



## 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 28th day of February, 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 14th day of March, 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**  
**Meeting Agenda**  
**February 28, 2019**

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Mayor Mueller called the February 28, 2019 City Council 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 – present  
Council Member William Benning – present  
Council Member Gwen Calhoun – present  
Council Member Sarah Pacheco – present  
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  
Rob Hinderer, Leisure Services Manager  
Matt McLachlan, Community Development Director  
Jeff Pregler, Senior Planner  
Jing Luo, City Engineer  
Jill Adams, City Clerk  
Nathan J. Williams, City Attorney  
Tony Boone, Economic Development Chief Officer  
Mike Cline, Management Analyst  
Adam Curtis, Public Information Officer  
David Felix, Finance Chief Officer  
Linda Jones, Management Analyst

**Invocation** – Chaplain Ray Bingham, Canyon Vista Medical Center, conducted the invocation.

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

**Item 1** Acceptance of the Agenda

Council Member Benning moved that the agenda for the Regular City Council Meeting of February 28, 2019 be approved. Mayor Pro Tem Gray seconded the motion. The motion unanimously carried, 7/0.

**City Manager's Report:** Mr. Potucek announced that the next regularly scheduled work session is scheduled for March 12, 2019 at 3:00 p.m. in the City Council Chambers and reported that the Street Maintenance, Crack Sealing and Patching bid date is March 7, 2019 at 12:00 p.m. at Procurement; the Library Concessionaires Café will be opened March 14, 2019 at

12:00 p.m. also at Procurement; the Street Maintenance Asphalt Repair Services bids are due and will be opened March 13, 2019 at Procurement; and the Development Impact Fee Study Consultant went out and opened on January 25, 2019. The review came back and it was recommended that the firm of TischlerBise, who has done the City's previous development fee studies, came in with a much lower bid and that will start on March 8, 2019.

## **Item 2 Consent Agenda**

**Item 2.1** Approval of the City Council Regular Meeting Minutes of February 14, 2019

**Item 2.2** Resolution 2019-018, Appointment of Kathleen Calabrese and Larry E. McKim to the West End Commission, said terms expiring on December 31, 2020

Council Member Umphrey moved that the Consent Agenda consisting of the City Council Regular Meeting Minutes of February 14, 2019 and Resolution 2019-018, appointment of Kathleen Calabrese and Larry E. McKim to the West End Commission, be approved. Mayor Pro Tem Gray seconded the motion.

Mayor Mueller noted that Mrs. Calabrese and First Sergeant McKim are in the audience.

The motion unanimously carried, 7/0.

Mayor Mueller congratulated Mrs. Calabrese and First Sergeant McKim, thanked them for being present and noted that Council is looking forward to working with them.

## **Public Hearing**

**Item 3** Resolution 2019-019, Development Code Amendments-Architectural Design Standards Article 151.02, Definitions, Section 151.03.006, Development Review Committee, Article 151.20, Architectural and Design Review; Article 151.30, Appeals and Variances

Council Member Pacheco moved that Resolution 2019-019, Development Code Amendments to Architectural Design Standards Article 151.02, Definitions, Section 151.03.006, Development Review Committee, Article 151.20, Architectural and Design Review; Article 151.30, Appeals and Variances and declaring a 30-day comment period, be approved. Council Member Benning seconded the motion.

Mr. Pregler stated that the image and character of the built environment are important components to economic development. Creating an aesthetically pleasing development, which includes diverse building forms and site improvements that compliment the visual, physical, social and functional components of the City, encourages increased investment and provides a sense of community pride.

One approach to enhance the image and character of the City is to establish architectural and design standards that reflect the visual desires of the City. The City Council adopted architectural and design review guidelines in 2009 and since that time, adherence to the guidelines for new commercial development has been effective in enhancing the visual aesthetic of commercial buildings. There have been recent concerns from the development community about the applicability and the practicality of the guidelines. In addition, staff has recognized the difficulty in enforcing the guidelines without any objective criteria. It is for these reasons that amendments to the architectural and design review language is necessary.

The Planning and Zoning Commission held two work sessions on the proposed amendments. The first work session was held on September 18, 2018 and the second work session was on December 14, 2018. The Commission provided a number of recommendations that have been integrated into the text amendments.

Enforcement of the design guidelines is difficult with the current written language in the guidelines document. One of the first changes, was to eliminate the guidelines document as an enforcement document and to write objective standards within the Development Code, Article 151.20 thereby not only consolidating all aspects of design review within one document; but also strengthening the enforcement process.

Another proposed change is the format and lay out of the design standards, which now allows the developer to choose from a selection of options to implement within the project. According to the proposed language, the developer is required to meet the facade materials and building color design standards and then has the option of selecting at least three of the remaining six design standards to incorporate into the development. The advantage of using this format is that it provides design flexibility and allows the developer to determine which standards would be most beneficial to the development.

At the Planning and Zoning Work Session, the Commission recommended that the facade coverage areas on buildings be determined based on the zoning district and the adjacent street classification. Those buildings are adjacent to arterial roadways so they will have a higher standard to meet for building facade than those along local streets.

In relation to the building's color, the proposed language states that all buildings will be required to use earth tones and muted colors, which do not exceed a reflectance value of 50 percent. The Commission recommended that there be a waiver to this requirement for those businesses on the West End, indicating that there would be no limitations on building color. This would provide artistic creativity and vibrancy on the West End.

An additional proposed amendment identifies the Director of Community Development as the review authority replacing the Architectural Review Committee; but the Commission recommended that there be a separate review authority and process for developers that want to waive certain architectural and design standards. The Development Review Committee, which currently reviews and approves all commercial site plans was designated as the waiver review authority. The proposed language also states that any appeals from the Development Review Committee decisions shall be heard by the hearing officer. Although, the proposed architectural and design language are required standards, there is indeed flexibility built into the review process.

Amendments also include specifying the development that are subject to the architectural and design review process, which include new commercial buildings, new site development, and exterior structural modifications to existing buildings. The proposed language clarifies and simplifies the submittal and review processes.

Staff has received one public comment in opposition to the amendments. The comment states that the proposed amendments would increase the cost of development thereby affecting investment and development in the community.

Mayor Mueller noted that this action is to open it up for a 30-day public comment period.

Council Member Calhoun asked if the proposed amendments would increase the cost of development. Mr. Pregler stated that he does not know the exact numbers/figures in terms of cost for the construction of a new building facade. Many of the current new buildings that are being proposed are already implementing some of these requirements into their buildings. In terms of the fact that it is going to reduce investment into the community, he does not think that it is necessarily true.

Mayor Pro Tem Gray asked if the exception for the West End needs to be indicated in the proposal prior to going out as a 30-day public comment period. Mr. Pregler stated that Council may make a recommendation or an amendment to the language being proposed and have that amended language posted for the 30-day public comment period. Mr. McLachlan added that he intends to bring this up at the next West End Commission meeting and get their position on whether they are amenable to going with the color pallet. He added that he will illustrate the colors that are available in the scheme and ask if they want to develop their own pallet or if they want to leave it wide open and let the property/business owner decide.

Mr. Potucek stated that this item and the one following regarding parking will probably generate some more public comment, certainly from the commissions, public, perhaps the Chamber of Commerce, SACA and other groups that might be approached in terms of getting their input. He stated that he suspects that there will be amendments that Council may want to consider on these items in which case, the best thing to do is to ask staff to continue to put these items on Council Work Session Agendas, update Council as to the public comments received and provide a chance for Council to make amendments as seen fit throughout the process. There is nothing hard and fast about the 30-days, which means that Council can vote on the final after 30 days; but the timeframe can be extended.

Mayor Mueller noted that it could be extended for another 30 days. Mr. Potucek concurred. Mayor Pro Tem Gray noted that she is ok with waiting.

Council Member Benning stated that a great deal of people have commented on the color pallet and believe that everything is going to be bland. He further stated that he wants people to see the color pallet as it is very nice and not just brown.

Mayor Mueller stated that this is a change to the way that the City normally operates; but Mr. Pregler has provided a very detailed briefing during the work session. He then suggested that since this issue is going out for a 30-day comment period and possibly be extended for another 30 days that a complete presentation be provided at the Council meetings in the future. This way the people at home can watch it too and it could be abbreviated with some of the highlights. Mr. Potucek stated that the reason that these presentations are coming to Council is because staff first wanted to get some input from Council on whether Council even wanted to proceed because if Council did not want to proceed, then it was not worth staff spending more time on this. He added that it appears to him that there is an interest to proceed; but not exactly the way that it is currently proposed. Staff will move forward and provide something that is amendable to Council.

Mr. McLachlan stated that the power point presentation is included with the agenda backup material for the public to download it and review it.

The motion unanimously carried, 7/0.

**Item 4** Resolution 2019-020, Amendments to City Code of Ordinance-Parking Regulations on Public Roadways Chapter 71, Parking

Council Member Wolfe moved that Resolution 2019-020, amendments to City Code of Ordinance - Parking Regulations on Public Roadways Chapter 71, Parking and declaring a 30-day comment period, be approved. Council Member Benning seconded the motion.

Mr. Pregler stated that the Planning and Zoning Commission in working with staff on its annual work program identified a need to enact parking regulations into the City Code of Ordinances. As a result, a number of proposed amendments have been included in Chapter 71 for Council's consideration. The Planning and Zoning Commission held two work sessions, one on September 18 and another in December 4, 2018 where they discussed potential draft language. The Commission ultimately approved the amendment at their February 5, 2019 meeting.

The current language under Chapter 71 establishes requirements and penalties for vehicles parking in disabled parking spaces. The proposed amendments expand the scope of this chapter to include conventional parking requirements on public streets that are commonly covered in Municipal Codes and follow Arizona Revised Statutes. The Police Department has also provided comments related to these requirements, which have been integrated into the language.

Another component to the proposed amendments is language that would place restrictions on the parking of recreational vehicles and trailers on public roadways. The language limits the parking of recreational vehicles and trailers on public roadways to no longer than five days in any 30-day period. The limitation of five days was recommended by the Planning and Zoning Commission that felt that this was ample time for an individual to load or unload the vehicles prior to or following their use. In the review of other communities that regulate recreational vehicle parking in public roadways, the parking restriction varied from two days to seven days. The proposed five days falls within the timeline and restrictions from other communities. The language further clarifies that the movement of these vehicles from one point directly to another point within the same block shall be deemed a continuous parking period.

The restrictions were developed in response to citizen concerns about the safety of pedestrians and other vehicles along the roadways. In a review of citizen complaints that date back to 2016, the City has received 73 complaints related to recreational vehicles and trailers either blocking the vision of drivers at intersections or obstructing the right-of-way as drivers back out of their driveways.

To be completely transparent, there are some properties that have received multiple complaints. A good portion of the complaints are related to separate properties in the community. The list of complaints presented to Council are the only complaints that have been received by Community Development and do not include complaints received by the Police Departments, which was presented to Council during the work session. The Fire Marshal has also provided a statement, which has been provided to Council that indicates his support of the amendments as they relate to reducing roadway risks and emergency vehicle response time.

The drafted amendments also include an enforcement section that describes the process for citing and removing vehicles that are in violation of the parking regulations in the chapter. A definition of recreational vehicle and trailer has also been included in the proposed language to assist in the enforcement of these vehicles.

The City has received a total of 38 public comments addressing the proposed amendments, which have been provided to Council. There were 16 letters in support and 22 in opposition. Those in support state that the amendments will increase safety and aesthetics along the roadway. Those in opposition have concerns about the number of allowed parking days; that the ordinance creates too much regulation, specifically that public streets shall allow all forms of vehicle parking; that there is no location other than streets now to accommodate recreational vehicles, especially on small lots; and that these amendments would affect the recreational vehicle culture of the community.

Mr. McLachlan stated that based on the discussion that transpired at the work session relative to business trailers potentially being affected by the proposed restrictions, staff is recommending that Council consider amending the provision by inserting the phrase, "disconnected from its tow vehicle after trailer" in the first sentence. It would read, "It shall be unlawful to park any recreational vehicle or trailer disconnected from its tow vehicle on a public street in a residential zoning district for a period longer than five days in any 30 day period unless signs are posted prohibiting the on street parking or identifying a different period of time."

Mr. McLachlan stated that the phrase was proposed to the Planning and Zoning Commission in December; but they modified it by removing the phrase. This phrase would address the specific concern that was expressed at the work session.

Mayor Mueller stated that this is something that he has been milling over too and noted that it gets back to the definitions. He added that he reads recreational vehicle to be a motorized vehicle that is used for recreation and asked if it is recreational as in a five-wheel that is hooked up behind a pickup truck or all trailers. Mr. McLachlan stated that the Ordinance contains two separate definitions. The definition provided in the proposal for trailer states, "a structure standing on wheels, towed or hauled by another vehicle and used for carrying materials, goods or objects. The Department was contemplating a utility trailer, a hauler or a fifth-wheel trailer.

In response to Mayor Mueller, Mr. McLachlan stated that a fifth-wheel trailer would be covered under the definition of recreational vehicle as provided in the proposed ordinance.

Council Member Pacheco asked if there will be a chance in the process for Council to bring this forward to another work session and discuss further amendments. Mayor Mueller explained that the vote before Council is to open it up for a 30-day public comment period. After the 30-day public comment period is closed, Council will discuss it at a work session and if at the work session the Council is ready to vote on it, then the item will come before Council at their regular meeting; but if Council does not feel that they are ready to vote on it, then it can be extended and ask for additional public comment, research and etc. until Council feels comfortable in that it is the right policy and takes it to a vote.

Council Member Calhoun asked if there were any changes made to the section about people with disability placards. Mr. McLachlan stated that there are no changes to that section.

Council Member Calhoun stated that she does not understand how a hospital administrator can make the determination on whether a person has a disability in order to receive a handicap parking placard. Mr. McLachlan stated that the author mirrored State Statute in writing that provision. Mayor Mueller explained that he can understand why that language would be included because sometimes with hospice and folks who may not have an MD or physician or people released from the hospital may need on a temporary basis additional parking assistance or other things. He added that he believes that an administrator could possibly do that on a

temporary basis without having the person pay for a doctor visit to have them say that they are disabled/handicapped.

Council Member Calhoun stated that she does not like that phrase and asked staff to look into it in order to see if that is acceptable.

The motion unanimously carried, 7/0.

## **New Business**

**Item 5** Ordinance 2019-001, Rescinding City Code Title III, Chapter 41: Expense Allowance; Reimbursement; Financial Disclosure from the Sierra Vista Code of Ordinances

Mayor Pro Tem Gray moved that Ordinance 2019-001, rescinding City Code Title III, Chapter 41: Expense Allowance; Reimbursement; Financial Disclosure from the Sierra Vista Code of Ordinances, be approved. Council Member Wolfe seconded the motion.

Mr. Felix stated that in updating the current administrative policy on travel and training to incorporate the new financial software, it was discovered that there was an ordinance on the books that has been there for many decades that is outdated and detailed on travel expenses, i.e., employees cannot go more than 70 miles out of town without taking the airplane, which the City no longer owns. In tying to a work session that happened last calendar year, Council expressed an interest in removing old and outdated policies. This would remain as an Administrative Directive that can be updated more easily and cost effectively to the City. This way when things change, staff would no longer need to come before Council and change codification.

Michael DeCarlo stated that this is an attempt by the government to eliminate a source document that comes from outside of the City that will enable the public to actually audit the system for travel. He added that when that source document is removed and the City is allowed to dictate what they can charge as per diem, the citizens can never go back and say that based on the per diem rate publicized by the United States Government that the City is supposed to use, that the City fraudulently wrote off things to the citizens. This burden of counting beans is government. This burden is about counting their beans before it is government. It is burden of keeping finances and tracking it to run a government - a burden that was placed on the City in the 70's and 80's when smaller government was looked at as in to keep it small, to investigate itself instead of trying to go out and acquire more property from the citizens through taxation.

Mayor Mueller asked if the City is required to follow federal per diem by State or Federal Law and has the option to establish its own, if they so choose. Mr. Felix stated that he is correct.

Council Member Calhoun noted that any of this information is open and available to the public. Mr. Felix stated that most information can be subpoena by going into the City Clerk's office and requesting it under the Freedom of Information Act. There is certain nonrelated items to this, i.e., businesses taxes that are not public; but most any other document, travel report, expenditure, backup is all open to Freedom of Information Act.

Council Member Benning stated that the City follows the per diem rules, even though the City does not have to. Mr. Felix stated that it is the easiest item to follow and the City follows it for the meals for the various cities that the Council and staff members go to, for the mileage rate that is allowable and it makes it the easiest thing for the City to follow because then it is not up



to staff to determine what is appropriate. The City believes that the federal government has the best resources available to do that.

The motion unanimously carried, 7/0.

### **Call to the Public**

Kale Kiyabu stated that he is opposed to a proposed resolution to support the City of Nogales' request of the federal government to remove the concertina wire. He added that there were comments made about good neighbors in relation to parking on the streets and their recreational vehicles; but if there were good neighbors, there would not need to be a fence. Many people rightly observed that people can get over the 30 foot wall and the concertina wire keeps people from getting over (provided a picture of the fence in Naco, Arizona). The City of Nogales does not have the same type of fence; but away from the port of entry, it is the same fence that can be reached through it. He asked that the federal government be allowed to do what they have been tasked with doing, secure the international border. Sierra Vista's jurisdiction ends at the City. In closing, he added that if anyone wants information about matters outside of City, Sheriff Dannels speaks to anyone whom asks him about security concerns in Cochise County. People outside of the City limits, Portal, Douglas, Palominas, Benson and Wilcox and most agree that having that wire as an additional barrier on the fence is a good thing.

### **Comments and Requests of the Council**

Council Member Calhoun had nothing to report.

Council Member Benning congratulated Kathleen Calabrese and Larry E. McKim, added that he looks forward to the Good Neighbor Alliance Dinner on March 16, 2019 and reported that he and Council Member Umphrey spoke to the Sunrise Rotary on February 27, 2019.

Council Member Umphrey thanked the new commissioners on the West End Commission, Kathleen Calabrese and Larry E. McKim. She added that she is excited to have a full Commission to get things going for the West End Fair on May 4, 2019.

Council Member Pacheco welcomed the new commissioners and stated that she is grateful for their willingness to serve the City. She then reported that she attended the Huachuca Area NAACP Freedom Fund Gala with Council Member Calhoun last week, a great celebration of Black History Month in Sierra Vista.

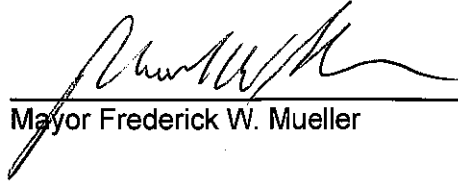
Council Member Wolfe had nothing to report.

Mayor Pro Tem Gray had nothing to report.

Mayor Mueller stated that he received a phone call during the day from the organizers of the Wild West Days in Tombstone to ask him to be the Grand Marshall for their parade on March 16, 2019. They wanted someone that represents the community that has supported the soldiers and veterans in the area. In closing, he stated that he was very pleased and honored to say that he would represent Sierra Vista as a Grand Marshall at the parade for that reason. It is a community honor and he looks at it as a way to say thanks to the great veterans, their families and all of the people who support veterans in the community - doing the right thing does pay off and they are recognized.

**Adjournment**

Mayor Mueller adjourned the February 28, 2019 meeting of the Sierra Vista City Council at 5:37 p.m.



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Mayor Frederick W. Mueller


Minutes prepared by:



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Maria G. Marsh, Deputy Clerk

Attest:



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Jill Adams, City Clerk