

Sierra Vista City Council
Meeting Minutes
August 10, 2023

Mayor McCaa called the August 10, 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

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Chris Hiser, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure, Parks, and Library Director
Sharon Flissar, Public Works Director
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Jennifer Dillaha, Budget Officer
David Felix, Chief Financial Officer
Mark Slania, IDA Attorney
Dimitri Simonton, IDA President

Invocation – Randy Youngblood, Thunder Mountain Church, led everyone present in prayer.

Pledge of Allegiance – Mayor Pro Tem Umphrey led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Landry moved that the agenda for the City Council Meeting of August 10, 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.

Presentations and Awards

[Heinfeld Meech and Company, P.C. presentation of Fiscal Year 2022 audit as required by Arizona Revised Statute §9-481](#) – Michael A. Hoerig, CPA, stated that this is a statutory requirement that started a couple years ago that city's audit firms must present the results of the audit to Council. The audit is verifying management's representations about the financial statements, that those numbers are in accordance with GAP, the generally accepted accounting principles. That information is reported to the various stakeholders, whether it be citizens as well as grantors, federal grantors, state grantors. A lot of these reports, especially the single audit

goes to the federal oversight so that they can see what the City has done with the money and that they have spent it in the way that it was applied to spend it when the City applied for these various grant awards.

The 2022 audit was done about a year ago. The auditors do onsite work in September and November and a significant amount of work remotely. Therefore, even if staff does not see the auditors, they know that for two weeks there will be a significant amount of work that they are doing back and forth through e-mail and then ultimately in the spring, in March, April, May is when the report is issued as the audit is finalized.

The various reports are the Communication to Governance, Annual Comprehensive Financial Report (ACFR), as well as the opinion that goes in the ACFR, Single Audit Report, the Expenditure Limitation Report (ELR), and the Highway User Revenue Fund (HURF), a management letter issued this year as well.

The ELR and HURF are ancillary and required under state requirements. The Communication to Governance letter is a professional auditing standard requirement that is issued directly to the City Council, not to management. This is the auditor's communication, and it is meant to be a summary of what they saw during the audit, the things they did not see. The following are sections of the letter:

- Accounting estimates and that the financial statements include accounting estimates.
- There were no difficulties in performing the audit.
- There were no disagreements with management in terms of financial reporting or the scope of their audit.
- Audit adjustments

Mr. Hoerig noted that if they propose any audit adjustments, this would be indicated in this section.

- Section with several attachments, one dealing with fraud that is more than an awareness type thing, council's responsibility, management's responsibility, and the importance of those internal controls to detect and prevent fraud to the extent that is possible.

The ACFR is prepared by management. The auditor comes in and provides their audit opinion on that. The ACFR was dated in May, and it was a clean or unqualified audit opinion that essentially means that the numbers are reliable. There are no material misstatements in those numbers that the audit procedures would have detected or did detect. The AFR has already been submitted to GFOA for their award program.

There were not any accounting policy or procedure type differences in the financials this year; but GASB 87 was a significant difference, and it applied to everybody in the nation. GASB is a Governmental Accounting Standards Board, and they dictate how the financial statements are supposed to look as a government. They issue no pronouncements, which seems like a lot recently, but 87 was one of the most recent. This required a significant amount of time on city staff part to look at the different agreements that were effective during the fiscal year and determine if they fit into this new definition of what leases are under GASB standards. In the end, the effect on the City's audit, the City's financials, was that the City did record a cell tower receivable, the ultimate effect for the City of Sierra Vista. In many governments, they took on a lot of debt because GASB 87 required to book debt that they had not previously booked in prior years due to the new GASB pronouncement. For the City of Sierra Vista, it was not a huge

effect, but it did add a significant amount of work for the staff to research what was needed for that new pronouncement.

The other part that takes a lot of the audit work is the Single Audit Report, kind of two pieces of the report. The auditor reports on the financial statements and the controls over the financial statements and on federal compliance. Uniform guidance, single audit, whenever an entity expends over \$750,000 in federal awards, they are required to do a single audit and that is what this report is focusing on. It looks at the financials and it looks at the federal compliance piece.

Mr. Hoerig stated that he highlighted some pages for Council, Page 6, Schedule of Expenditures of Federal Awards (SEFA). This is the driver for the single audit. Auditors are required to look at major or the more material federal program, community investment that was the EMS Substation, federal transit cluster that was the Vista Transit Program and the Coronavirus State and local fiscal recovery federal money, which came from the Governor's Office for firefighter salaries and benefits. These are the three major programs that the auditors looked at, but there are a multitude of different federal grants and awards that the City expends every year. Those three were the most material for Fiscal Year 2022, hence the focus of the audit for the federal piece.

