

Sierra Vista City Council
Meeting Minutes
January 12, 2023

The Ceremonial Swearing in of Mayor and Council took place at the Mona Bishop Room. Cochise County Sheriff Dannels swore in City of Sierra Vista Mayor Clea McCaa II. The City Clerk, Jill Adams, swore in Council Members Benning, Rodriguez and Umphrey.

Mayor McCaa called the January 12, 2023, City Council Regular Meeting to order at 5:18 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Clea McCaa – present
Council Member William Benning – present
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
Jon Kosmider, Deputy Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure, Parks, and Library Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Nathan J. Williams, City Attorney
Jill Adams, City Clerk
Tony Boone, Economic Development Director
Adam Curtis, PIO
Kennie Downing, Procurement Manager
David Felix, Chief Financial Officer
Debbie Felix, Buyer, Procurement Division
Jennifer Dillaha, Budget Officer
Judy Hector, Marketing and Communications Manager

Invocation – Reverend Chuck Carlson, Sierra Vista Community Church, led everyone present in prayer.

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

Item 1 Acceptance of the Agenda

Council Member Messmer moved that the agenda for the Regular City Council Meeting of January 12, 2023, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Awards and Presentations

The Mayor and Council recognized Ms. Debbie Felix on obtaining Certification as a Procurement Professional from the National Institute of Governmental Purchasing.

City Manager's Report: Mr. Potucek congratulated Mayor McCaa and re-elected Council Members, stated that City offices will be closed on Monday, January 16, 2023, in observance of Martin Luther King, Jr. Day, provided the trash pickup schedule and announced that the Council Work Session on January 24, 2023, and Council Meeting on January 26, 2023, have been cancelled due to lack of items. He reported that staff is negotiating the scope of work for the Wastewater Master Plan with the firm Hazen and Sawyer, which will be the start of a multi-year project on the City's Wastewater Plant. He further reported that the contract for the audio-visual upgrades for the Emergency Operations Center at the Police Department has been awarded and is underway with the firm of Action Technology Services, a local firm. The aviation fuel tank conversion from AV gas to JET A repairs and maintenance project was awarded to the firm of CAFS, Inc. that should happen at any time; the Animal Control Center Improvements and Expansion Project - Design Engineering Services contract is expected to be completed in the spring sometime between April and June with construction to commence in July pending budget approval by the Council; The City Manager's conference room currently has improvements being made with the hopes of a better audio/visual capability for future meetings to be completed by February 3, 2023; the Garden Avenue improvements design from Fry to Buffalo Soldier Trail is underway with completion anticipated in April; and the new restrooms at the Sportscar Complex have been ordered with the project scheduled to be completed by June 2023.

Item 2 Consent Agenda

[Item 2.1](#) Approval of the Regular City Council Meeting Minutes of December 8, 2022

[Item 2.2](#) Approval of the Special City Council Meeting Minutes of December 20, 2022

[Item 2.3](#) Approval of the Regular City Council Meeting Minutes of December 22, 2022

Council Member Rodriguez moved that the Consent Agenda consisting of the minutes of the Regular City Council Meetings of December 8, 2022, and December 22, 2022, and the Special City Council Meeting of December 20, 2022, be approved. Council Member Benning seconded the motion. The motion carried, 6/0. Mayor McCaa abstained and Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

New Business

[Item 3](#) Discussion and possible Action of Resolution 2023-001, Appointment of Carolyn Umphrey as Mayor Pro Tem

Council Member Landry moved that Resolution 2023-001, appointment of Carolyn Umphrey as Mayor Pro Tem, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Council Members Benning, Johnson, Landry, Messmer, Rodriguez, and Umphrey voted in favor.

Council Member Rodriguez congratulated Mayor Pro Tem Umphrey, noted that Mayor McCaa is in good hands, and stated that Council Members have all worked with her and she has proven her worth, always at the right place and the right time, and she keeps meticulous notes.

Council Member Benning also congratulated Mayor Pro Tem Umphrey and added that it is well deserved.

Public Hearing

[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

Council Member Benning moved that 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, be approved. Mayor Pro Tem Umphrey seconded the motion. The motion unanimously carried, 7/0.

Ms. Wilson stated that this a request to add some definitions and language to Chapter 94 of the City Ordinances and to make a minor edit to Chapter 90. Within Chapter 94, the Parks and Recreation Commission has requested to add specific definitions for the types of parks that are within the City limits that explains purposes and intended uses for athletic courts and fields, linear parks, community parks, neighborhood parks, and special use parks. Language is also included within the chapter which addresses the use of electrical bicycles within the confines of any park trail. The Parks and Recreation Commission had several discussions on this issue and had originally requested language that would set a speed limit of 15 miles per hour on the City's parks trails; however, upon further research, it was discovered that Arizona Revised Statute 28.-819 stated that electrical bikes and also e-scooters were afforded all rights and privileges of a person riding a bicycle, which would mean that they are permitted to access trails by State Law. These rules apply to Class One and Class Two e-bikes that are restricted to 20 miles per hour. Class Three e-bikes are fully restricted whenever they are not adjacent to a multi-use path or highway. To stay consistent with State Law and because the speed limit recommended by the Commission is close to the level one and level two restrictions of 20 miles per hour, staff recommended language to the ordinance that is in line with State Law and prohibiting Class Three electrical bicycles on the park trails. The Class one and two would continue to be permitted.

