



Sierra Vista City Council  
Meeting Minutes  
April 8, 2021

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Mayor Mueller called the April 8, 2021 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 Rick Mueller – present  
Mayor Pro Tem Rachel Gray – present  
Council Member William Benning – present  
Council Member Gregory Johnson - present  
Council Member Angelica Landry – present  
Council Member Sarah Pacheco – present  
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Adam Thrasher, Police Chief  
Matt McLachlan, Community Development Director  
Jeff Pregler, Planner  
Laura Wilson, Leisure and Library Services Director  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney

**Invocation** – Reverend Chuck Carlson, Sierra Vista Community Church, conducted the invocation.

**Pledge of Allegiance** – Council Member Landry led the Pledge of Allegiance.

**Item 1** Acceptance of the Agenda

Council Member Pacheco moved that the agenda for the Regular City Council Meeting of April 8, 2021 be approved. Council Member Umphrey seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.

**Awards and Presentations**

A Proclamation declaring April 2021 as Sexual Assault Awareness Month was presented to Corporal Boltinghouse. Corporal Boltinghouse stated that the Mayor read from the proclamation some of the alarming statistics that are not only seen within the community, but within the County, across the State and even across the Nation. This is a serious topic of discussion and it is an uncomfortable one at times for many people. He added that he is a member of the Cochise County Family Community Coalition, and co-chairs the Cochise County in Sierra Vista Regional Domestic Violence Fatality Review Team. It is the Cochise County Family Community Collision that had the idea of trying to bring sexual awareness to the community and that has

been done in different ways. He invited everyone to glance over at the Police Department to see the front of the building, which has been lit up in the color teal, the color designated for sexual assault awareness. He further stated that they accomplished their goal, seen in the number of shares made to social media and even making the Tucson news. There is also a display table in the Police Department's lobby sharing some of the stats as well as a slew of resources for anyone that might need them for themselves or for somebody else. Lastly, he thanked Mayor and Council for their pledge and commitment by lighting the building in teal, and City staff for helping him to put the proclamation together. It is important and vital that everyone continues to work together in order not only address this issue, but a slew of issues following it, i.e., mental health, homelessness as well as PTSD.

A Proclamation declaring April 2021 as Fair Housing Month was presented to Mr. McLachlan. Mr. McLachlan thanked Council and stated that he would reserve his comments during Item 7.

**City Manager's Report:** City Manager's Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session is scheduled for April 20, 2021 at 3:00 p.m. in Council Chambers, and two items of interest will be a discussion on the draft Strategic Plan and the second budget work session primarily dealing with personnel costs. The next regularly scheduled City Council Meeting is scheduled for April 22, 2021 at 5:00 p.m. also in Council Chambers. He reported that at long last North Garden Avenue/Fry Boulevard Improvements Phase I Project had its invitation to bid in April 2, 2021 with a pre-bid meeting on April 14, 2021. Bids are due on April 30, 2021 and staff will be anxious to see how those turn out. The Apron and Taxiway J Rehabilitation Project was awarded to the lowest bidder, J. Banicki Construction Inc. that is awaiting FAA approval. In terms of funding there is good news from FAA. The Street Maintenance/Pavement Patching, Crack and Sand Seal kick-off meeting was held on April 7, 2021, and construction is expected to be completed by June 15, 2021. The CDBG Soldier Creek Park and James Landwehr Plaza Improvements construction has begun and is expected to be completed by April 15, 2021, former Tax Day. The Police Department Locker Room Remodel is anticipated to start on April 2021 as Grail Construction has submitted their design documents to the Building Department. Lastly, he reported that during the morning, he attended the SEACOM Board meeting, where the primary discussion involved the budget, and there should be a stable if not lesser budget for the next fiscal year in terms of the City's share.

Mayor Mueller stated that the CDBG project is last year's and asked about the projects that were discussed two meetings ago that have not yet met the 30-day public comment period. Mr. McLachlan stated that the draft Annual Action Plan will be presented to Council on April 22, 2021 and following that presentation, there will be a 30-day public comment period with the final draft to be presented on May 27, 2021. Mr. Potucek stated that staff has been working on this and he believes that there is a solution to accommodate all that was discussed by Council at the last meeting.

## **New Business**

### **Item 2** Approval of the Regular City Council Meeting Minutes of March 25, 2021

Council Member Johnson moved that the Regular City Council Meeting Minutes of March 25, 2021, be approved. Council Member Benning seconded the motion. The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.



**Item 3** Resolution 2021-020, Application for a Permanent Extension of Premises/Patio Permit for Michael H Appleton on behalf of A and T Taproom dba Bone Dry Taphouse

Council Member Umphrey moved that Resolution 2021-020, application for a permanent Extension of Premises/Patio Permit for Michael H Appleton on behalf of A and T Taproom dba Bone Dry Taphouse, be approved. Council Member Pacheco seconded the motion.

Ms. Adams stated that this application is for a permanent extension of premise for the Bone-Dry Taphouse. The owner has doubled his inside space and is in the process of designing and constructing some deck out in the back. This extension will cover all the new area. She noted that the diagram was found to be incorrect, and that has been corrected to show that the outside area is the same width as the inside area. The applicant, Mr. Appleton, had a background check done by the Police Department and there is no objection to this application moving forward. If approved, it will be returned to the State of Arizona for final action.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.

**Item 4** Ordinance 2021-003, Adoption of Development Code Text Amendment, Reasonable Modifications, Sections 151.02.004, Definitions, and 151.06.011, Reasonable Modification

Mayor Pro Tem Gray moved that Ordinance 2021-003, Development Code Text Amendment, Reasonable Modifications, Sections 151.02.004, Definitions, and 151.06.011, Reasonable Modification, be approved. Council Member Umphrey seconded the motion.

Mr. Pregler stated that the amendments in the ordinance relate to reasonable modifications and are in response to public comments requesting home modifications to accommodate disabilities. A reasonable modification is to be defined to provide disabled persons flexibility in the application of a structure's dimensional standards and lot coverage area requirements and procedures when necessary, to eliminate barriers to housing opportunities. This would create a process that would allow the reductions of building setbacks, height increases, or increases in lot coverage areas for the purposes of accommodating a disability.

The current process to waive the dimensional standards is through a variance process, which is a public hearing that is heard by the City's hearing officer. Due to the strict criteria of the variance process a request for reasonable modification would be denied. In addition, the Federal and State Fair Housing Act stated that prohibited discrimination includes a refusal to permit at the expense of the person with the disability reasonable modifications of existing premises occupied or to be occupied by such person and such modifications may be necessary to afford such person full enjoyment of the premises. For these two reasons, a separate modification process is being recommended.

The process will be administrative rather than a public hearing with the reviewing authority being the Director of Community Development. To verify that the modification is needed, to accommodate a disability, the applicant is required to submit a written certification of need for the request of the accommodation from a medical doctor. For privacy purposes the City will not request any applicant to disclose the disability.

The Commission on Disability Issues provided unanimous approval at their December 9, 2020 meeting regarding these amendments. The Planning and Zoning Commission also recommended unanimous approval of these amendments at their February 16, 2021 meeting.



The Council held a public hearing on this item on February 25, 2021 where the item was opened for a 30-day public comment period. The City has not received any public comments during the 30-day period. Staff is requesting final adoption of the amendments.

Council Member Pacheco asked if the City would be requiring people to say what their disability is, but the City is requiring certification from a medical doctor. She asked if this is not disclosing their medical diagnosis if the City is requiring information from the doctor. Mr. Pregler stated that not necessarily. They may say that there is a physical disability or mental disability, but they do not have to disclose the disability. Mayor Mueller added that they do not have to disclose the specifics. They would say that there is a disability that qualifies.

Mr. Pregler explained that an individual may have a physical disability; therefore, an accommodation is needed at the house to ensure that they are able to access their home.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.

**Item 5** Ordinance 2021-004, Adoption of Development Code Text Amendment, Public Hearing Process, Articles 151.26, Conditional Use Permits and Article 151.31, Amendments

Mayor Pro Tem Gray moved that Ordinance 2021-004, Development Code Text Amendment, Public Hearing Process, Articles 151.26, Conditional Use Permits and Article 151.31, Amendments, be approved. Council Member Umphrey seconded the motion.

Mr. Pregler stated that the amendments in this ordinance relate to revising the public hearing process for conditional use permits, rezoning and text amendments. The current review and approval process for these requests require public hearings before the Planning and Zoning Commission and the City Council. Along with the public hearings, public notifications are required, notifying the public of the hearing dates as required by State Law. These requirements include newspaper ads, posting signs on the property, and mailing letters to all owners within 500 feet of the requested property, if applicable. The process takes approximately 45 to 60 days; however, the Arizona Revised Statutes does provide for an expedited public hearing process for local municipalities. According to the Arizona Revised Statutes, if the Planning and Zoning Commission has held a public hearing, then the governing body may adopt the recommendations of the Planning and Zoning Commission without holding a second public hearing if there is no objection or request for a public hearing.

Following the public hearing from the Planning and Zoning Commission, the City Council can approve the recommendations without requiring a second public hearing if there are no objections, protests, or requests for a public hearing. The Council would still vote on these items, but the notification requirements for a public hearing will not be required and the items can be placed on the next available Council Meeting Agenda that helps to expedite the process. Should there be an objection or protest regarding the item, or there is a request to take it to a public hearing, or if the City Council does not adopt the recommendation from the Commission, then a second public hearing before the City Council will be scheduled. An objection, protest or request for public hearing is to be submitted within seven days from the Commission's recommendation.

The Planning and Zoning Commission recommended unanimous approval of these amendments on February 16, 2021. The Council held a public hearing on this item on February 25, 2021 where the item was opened for a 30-day public comment period. The City has



received one public comment, opposing the amendments. Staff is requesting final adoption of these amendments.

Council Member Pacheco asked if a second public hearing would require the same requirements for announcing it. Mr. Pregler stated that the same notification requirements would be applicable for the public hearing before the Council.

Mayor Pro Tem Gray stated that this is an example of where the City, by direction of Council for a long time as it takes time to go through all the codes, is to streamline and make an easier process for the public and citizens when prudent. She added that she is happy to see another step going forward.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.

**Item 6** Resolution 2021-021, Dedication of Veterans Sports Complex Football Field to Keith Hampton

Council Member Benning moved that Resolution 2021-021, dedication of Veterans Sports Complex Football Field to Keith Hampton, be approved. Mayor Pro Tem Gray seconded the motion.

Ms. Wilson stated that the Parks and Recreation Commission is seeking approval from the Mayor and Council to dedicate the recently acquired football field located at the Veterans Memorial Sports Complex to Mr. Keith Hampton. Mr. Hampton was a long-time resident and respected coach in Sierra Vista. The Commission would like to host an official public dedication for Mr. Hampton once the field has been rehabilitated and available for use.

Mr. Hampton was known as "Coach" in town and for almost 25 years he dedicated his time and his life to youth sports programming in Sierra Vista. He was greatly loved and respected by his family and community and was very involved with the players that he coached and continued to mentor. He continued to support his players as they grew up and started families of their own. He even had the rare pleasure of introducing some of the children of his former players to youth sports, a generational honor shared by not too many people when they coach so long and give so much of their time.

Mr. Hampton started Arizona Youth Football Program in Sierra Vista, along with Tom Ransford and Frank Valdez in 1998/1999. Prior to that, he was involved with Pop Warner Football. Mr. Hampton also coached in our local schools, where his six children John, Jalen, Kosse, Maggie, Kendra, and Jill attended. After his children left those schools, he continued to step up and coach whenever a helping hand was needed as he was a fan of all children.

Mr. Hampton's health unfortunately started to decline and was unable to coach any longer, but he took that time and pivoted and instead of coaching, he continued to cheer and yell from the stands, was everyone's biggest cheerleader, and encouraged everyone to participate in sports and used it as a metaphor for life lessons. He and his family would always attend games, visit with the parents, their kids, and cheer on the players. He made sure to attend as many games as possible and could be found at sports venues all over town because it did not matter where the game was played. He was always ready to give a big bear hug and ask, "how y'all all doing?" Ms. Wilson stated that as a recipient of those hugs, she will miss them.

Mr. Hampton passed away on June 20th, 2020 at the age of 58 after a long battle with end stage kidney failure and short bout with cancer. The City lost this kind gentleman much too soon, but he left an incredible legacy behind in his wonderful children and in the lives he touched. The Park and Recreation Commission unanimously recommend approval and hopes that the Mayor and Council will support this request to honor a man who gave a lot of himself to this community.

Mayor Mueller thanked the Park and Recreation Commission for going through the process and bringing this item to Council. He also thanked the Hampton family for allowing the City to honor Keith Hampton in this way.

The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Pacheco, voting in favor. Council Member Umphrey not present.

#### **Item 7** Resolution 2021-022, Restating the City's Commitment to Fair Housing in Sierra Vista

Council Member Umphrey moved that Resolution 2021-022, restating the City's Commitment to Fair Housing in Sierra Vista, be approved. Council Member Benning seconded the motion.

Mr. McLachlan stated that the resolution before Council reaffirms the City's commitment to affirmatively furthering fair housing within the community. As mentioned at the work session, this action fulfills a requirement of the City's Community Development Block Grant Program and encourage any person in the community that experiences housing discrimination to contact the Southwest Fair Housing Council, who will investigate and take appropriate action. As was recently reported, there have been no recent cases by the Southwest Fair Housing Council in this regard, which bodes well and is a positive reflection on the community. The City will continue to stock all public facilities with information regarding the rights and responsibilities under the Fair Housing Law and get the word out throughout the community.

The motion unanimously carried, 7/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, Pacheco, and Umphrey voting in favor.

**Call to the Public** – There was no response.

#### **Comments and Requests of the Council**

Council Member Landry asked people who drink out of a can, to save the cans for the Animal Shelter because they take those and recycle them as well the tabs, separated from the can. She announced the Sierra Vista Open scheduled for May 14 through 16, 2021 that is run by the Huachucans. She added that there are a few spots for the individual net play, Saturday, and Sunday. The proceeds go back into the community to help the local youth and sports. Lastly, she stated that for those people that do not want to play, they have raffles that they can participate in.

Mayor Mueller stated that other charitable organizations participate in the raffle and they get a portion of the sales so that they can do their good work too, a win-win for the community.

Council Member Pacheco stated that Tuesday, April 6, 2021 was Arizona Gives Day and encouraged people to donate to a local nonprofit in town, worth supporting and charitable donations. She added that for ideas for nonprofits, Arizona Gives has a list of nonprofits. She



thanked Corporal Boltinghouse for his presentation on an important topic. She thanked the Police Department on their continued efforts in sharing resources with the community on sexual assault awareness and domestic violence awareness. She shared that she attended a couple of years ago a presentation by Lory Burdick, Take Back the Night event, usually held during this month at Cochise College. The event could not be held last year nor this year due to COVID, but the focus is on sharing sexual assaults resources with their student population and with vulnerable populations on their campus. During the presentation, it was stated that if one wants to make a difference in either domestic violence or sexual assault awareness, something one can do is to start by believing. If someone has been approached and has had a story shared with them because they trusted and chose you as their confidant, which is hard, the first thing is to start by believing them before questioning. This is something that Ms. Burdick said that she was trying to work on with the Police Department.

Council Member Johnson announced that Chief Thrasher and the Police Department have been reaccredited with the CALEA accreditation, the highest standards in law enforcement. He shared that he has been volunteering with the Police Department for seven years in the evidence room and he is very proud of the men and women that are serving the public and keeping everyone safe.

Council Member Umphrey announced that the Spayghetti Dinner at the Landmark Café is scheduled for Saturday, April 10, 2021. The Friends of the Sierra Vista Animal Shelter are raising money for the Animal Shelter and tickets for \$10 are still available on their Facebook page. She shared that April 10, 2021 is her husband's birthday, who happens to be on their board so they will celebrate at the Landmark Café. Lastly, she wished him a happy birthday.

Council Member Benning stated that with restrictions lifting, and places opening back up, there is a lot more travel. He noted that on his way back from work, there was a fatal accident and so he wants the people of Sierra Vista to be careful, vigilant and take the time to know where it is they are going, pack what they need, and to be safe.


Mayor Pro Tem Gray recognized Melanie Edwards Barton, Sierra Vista Chamber Director, and announced that the Chamber had their annual meeting on Facebook. Their presentation noted that they are starting to do events, i.e., Good Morning Sierra Vista, their annual meetings, MAC lunches, etc., which is great as they always share important information with the community. In closing, she shared a story about a conversation going on about police departments in general, lack of training that sometimes creates lack of good behavior, and how community policing is not always seen in the community. During this discussion, there was a citizen present, who was not a believer of the Police Department until she attended a presentation to Council by Police Chief Thrasher on the training and all the community policing that is done. This citizen turned out to be the biggest advocate for the Police Department. In the past she had participated in negative conversations, but during this conversation, she told everyone that she thought the same things, but after hearing Police Chief Thrasher and seeing the police officers out at the vigils/marches etc., she is a believer in the Police Department on how well they do.

Mayor Mueller congratulated Police Chief Thrasher on the third CALEA achievement that reflects well on his leadership as well as his men and women. He stated that he hopes that everyone had a happy Easter and Passover, especially in coming out of COVID. He reminded everyone that there are CDC guidelines on masking, spacing, hygiene, etc. because those guidelines need to be followed. He encouraged everyone to get their immunizations that are available, one shot or two shots, so that the community can get the herd immunity. Lastly, he

stated that for those in Arizona that must pay taxes on their income, the extension has been made to May 17, 2021 to file and is the same as the federal government.

**Adjournment**

Mayor Mueller adjourned the April 8, 2021 meeting of the Sierra Vista City Council at 5:38 p.m.



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Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:



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Maria G. Marsh, Deputy Clerk



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Jill Adams, City Clerk