Pages 10 and 13 have some findings noted. Page 10 deals with findings related to financial statement reporting. Page 13 a finding just related to some federal compliance reporting. As part of the single audit report, there is a requirement that management provides the response and that is on the end of the report, Pages 15 to 18. This is an opportunity for management to demonstrate that they understand the finding, recognize the finding, and that they have a plan going forward on how they will address the finding.

Lastly, Mr. Hoerig thanked the staff that the auditors worked with directly.

Council Member Rodriguez asked if the cell tower that was mentioned, the communications at the EMS station. Mr. Hoerig stated that there was a cell tower at the Transit Center.

[Presentation by David Felix of compliance with Arizona Revised Statute §41-1494](#) - Mr. Felix stated that as part of the law that went into effect, with the auditors needing to present their audit report at a regularly scheduled council meeting, the State Legislature also came up with the rule based off an incident that happened back East that the governing body shall apply compliance with §41-1494. The Statute states that a governing body is not to fund or force any employee to go to a training that assesses blame based on race, gender and so on. There has been no instruction of how this is supposed to be done, no guidance on what the governing body is supposed to certify; but what the City of Sierra Vista has done in working with the City Attorney, is to do a presentation to say that this has been looked at, personnel monitors it, and the departments have not spent their training budgets on any sort of training like this. Training budgets are tight and there are important things that people need to do, i.e., certifications to do their jobs for their own health and wellbeing, pesticides, EMS, fire, etc. This is where the money is spent. Also, this has nothing to do with sexual harassment. That is different, but no staff member would ever send an employee to any sort of training that would qualify for this. In closing, he stated that the City of Sierra Vista has not seen any cases of this, and we would not be doing this.

City Manager's Report: Mr. Potucek thanked Michael Hoerig with Heinfeld and Meech, longstanding partners, for performing their audit services for the City and doing a great job. He explained that an audit of a municipality is different than the IRS audits. They are here to help

the City identify potential problems that the City may have had during the last year or identify areas where potential problems could arise and recommend solutions. He also thanked Mr. Felix and his staff for coming up with yet another clean audit, which he is sure that another award is on its way to the City because of their work. He announced that the next regularly scheduled work session is scheduled for Tuesday, August 22, 2023, at 3:00 p.m. in the Council Chambers and the next regularly scheduled Council Meeting is on August 24, 2023, at 5:00 p.m. in the Council Chambers. He also announced that the Realtime Crime Center Project in the Police Department should be finished by August 25, 2023, and Police Chief Heiser would be happy to arrange a tour for Council. He stated that he thinks that this is a step forward for the City in terms of law enforcement in the community. He then reported that the SEACOM Joint Powers Authority Board Meeting was well attended. The main items that came out of that were the welcoming of the cities of Bisbee and Wilcox aboard as members. Therefore, Mr. Pauken and Mr. Blaschke are now on the Board, and it is now a six-member board as opposed to a four-member board. It is great and the Board is hoping to work on the City of Benson as well. The other items discussed were the agreement to have mutual aid with the City of Douglas and the Board's vote to extend a contract for permanent employment to Tammi-Jo as the permanent Director that should be voted on at the next JPA Board meeting. Lastly, he reported that the most sales tax report was not as robust as everyone would like. While it was up just over 3.3 percent, the retail sector was only up \$1,300 or .08 percent, a flat sales tax report. Staff is hoping that this is the summer doldrums, but staff will keep an eye on that, but they have seen some strange fluctuations in the sales tax numbers.

Mayor Pro Tem Umphrey stated that the Mayor of Cananea had stated that the workers at the mine had received big bonuses during May. She asked if the May reports had been looked at. Mr. Potucek stated that Mr. Felix is aware of that, but he does not yet have those numbers.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Special Meeting Minutes of July 25, 2023

[Item 2.2](#) Discussion and Possible Action of the Work Session Meeting Minutes of July 25, 2023

[Item 2.3](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of July 27, 2022

Council Member Messmer moved that the Consent Agenda consisting of the Special City Council Meeting Minutes of July 25, 2023, the Work Session Minutes of July 25, 2023, and the Regular City Council Meeting Minutes of July 27, 2023, 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.

New Business

[Item 3](#) Discussion and Possible Action of Ordinance 2023-007, Fiscal Year 2023-2024 Property Tax Levy

Council Member Rodriguez moved that Ordinance 2023-007, Fiscal Year 2023-2024 Property Tax Levy, not to exceed the \$0.1056 per each One Hundred Dollars of the assessed valuation of all real and personal property in the City of Sierra Vista subject to taxation, be approved. Council Member Johnson seconded the motion.

Ms. Dillaha stated that in accordance with State Statute, the City held a public hearing on the FY24 primary property tax levy on July 27, 2023. There have been no public comments. With Council's approval of the ordinance, the rate will be set at .1056 per \$100.00 of assessed value, which will generate an estimated \$382,261.00 this fiscal year. This will finalize the budgeting process for FY24.

Mayor Pro Tem Umphrey stated that everyone should be paying around the same amount that they paid last year.

Council Member Benning stated that since he has been on Council, five years, the City has not raised the tax levy. This shows the City's budgeting process and how good it is as well as the audit. He voiced his appreciation at not raising taxes and keeping things the way that they are, even with what is currently going on with the economy.

Council Member Rodriguez stated that he looks forward to the upcoming years and asked everyone to keep in mind that the City will be losing \$500,000 on rental taxes.

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

[Item 4](#) Discussion and Possible Action of Resolution 2023-061, Funding Agreement with the Arizona Department of Emergency and Military Affairs in the amount of \$108,000.00 for the purchase of five (5) P25-Compliant in-car dual band radios and eight (8) grappler devices with associated installation costs and replacement nets

Council Member Johnson moved that Resolution 2023-061, a funding agreement with the Arizona Department of Emergency and Military Affairs in the amount of \$108,000.00 for the purchase of five P25-compliant in-car dual band radios, and eight grappler devices with associated installation costs and replacement nets, be approved. Mayor Pro Tem Umphrey seconded the motion.

Police Chief Hiser state that the purpose of this resolution is to formally approve the acceptance of the funds in the amount of \$108,000 from the Arizona Department of Emergency and Military Affairs. The five in-car radios that will be secured with this funding, which will help with the day-to-day communications when they are installed in the vehicles, and they are monitoring pursuits and communication with other entities. These vehicle radios are dual band radio, and they will enhance communication abilities. The Grappler devices are new, and they are not something that the Police Department has not yet possessed. The only agency currently in the area that has them is the Highway Patrol. The Sierra Vista Police Department has seen them firsthand on how effective they are at safely ending vehicle pursuits. Therefore, when the Department acquires these items and get the training on how to deploy them, they will be using them to safely end some vehicle pursuits that are seen regularly. These will also help directly with public safety.

Council Member Rodriguez stated that all the agencies in town do a really good job of keeping the chases out of town. However, yesterday there was one in town that caused some property damage, went through a fence in people's backyard. Not to say that a grappler could have helped, but it could have been a resource to have, and hopefully these will not take long in being delivered. He noted that he is aware that they are on back order. This will be a nice tool to have in the City to hopefully help with those chases that unfortunately make it through the City.

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

[Item 5](#) Discussion and Possible Action of Ordinance 2023-008, Amendments to Chapter 94, Section 94.03, Park Hours, of the Code of Ordinance

Council Member Benning moved that Ordinance 2023-008, amendments to Chapter 94, Section 94.03, Park Hours, of the Code of Ordinance, be approved. Council Member Johnson seconded the motion.

Ms. Wilson stated that this item recommends edits to the City Code of Ordinances, Chapter 94, Section 3, for park hours. The requested edits establish the closure hours for a variety of the City's sports fields and parking lots. The fields and parking lots would be closed at dusk if not in use or one hour after the last reservation. It will also establish closure hours for Pickleball and tennis courts between the hours of 10:00 p.m. and 5:00 a.m. This item was presented to Council on June 22, 2023, during a regular Council Meeting as a public hearing item, and a 30-day public comment period was established. There have been no public comments received regarding the proposed changes to-date. These edits have been reviewed by and unanimously recommended by the Parks and Recreation Commission.

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 2023-062, Accepting a Grant from the Federal Aviation Administration (FAA) for a Master Plan Update

Council Member Landry moved that Resolution 2023-062, a grant from the Federal Aviation Administration in the amount of \$510,000 that includes a \$464,406 federal share along with a \$22,797 state match and a \$22,797 local match for a Master Plan update, be approved. Council Member Johnson seconded the motion.

