

Sierra Vista City Council
Work Session Minutes
February 10, 2015

1. Mayor Mueller called the work session to order at 4:00 p.m. in the Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Present:

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
Don Brush, AICP, Director, Department of Community Development
Jeff Pregler, Planner
Judy Hector, PIO
Jill Adams, City Clerk

2. Presentation and Discussion:

- A. February 12, 2015 Council Meeting Agenda Items (agenda attached)

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

Council Member Huisking asked about the location of the tower. Mr. Brush explained that Verizon Wireless is requesting the placement of a 59-foot communications tower to be located at 2050 E. Wilcox Drive, the small island to the south in the back of the Vista Transit Center.

Council Member Huisking also asked if the conditions seem reasonable to Verizon Wireless for the repair or to make any necessary improvements and the maintenance of the trees around the block wall. Mr. Potucek stated that they are acceptable to Verizon Wireless. Mr. Brush explained that the conditions are necessary in order for the City to have some leverage with keeping them maintained. Mr. Potucek stated that Mr. Clawson just finalized the negotiations on the contract, which will be provided to Council.

Council Member Mount asked that if the City has an out if the tower became problematic. Mr. Brush stated that the contract is a separate issue from the Conditional Use Permit. Ms. Jacobs indicated that she would check the language; but the language is typically stringent.

Council Member Mount asked if there is any safety release that has been submitted to the City that indicates that the cell tower is safe and not putting out stuff that is harmful. Ms. Jacobs the City is not able by federal law to regulate that so there cannot be anything in the contract that specifies that because that is strictly regulated by the FCC.

In response to Council Member Huisking, Mr. Potucek stated that the lease rate is \$2,000 per month.

Council Member Calhoun asked if the \$2,000 becomes revenue to the City and does it go into the General Fund. Mr. Potucek stated that she is correct. Ms. Jacobs stated that the amount may have to go to Transit because the property was purchased through a grant specifically for transit purposes so that funding must specifically go to help offset the subsidy. Mr. Potucek added that ultimately, it will be in the General Fund, reducing the subsidy by that amount.

Mayor Mueller noted that it seems odd that something that was purchased through a grant eight to ten years ago could have strings that would require the City to use it only for transport. However, he does not have a problem using to offset the transit because the City needs to find the money somewhere; but he was not aware of it when the grant was accepted.

Ms. Jacobs indicated that she would review the original grant agreement.

New Business: Items 6 – 11:

- Resolution 2015-015, Authorization to approve Settlement Agreement regarding civil lawsuit U.S. District Court Case No. 4:13-CV-00178;
- Resolution 2015-016, Authorization to approve Settlement Agreement regarding civil lawsuit Cochise County Case No. CV2013-00838;
- 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;
- 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;
- Resolution 2015-019, Appointment of Kristopher Rangel to the Commission on Disability Issues, said term to expire September 22, 2015; and
- 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

There was no discussion

B. Discussion of City Manager Staff Meeting Minutes – attached

In response to Council Member Gray, Mr. Potucek stated that there is a new developer for the FedEx site and there were issues about the wash behind it; but those have been resolved to both the new developer and FedEx's satisfaction. It does not appear that there will be any costs incurred for the wash improvements because they are out of the 800 year floodplain.

In response to Council Member Gray, Ms. Jacobs stated that the developer hopes to start grading within the next week or two.

In response to Ms. Jacobs, Council Members provided feedback with regard to the new electronic agenda.

In response to Council Member Huisking, Mayor Mueller stated that the boards and commission liaison updates is not on the agenda because that item will be on at the first one of the month for the previous month as agreed upon. Mr. Potucek stated that the item goes on the agenda only once per month.

C. Review Progress of FY2014-15 Strategic Plan

Ms. Jacobs stated that on January 23rd, she forward the report for the current Strategic Plan that will be completed by July 1st. The City is on schedule for the vast majority of the items, completing about 18% and behind schedule about 11% with a couple of them on hold.

Ms. Jacobs reported on a couple of key ones that have been completed:

- Police Department did establish a civilian emergency response team that is now up and running with continued training;
- A qualified vendor list to be established on the City's website so that the City could facilitate those homeowners who might need to do some work on their homes and having access to qualified vendors. However, the City Attorney has opined that this places the City in a greater liability if the City indicates which businesses should and should not be on. Therefore, it was resolved that the City would refer homeowners to the Registrar of Contractors; and
- Completed VISTA 2030 Plan and it went before the voters, which was voted in by the residents.

Ms. Jacobs stated that primarily the areas that the City is behind schedule have to do with the City's economic development objectives, but with the start of Simone McFarland, Economic Development Manager, next week, she will help accelerate the progress. She will put together tactical plans in the economic development areas and then Council will see some forward momentum very soon. Her calendar has been filled with meeting a variety of people and there will be an opportunity for Council to meet with her.

Ms. Jacobs noted that the Fire Department is behind schedule. The Department was simply going to be exploring what it would take to be accredited over a period of time. That is a very complex process and the Department does not have any analyst support like the Police Department did in order to get that moving. It is basically another job that is being assigned and the Fire Department is making headway.

Ms. Jacobs reported on the items that are in process:

- Fire Department is making progress and will be starting with their Home Health Care Unit, a very exciting opportunity to expand the City's services. With the Affordable Care Act, it appears that there will be some opportunity for some revenue to be made from doing the services. The whole point is to try to prevent people from having to go back into the hospital so quickly. The hospital is thrilled about the opportunity that some of the City's professionals will help check up on them and that they are getting their medicines and doing the follow-up that they need and it also prevents from getting the emergency calls. It is a win-win situation and it looks like some portion of that will be able to be billable as well;
- Progress on the regional dispatching. The City received funding from a private benefactor and the City has made significant investments in that and are continuing to proceed down the path of regional dispatching for the entire area working with the Sheriff's Office as that unfolds over time;
- Progress in the annexation area and staff moved forward with Sulger and are at 17 petitions out of the 31 needed to move forward. Staff sent out the second letter last week and hopefully there will be another bump in the petitions signed. Then the employee teams will be put together and begin the door to door effort to talk to people in early to mid April.

In response to Council Member Calhoun, Ms. Jacobs stated that the City is at 30% out of the 50% and commented that the City is making its way with only the letters having gone out. She recalled when the City was doing Montebello; they were at 30 to 33% as well and so believe that it is promising.

Ms. Jacobs stated that there are some areas that will be part of the subject of the upcoming Strategic Plan as well as for continuation (some objectives are a step one process):

- Town Center:
 - o Staff has updated Council;
 - o Council indicated their preference for moving forward with the piece of property adjacent to Veterans' Memorial Park;
 - o Staff is doing initial exploration;
 - o Council discussion is necessary for next steps;
 - Pursuing state land is a very stringent process; and
 - Investment required for the archeological and master planning.

Ms. Jacobs explained that the way that the state land process works is that if the City was not the final bidder of the property, then whoever did purchase the property would then have to reimburse the City for those costs and that is why the City has to go through the steps.

In response to Council Member Calhoun, Ms. Jacobs stated that the State land Department has to agree first that the land is for sale. However, the City has not yet approached them so there are still a number of steps that the City must go through, i.e., the archeological, master planning and etc. and then if the State Land Department agrees to sell, they are required by the Constitution to formally auction the land. It would be a Council decision if the City is going to bid on the property; but someone could bid against the City and if the City is not the successful bidder then the successful bidder would have to reimburse the City, incorporated into the bid price. The State would then send the City a check for the planning.

In response to Council Member Calhoun, Ms. Jacobs explained that if the City is the successful bidder, the City has made that investment and it is the City's expense. Mayor Mueller explained that the City would be the only one making the investment. If the City was not interested in the property and someone else was interested, they would be making the investment and go through the process. Once it went to bid, they could also lose. It is a risky venture because capital has to be put up front for the surveys, studies, archeology among others.

Mayor Pro Tem Blanchard asked if the State is willing to sell it because it was his understanding that the State wanted to lease the property to the City. Ms. Jacobs stated that it is not known and that he is correct and that is why staff is in the early stages before the City reaches out to talk to the State Land Department.

Ms. Jacobs explained that the City would need to indicate an interest in the property and then the State will consider putting it on their five year disposition list. Depending on where it goes in their five-year disposition list, the State comes back and states if they are willing to look at it in four years and go through the sale process. Then two years prior, the State works with the City on a master plan and etc.

Mayor Mueller stated that it is very long term process and this is for discussion at the Strategic Planning Meeting; but, he believes that it is worth exploring if there are commercial partners who would be willing to join the City in developing the area.

In response to Council Member Calhoun, Ms. Jacobs stated that at the time of statehood, the federal government said to the State that they would keep land and let the State keep land as well and then when the constitution was established, the State Constitution said that all of the lands were going to be held in trust for the education of the residents and specified onerous things that needed to be done that seemed reasonable 100 years ago. There have been multiple attempts to make changes to the constitution but all of those require voter approval. The only one that was approved in the last 20 years was the one that the City was advocating for that allows for land swaps around the military and was voted in by a hair by the community, largely because there was a partnership built amongst conservationist, the education community, and that coalition was built so nobody was coming in opposing it.

In response to Council Member Calhoun, Mayor Mueller stated that the State still gets the money. Ms. Jacobs added that the State is the one that receives the money and they use that pot of money to fund new schools through their funding formula which is handled administratively and explained the process.

In response to Council Member Calhoun, Ms. Jacobs stated that the funds do not stay in the community unless the City is eligible to receive it. The City has not been eligible since Buena was built.

- Fry Cemetery; and
- Public safety training facility.

Ms. Jacobs explained that staff did not move forward but did explore funding potential; but there is no revenue out there that is available. One of the upcoming components during the Strategic Planning Meeting is to review all of the items, status and then are there any of those that Council would like to see move forward in the next two years or some component of it.

- Transportation Area
 - o Avenida Del Sol widening is out to bid and will be completed close to the end of the fiscal year;
 - o Progress on an east/west connector road through the MPO.

Council Member Mount thanked Ms. Jacobs for the brief and stated that what stands out is a lot of stuff covered in VISTA 2030, i.e., economic development in Element 15, and although he realizes that VISTA 2030 went out to the voters and there is a lot of information in the document that Council would like to do, his concern is having the revenue to do this effectively and more or less efficiently.

Council Member mount suggested that for the Strategic Planning Session, Council prioritize economic development, job growth and finding ways to get the economy moving again. All of the other stuff is great and Council wants to make it happen but it won't happen without the revenue and right now there is already revenue shortfalls with the pension liability and some other things and with respect to VISTA 2030, he hopes that Council does not get into a bind as it is so much information to try and cover in a two-day span and miss the real target which is economic development.

Mayor Mueller stated that he is sure that priority setting is something that they will go through and added that Council Member Mount is right on the money with that being at the top of the priority list.

Council Member Gray stated that she understands the reasoning on the qualified vendor list as that is not something that the City would want and asked if the City would also be directing people to SACA since they are local. Ms. Jacobs stated that staff has not necessarily because it is safer to refer to Registrar of Contractors since some contractors may not always be a member of SACA. However, she will refer this to staff.

Council Member Gray inquired about the Fry Cemetery grant. Ms. Jacobs stated that the City did not apply this past year but the year prior and it was a no go. The staff will continue to look at some of Native American fund sources when they are available since staff has a grant and narrative ready to go. Staff was attempting to target the Tohono O'odham Nation because there appears to be some documentation indicating that there is a member of the tribe buried in and around the Fry Cemetery. They get a lot of requests for grants and it has not been on their list.

Council Member Gray asked for the final reports on the evaluation of the current City recreational, cultural and sports programs. Ms. Jacobs stated that Ms. Yarbrough is shooting for some time in April to bring it before Council.

In response to Council Member Gray, Ms. Jacobs stated that the Police Department is looking at body cameras right now and they are testing some. The Department is exploring not only the costs but the big cost which is the storage of the data. One of the concerns is that there appears to be an interest on the part of the State Legislature to dictate usage and before the Department moves forward, if it is going to be onerous, to pull back. There is also interest on part by the federal government in managing the process so the Police Department's purpose is to go in with their eyes wide open. The initial cost can likely be paid out of RICO funds but it is the replacement, maintenance, storage costs and the staff time required to review the tapes that are an issue. The last thing to consider and that is a concern is what is a public record and how does that jeopardize criminal investigations. Mr. Potucek stated that staff realizes that the work is moving in that direction but there are a lot of different systems that the Department is looking at right now but he believes that the federal government and the State so need to resolve issue on records because then the Department has to archive a lot of different records and then there is issues with privacy and investigations. The State needs to define what a public record is truly.

Council Member Gray offered kudos to the staff for not only preserving the General Fund but adding to it. This speaks to what a great job is done with the finances and how they are handled in the City.

Council Member Calhoun asked if the Strategic Plan could be put out with a series of numbers and letters in order to make it easier to follow and refer to those items; and asked if the Fire Department could provide a presentation on their Care Unit. Ms. Jacobs stated that it is a great idea to have the Fire Department provide a presentation and explained that the reason why the Strategic Plan is not numbered or lettered is at the direction of Council as they did not want them to seem prioritized. However, the Council will now be in a new process with a new facilitator and there may be other ideas and suggestions for Council.

In response to Council Member Huisking, Ms. Jacobs encouraged Council that when they meet Ms. Novak, the new facilitator, that they share their thoughts on the process because she wants to respond with a process that will meet Council's needs.

Ms. Jacobs noted that she will bring up what has been done in the past; but this is a real opportunity to start fresh with a new process; Council will always want to look back at where

they have been and what has been achieved. There are a number of items on the Strategic Plan that show up every time because they are important to Council. One of the things that Ms. Novak is an advocate of is making sure that the City can measure. She will ask Council how they will know when they have gotten there.

Council Member Huisking asked Ms. Jacobs for a report card as such the one she has previously provided. Ms. Jacobs stated that she attached it to the report and will make sure that Council has it.

Council Member Mount stated that he will call in to the consultant and added that he is hesitant and worried because a Strategic Plan goes out longer than two years and when he looks at the Plan, it seems to him that Council is going into a long mini session; but Council's goals need to have a way to be measured and that is the part that he sees missing.

Council Member Mount asked for data from previous times other than a notation that Council moved forward as he would like something that states that Council is within control, used the resources appropriately and has achieved a measurement beyond what Council thought they would.

Mayor Mueller stated that Council Member Mount has a valid point and that there are files with score sheets that could be used as a starting point. Ms. Jacobs noted that it is important that Council Members share their views with the consultant and suggested that they look at a four-year window and explained that the General Plan is the long term plan that is open and has been the leadership plan.

Council Member Gray noted that when she started she was overwhelmed; however, she came out knowing a lot of things about the City. Council Member Mount stated that he hopes that whether it is two or four years down the line that Council comes out with quantifiable goals that are accountable to the residents.

D. Future Discussion Items and Council Requests

Mayor Mueller announced that he will be attending the League of Cities Meeting where PSPRS will be discussed.

Mayor Mueller also announced the upcoming National League of Cities Conference in Tucson on August 18, 2015.

Council Member Huisking reported on the Sister Cities Commission Meeting and requested hosts for 12 children visiting from Radabeul, Germany in April.

Council Member Mount stated that he would like to add to the agenda discussion for the creation of an Economic Development Commission, one that is more holistic for the City.

Council Member Gray noted that it is worth discussion. Council Member Ash also agreed that it is a great idea to form outreach.

Council Member Calhoun stated that she would like to discuss the future of King's Court prior to the strategic planning retreat; but upon looking at scheduling options, agreed it would be impossible to fit in.

Mayor Mueller stated that without money available to improve the facility and no potential buyer emerging, there is not much more to address at this time, aside from the long-term vision for the property and noted that he feels that is best suited for the strategic planning session.

Council Member Mount questioned whether King's Court is an item of strategic importance currently for the City. Council Member Calhoun stated that it belongs to the City and it is being used by the community; yet it is still sitting in limbo to a lot of people.

Council Member Mount stated that he appreciates the fact that there is some passion about King's Court; but he does not think that he was elected to get another park built. He further stated that he thinks that the City has people that need jobs, have homes that are underwater and that is what he thinks should be the focus and priority.

Council Member Huisking asked if the Commissions will be coming forward with their ideas and if so, how will those be incorporated. Ms. Jacobs stated that she will provide their ideas to Council before the retreat. Staff is finalizing an environmental scan so that Council has the information to be prepared for the retreat.

3. Adjourn

Mayor Mueller adjourned the work session at 5:01 p.m.

Mayor Frederick W. Mueller

Minutes prepared by:

Attest:

Maria G. Marsh, Deputy City Clerk

Jill Adams, City Clerk