

Sierra Vista City Council
Meeting Minutes
March 23, 2023

Mayor McCaa called the March 23, 2023, 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 Clea McCaa II – present
Mayor Pro Tem Carolyn Umphrey – 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 (telephonically)

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure, Parks, and Library Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Adam Curtis, PIO
Nathan J. William, City Attorney
Jill Adams, City Clerk
Tony Boone, Economic Development Manager
Dianna Cameron, Management Analyst
John Healey, Sports and Aquatics Manager
Jen Dillaha, Budget Officer
Emily Duchon, Library Administrator
Firefighters

Invocation – Reverend Donna Smith, Graceful Passages for Vets, led everyone present in prayer.

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

[Item 1](#) Acceptance of the Agenda

Council Member Landry moved that the agenda for the Regular City Council Meeting of March 23, 2023 be approved. Council Member Johnson seconded the motion.

Council Member Benning moved to removed item 4 from the agenda. Mayor Umphrey seconded the motion.

Council Member Benning stated that the reason he is asking to remove the item from the agenda is because a lot of time was spent on this item during the Tuesday, March 21, 2023 work session. He noted that Council spent more time to tell people how they could use their backyard than discussing this, analyzing, and finding out information about what Council is

voting on, and he does not know why. He further noted that he would like more time to ask more questions, find out more information, get some cost analysis, and talk to different people before making a major change in the City and how business is run.

Mayor Pro Tem Umphrey stated that she agrees, it is a major decision, and Council had two work sessions, and two executive sessions on it and she does not know what else to do. She thought the item was being removed because Council Member Rodriguez is not present, and it is a big decision. However, she would rather just vote on it.

Mayor McCaa stated that he agrees with Council Member Benning to remove the item from the agenda so that there can be more discussions on it, and more analysis that would be the clear best course of action.

Council Member Johnson stated that he agrees with Mayor Pro Tem Umphrey. Council has discussed this ad nauseam. There have been two executive sessions, two work sessions, formal presentations by the Union, and he does not know what other information Council needs. He further stated that he is ready to move forward with a vote, which was the consensus, he thought, at the executive session, which Council Member Benning did not attend. Lastly, he stated that he will vote no.

Council Messmer stated that she is also ready to move forward with a motion.

Council Member Landry stated that she can respect that, and she can go either way. Council has discussed it a lot in work sessions, have had a lot of discussions in the executive sessions, and everyone has had discussions and researched; however, she is prepared to vote. She further stated that she feels like this has been pushed fast but based on discussions during the week in depth, after yesterday's session, she was prepared to vote. She also feels that there are some different alternatives that Council can do and pursuing that would be in the best interest.

Mayor Pro Tem Umphrey asked if there could be one more opportunity for Council Member Rodriguez to participate.

In response to Mayor McCaa, Council Member Rodriguez did not respond. Council Member Johnson noted that there is a quorum and should move forward with the vote on this.

Councilman Rodriguez stated that he was having issues with trying to get through but was able to hear the whole discussion and noted that on Wednesday the discussion was that this is being pushed down Council's throats and it is moving too fast to be voting on it. He is hearing two different things, but he understands if Council needs more time.

Mayor Pro Tem Umphrey asked if Council Member Rodriguez had a stable connection because that will determine on how she votes based on his suggestions. Council Member Rodriguez stated that he has a stable connection.

The revised motion to strike item 4 was defeated, 4/3. Mayor McCaa, Council Members Benning, and Rodriguez voted in favor. Mayor Pro Tem Umphrey, Council Members Johnson, Landry, and Messmer voted no.

The motion to approve the original agenda was approved, 6/1. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Johnson, Landry, Member, and Rodriguez voted yes. Council Member Benning voted no.

Presentations and Awards

Fire Chief Jones presented the following Fire Department Employees of the Year:

Thomas Wiedemann – Firefighter

Muriel Adams – Paramedic

Phil Wechsler – EMT

Josh Meeker – Special Achievement

City Manager's Report: Mr. Potucek announced that the work session on Tuesday, April 11, 2023 and the regular meeting on Thursday, April 13, 2023 have been cancelled due to the Mayor being out of town that week. Instead, those meetings are being moved up a week; therefore, the work session will be on Tuesday, April 4, 2023 at 3:00 p.m. in the Council Chambers and the Council Meeting will be on Thursday, April 6, 2023 at 5:00 p.m. also in the Council Chambers. He reported that he attended the SEACOM Joint Powers Authority (JPA) Board Meeting on behalf of the City in the morning that was well attended where primarily discussion was administrative in nature to accommodate the transition over to a new director. The JPA Board approved the director's contract as interim director and went over the initial budget. However, due to the improvement on hiring, it looks like SEACOM will have a full complement of dispatchers, which is causing the budget to increase. Staff is still working on that, and the goal is to get it to that level with last year's budget. The fund for SEACOM is built up of some fund balance that may be used to accommodate that. Staff hopes to bring to Council a level budget for SEACOM next year.

