



Sierra Vista City Council
Meeting Agenda
October 25, 2018

Call to Order

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

Roll Call

Invocation

Pledge of Allegiance

Item 1 Acceptance of the Agenda

Awards and Presentations

City Council Business for the Month of October - New Frontier

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

Item 2 Consent Agenda

Item 2.1 Approval of the City Council Meeting Minutes of October 11, 2018

Item 2.2 Resolution 2018-076, Acceptance of Sewer Line Easement from Lawley Nissan

New Business

Item 3 Resolution 2018-077, 2020 U.S. Census Complete Count Committee

Call to the Public

Comments and Requests of the Council

Adjournment

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity. Ms. Adams 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.



Sierra Vista City Council
Meeting Minutes
October 11, 2018

Mayor Mueller called the September 27, 2018 City Council Regular 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 – absent
Council Member Rachel Gray – present
Council Member Craig Mount – present
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Ron York, Fire Chief
Adam Thrasher, Police Chief
Laura Wilson, Leisure and Library Services Director
Sharon Flissar, Public Works Director
Jill Adams, City Clerk
Nathan J. Williams, City Attorney
Judy Hector, Marketing and Public Affairs Manager
Adam Curtis, Marketing Support Specialist
Tony Boone, Economic Development Manager

Invocation – Pastor Mark Perry, Sierra Evangelical Lutheran Church, led all in attendance in prayer.

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

Item 1 Acceptance of the Agenda

Council Member Mount moved that the agenda for the Regular City Council Meeting of October 11, 2018, be approved. Council Member Wolfe seconded the motion. The motion unanimously carried, 6/0.

Awards and Presentations

A proclamation declaring the official celebration of the Sixtieth Anniversary of the Sierra Evangelical Lutheran Church was presented to Pastor Perry, who thanked the Mayor and Council for the proclamation and the opportunity to be present to serve a great community. He also thanked the Mayor for being a part of the Church and for his regular worship and support.

A proclamation declaring Arizona Veterans' Hall of Fame was presented to former Mayor Tom Hessler. Mr. Hessler stated that the proclamation is a companion to the one that the Governor

does for the whole State of Arizona proclaiming the last Friday of October as the Hall of Fame day because that is the day of induction. There are less than four percent of the population of Veterans in the State and there is over 10 percent membership as inductees in the Hall of Fame that attests to the fact that Sierra Vista has very generous and active military veterans. The primary criteria for being inducted is based on what an individual has done after their military service and this is the third year that Sierra Vista has done a proclamation that is tailored after the State. In closing he introduced Lieutenant Colonel Stu Carter, Ruth Britton representing her departed husband Colonel Joe Britton, Colonel Glenn Coleman and Colonel Doris Caldwell, who will soon be inducted.

Mayor Mueller stated that Council appreciates all of the veterans and mentioned that Doris Caldwell will be the Grand Marshall for the Veterans' Parade on Saturday, November 10, 2018.

City Manager's Report: Mr. Potucek announced the next City Council Work Session scheduled for October 23, 2018 at 3:00 p.m. in the City Council Chambers featuring discussions on recycling and the concept of Meet and Confer for the Fire Fighters' Union. He also reported that the Charleston Wall Project has been staked out and all residents have been informed. The project will officially start next week and be completed in late February 25, 2019.

Item 2 Consent Agenda

[Item 2.1](#) Approval of the City Council Special Meeting Minutes of September 25, 2018

[Item 2.2](#) Approval of the City Council Meeting Minutes of September 27, 2018

Mayor Pro Tem Ash moved that the Consent Agenda consisting of the City Council Special Meeting Minutes of September 25, 2018 and Regular Meeting Minutes of September 27, 2018, be approved. Council Member Gray seconded the motion. The motion unanimously carried, 6/0.

New Business

[Item 3](#) Resolution 2018-074, Acceptance of the Agreement between the City of Sierra Vista and the Sister Cities Association

Council Member Gray moved that Resolution 2018-074, an Agreement between the City of Sierra Vista and the Sister Cities Association, be approved. Council Member Mount seconded the motion.

Ms. Wilson stated that during the September 25th work session the draft agreement was discussed between the City and the Sister Cities Association. Approval of the resolution will allow the full execution of that agreement, which would create a formal reciprocal relationship between the City and the Association for the purposes of fulfilling the City's mission to the Sister Cities of Cananea, Mexico and Radabeul, Germany.

The motion unanimously carried, 6/0.

[Item 4](#) Resolution 2018-075, Approval to Dissolve the Sister Cities Commission

Council Member Wolfe moved that Resolution 2018-075, Dissolution of the Sister Cities Commission, be approved. Council Member Mount seconded the motion.

Ms. Wilson stated that Council's approval of the previous resolution would execute an agreement between the City and the Sister Cities Association and would ensure continuation of mission support to the Sister Cities and allow for the City to continue to provide support and amenities to the Association for that purpose. Approval of Resolution 2018-075 would dissolve the Sister Cities Commission, which would alleviate any potential redundancies between the two groups.

The motion unanimously carried, 6/0.

Call to the Public

Ms. Victoria Antoinette thanked the Mayor and Council for their service and noted that she is standing up for herself and other citizens who have similar issues. She explained her situation that she has been dealing with for one year regarding her neighbor's renter who has a three-car garage and three parking spaces in their driveway; but they park their vehicle across from her driveway and her neighbor's driveway. They are not blocking their driveway; but they are keeping her from safely pulling out of her driveway. The owner of the vehicle is also blocking emergency access for a fire truck and ambulance for her elderly neighbor. She requested that an ordinance be written restricting overnight parking in City streets.

Mayor Mueller noted that this issue would be referred to Mr. McLachlan, Community Development Director, to research the situation.

Ms. Jere Fredenburgh stated that she started speaking to Council back in March 2016 about the Transit System. She added that she has done research since 2014 and noted that as part of the documentation she presented there were discrepancies between the ticket sales and revenue collected that was based on City data; but she was told that she did not understand the ticket structure. However, if someone would have taken the time to walk through the report and explain the discrepancies perhaps her concern would have been put to rest. She further added that she has followed up seven times between 2016 and 2018, specifically February and March, 2107 and March, May and July 2018. On July 16th Mayor Mueller stated to her that it was his understanding that the information shared with him had been shared with her as well and that to obtain that report she needed to submit a second public information request. On August 9th, she sent an email to the Mayor putting in a public information request for the data for 2015-2016, 2016-2017 and 2017-2018. On August 20th, the Mayor responded that it appears that she had the response legally required by her request. In closing, she stated that it has been 31 months and the only answers that she has gotten is that she does not understand and that the legal requirements to her request have been met; yet the discrepancies remain unanswered (documentation on file in the Office of the City Clerk).

Comments and Requests of the Council

Council Member Wolfe announced that Broxton's Coffee will be sponsoring during the weekend the big Adoptive Fest from 9:00 a.m. until 2:00 p.m.

Council Member Blanchard had nothing to report.

Council Member Mount thanked Mayor Hessler and everyone that showed up to get recognized for the Veterans Hall of Fame and noted that there is a boy scout present, who has come out to learn about civics to get his merit badge.

Council Member Gray had nothing to report.

Mayor Pro Tem Ash gave out a plug to Sierra VistAbility Day that is taking place on Wednesday, October 17, 2018 from 9:00 a.m. until 3:00 p.m. at Cochise College as the Commission on Disability Issues has partnered with Cochise College for the event. She then encouraged everyone to attend to see what resources are available and also thanked all of the Veterans Hall of Fame, who came in. In closing, she stated that she is very proud that the City does a proclamation and recognizes the service not only while they are in the military; but also to the continued service to the community.

Mayor Mueller announced the upcoming Annual Cars in the Park event and reported that the grant to the Volunteer Interfaith Caregiver Program (VICaP), who partnered with the City for a three-year \$30,000 donation from the Gila Indian River Community to provide relief for their transportation support costs has been received.

Adjournment

Mayor Mueller adjourned the October 11, 2018 meeting of the Sierra Vista City Council at 5:24 p.m.

MAYOR FREDERICK W. MUELLER

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

October 25, 2018

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough Assistant City Manager
Matt McLachlan, AICP, Community Development Director

FROM: Tina Moore, Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2018-076
Acceptance of Sewer Easement
Lawley Nissan

STAFF RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The City Engineer recommends approval.

INITIATED BY:

Buck Lewis Engineering,
Agent for Lawley Nissan
P.O. Box 1373
Sierra Vista, AZ 85635

BACKGROUND:

Per Development Code 151.08.007, *Sewerage Facilities*, any person constructing any sewer facilities shall obtain and dedicate a public easement to the City for the purposes of construction, operation, and maintenance of such facilities. During the review of the site plan for the expansion of Lawley Nissan, located 2960 E. Fry Blvd, it was determined that a sewer easement was necessary. The easement is 20 feet in width and the sewer line will service both this site and is approximately 200 feet long. With this dedication, the City is able access the site to maintain the sewer line should repairs be necessary in the future.

Public Works Engineering Division has reviewed the attached easement and found the legal description and map to be accurate.

Attachments: Exhibit A – Location Map
Exhibit B - Sewer easement, legal description, and map

RESOLUTION 2018-076

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING VISTA 2030, THE CITY OF SIERRA VISTA GENERAL DEVELOPMENT PLAN, ACCEPTING A SEWER LINE EASEMENT FROM LAWLEY NISSAN, SIERRA VISTA 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, Lawley Nissan, Sierra Vista, desires to dedicate a certain sewer line and 20 feet wide sewer easement, located at 2960 E Fry Blvd, tax parcel 105-04-252E, to the City of Sierra Vista as an easement in conformance with Development Code requirements; and

WHEREAS, the City desires to acquire the easement offered to the City by Lawley Nissan, Sierra Vista; and

WHEREAS, it is settled policy of the City Council that dedication is considered as satisfactorily assured when documents granting the required easement have been accepted for recordation by the City Council pursuant to the City of Sierra Vista Development Code.

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

SECTION 1

That the settled policy of the City Council, accepting the deed for recordation for the dedication of a sewer line easement, be, and hereby is, reaffirmed.

SECTION 2

That the document attached hereto and made a part hereof, from Lawley Nissan, Sierra Vista, for a sewer line easement located in Section 1, Township 22 South, Range 20 East, 2960 E Fry Blvd, tax parcel 105-04-252E, be, and hereby is, accepted for recordation.

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 25TH DAY OF OCTOBER, 2018.

FREDERICK W. MUELLER
Mayor

Approved As To Form:

Attest:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

Prepared By: Tina Moore, Planner

Attachment – Exhibit A

RESOLUTION 2018-076
PAGE TWO OF TWO

EXHIBIT A – Location Map



Recording Requested By:
LAWLEY NISSAN, SIERRA VISTA

When Recorded, Mail To:
BUCK LEWIS ENGINEERING, INC.
PO Box 1373
Sierra Vista, AZ 85636-1373

This Space for Use by Recorder

Section 1, Township 22 S, Range 20 East, Gila & Salt River Base and Meridian

GRANT OF SEWER EASEMENT

For and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the undersigned, hereinafter referred to as Grantor, does hereby grant, convey, quit claim and release unto, CITY OF SIERRA VISTA, AN ARIZONA MUNICIPAL CORPORATION, hereinafter referred to as Grantee, a 20.00-foot wide easement in perpetuity for ingress and egress, installation and maintenance of sanitary sewer facilities and appurtenances, across, over, under and through a certain property, more particularly described as follows, to wit:

A 20.00-foot wide easement located in that portion of the Northwest Quarter of the Northeast Quarter of Section 1, Township 22 South, Range 20 East of the Gila & Salt River Meridian, Cochise County, Arizona, described as follows:

See also Exhibit 'A' attached

COMMENCING at the Northwest Corner of Section 1;

THENCE North 89°57'40" East, coincident with the North line of Section 1, also being the Centerline of Fry Boulevard, a distance of 2,002.19 feet to a point;

THENCE South 00°04'36" East, a distance of 50.22 feet, to the Northeast Property Corner of project parcel;

THENCE continuing South 00°04'36" East, along the Easterly Property Line of project parcel, a distance of 382.57' to the Centerline of the existing City of Sierra Vista Sewer Line alignment, also the POINT OF BEGINNING (P.O.B.) of new EASEMENT;

THENCE South 89°45'32" West along the existing Sewer alignment a distance of 199.09' to the POINT OF TERMINUS (P.O.T.). The sidelines of the new Easement being 10.00 feet on either side of the above-described sewer alignment.

