

Sierra Vista City Council  
Work Session Minutes  
August 22, 2023

1. Call to Order

Mayor McCaa called the August 22, 2023, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Clea McCaa – 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  
Gabriel Squires, Public Works Internal Operations Manager  
Matt McLachlan, Community Development Director  
Gilbert Fuentes, Code Enforcement Officer  
Jessica Vannoy, Code Enforcement Officer  
Jeff Pregler, Planner  
Adam Curtis, Marketing and Communications Manager  
Tony Boone, Economic Development Manager  
Dianna Cameron, Management Analyst  
Barbara Fleming, Human Resources Manager  
Mike Cline, Management Analyst  
Glenn Hohoman, SVVMIF Chairman  
Frank Liebsch, SVVMIF President

2. Presentation and Discussion:

A. August 24, 2023 Council Meeting Agenda Items ([agenda attached](#))

Mayor McCaa stated that the agenda starts with the call to order, roll call, invocation led by Pastor Sanders, followed by the Pledge Allegiance led by Council Member Johnson and presentations and awards.

Item 1 Acceptance of the agenda – There were no changes needed.

In response to Mayor McCaa, Mr. Potucek reported that the Airport fuel and refueler supplier contract was awarded to AVFuel Corporation and Epic Fuels as a backup vendor in case there are issues with fuel supply, and the commercial pool resurfacing, Cove wave pool, was awarded to Superior Pool Plastering Management that came in at \$603,000; however, the City budgeted \$600,000, but the work will start in mid-November, six to eight weeks to complete. He announced that the Real Time Crime Center should be done by Friday, August 25, 2023, and added that on that same day at 3:00 p.m. will be the Promotion Ceremony at Police Department.

Council Member Benning asked about sales tax numbers. Mr. Potucek stated he does not have any yet available, maybe on Thursday, August 24, 2023.

## Item 2 Consent Agenda

Item 2.1 Discussion and Possible Action of the Work Session Meeting Minutes of August 8, 2023 – There was no discussion.

Item 2.2 Discussion and Possible Action of the Regular City Council Meeting Minutes of August 10, 2023 – There was no discussion.

Item 2.3 Discussion and Possible Action of Resolution 2023-065, Acceptance of the Resignation of Aubrey Travis from the Sierra Vista Youth Commission

Mayor McCaa stated that he does not want to see Ms. Travis resign, but she has a couple of volleyball commitments that she needs to attend. Council Member Rodriguez stated that she is doing good things for the community and herself.

Item 2.4 Discussion and Possible Action of Resolution 2023-066, Appointment of William Indelicato to the Sierra Vista Transportation Commission, said term to expire April 30, 2025

Council Member Benning stated that Mr. Indelicato attended the last Council Meeting, and he was given information to check out the Transportation Commission. He and Ms. Flissar spoke to him about it, and he took action to join.

In response to Council Member Rodriguez and Mayor Pro Tem Umphrey, Council Member Benning stated that Mr. Indelicato is active duty and will be able to serve his two-year term on the commission.

Public hearing Item 3 Discussion and Possible Action of Resolution 2023-067, Codification of Code of Ordinances and declaring a 30-day Public Record - Ms. Adams stated that this is a housekeeping item. This resolution and the ordinance, 30-days out, are the final two parts of the process when Council passes ordinances, annexations, rezonings. This is the publication portion of the process that the City Clerk's Office does every 12 to 18 months depending on the number of ordinances that are passed. This process ingrains these ordinances in the City's public permanent record and are published. The City Clerk's Office has a few hard copy books of the Code of Ordinances that are maintained at City Hall.

Ms. Adams explained that this is not a public comment period because there is no purpose for public comment. All these ordinances became law after they were passed and had their 30-day waiting period. This is an administrative function that if approved on Thursday, August 24, 2023, 30 days after, staff will bring it back as an ordinance, and then request that American Legal Publishing publish the inserts for the books. She further explained that when these are passed, the ordinances are sent to them; therefore, the ordinances are already on the website. Lastly, she stated that anyone may look up the Code of Ordinance on the City's website and find that all of these are already baked in. This is just the official City Hall book.

