



## CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the special meeting of the City Council of Sierra Vista held on the 6<sup>TH</sup> day of April 2023. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 4<sup>TH</sup> day of May 2023

SEAL

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

Maria G. Marsh  
Deputy City Clerk

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Jill Adams  
City Clerk

Sierra Vista City Council  
Meeting Minutes  
April 6, 2023

Mayor McCaa called the April 6, 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 - absent  
Council Member Angelica Landry – present  
Council Member Marta Messmer - present  
Council Member Mark Rodriguez – present

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  
Jeff Pregler, Planner  
Blake Fisher, Planner  
David Felix, Chief Financial Officer  
Judy Hector, Marketing and Communications Manager  
Adam Curtis, PIO  
Dianna Cameron, Management Analyst  
Tony Boone, Economic Development Manager

Invocation – Council Member Rodriguez led everyone present in prayer.

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

Council Member Messmer moved that the Consent Agenda consisting of the Special Minutes of March 22, 2023, Regular Minutes of March 23, 2023, and Resolution 2023-019, a Pre-Annexation Agreement for APN #106-71-327, be approved.

Council Member Benning raised a point of order and moved that the agenda for the Regular City Council Meeting of April 6, 2023, be approved. Council Member Messmer seconded the motion. The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Landry, Rodriguez, and Messmer voted in favor. seconded the motion.

Item 1 Acceptance of the Agenda

Presentations and Awards

The Mayor and Council presented a proclamation declaring the Month of April as Fair Housing Month to Matt McLachlan, Community Development Director. Mr. McLachlan stated that the resolution plays into the City's role of raising public awareness on the importance of fair housing and ending housing discrimination. He explained that housing discrimination can be subtle or can be verbal and can take many different forms. He encouraged people, if they are discriminated against, to reach out to the Fair Housing Council who can help seek recourse and provide legal assistance, or the Arizona Attorney General. In closing, he recognized Randy Wilcox who has a realty company in the community and is on the front lines to upholding Fair Housing Laws.

Mr. Wilcox stated that the Department of Real Estate reinstated a form for all tenants. He noted that anytime anyone buys a house, it is all about fair housing being implemented. He noted that at the beginning of the year this form is put into the broker's packages to remind all agents and the people that are seeking homes that they are protected. This also reminds the agents that they have a responsibility to provide fair housing for everyone. The form is also on their website to promote fair housing.

City Manager's Report: Mr. Potucek announced that the next work session is on Tuesday, April 25, 2023, at 3:00 p.m. in the Council Chambers highlighting the continuation of next fiscal year's budget and focusing on personnel costs. The next regularly scheduled Council Meeting will then be on Thursday, April 27, 2023, 5:00 p.m., also in the Council Chambers. He reported that the Road Runner Park Design RFP is in the Procurement Division as well as the RFP for the Garden Canyon Linear Park Phase II ADA Paths at Saint Andrews Drive. A bid was received for the Wastewater Master Plan that is currently under evaluation, and the Ramada Replacement for Veterans Park Project has been awarded to KKE&G and is estimated to be completed by June 30, 2023. He further reported that the February Sales Tax Report shows that the City is up 9.44 percent for the year (a lot of it was in construction sales tax, which may be a onetime shot). Therefore, budget staff might be able to increase the sales tax projection for next budget year. Lastly, he announced the upcoming retirement of Police Chief Adam Thrasher, which will be occurring in mid-July period.

## Item 2 Consent

Item 2.1 Discussion and Possible Action of the Special City Minutes of March 22, 2023

Item 2.2 Discussion and Possible Action of the Regular City Minutes of March 23, 2023

Item 2.3 Discussion and Possible Action of Resolution 2023-019, Pre-Annexation Agreement for APN #106-71-327

Council Member Messmer moved that the Consent Agenda consisting of the Special Minutes of March 22, 2023, Regular Minutes of March 23, 2023, and Resolution 2023-019, a Pre-Annexation Agreement for APN #106-71-327, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Landry, Rodriguez, and Messmer voted in favor.