ALL easements are subject to any and all prior Easements, Right-of-Ways, Covenants and Restrictions of record, or not of record, that may otherwise legally exist.

Together with the right of ingress and egress to and from the said right of way and the right to use existing roads for the purpose of constructing, inspection, repairing, and maintaining said sewer facilities and appurtenances and the removal or replacements of same, in whole or in part, at will.

Grantee agrees to work with due care in the exercise of its rights on the property and to restore it to reasonably the same condition which existed before the work was performed. Except as provided above, Grantee agrees to pay for all damages that may be caused by the exercise of the rights herein granted.

Grantor reserves the right to use the easement for purposes which will not interfere with the City of Sierra Vista's full enjoyment of the rights hereby granted, provided that the Grantor shall not erect or construct any buildings or other structure(s) upon, over or in said easement, which will in any manner interfere with the use of or access to said easement by the City of Sierra Vista.

Grantor covenants that they own the above described land and that said land is free and clear of encumbrances and liens.

IN WITNESS WHEREOF, the undersigned has executed this Grant of [Sewer] Easement this day of Sept 19th, 2018

W Sean Lawley
Grantor's Printed Name

[Signature]
Grantor's Signature

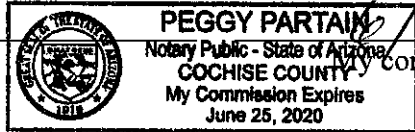
ACKNOWLEDGMENT

STATE OF ARIZONA)
) .ss
COUNTY OF COCHISE)

Before me, a Notary Public in and for the County of Cochise, and State of Arizona, on this day personally appeared W. Sean Lawley, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that s/he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 19th day of Sept, 2018.

[Signature]
Notary Public



12/25/20
My commission expires:

This Space for Use by Recorder

STATE OF ARIZONA)
) ss.
COUNTY OF COCHISE)

I hereby certify that the within instrument was filed and recorded in DOCKET _____

PAGE _____ and indexed at the request of _____.

Witness my hand and official seal.

County Recorder
Deputy Recorder

By _____

2,002.19

N89°57'40"E

FRY BOULEVARD

S00°04'35"E
50.22

NW CORNER
SECTION 1



EXISTING
BUILDING:
LAWLEY NISSAN
2960 E. FRY BLVD.

S 00°04'35" E
382.57

P.O.T.

EXISTING 8"
CITY SEWER LINE

EXISTING CITY 5V
SANITARY SEWER
MANHOLE

S 89°45'32" W
199.09'

20.00'
SEWER
EASEMENT

P.O.B.

EXISTING SANITARY
SEWER MANHOLE

PREPARED BY:

**BUCK LEWIS
ENGINEERING,
INC.**

PLANNERS • ENGINEERS • CONSULTANTS

P.O. BOX 1373
SIERRA VISTA, ARIZONA 85636
PHONE: (520) 459-1122

2751 S. PLAYER AVENUE
SIERRA VISTA, ARIZONA 85650
FAX: (520) 458-9246

**EXHIBIT 'A'
SEWER EASEMENT
MODIFIED: LAWLEY NISSAN**

**NW¼, NE¼ SEC 1, T 22 S, R 20 E,
G.&S.R.B.M., COCHISE COUNTY, AZ**

XREFS: XREFS
DWG: 15-019R2

JOB#: 15-019R2

05/05/2017

October 25, 2018

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Matt McLachlan, AICP, Director
Department of Community Development

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2018-077
2020 U.S. Census Complete Count Committee

BACKGROUND:

The U.S. Constitution (Article 1, Section 2) mandates a headcount every 10 years, of everyone residing in the United States: In all 50 states, Puerto Rico, and the Island Areas. This includes people of all ages, races, ethnic groups, citizens, and noncitizens. The first census was conducted in 1790 and has been carried out every 10 years since then. The census ensures that each community gets the right number of representatives in government. Lawmakers also use census data to draw congressional district boundaries within states. The census also helps with the equitable distribution of federal funds, grants and support to states. Census data help companies decide where to locate distribution centers to best serve their customers, where to expand or locate new stores and where they have the best chance of seeing a high return on investment. Scientists use census data to understand the distribution of diseases and health concerns. In broad terms, the census helps us see how our community is changing.

The next U.S. Census will occur on April 1, 2020. To make this census as accurate a count of the country's population as possible, the U.S. Census Bureau has requested that local governments establish "complete count committees". The purpose of these committees is to encourage residents to participate in the Census. A complete count committee is a volunteer committee established by local governments and/or community leaders to increase awareness about the census and motivate residents in the community to respond. The U.S. Census Bureau recommends that the City of Sierra Vista combine our complete count committee with Cochise County to avoid duplication of efforts. The complete count committee will be responsible for developing and implementing an action plan identifying targets for outreach and coordinating activities with local subcommittees. City staff will identify and invite community members to participate in the Complete Count Committee with the intent to achieve broad representation of the community, and will provide support to the Committee.

Attachments:
Resolution No. 2018-077

RESOLUTION 2018-077

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY ARIZONA, TO PARTICIPATE IN THE CENSUS 2020 AND ENCOURAGE EVERY PERSON TO BE COUNTED; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the United States Constitution requires a Census of the population of our nation every 10 years. The Federal Government uses the Census information to determine how many Representatives the State of Arizona has in the United States House of Representatives, and the State Government uses the information to determine districting in our State Legislature; and

WHEREAS, individual Census records are confidential and protected under Title 13 of the United States Code. Under census laws, the Department of Commerce and its Bureau of the Census are prohibited from sharing individual Census information with any other agency, including for example, immigration or law enforcement agencies; and

WHEREAS, having an accurate and complete Census count is important to the City of Sierra Vista in determining Federal and State aids and grants, economic development, housing assistance, transportation improvements and many other uses; and

WHEREAS, all units of government, large and small corporations, non-profit organizations, religious organizations and local businesses of all sizes rely on available information on population and family size, and income data to further government investment, job development, and marketing guidance and to determine the impact of education, health, and social programs; and

WHEREAS, the City of Benson, City of Wilcox, City of Sierra Vista, Town of Huachuca City, City of Tombstone, City of Bisbee, City of Douglas and Cochise County have each pledged that every resident of Cochise County counts and deserves to be counted, and their participation in the Census 2020 Complete Count Committee reflects their ideals in furtherance of that pledge; and

WHEREAS, a united voice for businesses, government, community-based and faith-based organizations, educators, media and others will allow the 2020 Census message to reach a broader audience, and Complete Count Committees are a core strategic element of the Census Bureau to promote the Census; and

WHEREAS, Complete Count Committees exist to plan and implement locally-based outreach campaigns that raise awareness of the Census and are comprised of trusted voices in the community.

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

SECTION 1:

The City Council recognizes the importance of the 2020 Census and hereby establishes the City's participation in the regional Cochise County Complete Count Committee to better coordinate our efforts.

SECTION 2:

Asks its affiliates and membership to partner together to achieve an accurate and complete count.

SECTION 3:

Encourages membership and affiliates to participate in events and initiatives including local Complete Count Committees that will raise overall awareness of the 2020 Census and increase participation amount all populations.

SECTION 4:

Will use 2020 Census drop-in articles, messages and logos in appropriate newsletters, mailings, and other in-house communications.

SECTION 5:

Will provide a link to the 2020 Census website from the City of Sierra Vista website.

SECTION 6:

That 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 25TH DAY OF OCTOBER 2018.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Matt McLachlan, AICP, Director of Community Development