



**Sierra Vista City Council**  
Meeting Agenda  
February 9, 2017

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**Call to Order**

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

**Roll Call**

**Invocation**

**Pledge of Allegiance**

**Item 1** Acceptance of the Agenda

**City Manager's Report:** Upcoming Meetings, Bid Openings and Bid Awards

**Public Hearing**

**Item 2** Resolution 2017-011, Codification of Code of Ordinances and declaring a 30-day Public Record

**New Business**

**Item 3** Approval of the City Council Meeting Minutes of January 26, 2017

**Item 4** Ordinance 2017-001 Rescinding Section 13 of Rule 15 of the Personnel Rules and Regulations, Leave Bank

**Item 5** Resolution 2017-012, Re-appointment of John McBee to the Sister Cities Commission, said term expires February 8, 2017

**Call to the Public**

**Comments and Requests of the Council**

**Adjournment**

For special needs and accommodations, please contact Jenifer Thornton, Management Analyst, Department of Community Development, 72 hours prior to the meeting or activity. Ms. Thornton can be reached at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.

February 2, 2017

MEMORANDUM TO: Honorable Mayor and City Council  
THRU: Charles P. Potucek, City Manager  
FROM: Jill Adams, City Clerk  
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
RESOLUTION 2017-011  
Codification of Code of Ordinances and declaring a 30-day  
Public Record

RECOMMENDATIONS:

The City Manager recommends approval.

INITIATED BY:

Jill Adams, City Clerk

BACKGROUND:

The City Clerk is charged with the responsibility to have ordinances of a general and permanent nature codified into our City's Code of Ordinances. As part of the process, the Mayor and Council must adopt the codified and amended code as an official record of the City.

Consistent with our practice, this resolution will set the amended code as a public record for a period of 30 days. At the end of that period, the Mayor and Council will then take action on the ordinance adopting the amended code as an official record of the City.

BUDGET APPROPRIATIONS:

None

RESOLUTION 2017-011

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING AS PUBLIC RECORD THE "CODE OF ORDINANCES OF THE CITY OF SIERRA VISTA," S-17 SUPPLEMENT; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PRUPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista periodically enacts laws to help govern the municipality and provide for the orderly operations, maintenance, development, and civil peace of the City; and

WHEREAS, these laws are then codified into the City Code by American Legal Publishing Corporation of Cincinnati, Ohio; and

WHEREAS, American Legal Publishing has completed the 2017 S-17 supplement to the Code of Ordinances of the City of Sierra Vista, said supplement containing all laws of a general and permanent nature enacted since the prior supplement to the Code of Ordinances; and

WHEREAS, it is in the best interest of the City to adopt the re-codified Code or Ordinances for ease of use and organization.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VSITA, ARIZONA AS FOLLOWS:

SECTION 1

The policy of the City of Sierra Vista relating to declaring a public record, last affirmed, be, and hereby is, reaffirmed.

SECTION 2

The 2017 S-17 supplement to the Code of Ordinances for the City of Sierra Vista, as submitted by the American Legal Publishing Corporation of Cincinnati, Ohio, three copies of which are on file in the Office of the City Clerk, is hereby declared to be a public record.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9<sup>th</sup> DAY OF FEBRUARY 2017.

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FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:

ATTEST:

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NATHAN J. WILLIAMS  
City Attorney

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JILL ADAMS  
City Clerk

PREPARED BY:  
Jill Adams, City Clerk



Sierra Vista City Council  
Meeting Minutes  
January 26, 2017

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Mayor Mueller called the January 26, 2017 City Council Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present  
Mayor Pro Tem Alesia Ash – present  
Council Member Bob Blanchard – present  
Council Member Gwen Calhoun – present  
Council Member Rachel Gray – present  
Council Member Craig Mount – present  
Council Member Kristine Wolfe – absent

Mayor Mueller noted that Council Member Wolfe is out on vacation.

Others Present:

Chuck Potucek, City Manager  
Mary Jacobs, Assistant City Manager  
Adam Thrasher, Police Chief  
Jodie Ryan York, Fire Department Training Chief  
Victoria Yarbrough, Leisure and Library Services Director  
Sharon Flissar, Public Works Director  
Matt McLachlan, Community Development Director  
Abe Rubio, IT Manager  
Nathan Williams, City Attorney  
Judy Hector, PIO  
Jill Adams, City Clerk

Invocation – Pastor Sean Jenkins, Sierra Evangelical Lutheran Church conducted the invocation.

Pledge of Allegiance - The Club Scout Pac #419 and 436 led the Pledge of Allegiance.

[Item 1 Acceptance of the Agenda](#)

Council Member Blanchard moved that the agenda for the Regular City Council Meeting of January 26, 2017, be approved. Council Member Gray seconded the motion. The motion was approved by a unanimous vote, 6/0.

Awards and Presentations:

Susanne Himstedt-Gilbert provided an explanation of the Sister Cities Commission and its yearly exchange with Radabeul, Germany where they take eight students from Cananea, Sonora Mexico and Buena High School. A slide presentation followed by the Buena Sister Cities Club consisting of Jordan Benniefield, Lorena Gilbert, Corbin Martinez, Nicholas Schulz, Ryan Downey, Daulton Fox, Allison Sartin and Sean Mullins, on their exchange trip to Germany was

provided to Council. Mayor Mueller thanked the students, members of the Sister Cities Commission, chaperones and noted that he is pleased on what the students learned as this exchange trip is a yearly event.

Mayor Pro Tem Ash asked the students about their most valuable part of this experience. The students stated that the food, building friendships and experiencing their school system.

Council Member Calhoun commented on the students' accents, added that she is very impressed on how well the students are learning the language and thanked them.

Council Member Gray commended the students on their excellent public speaking, which is great to see that in citizens going forward as they grow up into adults and added that she is happy that they all got to take the trip because it was an experience that they will never forget.

Council Member Mount presented John Turner, owner of Down Home BBQ and Sweet burger, with plaques in recognition as the City Council Business for the Month of January. Mr. Turner thanked the Council, Mayor, the community and God for the opportunity as it is not always easy. He urged Council to work to make business startups easier so that everyone can win because no one has to step on anyone or talk about anyone to get to the top. In closing, he stated that everyone should work together so that everyone can be successful.