Public hearing Item 4 Discussion and Possible Action of Resolution 2023-068, Request for a Conditional Use Permit, Chabad of Sierra Vista, 597 E Fry Boulevard – Mr. Pregler stated that this is a request for a conditional use permit at 597 E. Fry Boulevard for a place of worship and a community center. The request is by the Chabad of Sierra Vista and the site is two parcels, one used for parking, and the other contains the building. In total the area is about 9,000 square feet and the applicant's rationale in moving to this location is that they can expand their offerings and services to the community.

Mr. Pregler displayed a map of the site located at the northwest corner of Fry Boulevard and 5th Street. The property was annexed in 2016 and the building was previously used as a place of worship. However, it was vacated in 2019 because that church moved to a different location in town. It has been four years since the previous church occupied the building; therefore, the nonconforming use is no longer vested, and a conditional use permit for the place of worship is required per the

Development Code.

A Google Street View was shown of the of the site depicting that there is parking to the east, parking to the south, and access along Fry Boulevard and 5th Street.

Staff filled out the requested use that is consistent with the adjacent commercial properties. Activities from the place of worship will primarily be on Saturdays, which will have minimal impacts on the adjacent properties. The parking is adequate for the proposed use; however, 18 spaces are required by the Development Code and there are only 16 spaces on the site. Based on some flexible parking that is in the Development Code, they can reduce the minimal parking spaces by two and so the 16 spaces do meet the Development Code requirements for minimum parking standards. The applicant states that there will be about three to eight individuals per service.

There is an eight-inch sewer line adjacent to the property that is adequate for the proposed use and per the traffic manual, 25 vehicle trips on Saturday will be generated by this use which can be accommodated by both Fry Boulevard and 5th Street.

The Planning Zoning Commission heard this request on August 15, 2023, and unanimously recommended approval to City Council. The City did notify all property owners within 500 feet of the property and no comments have been received.

B. [Presentation by the Sierra Vista Veterans Memorial Improvement Foundation \(SVVMIF\)](#)

Frank Liebsch, Sierra Vista Veterans Memorial Improvement Foundation (SVVMIF) President, stated that his presentation will cover the project and foundation overview, existing agreements that the SVVMIF has with the City, their design and construction plans, design specifications, timeline, and cost.

Mr. Liebsch introduced Board Members, Ken Kingsley and George Monken and stated that the SVVMIF's purpose is to improve the Veterans' Memorial at Veterans' Memorial Park. They intend to put in a V-shaped trail called Veterans Trail with a series of 14 monuments along the way that will memorialize military service members throughout history and across military branches. At the apex of the V-shaped trail there will be a patio and it will be a special place with the flagpole, the current monument, and a planter seat wall that can be a place where ceremonies may be held for events. There will also be mounted dedication tiles on the seat wall and along the spaces of the monument's pavers, veterans' names can be engraved and placed there by their family or friends, which serves to help fund our project as well.

The SVVMIF was started about seven years ago and it has taken the SVVMIF a while to get off the ground in getting through the nonprofit status and incorporation. The SVVMIF is composed of veterans' representatives, and they work closely with veteran service organizations throughout the area to gain support for the project and get their input and approval for what the monuments content will be. The SVVMIF has bylaws, and they are an enduring organization that will hopefully be able to transfer the asset that they produce to the City in 10 years. During past meetings that the SVVMIF has had with the Commissions and the City Council, the City has agreed with this plan and its improvements. A resolution was passed and there is a draft MOA that will be resubmitted for approval once they have all the content of the monuments produced, all the images and the inscriptions.

This memorial should serve all the veterans, their families, and all the community within the Greater Sierra Vista area and throughout Cochise County. Twenty percent of the area's population are veterans; therefore, it is a significant portion of the community. The SVVMIF's design has been produced by a commercial organization, Wheat Design Group. They are landscape architects, and their plan is suitable for putting out a request for proposals. They did a very good job for the SVVMIF and produced an animated video of the project: <https://www.youtube.com/watch?v=Si7kzoMBxj4>.

Veterans Trail is a V-shaped trail that will connect the west and the east parking lots. It will be 12-foot wide, and 6-feet of the width will be paved to provide easy access, especially for those with disabilities. The other six feet will be the paver area that surrounds the 14 monuments that will be installed. At the apex there will be a plaza or patio and it will have the flagpole and the planter seat wall. The existing benches will be repositioned to keep those within the scope of the memorial upgrade. The path in all its length will be about 400 feet longer because each of the monuments takes up a physical space of about 48 inches in width and they are 24 inches deep, 36 inches high.

The image space on the monument will be 24 by 36 inches and below the image there will be an inscription area with a short and concise description about the monument theme. Accommodations/constraints include the need to have watering facilities installed for the flower bed and lighting for the flagpole and entrance. The flagpole replacement will be a shorter one than it is currently. The City had asked the SVVMIF to replace it with a shorter flagpole so that the City's tools could reach the top of the flagpole and eliminate the need to hire a commercial firm to reach the top of the flagpole for maintenance.

Council Member Rodriguez asked if the City currently has a vehicle that can reach the top of the flagpole for maintenance. Ms. Flissar stated that the tallest vehicle that the City has is one of the Street Division's bucket trucks and she would need to verify the height on that. However, she does not believe that it has changed substantially, although the Department is getting a new one during the fiscal year. Mr. Potucek stated that Fire Chief Jones has a couple, but he does not believe that they would do well on the dirt at the park.

A slide displaying the details of the monument paths, patio, entrance ways to the V-shaped trail as well as a close-up of the design details that the firm's landscape architect produced was shown to Council; which SVVMIF has used in soliciting bids for the first phase of the project.

There are 14 monument themes and each one is to recognize a portion of the military community, Soldiers, Marines, Airmen, Coast Guardsmen, and the Guardian Members of the Space Force. The current monument list includes five military branches; therefore, this process of improving its location and appearance will also produce a new face on that monument that includes a Space Force logo in addition to the five that are currently there, Army, Navy, Air Force, Marines and Coast Guard.

A slide was shown that depicted the right-side column where indicated will be which of the veteran or service-related organizations are helping with the curation for the images, a good buy in from the public. The SVVMIF is still pursuing one or two of the monuments for a curator to develop images and inscriptions.

A layout was shown of superimposed monuments that would be positioned based on their seniority, location of the trees, and vegetation. The SVVMIF does not intend to destroy any of the trees that are currently there and each of the monuments will have a similar appearance, a black granite face and the images developed will be inscribed by computer, a fine granularity. On the monument face there will be an inscription which describes the theme and the veterans. On the right side of the monument there will be an attribution for the organization or VSO that helped curate the monument with the images and inscription to recognize their efforts.

The SVVMIF has talked to military history organizations on Fort Huachuca for curation support, reached out to military service organizations, historical websites, and coordinated with the local veteran service organizations, either to be a direct curator or to help others in curating images for these monuments.

The SVVMIF relies for funding on public contributions or business and corporate contributions. There is also the Memorial Paver Program, where the public may recognize their family and friends who are veterans. The SVVMIF also makes use of the Millions for Tucson Raffle and each year the members sell those tickets mostly for operating costs. The SVVMIF is active in pursuing grants from various local, state, and federal agencies.

The sequence and approach for building the Veterans Trail would be to first put in the path, the planter seat wall, the pavers, and the flagpole. This first phase, if the SVVMIF has enough funding, would start by the second quarter of next year. Currently they are at about 20 percent of their goal for starting Phase One, which will take about \$100,000 to begin construction; however, the SVVMIF is roughly at about \$25,000. The second and third phases will involve the acquisition and installation of the monuments. The SVVMIF envisions a second phase for the first seven monuments, a third phase for another seven monuments, and each of those will run between \$18,000 and \$24,000. The SVVMIF estimates about \$10,000 to update the current monument with the organizational structure and the addition of the Space Force as one of the military services.

To-date the SVVMIF has raised about \$33,000, but on hand, they have close to \$25,000 due to major expenses of the site survey and landscape design plan. The SVVMIF has had some donations from Legacy SVVMIF of Southeast Arizona, SSVEC, Fort Huachuca's Sergeant Majors Association, Military Officers Association of America. Grant requests have been submitted to the Arizona Veterans Donation Fund, Congressionally Directed Spending, Arizona Community SVVMIF, Mellon Foundation, etc., but the SVVMIF has not had much luck with these yet. However, the Foundation learns from each submission and try to improve to meet their standards for consideration. Local and business contributions have exceeded about \$9,500.00 and the memorial pavers have raised about \$3,200.

The SVVMIF needs to get to about \$100,000 for Phase One to start breaking ground; however, before breaking ground the SVVMIF will circle back to the City Council for final approval before any of that work starts. Phases two and three will be done in increments of \$20,000 per monument. Three bids were submitted in Phase One efforts to process some of the grant requests. The total project cost will be anywhere between \$380 and \$450K. The SVVMIF intends to fund the entire cost of the construction, maintenance, and upgrades for ten years. The draft agreement with the City agrees that the City will assume the cost after that period.

Points of contact were provided: Glenn Hohman, SVVMIF's Chairman and Frank Liebsch, SVVMIF's President. The SVVMIF has a website: <https://www.svvmif.org/> where described is all the information about the project as well as an animated video of the concept: <https://www.youtube.com/watch?v=SI7kzoMBxj4>.

Council Member Rodriguez thanked Mr. Liebsch for the presentation, the SVVMIF, and noted that he has seen the members out on the ground, literally at every event working hard in getting donations. He added that this is a lot of money to raise, but the SVVMIF is doing it on its own. He further added that asking for grants is good and if Council knows of any grants that may be tailored to the SVVMIF's work, they will point them towards the SVVMIF. In closing, he stated that currently there is a good veteran memorial; however, it is good to see this update to include new service and all the historical statues.

Council Member Messmer asked if the bids received were current. Mr. Liebsch stated that the SVVMIF received those bids last year when they were submitting their grant package to the Arizona Donation Fund. The bids ranged from \$95,000 up to \$165,000; however, the SVVMIF was forced to go to the lowest one to try to get their foot in the door and get the trail started. Once that path is in there, even if it is just one monument, it will attract a lot more public attention and empathy for raising funds and helping.

Council Member Benning thanked Mr. Liebsch, noted that Mr. Hohman used to attend the Parks and Recreation Commission because he used to be the Commission's chairman and would provide updates. He stated that being on the dais provides Council with the opportunity to talk to a lot of individuals who want to do a lot of things for the City. Some of them are just talk and some, like the SVVMIF are wanting to really do something. He commented that Mr. Liebsch and Mr. Hohman have been putting their feet to the pavement and getting things done. Lastly, he stated that during one of his most recent meetings with the Veterans Transition Training Alliance, he invited them to the Council work Session because they also want to do something to the park. He encouraged them to talk to the SVVMIF and discuss the project, partnering, and bringing different veterans together.

### C. [Update on Code Enforcement](#)

Mr. McLachlan stated that there are many facets to the neighborhood revitalization strategy. The focus of the presentation is going to be on the code enforcement process and the steps that the Department goes through to resolve complaints based on the nature, scope, complexity of the violation, and the cooperativeness of the property owner. Individual circumstances drive the process and the associated time frames to reach compliance. The Department has a two-person team, Jessica Vannoy and Gilbert Fuentes, topnotch professionals with deep roots in the community who are dedicated to enforcing property maintenance codes across the City.

Mr. McLachlan stated that he cannot understate the value of Ms. Vannoy and Mr. Fuentes' local knowledge, community relationships, and ability to communicate with people across all walks of life because it makes a huge difference in the Department's effectiveness.

A part of the program is interfacing with groups that have adopted various areas within the City including multiuse paths, tennis courts, washes, and streets. The Department estimates that four tons of trash are being removed on annual basis by these volunteers. This also includes coordination on the Adopt A Highway Program administered by ADOT.

Code Enforcement also supports the Better Work's effort, which includes transporting and overseeing the workers, identifying cleanup sites, providing necessary equipment, roll offs, and tracking man hours.

Ms. Vannoy and Mr. Fuentes also accompany Corporal Borgstadt at least twice a month on proactively engaging homeless encampments around the City to stay on top of that situation. They also interface with state agencies such as ADOT, State Land Department, APS, and CPS while doing their jobs, and they also support and coordinate with other departments, Finance, Public Works, Parks, and the Police Department. Last fiscal year they distributed over 100 notices for delinquent sewer/sanitation accounts to great effect. Mr Fuentes assists with Spanish translation, traffic control, removing debris from the roadway and other matters. They are always looking for ways to be of service.

A chart was displayed that illustrated the allocation of focus which fluctuates based on the number of cases that come into the Department, but staff is responsive to initiating an investigation within 24 hours of receiving the complaint.

Issues and challenges are due to:

- Remote property owners, LLC's and trying to find names and phone numbers of responsible parties, which can be difficult.

Mr. McLachlan stated that while letters are the official way to communicate, the Department gets better results by talking with people. Some landlords do not invest in maintaining their properties and let them run to the ground. The Department investigates complaints to ensure minimum housing and life safety codes are being met when invited inside the rental property by the tenant.

- Foreclosure homes being broken into by squatters was a bigger issue in 2015. However, the foreclosure registry that was passed by Council is helping the Department to better communicate with the bank asset managers in making sure those are responsibly maintained.
- Grandfathered uses that do not go away in older neighborhoods is another issue that the Department is dealing with, but those units on those properties are nearing the end of their useful life.
- Illegal dumping often incurs out of sight, making it difficult to track down the violator. When it occurs on public land or City streets, it is the Department's responsibility to clean it up.

- Staying on top of weeds and overgrowth ahead of fire season and through the monsoons is always a challenge by virtue of the number of cases. Fortunately, most of those issues are resolved promptly by the homeowner as soon as they are contacted.

A list was displayed of the top common complaints in addition to grass and weeds growing above 12 inches, trees and vegetation that can also overhang a sidewalk or interfere with the visibility of traffic control devices needing to be pruned back. If it is something minor, Mr. Fuentes will prune them back using the shears that he keeps in his truck. Otherwise, the team will contact Public Works to deal with that or the homeowner when it is their responsibility.

Also displayed was a chart showing the breakdown of the highest percentage cases over the past year. Illegal dumping, trash accumulation, blight, inoperative vehicles, unsafe structures, basketball hoops in the right of way, excessive animal waste, or other violations are handled on a routine basis.

The Department concentrates on the cases that pose the most impact to neighborhoods in terms of health and safety, chronic nuisance properties that have recurring or repeat violations, graffiti, broken windows, trash accumulation, and those violations that are most visible to the community along major roadways. The Department investigates all complaints, but staff will prioritize their time based on the gravity of the violations.

Informal and formal means are used to achieve compliance. The best-case scenario is catching an owner at home and having a conversation with them about the situation. The issues are pointed out which enables them to gain an understanding. If contact is unavailable, a door hanger is left indicating the nature of the violation with the staff's card and contact information. Staff will then follow up with a notice of violation.

Ms. Vannoy stated that Code Enforcement works with people as much as they can because citations are not something that they do very often, and if it gets to that point, it is serious. Every case starts the same way, the Department gets the violation, staff goes out, verifies if the complaint is valid or not, and tries to make contact. If nobody is home, a door hanger is left, and they go back to the office and input all the information into the system along with case photos and send out a letter. A follow-up inspection is scheduled two weeks later. Hopefully, in that two-week span after staff has initially gone out, they will hear from the owner, and see what the issue may be.

A typical case, especially during monsoon, is overgrowth. There are many overgrowth complaints this time of year. Staff goes out to see if it is over the 12-inch limit per Code, if it is, a door hanger is left, or they will talk to the people there. They will then see who all is involved, whether it is a tenant, rental company, or simply the owner. They will then get a letter which states the City Code violation and what they need to do to correct those violations. After the two weeks, staff will go back out and if it is cleaned up, staff will simply close out the case. However, if it is not, staff will reestablish contact to find out what is going on with the noncompliance and go from there.

Staff can go through three different processes to accomplish the mission depending on what the violation is. The more serious the violation, the more time the Department tends to give people to correct it. For instance, an overgrowth case, two weeks, picking up animal waste, two weeks max. However, during the monsoon, they will get a week, but if it is a more serious issue, i.e., a bunch of junk debris, inoperative vehicles, and it is something that is going to take time, money, and effort, staff will work with those people as much as possible.

The number one issue, especially with vacant properties, is a 30-day abatement. This can only be used for abating overgrowth and light debris. The 30-day abatement is used when there has not been any compliance. This is a legal notice that is sent out that is authorized by Mr. McLachlan or the city attorney. The notice is to notify them that in 30 days if they do not take care of the issue, the City is going to take care of it for them, and that whatever that cost is, they will be billed, and if they do not pay the bill, the City is going to place a lien on their property. Then staff does another 30-day inspection and decides if it has been done or not. If it is not done, the Department will hire a

landscaper and get it done.

An Administrative Consent Order is not used often; however, it has been used a few times in eight years, with the most recent case being at 11 Whitton Street. The house burned and inside were a lot of animals, etc. The owner's insurance was not going to pay for anything because she was under insured. This was a very long and heartbreaking process for the owner; therefore, the owner was brought in and explained where the City was at versus what she needed to do. This was a very unsafe structure, and everything had burned. There was a lot of hazmat, animal matter, etc. involved as well. Therefore, an agreement was drawn between both parties, which was recorded onto the property, and then from there she authorized the City to go ahead and hire a contractor to demolish everything by placing a lien on her property that still exists. In this case, because she agreed, she did not have to get a citation, go to court, and make it messier than it was.

Gilbert Fuentes stated that most of complaints are resolved and there is compliance better than 90 percent. Staff goes back after two weeks. The letter states that Code Enforcement will drive by to ascertain that everything has been taken care of. They do not have to stop, and they will then come back to the office and close the case. However, when they do not comply, staff will then follow up.

Administrative orders are not generally done because when the property is bad and Code Enforcement must go in there and either remove property or seize property, they need the assistance of the Police Department; however, no police officer is going to stand by while the City seizes another person's property without a court order. This is the reason why the next step involves getting an Administrative Court Order.

The Department will do a petition to the court, send it to the city attorney, who reviews it, and gets it sent to the court. The case gets on their calendar and a court date is scheduled. Once that is done, Code Enforcement and the city attorney must go to court. If the property owner shows up and is cooperative, there is a regular hearing, and they are given 30 days to rectify the issue. However, if the property owner does not show up, the hearing is held without them, and the court issues an order for the City to abate the condition. Code Enforcement then serves that court order and has a police officer accompanying them. However, prior to this, there must be a bid process if it is over \$10,000, but if it is under \$10,000, a direct hire may be done.

A police officer must be there to make sure that everything is safe, and that people are cleared out of there before work starts. Code Enforcement either goes as far as demolishing the property or just cleaning up around it where there is a lot of litter debris. There are usually a lot of inoperative vehicles, bicycles, etc.

An example of a court order situation was the case on 5th Street where there have been a lot of problems. The first two were 108 and 111. Both property owners were cited, but they did not clean up. The City donated roll offs that accomplished nothing but a temporary cleanup. However, as soon as that roll off was gone and the City was no longer sponsoring, the property got junked up again. Finally, Code Enforcement went to court with these people and physically removed them from the properties and had the properties demolished and cleaned up.

Mayor McCaa asked if this is the same process that will be used for the property on 7th Street. Mr. Fuentes stated that most likely, but currently they are cleaning it up themselves. They called the Department because they wanted to see how the process was done. They have cleaned up a lot, but there is still a lot there. Ms. Vannoy added that they will be going back to court on Tuesday, August 29, 2023. Mr. Fuentes stated that the decision can be made at that time between Code Enforcement and the City Attorney whether they will be granted additional time because they have been cleaning up. He added that the DA was involved in a search warrant there and there are some other issues going on. The City may just say that enough time has been provided and it is not yet done; therefore, the City is going to step up and do it within two or three days and get it all removed. However, the City has done that before on properties and if the same people are still there, it turns back into the same place after six to eight months, i.e., 42 W James that recently changed ownership and are in the process of getting it cleaned up. The City spent a few \$1,000 to remove



debris from that property, but the same people were still there, and it got junked up again after eight months.

Council Member Rodriguez stated that he has spent a lot of time in Code Enforcement's office and has noticed that there are a lot of emails and phone calls about different properties, and Code Enforcement is tracking it. He voiced his appreciation of the log that is kept for years so that they can go back years and years on some properties, some of this is just a cycle. Code Enforcement is limited on a budget and then once it is gone, that is pretty much it. Staff tries to be as frugal as they can, and they do not have a lot to work with, and not a lot of people to work with because it is just Ms. Vannoy and Mr. Fuentes. He added that he has witnessed them picking up shopping carts and that is not in their scope of work, breaking up fights, and helping the Police Department. He noted that he is aware that they do not receive the nicest emails or phone calls because he has seen them as well, but they continue to do their job. Lastly, he stated that Ms. Vannoy and Mr. Fuentes have been with the City for a while and have dealt with a lot of things. He then asked what type of legislation would help them, or what kind of codes can be improved on to help, and what is holding them back that they run into at the state level that Council could talk about to the State Legislators to make the City a better place. In closing he stated that he is aware that a lot of it comes to homeowner's rights, normally a good thing, but when it takes three years to evict somebody because of the rights they have, even though they are misusing those rights, it is frustrating. Mr. Fuentes stated that it does not take that long to evict somebody, but the Department must go through the process of getting them served. Generally, it should be about 30 days to get somebody evicted.

Council Member Rodriguez stated that he meant to say foreclosures. Mr. Fuentes stated that the problems that they run into with the State is the lack of funds coming out to Sierra Vista. The State has a lot of land in the area, and it all gets junked up. The State has come out in the past, but it is not enough of a routine. The Better Work Program has helped in cleaning up those areas, but the program can only be used on City or State Land because it cannot be used to clean up private property with their workers and funds. The program has made a big impact and currently they are not hitting the fields because it is too hot. However, in late September, early October time frame, they will start hitting those fields again as they have taken a lot of debris out of those City and State properties.

Mr. McLachlan stated that the City's Property Maintenance Code was modeled after the International Property Maintenance Code which is the industry standard across most jurisdictions in the country. The biggest challenges are with the LLC's buying property within town and the difficulty in connecting with the irresponsible landlords that are not investing in their properties. The Department is hamstrung by the State in terms of a rental inspection program. This is not something that the Department could charge a fee for, and it takes a supermajority vote by the Council. The Department does not have the manpower and another building inspector would be needed to carry out something like that where they would be inspecting rental properties on an annual basis throughout the City. Lastly, he asked that everyone continue to spread the word and communicating with the public on the City's standards, which may be below what their standards are, and legislatively, he believes that the Department is well covered with Chapter 150 of the City Code of Ordinances. It is always a challenge with property owners that do not share the same values as the rest of the community.

Council Member Johnson asked if there are any fines that are imposed other than abating the property and billing the owner or the occupant of that property. Mr. McLachlan stated that it depends because first time violator fees are lower than repeat violators. Ms. Vannoy added that the fines start at \$250 for first time violators for residential. From there it doubles every time they reoffend. Since the City must go through the Justice of the Peace V, they retain all those fines, and the City does not see any of it. Mr. McLachlan shared that in another state that he worked in, those fines would accrue daily until the violation was cured. In Arizona, each day is a separate violation, but the court must be petitioned on each day that the property is in violation. If the Council wants to get more punitive, it would be helpful to have an accruing fine for each day that the property remains in violation.

Council Member Johnson stated that he is a hearing officer for Cochise County, and they impose a \$750 fine, and it is a \$50 daily fine thereafter. He added that he rarely awards those types of things to the County because he is more into the cleanup and abatement as the City is. He then asked about the number of cases that are taken to Justice of the Peace V on an annual basis. Mr. McLachlan stated that it is maybe one a month or every month and a half. Mr. Fuentes added that maybe 10 a year.

Council Member Johnson asked about the results of those petitions that are taken to Justice of the Peace V. Mr. Fuentes stated that the judge has ruled in favor of the City because there is no argument with a picture and Code Enforcement takes multiple photos.

Council Member Johnson stated that as the hearing officer for the County, he tries to get compliance. Sometimes he must cut a break and give a little additional time, but setting timelines are important.

Mr. McLachlan stated that it is rare that a property owner will dispute the City's findings. They will often give extenuating circumstances or personal histories that preclude them from financial constraint from resolving the violation on their own. While the Department is sympathetic to those arguments, ultimately as a property owner, they are responsible for maintaining a property in accordance with the City Code.

Council Member Benning stated that he is at Code Enforcement all the time and wonders how the City informs people who to reach out to first for an inoperable car. Ms. Vannoy stated that if the inoperative car is on the street, they need to contact Police Department, but if it is on their property, then they need to call Code Enforcement.

Council Member Benning asked who he would call if he were to see someone illegally dumping. Ms. Vannoy stated that he can report it to the Police Department. Code Enforcement is going to call the Police Department because they are going to get there faster to read the plates.

Council Member Benning asked about illegally parking. Ms. Vannoy stated that if it were on the street, he would need to call the Police Department.

Council Member Benning asked Mr. McLachlan to talk about the process because a lot of people reach out to Council with questions about abandoned houses that have been trashed or a commercial building that is in the same blight, for the City to take a property from a homeowner or landowner. Mr. McLachlan stated that what is describing is eminent domain. There must be a legitimate public use and economic development under Prop 207 and that is no longer considered to be of valid public use. It would have to be for a roadway, utility, or a park for the City to exercise eminent domain. The City would need to get appraisals and follow a court procedure if it is contested. The Fifth Amendment of the US Constitution prohibits confiscating property without just compensation.

Council Member Benning asked about the difference between a debt lien and a tax lien and noted that a lot of people think that if a debt lien is put on their property by the City that they are unable to sell the property. He also asked if the City could sell that lien to investors. Mr. McLachlan stated that there would be some order to the liens in terms of surviving any foreclosure action. Oftentimes, the Code Enforcement liens are wiped out when a property is auctioned.

Council Member Benning voiced his appreciation at the presentation and noted that a lot of people do not know who to call to report something is happening. Lastly, he stated that he hopes everyone watching becomes acquainted with the processes.

Council Member Rodriguez stated that he is aware of the quarterly update by Code Enforcement and asked about their average in a year. Mr. McLachlan stated that last fiscal year was 724.

Council Member Rodriguez stated that it is monsoon dependent, but he would like to know where the number stands. Mr. McLachlan stated that the Department can pull that information for him.

Mayor McCaa stated that Mr. Fuentes and Ms. Vannoy do an awesome job with this type of work. He shared that he talked with Corporal Borgstadt and so far, there has been 29,000 pounds of trash collected on State property.

Council Member Landry thanked Mr. McLachlan and his team for their presentation and answering questions because she found it helpful.

Council Member Benning asked Mr. McLachlan and his team that if they could change one thing that would make Code Enforcement better or easier, what would it be? Mr. Fuentes stated that another position would be helpful because two people for the number of complaints that come in plus the other stuff that they currently do, i.e., Better Work Program, takes a lot of time. They start the day before by picking up the van from Parks and Leisure, come in an hour earlier than they usually do the following day to get water, ice, etc., and get everything loaded to go pick up the workers.

#### D. Report on Recent Trips, Meetings and Future Meetings

Council Member Rodriguez announced the upcoming League of Cities and Towns Conference.

Council Member Benning reported that he met with County Supervisor Peggy Judd about the County working with the City on the animal shelter. However, he is waiting on results from the meeting that the County Supervisors had during the morning of August 22, 2023. He added that he hopes that Mr. Potucek and Ms. Yarbrough can provide an update on Thursday, August 24, 2023.

#### E. Future Discussion Items and Council Requests

In response to Mayor McCaa, Ms. Yarbrough state that upcoming are two items, the special event policy to be reviewed in September, and a six-month update on the City's fare-free transit system. Ms. Flissar and her team are working on that and are planning that for the second meeting in September.

### 3. Adjourn

Mayor McCaa adjourned the August 22, 2023, work session of the Sierra Vista City Council at 4:00 p.m.

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Clea McCaa, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

\_\_\_\_\_  
Jill Adams, City Clerk