



**MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
MEETING HELD
THURSDAY, SEPTEMBER 26, 2019 AT 7:00PM
HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order

Mayor

- Pledge of Allegiance
- Roll Call and Ascertain Quorum
- Invocation

Any prayer/invocation that may be offered before the start of regular Council business shall be the voluntary offering of a private citizen, for the benefit of the Council and the citizens present. The views or beliefs expressed by the prayer/invocation speaker have not been previously reviewed or approved by the Council, and the Council does not endorse the religious beliefs or views of this, or any other speaker. A list of volunteers is maintained by the Town Clerk's Office and interested persons should contact the Town Clerk's Office for further information.

The meeting was called to order at: 7:00PM

The Pledge of Allegiance was led by: Mayor Wallace

The Invocation was offered by: Mr. Thomas

Roll Call

| <i>Present:</i> | | <i>Absent:</i> | |
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| Johann Wallace - Mayor | Christy Hirshberg – Council Member | Matthew Williams – Town Manager | Joy Banks – Council Member |
| Pro Tem - Donna Johnson | Debra Trate – Council Member | Thomas Benavidez – Town Attorney | |
| | | Janine Collins- Town Clerk | |
| Cynthia Butterworth – Council Member | | | |

B. Call to the Public

Mayor

A.R.S. 38-431.01 states the Public Body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the Public Body. At the conclusion of an open call to the public, individual members of the Public Body may respond to criticism made by those who have addressed the Public Body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the Public Body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

Call to Public:

1. By Jeffrey Ferro Address: Grant Street, Huachuca City AZ 85616

About: The vocabulary of Title 16: The word blighted is used and he's worried that by that definition Title 16 could be used unfairly.

C. Consent Agenda

Mayor

All items listed in the Consent Agenda are considered routine matters and will be enacted by one motion of the Council. There will be no separate discussion of these items unless a Member of the Town Council requests that an item or items be removed for discussion. Council Members may ask questions without removal of the item from the Consent Agenda. Items removed from the Consent Agenda are considered in their normal sequence as listed on the agenda, unless called out of sequence.

- C.1 Consider approval of the minutes of the Council meeting held on September 12, 2019.
- C.2 Consider approval of the Payment Approval Report in the amount of \$ 75,782.42.

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| Motion C: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

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| Motion C: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Council Member Trate | |

D. Unfinished Business before the Council

Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

D.1 Discussion and/or Action [Manager Williams]: Council approval of Resolution 2019-29 to adopt an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation [ADOT] to establish maintenance and installation responsibilities for an emergency vehicle pre-emption system ("evp system") in the right-of-way of state highway 90.

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| Motion D.1: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Butterworth | |

Manager Williams: The maintenance of the signal was the question last meeting. We would be responsible for the maintenance. Sierra Vista handles their maintenance we could see about doing an IGA with Sierra Vista for doing our maintenance. The training would be how to use the signal, so it would be a onetime training for the fire and police.

Mayor Wallace: There will be costs associated with the signal for the maintenance, but I think the costs justifies the means.

Council Member Butterworth: We will need to build it into the yearly budget.

Mayor Wallace: We'll use the HURF funds to maintain the signal.

Council Member Butterworth: I believe this signal is really needed by our emergency responders.

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| Motion D.1: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Council Member Hirshberg | |

D.2 Discussion and/or Action [Dr. Johnson]: Council consideration of expense to separate electrical access between police department and fire department.

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| Motion D.2: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Hirshberg | |

Dr. Johnson: Remember while back we had talked about work done between the fire department and police station. Before I could get to testing the systems, nature took care of it and shut down the power. The fire station is completely on the generator and the essential stuff from the police station is on the generator. I would not recommend we do what we had originally planned which was put the police station on a separate generator. This would be costly now to remove them from one system and put them on another so I recommend we leave it as is.

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| Motion D.2: Project Cancelled | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Council Member Butterworth | |

E. New Business before the Council

Mayor

Public comment will be taken at the beginning of each agenda item, after the subject has been announced by the Mayor and explained by staff. Any citizen, who wishes, may speak one time for five minutes on each agenda item before or after Council discussion. Questions from Council Members, however, may be directed to staff or a member of the public through the Mayor at any time.

E.1 Discussion and or/Action [Manager Williams]: August 2019 Financial Statement Review including Town grant tracking.

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| Motion E.1: Open item for discussion and/or action | | Action: |
| Moved by: | Seconded by: | |

Manager Williams: I believe this is the best month I’ve seen financially since I’ve been here. For the month of August:

- General fund had a profit of \$82,682.17
- Water \$25,197.60 (We had a longer billing cycle for the month of August)
- Sewer \$8,803.54
- Garbage \$976.24
- Landfill \$ 6901.02

Mayor Wallace: I really appreciate all the departments for keeping to the budget

E.2 Discussion and/or Action [Mayor Wallace]: Second Reading of Ordinance 2019-14, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE, TITLE 2 “ADMINISTRATION AND PERSONNEL,” TO CHANGE THE DUTIES OF THE POLICE CHIEF, TOWN MANAGER, TOWN CLERK, FINANCE CLERK AND TOWN COUNCIL; REMOVE PROVISIONS FOR K-9 OFFICERS; HAVE POLICE OFFICERS’ AND ANIMAL CONTROL OFFICERS’

PAY RATES ESTABLISHED BY THE TOWN MANAGER; AND AUTHORIZE THE TOWN MANAGER TO HIRE POLICE OFFICERS AND ANIMAL CONTROL OFFICERS BASED ON NEED AND BUDGET AVAILABILITY.

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| Motion E.2: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Hirshberg | |

Mayor Wallace: We looked at this last time and we're bringing back after input from council.

Council Member Butterworth: The title of the ordinance still has the original wording not the new wording.

Mayor Wallace asks Town Attorney about it, Town Attorney recommends changing the wording.

Mayor Wallace: We'll move this to the next meeting so we can change the wording. This also gives council members time to give Mr. Williams more input.

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| Motion E.2: Title Needs to be fixed | | Action: Moved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

- E.3 Discussion and/or Action [Dr. Johnson]:** First reading of Ordinance 2019-16 AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE BY ADDING NEW TITLE 16 "NEIGHBORHOOD PRESERVATION AND VACANT PROPERTY REGISTRY" TO ESTABLISH REGULATIONS FOR REGISTERING AND MAINTAINING FORECLOSED, ABANDONED AND VACANT PROPERTY WITHIN THE TOWN; TO ESTABLISH REGULATIONS FOR DECLARING AND ABATING SLUM AND BLIGHTED PROPERTY; TO ESTABLISH MINIMUM STANDARDS FOR THE CONDITION OF THE INTERIOR OF RESIDENTIAL BUILDINGS; TO ESTABLISH REQUIREMENTS FOR THE MAINTENANCE OF ALL RESIDENTIAL AND NONRESIDENTIAL BUILDINGS AND STRUCTURES OF ANY KIND, AND VACANT AND IMPROVED LAND; TO ESTABLISH REGULATIONS FOR GRAFFITI PREVENTION, PROHIBITION AND REMOVAL; TO PROHIBIT ACTS AND CONDUCT THAT DIMINISH QUALITY OF LIFE; AND ADOPTING ENFORCEMENT AND ABATEMENT PROCEDURES AND SANCTIONS FOR VIOLATIONS.

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| Motion E.3: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Butterworth | |

▶ **Dr. Johnson: Chapter 16.15 outlines standards for property maintenance to include:**

- ▶ **Onsite litter prohibited**
- ▶ **Accumulation of vegetation (high weeds & hedges, dead vegetation, etc.) prohibited**
- ▶ **Vacant lots also maintained free of high plant growth**
- ▶ **Maintenance of alleys/front areas where sidewalks areas would be**

- ▶ Refrigerators or other such containers
- ▶ Insect and rodent control
- ▶ Outdoor storage
- ▶ Chapter 16.20 outlines standards for building maintenance to include:
 - ▶ Proper egress in case of a fire
 - ▶ Smoke detectors
 - ▶ Safe structures and equipment
 - ▶ Maintenance of exterior surfaces
 - ▶ Boarding of window/door openings as temporary only
 - ▶ All buildings must have clearly visible address identification
- ▶ Chapter 16.25 outlines what classifies as an unsafe or dilapidated structure and equipment and measures Code Official can take to safeguard the public, such as:
 - ▶ Order a vacant building be secured to prohibit trespass
 - ▶ Order occupants to vacate an unsafe building and place a “Condemned” placard on the structure
 - ▶ Perform any necessary emergency repairs
 - ▶ Order repairs or demolition of a structure
- ▶ Chapter 16.30 outlines the procedure to prevent and remove graffiti, to include:
 - ▶ Graffiti is prohibited to remain on any visible structure or surface
 - ▶ Once notified, graffiti must be removed within 10 days
 - ▶ If not removed, Town is authorized to remove graffiti
- ▶ Chapter 16.35 outlines how a residential rental property can be designated as “Slum Property” and the remedies to remove this designation, such as:
 - ▶ If required repairs are performed within 30 days, Slum designation can be withdrawn
 - ▶ If repairs are not done, Slum designation can be recorded with the County Recorder and shall run with the land
 - ▶ Town is authorized to seek appointment of a temporary receiver of the property
 - ▶ Town can file a lien on the property to recover any costs incurred
- ▶ Chapter 16.40 outlines what constitutes a public nuisance
 - ▶ All buildings, structures and premises are required to be maintained so as not to pose a threat to the health and safety of any person.
 - ▶ Any public nuisance subjects the building, structures or premises to abatement
- ▶ Chapter 16.50 outlines the different methods that can be used to enforce Title 16 and the appeals process:
 - ▶ Code Official is defined to include, peace officer, fire code official, building official or anyone else designated by the City Manager
 - ▶ Methods used for enforcement range from voluntary compliance to issuance of a Notice of Violation to issuance of a Police citation to Court order abatement.
 - ▶ Some violations qualify for an “administrative” appeal, which is heard by the Code Official and does not require a fee
 - ▶ Appeal to the Board of Adjustment is also available
- ▶ Chapter 16.60 outlines the requirements for a Foreclosure and Vacant Property Registry

- ▶ **Applies to all property within the Town, to include residential and commercial property**
- ▶ **Provides Town officials with contact information**
- ▶ **Foreclosure Entities required to designate a Property Manager to keep the property maintained and secured**
- ▶ **Makes property owners accountable for the maintenance of their vacant properties**

Council Member Butterworth: How is the smoke detector part enforced?

Dr. Johnson: When we get involved for other issues then we can just look.

Council Member Butterworth: What about the blighted issue?

Dr. Johnson: It is intended to be read as a whole paragraph.

Council Member Trate: How will we get the word out about the alley ways and the rest of the ordinance?

Dr. Johnson: We will put it out on social media, make fliers, and even go door to door if we need to.

E.4 Discussion and/or Action [Manager Williams]: Council direction to begin the 60 day notice process for adopting registration fees for vacant, abandoned and foreclosed property, pursuant to the above Ordinance 2019-16.

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| Motion E.4: Open item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

Manager Williams: This will start the 60 day clock to implement the fees.

TITLE 16 FEES:

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| Initial Inspection to determine the existence of a violation | \$No Charge |
| Re-inspections as required in Title 16 | \$100 |
| Board of Adjustment Appeal | \$300 plus |
| Deposit for publication if required | \$250 |
| Administrative Appeal | \$No Charge |
| Residential Foreclosure/Vacant Property Registry (Yearly) | \$100 |
| Non-Residential Foreclosure/Vacant Property Registry (Yearly) | \$250 |

Council Member Trate: How will you know which properties are vacant?

Dr. Johnson: It will be a lot of work for my department but we will contact all the owners and collect their information.

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| Motion E.4: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.5 Discussion and/or Action [Manager Williams] Council consideration of expense of \$5755.76 to bring electrical access to Leffingwell Park for the Town Christmas tree and other park electrical needs.

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| Motion E.5: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

Manager Williams: Our town Christmas tree is in front of the fire department. After last year's fiasco we discussed changing things. We could use the big white pine in Leffingwell park as the new tree, but we will have to bring power to the park.

Mayor ProTem Johnson: The Christmas tree that we are using is our Christmas tree, everyone knows it as the Christmas tree. I think we should wait until the town gets back into shape.

Council Member Butterworth: The tree in front of the fire station can be seen from the highway since we're going to be putting lights along the highway.

Council Member Hirshberg: I think last year they just used the wrong lights.

Mayor Wallace: My biggest concern is the outlet that we use, it keeps tripping.

Council Member Butterworth: We need to see about getting that outlet fixed then. It could be a fire hazard.

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| Motion E.5: | | Action: Denied |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.6 Discussion and/or Action [Mayor Wallace]: Council decision to cancel the regularly scheduled Council meetings for November 28, 2019, and December 26, 2019, due to conflicts with holidays.

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| Motion E.6: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

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| Motion E.6: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Council Member Hirshberg | 3-2 in favor |

E.7 Discussion and/or Action [Town Attorney]: Council decision to engage the firm of Moyes Sellers & Hendricks to provide legal counsel and representation for the Town regarding the water rights adjudication in Maricopa County Case No. W1-11-0245 [“In Re the General Adjudication of All Rights to Use Water in the Gila River System and Source”].

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| Motion E.7: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Hirshberg | |

Attorney Benavidez: Water law is a specialty of law and you need someone who knows the laws. This litigation has come up all these jurisdictions are objecting to our water rights which we filed back in the 80s. It is important to the town’s future that the town has good representation for this. I recommend that we hire this firm to represent us.

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| Motion E.7: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.8 Discussion and/or Action [Council Member Banks]: Council consideration to provide a letter of support for The Upper San Pedro Partnership Technical Committee, for a grant to start a web portal

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| Motion E.8: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Butterworth | |

Mayor Wallace: Ms. Banks asked that we continue with this without her.

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| Motion E.8: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.9 Discussion and/or Action [Manager Williams]: Council consideration to provide a letter of support for the Tucson Food Bank & Salvation Army to provide a monthly mobile drive thru food distribution.

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| Motion E.9: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

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| Motion E.9: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.10 Discussion and/or Action [Manager Williams]: Council approval for the closure of Gonzales Drive from Skyline Drive to School Drive from 6am-12pm on the following dates to accommodate the monthly mobile drive thru food distribution plan.

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| Motion E.10: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Trate | |

Suzanne Harvey: This is for all people of all ages who are in low to moderate income. We are partnering with the Salvation Army. The Salvation Army of Sierra Vista will be providing their support and they will do all the administration stuff. So all we need to do is provide a space and people. We will need to help with the food distribution. There will be training that they will provide and someone will need to get a food handlers permit.

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| Motion E.10: | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

E.11 Discussion and/or Action [Mayor Wallace]: The Council might vote to go into Executive [closed] session, pursuant to A.R.S. 38-431.03(A) (3) & (4), for legal advice concerning the settlement agreement with Dusk till Dawn and acquisition of the property. The Council might discuss financing options and approve a financing source for the Town's purchase of the property. Any formal action on this item will be taken in open session.

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| Motion E.11: Open Item for discussion and/or action | | Action: Open |
| Moved by: Mayor Wallace | Seconded by: Council Member Butterworth | |

Manager Willlams: We have to have financing set up by November 9th, and everything should be done by December 9th. We are looking at loans right now through different banks.

F. Reports of Current Events by Council

G. Town Manager's Report: Matthew Willlams:

Phase 2 environmental testing has been completed and are within acceptable levels. The Bus line grant will be submitted tomorrow, we will find out around Thanksgiving. Sustainability is important.

We expect the audit presentation to Council to be in December 2019.

Finance:

Fuel Cost Allocations have changed.

Water-47%

Sewer-47%

Public Works-6%

Allocations of Court Clerk Position

50% Court

50% General Admin

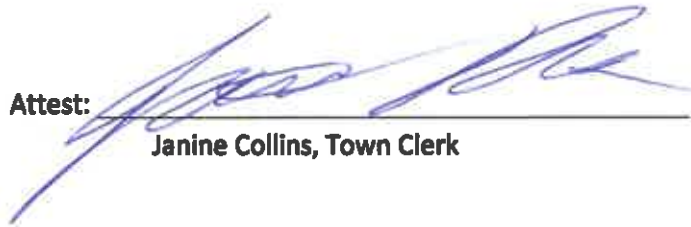
H. Items to be placed on future agendas: E.2 and E.3

I. Adjournment

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| Motion: to Adjourn | | Action: Approved |
| Moved by: Mayor Wallace | Seconded by: Mayor ProTem Johnson | |

Meeting was adjourned at 8:35 pm.

Approved by Mayor Wallace on October 10, 2019

Attest: 
Janine Collins, Town Clerk


Johann Wallace, Mayor

Seal:



Certification

I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Huachuca City Town Council held on September 26, 2019. I further certify that the meeting was duly called and a quorum was present.


Janine Collins, Town Clerk