  
Barbara Fleming, Human Resources Chief Officer  
Jill Adams, City Clerk  
Tony Boone, Economic Development Director  
Dianna Cameron, Management Analyst  
Adam Curtis, PIO  
Kennie Downing, Procurement Manager  
Mike Cline, SEACOM Director  
Jennifer Dillaha, Budget Officer  
Judy Hector, Marketing and Communications Manager

1. Presentation and Discussion:

A. January 12, 2022 Council Meeting Agenda Items (agenda attached)

Mayor McCaa stated that on the agenda for January 12, 2022 there will be presentations, the call to order, roll call, invocation by Reverend Chuck Carlson of the Sierra Vista Community Church, and the Pledge of Allegiance led by Council Member Johnson.

Item 2.1 Approval of the Regular City Council Meeting Minutes of December 8, 2022 – There was no discussion.

Item 2.2 Approval of the Special City Council Meeting Minutes of December 20, 2022 - There was no discussion.

Item 2.3 Approval of the Regular City Council Meeting Minutes of December 22, 2022 – Council Member Umphrey asked if her comments were revised. Ms. Marsh stated that the corrections were made.

In response to Mayor McCaa, Mr. Potucek announced that on January 11, 2023, Council will have the biannual administrative retreat that staff does when a new council is seated, then before the

Council Meeting on January 12, 2023, there will be a reception honoring Mayor McCaa's acceptance of the gavel and Council Members Benning, Rodriguez and Umphrey. He reminded everyone that the City's offices will be closed in observance of Martin Luther King Jr. day on Monday, January 16, 2023. He reported that the meetings of January 24, 2023 and January 26, 2023 may be cancelled; but to be determined because staff will be out of town that week, and, he is not seeing any agenda items as well. Therefore, the combination of those two things may result in those meetings being postponed. There will be a SEACOM Board Meeting on Thursday, January 12, 2023 in the morning prior to the Council Meeting; staffing has been an issue both at SEACOM and the Police Department because there always seem to be retirements or something that comes up and eats away at those. However, recruiting has gone well on recruiting at SEACOM as well as the Police Department. The City is in a tight spot at Transit currently and the operating hours have been reduced since there have been four people leave all at once, primarily for health or family related issues. Lastly, he stated that the City Manager Conference Room is under construction for upgrades for a much better place for meetings and audio visuals.

Mayor McCaa noted that he will abstain from voting on the Consent Agenda since he was not on Council during those meetings.

Item 3 Discussion and possible Action of Resolution 2023-001, Appointment of Carolyn Umphrey as Mayor Pro Tem – There was no discussion.

Council Member Johnson congratulated Council Member Umphrey.

Council Member Benning also congratulated Council Member Umphrey.

Item 4 Discussion and possible Action of Resolution 2023-002, Amendments to Chapter 94, Sections 94.01, 94.04, Park Grounds/Park Properties, and Chapter 90, Section 90.06, Impoundment, and Declaring a 30-day Public Record – Ms. Wilson stated that this is a request to add definitions and language to Chapter 90 and Chapter 94 of the City Code of Ordinances. Within Chapter 94, the Parks and Recreation Commission has requested to add specific definitions for the types of parks that the City has in its inventory, which will further explain the purposes and intended uses of these parks with the athletic courts and fields where there are some restrictions, i.e., animals not being permitted in those areas. This also further defines what is available to be rented and what is not, what is the first come first serve, i.e., the neighborhood parks. Language is also included within this chapter which address the use of e-bikes within the confines of the park trail systems.

She added that there has been a lot of lively discussion in the Commission about the use of electrical bicycles. Their original request was that it would set a speed limit of fifteen miles per hour on the trail systems to cover those; but upon further research it was discovered that Arizona Revised Statute 28-219 states that e-bikes and electrical scooters are afforded all the rights and privileges of a person that is riding a bicycle. This means that they are permitted on the trails system; but it specifically says that the law applies to Class one and two electrical bicycles and does not permit a Class three. The Class one and two are restricted to run under 20 miles per hour and there are no speedometers on those bicycles. Therefore, it would be hard for someone who is riding to self-govern themselves to be able to have an actual posted speed limit.

Staff is recommending language that would match the law, restrict Class three e-bikes because the original intent of the Commission was to govern the speed and twenty miles per hour is not that far off the recommended fifteen and is already taken care of by the way that the bicycles are designed. The Chapter 90 edit is a minor language edit because it had listed that the same chain of events was the Commission when it is the department head.

If Council approves the request, it will start the 30-day review process. Staff would then come back to Council after thirty days and report on the public comments received and then Council would vote on the amendments.

