



CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the City Council of Sierra Vista held on the 9th day of April 2015. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23rd day of April 2015

SEAL

A handwritten signature in black ink, appearing to read "Maria G. Marsh", written over a horizontal line.

Maria G. Marsh
Deputy City Clerk

A handwritten signature in black ink, appearing to read "Jill Adams, Deputy", written over a horizontal line.

Jill Adams
City Clerk

Sierra Vista City Council
Meeting Minutes
April 9, 2015

Call to Order

Mayor Mueller called the 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 – absent
Council Member Alesia Ash – present
Council Member Gwen Calhoun – present
Council Member Rachel Gray – present
Council Member Hank Huisiking – present
Council Member Craig Mount – present

Others Present:

Chuck Potucek, City Manager
Mary Jacobs, Assistant City Manager
Adam Thrasher, Deputy Police Chief
Paul Cimino, Fire Marshall
Pam Weir, Management Analyst
Scott Dooley, Public Works Director
Sharon Flissar, City Engineer
Don Brush, Community Development Director
Jeff Pregler, Sr. Planner
Jenifer Thornton, Management Analyst
Victoria Yarbrough, Leisure and Library Services Director
Nathan J. Williams, City Attorney
Jill Adams, City Clerk
Abe Rubio, I.T. Supervisor

Invocation – Mayor Mueller conducted the invocation.

Pledge of Allegiance – Council Member Mount led the Pledge.

Item 1 Acceptance of the Agenda

Council Member Gray moved that the agenda for the Regular City Council Meeting of April 9, 2015, be approved. Council Member Mount seconded the motion. The motion carried unanimously, 6/0.

Awards and Presentations

Mayor Mueller made a proclamation declaring the month of April 2015 as Fair Housing Month as accepted by Jenifer Thornton of Community Development. Ms. Thornton made a presentation (see attached statement) on Fair Housing, gave a brief history of HUD and the Fair Housing Act, outlined how the City receives CDBG grants, and explained how the Southwest Fair Housing Council

complaints of discrimination. More information is available on the City's website, in the atrium of City Hall, or by calling the Southwest Fair Housing Council directly at (520)798-1568 or 1-888-624-4611.

Mayor Mueller delivered a Proclamation declaring the month of April 2015 as Water Awareness Month as presented to Cado Daly. Ms. Daly thanked the Mayor and Council, spoke about California's water woes, talked about finding ways to conserve and celebrate water, and announced two drip irrigation classes to be held this weekend at Lowe's and Home Depot.

Water Wise Youth Poster Contest Winners 2015

- 4th Grade: First Place – Matthew Mitchell, Huachuca Mountain Elementary
Honorable Mention – Janessa Antemann, Huachuca Mountain Elementary
- 5th Grade: First Place – Nathan Wilde, Town & Country Elementary
Honorable Mention – Stacey Gunn, Pueblo Del Sol Elementary
- 6th Grade: First Place – Kayla Hardcastle, Town & Country Elementary
- 8th Grade: First Place – Jayce Degnan, Center for Academic Success
- 7th Grade: Grand Prize – Kellie Tolmie, Center for Academic Success

Water Cycle Ride Honorable Mentions

- 4th Grade: Luisa Bucher, Huachuca Mountain Elementary
- 4th Grade: Jasmine Schofield, Pueblo Del Sol Elementary
- Ben Andrews, Town & Country Elementary
- 6th Grade: Logan Bland, Town & Country Elementary
- 6th Grade: Maya Working, Town & Country Elementary

Mayor Mueller presented a Certificate of Achievement to Cado Daly for her efforts in water conservation education to area children and to area businesses, helping Sierra Vista and Cochise County become a Water Sense City and County, and her stewardship of the Water Wise program for 20 years.

Mayor Mueller presented an award to Don Brush, Acting Director of Community Development, on behalf of the CEO of Canyon Vista Medical Center and Regional Care, for outstanding customer service throughout the construction of the new hospital.

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

- City Council Work Session, April 13, 2015 at 4:00 – Environmental Affairs, Sister Cities & Tourism Commission Annual Reports
- City Council Work Session, April 16, 2015 at 4:00 – CAC Recommendations
- April 18, 2015 is Refuse Customer Appreciation Day at Pete Castro Center from 8:00 – noon. Customers can bring in old computers, electronics, hazardous materials and bulky items to be disposed.

Item 2 Consent Agenda

Item 2.1 Approval of the Regular City Council Meeting Minutes of March 26, 2015

Item 2.2 Resolution 2015-029, Application for Extension of Premises/Patio Permits for Kristine Elizabeth Wolfe for Hoppin Grapes on May 2, 2015

Item 2.3 Resolution 2015-030, Special Event Liquor License Lawrence A. Powers on behalf of the Columbian Association of Sierra Vista for the Chrome Pony Rally on May 29 and 30, 2015 at Veterans' Memorial Park

Council Member Mount moved that the Consent Agenda consisting of the Regular City Council Meeting Minutes of March 26, 2015, Resolution 2015-029, an application for Extension of

Premises/Patio Permit for Kristine Elizabeth Wolfe for Hoppin Grapes on May 2, 2015, and Resolution 2015-030, a Special Event Liquor License for Lawrence A. Powers on behalf of the Columbian Association of Sierra Vista for the Chrome Pony Rally on May 29 and 30, 2015 at Veterans' Memorial Park, be approved. Council Member Mount seconded the motion. The motion passed unanimously, 6/0.

Public Hearings

Item 3 Resolution 2015-.031, Amendments to City Code Chapter 117 – Alarm Systems, and declaring a 30-day Public Comment Period

Council Member Ash moved that Resolution 2015-031, Amendments to City Code Chapter 117 – Alarm Systems, and declaring a 30-day Public Comment Period, be approved. Council Member Huisking seconded the motion.

Deputy Chief Adam Thrasher explained that the Resolution declares a 30 day period for public comment. The first purpose of the amendments was to bring the Alarm ordinance in line with State Statute, requiring alarm companies to become licensed with the State Board of Technical Registration and will need to obtain a Business License with the City. The second purpose is to eliminate the requirement of subscribers of alarm to obtain an alarm permit with the City. Mr. Thrasher explained that the City will now require that the alarm companies provide the City with subscriber information. Lastly, the amendments remove the false alarm fee assessment where it can be reviewed annually and not under ordinance.

Mayor Mueller stated that the ordinance is up for a 30 day comment period and asked when to expect it back before Council. Deputy Thrasher replied that May 14th, 2015 would be the earliest.

The motion passed unanimously, 6/0.

Item 4 Resolution 2015-032, Development Code Text Amendments for Article 151.02, Definitions, 151.10, Sign Regulations, and 151.11, Outdoor Light Control and declaring a 30-day Public Comment Period

Council Member Gray moved that Resolution 2015-032, Development Code Text Amendments for Article 151.02, Definitions, 151.10, Sign Regulations, and 151.11, Outdoor Light Control and declaring a 30-day Public Comment Period, be approved. Council Member Gray seconded the motion.

Jeff Pregler, Senior Planner, stated that this is a request for 30 public comment period on Development Code Amendments. He gave a brief history, explaining that a request from a business owner came in 2013 asking to allow digital signs in the community. In 2014, the Digital Sign Task Force was formed to further look into the issue. The Task Force was comprised of church leaders, the chamber of commerce, dark sky advocates and business owners. The Chamber of Commerce did endorse the task force recommendation.

Mr. Pregler explained that in 2014, the Task Force brought recommendations to Council and discussed animations, brightness and message duration. They also had the opportunity to meet with sign industry experts which resulted in a good recommendation. The goals of the code amendments were to reduce light pollution in the community and increase sign aesthetics with an emphasis on safety and consistency in elements. The P&Z Commission unanimously approved the code language with one amendment, limiting the nit level to 100 nits in a 4/2 vote. The 4 members voting for the amendment sought protection for dark skies. The two members who voted against the amendment

were reflecting the recommendations of the staff and of the Task Force which was 200 nits. The City has received some comments and letters which have been forwarded to Council. The resolution will put a 30 day comment period in effect. Any comments made during this time will also be forwarded and brought to the Council Meeting on May 14, 2015.

Bob Gent, Digital Sign Task Force, recommended to Council to make to make the sign message frequency as long as possible and for the brightness to be set at 100 nits.

Max Mirut, Citizen, stated that he supports the 100 nit limit and supports a lower sign message frequency as to not become a public nuisance.

Council Member Calhoun asked how the City's recommendation fits with the County's ordinance in terms of brightness. Mr. Pregler stated that Cochise County has a recommended maximum of 200 nits so it is consistent with the County. He posited the difference in that the County is largely rural and the City has more ambient light.

Council Member Mount asked what the big measurable or key point that the staff is sticking at 200 nits. Mr. Potucek stated that first, the primary basis is the recommendation made by the Digital Task Force, which considers all segments, not just the Dark Sky Advocates. Second, he stated that there is a concern of the existing con-forming signs and having those business owners wanting to comply with the updated ordinance.

Council Member Mount asked how many members on the Task Force were with sign companies that would potentially gain from the sign ordinance. Mr. Pregler replied that one member was from a sign company.

Council Member Huisking thanked the Digital Sign Task Force, the P&Z commissioners and staff for their efforts. She stated she her support for dark skies, the 100 nit recommendation and a slower message frequency.

Council Member Calhoun agreed with Council Member Huisking, stating that in the long term 100 nits will make a difference, which she is not sure what research would sway the task force, and that Council should look at extending the message times.

Council Member Mount said that the 30 day public window will be important in ironing this issue out and hopefully everyone will go out and participate.

Council Member Ash said that she echoed Council Member Huisking's sentiment, thanked the task force and staff for their engagement and stated that she entrusts in the process and appreciates the diligence. She stated that the Chamber endorsed 200 nits and the dark skies advocates endorsed 200 nits when 300 nits was being considered by the task force.

The motion passed unanimously, 6/0.

Mayor Mueller thanked the Task Force and the P&Z commission for their efforts during this process.

New Business

Item 5 Resolution 2015-033, Donation of surplus 2000 Ford, Wheeled Coach ambulance to Cochise College EMT/Paramedic program

Council Member Huisking moved that Resolution 2015-033, Donation of surplus 2000 Ford, Wheeled Coach ambulance to Cochise College EMT/Paramedic program, be approved. Council Member Mount seconded the motion.

Mr. Potucek said the resolution represents the donation of a 15-year-old ambulance to Cochise College as part of our Intergovernmental Agreement in the Firefighter/EMS Program. The donated ambulance would provide the opportunity of training with a live ambulance with indirect benefits to the community of firefighters who are trained in the program potentially working for the city.

The motion passed unanimously, 6/0.

Item 6 Resolution 2015-034, Restating the City's Commitment to Fair Housing in Sierra Vista

Council Member Ash moved that Resolution 2015-034, restating the City's Commitment to Fair Housing in Sierra Vista, be approved. Council Member Calhoun seconded the motion.

Ms. Thornton stated that the resolution is put through every year in order to receive CDBG funding. Equal Rights Act put HUD in charge of equal housing; the law requires the City to follow it.

Council Member Calhoun stated that although the law and HUD require it, the government of Sierra Vista strongly supports the Fair Housing Acts and it is something we stand behind. Ms. Thornton said that they have only received 3 minor complaints in 17 years and strive to eradicate it completely. The City has a strong partnership with the Southwest Housing Alliance so the City is not put between the residences and the business. Ms. Thornton said that we have a diverse community, if we don't practice fair housing practices and support them, we could be in trouble.

Council Member Mount stated he agreed about the diversity of our community. He stated that it feels like it is forced since we can't qualify for the funding without making the statement. Mayor Mueller stated that in our community, we do have a fair practice and precedent so it does not feel forced.

Council Member Mount said that it's a requirement levied by the federal government to make this statement or not get funds.

Council Member Gray said the city has a spirit of acceptance. It's the right thing to do and the City does it.

Council Member Huisking asked if the City has a list of the projects funded by CDBG. Ms. Thornton replied that anyone who would like to know could contact her. Council Member Huisking stated it should be posted online.

Mr. Potucek said there is a summary list that was presented on Tuesday and it will be posted online.

Council Member Ash asked if there was a particular section or piece of Fair Housing that Council Member Mount didn't agree with. Council Member Mount stated that this isn't a reflection of us or our culture since everyone wants the best thing for the City. We have to affirm those benefits in order to receive those benefits. They care more about our voice and not our acts. The same federal government sues cities over and over for small mistakes made.