City Manager's Report: Mr. Potucek made the following announcements:

- Work Session on February 7, 2017 at 3:00 p.m. in Council Chambers regarding regular update;
- Council Meeting on February 9, 2017 at 5:00 p.m. in Council Chambers;
- The SVMPO Vista Transit Study RFP evaluations are complete and an award has been made to Moore and Associates;
- Coronado Widening IFB Award has been made to KE&G Construction, Inc. in the amount of \$1,499,709.15;
- The City received two responses for the Taylor Drive Sidewalk Improvements (CDBG - IFB) that were opened on January 23, 2017 with the apparent low bidder, KE&G Construction, Inc. for the amount of \$82,693.00;
- SVMPO Road Design Standards was advertised and it opens on January 31, 2017;
- Annual Street Maintenance Project for Avenida Cochise reconstruction has been advertised and it opens on February 14, 2017;
- The property auction for the sale per the Balmer Settlement Agreement for parcels 106-70-116 and 106-70-119 (located at the Southeast corner of Denman Avenue and 5th Street) was held at 11:00 a.m. on January 25th, at City Hall. The property was sold for the minimum bid amount of \$18,000.00 to Mr. Fix It Properties. Escrow was opened at Pioneer Title on the same day.

## Item 2 Consent Agenda

[Item 2.1](#) Approval of the City Council Meeting Minutes of January 12, 2017

[Item 2.2](#) Resolution 2017-007, Application for Extension of Premises/Patio Permit for Jerald Jay Reutebuch on behalf of PC's Lounge for the 8th Anniversary Party for the Black Jack Charter on March 25, 2017 at 4700 E Highway 90, Sierra Vista, Arizona

Council Member Calhoun moved that the Consent Agenda consisting of the City Council Meeting Minutes of January 12, 2017 and Resolution 2017-007, an application for Extension of Premises/Patio Permit for Jerald Jay Reutebuch on behalf of PC's Lounge for the 8th Anniversary Party for the Black Jack Charter on March 25, 2017 at 4700 E Highway 90, Sierra

Vista, Arizona, be approved. Council Member Mount seconded the motion. The motion was approved by a unanimous vote, 6/0.

#### New Business

#### Item 3 Resolution 2017-008, State Route 92 and Foothills Drive Joint Project Intergovernmental Agreement

Mayor Pro Tem Ash moved that Resolution 2017-008, State Route 92 and Foothills Drive Joint Project Intergovernmental Agreement, be approved. Council Member Gray seconded the motion.

Ms. Flissar stated that this item is associated with a long plan improvement at the intersection of Foothills and State Route 92. Due to the accident history at the intersection, the Arizona Department of Transportation (ADOT) was able to acquire Federal Highway Safety Improvement Program (HSIP) funds to make improvements. Some of these improvements include lengthening medians and left turn base, converting the intersection to protected left turns, widening the intersection and improving ADA accessibility. The project will be administered by ADOT and funded by HSIP so no monetary or in-kind match on the part of the City is required. However, since a portion of the project involves City right of way on the west leg of the intersection, the resolution will allow ADOT to bring into its system the necessary rights of way needed for the construction of the project. After the project is complete, the right of way east of State Route 92 will be abandoned back to the City.

Mayor Pro Tem Ash stated that this has been a long project as learned during the work session; but Council is happy that the City is getting some action on this with no monetary match from the City. She thanked staff for facilitating this and getting it to a close.

Council Member Calhoun asked how long the project would take. Ms. Flissar stated that at this point, she does not know the estimated construction time frame as so much of it will depend on when it gets started. It is a paving project so it is weather sensitive and can only be done at certain times of the year and have to shut down if there is inclement weather.

Mayor Mueller commented that this has been on the list and a safety issue for a long time and Council is glad that the City was able to get that done. He thanked the Tucson District Engineer, who he spoke to about a number of projects last month while he was out touring the City.

The motion was approved by a unanimous vote, 6/0.

#### Item 4 Resolution 2017-009, Development Code Text Amendments, Addition of Sections 151.09.006, Bicycle Parking and 151.09.007, Parking Credits and Flexible Parking Allocations

Council Member Gray moved that Resolution 2017-009, Development Code text amendments, addition of Sections 151.09.006, Bicycle Parking and 151.09.007, Parking Credits and Flexible Parking Allocations and extension of the public comment period for another 30 days, be approved. Council Member Calhoun seconded the motion.

Mr. McLachlan stated that the resolution extends the public record on the subject amendments for 30 days. The amendment procedure requires that the public record be extended anytime that there are substantive changes made to the original resolution.

On December 8, 2016, the Council approved the initial 30 days public record and at that time it had a considerable discussion regarding the proposal. Based upon the direction of the majority of the Council, staff has modified the proposal to address the concerns specifically regarding scope and process. Specifically the applicability section was amended to limit the scope of the bicycle parking requirement to new commercial buildings, dropping the original proposed language extending the requirement to modified site plans or expansions to existing buildings. This is consistent with what was adopted in 2012 and essentially maintains the status quo.

This ordinance proposal does not place a mandate on existing businesses or new businesses occupying vacant commercial space to install a bike rack. It is a construction cost to developers the significance of which has fueled a lot of the feedback.

Mr. McLachlan stated that it is his understanding that there are some residents who are concerned that requiring bicycle parking is going to impact potential commercial development projects coming to the community and harm economic development efforts. That has not been the case in his experience and during his years in doing development review in interacting with the development community.

The other major change is the waiver section to deal with the Chamber's concern about the current Code not considering business types, i.e., sandwich shops versus engineering offices. Currently any business seeking a waiver must apply for a variance with strict review criteria specified in the City Code. The proposed waiver provisions take into account the nature of the commercial use together with the presence of existing and planned bicycle structure serving the property and making it a much simpler process to obtain a waiver. A waiver request would be considered by the Development Review Committee as part of their normal review of the site plan at no delay or expense to the applicant.

The proposed standards specify the required number of bicycle parking spaces and that the rack be designed and installed to permit the frame and both wheels to be secured with a square footage per stall and distance between racks. These are the model standards recommended by the Association of Pedestrian and Bicycle Professionals.

Mr. McLachlan stated that if this action is approved by Council, then they would extend the public record for 30 days with the amendments as presented.

Mayor Mueller added that Council is following procedure because anytime that there is a significant change to something that is proposed, the issue must go back out for another 30 day public comment. He then asked Mr. McLachlan if the question for Council is to whether approve or not another 30 day comment period with a final decision being made after the Council has comments from the new comment period. Mr. McLachlan stated that he is correct.

Mike Redenbo representing himself, his wife, Primo Vapors, Total Imagery Tile as well as many other business owners and cyclists in the City stated that he is a bicyclist and that businesses walking the tight rope of the economy, balancing budgets, employees and overhead all too often find themselves in the midst of chaos when it comes to government regulations. As a local business owner and a proud father of a cycling family, he has experienced a roller coaster of emotional stress due to unnecessary government regulation and knows firsthand how heavy the iron fist of government overreach can be. He added that as a patriarch in a cycling family, he knows that an award does not make the community bicycle friendly and that it is time for the Council to listen to the people rather than a select few representing a special interest group because regulation hurts small business and stifles growth. City mandates forcing companies to



supply bike racks are a burden to small business owners as they all live and work in a free market and Council should let the consumers decide what they want or need through dollar votes. Council should let the businesses decide whether these bike racks will enhance their business as the end goal in business is to make a profit and by instituting unnecessary regulations the Council affects the bottom line of all local businesses. Additionally, many new business owners may not have this in their budget as an additional cost. Imposing this type of wasteful spending on businesses is not only morally; but fiscally irresponsible.

Mr. Redenbo further stated that for Council to cater to a special interest group rather than small businesses is outrageous and the community has more pressing issues, i.e., solving the homeless epidemic, combating drug abuse and getting help for the mentally disturbed, rather than appeasing to a small group of cyclists. The community does not need an award to be considered bicycle friendly as the City is surrounded by a rich scenery and beautiful mountain trails that even the most avid cyclists would appreciate. The entire City is bound with bike lanes and bike paths with miles of additional paths interlaced throughout the City. He then asked when would Council be satisfied as this is a progressive award. Each new level requires more City funding. The existing bike racks in the City are rarely used and adding more will not promote a more bicycle friendly community as it will only deplete the profits of many struggling businesses. He suggested using a common sense approach to the community by lightning up mandates on local businesses and encouraging new growth through less regulation. He added to have the burden lifted off the small businesses and potentially tax payers by having the cycling community pay for their own bike racks. Not directly; but indirectly through registration of all bikes being ridden on City streets just like a vehicle. Not only would this be a residual income for the City; but it will also help law enforcement to identify stolen bikes in the future.

John Wettack speaking on behalf of himself and the Cochise Bicycle Advocates (CBA) stated that the purpose of the parking requirements in the City Development Code is to provide sufficient parking in close proximity to various uses for residents, customers and/or employees. If bicycles are recognized as a valid mode of transportation and not as toys or special interests, standards for the number of size of bicycle parking spaces should be established in the same manner as for motor vehicles. The Development Code addresses standards for other modes of transportation, i.e., sidewalks for pedestrians and bus benches for transit users. The proposed provisions for placement of bicycle parking in the proposed amendments will be very beneficial as a majority of the bike racks now in the City are installed in such a manner that they will not accommodate the bicycles as they are intended. Encouraging bicycles for transportation benefits the entire community as every bike trip means one less car on the streets, reducing traffic congestion and pollution.

Mr. Wettack further stated that the CBA is seeking funds to assist the City to acquire bike racks and those would be donated to businesses that request them. The CBA offers to assist in installing those racks.

Rebecca Dagnan, a veteran, stated that she has lived in the City for about 13 years, convinced her parents to move to the City and her boys have grown up in the City. She voiced her appreciation at the fact that bicycling is good for the City, good for everyone's health and the environment; but although, changes were made to the proposal to apply it only to new development, it still adds unnecessary red tape to the City's efforts in bringing in more business to create more jobs as there is a huge unemployment problem. The City has lost some major businesses during the last year and does not need to add to the red tape by stating that businesses have to install a bike rack and that if they don't want it, they need to fill out a variance. She asked for free enterprise to rein and stated that if a company knows that their

customers are going to need bike racks, they will install them because it is good for their bottom line. She further stated that as she drives around town, she has noticed that most of the bike racks in town are not used and the multiuse paths are mostly used by runners, people walking their dogs and people with strollers.

Ms. Dagnan added that she created an online petition, which currently has 328 signatures, along with a printed petition as well as the remarks that people have made. Although, some don't apply due to the changes that have been made after the initial period, the comments are from cyclists, local business owners and allot people who do not want the bike racks. The paper petition was printed because allot of the people that live in the City are not aware of what is going on and although, things get sent to their addresses, it is allot of legalese and everyone is busy, they take a look at the long form and they pitch it in the trash. Since last night, she got 28 signatures on the written petition and the petition will continue to be circulated to collect signatures (petition on file with the City Clerk).

Mark LaPaglia, owner of Sun n Spokes Bicycle Shop, stated that he loves what he gets to do because he loves bikes and people. He added that he can represent a small piece of people as cyclists based on conversations at his store as he has been fortunate enough to have had Council Members come into his store and customers whose common concern was that they would not lock up their bike on a bike rack. He added that he is a spoiled cyclists, owns a bike shop and the least expensive bike he owns is over \$400 and he would never lock his bicycles to a bike rack. The majority of the customers that he works with don't own bicycles in such a way that they would ever leave them on a bike rack due to the material, paint jobs, ability to be tampered with or some of the highest end bicycles are designed to be disassembled with no tools.

He further added that he would be lying and foolish if he did not approach Council as a bicycle shop owner because having more bike racks and encouraging more cycling within the community would be absolutely advantageous to his business; but he also has to remove the business hat and step into a normal citizen who owns a business who feels that there is a bit of overstepping/meddling. He asked Council to let business owners cater to whom they desire within some fair legal parameters and if a business desires to attract a customer base that rides bikes than they should be allowed to cater to that and if they don't it should be ok. He added that he does not run or have to go to a place and take off his shoes, he does not shoot guns and he is not asking to go into businesses where he can check in his handgun in a gun safe. There are all kinds of opportunities and different interests in mind that he thinks are great to accommodate. Specific to this one, he thinks that it is a little bit of overstepping. There are other groups that the City can receive a designation that would not be as stringent or cost prohibitive and would attract a very different demographic. The International Mountain Bike Association (IMBA) has a great history of working with cities in providing them with a partner designation to help with infrastructure. They have economic studies and surveys that they can transfer over with allot of information about what they can provide and it does not come with the same amount of regulation that the League of American Cyclists would require. In closing, he added that he is 37 years old and the League of American Cyclists is not something that he finds appealing at all; the IMBA designation would attract his age group much better. The League of American Cyclists has a reputation of attracting more of the senior citizens or retired higher economic group and from a business stand point he understand that; but it is also very much limiting the targeted field.

Mayor Mueller asked Ms. Hector to look into IMBA's partnership requirements.

Council Member Mount voiced his appreciation at everyone's comments including the CBA and stated that this is not about bike racks. The public on one hand pay attention and others tune out; but it has never been about bike racks because the people who have been involved have written their minutes and published them on line, which goes back to May of last year where City staff and the Municipal Planning Organization (MPO) that deals with federal funding of transportation were working with the CBA. In November at the CBA Meeting the Community Development staff was stating that they were going to change the Code because they have to get that done before the City can file for an award with a special interest group.

He further noted that he knows this stuff as he has been fortunate to have had all of education. He stated that he has taught this for six years at the university level and proceeded to display his government finance book published by the ICMA that walks the dog about what happens when there is an economic spiral and businesses start to be regulated. The historical reaction of businesses when costs are raised has had and affect to consumers and employment that is seen with the wage hike. In his class he held a four hour discussion about special interest groups that is defined as a special group that lobbies to change policy and that is what is going on. The Council is trying to change policy so that the City can win an award from a said special interest group that opens up a whole lot more spending and regulations.

In December three Council Members tried to remove the mandate with the standards remaining, if the Department believes that they are needed. A local business owner, new or existing, could state that the standards are too rigid and indicate that they are out. It is a great system because if it seen that the standards are too rigid, then City staff should say that it is too much and that nobody is volunteering input. Four Council Members voted to send this to 30 day public input phase and the public has spoken as 80 percent of the public emailed in stating that they did not want mandates and it was not about the standards. There were people on their own starting petitions to stop it because the public even if they disagree with Council, are not dumb. They know what is going on and they want Council to focus on other things.

Council Member Mount stated that he cannot do this without Council's support and the public is clearly saying to focus on other things and not this proposal. He added that he becomes agitated when they talk about being bicycle friendly because the City has spent funds and not just on the multi use paths; but on the web site (displayed a picture with the head of the CBA riding a bicycle) and the numerous literature in Public Affairs about cycling. The City has paid for that and is indeed a bicycle friendly city. This is not about bike racks nor a reflection on anybody who is against bikes. This was for an award by a special interest group. In closing, he stated that the mandate needs to be eliminated because that is what the public has said and that is the smart thing to do as there has not been a single project in a year for new construction and the Council needs to focus on the economy as branding is not going to get it done. The City needs that staff that has been going to those meetings to focus on things that actually impact the City.

Council Member Blanchard concurred with Council Member Mount.

The motion was approved, 5/1. Council Member Mount casting the dissenting vote.

Mayor Mueller voiced his appreciation at all of the comments received and noted that there is still another 30 days to provide comments.

[Item 5](#) Resolution 2017-010, Appointment of Nicholas Monbleau to the Sierra Vista Youth Commission, said term to expire July 9, 2018

Mayor Pro Tem Ash moved that Resolution 2017-010, appointment of Nicholas Monbleau to the Sierra Vista Youth Commission, said term to expire July 9, 2018, be approved. Council Member Blanchard seconded the motion. The motion was approved by a unanimous vote, 6/0.

Mayor Pro Tem Ash recognized Mr. Monbleau.

#### Call to the Public

Kathy Calabrese, Executive Director for the Good Neighbor Alliance (GNA), stated that the emergency homeless shelter serves men, women and families with children and veterans. The GNA's Samaritan Shelter Program is not government funded by local, state or federal funds. It is a community based independent nonprofit organization in place to serve those in need in the community.

GNA looks forward to getting their roof placed with Community Development Block Grant (CDBG) funds from the City as the value of the GNA is priceless. 2016 was a difficult year to get through because it posed many severe economic problems. GNA looks forward to 2107 and another year of service to its neighbors living on the edge and to those experiencing homelessness. It is incumbent for the leaders in the community to ensure that there is a healthy safety net for those who find themselves homeless due to a disabling condition or those who have experienced trauma that renders them disabled and not being able to function in a mainstream society.

GNA is once again overseeing the nationally mandated point in time homeless count (PIC count) for Sierra Vista and Cochise County. The PIC count is normally done every other January; but the Arizona Balance of State Continuum of Care has opted to do the PIC count annually. GNA may also go ahead and do a summer count because although these numbers won't go forward, it gives them a big picture of a better point in time count. GNA has overseen the PIC count for the County since 2007 and 2003 for the City of Sierra Vista. The data obtained in this count and through shelters for the night of January 24, 2017 ultimately goes to the US Congress to determine funding for the states, which work with their homeless and behavioral health housing programs. GNA stays on the cutting edge of all things homeless and assisting those experiencing homelessness in the City. There were 20 volunteers that assisted with the PIC Count, one of which was Mayor Pro Tem Ash. Working with this population day in and out is very rewarding. The data will not be available until spring; but the GNA shelter and the Path Out Reach Team are having success in getting the most vulnerable population engaged and housed. It is their hope that Council and the citizens of Sierra Vista continue to support GNA because they are an essential part of the safety net.

Mayor Mueller thanked Ms. Calabrese and noted that for a number of years GNA has joined with the Police Department and others that have gone out and done this count, which is incredibly important in order to get federal funds to get people off the street and into housing. He then announced GNA's upcoming fund raising dinner where that funds go to all of the local folks in the City that need housing assistance.

Ms. Calabrese stated that there was allot of talk about the PIC count and Balance of State Continuum of Care, therefore, she and Mr. McLachlan have talked about holding training due to the City's role with HUD and CDBG, which has changed.

Robin Dumas stated that she disagrees with Council's lament on how the public does not speak to them or partake and commented that she has been a part of numerous discussions that

revolve around what is happening and the only member that she sees speaking to the public on a continuous basis is Council Member Mount as well as his active posts. The City's web site lacks luster as there is no recent information on the individual council members' pages other than a picture and short bio for which tax payers' money was used. She then suggested updates to Face Book so that the public can see what Council Members are doing with their own special interests and developments and with a way to contact them. She also voiced concerns not only with uninvolved council members; but with the new president and executive orders and how those can be used for the community's benefits because there will be 5,000 new border patrol agents and an untold amount of contracting workers for the wall.

She further stated that she would like to know how City resources could be used to ensure that citizens can apply for these job opportunities because there is a grey area of community members out of high school that have chosen not to complete any college or learn a trade due to the unavailability in the community and lack of workshops to teach needed skills. She then suggested the formation of a committee instead of throwing away \$1,000 on a plaque in order to open up a community work shop to prepare the workers for the coming job opportunities as she has spoken to contractors and educators who would be willing to donate time to better the community members. Many people after high school have bounced from fast foot to retail to call centers and small jobs in town, which is a big negative for the City because most are not able to get approved for home loans that is down by 18 percent during the last five years. The \$20 Million City Game Plan is contingent on home buyers and this is crazy and it has no logic and will most certainly fail the City and its citizens. In closing, she stated that Council acts as if the citizens are a large population that is an extreme detriment to the City as well as wasting time for the third time to talk about these mandates that the public has spoken against. There has been regulation for bike racks, food trucks, basketball hoops and the number of yard sales that someone can hold in a year, which is eating up valuable Council time instead of convening with a clear purpose on how to immediately turn the City around and not by hoping on a wish and a prayer that some small businesses and a pretty west end will magically draw hundreds of qualified home buyers because the statistics do not lie.

Andrae Newcomb stated that there are 5,000 reasons and 20 percent to remember that the City Council is like Bisbee and the cowboys running the whites out so that the Mexicans can have the job at the Lavender Pitt, about 100 years ago. He also talked about Police Chief Thrasher's lack of friendship and Edward Snowden with the national security agency warning people about how the things that they may be up to are monitored and have a trail. He added that Police Chief Thrasher is aware of what happened to Agua Prieta and Cananea police and these are real threats in Sierra Vista also or to anyone anywhere. He pointed out that courts accept into evidence things that are not theirs to accept and that is why Council should pay attention to politics and make sure that the judges are honest. Evidence cannot be found unless there is probable cause.

#### Comments and Requests of the Council

Council Member Mount thanked everyone for attending the meeting, congratulated John Turner on his award and noted how great it was to see the Club Scout Pac #419 and 436 present for their Merit Badges and lesson on civics. He then stated that the City's economic development efforts are not working as the City currently does not have an economic director and every measurable category when looked at in economics is not in the right direction as housing and tourism is hurting. He further stated that he does not know who is responsible for hiring those people; but the City has had four people for economic development that have all up and left within a year and a few months. He urged Council as they get ready for the Strategic Plan not to

pretend that everything is ok. He also indicated that he does not agree in the direction that Council is going; but there is still time to make corrections as he is in his last few years of his term and some things need to be fixed because branding and other things that are being done is not working. Council has to start thinking about real good innovative solutions.

Council Member Blanchard had nothing to report.

Council Member Calhoun congratulated and thanked John Turner for what he does for the community and welcomed Nicholas Monbleau to the Sierra Vista Youth Commission and explained that it takes some amount of time and effort to be out in the community in making efforts to change things.

Council Member Gray thanked Ms. Calabrese, the Board and the Good Neighbor Alliance team and proceeded to report on a gentleman that through the Good Neighbor Alliance is now living on his own, has a job and learned how to purchase his own groceries. She also stated that she is available via email, phone, social media any time anyone in the community wants to contact her. She does respond as that is what Council Members are for; but she has to hear from the people to know what they want.

Mayor Pro Tem Ash thanked the businesses that attended as well as the Chamber and noted that she has heard their concerns as when this was first introduced, the first thing on her mind was how to hold businesses harmless. That is why she stated on the first day that this was introduced that if this is something that the City cared about, then the City should find a way out of its own budget to pay for it. She then got some other good input from citizens and she listened to that too. The Cochise Bicycle Advocates have been looking for ways to fund this from private dollars, not tax dollars and that is a compromise that a lot of people can get behind. She further stated that Council understands that this is a burden for businesses and that overregulation hurts people; but for people who see bicycle travelling as a special interest is not going to work for them and they are going to have to agree to disagree on that because in her opinion, bicycling is no more different than walking or driving and for that reason, she supports that compromise. In closing, she noted that some people brought up homelessness and reported on her ride along with Good Neighbor Alliance on their point in time count, a system that is very convoluted and complicated. There are people in the community working extremely hard that do not get the credit that they deserve, i.e., Good Neighbor Alliance's Path Team with one member in particular, Brad, who knew where all of the homeless people were and their stories that brought them to homelessness. She applauded Brad and stated that she sincerely hopes that there can be more discussions about that and less about bike racks in the future.

Mayor Mueller voiced appreciation on Council Member Ash's strong comments and noted that one thing that sticks in his craw about the bike racks is that people have the opinion that it is all that Council is doing. He proceeded to explain that very little of his time other than reviewing the comments and talking with staff is spent on that. It is the same with staff as they have other issues that they are addressing; but are not at the forefront right now. People need to be aware that Council is addressing issues that relate to the City other than bike racks at the same time. This will be resolved within 30 days and Council will then move on to the next issue; but they need to have the opportunity to follow the legal process prescribed and that is exactly what they are doing. In closing, he requested that people be patient.

Adjournment

Mayor Mueller adjourned the January 26, 2017 meeting of the Sierra Vista City Council at 6:20 p.m.

\_\_\_\_\_  
Mayor Frederick W. Mueller

Minutes prepared by:

Attest:

\_\_\_\_\_  
Maria G. Marsh, Deputy Clerk

\_\_\_\_\_  
Jill Adams, City Clerk

January 31, 2017

MEMORANDUM TO: Honorable Mayor and City Council

FROM: Charles P. Potucek, City Manager

SUBJECT: Request for Agenda Item Placement  
Ordinance 2017-001 Rescinding Section 13 of Rule  
15 of the Personnel Rules and Regulations, LEAVE  
BANK

Recommendation:

The City Manager recommends approval.

Background:

A number of years ago, the City instituted a "Leave Bank" that provided an opportunity for employees to receive additional sick time when faced with a catastrophic illness of themselves, or in some situations, members of their family. The bank was funded through annual contributions of participating employees' sick and vacation leave accruals.

The Leave Bank was a very unique mechanism at the time, and it has since outlived its function. I am not familiar with any other jurisdiction that has a similar program. Through the City's health benefit advisor, proposals were solicited from private insurance companies to secure an independent short term disability policy. This type of policy is the industry standard, and its administration provides confidentiality and consistency according to established rules. The policy has been incorporated into the benefits offered to all employees eligible for health insurance, at no cost to employees. The current policy is provided by Mutual of Omaha, and several employees have taken advantage of the benefit since its inception. Employees are required to cover the first 30 days of a short term disability through their accrued leave (sick and annual), and then if approved, receive two thirds of their salary for up to five months, at which time eligibility for long-term disability through ASRS or PSPRS is available.

In order to eliminate redundancy, the reference to the Leave Bank must be removed from the Personnel Rules and Regulations. It was originally anticipated that the revamp of the rules would be ready to present to Council earlier this fiscal year. However, the task is monumental and additional time is needed for staff to ensure all issues and recent changes in law are adequately addressed. Therefore, I am recommending that the rescission of this section now so that staff can close out the bank and return any remaining sick leave hours to participating employees.

Budget Appropriation

None

Attachment: Rule 15 of the Personnel Rules and Regulations with Strikeout of  
Section 13



ORDINANCE 2017-001

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA; RESCINDING SECTION 13 OF RULE 15 OF THE CITY OF SIERRA VISTA PERSONNEL RULES AND REGULATIONS; AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That Section 13 of Rule 15 of the City of Sierra Vista Personnel Rules and Regulations be, and hereby is, rescinded.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby rescinded.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9th DAY OF FEBRUARY, 2017.

\_\_\_\_\_  
Frederick W. Mueller  
Mayor

Approved as to form:

Attest:

\_\_\_\_\_  
Nathan Williams  
City Attorney

\_\_\_\_\_  
Jill Adams  
City Clerk

RULE 15

LEAVE OF ABSENCE

SECTION 1: ACCRUAL OF VACATION CREDITS

Every full-time employee shall earn vacation credits based on years of service according to the following monthly accrual schedule:

Years of Service	40-Hour Employee	56-Hour Employee
0 to 5	8 hours	12 hours
5 to 10	10 hours	15 hours
10 to 15	12 hours	18 hours
15 to 20	14 hours	21 hours
20+	16 hours	24 hours

Leaves of absence compensated by the Arizona Industrial Commission not in excess of six (6) months shall be considered paid service and vacation credits shall continue to accrue.

Any absence without pay in excess of forty (40) hours in any pay period (56 for fire personnel) shall not be allowed as creditable time for accrual of vacation credits.

Eligibility to use vacation credits shall begin after completion of six (6) months of service.

SECTION 2: REQUESTING LEAVES OF ABSENCE

All requests for leaves of absence, with or without pay, shall be made to the employee's Department Director for approval on forms approved by the Human Resources Division. All requests shall be submitted in advance of the beginning date of the leave (except requests for unanticipated sick leave which shall be submitted for approval at the earliest possible time) and the duration and kind of leave shall be recorded on the leave request form. Paid leaves of absence are subject to the control of the Department Director, Human Resources Manager, and City Manager.

Leaves of absence, with or without pay, shall be limited to six (6) months, unless approved by the City Manager or required by law.

SECTION 3: VACATION RATE OF PAY AND ASSESSMENT

Vacation is charged against the employee's vacation credits equal to the number of working hours he is absent to the nearest half hour. Vacation credits are paid at the same rate of pay had the employee worked his normal schedule.

SECTION 4: MAXIMUM VACATION CREDITS

The maximum number of vacation credits an employee is permitted to carry following the second pay period end date of the calendar year is based on years of service according to the following schedule:

RULE 15  
LEAVE OF ABSENCE

Years of Service	40-Hour Employee	56-Hour Employee
0 to 5	240 hours	360 hours
5 to 10	240 hours	360 hours
10 to 15	288 hours	432 hours
15+	336 hours	504 hours

Any balances exceeding the maximum allowed will be forfeited following the second pay period end date of the calendar year. The Human Resources Division will reduce these balances to the maximum allowed and notify the employee.

Under unusual circumstances, extensions may be granted by the City Manager upon the recommendation of the employee's Department Director. In no case may vacation credits accumulate beyond 480 hours for 40-hour per week employees and 720 hours for 56-hour per week employees. All written authority to carry over vacation credits shall be placed in the employees' personnel file as a matter of record.

For good reason, a Department Director may require an employee to forego part or all of a scheduled vacation. No employee shall forfeit vacation credits at the beginning of a calendar year if required to forego a scheduled vacation. Upon the recommendation of the Department Director, and approval of the City Manager, an employee may be paid for foregone vacation.

SECTION 5: EXCHANGE OF VACATION LEAVE

Employees are permitted on a voluntary basis to exchange accrued vacation credits for compensation under the following guidelines:

- A. Eligibility: An employee must 1) have a minimum balance of 100 hours of vacation leave (150 hours for fire personnel), and 2) have taken a minimum of 40 hours vacation credits (56 hours for fire personnel) before the twenty-third (23) pay period of the calendar year.
- B. Procedure: The Human Resources Division will advise employees of their eligibility. If the employee wishes to participate in the program, they shall indicate the number of hours they wish to exchange for compensation and return the form to Human Resources. A maximum of 40 hours (56 for fire personnel) may be exchanged for compensation each calendar year. Compensation will be paid with the twenty-fifth payroll check of the calendar year.

SECTION 6: TERMINATION PAY FOR VACATION CREDITS

Employees shall be paid for accumulated vacation credits upon separation from City service.

SECTION 7: ACCRUAL OF SICK LEAVE CREDITS

Every full-time 40-hour employee shall earn eight (8) hours of sick leave per month; 56-hour employees shall earn 12 hours of sick leave per month.

Eligibility to use accrued sick leave credits shall begin after one (1) month of service.

Leaves of absence compensated by the Arizona Industrial Commission not in excess of six (6) months shall be considered paid service and sick leave credits shall continue to accrue.

RULE 15  
LEAVE OF ABSENCE

Unused sick leave credits accrue without limitation.

Any absence without pay of more than forty (40) hours in any pay period (56 for fire personnel) shall not be allowed as creditable time for accrual of sick leave credits.

Sick leave shall not be construed to be a privilege that an employee may use at his discretion, but shall be allowed only in the cases of necessity herein set forth.

Without sick leave credits the employee will receive no pay from the City unless he chooses to use available vacation credits. Sick leave credits are not transferable between employees.

SECTION 8: SICK LEAVE WITH PAY

Sick leave with pay shall be allowed:

- A. When the employee is too ill to work safely or their personal health and well-being is affected. Minor ailments that would not affect the safety of persons or property, or endanger the health of other persons, while performing job duties do not qualify an employee for sick leave.
- B. To seek medical treatment and examination.
- C. When the employee is medically unable to work because of pregnancy, miscarriage, abortion, childbirth, and recovery there from, and pre and post-natal examinations.
- D. To care for an immediate family member with a serious health condition; paid sick leave shall not exceed 40 hours (60 hours for fire personnel). Under unusual circumstances, leave duration may be extended if prior approval is given by the City Manager.

Member of the employee's "immediate family" means the mother, father, spouse, child, brother, or sister of the employee and step or in-laws of the same. Under unusual circumstances, leave may be granted for other family members if prior approval is given by the City Manager.

SECTION 9: SICK LEAVE AUTHORIZATION

In order to receive compensation while absent on sick leave, the employee shall notify his supervisor or department designee prior to the time set for beginning his daily duties. For extended absence, the employee must keep the City abreast of their return to work status in accordance with the Family Medical Leave Act. The employee shall complete a Leave Request form stating the reasons for such absence. The Department Director may request the employee submit a written statement from a licensed physician or practitioner stating that he has been ill, has recovered from his illness, and is able to perform the duties of his position.

SECTION 10: RATE OF SICK LEAVE PAY AND ASSESSMENT

Sick leave is charged against the employee's credits equal to the number of working hours he is absent to the nearest half hour. Sick leave credits are paid at the same rate of pay had the employee worked his normal schedule

RULE 15  
LEAVE OF ABSENCE

SECTION 11: PAYMENT OF SICK LEAVE UPON SEPARATION FROM CITY SERVICE

Any regular employee who retires from the City service and is immediately eligible for normal retirement benefits under a City sponsored retirement plan shall be compensated for their accumulated sick leave according to the following schedule:

40-hour employee: 50 percent of the first 480 hours and  
25 percent of hours in excess of 480

56-hour employee: 50 percent of the first 672 hours and  
25 percent of hours in excess of 672

In the event of the death of an employee, all accumulated sick leave credits shall be paid to the beneficiary at the employee's rate of pay at the time of death.

SECTION 12: PARTIAL REINSTATEMENT OF SICK LEAVE

Any former employee reinstated within one (1) year of termination will be credited with 20 percent of his previously accumulated sick leave.

~~SECTION 13: LEAVE BANK~~

~~The Leave Bank is established for all full-time regular employees who, through catastrophic illness/injury of themselves, their spouse, or children, have exhausted their accrued sick and vacation credits. Membership is voluntary.~~

~~A. Covered Illness/Injury~~

~~— Catastrophic Illness: A long-term disability that requires hospitalization resulting from an illness, such as massive heart attack, cancer, kidney failure, etc.~~

~~Catastrophic Injury: A long-term injury that requires hospitalization resulting from an accident, such as loss of limbs, eyes, etc.~~

~~B. Membership Contribution~~

~~Employees on a 40-hour a week schedule who voluntarily participate must contribute sixteen (16) hours of sick leave credits the first year of membership and eight (8) hours per year thereafter to be eligible for this program. Employees electing to extend coverage for the care of a spouse or child suffering from catastrophic illness or injury must contribute four (4) hours of vacation credits per year to be eligible for this program.~~

~~Employees on a 56-hour a week schedule (Fire Dept) who voluntarily participate must contribute twenty-four (24) hours of sick leave credits the first year of membership and twelve (12) hours per year thereafter to be eligible for this program. Employees electing to extend coverage for the care of a spouse or child suffering from catastrophic illness or injury must contribute six (6) hours of vacation credits per year to be eligible for this program.~~

RULE 15  
LEAVE OF ABSENCE

~~Employees may join the Leave Bank at any time. The annual renewal contributions will be made in July of each year. An employee who cancels membership in the Leave Bank and later rejoins must contribute at the first year membership rate and serve a new six (6) month waiting period.~~

~~An employee leaving the City's employment may donate the remainder of their sick leave to the Leave Bank.~~

~~C. Bank Withdrawal~~

- ~~1. Employees must meet an initial six (6) month waiting period from date of membership to be eligible to withdraw from the Leave Bank.~~
- ~~2. Employees who suffer catastrophic illness/injury, and who have exhausted their accrued sick and vacation leave, may submit a request for withdrawal to the Human Resources Manager~~
- ~~3. Employees with a spouse or child suffering from catastrophic illness of injury requiring care by the employee, and who have exhausted their accrued sick leave and vacation credits, may submit a request for withdrawal to the Human Resources Manager.~~
- ~~4. The Human Resources Manager will certify whether the employee is entitled to withdraw from the Leave Bank. Based on the information, the City Manager shall approve or disapprove the employee's request for withdrawal from the Leave Bank. If the request is approved, the Human Resources Manager will inform the employee.~~
- ~~5. During the period an employee is withdrawing from the Leave Bank, he may be required to present a monthly statement from his physician certifying that he is medically unable to perform the job. For a family member's illness or injury, a physician's statement may be required outlining the care provided by the employee. Failure to present certification may result in termination of Leave Bank withdrawal benefits. The City Manager shall be solely responsible for termination of benefits under this provision.~~
- ~~6. An employee may withdraw from the Leave Bank for a maximum of six (6) months from the date of personal injury or illness provided he qualifies as outlined above.~~

~~An employee may withdraw from the Leave Bank for a maximum of twelve (12) weeks when providing care for their spouse or child suffering from catastrophic illness or injury, provided he qualifies as outlined above.~~

~~The City Manager may authorize withdrawals beyond six months in 30-day increments.~~

- ~~7. Unless approved by the City Manager, no employee will be allowed to withdraw from the Leave Bank in excess of the balance available at the time of withdrawal.~~

RULE 15  
LEAVE OF ABSENCE

~~8. Employees withdrawing from the Leave Bank shall not be eligible to accrue sick or vacation credits.~~

~~D. Conversion to Dollars~~

~~All sick leave and vacation credits contributed to, and withdrawn from, the Leave Bank will be converted to dollars based on the employee's current rate of pay.~~

SECTION 14: SICK LEAVE EXCHANGE

In January of each year sick leave credits may be exchanged for vacation credits on a 3-for-1 exchange rate. Eligibility is based on sick leave used during the 26 pay periods of the preceding calendar year and a minimum balance after the exchange.

A. Eligibility

40-Hour Employee

Used less than 40 hours of sick leave credits during the 26 pay periods of the preceding calendar year and will maintain a balance of 96 hours after the exchange has been completed.

56-Hour Employee

Used less than 60 hours of sick leave credits during the 26 pay periods of the preceding calendar year and will maintain a balance of 144 hours after the exchange has been completed.

Sick leave credits contributed to the Leave Bank are not considered as hours used for the purpose of this program.

B. Exchange

EMPLOYEES WORKING 40-HOUR WEEK

SICK LEAVE USED	SICK LEAVE COST	VACATION GAIN
None	120 hours	40 hours
1.0 - 8 hours	96 hours	32 hours
8.5 - 24 hours	72 hours	24 hours
24.5 - 39.5 hours	48 hours	16 hours
40 hours or more	0 hours	0 hours

RULE 15  
LEAVE OF ABSENCE

EMPLOYEES WORKING 56-HOUR WEEK

SICK LEAVE USED	SICK LEAVE COST	VACATION GAIN
None	180 hours	60 hours
1.0 - 12 hours	144 hours	48 hours
12.5 - 36 hours	108 hours	36 hours
36.5 - 59.5 hours	72 hours	24 hours
60 hours or more	0 hours	0 hours

C. Procedure

Human Resources will forward information on eligibility for the exchange to the employee in January of every year. If an employee elects to participate in the program, he shall note the number of hours he wishes to exchange and returns the form to Human Resources. Human Resources will process the exchange in February.

SECTION 15: WORKER'S COMPENSATION IN RELATION TO SICK LEAVE

Employees are covered by the City, under the Arizona State Worker's Compensation Act, against injuries and illnesses occurring in the course of City employment. The law provides for payment of medical expenses and under certain circumstances, compensation for loss of income. To establish entitlement, it is mandatory that every job related injury or illness, regardless of severity, be immediately reported to the supervisor and a written report prepared and submitted to the Human Resources Division.

Worker's Compensation, except for payment of medical expenses, shall not be paid for the first seven (7) calendar days after injury or illness. If the disability extends beyond the seven (7) day period, Worker's Compensation shall begin on the eighth day. If it continues beyond the thirteenth day, compensation shall be computed and made retroactive to the date of injury or illness. State Law establishes the amount of compensation.

An employee may use accumulated accruals for a maximum of six (6) months from the date of injury/illness during those periods when Worker's Compensation is not provided by the State or a proportionate amount if the workmen's compensation is less than the employee's normal gross pay. If accruals are exhausted prior to six (6) months, and if eligible, an employee may request withdrawals from the Leave Bank.

No employee shall be entitled to sick leave as a result of a job injury or illness incurred while employed by someone other than the City of Sierra Vista.