Council Member Rodriguez asked about enforcement for Class three and scooters. Ms. Wilson

stated that she imagines that if there is an issue in a park of any kind, by the time law enforcement get there, a lot of times the people or whatever is going on has disbanded and it is difficult. Having something posted in the case of something happening, this could be an additional violation. Deputy Police Chief Kosmider stated that he thinks that enforcement would be on a complaint basis most likely and that would be if the Police Department was able to contact the person. Initially with things like that, the Police Officers start with warnings and recommendations; but his understanding is that the e-bikes are supposed to be clearly labeled as to what classification they are and if it is a Class three bike, which would not be allowed on the trails, then that would be an easy thing to tell the folks. Typically, early on enforcement would be based on warnings and public information.

Council Member Johnson stated that he does not agree with the discrimination against people that invest in an e-bike, Class three, that they use for transportation as well as recreation. He added that he thinks that self-enforcement would be the way to go rather than telling somebody with a \$1,500 or \$2,000 e-bike that they cannot use the trail. It does not make any sense to him.

Council Member Benning stated that this issue was discussed a lot during the Park and Recreation Commission Meetings, and he believes that what Ms. Wilson and the Parks and Recreation Commission came up with eliminates some of the fears of having a 30-mile per hour bike on a trail that is not meant for that. The biggest issue is the response time from the Police Department because people have the wrong bike.

Council Member Johnson noted the speeding on Fry Boulevard. Council Member Benning stated that discussed was whether to eliminate people, who may not be able to ride a bicycle on the trails because of age, other issues they may or may not have, and to discriminate them and not let them on the trails; but ultimately this is what the Parks and Recreation Commission recommended.

Council Member Umphrey asked if the language not already in State Statute. Council Member Benning stated that it is. Ms. Wilson stated that one of the discussion points, which is in Statute, is that Arizona State Law treats a Class three bike like a small scooter or another vehicle. She added that she believes that this is probably the distinction that they are trying to make, and vehicles are not permitted on the City's trail systems. National parks and recreation recommendations also restrict the use of Class three bikes. Council Member Benning noted that a lot of them get up to 45 miles per hour.

Council Member Umphrey asked if signage for all the trails will be updated. Ms. Wilson stated that not necessarily to change them; but to be added on the trail system, i.e., Garden Canyon Linear Park, which is trail that is being discussed. The Department will be posting signs on those entry points in case law enforcement does need to enforce, they will be able to do that.

Council Member Benning thanked the Parks and Recreation Commission for taking the time to look at this thoroughly. He noted that State Law helps a lot.

## B. Report on Recent Trips, Meetings and Future Meetings

Council Member Umphrey reported on the Mayor/Manager luncheon on January 18, 2023 and announced the State Transportation Board Meeting on January 20, 2023 in the Council Chambers at 9:00 a.m., which is an important meeting because they determine the City's transportation funding for ADOT and the Five-year Plan for the State Highway System.

Mayor McCaa announced that he will be in Tucson at the Fort Huachuca Strategic Meeting.

Council Member Benning reported that he attended the Legislative Meeting with Representatives Diaz and Griffin, and Triadvocates.

Council Member Umphrey stated that there will be a district update for ADOT's road at the State Transportation Board Meeting. There is a stream for those who cannot make it in person.

C. Future Discussion Items and Council Requests

In response to Mayor McCaa, Ms. Yarbrough stated that the Boards and Commissions discussion is in the queue; but it is included on the meeting agenda for January 11, 2023 to make sure that Council is ready to move forward as discussed in November.

Council Member Benning asked if there could be discussion on January 11, 2023 about having a nonprofit presenting during a work session.

Council Member Johnson stated that he received a call from Radford Hyde who had applied in September to the Library Commission and was told cool his tracks because they were not going to meet in December due to Council discussing the various commissions. He added that he had asked staff to call him and give him an update as to what was going on because he was quite concerned. Mr. Hyde thought that perhaps he had joined the wrong commission because all the other commissions were meeting. Mr. Hyde called again and was quite upset that he and a friend wanted to be on the Library Commission; but were told the City Council had not made any decisions on this and laid the blame on Council. Lastly, he stated that he was upset because Council had been discussing commission in a work session and it was not the fault of Council for not meeting. It was the fault that Council had not discussed the new realignments.

Mr. Potucek stated that there is a proposal on the table as was discussed in November and he believes that it needs a little massaging and discussion to finalize that, and hopefully the Library will be part of that, right.

3. Adjourn

Mayor McCaa adjourned the January 10, 2023, work session of the Sierra Vista City Council at 3:20 p.m.

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Clea McCaa II, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

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Jill Adams, City Clerk