

Sierra Vista City Council  
Meeting Minutes  
May 25, 2023

Mayor McCaa called the May 25, 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 (telephonically)  
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  
Irene Zuniga, Capital Improvements and Development Manager  
Matt McLachlan, Community Development Director  
Judy Hector, Marketing and Communications Manager  
Tony Boone, Economic Development Manager  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney

Invocation – Deacon Dottie Gutwein, St. Stephens Episcopal Church, led everyone present in prayer.

Pledge of Allegiance – Council Member Rodriguez led everyone present in prayer.

[Item 1](#) Acceptance of the Agenda

Council Member Messmer moved that the agenda for the Regular City Council Meeting of May 25, 2023, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Rodriguez, and Messmer voted in favor.

City Manager's Report: Mr. Potucek announced that the next work session is on Tuesday, June 6, 2023, at 3:00 p.m. in the Council Chambers and the regular Council Meeting is on June 8, 2023, at 5:00 p.m. in the Council Chambers as well. Following will be the annual budget work sessions scheduled to begin June 12, 2023, at 3:00 p.m. in the Council Chambers and if necessary, meetings are scheduled for June 13, 2023 and June 14, 2023, also at 3:00 p.m. in the Council Chambers. He also announced that City offices will be closed Monday, May 29, 2023 in observance of Memorial Day; therefore, refuse schedules will be different, Monday pick up will go to Tuesday, and Tuesday will go to Wednesday next week. He reported that the site prep and construction for the prefabricated bathrooms at Arbenz and Veterans Park are underway and are scheduled to be completed by the end of the fiscal year, June 30, 2023.

Marsh Development has started work on Fleet's restroom that should also be completed by June 30, 2023.

Mr. Potucek stated that it has been a rough week for the City's sewer system as there is a major sewer line failure at the corner of Highway 90 and Charleston, which staff is working on to get that project together to repair that as soon as possible. Also, a liner is broken at the sewer ponds and staff is currently evaluating that project as well. He reported that staff took the sales tax projection down from four percent to three percent in response to the last sales tax report which showed the City's growth of sales tax revenues up by only 11 percent than when it had been running eight percent and nine percent. In closing, he announced Police Deputy Chief Kosmider's retirement celebration on Friday, May 27, 2023, at 3:30 p.m. at the Police Department. He added that Ms. Hector will be retiring as well. He noted that they will both be missed, and he appreciates their service.

## Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the City Council Work Session Minutes of May 2, 2023

[Item 2.2](#) Discussion and Possible Action of the Special City Council Meeting Minutes of May 4, 2023

[Item 2.3](#) Discussion and Possible Action of the City Council Work Session Minutes of May 9, 2023

[Item 2.4](#) Discussion and Possible Action of Resolution 2023-035, Acceptance of Sewer Easements from Strr Investments, LLC, Economic Technologies, LLC, Mendelsohn McMillan Family Trust, Nemow Holdings, LLC, and Eyefly AZ Properties, LLC, for Public Sewer Main Extension Project.

Council Member Johnson moved that the Consent Agenda consisting of the Work Session Minutes of May 2, 2023, and May 9, 2023, Special Meeting Minutes of May 4, 2023, Resolution 2023-035, acceptance of sewer easements from Strr Investments, LLC, Economic Technologies, LLC, Mendelsohn McMillan Family Trust, Nemow Holdings, LLC, and Eyefly AZ Properties, LLC, for a Public Sewer Main Extension Project, be approved. Mayor Pro Tem Umphrey seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Rodriguez, and Messmer voted in favor.

## Public Hearing

[Item 3](#) Discussion and Possible Action of Resolution 2023-036, Amendment to Chapter 33, City Departments, City Code, and Declaring a 30-Day Public Record

Council Member Rodriguez moved that Resolution 2023-036, amendment to Chapter 33, City Departments, City Code, and Declaring a 30-Day Public Record, be approved. Mayor Pro Tem Umphrey seconded the motion.

Ms. Yarbrough stated that Chapter 33 of the Code of Ordinances, City Services, covers the scope of services provided by the five core operational departments in the City, law enforcement, Fire and Emergency Medical Services, Public Works, Park, Recreation and

Library, and Community Development and Planning. This change is a minor cleanup on a conflict found with the Personnel Rules and Regulations regarding contracts for executive staff. It will be placed on public hearing followed by a 30-day public comment period after which it will return to Council for consideration as an ordinance.

Council Member Rodriguez asked if there was a contract problem because it stated that the position director is declared a classified service. Ms. Yarbrough stated that he is correct. The ordinance specified that the director positions were classified service and they cannot be contract if they are classified.

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

#### New Business

[Item 4](#) Discussion and Possible Action of Resolution 2023-037, Project Year 2023 Community Development Block Grant (CDBG) Program Annual Action Plan

Mayor Pro Tem Umphrey moved that Resolution 2023-037, Project Year 2023 Community Development Block Grant Program Annual Action Plan, be approved. Council Member Benning seconded the motion.

Mr. McLachlan stated that staff is seeking Council's permission to submit the City's Program Year 2023 Annual Action Plan to HUD for next year's Community Development Block Grant funding. He further stated that the plan includes \$162,575 for installing 10 to 12 fire hydrants in the Montebello Neighborhood, which is located southeast of Charleston Road and Giulio Cesare. United Way will receive \$15,575 for a variety of assistance programs that they have successfully carried out in the past. Additionally, Cochise Family Advocacy Center will receive the same amount for increasing public awareness of their center and providing direct client services to assault victims. Southern Arizona Legal Aid will receive \$6,000 for expanding their outreach and education efforts for their free civil legal aid services benefiting low to moderate income folks.

One comment was received from the public during the 30-day comment period, which closed on May 17, 2023. The individual questioned the amount budgeted for administration. The \$50,000 that was set aside for next year will be used to update the City's Consolidated Plan. Less than one percent of the overall Community Development Block Grant funding has been used for planning administration over the last four years, and the Department has a good track record of focusing the funding on projects and services.

In terms of next steps, HUD will have 45 days to review and approve the application. Staff anticipates receiving the grant agreement late summer, early fall, and there should not be much in the way of design on the fire hydrant project; therefore, staff anticipates that being completed during the program year.

Council Member Rodriguez asked about the neighborhood stabilization goal. Mr. McLachlan stated that the City has used CDBG funding in the past for addressing slum and blight conditions, specifically demolition. The Department has had sufficient funding in their abatement budget to cover those expenses and have not had to use Community Development Block Grant funding, but that is a possibility in future annual action plans to augment the abatement budget with Community Development Block Grant funds. Also, if Council is inclined, they could charge

code enforcement for doing proactive enforcement in the target areas. However, that has not been presented in the past. The Department is getting by fine with the two officers; but there are options available to implement that strategy and that can be considered with the update to the five-year consolidated plan.

Council Member Rodriguez stated that he asked because if the Department were to run through their budget on the abatement side of things, the City could then use some CBDG money because it would fall under neighborhood stabilization. Mr. McLachlan stated that he is correct.

Council Member Benning stated that he would recuse himself from the vote because he is the Vice President for United Way. Mayor McCaa thanked Mr. McLachlan for his work and recused himself from the vote since he is a part of the triage for United Way.

The motion unanimously carried, 5/0. Mayor Pro Tem Umphrey, Council Members Johnson, Landry, Rodriguez, and Messmer voted in favor. Mayor McCaa and Council Member Benning recused themselves.

[Item 5](#) Discussion and Possible Action of Resolution 2023-038, Independence Village Preliminary Plat, Lots 1-376

Council Member Benning moved that Resolution 2023-038, Independence Village Preliminary Plat, Lots 1-376, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. McLachlan stated that this is a preliminary plat application for a 376-lot subdivision being brought forward by Castle and Cooke of Arizona. This is the first step in the subdivision development process, followed by public improvement plans and then final plans for each phase. The application has been reviewed and approved by the Development Review Committee and the Planning Zoning Commission, finding that the application complies with the City's land development regulations. This is the first development proposal for the Tribute Specific Plan, which encompasses 1,916 acres located north of Buffalo Soldier Trail, east of Highway. 92.

The Tribute Specific Plan was approved by the Council in 2006. The property is entitled for just under 7,000 units. Tribute is envisioned as a coordinated master plan community that will offer a range of housing types in a traditional neighborhood format. The overall land use pattern concentrates commercial between the highway frontage and Ben Franklin Boulevard. The vision is for a walkable mixed-use Town Center to develop along the first two blocks of Saint Andrews Drive.

A map was displayed that depicted sub areas in pink are designated for high density residential development, although staff is currently reviewing a site plan application for a charter school shown on the map as the H3 sub area. Charter schools are permitted across all zoning districts.

Independence Village is proposed to develop in the M1 sub area which is designated for medium residential density residential use. The 109 acres represents about six percent of the overall specific plan area. The build out of the neighborhood will occur in 12 phases starting west and east of the main entrance off Saint Andrews Drive. Thomas Jefferson Boulevard and the temporary emergency access will support the development of the first one hundred lots. The second access in the subdivision will be constructed with the third phase. Francis Lewis Street will connect with Ben Franklin Boulevard to the west, which will be developed concurrent with the school. The third access from Greenbriar Drive will be constructed prior to the

commencement of phase seven, which starts with the Lot 198, and the fourth access to the south would be built in connection with Phase 12. Staff finds that the preliminary plat in the proposed phasing meets the City's access requirements.

Mr. McLachlan displayed a graph and stated that the initial build out will feature different product types. The graph showed the groupings of lots by size. The darker yellow areas will contain lots around 6,000 square feet, the lighter yellow areas will be around 7,000 square feet, and the green areas will be 9,000 square feet and up. There is some variation within the sub areas, but they are standardized.

The neighborhood will be served by two detention basins along the eastern property line. Temporary basins will be constructed during the development. At the heart of the neighborhood will be a three-acre neighborhood park that will be reminiscent of Chaparral Village Park. In terms of development standards, the subdivision will be exclusively single family with one dwelling unit per lot. The maximum building height will be capped at 28 feet. The minimum required setbacks will be ten feet on the front and the rear, five feet along the sides, with the stipulation that the front face of the garage be set back at least twenty feet from behind the sidewalk to avoid encroachment issues.

Perimeter access to the neighborhood will be provided by Saint Andrews Drive and Greenbriar Drive which are classified as collector streets. Saint Andrews Drive will go from a commercial to a residential profile east of Ben Franklin Boulevard, and there will be 10-foot-wide shared use pass along both sides as well as the landscape median. Thomas Jefferson Circle, the main entrance will also have a landscape median. The interior residential streets will be twenty-eight feet wide with four-foot-wide sidewalks along both sides. The south half of Saint Andrews Drive and the west half of Greenbriar Drive will be constructed in accordance with the phasing plan.

There are four specific findings that must be satisfied to grant preliminary plat approval. Staff finds the application is consistent with the City's General Plan and the Tribute Specific Plan Development Code requirements. The property is physically suitable for residential use, and it is not likely to cause substantial environmental damage or cause serious health problems.

Council Member Rodriguez asked if high density and dwelling units limited to 28-feet in height refer to apartments, lofts, etc. Mr. McLachlan stated that the density descriptions are a bit of a misnomer. He added that he would not consider four units per acre to be medium density. He would consider that a low density as they are at 3.21 units per acre. Therefore, high density means multi-family. However, it could be conventional suburban type multi-family, or it could have more of an urban format based on the allowances in the Tribute Specific Plan. Within the mixed-use Town Center that could also be a mix of retail, office, and residential uses vertically or horizontally mixed-use. High density under the specific plan means multi-family land use types could be condominium, owner-occupied or rental.

Council Member Rodriguez asked about the name of the charter school. Mr. McLachlan stated that it is the American Leadership Academy.

In response to Mayor Pro Tem Umphrey, Mr. Coffman stated that they are delighted to be before Council as this has been a long time coming, held up originally by the Great Recession, and then by the great lawsuit that kept them out of business for quite a while. He introduced Tate Wilcox, Director of Construction, and Kathy and Renee, salespeople, and their engineer that came in from Bakersfield, California, and Las Vegas from Macintosh Engine Engineering. He further stated that they also have several their trade partners who are working with them on

this and are looking forward to moving forward. He explained that the first phase, 376 lots, will be worked on for five to six years, and there is no high density included in this. These are straight, single family, one house per one lot. However, there are areas within the Tribute Specific Plan that do allow higher density uses, mixed uses and a more urban feel which is what they want to see happen in that part of the community to develop an area that is both commercial and residential that people can walk to work or walk downstairs and have a cup of coffee. It is going to be a while before that happens before the market develops for that, but that is certainly their plan and that is incorporated in their thinking on this.

Council Member Rodriguez stated that the citizens of Sierra Vista are going to ask about the timeline; therefore, he would like to know how many years before the City may see the next one and the next one. He added that Mr. Coffman gave a great presentation at the Hispanic Chamber event whereby he explained a lot of stuff, but people were not there. Mr. Coffman stated that it is going to be market dependent. Today the market is good, but their biggest problem is not selling houses, it is being able to build them and deliver them. Those are not the supply chain issues that everyone heard about, although they still have some of that, but there are more labor force issues. They have an inadequate labor supply locally and it is hard to build houses as quickly as people would like to have them. If they see improvements in the labor force situation and in the supply chain, he hopes that they get through these 376 lots in four or five years. Their first phase will be one hundred plus or minus lots in the three different product types, three different lot sizes.

Council Member Benning thanked Mr. Coffman for being present and stated that the Council has been talking about this forever, but it is finally here and hopefully everyone can see plans and dirt move.

Mayor Pro Tem Umphrey thanked Mr. Coffman for attending the Council Meeting and the Planning and Zoning meetings, where a lot of questions were answered for Mayor McCaa, Council Member Messmer and herself.

Mayor McCaa thanked Mr. Coffman and noted that it is a long time coming, which is extremely exciting.

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

#### Item 6 Discussion and Possible Action of Resolution 2023-039, Request to Proceed with Alleyway Abandonment from Cyr Center to North Avenue

Council Member Messmer moved that Resolution 2023-039, a request to proceed with an alleyway abandonment from Cyr Center to North Avenue, be approved. Council Member Benning seconded the motion.

Mr. McLachlan stated that this is a City-initiated abandonment request involving two alleyway segments in the vicinity of North Avenue and Cyr Center. The process begins with the Council's authorization to allow staff to proceed with the two public hearings that are required before the Planning and Zoning Commission and later City Council. This matter was instigated by a complaint about the east/west alley being gated as entrance from North Avenue. The current property to the north believes that the former owner was granted permission by the City. It only recently came to the City's attention that it was gated off and under the City's ordinances, public alleyways cannot be encumbered.

Based on a review, the alleyways never fulfilled their original intent of providing vehicular circulation through the neighborhood. The segment to the east that carried alley traffic through to the Taylor Avenue was previously abandoned. The right-of-way for extending Frehaige to the south between North and Taylor Avenues was also abandoned, cutting off north-south continuity. Staff consulted with both property owners that adjoin the alleyway and they concur that with the proposed abandonment petition moving forward. As part of the process, staff will be reaching out to utility companies to make sure that any needed easements are secured in advance of the abandonment. If it is approved, the property will revert to the adjoining owners along the center line of the alleys.

The property owners are working out a separate private ingress egress easement to provide driveway access from North Avenue that will be recorded simultaneous with the abandonment, and they will both have access through the gate.

Council Member Rodriguez noted that alleyway two is currently abandoned but is used by parents that park there for the soccer fields. He added that it will no longer be abandoned because it will be the property of the adjoining property owners, and he wonders if the property owner could ask people not to park on the property. Mr. McLachlan stated that he is correct, post abandonment the property accrues to the adjoining property owners along the midpoint; therefore, it will be private property. He added that he was not aware that people are parking in the public alleyway.

Council Member Rodriguez stated that the City finished the big parking lot, which is nice, but eventually what will be needed is a nice sidewalk that goes from that parking lot to the Cyr Center. Mr. McLachlan stated that the City installed a multi-use path.

Council Member Rodriguez noted that it is on one side, but parking gets weird there because it is just fences and dirt, and he is not sure how this will change things for people parking there. A lot of people park there, and they block people's businesses because they do not use the big parking lot. There is movement there when there are sporting events, especially soccer. Mr. McLachlan stated that he was informed by Ms. Zuniga that there is a project on the Five-year Capital Improvement Program List to address that need. This is in a target area for CDBG funding that could also be considered in a future annual action plan as well.

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

#### Call to the Public

Mr. Greg Brown shared that he recently had the misfortune to have a sewer line at his house dug up for the second time in four years. The first time it was in the yard, and that was all on him, and he understood that, but insurance does not pay for that. The second time the sewer line portion that needed to be repaired was under the sidewalk, and currently the City does not cover anything as far as the sewer line is concerned for the property owner. The property owner is responsible for it all the way from their house out to the middle of the street where it ties into the main sewer line. He added that it cost him \$9,688 to have two sections of the sidewalk removed, dig down seven or eight feet, repair the sewer line, fill it back in, and then repair the sidewalk. If it had gone out into the street, it was going to cost him \$15,000. He suggested that the City take responsibility from the property line out to the main sewer line. The homeowner would remain responsible from their property line back into their house.



## Comments and Requests of the Council

Council Member Landry voiced her appreciation at being able to call in to attend the meeting, wished everyone a happy and safe holiday weekend, and announced that there is a lot going on in the City at Veterans Park on Saturday, May 27, 2023 after the Summit Challenge.

Council Member Benning welcomed back Council Member Johnson and noted that he is glad to see him in good health, apologized for not being present during the work session on Tuesday, May 23, 2023, and thanked Council Member Rodriguez for setting up a tour for the Palominas Elementary School. He shared that when the students went through Procurement, the kids did not understand what Procurement is and what buyers do, but Ms. Downing talked to them about the Procurement Department, however, once the kids were going upstairs to Council Chambers, he overheard two little girls talking, and one of them stated that she was going to be a professional shopper for a living. Lastly, he wished everyone a safe weekend, and stated that he looks forward to attending the Wine, Beer, and Spirit Festival.

Council Member Johnson asked for prayers for the parishioners of the First Presbyterian Church and St. Stephen's Church that were tragically burned in Douglas during the week, which are suspected to be arson. He congratulated all the graduates, noted that there are a couple of graduations during the evening, Tombstone, Benson, and Buena High that ties up all the traffic in his neighborhood, stated that he is also looking forward to attending the Wine Fest on Saturday, May 27, 2023, at 12 noon, and noted that Memorial Day is not a day to honor veterans, but an honor to those that gave their all. He announced that at the Southern Arizona Veterans Cemetery on Monday, May 29, 2023, at 8:30 a.m. there will be a service and a ceremony that is always very moving. Lastly, he voiced his appreciation at everyone's concerns, and apologized for missing the last two work sessions due to his doctor visits and tests, but he did keep up through YouTube to see what was going on at the work sessions.

Council Member Messmer reported that the museum has had over a thousand visitors, and announced that starting in June, the museum will have Fossil Friday, where a fossil is taken out and gone through in depth. She encouraged people to visit the Jurassic Wonders at the museum and wished everyone a great Memorial Day and great weekend.

Council Member Rodriguez announced that gas is on sale at Circle K for \$0.40 off, which is causing some traffic issues, but it ends at 7:00 p.m., announced that the University of South Foundation is currently accepting applications for an \$8,000 scholarship, but the application process closes on June 12, 2023. He stated that recently he went to a graduation at Buena High School where there were some scholarship recipients, which he got to meet them in person. He wished farewell to Mr. Saul Pichardo from Texas Roadhouse, who has been an amazing asset to the community, donating food, and now he is moving on to Casa Grande. He thanked Ms. Angel Rose of the Palominas Elementary School, who requested the third-grade field trip at City Hall, thanked City staff, Council Members that helped, Mayor McCaa, Police Department, Fire Department, Sheriff Office, and Animal Control. Lastly, he thanked Deacon Gutwein for her amazing prayer and reminder that anybody in public service should hear because it had a lot of good points that really hit home for him.

Mayor Pro Tem Umphrey echoed everything and noted that everyone is rushing because there is another graduation to attend after the Council Meeting. She congratulated the graduates, gave a special shout out to the City's four new officers and Douglas' new officers as well as Cochise County, Greenlee County, and FEMA. Lastly, she stated that with retirements coming



up, everyone is going to miss Deputy Police Chief Kosmider, wished Council Member Landry on her hike on Friday, May 26, 2023 as she is doing all three peaks.

Council Member Benning congratulated Mayor Pro Tem Humphrey on receiving her associates.

Mayor McCaa shared that he visited Raymond Bragdon, gentleman that got hit by a local car driver, who was recently released from the hospital. On his behalf he thanked the Fire Department, the responders, and the Police Department, the first on the scene, who put his arm in a tourniquet. He noted that Mr. Bragdon's only concern when being airlifted was not being able to attend his son's graduation. He asked people to continue to pray for him and reported that he only has a broken wrist and a severely bruised right leg. He also thanked Police Chief Jones and Police Chief Thrasher for all the things that they do to protect the City and making sure that that everyone is safe. He further stated that he, JP Lang, and Mayor Pro Tem Umphrey enjoyed the Fort Huachuca Ball, where the speaker was Four-Star General Vincent Brooks. He congratulated the 2023 graduates of U of A College of Applied Sciences and Technology, Cochise College, Berean Academy, CAS Charter High School, and the 1984 Buena High School Alumni. In closing, he asked that during the Memorial Day weekend, people honor and remember the soldiers who fought and died in US wars.

#### Adjournment

Mayor McCaa adjourned the May 25, 2023, meeting of the Sierra Vista City Council at 5:46 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