SECTION 16: SPECIAL LEAVE FOR FAMILY DEATH

Upon documenting that a family member has died, an employee may be granted leave with pay, not chargeable against sick or vacation leave. For the purpose of bereavement leave, family is defined as spouse, child, mother, father, brother, sister, grandmother, grandfather and in-laws of the same. Paid bereavement leave shall not exceed 24 hours (36 hours for fire personnel) or 40 hours (60 hours for fire personnel) if significant travel is required. With City Manager approval, bereavement leave may be extended 16 hours (24 hours for fire personnel) for special circumstances. If additional time is necessary, it will be charged against sick leave credits or



RULE 15  
LEAVE OF ABSENCE

vacation credits.

SECTION 17: MILITARY LEAVE

An employee who is a member of the National Guard or Reserve Corps of the United States Armed Services shall be entitled to leave of absence without loss of time, pay, vacation, or other employment rights during the time when engaged in ordered annual training for a period not to exceed thirty (30) days in any two (2) consecutive calendar years (maximum 240 hours or 360 hours for fire personnel). The time spent on military training is creditable time for all purposes and no charge is made against accrued leave.

SECTION 18: JURY DUTY

In the event an employee is subpoenaed or summoned for jury duty, he must immediately, and in advance of said leave, notify the Department Director. Subject to verification of duty, the City will pay the employee's salary while absent for jury duty or as a witness. If the employee receives salary re-numeration for jury duty or subpoena, it shall be turned in to the City of Sierra Vista.

SECTION 19: SPECIAL LEAVE WITHOUT PAY

An employee holding a position in the City service, upon written request approved by the City Manager, may be granted special leaves of absence without pay for any of the following reasons:

- A. To enable an employee who is physically or mentally incapacitated to recover their health; including pregnancy, miscarriage, abortion, and childbirth;
- B. To enable an employee to care for the serious illness of a child, spouse, parent, or legal dependent;
- C. To enable any regular employee a leave of absence for equally good reasons.

When a special leave of absence without pay is approved for medical reasons, the commencement, duration, and termination of such leave shall be dependent upon the employee's physical condition, type and nature of work performed, and recommendation of the employee's or City's physician. Unless certified by a physician as being physically unable to return to work, employees are expected to return and resume their duties not later than six (6) months from the commencement of leave. Failure to return, unless granted additional absence, may be cause for termination.

Employees on special leave of absence without pay shall accrue benefits, entitlements, and service credits as required by law or specified herein.

SECTION 20: SPECIAL LEAVES WITH PAY

An employee may be granted an extended leave with pay when it is clearly in the best interest of the City and approved by the City Manager.

RULE 15  
LEAVE OF ABSENCE

SECTION 21: SUBSTANCE ABUSE LEAVE

An employee may use accumulated leave while participating in an approved drug or alcohol treatment program.

Participation in this program will not have an adverse effect on the promotional potential, seniority, or any other benefits derived from employment with the City.

SECTION 22: EFFECT OF LEAVE ON SENIORITY

Seniority will continue to accrue during periods of duly authorized leave granted in consonance with this ordinance.

02/02/2017

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Mary Jacobs, Assistant City Manager

FROM: Victoria Yarbrough, Director  
Leisure and Library Services

SUBJECT: Request for Agenda Item Placement  
Resolution 2017-012, Appointments to the Sister Cities  
Commission

Recommendation:

Recommended by the Sister Cities Commission

Initiated by:

Council Member Gwen Calhoun

Background

The Sister Cities Commission currently has four vacancies. John McBee submitted an application for re-appointment to the Sister Cities Commission.

The Sister Cities Commission recommends the approval of the re-appointment of John McBee to the Sister Cities Commission; said term expires February 8, 2017.

Budget Appropriations:

Not applicable.

RESOLUTION 2017-012

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY ON BOARDS AND COMMISSIONS BY REAPPOINTING JOHN MCBEE, SAID TERM TO EXPIRE FEBRUARY 8, 2018, TO THE SISTER CITIES COMMISSION; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City Council has created a Sister Cities Commission to advise City Council on enhancing the Sister Cities relationship by communicating, coordinating and promoting our relationship with our sister cities; and

WHEREAS, four vacancies exist on the Sister Cities Commission; and

WHEREAS, the reaffirming City Council Policy on filling vacancies when qualified applicants are available.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the City Council reaffirms its settled policy on appointments to boards and commissions.

SECTION 2

The Mayor and City Council hereby re-appoints John McBee to the Sister Cities Commission, said term to expire February 8, 2018.

SECTION 3

The City Manager, City Clerk, and City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9th DAY OF FEBRUARY 2017.

---

Frederick W. Mueller  
Mayor

Approval as to Form:

Attest:

---

Nathan J. Williams  
City Attorney

---

Jill Adams  
City Clerk

Prepared by:  
Paris Poor  
Admin Secretary, Leisure Services



# City of Sierra Vista

1011 North Coronado Drive, Sierra Vista, Arizona 85635  
520/458-3315 - fax 520/458-0584 - www.ci.sierra-vista.az.us

## APPLICATION TO CITY BOARD/COMMISSION

DATE: 2 Feb 2017

BOARD/COMMISSION: Sister Cities Commission

NAME: John C McBee TELEPHONE: [REDACTED] (ONE PER FORM)

E-MAIL ADDRESS: [REDACTED] (HOME) (WORK)

ADDRESS: [REDACTED] CITY: Sierra Vista ZIP: 85635

MAILING ADDRESS: Same as above

CITY RESIDENT? Y REGISTERED TO VOTE IN CITY? Y

EDUCATION: MA in Educational Technologies U of A

OCCUPATION: Retired US Army SGM / Senior Instructor US Army  
(IF RETIRED, INDICATE FORMER OCCUPATION)

PROFESSIONAL/COMMUNITY ACTIVITIES: SGM Association Executive Member, Ft Huachuca  
President SV German American Club / Sister Cities Commission

QUALIFICATIONS/INTEREST IN BOARD/COMMISSION: President SV German -  
American Club / Graduated from Frankfurt American  
H.S. in 1969. Spent a total of 24 years in  
Germany (12 years <sup>with</sup> the US Army) Lived in SV over 20 years

REFERENCES: 1. Susanne Himsledt-Gilbert [REDACTED]  
(NAME) (ADDRESS) (PHONE)

2. Gwen Calhoun [REDACTED]  
(NAME) (ADDRESS) (PHONE)

THIS APPLICATION WILL BE KEPT ON FILE FOR A PERIOD OF ONE YEAR FROM ABOVE DATE.

AS A CANDIDATE TO A COUNCIL APPOINTED BOARD/COMMISSION/COMMITTEE, YOUR NAME, ADDRESS AND PHONE NUMBER WILL BE AVAILABLE TO THE PRESS AND PUBLIC UPON REQUEST.

John C McBee  
(APPLICANT'S SIGNATURE)

Please return completed application to the city clerk's office - 08/29/05