## New Business

Item 3 Discussion and Possible Action of Resolution 2023-020, Restating the City's Commitment to Fair Housing in Sierra Vista

Council Member Benning moved that Resolution 2023-020, restating the City's Commitment to Fair Housing in Sierra Vista, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. McLachlan stated that HUD and local governments across the nation are celebrating fair housing during the month of April. He explained that 55 years ago, the Fair Housing Act was signed into law by President Johnson, one week after the assassination of Doctor Martin Luther King. The proclamation states that any person, regardless of race, religion, familial status, gender, sexual orientation, and disability is protected from housing discrimination. It is illegal across the country. The resolution before Council affirms the City's support for furthering fair housing in Sierra Vista, which is a requirement of the Community Development Block Grant Program.

The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Landry, Rodriguez, and Messmer voted in favor.

**Item 4** Discussion and Possible Action of Ordinance 2023-002, adding Chapter 34, Revenue Collection to Title III – Administration to the City of Sierra Vista Code of Ordinances

Mayor Pro Tem Umphrey moved that Ordinance 2023-002, adding Chapter 34, Revenue Collection to Title III – Administration to the City of Sierra Vista Code of Ordinances, be approved. Council Member Rodriguez seconded the motion.

Mr. Felix stated that City staff tries to collect money owed by customers, but when the customers are gone, there are not a lot of options available left. After staff has exhausted everything and worked with customers on payment plans, the accounts get sent to debt set off at the State. As a last resort, they get sent to collection agencies. State Law has recently changed, which now allows to add to the account that are due from the person those collection fee charges. Prior to the State Law change, the City would have to take that out of what was given, which can be up to 30 percent. For the City to be allowed to add to the account that are due from the person those collection fee charges, the City must change the City Ordinance to make this possible. The Ordinance before Council has been open for a 30-day comment period, and only one comment was received that stated that it is a great idea to pass the fees on to the customer who is delinquent. The City should not have to shoulder the additional fees in addition to not being paid in the first place. Approving the Ordinance would allow the City to pass the fees on.

The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Landry, Rodriguez, and Messmer voted in favor.

**Item 5** Discussion and Possible Action of Ordinance 2023-003, amendments to the City of Sierra Vista Code of Ordinances Articles 151.03, 151.06, 151.18, and 151.22

Council Member Rodriguez moved that Ordinance 2023-003, amendments to the City of Sierra Vista Code of Ordinances Articles 151.03, 151.06, 151.18, and 151.22, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. Pregler stated that at the Council's Regular Meeting on February 23, 2023, staff presented a series of Development Code changes that were unanimously recommended for approval by the Planning and Zoning Commission. No comments were received at the public hearings on the item or during the subsequent 30-day public comment period. The ordinance would adopt those amendments as proposed.

The first amendment pertaining to four separate articles of the Development Code relates to the Administration and Enforcement Article where minor changes are being included for the sake of clarity and consistency with current practice as it relates to the issuance of building permits, zoning compliance certificates and occupancy certificates. The second set of amendments relate to the special regulations for a particular use of section to establish permitting requirements and performance standards for unattended donation containers. These are for the donation boxes and commercial areas that are unaffiliated with the businesses on the parcel. The third set of changes concerns the site plan review process. These proposed changes will clearly delineate a three-tier review process to be calibrated in relative proportion to the degree of impact on the community and better help developers determine the appropriate review process. The final amendment deals with district regulations where staff is proposing changes to how lot coverage is measured and reductions to residential setback requirements to provide more flexibility in home design, particularly for wider homes with three car garages which is a growing trend. A multifamily zoned property that changes will also help facilitate compact redevelopment with more of an urban context on the West End. The changes to lot coverage standards are in line with required adopted requirements adopted by communities that were researched throughout the State and local analysis that was performed using GIS parcel mapping data.

Staff recommends that the City Council move to adopt Ordinance 2023-003 in accordance with the Planning Zoning Commission's recommendations.

The motion unanimously carried, 6/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Landry, Rodriguez, and Messmer voted in favor.

#### Call to the Public

CJ Wallace spoke about Agenda 2030 that has seventeen goals, all of which seem good, i.e., getting rid of world hunger, having prosperity, houses for all, no homeless, but at what cost is the question that needs to be asked. If it is a part of a one world government scheme or an agenda, that is not constitutional, and is going to take away freedoms, then the answer would have to be no. No offense to the person who asked, or to the offer.

#### Comments and Requests of the Council

Council Member Rodriguez recognized Kitchen Heat, Sierra Vista women's local pickleball champions in the audience, noted that they have no losses and went to the Arizona State Championship in Casa Grande, congratulated the Academic All Stars that were recently honored by the Sierra Vista Herald, and in particular congratulated Aubrey Travis, a Youth Commission Member. He reported on the Cars for Kids event and thanked the community members that were out there, as well as the sponsors, volunteers, the Boys and Girls Club who decorated the trophies, and noted that at that event, there were advocates for canines statewide, dogs that retire, and pay their vet bills, etc., until the dog passes away; but unfortunately, they do not have enough money to purchase bulletproof vests which are about \$3,000 each. He further reported that Hayden Animal Hospital out of Scottsdale donated to Sierra Vista first aid kits for its canines. Lastly, he thanked Wayne Dunham, Stephanie Rader, and the Sierra Vista Airport crew for the information that he asked for.

Council Member Landry announced that April is National Pickle Ball Month, announced that the Sky Island Pickleball Club, composed of 131 members, will be having their 4th Annual High Desert Classic Pickleball Tournament at the end of September, and encouraged people to visit

their website: [www.skyislandpickleball.com](http://www.skyislandpickleball.com). She thanked Mr. Wilcox, who sits on the Planning and Zoning Commission, Mr. Wallace for sharing his comments, and in closing, announced the Sky Island Summit Challenge that is forthcoming in May.

Council Member Messmer announced that the Sierra Vista Historical Society is having their Cinco de Mayo fundraiser at the Ethel Burger Center on May 5, 2023, from 5:00 p.m. until 08:00 p.m.

Council Member Benning shared that his fiancé is learning how to play pickleball, thanked Mr. Wallace for his comments, and commented that some of the Council Members are Veterans or are spouses of Veterans, and this month is the month of the Military Child. Therefore, he encouraged people to thank them and keep them in their thoughts. He then thanked his Lord for giving him his son, dying on the cross, and then resurrecting on Sunday. He wished everyone a Happy Easter and explained that Easter Eggs hunts are a long-standing tradition because in the formal days of Lent, eggs were forbidden food. Therefore, to celebrate Lent, people would decorate and paint eggs, put them on display, and then eat them on Sunday. Lastly, he stated that the February Sales Tax Report that shows that the City is up 9.44 percent for the year is good to hear because it shows the City that the eight percent that staff used for projections was a sizable number and it should ease some of the concerns.

Mayor Pro Tem Umphrey congratulated the State Champions, Kitchen Heat, and asked them to go before the podium to show off their banner, announced that the application window for the Sierra Vista Police Department's Citizen Police Academy is now open and classes will be held in the Police Department's auditorium once a week for 12 weeks from 6:00 p.m. until 9:00 p.m. However, they are limited to twenty-five people. She also announced that the Tombstone Brewing Company will have a Ribbon Cutting on April 18, 2023, and noted that a lot of people are looking forward to. In closing, she stated that Council Member Johnson is missed, and she looks forward to his return, and wished everyone a great weekend.

Mayor McCaa congratulated the Ponytail Softball and Little League Baseball of their opening season, voiced his appreciation, and asked people to be mindful of the speed limit of fifteen miles an hour over by Stonefield. He announced that the Council has a Congressional visit on Friday, April 14, 2023 and added that Senator Kelly will be present; although, he was in town on Monday, April 3, 2023 with Major General Anthony Hale to be briefed on the Council's Strategic Plan. Lastly, he reported that he spent Wednesday, April 5, 2023, with Senator Kyrsten Sinema and Congressman Juan Ciscomani in Bisbee talking about border issues and border crisis. In closing, he wished everyone a great Easter Weekend, Resurrection Day.

Council Member Rodriguez gave a shout out to the Avengers, Special Needs Sports Program, who were out as well on opening day with the Ponytail Softball and Little League Baseball, doing good things, shared that he is a 2017 Graduate of the Sierra Vista Police Department's Citizen Police Academy, announced that the University South Scholarship Foundation is opening up their applications for scholarships online, and thanked Karen, who is why he is currently in City Government, and Lily for training him in the Smoke Detector Program.

Mayor McCaa stated that he is sad to see Police Chief Thrasher retiring to go to improved things at Palominos Elementary School. In closing, he challenged his PE team to dodgeball against the Council.

Adjournment

Mayor McCaa adjourned the April 6, 2023, meeting of the Sierra Vista City Council at 5:35 p.m.



Clea McCaa II, Mayor

Minutes prepared by:

Attest:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk