

Sierra Vista City Council  
Work Session Minutes

October 10, 2023

1. Call to Order

Mayor McCaa called the October 10, 2023, City Council Work Session to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Mayor Clea McCaa – present  
Mayor Pro Tem Carolyn Umphrey – present (3:10 p.m.)  
Council Member William Benning – present  
Council Member Gregory Johnson – present  
Council Member Angelica Landry – present  
Council Member Marta Messmer - present  
Council Member Mark Rodriguez – absent

Others Present:

Victoria Yarbrough, Assistant City Manager  
Chris Hiser, Police Chief  
Brian Jones, Fire Chief  
Laura Killberg, Leisure Services Manager  
Gabriel Squires, Public Works Internal Operations Manager  
Adam Curtis, Marketing and Communications Manager  
Kennie Downing, Chief Procurement Officer  
Jennifer Dillaha, Budget Officer  
Tony Boone, Economic Development Manager  
Mike Cline, Management Analyst

2. Presentation and Discussion:

A. October 12, 2023, Council Meeting Agenda Items ([agenda attached](#))

Mayor McCaa stated that the agenda starts with the call to order, roll call, invocation led by Michael Sanders of the Village Meadows Church, the Pledge of Allegiance led by Council Member Messmer, followed by presentation of the achievement of excellence in Procurement award, proclamation declaring October as National Domestic Violence Awareness Month, proclamation declaring the week of October 15 through 21, 2023 as Women in Business Week in Sierra Vista, and an Economic Development Commission Award for Women-Owned Business of the Year.

In response to Mayor McCaa, Ms. Yarbrough stated that she had nothing to report. However, Mr. Potucek will make a report on Thursday, October 12, 2023, during the Council Meeting.

Item 2.1 Discussion and Possible Action of the Work Session Meeting Minutes of September 26, 2023 – There was no discussion.

Item 2.2 Discussion and Possible Action of the Regular City Council Meeting Minutes of September 28, 2023 – There was no discussion.

Item 2.3 Discussion and Possible Action of Resolution 2023-075, Donation of police equipment to Cochise College in support of SEALETA – There was no discussion.

Item 3 Discussion and Possible Action of Resolution 2023-076, Authorization to Take Legal Action Against Jetty Ware

Mr. Williams stated that under Sierra Vista's Property Maintenance Code, periodically the City is required to go in and abate nuisances. Typically, the City tries to work with the property owner to get them to comply with the Code. However, there are times when the property owner either cannot or will not do that; therefore, the City will go in and abate the nuisance. When the City does that, the City acquires a lien against the property. It is a few \$100 if it is a weed clean up or something like that. However, there are sometimes when the work to be done is significant and the City then acquires a significant debt and liens.

This item and the following item apply to a couple of abatements that the City has done. This first involves a property located at 11 Whitton Drive, which burned, and the property owner did not have the financial means to tear down the structure and after working with the City, the City went in and tore down the structure and incurred \$15,000 in costs. The property owner has 10 years to pay that back to the City in equal annual installments. However, the property owner in this case did not do that and has not done that. She has since passed away, and contact has been made with one of her sons who has informed that they want nothing to do with this property. To recoup the City's costs, the city attorney is asking for authorization to file a judicial foreclosure to foreclose the lot. Currently the lot is vacant, and the City has cleared the structure off the property because it was burned and if authorized on Thursday, October 12, 2023, the city attorney would start the process of filing with the Cochise Superior Court to foreclose the lien. If the court issues a judgment in the City's favor, then the City would contact the Sheriff's Department to execute on that judgment and the property would be put up for public auction.

The City's lien would act as the starting credit bid for that auction. The City would be either assured all its money back if somebody bids more than what the lien is for the City would get the property if nobody bids on the property and put it up for sale through the City's public auction process.

Council Member Benning asked about the value of the property. Mr. Williams stated that it is a vacant lot, and the value is between \$15,000 to \$20,000. He added that the lien may exceed the value of the property.

Council Member Benning asked if the bidding would start at the \$15,000 or the \$22,000? Mr. Williams stated that the City's outlay was about a little over \$15,000, but with penalties and interest, it is up to about \$22,000. The credit bid would be \$22,000.

Item 4 Discussion and Possible Action of Resolution 2023-077, Authorization to Take Legal Action Against Lane Balmer

Mr. Williams stated that this is another lien case located at 132 Peterson, where the City had to go in and clear debris off the property. At the time the property was owned by Patrick Marklin who was an accumulator. The City had to go in and clear a bunch of stuff off the property and did three abatements on the property, two in 2017 and one in 2020. After the City did the work, Mr. Marklin conveyed the property to Lane Balmer and that is why Mr. Balmer is being named in this action. Mr. Balmer is the current owner of this property and because of the amount, \$4,652.08 that is below \$5,000, the property owner had three years in which to pay the lien. The City has reached

out to Mr. Balmer and Mr. Marklin. They were sent a demand letter asking them to pay the lien; however, the City has not received any payment. Therefore, a request is being made for authorization to file an abatement lien foreclosure against Mr. Ballmer.

Mr. Williams stated that he suspects that this one will get paid. This one is a standing structure that has had some work done on it and they may be marketing it for sale. If that happens, the City's lien would get paid and the City would dismiss the foreclosure action.

#### Item 5 Discussion and Possible Action of Resolution 2023-078, Special Event Co-sponsorship, and Fee Reduction Program

Ms. Killberg stated that a few months ago, staff was tasked with developing a process that would address requests made by outside event organizers and partners for fee waivers, reductions, and marketing support for special events. The resulting program was developed to establish clear guidelines and eligibility requirements to establish that request. The program document identifies the types of requests that can be made, explains City expectations, and establishes a timeline of when organizers should expect the decision to be made.

Staff believes that this program will help ensure fairness and equity to requested organizations. Ms. Wilson presented the draft to the Parks and Recreation Commission on September 12, 2023 and to the Mayor and Council during the September 26, 2023 work session. Since those presentations, staff has added additional clarifying language regarding in-kind marketing support that may be considered and corrected the title of Marketing and Communications Manager to Communications Manager. Those edits are highlighted and included within Council's packets. There were no other changes made to the document. Council's approval of the resolution will indicate Council's support and the staff will begin to manage the program through the Department of Parks, Recreation and Library.

Ms. Yarbrough pointed out that this is also one of Council's Fiscal Year 24/25 Strategic Plan goals.

Council Member Messmer asked for clarification concerning page two under the qualifications and requirement for those seeking fee waivers or co-sponsorship, line D, if not having a religious or political purpose. She stated that last year, she came to the department about La Posada, the journey of Mary and Joseph so that they could have the baby Jesus, on the West End. She noted that Saint Andrews put that on, and they did not ask for anything, nor closed the street. There was nothing for the City to do except to help publicize the event. She noted that this is a religious aspect, very cultural because most Hispanics and churches do that, but not in a public way. Therefore, according to page two, line D, she wonders if this would no longer be allowed because it is a religious activity.

Ms. Killberg stated that it is considered a religious activity. They can still do it, but it cannot be co-sponsored by the City. Mr. Williams stated that the City cannot sponsor religious activities, separation of church and state. If it amounts to a sponsorship and it has a religious purpose, the City could not sponsor that. However, it does not mean that the City cannot advertise it through ordinary means that they would advertise any other cultural event.

Council Member Messmer stated that last year, the City advertised through its Facebook page. She asked if this would still be allowed. Mr. Williams stated that as a cultural event, yes, if it met the criteria for a cultural event, it could still be advertised.

Mayor Pro Tem Umphrey asked about the Santas around the world or the Faith in Blue events. Ms. Killberg stated that it could be added to the City's calendar so that it is available to everyone.

Council Member Johnson asked if there is a specific Arizona Statute that prohibits any co-sponsorship on a religious or political purpose? The separation of church and state applies to a lot of things and people throw that around. Mr. Williams stated that as far as the religious, he is not aware of, a political, yes. The City cannot use its resources to influence or support a political candidate, campaign, party, etc.

Council Member Benning stated that he enjoyed Ms. Wilson's briefing that occurred at the last work session that incorporated Hummingbirds into the City. He noted that the City is already sponsoring some events, but like he said before when this first came up, it is a slippery slope when deciding who receives sponsorship, and who does not. He referred to page two, Qualifications, paragraph four, subparagraphs A, B, C, and D, stating that they cannot charge the applicant a fee. It must be free to the public free, including registration, entry, and participation fees. By these criteria, the Fourth of July event cannot be sponsored by the City nor the Christmas parade. The City will not be able to sponsor other events because participants are paying a fee. For the Fourth of July event, there are vendors that pay a fee to set up a booth.

Ms. Yarbrough stated that the list of events in Exhibit A are already co-sponsored events. Anybody can walk into the Fourth of July event and not have to as a participant pay an entry fee. They do not pay a registration fee to go to the event. The same applies to the Christmas parade. Anybody can put their chair on the side of the road, stand, watch the parade go through. They do not have to pay a fee to be able to watch the parade. This is what is meant in terms of free and open to the public.

Mayor Pro Tem Umphrey asked how the Christmas parade is different from La Posada? She added that it is open to the public, people could just walk up, join La Posada, and watch it. Council Member Benning agreed and reiterated that this is a slippery slope, and he foresees more complaints coming out of the fee reduction. He noted that Ms. Wilson and her team painstakingly went through the fees in trying to make the fees fair. Asking her to go back and make them so there can be a waiver program, where this can be done for some, and help others out. This goes back against to what Council asked her to do in the first place, a fee structure that was fair, competitive, and affordable to everybody. People are going to try to put their event into these criteria.

Council Member Benning stated that he likes what is currently in place, where the fee structure is equal to all involved. The events that are already sponsored are the things that are near and dear to a community, i.e., Fourth of July, Christmas or a holiday parade, a veteran's parade, Santa's around the world, not a religious thing because it is other types of celebrations for holidays. These are events that are already celebrated and sponsored that the City provides as a service to the community that a lot of communities provide. However, if the City goes down a different path, i.e., a car show in the park - is this beneficial to the City? It brings people to the park, maybe from out of town. Is this event something that the City wants to put its name and money towards? This is where it goes down a slippery slope because if it is done for cars in the parks, now the City must do it for the Sierra Vista Glow Riders, and if it is done for them, what is the difference from one event to the other event.

Ms. Yarbrough stated that the Christmas parade is classified more as a holiday parade. The

City is not putting on a parade to celebrate the birth of the baby Jesus. Mayor Pro Tem Umphrey agreed but noted that it is called the Christmas parade.

Ms. Yarbrough suggested that some contexts would be helpful on where this whole program came from, which stemmed from earlier in the budget process, and the fact that the City gets asked for requests to sponsor events regularly. Staff understood the tasking to be the development of a policy under which the City would put its name on an event like the list that is in Exhibit A. Almost any organization can still pay to rent the park, can still put on events that do not have anything to do with the City nor have the City's name. The City is not involved. They can rent the park and put an event on. This is meant to describe under what circumstances would the City put its name on an event when the request is made for a sponsorship.

Mayor McCaa stated that he agrees in that there needs to be more context and clarity. Ms. Yarbrough stated that if Council is not ready to consider this, the item can be pulled off the agenda and be brought back to a work session for further discussion.

Mayor McCaa asked to have the item pulled from the agenda and have more discussion during a work session.

Mayor Pro Tem Umphrey stated that she would like some time to figure out a way to make it so that the City is still supporting the events that it wants to support, and not violating the policy.

Council Member Benning stated that he would like to have clarification on co-sponsorship because it does not include staff calls, refunds, all the stuff that there is a fee for anyway. It is basically adding the City's name to, maybe promoting it on social media, and doing advertising for it. The City already does co-sponsorship that may include the following: in-kind marketing, inclusion, promotion materials, organic promotion, City social media and promotion, and earned media opportunities. However, the City is not giving money, staff, and they still must pay for staff, outdoor use of city equipment, etc. He would like to know what they are going to get if the City approves a waiver fee or a co-sponsorship.

Ms. Yarbrough stated that it would depend on what they were requesting specifically. Ms. Killberg stated that it was her understanding that the task was to determine how to get away from advertising everything for everyone, to establish criteria of what would be advertised in-kind for everyone. That was part of the scope of what was being looked for and the waiver would be depending on what was requested and that would be considered, and they could request one or many elements for support within their scope of their event for support.

Ms. Yarbrough stated that a particular issue that has developed is related to marketing. The City can put something on its event calendar that anybody can put an event or a request, but it is another issue entirely when somebody requests the City to develop or produce marketing materials or pay to advertise because then the City runs into gift clause issues, where the City is providing a benefit or service, and maybe not receiving something in return. This is the reason that marketing, new section on page three on in-kind marketing support was included.

Council Member Landry stated that it might even be helpful just to have a definition of what co-sponsorship is and what it is not.

Council Member Johnson asked about the recent Heritage Fest, a private organization that they held at Veterans' Park with vendors, and all kinds of things going on. Mayor McCaa stated that the Heritage Fest was not a City co-sponsored event. Ms. Killberg added that it was a special

event, which they did entirely on their own and they did not receive a waiver.

Council Member Messmer noted that they did not charge any of the vendors. If the vendors signed up with them, they were given a booth for free. She added that she does not know how they raised all the money. Mayor McCaa stated that it was through donations from other organizations.

## B. [Strategic Plan Report](#)

Ms. Yarbrough stated that this is Council's Fiscal Year 2022-2023 Strategic Plan final report and Council's Implementation Plan for their new Strategic Plan will be scheduled for the next work session. Several items were marked behind schedule, as ongoing, and as completed. She explained that the reason why some things get marked as ongoing versus completed. Some of it has to do with the wording of the goal. If it is something that does not lend itself to saying that it is done, it is finished, she tends to mark them as ongoing to show the Mayor and Council that there is sometimes a misunderstanding that once a Strategic Plan report is finished, everyone moves on and forgets it; however, if something is not on the new plan, then it is no longer worked on. Therefore, a few of the situations where the goals are marked as ongoing is to signify to Mayor and Council that these are still important and that they are still going to continue to be worked on.

Some of the goals that were behind schedule last time have continued for the same reasons:

- Goal 1, Pavement Condition Index Survey:

The survey is currently underway, and staff is hoping to have that data by the end of the year, which means that it would help inform next year's annual street maintenance plan.

- Goal 1.2, Streets Program:

Although this one is behind, the amendments to establish that program will be going to Planning and Zoning in November and then to Council in December, pending acceptance and approval by Planning and Zoning.

- Goal 5.1, Highway 90 Repaving:

Paving is scheduled to start in The October/November time frame.

- Goal 13.1, Evaluating future facility needs:

This is an important goal to staff moving forward in having a plan for improvements needed on all the buildings. It slipped behind because the person that had been working on it was assigned some other important tasks, and it has been reassigned to staff. Staff is progressing on this and implementing the new Capital Projects Module that will also assist in the completion of the goal.

- Goal 15.2, Animal Shelter Expansion:

The total sum of \$2,000,000 was included in this current year's fiscal budget and Engineering is currently wrapping up the 90 percent design. They expect to have that completed by the end of the month, early November. Then they will move into the permitting process, and they are expecting construction to start around January of next year.

The goals that were marked completed are:

- Goal 5.2, Streamlining the Capital Improvement Plan process:

Staff is excited about the new Capital Improvements Module that is going to help in keeping track of the progress of all capital projects as well as help to identify better which projects are coming up. All the details on each project located in one place with a lot of reporting features.

These reporting features will be included in the executive plans, which should be in place for next budget year.

- Goal 6.2 point two, Phase II of Garden Avenue Improvements:

This goal was marked as completed because of the way the goal was phrased. Nothing has changed since the last update, but even though this is not moving forward with construction yet, staff will be applying for that Raise Grant again next year because staff thinks that the City has a good shot this time of receiving; If, not, there will be money put into next year's budget to move forward with the project. The intent of the goal was completed the way it was written.

- Goal 10.1, Increasing Sports Tourism Revenue by \$3 million over the next two years: The Parks, Recreation, and Library team did an amazing job, and they exceeded the goal by over \$1,000,000. Their conservative estimate is that the City saw just over \$4 million over the past two years related to sports tourism.

- Goal 17.1 Reinvigorating the non-regulatory commissions: This is now completed.

Council Member Benning noted that everything is going well, and the \$4 million reported is underestimated because he thinks that it is a lot more than that.

#### C. Report on Recent Trips, Meetings and Future Meetings

Council Member Landry announced that the Transportation Commission held its first meeting on October 2, 2023, where they covered basic procedures; however, there are still vacancies on the Commission. She also announced that the Airport Master Plan is currently underway, and the Commission is seeking input on the City's next General Plan that may be provided by going to the website: [sierravistaaz.gov/vista2024](http://sierravistaaz.gov/vista2024). The next Transportation Commission will be on November 1, 2023 at 3:30 at City Hall in the Second Floor Conference Room and anyone is welcomed to attend.

Mayor Pro Tem Umphrey stated that she, Mayor McCaa, and Council Members Johnson and Messmer will be in Yuma next week for the two-day Arizona Rural Transportation Summit where they will have an opportunity to meet with legislators, the State Transportation Board, and other elected officials. This will be like the process that got the funding for Moson Road. She added that she has a presentation put together on the money that is needed to fund the project on Buffalo Soldier Trail. Mayor McCaa added that there should be a report on Highway 90/92.

#### D. Future Discussion Items and Council Requests

In response to Mayor McCaa, Ms. Yarbrough stated that the only thing on her list is the Fiscal Year 24/25 Implementation Plan that will be on the next work session agenda.

### 3. Adjourn

Mayor McCaa adjourned the October 10, 2023, work session of the Sierra Vista City Council at 3:36 p.m.

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Clea McCaa, Mayor

Minutes prepared by:

Attest:

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Maria G. Marsh, Deputy Clerk

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Jill Adams, City Clerk

A recording of the Council Meeting is available at:

[https://www.youtube.com/channel/UC8PtUpIbkQsixlhSy-jeR\\_Q/videos](https://www.youtube.com/channel/UC8PtUpIbkQsixlhSy-jeR_Q/videos)