Ms. Flissar stated that this agenda item will accept a grant from the Federal Aviation Administration for an update to the City's Airport Master Plan. The Master Plan is required to be updated every 10 years, and the last Master Plan and Airport Layout Plan update was completed by the City and accepted by the FAA in April 2014. The purpose of the Master Plan is to provide the City with guidance for revisions to existing infrastructure and opportunities for future development at the airport.

Typical elements of a Master Plan include an inventory of existing conditions, forecast for future air traffic and development, facility requirements and alternatives analysis, recommended development, and a capital improvements and financial program. The Master Plan has a 20-year horizon. The project list is of interest to the City and the FAA as it identifies grant eligible projects for the yearly Airport Improvement Program grant process. The FAA has accepted the project as eligible for an AIP funding and has offered the City a planning grant in the amount of \$510,000, which includes \$464,406 of Federal funding from the FAA, \$22,797 from the Arizona Department of Transportation as a State match, and a \$22,797 match from the City of Sierra Vista. This project is included in the City's Fiscal Year 24 budget with the potential matches. The time frame for the Master Plan would be about a year and a half, and there will be multiple opportunities for stakeholder involvement during that time.

Council Member Landry thanked everybody who has a hand in looking for the grants, preparing for the grants, applying for all grants, whether they are awarded or not. She stated that is great to see this.

Council Member Rodriguez stated that these are crucial grants that the City needs badly at the airport. Anyone wanting to see what an airport looked like in 1985 should go look at the airport because this is how it currently looks. The City needs to get some progress out there, and hopefully this will help soon because the City needs to grow the airport.

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

[Item 7](#) Discussion and Possible Action of Resolution 2023-063, Proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Education Facility Revenue Bonds (Champion Schools Project) Series 2023 in an amount not to exceed \$35,000,000

Mayor Pro Tem Umphrey moved that Resolution 2023-063, proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Education Facility Revenue Bonds, Champion Schools Project, Series 2023 in an amount not to exceed \$35,000,000, be approved. Council Member Benning seconded the motion.

Mr. Slania, Counsel to the Sierra Vista IDA, stated that this matter before Council is a matter of a statutory requirement. The City Council must approve and has done before for other Sierra Vista IDA revenue bonds. This is a charter school that is already up and operating at these locations. They have been leasing the locations and they are looking to buy those locations. All the planning, zoning, etc. is already in compliance. This is a financing so that the school can move forward with the acquisition of their school sites. These will be publicly offered, which means they will be offered by RBC Capital Markets, and there will be an offering document so that it is publicly sold as unrated bonds. They will be required to have an investor letter in compliance with federal securities law so that the buyers know what they are buying.

Council Member Benning noted that the IDA President, Dimitri Simonton, is in the audience. He then thanked him and Mr. Slania for being present.

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

[Item 8](#) Discussion and Possible Action of Resolution 2023-064, Proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Charter School Revenue Bonds (Delta Academy Charter School Project) Series 2023 in an amount not to exceed \$30,000,000

Council Member Rodriguez moved that Resolution 2023-064, proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its Charter School Revenue Bonds, Delta Academy Charter School Project, Series 2023 in an amount not to exceed \$30,000,000, be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. Slania stated that this one is slightly different, but it is the same concept. The Council is approving the proceedings of the Sierra Vista IDA; however, this is a charter school located in Nevada. Under the Arizona Industrial Development Financing Act, the Sierra Vista IDA, just like

all the other IDAs, can act in state or out-of-state. This is a 501C3 nonprofit charter school. Therefore, under the federal tax law, they both must hold a public hearing in Sierra Vista, which Mr. Morro, on behalf of the Sierra Vista IDA held, and a public hearing held in North Las Vegas where the school will be located. This is acquisition of an existing facility and they have been leasing the site already, so they are looking to purchase the site. This is allowed under the IDA Act. The benefit coming back to Sierra Vista is the fee that the Sierra Vista IDA will be receiving on an annual basis from the issuance of these bonds and a portion of it will go to the Economic Development Fund.

Mayor Pro Tem Umphrey noted that this one is about \$20,000 a year and then \$24,000 for the last one. Mr. Slania stated that he is unable to provide an exact number because the resolutions are for a not to exceed number. The actual bond issue, the amount will be based on the final amount of the bond that is issued.

Council Member Rodriguez thanked Mr. Slania for pointing out the return, what comes back to the City, and how that affects the City locally. Some may not understand that there is a benefit to it on the back end. He added that he would love to see where they are at, in the past few years, and how much the IDA has been able to do with those funds.

Council Member Benning stated that if anyone has not been out to the Economic Garden Center, they should. A lot of the funds are going towards it. The City is sponsoring small businesses or incubator businesses out there. The IDA is one of the most active, finding the bonds to issue, the people in need to bring that money back to Sierra Vista to use it. The Council had the UA Technology Center come out to Sierra Vista and the IDA is working close with them and getting involved with the with the Economic Garden. The concept is used a lot in larger cities; therefore, it is nice to see a small town like Sierra Vista using this concept and building and growing together.

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

Demetry Simonton introduced Mr. Mateo Luna-Borquez, who will be overseeing the Young Entrepreneurs Academy that the IDA is looking to bring in.

Comments and Requests of the Council

Council Member Benning thanked Pastor Youngblood for the invocation, stated that the Thunder Mountain Church has a good facility, leadership and a place to worship, thanked Mr. Slania and Mr. Simonton for being in attendance, and welcomed Mr. Luna-Borquez to the IDA.

Council Member Johnson had nothing to report.

Council Member Landry asked for help from the community who may be willing to foster cats or kittens. She stated that there is an urgent need for fostering and if people are interested in that they may contact the Cochise County Humane Society or the Friends of the Sierra Vista Animal Shelter. They provide the food and supplies. She added that one of the things that the community can do, is to spay and neuter their pets. The Friends of the Sierra Vista Animal Shelter and other organizations offer vouchers and support that helps cover the cost of

spaying/neutering to make it more affordable. Lastly, she noted that a great thing about adopting from the shelter is that the animals are already spayed and neutered.

Council Member Messmer reported on the Sports Tourism and Film Authority that is coming to Cochise County. She stated that it was interesting on how the Cactus League is trying to be brought closer to the Warren Ball Field. She noted that they took a tour with Ms. Wilson, and they were very impressed with the City's sports facilities.

Council Member Rodriguez gave a shout out to Animal Control and stated that he witnessed two officers rescuing an injured hawk. He thanked the local businesses that have been doing things for the students in getting ready to go back to school. He announced that on Friday, August 18, 2023, there will be a Cochise County Veteran Stand Down, where provided will be information regarding benefits, mental health services, picture ID's, free haircuts, employment assistance, etc. at the Ethel Berger Center at 9:00 a.m., the Superintendent Roundtable for Education at 12:00 p.m. at 102 Fab Avenue on August 18, 2023, where any issues may be brought up concerning education. He then shared that he was able to see some canine training on August 9, 2023, on Fort Huachuca. Canines from the Cochise County Sherriff's Office, Benson, Fort Huachuca, and the Sierra Vista Police Department participated. They hold training on most Wednesdays, and they go around the County to see each other's training methods. Lastly, he commented that he suggested to some soldiers on Fort Huachuca that are thinking about getting out of the Army soon, that they go on a ride along with the Police Department. In closing, he encouraged support of the youth fundraisers and noted that a lot of people are selling their fundraisers tickets for \$10. This past weekend they had the big Colts Jamboree at the football field and this weekend is opening week; therefore, there will be a lot of youth football going on at the new field.

Mayor Pro Tem Umphrey thanked staff for putting together the Spotlight breakfast, an excellent job presenting, background work, and video that was a freeze frame. She noted that the video was put online, which she has shared with many people. She shared that she sometimes feels like the day has dragged, but when she looks back, it is always fascinating to see how much has been accomplished in the City in such a short amount of time, which makes her feel proud. She thanked everyone for all their hard work and reminded everyone of the upcoming Council Meet and Greet on August 17, 2023, at 11:00 a.m. at the Chamber of Commerce. In closing, she shared that she has been going to the Cove in the morning at 5:30 a.m. and noted that everyone at the Cove is professional and nice first thing in the morning, such a great experience.

Mayor McCaa gave a shout out to Ms. Flissar and the crew down at the Environmental Operations Park. He stated that he had the opportunity to sit with Jerry, Carl, and David, who showed him their operations, an intense operation and eye opener. He also gave a shout out to Haven Health which he visited during his walk on Wednesday, August 9, 2023, as well as the Keller Williams Realty and Great Ace Hardware, which are all doing amazing work with their businesses. Lastly, he wished everyone a great weekend and announced that it is the first day of Little League and encouraged everyone to be out there cheering on the Blue Coats.

Adjournment

Mayor McCaa adjourned the August 10, 2023, meeting of the Sierra Vista City Council at 5:45 p.m.

Clea McCaa, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk