



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 11th day of June, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 25th day of June 2020

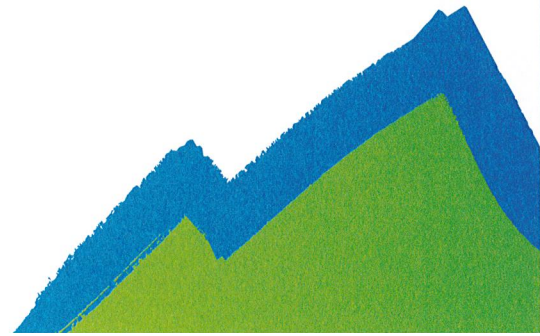
SEAL

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

Maria G. Marsh
Deputy City Clerk

A handwritten signature in black ink, appearing to read "Jill Adams", written over a horizontal line.

Jill Adams
City Clerk





Sierra Vista City Council
Meeting Minutes
June 11, 2020

Mayor Mueller called the June 11, 2020 City Council Meeting to order at 5:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

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
Council Member Carolyn Umphrey - present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
David Felix, Finance Manager
Nathan Williams, City Attorney
Jill Adams, City Clerk

Council Member Benning stated that Frank Escobar, Jr was a great friend, who died a year ago. His mother ran the Chamber and did a lot of things for the community and her husband served as a Council Member. He asked for a moment of silence for the Escobar family.

Invocation – Pastor Greg Rowles, God is Good Church, conducted the invocation.

Pledge of Allegiance - Council Member Umphrey led the Pledge of Allegiance.

Item 1 Acceptance of the Agenda

Council Member Pacheco moved that the Agenda for the Regular City Council Meeting of June 11, 2020 be approved as written. Mayor Pro Tem Gray seconded the motion.

Mayor Mueller requested to remove item five from the agenda because the Clerk will need time to ensure that there is one document that has a section for each, nonregulatory and regulatory commissions. Currently the way that the document is written may cause confusion.

Council Member Benning moved that item five be removed from the Agenda for the Regular City Council Meeting of June 11, 2020 and be approved as amended. Council Member Umphrey seconded the motion.

The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Pacheco, Wolfe, and Calhoun.

The motion to accept the amended agenda passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Pacheco, Wolfe, and Calhoun.

City Manager's Report: Mr. Potucek announced that the budget work sessions will begin on Tuesday, June 16, 2020 at 3:00 p.m. in Council Chambers, and if necessary, work sessions are also scheduled for June 17 and, 18 2020 at 3:00 p.m. in Council Chambers. He reported that the May sales tax revenues have been considerable given the budget situation. The HURF revenues for May were \$239,000, lowest monthly amount since November 2016. It is \$93,000 less than the July through April monthly average of \$232,000, which clearly indicates that people have not been driving in the State. The overall April transaction privilege taxes are down \$50,000 or 2.9 percent from last April, like the loss experienced in March. The hotel, restaurant and bar taxes were the ones that took the biggest hits, but the actual retail sales tax revenues were up.

The City has received 24 business applications for the Community Development Block Grant (CDBG) Program. There were 14 applicants that did not qualify or follow through with the application process. Nine qualified as micro enterprises requesting \$66,050 and four qualified as special economic development grants requesting for \$40,000. Total requests out of the \$120,000 that Council set aside for the program were \$106,050, leaving about \$13,500. Three business owners withdrew during the process and one did not complete the application process after being self-certified. There is an issue in that seven of the applicants have already received PPP funds from the federal government and a determination needs to be made as to whether it is appropriate for them to receive the CDBG funds. Also, the first \$9,000 check was cut to United Way for the social service portion of the program.

There are now 165 confirmed cases in Cochise County, 82 recoveries, five deaths and 78 active cases. Many of these cases are occurring in the Douglas area, where more testing has been currently focused on. Governor Ducey held another press conference regarding things occurring statewide, mostly focusing on the hospital issues that have been in the news. Governor Ducey stated that there is adequate capacity in the hospitals at this point in time around the state, but he is concerned about the uptick in cases and did not give an indication as to moving into Phase II of the reopening process. The State is still under Phase I and the City will be as well and start with its gradual reopening process on Monday, June 15, 2020 with the following facilities:

- Transit building with fares being collected
- City Hall lobby
- Ethel Berger
- Cove for lap swimming

The Oscar Yrun Community Center will not reopen due to a project going on in its lobby but will reopen as soon as the project is done. Lastly, the City will be releasing on its web site and Facebook page a podcast on Friday, June 12, 2020 featuring Police Chief Thrasher, who will be talking about policing in Sierra Vista.

In response to Council Member Benning, Mr. Potucek stated that retail sales were up \$125,000 that included online sales, a 12 percent increase over last April. The actual online sales tax revenues were up \$76,000.

Council Member Benning asked if the bathrooms are open at the park. Mr. Potucek stated that only one restroom is open.

Mayor Pro Tem Gray asked Mr. Potucek if he is confident about keeping the budget numbers flat going forward. Mr. Potucek stated that he is confident.

Council Member Umphrey asked where the remaining \$13,500 of the CDBG funds get applied. Mr. Potucek stated that there are a couple of choices that staff will be looking at to recommend to Council. The program will have to reopen for the \$13,000 if Council wants to extend the program to the businesses and re-advertise. The \$13,000 is a small amount for that program, but Council could reprogram that to the social service side. Mayor Mueller noted that this would be a Council decision.

Mayor Mueller stated that the City has not yet received the CDBG Cares funds for the business portion of the loan, but there was a breakthrough in talking directly to the federal government versus the State and HUD. There was a computer issue that has been resolved and the City should be receiving the funding soon. Mr. Potucek stated that he has asked staff to start sending the money out to the businesses on Friday, June 12, 2020, which will be fronted out of the City's funds. He added that he feels confident in that the City will be reimbursed.

Public Hearing – Mayor Mueller noted that this is only a public hearing process, and that no action is required by Council. There was no response.

Item 2 Land Use Assumptions and Infrastructure Improvement Plan for the updated Development Fees

Mr. Felix stated that action by the Council is not needed at this time, but State Law requires that a public hearing of the Land Use Assumptions and Infrastructure Improvement Plan take place before it is voted on at least 30 days after the public hearing. The Land Use Assumptions and Infrastructure Improvement Plan is on the web site and to-date there have been no comments received.

The buying in approach is being used for three of the four impact fee funds, the Police, Fire, and the Park impact fees, because based off projections they were built expecting greater growth at the time. This did not occur and therefore, there is no capacity available and the subdivisions that were expected have gone on for five years. The future approach is being looked at for the infrastructure development fee along with a half lane mile programmed because the City did not bond off that fund and there is no negative balance nor excess capacity for that fund.

Council Member Umphrey asked why the third incremental expansion was not included as an option. Mr. Felix stated that it is not an option for the City because of the way that the fees currently sit. The City has excess capacity through the three funds and there are significantly negative fund balances due to the borrowing from the Capital Improvements Fund for the bonds that were issued to construct the facilities. There is a level of service for future growth and that is why that is used for the infrastructure improvement plans because the City is looking at what will be built. The third incremental expansion does not currently apply but may be used once the three funds are paid in full.

The components of the fire infrastructure improvement plan are the buying in for Fire Station III, \$593,000 and the apparatus, \$440,000. The parks infrastructure plan is \$3.1 Million, most of which is Cyr Center Park and the police infrastructure plan, \$921,000 is for the expansion that occurred a couple of years ago due to constraints that were happening at the time. The streets infrastructure improvement plan is 0.5 lane miles, \$600,000 at one intersection.

Mr. Felix stated that 0.5 lane miles does not sound like much, but it is half a section and in three years depending on the development that occurs, it can be updated at that time. The key point is that the City has 10 years to spend the money from the start to collect it and if it is not spent, it must be refunded to the developer. Currently Community Development expects that this will be the extension of Buffalo Soldier Trail to the east. This is subject to change and is labeled as a 1.0 mile, \$300,000 because it provides for flexibility to the Council on where it can be used depending on what development occurs between now and the time that the study is reviewed again.

Mr. Felix stated that the consultant has looked at the history, market and what is expected to happen and has provided a summary of the total/remaining cost and relative growth. The summary indicates that housing is going strong with new development including 2,076 people in 1,010 new housing units and 1,388 jobs in 532,000 square feet of new nonresidential development.

Mr. Felix noted that the plan will be looked at in five years, but the City strives for three and provided the following timeline:

- June 11, 2020, public hearing on Infrastructure Improvement Plan and Land Assumptions Use
- July 23, 2020, Council votes to adopt the Infrastructure Improvement Plan and Land Assumptions Use and any member of the public may comment.
- August 27, 2020, public hearing on proposed fees
- October 8, 2020, Council votes on proposed fees

Mr. Felix stated that the public may attend any of the hearings. He noted that if the fees are approved by Council, Council will then vote on reducing the current construction sales tax from 2.45 percent to 1.95 percent to bring it in line with regular sales tax, a requirement by State Law. He further stated that the City will be scheduling the proposed fees to go into effect on January 1, 2021 to allow the developers and the Department of Revenue time to implement the items.

Mayor Pro Tem Gray stated that currently there is a moratorium on the fees and asked what would happen on July 1, 2020. Mr. Felix stated that during the downturn, when the budget times were tough, the City put a moratorium on the fees, which is expiring on July 1, 2020. The fees passed about five years ago will then be in place with the sale tax differential, the 75 percent until the new fees go into effect on January 1, 2021.

New Business

Item 3 Resolution 2020-029, Designation of David Felix as Authorized Agent for Arizona Department of Emergency and Medical Affairs (DEMA) Reimbursements

Council Member Wolfe moved that Resolution 2020-029, designation of David Felix as the authorized agent for the Arizona Department of Emergency and Medical Affairs reimbursements, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Felix stated that this is simply an administrative matter that needs to be taken care of for FEMA and DEMA because they require that the City Council name an authorized agent. Currently, by Statute, the City Manager has the authority to designate that, but they do not find that acceptable. This is simply a bookkeeping issue to allow him to submit reimbursements for any of the FEMA and DEMA activities, COVID-19 items that the City is trying to get reimbursed for as well as for the CARES Act funds.

The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Pacheco, Wolfe, and Calhoun.

Item 4 Approval of the City Council Regular Meeting Minutes of May 28, 2020

Council Member Calhoun moved that the City Council Regular Meeting Minutes of May 28, 2020, be approved. Council Member Umphrey seconded the motion. The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Pacheco, Wolfe, and Calhoun.

Item 5 Resolution 2020-030, Amendment of City Board and Commission Guidelines – removed from the agenda.

Item 6 Resolution 2020-031, Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff's Office, and the Cochise County Community College District to operate the Southeastern Arizona Law Enforcement Training Academy (SEALETA)

Council Member Umphrey moved that Resolution 2020-031, an Intergovernmental Agreement between the City of Sierra Vista, the Cochise County Sheriff's Office, and the Cochise County Community College District to operate the Southeastern Arizona Law Enforcement Training Academy, be approved. Mayor Pro Tem Gray seconded the motion.

Police Chief Thrasher stated that this is a renewal of the intergovernmental agreement that the City has with Cochise College and Cochise County Sheriff to operate the academy at the College in Douglas, Arizona. He further stated that three academy classes have been conducted and the agreement allows for the Police Department to assign a recruit training officer to the academy to help with the training/provide instructors for generalized classes, and for the College to reimburse \$10,000 per class on the over time. The agreement also provides for three academy slots at no cost to the City. There are currently three recruits hired and ready to go to the July class. The agreement will cover two classes, July 2020, and January 2021.

In response to Mayor Mueller, Police Chief Thrasher stated that this intergovernmental agreement is the same as the previous agreement.

Council Member Calhoun asked about the number of recruits that have attended the classes. Police Chief Thrasher stated that there have been four and they were all in one class. The Department has been providing the training to make sure that the academy is successful through the State and that it is available to the City's Police Department.

Mayor Pro Tem Gray asked about the cost differential between people who attend this academy versus the others. Police Chief Thrasher stated that it is significantly less for the Police Department because they are providing a recruit training officer and getting free classes, it is about \$12,000 to \$13,000 per recruit less.

Council Member Wolfe asked if the Police Department is not in any way sacrificing any type of quality accreditation in training. Police Chief Thrasher stated that they follow the Arizona Post Guidelines and outlines. The Department can positively influence the training by being a part of it instead of it always being other agencies providing the training.

The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Pacheco, Wolfe, and Calhoun.

Call to the Public

Dr. Joseph Patterson, an emergency room physician, stated that he and his wife have been residents in Sierra Vista for 35 years and they love Sierra Vista. The community is different and special that few people know about. He thanked the Mayor and Council for their service as well as Police Chief Thrasher and officers. These unsung heroes are taken for granted and they are responsible and dedicated people out to serve and protect.

Comments and Requests of the Council

Council Member Benning thanked Dr. Patterson and stated that he also loves the community. He stated that he has been saddened, disappointed, and upset with the community, not in public, but with social media because the hate is crazy. He stated that this needs to stop, people need to think about what they want to say because they are leaving a bad impression on the community that currently must be together as one. It goes more than hearing each other, people must listen to each other and remember who they are. The community is diverse, and everyone must respect each other.

Council Member Umphrey stated that it is an honor and privilege to serve the community, especially in facing local, state, and national challenges that require collaboration and informed leadership due to COVID or widespread and continuous reports of police brutality, the recent deaths of George Floyd and Breonna Taylor. She further stated that she believes that Sierra Vista has the best police force that was reaffirmed by recent events in Sierra Vista, online and in the streets with the recent march, Black Lives Matter. She thanked the community, local businesses, the NAACP, Mayor, Council and Police Chief Thrasher and noted that she looks forward to discussion on the City's police procedures (statement on file with the City Clerk).

Council Member Pacheco stated that she participated in the protest that took place from the Sierra Vista Mall to the Police Station last week, which made her proud of the City, police force, businesses, and the community. During the march there was no unrest nor violence and people peacefully sat on the lawn in front of City Hall, which was very powerful. Lastly, she thanked Police Chief Thrasher and stated that when a PR move is made, even if it is not in the City, it is good professional practice to use those examples of misconduct of any kind and conduct review and prevent those things from happening and making changes. Lastly, she stated that she has also read the ugliness online and is also disappointed because there was a lot of beautiful things happening too.

Council Member Wolfe stated that currently there is an absence of compassion and empathy in the country that has manifested itself in Minneapolis, Louisville, Indianapolis, and other large cities. She added that she has yet to see the Governor respond with any meaningful dialogue about the injustice and horrific murder of George Floyd; however she has seen a lot from the local community, Mayor Mueller and Council Members, the local NAACP Chapter and the local Police Department. She commended Police Chief Thrasher in continuing to provide information to Council regarding police training, de-escalation, and his willingness to have conversations about how the community can be made even better. (statement on file with the City Clerk).

Council Member Calhoun thanked Spencer Couturier and Ciera Clay for organizing successful marches and events for Black Lives Matter, she thanked all the people who supported the

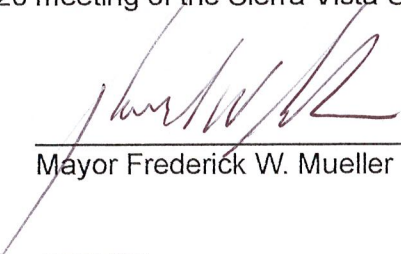
marches and took the opportunity to express their outrage at the murder of George Floyd, Breonna Taylor and so many others. She stated that although Sierra Vista is removed physically from the sites of those murders, Sierra Vista is not removed emotionally, and citizens sensitive to the need to support change to a nationwide system that allows and condones these heinous murders. She encouraged people to begin meaningful conversations with each other and to make an effort to understand the nationwide call to action to help change the way black men and women are viewed in America (statement on file with the City Clerk).

Mayor Pro Tem Gray thanked Dr. Patterson for his comments and noted that she agrees in that there is no better place to live than in Sierra Vista, Arizona. She also echoed many of the statements made by Council Members and stated that during the marches, many people commented to her that they were surprised at the peacefulness to which she responded that she expected no less from the community - everything that happened was exactly what she expected out of the great City of Sierra Vista. She also thanked Police Chief Thrasher and Commander Boutte for their involvement and leadership. Lastly, she offered her condolences to the Kennedy family and thanked Mr. Kennedy for his service to the community.

Mayor Mueller voiced his appreciation at Council's eloquent words and heartfelt concerns. He added that he looks forward to working with Council to make the community better. He further added that piece by piece and together, they will improve the City, County, State and Country, but it is going to take time and there must be determination in their efforts to do that. Lastly, he encouraged people to thank their father on Father's Day because it is a little late for some.

Adjournment

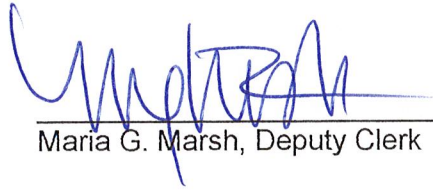
Mayor Mueller adjourned the June 11, 2020 meeting of the Sierra Vista City Council at 5:54 p.m.



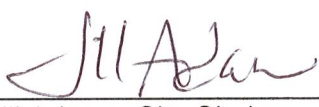
Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk