



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minute summary of the regular meeting of the City Council of Sierra Vista held on the 12th day of February 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 12th day of March 2015

SEAL

Maria G. Marsh
Deputy City Clerk

Jill Adams
City Clerk

Sierra Vista City Council
Meeting Minutes
February 12, 2015

Mayor Mueller called the February 12, 2015 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 Bob Blanchard – present
Council Member Alesia Ash – present
Council Member Gwen Calhoun – present
Council Member Rachel Gray – present
Council Member Hank Huisking – present
Council Member Craig Mount – present

Others Present:

Chuck Potucek, City Manager
Mary Jacobs, Assistant City Manager
Adam Thrasher, Deputy Police Chief
Ron York, Deputy Fire Chief
Scott Dooley, Public Works Director
Sharon Flissar, Engineer
Richard Cayer, Operations Manager
Don Brush, AICP, Director, Department of Community Development
Jeff Pregler, Planner
Judy Hector, PIO
Victoria Yarbrough, Leisure and Library Services Director
Pam Weir, Management Analyst
Abe Rubio, IT Director
John Mims, IT
Nathan Williams, City Attorney
Jill Adams, City Clerk

Invocation – Pastor Mark Pitts, Village Meadows Baptist Church, conducted the invocation.

Pledge of Allegiance – Mayor Pro Tem Blanchard led the Pledge.

Item 1 Acceptance of the Agenda

Council Member Gray moved that the agenda for the Regular City Council Meeting of February 12, 2015, be approved. Mayor Pro Tem Blanchard seconded the motion. The motion carried unanimously, 7/0.

Awards and Presentations

Recognition of Darrin Stensby, Solid Waste Supervisor, with the 2014 Solid Waste Professional Achievement Award by the Arizona Chapter of the Solid Waste Association of North America

Recognition of Pam Weir with the Government Finance Officers Association's Distinguished Budget Presentation Award

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

- Council Work Session on February 19, 2015 at 9:00 a.m., City Manager's Conference Room regarding preparation for National League of Cities Conference on the first week of March;
- Council Work Session on February 24, 2015 at 4:00 p.m., City Hall Council Chambers regarding City Manager Update;
- City Offices closed on Monday, February 16, 2015 due to Presidents' Day;
- Provided the Holiday Refuse schedule and normal recycling pickup schedule;
- The City received a rebate of \$47,891 from the Purchasing Card Program for 2014;
- The City advertised for all of the Professional Services and Engineering Services. Statement of Qualifications are due February 19 and the existing contracts expire on June 30;
- Bids for the Avenida del Sol Widening Project are due on March 3;
- The City received two appraisals from Baker, Peterson, and Baker for the four parcels currently being leased on the west side to Cox Communications and Insite. The parcels will be sold at public auction to be held in three to four weeks.

Council Member Gray asked if the parcels must be sold or can the City continue to use them as revenue. Mr. Potucek stated that the City could continue on; but the parcels lay in floodplain and have no other value other than the leases or the sale of the properties. Without the benefit of having a long term lease in hand, the City runs the risk of potentially the companies moving to some other parcel at some other point in time rendering the properties basically valueless to the City.

Item 2 Consent Agenda

Item 2.1 Resolution 2015-011, Application for Extension of Premises/Patio Permits for Jerald Jay Reutebuch for PC's Lounge for March 28, 2015 for the Annual Rough Riders' Fund Raiser DAV

Item 2.2 Approval of the Regular City Council Meeting Minutes of January 22, 2015

Council Member Mount moved that Resolution 2015-011, an application for an Extension of Premises/Patio Permit for Jerald Jay Reutebuch on behalf of PC's Lounge for March 28, 2015 for the Annual Rough Riders' Fund Raiser DAV and approval of the Regular City Council Meeting Minutes of January 22, 2015, be approved. Council Member Gray seconded the motion. The motion carried unanimously, 7/0.

Public Hearings

Item 3 Resolution 2015-012, Conditional Use Permit for a 59' Communications Tower located at 2050 E. Wilcox Drive

Council Member Gray moved that Resolution 2015-012, a Conditional Use Permit for a 59' Communications Tower located at 2050 E. Wilcox Drive, be approved. Council Member Huisking seconded the motion.

Mr. Brush handed out a comment letter from a member of the audience that requested that it be given to Council. Verizon Wireless has requested a conditional use permit for a new telecommunications tower to be located at 2050 E. Wilcox Drive, which is also the location of the City's Vista Transit Center. The request is for a 59' tall mono tower that will be designed to replicate a palm tree. Two live palms would also be planted to help make the mono palm blend in and there will also be an equipment shelter with a backup generator and it would also have a 10' masonry wall surrounding it.

The wall would be built and designed in harmony with existing building materials of the Transit Center so that it blends in and it would also be landscaped.

Mr. Brush provided a site map indicating that the location of Vista Transit is at the intersection of Coronado Drive and Wilcox Drive. The island separating the Transit Center from the parking lot is the location that the tower would be constructed in.

Mr. Brush explained that a conditional use permit is required for all new communication towers that don't locate on existing towers and existing infrastructure such as the top of a roof. There are seventeen guidelines in the Development Code that have to be met. The primary of those has to do with setbacks, both residential area and the streets, which the proposal meets. They have to evaluate other locations in the vicinity to ensure that there are not any other possibilities for collocation, which the applicant has done. They also have to provide four collocations of a second carrier on the tower, which they have also done.

On October 30th, they held a neighborhood meeting, inviting everybody within 500 feet, using the same list that the City invites comments to and no one showed up at that meeting. The Planning and Zoning Commission held a public hearing as required where there was considerable discussion on the aesthetics of a palm tree-type design located at the Transit Center. One of the questions had to do why not go with a pine tree appearance which would blend in better and the applicant explained that the pine tree appearance would not work there because the branches would extend out into areas where Vista Transit buses would be traversing and it also requires a bigger footing in order to construct. There was also a member of the public there that also had concerns with maintenance in the future and the conditions in the staff memo are designed to address that. There was another concern with interference with electronic items and it was point out by the applicant that the tower operates under strict FCC license requirements to address those concerns. Ultimately the Planning and Zoning Commission voted four/two to recommend approval with four conditions. The two votes in opposition were strictly to do with the aesthetics of the palm tree appearance.

Mr. Brush summarized the conditions:

- That it be a mono palm design and there is language having to do with maintenance so that the City does not have to get into problems that have occurred with other towers;
- Two live palm trees be planted and also maintained over time;
- Allow collocation of a future carrier, which it does; and
- 10-foot equipment wall with landscaping which would also have to be maintained and cleaned if tagged with graffiti.

Council Member Huisiking pointed out that this is the second tower that has come before Council and stated that her understanding is that these towers are necessary in order to provide extra capacity for data. Mr. Engbrocks with Wavelength Management explained that it depends as there are really two issues at hand and there is either a capacity gap or a coverage gap. This particular site will fill both. There is a gap in the coverage in the area about ¾ of a mile to a mile surrounding the intersection near the proposed site. That gap is also causing capacity drain on the surrounding sites that surround it and the site will provide coverage and will also lead to capacity gain not just on the site but on other sites throughout the business district.

Council Member Huisiking asked if Wavelength Management has plans for future locations and if so, how many more. Mr. Engbrocks stated that they are looking at two other significant gaps in coverage in the City. One will be brought for zoning in the next 30 days and the other one does not have a location for it as it is still in flux.

Council Member Gray asked if there is a particular reason why the towers have to be put in town by businesses and residential as opposed to being put further up in the mountains. Mr. Engbrocks stated that previously when there were fewer users on a network, that was the tendency finding the highest mountain and put up one tower and would provide coverage to an entire area; but now because of the frequency usage and capacity, the coverage needs to be brought to the areas where it is being used and provide tower coverage there. That coverage is good for ½ a mile to a mile.

Council Member Gray if anything is being done to make those towers reach longer than a mile or a mile and a half. Mr. Engbrocks stated that technology wise most will be dictated by how many individuals are using it as 90% of the requirements for towers are usage driven. It will probably come to a point where there will be micro coverage, which is what Wavelength is currently working on and there is a movement now to infill that even further where it will not be necessary to have a tower built because distributed antennas would be provided throughout the town to cover the even further gaps where micro does not cover.

Council Member Gray asked Mr. Potucek about the revenue stream with regard to the towers. Mr. Potucek stated that staff has negotiated \$2,000 per month plus the fee.

In response to Council Member Gray, Mr. Cayer stated that any use of the property that was funded with Transit funds, which includes the proposed site, and any revenues generated from that site are required to go back into the Transit fund. Those funds can be used as General Fund matches for leveraging the City's federal funds which in some cases are 80/20. The \$24,000 annual revenue could generate over \$100,000 in actual operating when matched with the federal fund. These funds do need to go back into Transit operations.

In response to Council Member Gray, Mr. Engbrocks stated that the tower and the equipment will operate far below both the FCC requirements for occupational and public exposure. It is thousands of times below the individual site limits.

In response to Council Member Calhoun, Mr. Potucek explained that the funds from the other towers would go into the General fund as long as there are no federal stipulations.

Council Member Mount asked about future aesthetics for the tower. Mr. Engbrocks stated that once built on site, it is there for a number of years. If the site had to be modified for technology changes in the future, it would require a redesign and if there was something else available at that time, then possibly; but he could bet that if it was a mono palm it would remain a mono palm.

Council Member Mount asked Mr. Brush for his opinion on the installation of a mono palm which goes counter intuitive to the thought process for Vista Transit. Mr. Brush stated that the City is limited on options in this case because there are only so many ways that a tower can be designed, short of having a lattice tower, which the Code does not permit with the array on the top of that. The technology used to be that they could contain them in a relatively small cylindrical tower of which there are a few of those in the City; but that technology apparently does not work well anymore because of the size which means that the City's options are rather limited. There might be better ways or more expensive ways to do this but it is still going to be a tower up in the air with either pine or palm bows on it.

Council Member Mount voiced his concern about the future as this is one project but if the City loosens their standards, what happens into the future and asked if the series of questions, presented to Council, been addressed. Mr. Brush stated that the same person presented the questions during the Planning and Zoning Commission meeting; but certainly not all of them have been addressed.

Council Member Calhoun asked if the questions will be looked at by the Community Development Department. Mr. Brush indicated that they would be addressed; but it would be after Council's decision, unless the item is tabled.

Council Member Huisking asked if there be competitors trying to put up towers as well. Mr. Potucek stated that as it was pointed out in the presentation, one of the conditions from the Planning and Zoning Commission was to allow others to collocate on the tower. Mr. Engbrocks stated that the particular tower will be built to handle at least one other carrier's antenna. As far as what all of the other carrier's needs are, Wavelength is looking at making a significant investment in Sierra Vista to bring the network up to standards to meet future capacity.

In response to Council Member Huisking, Mr. Engbrocks stated that in this scenario, the other carrier would need to apply to both, the City and Wavelength. They would be Wavelength's tenant on the tower and they would be the City's tenant on the ground and they would be expected to pay a rental fee as well.

Mayor Mueller indicated that it is a very good question to ask because since the very first towers went up in town, there have been occasions where the size of antenna issues or other things, they have not been able to collocate with other towers and it has caused for a second or third tower to be built. That would continue to happen based on every company wanting to have their coverage and eventually going to the micro antennas around town to make sure that there is capacity.

Council Member Mount asked about dangerous radiation or emissions coming off the tower. Mr. Engbrocks stated that Wavelength is going to transmit and receive from the site so there is EMF and the exposure is regulated by the FCC which provides guidelines for both occupational for the people that are working on the tower and public for the people that are close by. The particular site will operate thousands of times below those FCC limits for exposure.

Council Member Mount asked if there would be any interference with home electronics, cell phones and anything along those lines. Mr. Engbrocks stated that there will not be any interference. Every user of broadband technology is licensed in a specific spectrum and they have to operate within that spectrum because there are hefty fines from the FCC if you don't. That is not only the carriers, even the remote controls for the television or toys are licensed within a certain bandwidth. There will not be any interference with electronics or public safety.

Council Mount stated that he believes that the location is a premium location and that the City can't stop additional cell towers from going up in the City due to the way that the demand is pushing the market. This does give the City a little flexibility in the future as far as how Council wants the City to look as far as aesthetics and for those reasons, he will vote no.

The motion carried, 5/2. Council Members Gray and Mount casting the dissenting vote.

Item 4 Resolution 2015-013, Application for an interim permit, person transfer, limited liability corporation Series 7 liquor license for Susan Renee Plezia on behalf of Karisma Resorts, LLC dba Garden Place Suites, 100 N. Garden Avenue, Sierra Vista, Arizona

Council Member Huisking moved that Resolution 2015-013, an application for an interim permit, person transfer, limited liability corporation Series 7 liquor license for Susan Renee Plezia on behalf of Karisma Resorts, LLC dba Garden Place Suites, 100 N. Garden Avenue, Sierra Vista, Arizona, be approved. Council Member Calhoun seconded the motion.

Ms. Adams explained that this is the first of two that are basically identical transactions. Karisma Resorts is applying to take over the Series 7 which is a beer and wine liquor license at the Garden Place Suites. The notice of the public hearing was posted on the premises for the required period of time and no comments have been received pro or con from the public. The police department did a background check of the applicant and does not object to the application moving forward and if approved by Council, it will be returned to the State Liquor Board for final action.

The motion carried unanimously, 7/0.

Item 5 Resolution 2015-014, Application for an interim permit, person transfer, limited liability corporation Series 7 liquor license for Susan Renee Plezia on behalf of Karisma Resorts, LLC dba Gateway Studio Suites, 203 S. Garden Avenue, Sierra Vista, Arizona

Council Member Gray moved that Resolution 2015-014, an application for an interim permit, person transfer, limited liability corporation Series 7 liquor license for Susan Renee Plezia on behalf of Karisma Resorts, LLC dba Gateway Studio Suites, 203 S. Garden Avenue, Sierra Vista, Arizona, be approved. Council Member Huisking seconded the motion.

Ms. Adams stated that this is the second of two applications submitted by Karisma Resorts. As with the first, it is a Series 7, beer and wine bar located at the Gateway Studio Suites. The notice of the public hearing was posted on the premises and has received no comments from the public pro or con. The Police Department has done the background check of the applicant and does not oppose forwarding on to the State Liquor Board for final action.

The motion carried unanimously, 7/0.

New Business

Item 6 Resolution 2015-015, Authorization to approve Settlement Agreement regarding civil lawsuit U.S. District Court Case No. 4:13-CV-00178

Council member Huisking moved that Resolution 2015-015, authorizing approval of a Settlement Agreement regarding civil lawsuit U.S. District Court Case No. 4:13-CV-00178, be approved. Council Member Gray seconded the motion.

Mr. Williams stated that Council met in Executive Session last week to discuss the terms of the proposed settlement. Robert Wright, a former employee, filed suit against the City in U.S. District Court alleging various employment related claims. The City has been negotiating in good faith with Mr. Wright and his wife and has come to some terms that all parties can agree to. By approving the resolution, Council would authorize the City Attorney, City Manager and others to finalize the terms of the settlement as discussed.

The motion carried unanimously, 7/0.

Item 7 Resolution 2015-016, Authorization to approve Settlement Agreement regarding civil lawsuit Cochise County Case No. CV2013-00838

Council member Mount moved that Resolution 2015-016, authorizing approval of a Settlement Agreement regarding civil lawsuit Cochise County Case No. CV2013-00838, be approved. Council Member Gray seconded the motion.

Mr. Williams stated that this is the second of the two civil litigation cases discussed in Executive Session. The terms and conditions of the settlement agreement were discussed. Karen Conley filed suit against the City for injuries she incurred as a result of an automobile accident with one of the City's police officers. Since that time the City has been in litigation with Ms. Conley and has reached a proposed settlement agreement. By approving the resolution, Council would authorize the City Attorney, City Manager and others to carry out the terms and conditions of that settlement agreement.

The motion carried unanimously, 7/0.

Item 8 Resolution 2015-017, Request to proceed for an abandonment of a portion of Industry Drive right-of-way and an abandonment of public utility easements and vehicular non-access easement for property located at 4400 E. Industry Drive

Council Member Ash moved that Resolution 2015-017, request to proceed for an abandonment of a portion of Industry Drive right-of-way and an abandonment of public utility easements and vehicular non-access easement for property located at 4400 E. Industry Drive, be approved. Council Member Gray seconded the motion.

Mr. Pregler stated that FedEx Ground is proposing to construct a new distribution center to be located at the intersection of North Technology Boulevard and Industry Drive. In addition to a site plan that was submitted for review, they have also asked for a number of abandonments on the property specifically three easements on the property itself and one abandonment of a portion of right of way. All of the requested abandonments were for either easements that were dedicated by the plat or for right of way that was dedicated by the Crossroads Commerce Plat.

Mr. Pregler went over the four abandoned areas:

- Technology Boulevard right of way abandonment is located at the southern intersection of Technology Boulevard and Industry Drive

Originally when Crossroad Commerce was platted, Technology Boulevard was supposed to extend down to Campus Drive. When Phase II came along, it was decided that the idea would not happen and instead a lot was placed in the location where Technology Boulevard was supposed to go. The idea is that they would abandon the stub back to the FedEx Ground location.

- The second easement would be an 8 foot public utility easement that runs along the eastern boundary of lot 5.

This has to do again with Phase I of the Crossroads Commerce Subdivision Plat. When it was initially platted it was going to run along the Technology Boulevard right of way and that didn't happen but the public utility easement does remain.

In response to Mayor Mueller, Mr. Pregler stated that there are no utilities in that easement; however, the City does contact all of the public utilities to ensure that there are no utilities in those areas prior to the final abandonment process.

- The third easement is a 1-foot wide vehicular non-access easement that is adjacent to the 8-foot public utility easement.

The reason for that was for the extension of Technology Boulevard as they were trying to limit access on the parcel to Industry Drive. It was never developed and so there is no need for this at this point anymore.

- The Fourth abandonment is to reduce a 25-foot public utility easement along the northern portion of the parcel.

The easement would be reduced from 25 feet down to 10 feet. There is a bunch of parking in the area and the idea is to remove it from the site so that they can add the parking to the site.

The one-foot and eight-foot easements run right through the building and the purpose for abandoning all of these parcels is to basically provide buildable area so that they don't put buildings and improvements onto these easement areas.

Mr. Pregler explained that this is a request to proceed and if Council should agree to proceed, staff will obtain signatures from the utility companies and obtain the appropriate legal descriptions from the applicant. Following signatures and sign offs from utility companies, the process will then proceed to the Planning and Zoning Commission and back to Council for final approval.

Council Member Huisking asked about the size of the facility and what can it do that the current building can't. Ms. Jacobs explained that this building is not a replacement of the existing FedEx facility. This is a regional distribution center, an addition which means new jobs in the community. Mr. Pregler stated that the gross floor area for the building will be 27,000 square feet.

The motion carried unanimously, 7/0.

Item 9 Resolution 2015-018, Re-appointing Liz York and Sandra Kenny to the Citizens' Advisory Commission, said terms to coincide with the term of office of the appointing official

Mayor Pro Tem Blanchard moved that Resolution 2015-018, re-appointing Liz York and Sandra Kenny to the Citizens' Advisory Commission, said terms to coincide with the term of office of the appointing official, be approved. Council Member Gray seconded the motion. The motion carried unanimously, 7/0.

Item 10 Resolution 2015-019, Appointment of Kristopher Rangel to the Commission on Disability Issues, said term to expire September 22, 2015

Council Member Ash moved that Resolution 2015-019, appointing Kristopher Rangel to the Commission on Disability Issues, said term to expire September 22, 2015, be approved. Council Member Huisking seconded the motion. The motion carried unanimously, 7/0.

Item 11 Resolution 2015-020, Reappointment of Celeste Atkins, Shaundra McLemore-Saunders, Gail Houston and Sigrid Limtiaco to the Commission on Cultural Diversity, said terms to expire April 26, 2017

Council Member Calhoun moved that Resolution 2015-020, reappointing Celeste Atkins, Shaundra McLemore-Saunders, Gail Houston and Sigrid Limtiaco to the Commission on Cultural Diversity, said terms to expire April 26, 2017, be approved. Mayor Pro Tem Blanchard seconded the motion. The motion carried unanimously, 7/0.

Call to the Public

Joe Kraps, resident, stated that two of the lots involved in Item 8, the western lots, belong to Jim Pitts, Daniel Struse, Frank Moro and himself and they were all very happy to help facilitate FedEx Ground come to the City. It is not a lot of jobs but it is the name that means a lot and it is a regional distribution center which should be around for quite some time in the City. He also stated that he understands the rules about Call to the Public and proceeded to state that on February 2nd while reading the Herald, the public notice Invitation for Bids PW-165, widening of Avenida Del Sol, caught his attention because he wonders if the City has the money to widen Avenida Del Sol. The project has to be in the seven figures and asked:

- Where is the money coming from;
- Should any construction projects be considered at this time;
- Why widen Avenida Del Sol that is on the periphery side of the City and not complete the traffic circulation plan grid which is Buffalo Soldier, Fry Boulevard, Highway 90 Bypass, 7th Street and Coronado Drive.

Dave Grieshop, resident, read a statement to Council that he intends to read to the Citizens' Advisory Commission as well about the fact that the local residents have not been approached as to what their top priority elements are and the concern over limited financial resources.

Andrae Newcomb, resident, spoke about the police department, body cameras and the protection of the City.

Comments and Requests of the Council

Council Member Ash recognized Mr. Rangel, newly appointed member to the Commission on Disability Issues; stated that in regards to strategic planning, she appreciates the comments from Mr. Greishop and Kraps; stated that she looks forward to the planning process in looking at economic development from a holistic perspective; and noted that while everyone agrees that one of the main priorities is to attract local businesses and new industries, it is important that Council approach it from a holistic perspective and not marginize other priorities as well. Sierra Vista is trying and is becoming a medical hub; but one of the main reasons that there is trouble attracting doctors is because doctors have young families and that is something that they consider when they look at Sierra Vista and where to relocate.

Council Member Calhoun reported on the Meet and Greet over at the Landmark Café.

Council Member Gray stated that the 3215 Pebble Beach neighbors emailed her to thank Council and staff for getting the front yard cleaned up. Mayor Mueller also thanked staff.

Council Member Huisling congratulated Mr. Stensby; also reported on the Meet and Greet; and announced the upcoming Star Party on February 25th at 7:00 p.m. at the Patterson Observatory. The Tourism Commission tries to once a month visit a local attraction.

Council Member Mount also reported on the Meet and Greet; congratulated the newly appointed commissioners; reported on the Library Advisory Commission's upcoming National Library Week, April 12 through 18; stated that he wonders, in going to the strategic plans, where can Council take this wealth of talent and experience that the City has on its commissions and start to put them together to make it the sum of the part of the whole argument; and would appreciate help for the National Library Week from the Tourism, Arts and Humanities Commissions and any of the other

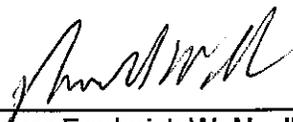
commissions out there to make this as big and as wonderful of an event to really highlight one of the City's crown jewels in the community.

Mayor Pro Tem Blanchard had nothing to report.

Mayor Mueller recognized County Supervisor Call; commented on the Patterson Observatory; thanked people for their pertinent public comments; congratulated Darrin Stensby, Pam Weir and the individuals that work with them on their teams to make sure that the City is doing great things and is recognized state-wide and nationally; and also thanked staff, management, and everyone who attended the meeting in person or watched.

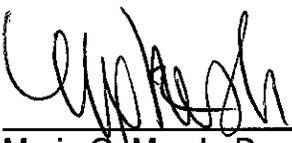
Adjournment

Mayor Mueller adjourned the February 12, 2015 meeting of the Sierra Vista City Council at 6:05 p.m.



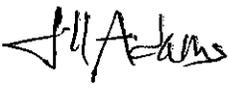
Mayor Frederick W. Mueller

Minutes prepared by:



Maria G. Marsh, Deputy Clerk

Attest:



Jill Adams, City Clerk