



## 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 25th day of April, 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9th day of May, 2019

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", written over a horizontal line.

Jill Adams  
City Clerk



Sierra Vista City Council  
Meeting Minutes  
April 25, 2019

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Mayor Mueller called the April 25, 2019 Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Rick Mueller – present  
Mayor Pro Tem Rachel Gray – absent  
Council Member William Benning – present  
Council Member Gwen Calhoun – present  
Council Member Sarah Pacheco – present (delayed arrival)  
Council Member Carolyn Umphrey - present  
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Brian Jones, Interim Fire Chief  
Adam Thrasher, Police Chief  
Laura Wilson, Leisure and Library Services Director  
Sharon Flissar, Public Works Director  
Richard Cayer, Public Works Operations Manager  
Michael Normand, Transit Administrator  
Jeff Pregler, Planner  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney  
Tony Boone, Economic Development Chief Officer  
Judy Hector, Marketing and Public Affairs Chief Officer  
Abe Rubio, IT Chief Officer  
Adam Curtis, PIO

Invocation - Pastor Greg Rowles, God is Good Church, prior to conducting the invocation thanked the Mayor and Council for allowing the opportunity to attend and open in prayer. He added that it is a blessing and something to speak about because many cities and communities have given up on this and to know that the City of Sierra Vista and those that lead are not ashamed of the name of Jesus gives the church a chance to speak out.

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

Item 1 Acceptance of the Agenda

Council Member Umphrey moved that the agenda for the Regular City Council Meeting of April 25, 2019 be approved. Council Member Wolfe seconded the motion. The motion unanimously carried, 5/0.

Mayor Mueller commented that the Council Meeting Agenda is unusual because there are a couple of items on the Consent Agenda followed by three public hearing items. He stated that if there are people in the audience who wish to address the Council, there are forms to fill out prior to addressing Council on an item, which allows the staff to spell names correctly for the record.

#### Awards and Presentations

Mayor Mueller presented a Proclamation declaring the month of April as Fair Housing Month to the Community Development Department.

City Manager's Report: Mr. Potucek announced that the next regularly scheduled Council Work Session will be held on May 7, 2019 at 3:00 p.m. in the City Manager's Conference Room, which will include the continuation of the budget discussions. He reported that the City has an open continuous solicitation for individuals and groups to instruct classes because the City has moved away from an employee-based instruction to a contract situation that has worked out well. The Engineering Design for North Garden Avenue and Fry Boulevard Improvements will be published in the Herald/Review May 1 through 5, 2019 with a pre-qualifications conference scheduled for May 15, 2019 and the opening of the bids on May 23, 2019. A request for quotes for the Rothery Field Fencing Project resulted in two quotes. One from KE&G Construction and the other from Brown and White, which are both under evaluation. The Invitation to Bid for the Community Development Timothy Lane Park Improvements was awarded to KE&G Construction and that should begin very soon.

In response to Mayor Mueller, Mr. Potucek stated that the Department of Housing and Urban Development announced that the City will be receiving approximately \$270,000 in Community Development Block Grant funds for the coming year, which is similar to last year's amount.

Council Member Calhoun asked if the City received a response for the coffee shop in the Library. Mr. Potucek stated that the City has not, but staff is working with someone and hopefully there will be a resolution.

#### Item 2 Consent Agenda

Item 2.1 Approval of the City Council Regular Meeting Minutes of April 11, 2019

Item 2.2 Resolution 2019-031, Appointment of Rebecca Dailous to the Arts and Humanities Commission, said term to expire December 31, 2020

Item 2.3 Resolution 2019-032, Restating the City's Commitment to Fair Housing in Sierra Vista

Council Member Benning moved that the Consent Agenda consisting of the City Council Regular Meeting Minutes of April 11, 2019, Resolution 2019-031, appointment of Rebecca Dailous to the Arts and Humanities Commission and Resolution 2019-032, restating the City's Commitment to Fair Housing in Sierra Vista, be approved. Council Member Calhoun seconded the motion.

Mayor Mueller announced for the record the presence of Council Member Pacheco, 5:08 p.m.

The motion unanimously carried, 6/0.

## Public Hearing

### Item 3 Resolution 2019-033, Request for a Conditional Use Permit Accessory Dwelling Unit 3498 Via Camellia

Council Member Calhoun moved that Resolution 2019-033, request for a Conditional Use Permit for an accessory dwelling unit at 3498 Via Camellia, be approved. Council Member Benning seconded the motion.

Mr. Pregler stated that this is a request for a conditional use permit for an accessory dwelling unit located at 3498 Via Camellia, which is located in the Canyon De Flores Subdivision that is in the south end of Sierra Vista. The applicant is requesting the construction and installation of a 384 square foot accessory dwelling unit to be used specifically for family use only. The applicant does not want to rent it out for compensation. The zoning on the property is Single Family Residential Eight, which means that the lot size is a minimum of 8,000 square feet. The actual size of the property is approximately 19,000 square feet.

An accessory dwelling unit is defined as a dwelling unit that is subordinate and incidental to the principle dwelling unit on the property that has to contain a kitchen and sanitation facility. In this case, the proposed structure will contain both facilities. In looking at the site suitability of the particular structure, the height of the structure is more restrictive than is required by zoning. The proposed height is going to be 10 feet six inches and the maximum height for a principle structure is 28 feet. The maximum height for an accessory structure, i.e., shed is 15 feet.

The request is consistent with the separation requirements. The Development Code does not specify setback requirements for accessory dwelling units. Therefore, staff has requested that the applicant meet the minimum separation requirements for dwelling units that are located within the Building Code. If the structure does not have fire rated walls then the minimum setback from a property line is five feet. The applicant has agreed with the condition and the structure meets the front yard setbacks and location requirements.

There are setback requirements for accessory structures, i.e., sheds. One of the requirements is that the accessory structures cannot be located within a front yard building setback. The setback for the particular property is 25 feet. The structure will be at least 65 feet from the front property line and it meets the criteria. Also an accessory structure cannot be located in front of a principle structure and based on the submitted plot plan, the structure will be located on the side yard of the property and not located in front of the principle structure.

Mr. Pregler displayed a slide depicting the plot plan of the property and stated that there will be minimal traffic noise generated by the request as this will be for family use only and not be rented out for compensation. Access will be from the existing driveway of the property and an additional driveway will not be required. The structure will also be connected to the City's sewer for the kitchen and sanitation facilities.

In terms of being compatible with the surrounding area, the applicant has stated that the accessory dwelling unit will be architecturally consistent with the existing structures and the principle structure on the property. The applicants have also stated that it will be stucco and painted to match the principle structure as well as the roof materials.

The request is consistent with the General Plan. There has been ample opportunities for citizen participation of the request. The applicant held a neighborhood meeting as required by the

Development Code on February 2, 2019 where there were approximately five property owners in attendance. There were also a few comments via email. At the neighborhood meeting, it was discovered that the adjacent property owner to the east had some concerns about the location of the accessory structure because the structure would affect the viewshed of the mountains. Based on this discussion, the applicant moved the accessory structure to the west side of the property and has received approval from that western property owner.

The Planning and Zoning Commission recommended approval of the request on April 16, 2019 with two staff recommendations:

- 1 - That the accessory dwelling unit only be used by family members and not rented for compensation; and
- 2 - That the accessory dwelling unit have a minimum of five foot side yard setback.

The applicant is agreeable to both conditions.

During the Council Work Session, a question was brought up about whether the conditional use permit runs with the property owner. The answer is that the conditional use permit will run with the property in perpetuity and if further down the road a property owner wants to make amendments to the conditional use permit, they will have to apply for an amendment and go through a separate public hearing process.

Mr. Pregler noted that the applicants, Mitch and Kristen Hale are in the audience to answer any questions that the Council may have.

Mayor Mueller thanked Mr. Pregler for a good report and the Hales for being in attendance. He noted that this is a public hearing and asked if anyone wanted to address the Council on the issue. There were no comments.

Council Member Wolfe asked if this is a mother-in-law suite. Mr. Pregler stated that she is correct. Council Member Benning stated that it is for their daughter.

Council Member Pacheco stated that after the presentation at the Council Work Session on April 23, 2019, it felt like there was serious due diligence in the permitting process. She believes that the home owners did their due diligence even in adjusting their plans after a neighbor stated a concern. They held a public meeting and gathered comments from neighbors.

The motion unanimously carried, 6/0.

Item 4 Resolution 2019-034, Request for a Conditional Use Permit Christian House Fellowship Church, 300 E. Wilcox Drive

Council Member Wolfe moved that Resolution 2019-034, request for a Conditional Use Permit for the Christian House Fellowship Church at 300 E. Wilcox Drive, be approved. Council Member Benning seconded the motion.

Mr. Pregler stated that this is a request for a conditional use permit for the Christian House Fellowship Church located at 300 E Wilcox Drive. The applicants are proposing to relocate their existing church and move to the 300 E Wilcox Drive property, which is currently a commercial zoned property and is under General Commercial. The approximate lot size is 38,000 square feet.

In terms of site suitability, the proposed use will be consistent with the surrounding commercial land uses. Church services will be Sunday mornings and Wednesday evenings and most of the commercial properties will either be closed during those times or will have minimum traffic. There is plenty of parking on the property in terms of adequate onsite parking. There are currently 130 existing parking spaces and the applicant has indicated that they will average 65 to 70 individuals on Sundays and less on Wednesdays. According to the IT Parking Manual, 66 spaces are required for 330 seats and that is the number of seats that are currently located within the building structure. The building was previously a church and is Code compliant with many of the church requirements and amenities needed.

There are currently three access points on the property and there is a limited access on Wilcox Drive, right in and right out. There is also access off of Myer Drive and Second Street. The property will be connected to the City's sewer and they are compatible with the surrounding property uses. They are consistent with the General Plan in terms of opportunities for citizen participation.

This is a public hearing process and notification was sent out to all property owners within 500 feet and no comments were received. Also in terms of maintaining, approving and revitalizing older areas of the community is a second consistency with the General Plan because the applicant is repurposing an existing building.

The Planning and Zoning Commission recommended unanimous approval and staff has recommended approval of the request.

Mayor Mueller opened the public hearing. There were no comments.

The motion unanimously carried, 6/0.

#### Item 5 Proposed Changes to Vista Transit Route Scheduling 30-day public Comment Period

Ms. Flissar stated that this item opens an official 30-day public hearing period for the purposing of receiving public comments on the proposed routing changes to Vista Transit. Policies adopted in accordance with federal requirements stipulate both a public meeting and a public hearing to be held in advance of any major changes to the system. The public meeting was held the week of April 15 at the Vista Transit Center using an open house forum that was attended by approximately 40 people.

Written comments were provided by 14 individuals at the meeting and another three provided written comment separately. In addition the subject was discussed at a recent Transit All Hands Meeting and a Transportation Advisory Committee Meeting and consolidated versions to those discussions have also been recorded. A copy of all comments received to-date has been provided to Council. Comments vary, but one of the recurring concerns is extended wait in travel times on the hour-long loops. Concerns have also been raised about the elimination of some existing stops and potential relocation of new stops. Although, staff has already evaluated comments received to-date, after the 30-day comment period is completed, all comments will be consolidated and evaluated for potential inclusion into a revised routing plan.

Mayor Rick Mueller pointed out that comments will be considered in a revised plan. The Council is not approving a Plan. The Council is going to listen to the comments, take them into consideration and then the proposed plan will then be amended accordingly that will come back

before Council at another time for discussion and a decision. He added that the public may send in comments at any time concerning the proposed routes.

Diane Thomas stated that she has used Vista Transit system for 15 years and stressed to Council that the System is "vital" to the community. She then challenged Council to see how far they would you have to walk to the bus stop from their home if their car did not start or any other reasons that may come up. She then addressed concerns about the safety of bringing buses on the bypass, an area that is accident prone already and discussed some of the fear amongst bus riders of service being discontinued altogether.

Mayor Mueller asked Mr. Potucek if the City is planning on shutting down the system. Mr. Potucek stated that there is absolutely no plan to shut down the system.

Mayor Mueller stated that the City does an audit on an annual basis on all federal funding and there is not deficit or issues specifically related to transit. Mr. Potucek stated that he is correct.

Georgie Schumaker, who is legally blind, stated that she has depended on Vista Transit's curbside service for the last eight years to get around and that with the proposed Plan, she is most concerned with the hour-long loops. Her biggest concern is the bus because she has seen it go from five to four routes and added that her doctors' offices are either at the hospital or Paseo San Luis and Snyder Road, and that's an hour loop. She further stated that on her last visit to the doctor for a physical, he was late so she told him to hurry up because she was concerned that her bus was coming and she had to be out of there 10 minutes after the hour or she was going to have to wait an hour. In closing, she asked Council if the would be willing to wait an hour in the cold, in the heat, wind blowing, which she has had to do lots of times.

Lori Schectman talked about the ridership, how the proposed change of the most occupied transfer area, Wal-Mart, will be a problem due to the one hour loop that is too long of a wait. The lack of shelters for people while they wait for the bus is also a problem and suggested bigger shelter with plexiglass to keep the sun, rain and wind off people. A small structure with benches would allow for more passenger flow because a metal bench sitting in the sun are not suitable shelters.

Mayor Mueller stated that during the Council work session there was discussion about shelters and some issues dealing with private property owners. Staff has been given direction to look into it.

Anthony Reed, Principal of the Colin L. Powell Learning Center, stated that he found out about the proposed changes through his students, many of whom ride the bus. He stated that the City has anywhere from 10 to 20 percent of the population that catches the bus at any given time on a daily basis. He further stated that at a later time, he would like to talk to the City about transportation for students out in Hereford and Huachuca City area. He added that the proposed changes would cause great hardship because there will be more than a 90-minute ride each way for the kids to get back and forth to school. The attendance has been up and he thinks that it will go down if these kids have to ride the bus 90 minutes each way. The enrollment has doubled in five years and increased enrollment is anticipated next year. Many of the students are low-income and the school purchases and provides Vista Transit bus passes to the students, but he worries that the changes could cause attendance to drop. On a personal note, he added that his wife rides the bus and enjoys it. In closing, he asked if the City could consider something during the school year for those routes. The school starts at 8:00 a.m. and

the bus gets there are 8:15 a.m. and that is the best that they can do and he will work with that, but he would like for the Council to consider that.

Mayor Mueller stated that his concern was also his because one of the purposes outlined since the last time that the City looked at changing the routes was to make sure that the City considered education, Cochise College, Colin L. Powell Learning Center and others to make sure that students could get to class.

Gloria Nettles stated that she had problems getting to the Council Meeting because she and others were supposed to have a cab, but it is only a one-way fare and she wonders on how she will get home. She stated that Council meets late and suggested that they hold their meetings earlier in the day, i.e., 2:00 p.m. for the bus people. She further stated that she has been taking the bus since 2003/2004 and has been a City resident since 1999 and she loves the bus system because she does not drive and does more walking.

Mayor Mueller stated that this meeting does not end the comment period. There will be a meeting in a couple of weeks for the Council followed by another one after that, which will be the 30-day comment period and people are more than welcome to come see the Council. He explained that the standard time for Council meetings is 5:00 p.m., but there are other opportunities for input, i.e., the meetings that were held at the Transit Station during the day time. He added that he believes that the City is making an effort to reach out to everybody and noted that the Council wants input so that they can make potential changes to the Plan.

Council Members Calhoun and Benning asked if the Council will vote on the proposed changes. Mayor Mueller explained that they will not be voting on it because this is only a public hearing item. The hearing was for the Council to hear comments. The next time that this item comes before Council, it will be a formal meeting where Council will vote to open up the 30-day comment period. People will be able to comment on the Plan as proposed because changes are being made to the proposed Plan.

Council Member Calhoun asked if the Plan will be discussed during a work session(s). Mr. Potucek stated that it can be placed on the agenda. Mayor Mueller stated that Council will get the public comments and after the 30-day comment period closes, staff will go back and look at the current Plan and make changes as appropriate. The Plan will then come back before Council during a work session for review and once it is understood, there will be another public hearing process for another 30 days.

Council Member Calhoun stated that the Council's work sessions are more exciting and they are held at 3:00 p.m., which might better fit some people's schedules.

#### Comments and Requests of the Council

Council Member Wolfe had nothing to report.

Council Member Pacheco thanked everyone that attended the meeting and provided comments. She stated that the Council was discussing Vista Transit before opening up the comment period and noted that Council is committed to a service that remains. There is no intention of shutting down Transit, the discussions have been about adjusting it. She further stated that Council has heard many concerns about the shelters, which has been a topic of discussion as well.



Council Member Umphrey welcome aboard Ms. Dailous to the Arts and Humanities Commission and thanked her for her willingness to serve. She also thanked everyone in attendance who spoke and submitted comments because this really helps the Council in making the best decisions moving forward, which Council Members take very seriously. She also thanked Mike Normand for all of his work with regard to the Open House and in making sure that everyone had ample time to provide feedback.

Council Member Benning thanked Pastor Rowles for his kind words in blessing the community and reported on the first Meet and Greet of the year. He also thanked Ms. Dailous and welcomed her to the Arts and Humanities Commission, Mr. Reed for what he is doing and attending the Council Meeting as well as Ms. Thomas and Ms. Nettles. He further stated that he talked to some of these individuals at the Transit Station Meeting and he appreciates their time, energy and commitment. He also thanked Ms. Sheppard for providing the free ride tickets for people to attend the Council Meeting.

Council Member Calhoun echoed the comments made by previous Council Members and thanked those who attended to speak to Council and encouraged people to continue to send in their comments. She also thanked the people who attended the Meet and Greet and noted that folks who have recently moved to town were gushing about Sierra Vista. One gentleman stated that he and his family had been driving around and touched almost every state in the last few months, but chose to live in Sierra Vista because it is a community, where everyone cares about each other and there is a center around the community, the Farmer's Market area. In closing, she encouraged everyone to check out the Farmer's Market.

Council Member Umphrey stated that someone at the Farmer's Market stated that Public Works is the best/fun department.

Council Member Pacheco announced that the Airport Commission recently lost another member, Art Weisberger, who passed away. The Commission is having a tough year and in memory of Mr. Weisberger, she added that they are grateful for his service and offered best wishes to his family.

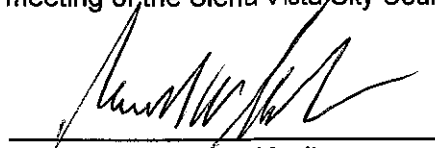
Council Member Benning thanked Mr. Normand for his leadership and commitment to everyone that he serves at the Transit Station, which is contagious. Mr. Normand knew everyone's first name and their routes, which was the best thing that was witnessed.

Mayor Mueller thanked Mr. Normand and stated that his service is appreciated as the whole goal is to make the Transit System more efficient, which is an important issue to Council. He then called out to a service organization in town, the Sierra Vista Lions, who two years ago purchased machines to go and check the eye sight for young kids as they are going into school. This past year they had a goal of testing 4,000 people, not only in Sierra Vista but across the County and they crossed the 10,000 student mark for the area. Those kids are starting school with proper eye care and reading skills that well bode well for their education and health in the future. In closing, he commended the Sierra Vista Lions Club, a very active club of about 25 to 30 folks who meet on the second and third Tuesday at My Place Restaurant at 6:00 p.m. They are doing a great job in the community and they were named the Sierra Vista Lions Club a year before the City was named Sierra Vista and the City may have been named after that Club. Bottom line is that they are doing a great job and they support the community just like many other organizations do and they are hitting a critical need for the young folks as they start their educational process.

The Mayor and Council wished Ms. Williams a Happy Birthday.

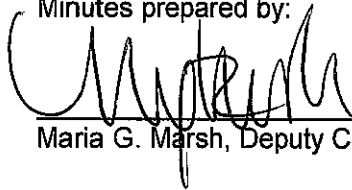
Adjournment

Mayor Mueller adjourned the April 25, 2019 meeting of the Sierra Vista City Council at 5:57 p.m.



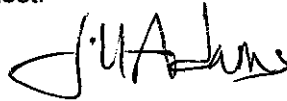
\_\_\_\_\_  
Mayor Frederick W. Mueller

Minutes prepared by:



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

Attest:



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