The change to Chapter 90 corrects the language pertaining to the sanctioning of special events from the Parks and Recreation Commission who does not sanction City events and changes the language to the Director of Parks, Recreation and Library. The request has been reviewed and approved by the Parks and Recreation Commission. Council's approval would start the 30-day public comment period.

Mr. Steven Scheumann stated that he disagrees with the recommendation on the speed limit. The Statute states that there does not have to necessarily be a Class one and two; the speed limit can be adjusted, and that is something that the City can do. He added that his other concern is that this is a safety issue. As, president of a hiking club, he hikes in the Huachuca's, walks on the trail three or four times a week, and has talked to his fellow hikers, who have mountain bikes and e-bikes. He has also spoken to a couple of hiking/biking clubs, who all shared their thoughts. They all stated that they appreciate what the Parks and Recreation Commission has done because it has progressed from where it started; but there is still an issue

with the speed limit of ten miles an hour. He stressed that there are people, dogs that are unleashed, bikes on the trail, as well as horses. The trail is only one or two feet wide, and people can go off to both sides; but there are places where there are blind spots due to the trees on both sides and people cannot get off the trail. There is also vegetation encroachment due to the rains, and there are other things to consider, i.e., a speed limit that is lower than the twenty miles an hour, and the fact that these are very short sections so it should not be a big thing for a mountain bike or anybody on a bike to go a little bit slower in the congested small areas. Lastly, he spoke about the inability of enforcement because the City is going to have the same enforcement problems with the Class three versus Class two kind of issues, and the Statutes states that manufacturers in the state are supposed to put markings on the cycles.

Council Member Johnson stated that he discussed this briefly during the work session on Tuesday, January 10, 2023, that he does not want to eliminate Class three electric bicycles from the multiuse paths. He believes this to be discriminatory, somebody that pays anywhere from \$1,600 for a Class three bike up to many thousands of dollars should not be eliminated from using the multi-use pass. Additionally, Arizona Revised Statutes 28-819(e) states that a Class three electric bicycle may not be operated on a bicycle or multi-use path unless it is within or adjacent to a highway or a roadway or unless the local authority or agency of the State having jurisdiction over the path allows the operation. Therefore, he encourages that this discussion point focus on speed limit and not necessarily of the class of bicycle because all Class three bikes have speedometers. Class one and two do not.

Council Member Benning asked Council Member Johnson if the subsection talks about hiking trails or trails, and not just multi-use paths. Council Member Johnson stated that it states multi-use path or bicycle path.

Council Messmer asked if the approval by Council of the item is for the 30-day public comment, allowing the item to move forward. Ms. Wilson stated that she is correct. Council Member Benning added that this is the public hearing to be able to hear from the public.

Mayor Pro Tem Umphrey asked for clarification. Council Member Benning stated that the Parks and Recreation Commission took the Statute under consideration because they wanted to try to match State Law. The item is not just about multi-use paths. This item is to address electric vehicles on Garden Canyon Linear Path, hiking trails and paths off the beaten path of the designated trails. Council Member Johnson noted that the Statute states, "may not be operated on a bicycle or a multiuse path". Mr. Potucek stated that there are two ways to go about looking at this ordinance. One is the way the item is before Council, which restricts the Class three bicycle. The other is setting up speed limits; however, enforcement of speed limits on multi-use paths will be extremely difficult. The Council's vote moves this item forward. There could still be amendments or changes made during the next meeting if Council cares to go in a different direction, which is fine depending on the input received.

Council Member Rodriguez pointed out that the amendments to the park definitions is to clarify a park, sports park, and the difference between the two. This chapter will address the question about not being able to bring dogs to events at the parks.

Council Member Landry stated that she sees both sides and appreciates having clarification/definitions; however, having things separated might help in case there are issues in the future. They are similar; but clarification on park trails would be best because the language is clear on multi-use paths as Council Member Johnson noted regarding State Statute. She noted that a lot of times there are posts, no motorized vehicles in hiking trails. Lastly, she

thanked Mr. Scheumawn for his comments regarding trails and the fact that they may be narrow and that sometimes one cannot see around vegetation. A lot of people that mountain bike yell out, right, left; but sometimes there are people that do not and that can be dangerous, and moving forward would be a good step.

Council Member Benning thanked the Parks and Recreation Commission and noted that the Commission has been tackling this for four months. He added that he looks forward to hearing what the public says because it is their voice that matters.

Council Member Rodriguez clarified that Council is discussing parks, trails, and multi-use paths within the City of Sierra Vista. The City does not have any control outside the City's limits.

Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Messmer, and Rodriguez voted in favor.

Call to the Public

CJ Wallace spoke about intergovernmental funding and asked Council to consider the local solutions before accepting state/federal monies because whenever one is given a substantial amount of capital or substantial amount of money, the person giving it can start to control one, whether that be an organization, the state or federal government.

Shelly Limerick stated that something that is very dear to her heart for many years is to build a healing center for children. She is starting a nonprofit called the Hand of God and the healing center will be just for children to be able to call 7-1-1, a dispatch by 9-1-1 so that children can get the help that they need, and they can call 24-hours. The healing center is called Beautiful Water; however, she has not yet done the proposed plan. She is working on getting her nonprofit and she would like to partner with Canyon Vista Hospital, get grants through their procurement, and have her vision come to fruition in the next couple of years. She added that there is a need for this because children do not have the opportunity to talk and they need to be able to have counseling, psychotherapy, which are important, and make this available to all families, any walks of life.

Comments and Requests of the Council

Council Member Johnson congratulated Mayor McCaa and re-elected Council Members, thanked the boy scouts for their attendance working on their Civics Badge, noted that this is the beginning of a new year, and he looks forward to working with Mayor McCaa and his fellow Council Members to move forward on a lot of interesting and new groundbreaking things.

Council Member Messmer congratulated Mayor McCaa and fellow Council Members on their re-election, which she looks forward to working with in moving the City forward.

Council Member Rodriguez thanked everyone in attendance, large number of people, for sharing the day with Council, Officer Davis who helped with a fire at the Sierra Vista Carmichael Apartments, reported on the Youth Commission's Roadside cleanup, announced the blanket/coat drive until February 3, 2023 with four drop points, City Hall, Cal Ranch, Jacob's Music, and Thunder Mountain Church. He added that the Commission will be working with Good Neighbor Alliance to distribute the coats and blankets to people in the City who need them. He also pointed out that there is beautiful artwork around town in some of the public bathrooms of the parks. He thanked Parks and Recreation for being so lenient in letting artists

be creative on City's spaces, and thanked Parks and Recreation for cleaning up the graffiti at Tompkins Basketball Park.

Council Member Landry congratulated everyone elected and re-elected, noted that the City has a great group, is looking forward to a great 2023, wished everyone a Happy New Year, and thanked everyone present for attending the Council's first meeting of the year. She also thanked the members of the public that came before Council to talk, thanked Mr. Wallace for being present and Ms. Limerick for sharing her passion. She added that one of the wonderful things about the people of Sierra Vista is that they each have their own passions/interests, and the City needs these people that have a calling to work with children, elders, and all the various areas in the community because all that coming together makes things happen. Lastly, she announced that the dogs at the Animal Shelter were in quarantine for kennel cough for a while; but the shelter has reopened, and she encourages people looking to add to their family a dog or a cat, and if not, people can go to the shelter and help by taking the dogs out for walks/cuddling, by donating or fostering through other organizations.

Council Member Benning welcomed former Council Member Gwen Calhoun, gave kudos to Parks and Recreation, Ms. Wilson and her staff on the ice-skating rink that brought in almost three times as much as what was budgeted in revenue, approximately \$75,000. His goal and Ms. Wilson's goal is to bring back the ice-skating rink and more events to grow the Christmas festivities. He announced the Tour De Zona that brought in almost 700 bikers last year and announced that registration just opened and already there are 320 members. The City will probably exceed its figure for the year and added that staff is planning on taking on food and other vendors to make the event even better. He pointed out that Ms. Wilson and her staff are doing amazing things, which needs to be recognized because a big emphasis is placed on tourism and getting people to come to the City. He thanked and congratulated his pastor, Mayor Clea McCaa, and his fellow Council Members on their re-election. In closing, he quoted Martin Luther King Jr., "part of what makes starting something new, intimidating as it is often surrounded by uncertainty. You may not know what the end goal is or have any idea how you will get there, so taking that first step takes courage and even faith".

Mayor Pro Tem Umphrey stated that she is proud of being a part of the team, that it is an honor, and she is deeply grateful to be selected as Mayor Pro Tem by the new mayor and receive the support of her colleagues. She congratulated Ms. Debbie Felix on earning her certificate, a huge accomplishment, which makes the City proud, thanked everyone that took the time to attend the reception, thanked the people who spoke before Council, and the Boy Scouts, Caleb and Evan, who are earning their Citizenship in the Community Merit Badges. Lastly, she announced that Father Greg has stepped down from the West End Commission, who will be missed and noted that he has been an interictal part of the changes on the West End based off all the hard work of the Commission, the City, St. Andrew's Catholic Church, the Carmichael Neighborhood Association, and the Knights of Columbus.

Mayor McCaa stated that it is a great day and shared that he has been in the City for 42 years and he loves Sierra Vista. He added that he and the Council will work for the people of Sierra Vista, thanked God for them and asked that they be blessed. In closing, he asked that everyone be kind, tell somebody that they are loved, grab somebody, and look into their eyes to make sure to let them know that they are special because one never knows the lives that one can touch and how much they had touched them.

Adjournment

Mayor McCaa adjourned the January 12, 2023, meeting of the Sierra Vista City Council at 6:07 p.m.

Mayor Clea McCaa II

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk