

Mayor Mueller called the October 22, 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
Nathan Williams, City Attorney
Jill Adams, City Clerk
David Felix, Chief Finance Officer
Jennifer Osburn, Budget Officer

Invocation – Pastor Becky Preiss, Hope and Healing Christian Church, conducted the invocation.

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

Item 1 Acceptance of the Agenda

Council Member Wolfe moved that the Agenda for the Regular City Council Meeting of October 22, 2020 be approved as written. Council Member Benning seconded the motion. The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Calhoun, Umphrey, Wolfe, and Pacheco.

City Manager's Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session will be held on November 10, 2020 at 3:00 p.m. in Council Chambers and the next regularly scheduled Council Meeting will be held on November 12, 2020 at 5:00 p.m. also in Council Chambers. City Offices will be closed on November 11, 2020 in observance of Veterans' Day. He reported that the north wing at City Hall is currently being remodeled and that work is moving along well and is schedule to be completed by October 31, 2020. The federally funded Office of Economic Adjustment Grant for the EMS Substation to be built on the east portion of Tompkins Park and Seventh Street had its kickoff meeting on October 22, 2020. The design/build documents for that project have gone to OEA for review prior to advertising. Lastly, he reported that Allen Smith, SEACOM Director, is choosing not to renew his contract at the end of his term on December 14, 2020 for personal reasons. The Board will meet in November and determine the course of action.

Item 2 Consent Agenda:

[Item 2.1](#) Approval of the City Council Regular Meeting Minutes of October 8, 2020

[Item 2.2](#) Resolution 2020-064, Substitution of documents for Holiday Phase 5A subdivision plat

Council Member Umphrey moved that the Consent Agenda consisting of the City Council Regular Meeting Minutes of October 8, 2020, and Resolution 2020-064, substitution of documents for Holiday Phase 5A Subdivision Plat, be approved. Council Member Benning seconded the motion. The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Calhoun, Umphrey, Wolfe, and Pacheco.

Public Hearing

[Item 3](#) Adoption of the Development Fee Schedule that corresponds to the Land Use Assumptions and Infrastructure Improvement Plans in Accordance with A.R.S. 9-463, and City Code 154.10-20

Mr. Felix stated that this is the third step in the four-step process to update the development fees. The City has already been through the Land Use Assumptions public hearing, Land Use Assumptions adoption, and the public hearing on the proposed fees, open for a 30-day public comment period in which the City can incorporate any changes and work with the consultant on that. Council will then vote on the fees during the first meeting in December where public comment is also available.

Staff has looked at the growth and assessed the cost associated with the current balance in the development fees. The City will be doing the buy in for the police, fire, and parks due to the negative balance in the fund because they are buying excess capacity. The infrastructure is looking at only a nominal roadway, a half mile for infrastructure over the next ten years. The current assumption is what the City is looking at for growth rates, residential and commercial property over the next ten years. The City is required to renew the study every three to five years, but if things change before the three to five years, the City has the option to renew this at any time.

Mr. Felix presented to Council the current proposed fees and stated that currently the rates did go back in at the 75 percent with the extra half construction sales tax being an offset to the police, fire, and infrastructure accounts. Staff is recommending and proposing a full 100 percent allowable fee and removing the excess construction sales tax. He added that this make reporting easier and works better for some developers because the half cent could be more than the impact fee. It is up to the individual developer what is beneficial for them. There has also been a lot of changes to the laws at the State level between when the City started the fees, the last update and now. They have gone through a whole tax simplification and redefined what construction sales tax is, and what is taxable under the construction sales tax, now considered MMR, and they tax that differently than they used to do. This will also remove the annual subsidy that the City must budget for because an offset must be made up from the General Fund for any fees. The same applies to the waivers for low-income housing because the General Fund must make that up by law.

Mr. Felix stated that Council has had the public hearing, adopted the Land Use Assumptions and is currently holding the public hearing for the proposed fees. On December 10, 2020,

Council will vote on the proposed fees and after that vote the Council will vote to reduce the construction sales tax from 2.45 to 1.95, to give the Department of Revenue the required notice that they need for taxes and the developers so that they may make plans and submit plans as they see appropriate. Lastly, the fees will go into effect March 1, 2021.

Mayor Mueller opened the public hearing to the public - There was no response.

Mayor Mueller asked if people viewing the meeting from home may review the proposal and make comments. Mr. Felix stated that the current draft report is on the City's website, and staff is working on the final report based off the adopted Infrastructure Improvement Plan to ensure that it properly reflects what is happening and easily explains the construction sales tax offset. The offset has been confusing to some in the past because it is 75 percent and not 100 percent. Once the final draft is ready, staff will upload it onto the City's website.

Mayor Mueller asked if people can still voice their opinion at the December 10, 2020 meeting before the Council vote. Mr. Felix stated that people can send comments to the City prior to that and they can also attend the public hearing on the adoption on December 10, 2020.

Council Member Umphrey asked if the waiver of fees made while the moratorium was in place still need to be made up for out of the General Fund. Mr. Felix stated that it was not necessary because the moratorium was across the board; however, any fee waivers must be made up.

Council Member Pacheco asked if any type of outreach is being done to let the developers know of impending changes. Mr. Felix stated that he has been informed by Mr. Pregler in Community Development that a couple of developers are very well aware of what is going on and in a meeting with Mr. Coffman, he found that Mr. Coffman is well aware of the fees and what is going on. The public hearings have been held, the proposal is on the City's website, and any other individual outreach to smaller builders has not been done by the City.

Mayor Mueller noted that he had a conversation recently with a contractor and leader of one of the utilities about this as well. They just needed basic information.

Call to the Public

Michael DeCarlo shared his certificate of retirement that he received during the summer to display the eagle on the top of the certificate. He voiced his appreciation to Council for doing what they are doing, paraphrased General Eisenhower's farewell address and spoke about freedom being scary. He also talked about Sierra Vista's form of government, Cochise College bleeding money out of its aviation program and not being held accountable. Lastly, he spoke about the Justice of the Peace Five having no jurisdiction since the appointment was done illegally, noted that the City has been taking care of the lawns for the School District before purchasing the property adjacent to Veterans' Park, a shell game from one government agency to another.

Dalton Webb stated that he is grateful to exercise his political and legal process within the municipal corporation, complained that the City has not been transparent because the City Code is not available. He asked if they are available on a government website and is that site's traffic safe with a sign-in encrypted and certificate like azlag.gov. He noted that the City has passed a theoretical City Code that made not wearing masks with a certain exception a Class One Misdemeanor punishable up to six months in prison and up to a \$2,500 fine, which was all talk because the police did not assist in the prosecution of the code. He thanked the Police

Department for not participating in the impractical code and noted that he should be able to have something in writing and verbatim as to what the City Code says or an executive order. Lastly, he stated that as a college student, he should be able to go into the library and use the study rooms, but he cannot because the same garbage is being done by the City at the library and he wonders why it cannot be open, doing practical social distancing.

Comments and Requests of the Council

Council Member Benning thanked Mr. DeCarlo for his service and stated, "go Army, beat Navy." He reported on the virtual Relay for Life that brought in five different locations across the County together and raised over \$50,000. He thanked Cal Downey, Leanne Smith and everyone that worked behind the scenes to make the event possible. He welcomed Trisha Clark, Sierra Vista Police Department, who helped him, and Ms. Melody Rojas, a Buena High School graduate, who went to Cochise College and is now a nurse at his doctor's office.

Council Member Calhoun suggested that Mr. Webb speak to somebody at the City about how to find out the information he is seeking on the website. Mayor Mueller added that he was going to suggest that he speak with Ms. Marsh or the City Clerk, and they can tell him how to find the information on the web.

Council Member Calhoun stated that she provided Council Members and the audience a copy of a bingo card. The City has been supportive of the Be Healthy Sierra Vista Project and this is a way for family members to stay active and busy and visit a lot of the activities in the community that can be done with a mask and by social distancing.

Council Member Pacheco thanked everyone present and noted that she is wearing purple because it is Wear Purple Day in Arizona for domestic violence awareness. She added that the month of October is Domestic Violence Awareness Month and thanked Governor Ducey for lighting the Capital's dome purple. She then shared that one in four women, and one in ten men will be victims of sexual, physical, or domestic violence by an intimate partner in their lifetime. Last year there were at least 86 people killed in the State of Arizona for domestic violence. In one day, victims in Arizona made 366 requests for services that went unmet due to lack of program resources, and of those requests 74 percent are housing. The impact on children is very pronounced because children who witness intimate partner violence as a child are two times more likely to become either victims themselves or perpetrators as adults. She further stated that people can start by believing victims, donate to those organizations that are doing the hard work to end domestic violence, vote for individuals who believe that this is an issue and pledge to find answers to support solutions. Lastly, she thanked Police Chief Thrasher and officers for the work that they do and their strides against domestic violence and quoted Maya Angelou, "Each time a woman stands up for herself, without knowing it possibly, without claiming it, she stands up for all women."

Council Member Umphrey shared that she met General Hale and his wife at the Community Leaders Reception and reported that the Buffalo Soldier Gate that has been closed will hopefully be open on the weekend of November 14, 2020 for 12 hours and see how it goes from there. She thanked Council Member Calhoun and stated that she likes the bingo card and plans to do it with her family.

Council Member Wolfe announced that voting is currently underway in Arizona, and people can go to any polling place and vote.

Mayor Pro Tem Gray had nothing to report.

Mayor Mueller encouraged people to go out and vote and exercise their franchise because it is very important. He announced that on Friday, October 23, 2020 at 10:00 a.m. at the Sierra Vista Mall the Veterans Resources Fair will be happening; however, it is different due to COVID, and this is where veterans may go that have needs in the community that can hook up with the agencies that can provide some of the support needed. Lastly, he announced that Veterans' Day will be on tape because it is not appropriate to have the large parade that is normally held to celebrate the Veterans. An abbreviated ceremony will be taped and broadcasted on the City's website and the Post. Staff is trying to get it on Cox as well.

Council Member Calhoun wished everyone a Happy Halloween. Mayor Mueller encouraged people to be safe and watch out for the ghouls and goblins.

Adjournment

Mayor Mueller adjourned the October 22, 2020 meeting of the Sierra Vista City Council at 5:35 p.m.



Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:



Maria G. Marsh, Deputy Clerk



Jill Adams, City Clerk