



Sierra Vista
A R I Z O N A

EXTRAORDINARY SKIES.
UNCOMMON GROUND.

CERTIFICATION

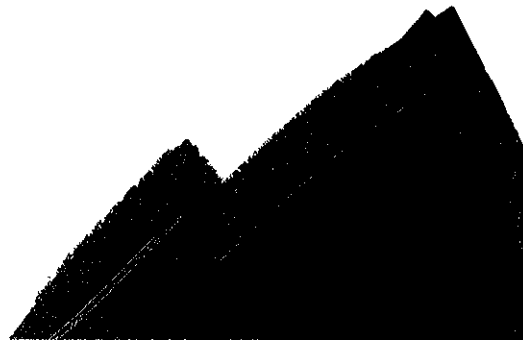
I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 27th day of February, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 12th day of March 2020

SEAL

Maria G. Marsh
Deputy City Clerk

Jill Adams
City Clerk



Mayor Mueller called the February 27, 2020 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 Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gwen Calhoun – present
Council Member Sarah Pacheco – present (arrived 5:03 p.m.)
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Jon Kosmider, Deputy Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure and Library Services Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Jeff Pregler, Planner
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Tony Boone, Economic Development Manager

Invocation - Pastor Chuck Carlson, Sierra Vista Community Church, lead everyone at the Council Meeting in prayer.

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

Item 1 Acceptance of the Agenda

Council Member Calhoun moved that the Agenda for the Regular City Council Meeting of February 27, 2020 be approved as written. Council Member Benning seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

City Manager's Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session will be held on March 10, 2020 at 3:00 p.m. in Council Chambers to discuss regular updates and the development fees study. He reported that the following two projects are being advertised:

- City Hall Remodel Project with bids closing on March 27, 2020; and
- Nancy Brua Animal Care Center Improvement and Expansion Project with bids closing on February 27, 2020.

He further reported that the Community Development Block Grant Projects for the First Street alleyway and Fifth Street improvement projects have been tentatively awarded to KE&G. In the pipeline are the driveway for Big O Tires that was a part of the annexation, and the sign for the Sierra Vista Airport. Lastly, he reported on his meeting with Cochise County and fellow city managers regarding the different cooperative agreements:

- Rate Review Board, which makes recommendations regarding tipping fees to the Cochise County Board of Supervisors, decided that there will not be any recommendations for increases in tipping fees for this year nor the foreseeable future.
- Cochise County Tourism and Economic Council presented and provided advertising and marketing materials, which will be forthcoming to the Council during a work session.
- Consolidated Court Agreement was addressed as Superior Court Presiding Judge Conlogue has put forward a proposal for a new agreement, which would automatically name, per State Law, the elected Justice of the Peace Five to be the City Magistrate.

Under this proposal, the City Council would no longer need to appoint a magistrate. The provisions for having an attorney be the pro temp and consulting with the Council would remain in place. The cost was not addressed; however, the County Administrator assured that they did have numbers available. Therefore, the City will be sending its budget staff over to work with his to bring those numbers to the Council as part of the new agreement that will need to be addressed before the start of next fiscal year.

In response to Council Members Pacheco, Mr. Potucek stated that the proposed agreement would be brought forth to Council for approval. Mayor Mueller noted that any joint agreement with the County must be approved by the Council.

In response to Council Member Benning, Mr. Potucek stated that the Council would need to address changes to the current ordinance addressing the magistrate. The issue identified and addressed last year in the agreement were the side agreements that the communities have with their magistrates because Judge Conlogue did not believe that it was appropriate.

Council Member Benning stated that the Council voted for the intergovernmental agreement because they added to that agreement the ability to be able to provide input on the selection of the justice of the peace due to the events that took place during the nomination of Judge Pat Call. Mr. Potucek stated that it would still be a part of the proposed agreement.

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Special Meeting Minutes of February 13, 2020

Item 2.2 Approval of the City Council Regular Meeting Minutes of February 13, 2020

Mayor Pro Tem Gray moved that the Consent Agenda consisting of the Special Meeting Minutes and Regular Meeting Minutes of February 13, 2020, be approved. Council Member Umphrey seconded the motion. The motion passed by a vote of six, Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Pacheco, Umphrey and Wolfe. Council Member Calhoun abstained.

New Business

Item 3 Ordinance 2020-002, Adoption of Development Code Amendments to Section 151.22.006, Matrix of Use Permissions by Zoning District (Private schools of General Education)

Council Member Pacheco moved that Ordinance 2020-002, adoption of Development Code Amendments to Section 151.22.006, Matrix of Use Permissions by Zoning District, be approved. Council Member Umphrey seconded the motion.

Mr. Pregler stated that the code amendments to Section 151.22.006 will revise the use permissions for both charter schools and private schools of general education. Currently, the code allows charter schools to be permitted in every zoning district, while private schools of general education are only allowed through a conditional use permit in the Commercial and Urban Ranch Zoning Districts.

To be consistent with state law, the amendments are proposing to allow private schools of general education to locate by right within all zoning districts. In addition, there will be a caveat, that will prohibit charter schools and private schools of general education to locate on property zoned single family residential that is less than one acre in size.

The Planning and Zoning Commission recommended unanimous approval at their November 19, 2019 meeting. The City Council opened-up the amendments to a 30-day public comment period on January 23, 2020. The City has not received any comments.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 4 Resolution 2020-012, Acceptance of Arizona Department of Homeland Security Grant Funding-Operation Stonegarden Grant Program (Agreement #190417-01)

Council Member Umphrey moved that Resolution 2020-012, acceptance of the Arizona Department of Homeland Security Grant Funding for Operation Stonegarden Grant Program, be approved. Mayor Pro Tem Gray seconded the motion.

Deputy Police Chief Kosmider stated that the Operation Stonegarden Program supports enhanced cooperation and coordination among Customs and Border Protection, the United States Border Patrol, federal, state, local and tribal/territorial law enforcement agencies. State and local agencies that participate in Operation Stonegarden enforce state law and coordinate enforcement efforts with federal partners in order to provide overlapping layers of public safety for the communities that they serve.

Operation Stonegarden and deployments enhance the Sierra Vista Police Department's proactive enforcement of safety and drug trafficking and traffic statutes in Sierra Vista and the immediate surrounding areas. With Council's approval of the resolution, the City will receive grant funding in the amount of \$60,794 for over time and employee related expenses and \$946,000 for mileage from the Arizona Department of Homeland Security under the Operation Stonegarden Program. There are no matching funds required and the reimbursement covers over time, full employee related expenses to include PSPRS, worker's compensation, insurance, social security, Medicare as well as mileage expenses.

Mr. DeCarlo stated that when he initially heard about this grant/program, he was puzzled and upset because of the expansion of the City's Police Department's force into the County. He added that folks that reside in the County live there because of a social contract that they constructed amongst themselves, which is not within the City of Sierra Vista. He added that he views this as creating a perception of a new requirement for lack of funding in the future. Lastly, he cited articles from the Constitution and noted that the grant is funding an officer/State Trooper, which subverts the will of the people.

In response to Council Member Pacheco, Deputy Police Chief Kosmider stated that the Department has been participating for years and the Department applies annually for the grant, which is specific to deployments in support of Operations Stonegarden and that are scheduled deployments throughout the year.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 5 Resolution 2020-013, Approval of an Intergovernmental Agreement with the Town of Huachuca City for Intercity Route Services

Council Member Wolfe moved that Resolution 2020-013, an Intergovernmental Agreement with the Town of Huachuca City for Intercity Route Services, be approved. Council Member Umphrey seconded the motion.

Ms. Flissar stated that Huachuca City ended their public transit service about a year ago due to funding limitations. There is now interest in restarting the service due to the receipt of a grant by the Legacy Foundation. One of the key considerations is establishing a service, which is potentially eligible for federal transit administration (FTA) funding. Eligible providers cannot establish service, which is redundant with another FTA recipient. Huachuca City has approached Sierra Vista with an agreement, which would allow them to connect with Vista Transit and a few key stops. Riders from Huachuca City who want to get to other stops in Sierra Vista would transfer to Vista Transit to reach their destination.

The agreement is like existing agreements that the City already has with the Cochise Connection and Greyhound. Those agreements help to bring additional public transportation riders into the City and make use of infrastructures already in place. Huachuca Transit would run three days per week, with two round trips per day.

Council Member Pacheco stated that she is happy to see that Huachuca City received the grant because she believes that this is a needed improvement for Huachuca City.

In response to Council Member Benning, Ms. Flissar stated that the other stops for Huachuca Transit are at Cochise College and Canyon Vista Medical Center.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 6 Resolution 2020-014, Amendment to the Intergovernmental Agreement with the Sierra Vista Unified School District

Council Member Benning moved that Resolution 2020-014, amendment to the Intergovernmental Agreement with the Sierra Vista Unified School District, be approved. Council Member Umphrey seconded the motion.

Ms. Wilson stated that this is a small amendment to the existing intergovernmental agreement with the Sierra Vista Unified School District for joint facility use. This would take the gymnasium out of the section of the agreement that allows the City to utilize the facility at no cost and move it into the section that will allow the City to operate it through the Sports Division. The City would go from utilizing the facility and sharing 20 percent of the net profits with the School District into operating, maintaining and improving those and in return the City would keep that revenue.

Council Member Pacheco asked if the City is planning on making repairs to the gymnasium. Ms. Wilson stated that she is hopeful in that funding will be received to do the needed repairs because not only is the gymnasium in need of repair but also the rest of the property. She added that currently staff is working on a water project for the fields. Mayor Mueller added that this will be a part of the upcoming budget discussions.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Item 7 Resolution 2020-015, Establishing a West End Entertainment District

Council Member Calhoun moved that Resolution 2020-015, establishing a West End Entertainment District, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Boone stated that the proposed resolution would formally designate an entertainment district within the West End utilizing the authority of Arizona Revised Statute 4-207. He noted that this is about local control in making decisions within the district concerning several different types of liquor licenses.

Mr. Boone thanked Mr. McLachlan and his team for their work on the proposed entertainment district and noted that there has been focus on the West End for some time. The proposed resolution complements those efforts, the West End Partnership and the ongoing redesign of Fry Boulevard and Garden Avenue. The proposed entertainment district will support the plan to increase vibrancy and provide a focus for people with a mix of hotels, restaurants, bars and other entertainment establishments.

A key limiting factor is the 300-foot rule based on Arizona Revised Statute 4-207, which prohibits the issuance of retail liquor licenses within 300 feet of a church or school. A graph was displayed that identified several small churches across the West End along with significant portions of Fry Boulevard and Wilcox Drive, which would remain prohibited by current the State Liquor Board's rules. Licenses that are impacted are as follows:

- Series 6 Bar
- Series 7 Beer & Wine Bar
- Series 8 Conveyance
- Series 9 Liquor Store
- Series 10 Beer and Wine Store
- Series 14 Private Club
- Series 16 Wine Festival/Fair

Approval of the proposed resolution would allow the Council to have the authority to approve an application for those licenses within 300 feet of a school or church, which supports local control for decisions to be made by the Council on a case by case basis in the future.

The entertainment district provides options for the development of businesses on the West End that would include vacant buildings in areas that have been hard to re-develop. New business ventures, i.e., grocery stores, wine bars, and vendors will be possible based on the passing of the proposed resolution on a case by case exemption process that only the City Council can approve whereas the State cannot.

Another graph was displayed identifying the proposed entertainment district that includes Garden Avenue, Fry Boulevard and Wilcox up to Seventh Street, capturing most of the commercially zoned areas within the West End for future growth. Two parcels were blacked out because they are County enclaves, and the City does not have the jurisdiction to include those in the entertainment district.

The Cities of Phoenix, Tucson, Prescott, Prescott Valley, and Scottsdale have designated entertainment districts. The proposed resolution was brought before the West End Commission for their consideration and was fully supported. There is no fiscal impact and there are no projects in the pipeline that would be impacted by approval or disapproval of the proposed entertainment district.

Mayor Mueller asked if there have been comments from the churches in the affected areas. Mr. Boone stated that there have not been any comments.

Mayor Pro Tem Gray stated that although, Council will have local control to approve within the entertainment district, people would still have to go through the process of applying for a liquor license to the State Liquor Board. Mr. Boone stated that she is correct, but they would have to come to the City and ask for a variance. It would then be up to Council to approve or disapprove their request.

Council Member Calhoun asked if churches would have the ability to appeal. Mayor Mueller stated that the notice and public hearing process for application of a liquor license would remain in effect and noted that there needs to be assurance in the City's rules that notification is sent to those churches and schools affected. This way if there is a specific objection, they can let that be known, before Council makes its decision instead of waiting until after the vote and then having to appeal.

Council Member Pacheco stated that the West End Commission is in support of an entertainment district and the Commission is made up of a few representatives of the West End churches. Council Member Umphrey stated that she is correct.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Call to the Public

Michael DeCarlo voiced his concern about the refuse system, the finance manager not being able to account the amount of man hours that are involved in the refuse system and a government that is unaccountable in handling the refuse. He added that he respects the reformation that the City is attempting, but he believes that it would be appropriate for a

referendum by the residents because the representative pattern is being changed by 28 percent, eliminating two out of seven of the voices of the people. There is no guarantee that government itself will be reduced by 28 percent.

Comments and Requests of the Council

Council Member Benning thanked Pastor Carlson for his invocation, everyone in the audience and Mr. DeCarlo for his comments. In closing, he announced the Open House for Fry Boulevard on March 4, 2020 at 1:00 p.m. and 5:00 p.m. at Sierra Suites.

Council Member Calhoun had nothing to report.

Council Member Pacheco had nothing to report.

Council Member Umphrey had nothing to report.

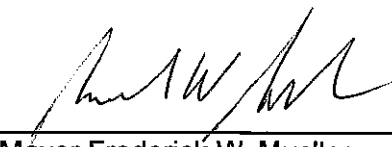
Council Member Wolfe stated that she and her Rotary Club toured the Nancy Brua Animal Care Center, a fantastic facility, and thanked Ms. Garcia for taking time out of her day to accommodate them. In closing, she announced that the Nancy Brua Animal Care Center is currently holding a Mardi Paws event with adoption incentives.

Mayor Pro Tem Gray stated that the Nancy Brua Animal Care Center does an incredible job in working with the resources that they have. She thanked Ms. Gustafson from the Chamber of Commerce and staff on their hosting of Governor Ducey's State of the State. Lastly, she stated that Governor Ducey's message was positive for Cochise County and rural areas.

Mayor Mueller stated that the Chamber of Commerce was a great community partner that executed Governor Ducey's visit. He added that there was also great support by Cochise College, and noted that it is great to have community partners that the City can depend on.

Adjournment

Mayor Mueller adjourned the February 27, 2020 meeting of the Sierra Vista City Council at 5:41 p.m.



Mayor Frederick W. Mueller

MINUTES PREPARED BY:



Maria G. Marsh, Deputy Clerk

ATTEST:



Jill Adams, City Clerk