Council Member Ash said the purpose of the document is to eliminate housing discrimination and create equal opportunity in very community. Our City embodies these characteristics and we don't

need a requirement from the federal government to affirm those actions. She will not vote against it just because the requirement comes from the federal government.

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

Item 7 Resolution 2015-035, Granting an easement for the purpose of allowing existing guy wires and associated fencing for property located at 296 W. Kayetan Drive to InSite Towers Development, LLC

Council Member Mount moved that Resolution 2015-035, Granting an easement for the purpose of allowing existing guy wires and associated fencing for property located at 296 W. Kayetan Drive to InSite Towers Development, LLC, be approved. Council Member Huisking seconded the motion.

Sharon Flissar, City Engineer stated that this resolution is the result of the recent sale of property on Kayetan Drive which has large towers within it. InSite LLC, the new property owner, noted the presence the several guy wires, 5 total, that come into the drainage way, owned by the City. The guy wires are a stabilizing element for the tower. This was not previously an issue because it was previously owned the City. This resolution would solve the encroachment issue by allowing InSite to acquiring the easement.

The motion passed unanimously, 6/0.

Item 8 Resolution 2015-036, Removing Tina Voigt with regret; and appointing Frances Micheau to the Cultural Diversity Commission, said term to expire April 26, 2017

Council Member Calhoun moved that Resolution 2015-036, Removing Tina Voigt with regret; and appointing Frances Micheau to the Cultural Diversity Commission, said term to expire April 26, 2017, be approved. Council Member Huisking seconded the motion.

Council Member Calhoun thanked Tina Voigt for her efforts as she served on the commission as an active military member.

The motion passed unanimously, 6/0.

Call to the Public

John Williams, Citizen spoke about how he is addressing the problem property on Carmichael Avenue. He stated that he evicted the tenant who is now having financial difficulty and how nobody has contacted him to help find him new housing. Mayor Mueller asked for Mr. Williams to give him the contact information for the displaced tenant privately.

Comments and Requests of the Council

Council Member Huisking congratulated the Water Wise Poster Winner and gave kudos to Cado Daly's water conservation efforts. She stated that this has been an "up" week, urging residents to see the new hospital, spoke about what it will do for the region as an economic driver. Council Member Huisking also thanked the citizens and staff for working on the light code.

Council Member Mount congratulated the Water Wise winners, Don Brush and the Community Development team. Council Member Mount spoke about a need for public input in everything we have going on and would like to see the public involved in every meeting. The hard part for Council is coming up and getting the CAC recommendation and budget. Council Member stated how he

appreciates that Council can share a dialog and can have a respectful disagreement, and that there are many other options for them to look at. Council Member Mount stated that he attended Hotel Meeting yesterday they have excellent ideas to help us out.

Council Member Ash thanked everyone for the input during the digital sign conversation and that she looks forward to comments during the 30-day period. Really shows leadership and being business friendly as we look to economic development. Council Member Ash announced that she and Youth Commissioner Rachel Jacobs recorded Water Wise commercials for the radio station. Thanks to staff, to kids who were here today and to Cado Daly.

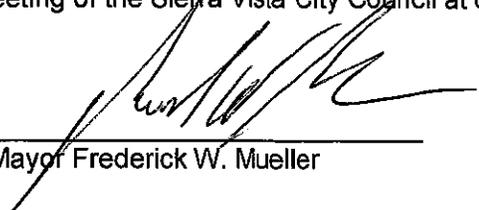
Council Member Calhoun said how much she enjoyed the Water Wise Poster winners, acknowledged two teachers in the audience, including the Teacher of the Year. Council Member Calhoun talked about the students who are visiting from Germany and the great explanations on how City Governments works they received. She encouraged a walkthrough of the hospital, thanked Ms. Thornton, Ms. Daly and the Sign Task Force. Council Member called on the community to volunteer and give Council their input on decisions, how she is expected to make decisions for her constituents based on where she came from, and her hope that if Council decides to vote differently than their recommendation that it doesn't discourage people from volunteering their time expertise on a given task.

Council Member Gray added she is encouraged that they are an involved, engaged Council. They don't always agree but they can respectfully disagree and she is proud of Council.

Mayor Mueller welcomed the Commission on Cultural Diversity, stated it was a big week for the not just for the community for the whole regional as the new hospital opened. He asked for everyone to keep the Salvation Army in mind as they broke ground for their new facility, although they still need to raise \$400,000 for its completion. If we as a community can raise another \$200,000, they think they can get the corporate office to kick in the other \$200,000. He asked everyone to consider how Salvation Army works with anyone in need, the other charities they work with, and how they make our community a better place.

Adjournment

Mayor Mueller adjourned the April 9, 2015 meeting of the Sierra Vista City Council at 6:19 p.m.



Mayor Frederick W. Mueller

Minutes prepared by:



Helen Lee, Admin. Secretary

Attest:



Jill Adams, City Clerk

Jenifer Thornton's Speech about Fair Housing - 4/9/2015

Every April, Sierra Vista Proclaims and readopts, by Resolution, a Fair Housing policy making known its commitment to the principle of fair housing and describes actions the City can undertake to affirmatively further fair housing. This is a HUD regulation.

Because I have been asked why the City does this and how can HUD make us adopt a Fair Housing Policy in order to receive grand funding. Here's the answer, the role of HUD to act as an administrator of fair housing programs originated in 1968 with the passage of the Civil Rights Act. Each grantee who is receiving CDBG funding under Title I of the Housing and Community Development Act, which is how CDBG is meted out, is required to further fair housing and fair housing planning by conducting an analysis to identify impediments to fair housing choice.

Basically Fair Housing comes down to this: it is illegal to discriminate against individuals attempting to rent or purchase a home based on race, color, religion, sex, disability, familial status, and national origin.

Prior to the City becoming an entitlement community, directly receiving the CDBG funding from HUD, the City participated in the annual Fair Housing events. However, prior to actually receiving our entitlement funds, the City was required to conduct and adopted an Analysis of Impediments to Fair Housing. The AI, as it is called, is a 41 page document. You can receive a copy of the AI by contacting the City of Sierra Vista, Department of Community Development or via the City's webpage. As part of the AI, there is a section for improvements. The City's CDBG consultant looked hard to find any improvements, but came up with four areas to improve that could make our program even better. The areas are very minor in nature and three of the four center around education and awareness. These recommendations will be undertaken by the City in the upcoming 2016 fiscal year.

Seventeen years ago, the City began to use the Southwest Fair Housing Council to promote fair housing and conduct all investigations, mainly because they are the trained professionals and also to keep the City "out of the businesses business and out of the lives of residents." Southwest Fair Housing will

- ✓ Investigate individual complaints of housing discrimination.
- ✓ Obtain evidence to support enforcement action
- ✓ Initiate complaints and litigation to serve fair housing goals
- ✓ Inform and advise community residents of their fair housing rights
- ✓ Conduct mediations
- ✓ Conduct training programs and seminars
- ✓ Assist businesses, neighborhood groups, agencies, and units of government in the development of fair housing goals.
- ✓ Provide information and referrals for persons and families with housing needs.

The City requests that if you have been discriminated against, or think you have been discriminated against, please call the Southwest Fair Housing Council. Here are several of the signs of discrimination:

- ✓ Refusing to sell, rent, or show available housing.
- ✓ Only showing housing in areas where other minorities live.
- ✓ Harassment or intimidation.
- ✓ Being told the dwelling is not appropriate for your family.
- ✓ Terms of availability change between phone contact and your visit.
- ✓ Housing or apartment has an "available" sign but you are told it is not available.
- ✓ Refusing to make reasonable accommodation or allow a modification to make the dwelling accessible

The City has received less than one handful of complaints in the past 15 years. We know that the local housing industry receives annual training. But the City wants to eradicate ANY FAIR HOUSING DISCRIMINATION.

Again, we request that if you feel you have been discriminated against, you can call Southwest Fair Housing Council directly at 520/798-1568 or 888/624-4611. The City will also take any complaints and refer them onto the Southwest Fair Housing Council.

You can find literature regarding Fair Housing and the Southwest Fair Housing Council in a kiosk in the atrium at City Hall or in various brochure displays throughout the City.