Mr. Potucek reported that HB 2061 has passed the House of Representatives and is now on the Governor's desk pertaining to the ban of sales tax on food by municipalities. While certainly a lot of people like the idea of tax decreases, for the City it means a loss of over \$3 million to the general fund, which would be a significant impact to the upcoming budget. The way that the bill was passed, it would not go into effect until 2025 that would provide time if signed to try to prepare for that. Letters are being prepared to urge the Governor to veto this bill and staff is hoping to have those to Mayor McCaa as they move forward.

Mr. Potucek further reported that staff has been working on hiring transit drivers as there has been some success in that area, and one on board they will get trained. Staff is also still moving forward with the RFP for trying to privatize and get some other people on board through that method, which has been approved by the Federal Transit Administration. The Roadrunner Park design RFQ has been given to the Procurement Division for review and it will be issued when that is ready. The audio-visual upgrades at the Police Department are anticipated to be completed in June 2023 with the hopes of having a real time EOC Center in the Police Department, a huge benefit to public safety. The Animal Control Improvement and Expansion Project Design is expected to be completed later in the spring, June, and then depending on the budget, will commence then in July 2023.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the City Council Work Session Minutes of March 7, 2023

[Item 2.2](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of March 9, 2023

Mayor Pro Tem Umphrey moved that the Consent Agenda consisting of the minutes of the City Council Work Session of March 7, 2023, and the regular City Council Meeting of March 9, 2023, be approved. Council Member Landry seconded the motion. The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, and Messmer voted in favor. Council Member Rodriguez could not be heard.

New Business

[Item 3](#) Discussion and Possible Action of Resolution 2023-017, Donation of Surplus Field Lights, Light Bars, and Switch Boxes to the Sierra Vista Unified School District

Council Member Benning moved that Resolution 2023-017, donation of surplus field lights, light bars, and switch boxes to the Sierra Vista Unified School District, be approved. Council Member Messmer seconded the motion.

Ms. Wilson stated that this resolution, if approved, will allow the City of Sierra Vista to donate a surplus of surplus field lighting equipment and accessories to the Sierra Vista Unified School District. These items were harvested from various City ball fields during phase one of the Schneider Energy Savings Initiative of 2019, when the City retrofitted its halogen lights to newer generation LED's. The surplus items include eleven light bar assemblies, 78 light head fixtures with bulbs, three switch boxes, miscellaneous loose bulbs, and 33 power boxes. These components were fully functioning at the time of their decommissioning and have not been in use since November 2019. The equipment has been wrapped and stored outdoors at the Pedro Castro Maintenance Venter. At the time the lights were decommissioned the Sierra Vista Unified School District expressed interest in receiving the equipment for future use at their athletic facilities. The current value of the equipment is approximately \$62,500 and although these items were not yet offered at an auction, staff feels that there is likely to be a little interest in purchasing this type of equipment. Donating the surplus field lighting equipment to the Sierra Vista Unified School District benefits the District to further their athletic programming, saves taxpayer dollars from avoiding the purchase of brand-new field lighting equipment at a significant cost, and provides benefits to the students, their parents, and the City of Sierra Vista. The Sierra Vista Unified School District and the City have a long history of positive partnerships and cooperative agreements.

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

[Item 4](#) Discussion and Possible Action of Resolution 2023-018, Directing the City Manager to negotiate a draft Memorandum of Understanding for City Council consideration with the Professional Fire Fighters of Sierra Vista, IAFF L4492

Council Member Johnson moved that Resolution 2023-018, directing the City Manager to negotiate a draft Memorandum of Understanding for City Council consideration with the Professional Fire Fighters of Sierra Vista, IAFF L4492, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. Potucek stated that the resolution authorizes him to negotiate with the professional firefighters of Sierra Vista an MOU for later consideration by the Council to meet the objectives

of Meet and Confer, and once that is accomplished, they would move forward with that. However, he does not recommend approval of the resolution.

Ms. Joan Murphy voiced her support for firefighters because it is career position. She noted that she heard the Council and Mayor as well as others say that they do not have problems, that everybody is getting along well and that their needs are met. However, the Council and Mayor do not serve forever, and if she were in their position, she would want to know who she is dealing with and have security because she has worked at times where there was no union, and it was not pleasant. Lastly, she stated that she is glad that Council and the Mayor do well, and if they are, she does not see where just allowing them to confer would be an awful problem.

Council Member Rodriguez stated that when he looks at Meet and Confer, it does not threaten him. He has yet to see examples that show how expensive it is, which he would like to see because Council always talks about being fiscally responsible. Sometimes the City gets hijacked by other entities where the City was forced to pay, and he did not like that, but this issue shows employee buy-in and their willingness to try and make things operate better at every level as they are the ones doing the job. He reiterated that he does not feel threatened of losing any power or control, and he does not see anybody trying to circumvent anything as they are just trying to take the burden off other people and to make things more efficient in an effective way. He also stated that he does not see anybody in the departments that have 56-hour employees that are lawsuit happy, itching to get anything started and getting people involved. Sierra Vista is not that type of city when it comes to its employees, and he does not care where they live, or what they do on their off time when they have worked 56 hours. They are helping people during their worst time of their life, and nobody is going to care about their tattoos, or where they live. They just know they do the best job and that they are in the best care possible. It says a lot when people that live out of town want to commute to Sierra Vista to work because they can easily get a job somewhere else, closer to where they live.

Council Member Rodriguez voiced his appreciation to anybody who wants to get involved and noted that he listened to the Employee Council Meeting, which he liked because it does a lot of things. If the Employee Council were to hear all the concerns from a 56-hour employee, it would probably take up the whole meeting. This is good for a lot of things, and he heard a lot of good feedback and all the employees talking together is great because they do not get that opportunity. They just get to hear from upper management or the staff report and that is pretty much it. That is a good forum for everybody else to talk and realize that they have different issues. Lastly, he voiced his appreciation to all the employees for what they do no matter where they work, because Council represents them all as well all the citizens.

In response to Council Member Benning, Ms. Yarbrough stated that the Chair is Ms. Dianna Cameron. Council Member Benning reiterated what he said on Tuesday, March 21, 2023, about where his vote would stand if Council voted on Thursday, March 23, 2023. He explained that no matter the outcome, the firefighters are amazing, and they have done amazing things, just coming forward and pushing this is a good thing. He encouraged them to keep it up. He thanked the firefighters along with the police officers, who stand on the wall every night, and state that no one is going to mess with you, and nothing is going to happen to you tonight, not on their watch. Lastly, he charged Ms. Cameron and Fire Chief Jones to let Council know how things are going, how their meetings are going, and how things can be changed internally, and how that communication channels can be better.

Mayor McCaa stated that the cart was put before the horse due to some of the verbiage in the MOU, stated that a resolution was probably needed before the MOU, and asked if it could be changed.

Mayor Pro Tem Umphrey stated that she shared most of my concerns on Tuesday, March 21, 2023 and thanked everyone for being extremely patient with her. She voiced her appreciation to Mr. Klassen, Association's President, as well as the other members that were helping answer those questions. She stated that she has enough information to move forward with a vote. She further stated that she does not disagree in that there can always be improvement on communication, and she hopes that no one is thinking that the Council does not think that there are no problems to address because they absolutely recognize that this is not a perfect system. Ms. Murphy is correct in pointing out that current Mayor and Council do not serve forever, but the Association President will also not serve forever, and while currently there are great relationships, those people will not be the same every time. Council Member Rodriguez stated that they are not lawsuit happy, and she cannot picture any future Association President being lawsuit happy either, but she knows that there is outside influence from larger organizations, and she does not know what they are going to have in mind. There is no doubt in her mind that if Council approves this, it will create division among the departments. It has created division on the dais. The current Council and those before have continuously demonstrated, year after year, a commitment to fully funding and doing the best that they could with what they have. To prove that, she went back and looked at older budgets and found that in 2010 when the Fire Department and EMS, their budget made-up 15 percent of the overall City's budget. The most recent budget has Fire and EMS making up 20 percent of the City's overall budget. Those are gradual increases and other departments stayed like what they were. The Council has made a commitment to doing the most that they can, and they will continue to improve upon everything that they can when an employee comes forward with a suggestion. An example that she can think about is currently being worked on that came up as strategic planning that came from an employee, who suggested employee discounts to be implemented across the board. In closing, she stated that if Council were to pass this, not everyone, would be operating under the same rules and regulations, or there is at least a possibility of that and that ties in with some of her other concerns. Lastly, she stated that she appreciates all the discussion had and she is glad that the Employee Council has a great chairperson. She also listened to their first meeting, and it was insightful, and she appreciates Matt Brown for taking a part in that and all the employees that are also participating.

Mayor McCaa addressed the division on the dais and noted that it is good to agree to disagree. Council does it with professionalism and it is a communication thing. Council talks it out and they have great discussions. Some things that are wanted, others do not. He stated that he is happy that Council can discuss things and sometimes it is not always yes, it is not always no, and that is the good thing about democracy.

Mr. Tim Wiedemann, resident of Sierra Vista since 1976 who was an Army brat, spoke on behalf of the firefighters. He stated that he has been in public safety for over 32 years, and he hears stuff about budgets, and he is a part of an association that has 1,200 members, and their association is not adversarial. They work together for a common cause, and this is what this is about. This is not about East Coast unions that will come in and slam the agency or the City. This is about giving these people a voice, a seat at the table to talk and if they do not work, there is going to be chaos because someone could die, both police and fire. He further stated that his union is the Arizona State Troopers Association, and they have worked well with the agency as they will come and ask how they can help with the legislature and get funding for

housing, for facilities, and for buildings as they are falling apart. This will give these firefighters a place to sit at the table, voice their concern without fear of retaliation.

Mr. Klassen, President of the Professional Firefighters of Sierra Vista, stated that the way that the agenda is written is putting the cart before the horse and this is not the way Meet and Confer progresses. There is a resolution to allow the meeting and conferring with Fire Chief Jones monthly or whatever they deem the schedule to go. To negotiate with the City Manager right out of the gate for an MOU is not the way business is done in this process. It is a long marathon process of Council allowing the firefighters to have on record that they their group can represent its employees, members and meet with Fire Chief Jones and come to a common ground and whatever topic it is to present to Council. The fire service and law enforcement are problem solvers, and they did not come before Council and ask to them to find a new way to do business. They have the solution as this has been done for over 30 years with so many different organizations. The State and almost every other municipality and fire district, law enforcement uses this to communicate. He then asked Mayor Pro Tem Umphrey why she is saying no. Mayor Pro Tem Umphrey stated that 23 out of the 91 cities and towns, and he stated every other.

Mr. Klassen asked how many of them have paid full-time fire departments and added that he would guarantee that most of them do not have full time paid fire departments or police departments. This is a communication component that they came up that has proven to work within the State, and they are problem solvers, and this just gives them a seat at the table. Moving forward with an MOU might not happen for two months, a year, two years, who knows, until they get to common ground, whatever it may be.

Council Member Benning stated that he was trying to push and make sure that everyone was clear on Tuesday, March 21, 2023 on what the resolution spells out. However, no matter what the vote is, he appreciates what Mr. Klassen is doing for himself and for the firefighters. He asked Mr. Klassen to not stop regardless of what happens. The more nose you get means that he is ruffling feathers and it means that he is making a difference; therefore, keep going until you get your yes.

Council Member Landry voiced her appreciation at everyone being present and pushing in what they believe in and talking to Council. She also appreciated the presentation, the work sessions, the executive sessions that have been had as well as the various discussions. This has brought a lot of things to the surface and in moving forward there will be some positive change. She added that on Tuesday, March 21, 2023, she mentioned that this was being pushed very quickly, but a lot of the discussion that has been had and the different research that she has done, she is at a point where she knows where she is at right and at this time, it is not the best course of action for many different reasons. There are a lot of underlying issues and a lot of things have been brought to the surface. Everyone has their own perspective and thoughts on the matter, and there are other different things that Council needs to pursue to make things better for everybody, for the whole.

Council Member Messmer thanked the Fire Association and the firefighters for coming before Council. She shared that she lost sleep over this decision, her second difficult decision since being appointed to Council, but she wants everyone to know that she does not take this lightly. It does sound simple, to communicate, but when the City Code is being changed and the way that the City is run, it is a big deal and that is that her concern. When they fundamentally change the way that the City is run, then it affects everybody. It does not just affect the Fire Department. Lastly, she stated that she hopes that they can continue to communicate no matter the way the

vote goes and fix everything within the Fire Department and within all the other City's departments.

Mayor McCaa stated that his position is known, it offers better communication, collaboration between all the parties. It is a proven method in the fire departments statewide. The Council has the last say and sometimes change is good. Sometimes change hurts, but change is needed.

The motion failed, 5/2. Mayor McCaa and Council Member Rodriguez voted yes. Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, and Messmer voted no.

Call to the Public

Ms. Joan Murphy stated that she has been circulating petitions around the City and has come across a lot of blight, homes where people have stuff all around the outside of their home that only have one exit, impossible to use if they have health issues, or a fire issue.

Comments and Requests of the Council

Council Member Johnson congratulated the firefighters of the year and noted that they perform a valuable service and have helped him more than once, announced that there will be over 700 bicyclists on the roads; therefore, he asked please to be careful when driving, stay off their phones, and to check social media for road closures.

Council Member Landry congratulated all the Fire Department employees of the year, commented that it was great to be a part of their awards event and to see that great culture that they have. She encouraged people to look out for the cyclists during the weekend because sometimes when one is driving and is focused on the other vehicles, it can be difficult to notice them. Lastly, she announced National Puppy Day and encouraged anyone that has a puppy or a dog in their life to give them a little bit extra love, and if they do not have one and they have extra love to give, to visit the animal shelter. The shelter has a lot of dogs there that could use a new home, a best friend, or to be taken for a walk. People can go out there and volunteer to walk them or provide a donation.

Council Member Benning thanked Rev. Smith for her blessing and commented on patience. There is an old saying about the wolf on the mountain, etcetera. Therefore, when something is pushed that is wanted, it is not going to happen for whatever reason because they are trying to get something. He commended Mr. Klassen and noted that fools are those that take no for an answer. Therefore, he asked Mr. Klassen to not stop and to keep doing what he is doing and to keep pushing what he believes in. Lastly, he congratulated all the fire firemen and women, and EMTs that won employee of the year, well deserved, and voiced his happiness at being able to help the School District.

Council Member Rodriguez stated that it is unfortunate to hear that House Bill 2061 is moving through, and encouraged people to educate themselves on things like this as much as possible when it comes to voting on bills because it is very important. It may look like it is good on the outside, but when it gets down to the local economy, it is going to influence the City. He further stated that due to unforeseen events, the Youth Commission will reschedule to Saturday, April 9, 2023, starting at 9:00 a.m. the cleanup across from the hospital. He then congratulated the firefighters and noted that it was good to be at their awards event, voiced his appreciation at all the comments from the public because whether it is in person or on Facebook, social media, it means people care enough to raise their voice, speak up, and wanting to be heard. Lastly, he

apologized for the horrible connection, but he is on his way to DC for a League Conference where he plans to connect with anybody that he sees that represents Arizona to make sure that they know that they represent Sierra Vista and Cochise County.

Council Member Messmer congratulated the firefighters and the EMTs, thanked everyone in attendance and those who commented, and announced that there is a craft bazaar at the Ethel Burger Center on Saturday, March 25, 2023 from 9:00 a.m. until 3:00 p.m., and the Dream Center's Mardi Gras party at the Knights of Columbus. She noted that tickets are available on Facebook.

Mayor Pro Tem Umphrey congratulated the firefighters and EMTs employees that were recognized as employees of the year, reported that she, Council Member Messmer and Mayor McCaa attended NETCOM's Civilian and MVP of the Year Ceremony, NETCOM's Women's History Month Observance, and Sierra Vista Behavioral Health Center's Ribbon Cutting Ceremony, a big deal for the City because they have five rooms for counseling, and they are fully staffed with counselors for all the rooms offering counseling services for ages six and up, and it will not matter if the person has insurance or not, or are underinsured. They will help patients with behavioral issues, conduct disorders, ADHD, body trauma, depression, anxiety, etc. for not just individual counseling but also family and marriage counseling.

Council Member Benning apologized for not recognizing former Council Member Calhoun earlier, who came out to support the firefighters.

Mayor McCaa thanked everyone present, congratulated the firefighters of the year, EMT's of the Year, Chief Jones, and thanked them for all that they do. The Fire Department as well as law enforcement, and first responders are making it happen, as well as the whole City, which makes it a pleasure to serve. He then remarked on the NETCOM Civilians of the year, and asked Mr. Klassen to keep doing what he is doing.

Adjournment

Mayor McCaa adjourned the March 9, 2023, meeting of the Sierra Vista City Council at 6:07 p.m.

Clea McCaa II, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk