

Mayor Mueller called the November 12, 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  
Jennifer Osburn, Budget Officer  
Nathan Williams, City Attorney  
Jill Adams, City Clerk  
Matt McLachlan, Community Development Director

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

Pledge of Allegiance: Council Member Benning led the Pledge of Allegiance.

Item 1 Acceptance of the Agenda

Council Member Umphrey moved that the Agenda for the Regular City Council Meeting of November 12, 2020 be approved as written. Mayor Pro Tem Gray seconded the motion. The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Calhoun, Umphrey, Pacheco, and Wolfe.

City Manager's Report: Mr. Potucek announced that the next Council Meeting is a special meeting on November 19, 2020 at 4:00 p.m. in Council Chambers to canvass the election results. The final two meetings for the year 2020 are the City Council Work Session scheduled for December 8, 2020 at 3:00 p.m. in Council Chambers and on December 10, 2020 at 5:00 p.m. also in Council Chambers is the final Council Meeting of the year, where outgoing Council Members will be honored. He reported that the Garden Canyon Linear Park, Saint Andrews Parking Lot Project, has been advertised and will open on December 1, 2020. The Upper San Pedro Partnership WHIP Portal, web design, has been advertised and is scheduled to open on December 8, 2020. The City Hall Remodel Project is complete, except for a few punch list items, and the EMS Substation Design Build will be published on November 13, 2020 and opened on December 18, 2020. Lastly, he reported that he attended a meeting of the Joint Powers

Authority Board Meeting for SEACOM where the main item of business was the interim appointment of Commander Chris Hiser to fill the position of outgoing Allen Smith.

Mayor Mueller asked when the position would be advertised because it will be tough to fill and the earlier the notice is out, the sooner the position may be filled. Mr. Potucek stated that the issue has not been discussed. He added that he believes that the Joint Powers Authority Board will give it a while because it is not going to be an easy position to fill and it could take four to six months, and it is probably best to wait until after the first of the year. SEACOM is in good shape, much better shape than it was last year around this time.

#### Public Hearing

[Item 2](#) Resolution 2020 - 065, Approval of Substantial Amendments to CDBG Five-Year Consolidated Plan (2019-2023) and Program Year 2019 Annual Action Plan

Council Member Pacheco moved that Resolution 2020-065, approval of the Substantial Amendments to the Community Development Block Grant Five-year Consolidated Plan 2019-2023, and the Program year 2019 Annual Action Plan to submit to the department of Housing and Urban Development, be approved. Council Member Calhoun seconded the motion.

Mr. McLachlan stated that this resolution assigns the use of the second round of CARES Act funding via the City's Community Development Block Grant Program. Based on the direction that staff received during the October 6, 2020 work session, the full amount has been advertised of \$239,351 towards the Emergency Crisis Fund for COVID-19 response, which is reflected in the amendments. If approved, staff will amend the subrecipient agreement with the United Way to assign the funding in accordance with the proposal that was presented to Council.

Mr. McLachlan introduced Anthony Reed, Executive Director of United Way, who could answer any follow up questions.

Notice of the public hearing was published in the local newspaper on Sunday, October 18, 2020, and the proposed amendments were posted on the City's website for public review and comment during the same period. The five-day public comment period lapsed without any comments being received. Staff recommends approval of the substantial amendments and in providing staff with the authorization to proceed with the submission to HUD for their acceptance.

Council Member Benning thanked Mr. Reed, who is doing a good job at the United Way. He noted that he will recuse himself from participating in this item because he is the Vice President of the United Way Board.

Council Member Wolfe stated that she is aware that the Council had apportioned some of the money to go towards helping people make rent. She asked if some of those funds have been given out because she has seen people in the community ask for that. Mr. Reed stated that the amount that Council is approving will be used for rent. The previous amount was also used for rent, and a substantial amount of money has been given out for rent and utilities.



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

[Item 3](#) Resolution 2020 - 066, Interim Permit, new license, limited liability-type of ownership for a Series 10 Liquor License for Joey Jerome Danielson on behalf of GPM Southeast LLC dba Fast Market #4609

Council Member Wolfe moved that Resolution 2020 - 066, an interim permit, new license, limited liability-type of ownership for a Series 10 Liquor License for Joey Jerome Danielson on behalf of GPM Southeast LLC dba Fast Market #4609, be approved. Council Member Benning seconded the motion.

Ms. Adams stated that the application was submitted by Joey Danielson on behalf of GPM Southeast LLC and it is for the Valero gas station/convenience store located at the corner of Fry Boulevard and Highway 92. Mr. Danielson was contacted by staff and the name of the gas station is not going to change. This is only a change of ownership that is nationwide. The transfer of ownership of the beer and wine liquor store license, Series 10. The notice of the public hearing was posted on the premises and no comments have been received from the public, pro, or con to the approval of the license. The Police Department has done a background check of Mr. Danielson and has no objection to this application moving forward. If approved by Council, it will be returned to the State for final action.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Calhoun, Umphrey, Pacheco, and Wolfe.

New Business

[Item 4](#) Approval of the City Council Regular Meeting Minutes of October 22, 2020

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

[Item 5](#) Resolution 2020 - 067, Intergovernmental Agreement with Cochise County for court co-location and operations

Mayor Pro Tem Gray moved that Resolution 2020-067, approval of an Intergovernmental Agreement with Cochise County for Court co-location and operations through June 30, 2022, be approved. Council Member Benning seconded the motion.

Ms. Yarbrough stated that this is a court co-location agreement, which means that the agreement gives the City the right to use the Justice Court space for four hours a month to handle cases arising from violations of City Codes and Ordinances that run about eight to ten cases per year. Most of the provisions of the agreement are like the previous consolidated court agreements and so operationally very little will change.

The agreement also appoints the Justice of the Peace Pro Tem as the City Magistrate and requires that the person be a licensed attorney. All expenses for the Magistrate and operations of the court will be covered by the County.



Financially the cost for the current fiscal year will remain \$161,000, which is currently in the budget. The new funding formulas are also complete and that is included in the agreement, detailed on Exhibit A. The funding formula accounts for the cities paying the County to handle the civil, civil traffic and misdemeanor cases that are cited into the Justice Court by the Sierra Vista Police Department or those cases which would be cited into municipal court if the City of Sierra Vista had one. The amount for Fiscal Year 21/22 will be \$276,807 and that amount will be recalculated on an annual basis based on previous fiscal years data.

The agreement will go into effect on January 1, 2021 and go through June 30, 2022 and renew automatically thereafter for one-year periods. The County Board of Supervisors will also consider this agreement on their November 17, 2020 meeting.

Council Member Pacheco asked if this agreement replaces the previous court agreement that the City Council tried to send forward and did not get approved. Mayor Mueller stated that she is correct.

Council Member Benning thanked Ms. Yarbrough for her hard work and noted that the agreement has a lot of what Council was asking for in it, i.e., clarification, transparency, and where the City's money is going and what the City's part in it is. Ms. Yarbrough stated that it was a team effort and a lot of work by the County staff.

The motion passed by a 7/0 vote of Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Calhoun, Umphrey, Pacheco, and Wolfe.

Mayor Mueller also thanked Ms. Yarbrough and noted that this was more than a year long effort and it took a lot of research, work, and motivation. He also voiced his appreciation in that the new County Administrator took this up and took quick action to make sure that this got through as well, and he is glad in that the City still has a great partnership with the County and Judge Conlogue.

Call to the Public – There was no response.

Comments and Requests of the Council:

Council Member Benning thanked Pastor Becky Priess, Mr. Reed and congratulated Mayor Pro Tem Gray on her re-election, Council Member Elect Angelica Landry, and Gregory Johnson and noted that he looks forward to working with them on the dais.

Council Member Umphrey wished everyone a Happy Thanksgiving.

Council Member Wolfe wished everyone a Happy Thanksgiving and asked everyone to remember those individuals that are less fortunate that need help.

Council Member Calhoun wished everyone a Happy Thanksgiving.

Council Member Pacheco thanked Lisa Mara, Cochise County Elections Officer, and the Cochise County Elections Office for the hard work. She expressed her full faith and confidence in the election process, noted that she had the opportunity about five years ago when she was a staff member of a campaign to sit in the Elections Office during

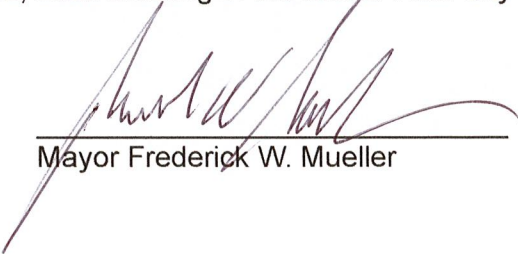
counting for four weeks, and be up close and personal participant. She added that she also participated as an official representative in doing the hand count as well as verifying ballots at the Recorder's Office. She encouraged people to talk to them if they have questions or to go and watch because they have a viewing window, and it is broadcasted live. She congratulated those that were successful in their campaigns. Lastly, she stated that Sierra Vista has lost two pillars of the community that influenced her life and career, Rick Klein, and Bill Hess.

Mayor Pro Tem Gray had nothing to report.

Mayor Mueller thanked all Veterans and stated that he regrets that the City could not have the parade for Veterans' Day and celebration. He encouraged people to see the Veterans' Day video provided by the City. He announced that the month of November is Hispanic Heritage Month and noted that it is time to remember the great contribution that Hispanic citizens have given to the country throughout history. He wished everyone a Happy Thanksgiving, asked people to be safe, and announced that the mask order was re-instated on Friday, November 6, 2020 because there was a concern in people travelling from Veterans' Day to Thanksgiving Day through Christmas and New Year's. He asked people to be careful when meeting and having family time from out of town and hopefully a good time may be had in small groups, wearing masks and by social distancing. The good news is that in several months there is treatment that will be available that will also help.

Adjournment

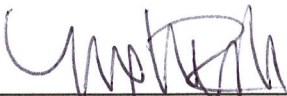
Mayor Mueller adjourned the November 12, 2020 meeting of the Sierra Vista City Council at 5:24 p.m.



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Mayor Frederick W. Mueller

MINUTES PREPARED BY:



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Maria G. Marsh, Deputy Clerk

ATTEST:



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Jill Adams, City Clerk