

Sierra Vista City Council
Meeting Minutes
September 14, 2023

Mayor McCaa called the September 14, 2023, City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Clea McCaa II – present
Mayor Pro Tem Carolyn Umphrey – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Marta Messmer - present
Council Member Mark Rodriguez – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Chris Hiser, Police Chief
Brian Jones, Fire Chief
Laura Wilson, Leisure, Parks, and Library Director
Sharon Flissar, Public Works Director
Matt McLachlan, Community Development Director
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Tony Boone, Economic Development Manager
Dianna Cameron, Management Analyst
Dimitri Simonton, IDA Member

Invocation – Reverend Donna Smith, Graceful Passages for Vets, conducted the invocation.

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

[Item 1](#) Acceptance of the Agenda

Council Member Landry moved that the agenda for the Regular City Council Meeting of September 14, 2023, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Rodriguez, and Messmer voted in favor.

Presentations and Awards

A Proclamation declaring October 2023 as Fire Prevention Month was presented to Fire Marshall Don Foster. Fire Marshall Foster stated that about 2/5 of residential structure fires begin in the kitchen and roughly 1/3 of those are due to unintended cooking fires. It is the Fire Department's hope that with this proclamation that they can educate the community to use safe cooking practices, to have working smoke detectors, and to have an emergency escape plan so that they can reduce the risk of structure fires due to kitchen and cooking fires.

A Proclamation declaring September 17 through 23, 2023 as Minority Enterprise Development Week was presented to the Economic Development Commission. Ms. Rainey, Economic Development Commissioner, stated that as of 2021, minority owned businesses accounted for almost 1.2 million American businesses, generating over \$1.4 trillion per year in revenue and creating over 4.2 million jobs, impacting the local economy and community culture. She noted that the President of the United States declared Minority Enterprise Development Week for the nation for the last 40 years and this year marks the first year that Arizona has joined in a concerted effort to organize events statewide to celebrate owned businesses. Therefore, the City and the members of the Economic Development Commission have joined in the celebration of the contributions of the local minority owned businesses.

Ms. Rainey stated that after careful consideration of all business nominations, Choson Martial Arts was selected as the minority owned business of the year for their unique role, impact and dedication to the community as expressed by their patrons and students.

Economic Development Commission Award for Minority-Owned Business of the Year - Ms. Rainey on behalf of the Economic Development Commission presented the award and stated that during the Minority Enterprise Development week, the City of Sierra Vista recognizes the achievements, contributions, value of the local minority-owned businesses, and celebrates the diversity that they bring to the community. She congratulated Choson Martial Arts on this well-deserved recognition, thanked them for doing business in the City, and wishes them many years of continued success.

Mr. Rafael Amill, owner of Choson Martial Arts, thanked everybody and stated that he is honored for the recognition. He indicated that the children are what gets him every day to go over to his school and teach. Again, he thanked the parents for their support, his friends, and noted that his doors are open for everyone.

City Manager's Report: City Manager's Report: Mr. Potucek encouraged people to attend Oktoberfest taking place on Friday, September 16, 2023, and Saturday, September 17, 2023, at Veterans' Memorial Park, where people can have a beer, a brat, and have a good time. He announced that the next regularly scheduled work session is scheduled for Tuesday, September 26, 2023, at 3:00 p.m. in the Council Chambers and the next regularly scheduled Council Meeting is on September 28, 2023, at 5:00 p.m., also in the Council Chambers. He reported that the construction project of the ADA paths at Garden Canyon Wash and St. Andrews Drive is being re-bid due to the cost overrun on the initial set of bids (bids are due on October 10, 2023); the land purchase behind Fire Station II was completed; and the Nancy J. Brua Animal Care Center is currently experiencing capacity issues, fortunately, the Council has budgeted an expansion project for the Center and it is expected for the design to be done and construction to commence in December 2023. Lastly, he reported that the sales tax report was very favorable. The City was up 15.33 percent last month and 9.55 percent over the year. However, the previous two months numbers were flat. Therefore, he has asked Mr. Felix to investigate because about half of it could be explained from an audit. Most of these numbers are one-time numbers that would have put the City, if those numbers are cleaned, up to about 7 ½ percent growth. Therefore, staff will keep an eye on this and see what kind of fluctuations there are in the future.

In response to Mayor Pro Tem Umphrey, Mr. Potucek clarified that the construction will start in December 2023. All the design will be over and finished by December 2023.

Item 2 Consent Agenda

[Item 2.1](#) Discussion and Possible Action of the Work Session Meeting Minutes of August 22, 2023

[Item 2.2](#) Discussion and Possible Action of the Regular City Council Meeting Minutes of August 24, 2023

[Item 2.3](#) Discussion and Possible Action of Resolution 2023-069, Appointment of Douglas Phillips, Aaron Hennequin, and Rebecca Smith to the Tourism Commission, said terms to expire April 30, 2025

[Item 2.4](#) Discussion and Possible Action of Resolution 2023-070, Donation of Four Surplus Vehicles to Sister City Cananea, Sonora, Mexico

Council Member Messmer moved that the Consent Agenda consisting of the Work Session Meeting Minutes of August 22, 2023, the Regular City Council Meeting Minutes of August 24, 2023, Resolution 2023-069, appointment of Douglas Phillips, Aaron Hennequin, and Rebecca Smith to the Tourism Commission, said terms to expire April 30, 2025, and Resolution 2023-070, donation of four surplus vehicles to Sister City Cananea, Sonora, Mexico, be approved. Council Member Johnson seconded the motion. The motion unanimously carried, 7/0. Mayor McCaa, Mayor Pro Tem Umphrey, Council Members Benning, Johnson, Landry, Rodriguez, and Messmer voted in favor.

Council Member Rodriguez thanked the people on the Tourism Commission, who volunteered to join, and noted that in looking at their resumes he found retired educators, veterans, local event sponsors, Docs Watering Hole, and a retired clergy person; therefore, he is glad that people are getting involved, which is very much needed. He added that the City is behind on this part and noted that the City is the Hummingbird Capital of the United States, the home of Buffalo Soldiers; therefore, the City needs to capitalize on that and show the world how good the City and County are. He once again thanked the Tourism Commissioners for helping it grow and volunteering to help the community.

Council Member Landry stated that it is good to be able to share with the City's Sister City, Cananea, Sonora, Mexico and to be able to help them in that capacity. Council Member Rodriguez noted that these vehicles have AC, but may need some paint, or a battery, but they are not too bad. Lastly, he stated that the City of Sierra Vista is not giving them junk.

New Business

[Item 3](#) Discussion and Possible Action of Resolution 2023-071, Development Agreement between the City of Sierra Vista, Sierra Charter LLC, and Castle and Cooke Arizona, Inc.

Council Member Rodriguez moved that Resolution 2023-071, a development agreement between the City of Sierra Vista, Sierra Charter LLC, and Castle and Cooke Arizona, Inc., be approved. Mayor Pro Tem Umphrey seconded the motion.

Mr. McLachlan Council American Leadership Academy is endeavoring to construct a new school campus in the Tribute Specific Plan area. They have acquired a 36.6-acre parcel on the northeast corner Buffalo Soldier Trail and Ben Franklin Boulevard, a North South Collector Street that is about 1/4 mile east of State Route 92. State Sierra Charter, LLC is the entity responsible for the development and is planning to start construction around the first of the year

and be completed by early next summer in time for the 2024 school year. To accommodate this fast track and achieve cost efficiencies with the construction, the department is proposing a development agreement that gives Sierra Charter the responsibility to design, construct and finance the required public improvements to Buffalo Soldier Trail with appropriate checks and balances by the City. The Council has budgeted \$2,000,000 for this project, and under the proposed development agreement, developers are to be reimbursed by the City at 25 percent intervals in accordance with the progress of the construction and the actual verifiable costs up to this amount. If the construction bids exceed the budget amount, staff will confer with Serra Charter to determine whether modifications can be made to the construction plans and be made to comply with the budget, or additional funding can be obtained to cover the difference. Any increase to the project budget, which staff will try to avoid, will need to be ratified by the City Council. There will be close coordination between the outside engineering firm of Macintosh and Associates and the City's engineering staff in developing the construction plans. The Department will review and approve the terms of the construction contract and the City's inspectors will oversee the construction to make sure the work conforms to the City's requirements. Any defects will be addressed prior to acceptance and will be party to a two-year warranty on workmanship and materials, which is standard. Upon full and final completion of the BST improvements, Castle and Cooke will be obligated to dedicate and convey the right-of-way parcel for the City Council's acceptance. The development agreement has been reviewed by all parties and has been determined to be acceptable.

Council Member Rodriguez commented that it sounds like the school will be built before the houses, which will be the first thing see in that new community. A new school would be a change for that whole area of town that is going to change traffic patterns, and there will need to be some adjustments. He noted that there is an easement, not right off Buffalo Soldier, but it is going into that new neighborhood, and he likes the fact that this will need to come back to Council and get voted on if the construction bids exceed \$2,000,000.

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

Item 4 Discussion and Possible Action of Resolution 2023-072, Proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its tax-exempt and/or taxable Education Facility Revenue and Refunding Bonds (Liberty Traditional Project), Series 2023, in an aggregate principal amount not to exceed \$20,000,000

Mayor Pro Tem Umphrey moved that Resolution 2023-072, Proceedings of the Industrial Development Authority of the City of Sierra Vista regarding the issuance of its tax-exempt and/or taxable Education Facility Revenue and Refunding Bonds (Liberty Traditional Project), Series 2023, in an aggregate principal amount not to exceed \$20,000,000, be approved. Council Member Benning seconded the motion.

Mr. Potucek stated that the City has been recently seeing a lot of these activities from the Industrial Development Authority in town and they have been involved in the financing and refinancing in this case of many schools, particularly charter schools in the area. These bonds were originally issued in 2007; therefore, most of the proceeds from this issuance will go to the refinancing. of those bonds and there could be many reasons why they want to do that, either to improve cash flow or take cash out to make other improvements. This one apparently has to do with a facility in Douglas; therefore, the City can help somebody in Cochise County. The City of Sierra Vista carries no obligation with regards to the debt repayment of these bonds once they

are issued from the IDA, but it does require Council approval to pass them and get them refinanced.

Mayor McCaa noted that Mr. Dimitri Simonton, IDA President, is present.

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

Call to the Public

Mr. CJ Wallace thanked Council for what they are doing and for what they have done for the City. He added that he is seeking the peace of the City and noted that in Huntington Beach, California, Orange County, a policy was implemented in which they banned masks and vaccine mandates. They did not ban masks and vaccines, but they banned masks and vaccine mandates. The mask and vaccine mandates cripple one's freedom, and that is what their City Council did not want to happen to their people. It is not about public health, but about the public's freedom. The legislative and the executive branches do not have any business in issuing a mandate because only a court can issue a mandate through a Writ of Mandamus. Therefore, he is proposing that Council consider this action before it is an issue, a vote to ban mask and vaccine mandates for the peace of the City.

Comments and Requests of the Council

Council Member Benning thanked Reverend Donna Smith for her blessings, Mr. Wallace for his comments, the Women Army Corps, great mentors, and leaders, and one of Council's fans from YouTube, Jennifer Johnson from Chicago. He thanked and congratulated Mr. Amill of Choson Martial Arts for serving the community and agreed with him in that everything one does is for the little ones, the next leaders. Lastly, he encouraged people to join him at Oktoberfest.

Council Member Johnson congratulated Choson Martial Arts on their award and noted that he loves their name because as a Marine, Choson means a lot to him. He wished Father Gregory Adolph a Happy 75th Birthday, a well-respected priest at Saint Andrew's Church that he loves to death; although, he is a Lutheran. He reported that he was honored in attending Police Chief Chris Heiser's Management Team Retreat held at the Sierra Vista Library, where operational management sergeants and command staff were in attendance. He also attended Sheriff Dannels' press conference about the border crisis, which was attended by all chiefs of police throughout Cochise County as well all the mayors. He added that Sheriff Dannels had quite a few staff there and had invited Border Patrol so that they could address the issues that communities in Cochise County are facing. However, they were not permitted to attend. He added that this is telling of how the federal government feels about the citizens. Lastly, he introduced his daughter, Jennifer, who he has not seen since 2018; therefore, it is going to be a nice visit.

Council Member Landry thanked everyone in attendance, noted that it is always great to see the seats filled in Council Chambers, congratulated Choson Martial Arts on their award and thanked them for what they do in the community as well as everybody who supports them. Lastly, she announced that during the weekend there will be quite a lot of things going on at Veterans' Memorial Park due to Oktoberfest; therefore, she encourages everyone to go have a really great time, get a beer, brats, and enjoy the rides. However, she cautioned everyone to make sure they get home safe.

Council Member Messmer wished Father Greg a Happy Birthday and congratulated Choson Martial Arts for a great job. She announced that the museum is going to be closing on September 29, 2023 for renovations; therefore, this is everyone's last opportunity to go in and see the dinosaur exhibit. In closing, she wished everyone a safe weekend.

Council Member Rodriguez reminded everyone that they can go online to the City's website and request to have their smoke detector serviced, or they can call Fire Station III at 520-417-4400, which are normally done on the third Saturday of the month. He voiced his appreciation at the grass at Veterans' Memorial Park, shared that he witnessed the park's crew mowing Soldier Creek Park, where they were doing a fancy little circle thing and noted that he appreciates that staff can do so. He also voiced his appreciation at hearing the youth in the audience saying the Pledge of Allegiance, thanked Mr. Amill for his service and congratulated him on his well-deserved award, thanked Mr. Wallace for his comments, Reverend Smith for the invocation, and the Women Army Corps. He reported on the Sierra Vista Police Department Service Awards, where officers got award coins, coffee mugs, and shared stories that are not normally heard a lot of times out in public because they do not do it for the recognition, reported on Council's Meet and Greet at the City's library, where he had the opportunity to talk to some amazing people that do not reside in Sierra Vista but gravitate to the City's library, reported that he attended Sheriff Dannel's press conference, which he highly recommends that the public watch. It was recorded and it is going to be all over the news and the biggest take away is that the City is safe, and in place are law enforcement, local law enforcement, County, and Federal, and there is nothing to fear. He added that he is hoping for the best as there is a process and although, he is not a fan of the process, they are working on it as best they can with what they are given. Unfortunately, Border Patrol officers that are neighbors and live in the City and County are being fed the situation and they are taking the brunt of it. In closing, he thanked Jenny for being in attendance and shared that her father, Council Member Johnson, is an awesome guy and he loves sitting next to the Marine.

Mayor Pro Tem Umphrey welcomed Jenny to the City and shared that a previous Council on the dais thought that Council Member Johnson was her father; therefore, for a couple of weeks, whenever she was around him, she would just call him dad. She congratulated Choson Martial Arts and noted that she was not surprised because they are very active in the community, putting on demonstrations with their students at different events. She added that Choson Martial Arts is the first Economic Development Commission's award recipient.

Council Member Johnson stated that there will be a total of four awards based on national holiday weeks for the recognition of certain types of businesses.

Mayor Pro Tem Umphrey announced that Friday, September 15, 2023 is the grand opening for the new Tell Mama cocktail bar at 325 W Fry Boulevard at 3:00 p.m. Also, at noon, on the same day, she and the Mayor will be attending the Repatriation Ceremony for U.S. Army Air Forces 2nd Lt. Walter B. Miklosh, at the Southern Arizona Veterans Memorial Cemetery. She announced that the Defense POW/MIA Accounting Agency (DPAA) announced on August 5, 2023, that US Armed Army Air Forces Second Lieutenant Walter B Miklosh, 21 years of age from Chicago, IL, who was killed during World War II had just been accounted for on May 5, 2023. His nearest family is Sierra Vista; therefore, he has just come back home to be laid to rest.

Mayor McCaa gave a shout out to Raphael Amill and Choson for an excellent job, gave a shout out to the Woman's Army Corps., and a special shout out to Sergeant Major Fletcher, who when he was a captain was his Sergeant Major. In closing, he stated that he and Council Members

Johnson, Rodriguez and Messmer participated in the news conference with Sheriff Daniels and Police Chief Heiser, and he stands with Police Chief Heiser, who said that the City is safe. The Council also stands with Sheriff Dannels to call the federal government to do something; therefore, he requested that there not be any vigilantes in Sierra Vista because if that happens then Police Chief Hiser is going to deal with them accordingly.

Adjournment

Mayor McCaa adjourned the September 14, 2023, meeting of the Sierra Vista City Council at 5:42 p.m.

Clea McCaa, Mayor

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk