



Sierra Vista
ARIZONA

EXTRAORDINARY SKIES.
UNCOMMON GROUND.

CERTIFICATION

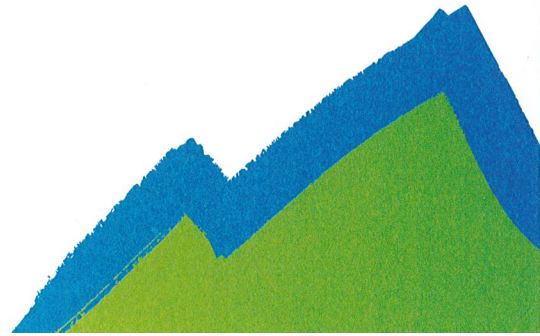
I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 25th day of June, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of July 2020

SEAL

Maria G. Marsh
Deputy City Clerk

Jill Adams
City Clerk





Sierra Vista City Council
Meeting Minutes
June 25, 2020

Mayor Mueller called the June 23, 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 5:06 p.m.
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
Brian Jones, Fire Chief
Matt McLachlan, Community Development Director
Jeff Pregler, Planner
Sharon Flissar, Public Works Director
Laura Wilson, Leisure and Library Services Director
David Felix, Chief Finance Officer
Jennifer Osburn, Interim Budget Officer
Nathan Williams, City Attorney
Jill Adams, City Clerk

Invocation – Pastor Greg Rowles, God is Good Church, led all those present at the meeting in prayer.

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

Item 1 Acceptance of the Agenda

Mayor Pro Tem Gray moved that the Agenda for the Regular City Council Meeting of June 25, 2020, be approved as written. Council Member Umphrey seconded the motion. The motion passed by a 5/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Umphrey, Wolfe, and Calhoun.

City Manager's Report: Mr. Potucek announced that the City offices will be closed on Friday, July 3, 2020 in observance of Independence Day. The fireworks display is planned to go on, but the activities in the park have been suspended due to the pandemic. The next regularly

scheduled City Council Work Session will be held on July 7, 2020 at 3:00 p.m. in Council Chambers as well as the next regularly scheduled Council Meeting on July 9, 2020 at 5:00 p.m. He also reported that City Hall's north wing renovation project is underway that primarily involves the Finance and Procurement areas. He added that those employees will be working from home, which is not anything new since a lot of them having been doing so already.

Council Member Umphrey asked where people could go to watch the fireworks if they are unable to watch it from their homes. Mr. Potucek stated that people will be allowed to park in the area and congregate, but he encourages people to find other areas where they can spread out, i.e. Rothery Center or business parking lots. Council Member Benning added that the Sierra Vista Rotary is looking at having the fireworks live streamed on Facebook.

Public Hearing

Item 2 Resolution 2020-032, Interim Permit, new license, limited liability-type of ownership for a Series 12 Liquor License for Maria Guadalupe Ramos on behalf of Ramos Brothers SV LLC dba Taco Giro

Council Member Umphrey moved that Resolution 2020-032, Interim Permit, new license, limited liability-type of ownership for a Series 12 Liquor License for Maria Guadalupe Ramos on behalf of Ramos Brothers SV LLC dba Taco Giro, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that the application is for an interim and new restaurant liquor license for Taco Giro. The business had another license in place, but the business has recently changed ownership to someone in the same family. A restaurant liquor license is not transferrable and therefore, they must get a new license. The notice of the public hearing was posted on the facility and to-date no comments have been received pro or con. The Police Department's background check has brought up no issues that would impede the license going forward to the State for final action if approved by Council.

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

New Business

Item 3 Resolution 2020-033, Approval of the Tentative Budget

Council Member Benning moved that Resolution 2020-033, Fiscal Year 2020 - 2021 Tentative Budget, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Osburn stated that the City's Fiscal Year 2020-2021 Tentative Budget is proposed in the amount of \$86,748,629 through Council adoption of the proposed resolution and pursuant to ARS 42-171.05 the budget will be capped. The final budget may be less than or equal to the tentative amount but not exceeded. The State's forms and memorandum with the summary of changes from the Tentative Budget Book have been included with the resolution. There has been one public comment received. The approval of the final budget is scheduled for July 23, 2020 and the resolution to adopt the property levy is scheduled for August 13, 2020.

Michael De Carlo stated that he listened to the broadcast through the clicking sounds and he heard the Assistant City Manager state that the City could not account for man hours for public

service and at that point, there is a government that is unaccountable to the people. He added that government's time is everyone's time. He asked that Mayor and Council to represent the taxpayer before voting on the Tentative Budget.

Mayor Mueller stated that the City needs to improve its system so people may hear things properly. He noted that he does not recall a statement by the Assistant City Manager, but he will check. He added that there is money in the budget to enhance the broadcasting system if Council approves the resolution. The approval of the Tentative Budget caps the budget. The final vote will be later.

Council Member Calhoun noted that the budget has been discussed over the last three months and Council has gone over it in detail and asked staff many questions about the way monies are being proposed to be spent. Council does not go into this blindly and Council's vote is based off many months of discussion.

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 June 11, 2020

Council Member Umphrey moved that City Council Regular Meeting Minutes of June 11, 2020, be approved as written. Council Member Benning 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 2020-034, Intergovernmental Agreement with Cochise County for Election Supplies and Services

Mayor Pro Tem Gray moved that Resolution 2020-034, Intergovernmental Agreement with Cochise County for election supplies and Services, be approved. Council Member Calhoun seconded the motion.

Ms. Adams stated that the intergovernmental agreement is a biannual restatement of a longstanding partnership that the City has with the Cochise County Elections Division for them to provide election services, voter registration etc., which has been very beneficial to the City over the years and cost effective as well. In the proposed agreement the City will pay the sum of seventy-five cents per registered voter in the City that is currently approximately 26,200. The bill for the County will be just under \$20,000 to run the election in November 2020. The remaining funds noted on the staff memo were put in the budget on the chance that there may be a Question, which would have required a publicity pamphlet as well as the Call to Election and financial statement publications.

During the Tuesday, June 23, 2020 work session, questions were asked about the vote centers, equipment, and the County's plans. At this point in time, the County is working through COVID just like everyone else and they do not know what will happen. Fortunately for the City's election, the County has the benefit of having the Primary in August that will enable them to see if there is a rise in the requests for mail in ballots, which is probably the biggest contingency that the County has. Mail in ballots are not a lifetime commitment and it is something that voters can do for an election cycle and then go back to the polls when it is safer, and it is entirely up to them.

Ms. Adams explained that the issues that happen at polls are not because there is a lack of equipment or places to vote. It is people who have mail in ballots who come to the polls to vote that must be processed as provisional, which takes time. People also come to the polls and are not ready to vote and that also takes a lot of time. Education is being looked at as the biggest contingency on top of mail in ballots to get through the elections in a painless as possible manner.

Council Member Wolfe asked if there is something that can be done if there are more people coming out to vote. Ms. Adams stated that it is unlikely at this point that there will be a Question on the ballot so that provides the City with an extra \$5,000 as far as a cushion if the City's obligation to the County goes up.

Council Member Pacheco stated that four years ago was the first time that vote centers were introduced as opposed to having assigned polling locations and asked if the County addressed how that works out or if changes are being made because of the wait times. Ms. Adams stated that it was unfortunate that there was a storm that hit during the 2016 election with the Presidential Election because no one foresaw that many people coming out to vote, a great thing, but the County was not prepared. The County has had several elections, i.e. midyear election cycle, Presidential Preference and they now have more experience as well as better educated poll workers. Sixty-five percent of the voters registered in Cochise County receive mail in ballots and that number is going up. Ms. Mara, County Elections Director, is optimistic that all the processes will be a lot cleaner because they have been able to see what did not work, what did work and make some adjustments for that. They also get the dry run of the Primary Election because the large election will be the General Election for the year, which will allow them to adjust after the August election if necessary.

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

Item 6 Resolution 2020-035, Amendment to the City Board and Commission Guidelines

Council Member Calhoun moved that Resolution 2020-035, amendment to the City Board and Commission Guidelines, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Adams stated that with the change in the structure of the City Boards and Commissions that recently passed by Council, she was requested to revise the Commission Policy and Procedure Guidelines to separate out the differences between the two. The regulatory commissions are going to be operating as they always have and are under State Statutory obligations for the Open Meeting Law. Added to the guidelines were the altered regulations that affect the new nonregulatory commissions. Also, a final page added to the guidelines that breaks down the regulatory and nonregulatory commissions by department assignment.

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

Item 7 Resolution 2020-036, Final Plat, Holiday at Pueblo Del Sol, Phase 5A, Lots 1-29

Council Member Wolfe moved that Resolution 2020-036, Final Plat, Holiday at Pueblo Del Sol, Phase 5A, Lots 1-29, be approved. Council Member Umphrey seconded the motion.

Mr. Pregler stated that Castle and Cooke has requested final plat approval of Holiday at Pueblo Del Sol, Phase 5A, located north of Canyon De Flores with access from Resort Drive and Great Basin Lane off to the east. The earlier phases of Holiday are to the east with the Canyon De Flores Commercial Center that contains McDonalds and the Diner to the south with Highway 92 to the west. The property is currently zoned Multi-Family Residence (MFR) and the developer is proposing to construct single family detached homes. The lot sizes will be a minimum of 4,500 square feet although, many of the lots are larger and there will be a total of 29 lots in this phase. All the roadways will be private and maintained by the Homeowners Association and the only public improvements will be the sewer lines. All the curbs, gutters and sidewalks are to be privately maintained by the Homeowners Association. The Pueblo Del Sol Water Company received a designation of adequate water supply on May 17, 2013; therefore, the developer is meeting the requirement from the Arizona Department of Water Resources (ADWR) and the City Development Code to ensure that there is adequate water supply for the spaces of Holiday.

Mr. Pregler further stated that the City Council approved the preliminary plat on October 10, 2019 and at that time there was a total of 59 lots. The developer is splitting the preliminary plat into two separate final phases, Phase 5A that is before Council and Phase 5B that will be coming before Council at some time in the future. He introduced Mr. Rick Coffman with Castle and Cooke and noted that the Development Review Committee approved the final plat for Phase 5A on June 17, 2020.

Mayor Pro Tem Gray asked Mr. Coffman if he has decided to split the development for market conditions. Mr. Coffman stated that she is correct because it is easier to develop a smaller phase. He added that they have the final plat and will be doing over 59 lots, and all will exceed the minimum 4,500 square feet. Some will be bigger than that because they had issues in the earlier phase due to the depth of the lots. Lastly, he stated that they are excited and noted that this is a good product, the market has improved significantly, and these lots will be more towards the affordable end.

Council Member Calhoun asked when the building would start and how long it would take. Mr. Coffman stated that they want to start quickly on the development and it is their hope to sell these out in a year and a quarter, but they would be back before Council for the next phase, the remaining 59 lots.

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

Item 8 Resolution 2020-037, Approval of the Fry Boulevard and North Garden Avenue Intergovernmental Agreement

Council Member Pacheco moved that Resolution 2020-037, Fry Boulevard and North Garden Avenue Intergovernmental Agreement with the Arizona Department of Transportation, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Flissar stated that the item will approve Amendment No. 2 of the Intergovernmental Agreement between the City and the Arizona Department of Transportation for the Fry and North Garden Project. The major change is to extend the project timeframe by six months due largely to COVID-19 impacts. COVID has already resulted in a variety of delays and full impacts are not yet known. The other change is a modest amount of additional money from unobligated funding totaling under \$200,000. The total obligation authority now available through the Sierra

Vista Metropolitan Planning Organization is \$3.13 Million with about \$2.18 Million coming from the HURF Exchange Program.

Council Member Pacheco asked about the timeline. Ms. Flissar stated that this timeframe will put the design that was originally anticipated to be completed by the end of the calendar year, until the middle of next year, June 2021. By June 2021, the City must obligate funding for construction and construction would go for about a year from that point.

Mayor Mueller added that he keeps pushing them to get the design done as soon as possible so that funds can be obligated. He added that he would like to look at having some roadwork done next summer rather than waiting another year until the winter is over or after the monsoon season. Ms. Flissar stated that it is difficult to say what they will look like in three to six months.

Mayor Mueller stated that staff may be requesting another extension for another six months for the design. Ms. Flissar stated that the design group is in the same situation as the City in terms of impacts and those are being felt statewide/nationwide and it is difficult to ascertain what additional impacts may come.

In response to Council Member Pacheco, Ms. Flissar stated that they can send the project out to bid as soon as the design is complete. If the timeframe can be accelerated, the bid can go out sooner. Mayor Mueller noted that if there is not a completed design, staff will not be able to do a good estimate of the cost so an accurate bid cannot be done.

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

Item 9 Resolution 2020-038, Amendment to the Development Agreement with Castle and Cooke for the Avenida Del Sol Interceptor

Council Member Umphrey moved that Resolution 2020-038, amendment to the Development Agreement with Castle and Cooke for the Avenida Del Sol Interceptor, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Felix stated that in 1999 the City and Castle and Cooke worked out a development agreement/annexation agreement for the property on the southern part of town, which includes the Tribute area. One of the items in the development agreement asked the City to construct the interceptor to service that area and extend service to the Golden Acres area. Castle and Cooke signed the agreement to pay an interest rate on the balance of the loan and to pay whatever outstanding balance was left after 20 years. The final payment per the agreement is due on July 20, 2020 and the current balance is \$1.6 Million.

Both the City and Castle and Cooke are in negotiations for amending the development agreement and it is in the best interest of the City and Castle and Cooke to extend the payment for six months until they can work through the negotiations. Part of their water right is for watering the golf course, but they have made changes since then and there is also discussion going on about the package plant that is required to be built, which may no longer be needed. The new development agreement will come before Council prior to the end of December 2020.

Council Member Wolfe asked why it would be in the City's best interest to extend the payment for six months. Mr. Felix stated that the negotiations in part have to do with water rights and the placement of the package plant. If the payment is extended, both parties may be able to work

out a beneficial agreement that could also help homeowners in saving money based on development cost that they may not have to incur. Mr. Potucek added that there are certain things within the development agreement that at the time were based on best practices for things going on in terms of not only development and water conservation, but for the San Pedro River. One of them is the requirement in the agreement to build a sewage package plant on the Tribute site and to take that treated effluent and move it up stream to the golf course. Subsequently, Castle and Cooke has put in some improvements to conserve water in terms of how that is being used on the golf course, and now the need for a package plant seems to have diminished. If a package plant was developed and paid for out of sewer connection fees, then the City would ultimately take over the responsibility for the operations and maintenance. By eliminating that and renegotiating, the City can save considerable funds in operations and maintenance for the sewer fund for the future.

Council Member Calhoun asked if it is likely that the negotiations would change the final payment to the City. Mr. Potucek stated that interest is still being accrued. Castle and Cooke are interested in getting this done because those funds continue to accumulate. The City is also anxious to get this finished, but an acceptable payment plan to satisfy the debt needs to be working out, which is what will be renegotiated as part of the agreement.

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

Item 10 Resolution 2020-039, Second Amendment to the Intergovernmental Agreement with the Sierra Vista Metropolitan Planning Organization

Council Member Benning moved that Resolution 2020-039, amendment to the Intergovernmental Agreement with the Sierra Vista Metropolitan Planning Organization, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Yarbrough stated that staff has worked on updating the agreement over the past year with the Sierra Vista Metropolitan Planning Organization (SVMPO) Administrator. There are a few changes that overall are to better specify the terms and conditions under which the agreement is operated and to improve some practices. The three major changes in the agreement are to change from contributing a \$30,000 in-kind match, used for matches for projects that were being done each year, to a cash match that is tied exactly to the projects that are in the upcoming work plan for the year and any money left over could be rolled over to the next year for use to apply to other matches. Another change is how the office rental agreement amount is handled. The average cost of similar types of office space in the City was evaluated and a \$14 per square foot per year amount is being applied to the 340 square feet that the SVMPO uses for an amount of \$4,760 per year. The final major change is a 10 percent indirect cost de minimus method, a federally accepted method for assessing appropriate administrative costs, instead of using the in-kind match for administrative site services for the SVMPO. This would allow the City to change from tracking staff's hours specifically for SVMPO services and billing that amount per hour, depending on the staff, and assessing the hours to the 10 percent cost of their actual monthly expenditures.

The SVMPO Board approved the amended intergovernmental agreement on May 21, 2020 and the specific cost impacts to the City will be the cash match budgeted at \$50,345 for next year. The revenue to the City for site services is budgeted at \$68,663 and rental income at \$4,760.

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

The following people praised the Sierra Vista Police Department and voiced their opposition to the elimination of choke holds, knee holds and firing weapons at moving vehicles in life threatening situations from the Police Department's authorized uses of force: Donna O'Daniel, Richard Prew and Tim Savage.

Council Member Wolfe stated that one of the things that makes the City's Police Department one of the strongest in the nation is that they are willing to take up these discussions. She added that she has never found Police Chief Thrasher to be unwilling to speak with her nor unwilling to discuss anything that would make the Police Department better. If Council is at the point, where it is not allowed or unwilling to speak to the Police Department about things that are going on across the nation, then she thinks that exactly what Ms. O'Daniel talked about would happen.

Comments and Requests of the Council

Council Member Wolfe stated that she is concerned that people believe that the life of one man and how he died does not matter. She further stated that she is worried about people unwilling to have a discussion between the Council and the Police Department because this needs to happen as people have agreed to be policed. If people do not agree with what the Police Department is doing, then they need to speak up because a country without police does not make sense. People need to agree with what the police are doing so that they can be fully supported in what they are doing. She added that she does not understand why such a discussion is scary and noted that she has a lot of respect for the Police Department. She shared that she is a former prosecutor and she has ridden along with police officers, attended several of their funerals, who were good friends, and explained that she is not against police officers in any way. In closing, she stated that the more that de-escalation is worked on, the safer police officers will be as well as the citizens. Discussions need to occur and if people are afraid to hold these because they are afraid that they may be offending a police officer, then that is a problem.

Council Member Pacheco thanked everyone for attending and sharing their thoughts because this is a part of the democratic process and it is good for Council to hear what they are thinking and feeling. She also stated that she is grateful that Council has had a lot of open discussion with Police Chief Thrasher, who has been very open in talking to Council and has offered Council to take a ride along with the police officers. She further stated that she has ridden with the Sheriff Department but has not yet ridden with the City's police officers and agrees with Council Member Wolfe in that this is an important discussion to have.

Council Member Umphrey stated that she appreciates people coming out to speak to Council and noted that it is good to see Mr. DeCarlo and Ms. O'Daniel. She further stated that she agrees in that the City has the best police force and she wants to keep it this way, thus the reason why Council is open to discussion. Council is always good at making good choices on a consensus of any changes for the community. She wished everyone a Happy and Safe Fourth of July.

Council Member Benning stated that the comments received were not the comments that he had expected, but he is glad that these people came out and spoke. He explained that Council is charged in bringing issues to the table and starting those hard discussions, whether someone likes them or not. It gets the community involved and he appreciates that. He thanked Council Member Wolfe and stated that he also appreciates the courage that it takes to stand up and state that conversation needs to take place. He thanked Police Chief Thrasher, Fire Chief Jones and the Sheriff Department and noted that discussions need to start, regardless of how good these people are. It is important for not only citizens to hold Council accountable, but for Council to hold themselves accountable. In closing, he stated that the City has decreased its budget by \$4.2 Million from last year and decreased debt by \$17.5 Million in nine years. However, one of the biggest things hurting the City is the PSPRS, which needs to be resolved. Council has looked at the budget and there are things that need to be done and it is time to start being individuals and standing for what is believed to be right or wrong.

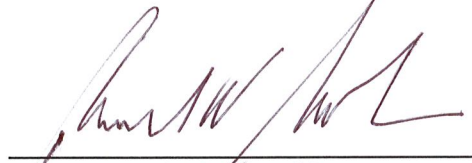
Council Member Calhoun voiced her appreciation at a room full of people expressing their concerns about different issues, particularly the Police Department. She stated that she also agrees in that the City has a fine Police Department, but one thing that is important now is that this is a time of change in America. The way that something has always been done is not the way that it is always going to be done and there can be change, particularly when citizens and government work together. She further stated that Police Chief Thrasher has always been upfront with Council in explaining what happens with the Police Department and has gone on numerous forums in the community to talk about the Police Department, but there can be room for change. Council must go with what is best for the community and all citizens and what is being discussed is about what happens to minority people in the country. Maybe not as much in Sierra Vista, but the questions need to be asked to find out what is not only going on in the Police Department but what is going on across the board.

Mayor Pro Tem Gray stated that she is thankful for the freedom in this country that any movement no matter what the subject is has the right to peacefully protest just as it was seen in the City. She further stated that she is thankful for the freedom that Council Member Wolfe has, who asked for discussion on a hard topic. Regardless of what consensus Council comes to, there is the freedom to discuss these things. She is thankful for the Police Department, well trained and diverse that has a leader that is willing to talk to Council as a body and as individuals, and who is also willing to let her ride along and asks many questions. Lastly, she stated that she is also thankful to the Mayor and Council that is willing to also have those discussions and for a staff that is willing to be prepared for Council to hold those discussions.

Mayor Mueller stated that Council appreciates the Fire Chief too and noted that it is still Census time; although the statistics indicate that the City is ahead of where it was last year, it is still not 100 percent and so he encourages people to mail in their Census forms. He noted that a lot of the City's budget comes from its federal share of taxes that people send to Washington that have come back to be used locally, but if the numbers are low then someone else is spending that money. He added that it is a critical year for voting and noted that the City will not have a Primary but will have a General and there are other offices that are critical for people to go out and vote. He encouraged people to register to vote and noted that if people think that it is a good time to have a mail in ballot due to COVID, people need to request that. Lastly, he stated that the County needs help at the voting centers, a 16-hour day and announced that the July 4th festivities will be different this year. The Rotary Club along with the City is trying to their best because the key is to be safe. He noted that there are still restrictions on fireworks within the City and announced the Special Council Meeting scheduled for Friday, June 26, 2020 at 3 p.m. at City Hall in Council Chambers.

Adjournment


Mayor Mueller adjourned the June 23, 2020 meeting of the Sierra Vista City Council at 6:09 p.m.




Frederick W. Mueller, Mayor

Minutes prepared by:

Attest:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk