



TOWN OF HUACHUCA CITY

The Sunset City

**MEETING MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
January 14, 2021 AT 7:00 PM
COUNCIL CHAMBERS
500 N. GONZALES BLVD.
HUACHUCA CITY, AZ 85616**

AGENDA

A. Call to Order – Mayor 7:06pm

- a. Pledge of Allegiance
- b. Roll Call and Ascertain Quorum
- c. 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.

Roll Call.

Present: Johann Wallace, Donna Johnson, Cynthia Butterworth, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (Not voting).

Invocation: Due to being closed to public at this time, Mayor Wallace asks for a moment of silence.

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.

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 Regular Council meeting held on December 17, 2020.

C.2 Consider approval of the Payment Approval Report.

Motion: Consent Agenda, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: Items on the Consent Agenda, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

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.

E. New Business Before 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 [Spencer Forsberg]: Mr. Forsberg will review the Town's finances for the month of December.

Motion: Item E.1, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Spencer Forsberg: Month of November, we are 42% through our fiscal year. At this time, I plan to present the month of December at the next council meeting. November looks good, in the black for the month and the year. Numbers are right in line with where they should be. Landfill looks really good. General Fund is about break even not including the grants we have received. Enterprise funds all looked good. Water fund had revenue of \$32,000.00 and expenditures of \$27,000.00. Sewer fund revenue of almost \$22,000.00 and expenditures of \$16,000.00. Garbage fund had revenue of \$12,000.00 and expenditures of \$11,400.00. Landfill had revenue of \$113,000.00 and expenses of \$93,000.00.

Councilmember Post asks about the report a couple months ago where there was a lot of outstanding debt for water/sewer/trash and wants to know the status now.

Manager Harvey advises we have begun collection efforts since then and about 50-70% of that has since been paid.

E.2 Discussion and/or Action [Manager Harvey]: Resolution 2021-01: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, IDENTIFYING THOSE OFFICERS LEGALLY EMPOWERED TO PROVIDE INSTRUCTIONS AND SIGN DOCUMENTS ON BEHALF OF THE TOWN RELATING TO THE TOWN'S BUSINESS ACCOUNTS WITH EDWARD JONES.

Motion: Item E.2, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Manager Harvey: This is something we need to do as part of housekeeping with the staff turnover. We have had to update a lot of signature documents.

Mayor Wallace: Who is being designated as signers?

Manager Harvey: Myself and Brandy.

Motion: Resolution 2021-01, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Motion passed unanimously.

E.3 Discussion and/or Action [Manager Harvey]: Resolution 2021-02: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, IDENTIFYING THOSE OFFICERS LEGALLY EMPOWERED TO PROVIDE INSTRUCTIONS AND SIGN DOCUMENTS ON BEHALF OF THE TOWN RELATING TO THE TOWN'S ACCOUNTS WITH WELLS FARGO BANK AND WELLS FARGO ADVISORS.

Motion: Item E.3, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Mayor Wallace: Same thing, getting the names fixed.

Motion: Resolution 2021-02, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.4 Discussion and/or Action [Manager Harvey]: Resolution 2021-03: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, DESIGNATING TOWN CLERK BRANDYE THORPE AS THE CHIEF FISCAL OFFICER ["CFO"] OF THE TOWN FOR PURPOSES OF SUBMITTING THE TOWN'S ANNUAL EXPENDITURE LIMITATION REPORTS ["AELR"].

Motion: Item E.4, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Mayor Wallace: This is something we have to do, typically this would be the finance officer, but since Brandye is filling those roles, she gets that title as well.

Motion: Resolution 2021-03, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.5 Discussion and/or Action [Manager Harvey]: Resolution 2021-04: A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, APPROVING CHANGES TO THE TOWN'S 457 DEFERRED COMPENSATION PLAN.

Motion: Item E.5, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Mayor Wallace: Again, we are not changing the plan, just the agents of the plan. Who will be the authorized agents?

Manager Harvey: Myself and Brandye

Motion: Resolution 2021-04, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.6 Discussion and/or Action [Manager Harvey; Chief Thies]: Director Harvey will present the proposed town complaint process for approval by the Council. Chief Thies will address his plan for establishing a police review board and seek to schedule a Council work-session to further evaluate the plan.

Motion: Item E.6, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Donna Johnson.

Manager Harvey presents the proposed town complaint process which involves complaints being submitted to the Town Clerk. They will be logged and given a tracking number. Once that has been done, the Town Manager will decide which department should handle it. If it is minor and can be resolved right away we will do that. For example, if it is a complaint about Public Works, I'm going to assign it to Jim Halterman and he will be responsible for investigating, documenting the findings, and contacting the complainant with the findings. What we are finding is that no feedback is going back to the person who filed the complaint. That will be the responsibility of the person it has been assigned to. A resolved complaint will be routed back to the Town Manager so that they know it has been done, and then back to the Town Clerk for filing so we have a record. Appeals can be done if the person who made the complaint is not satisfied. The Town Manager would be the first part of the appeal process. If it still can't be resolved satisfactorily, it can then be brought before Council. The process will be a little different for the Police Department, but I want to wait for Chief Thies to be back and ready to present his plan for the police review board as well. This will be a policy and procedure for staff. Most complaints should be able to be resolved within 3 days, unless they are complex. If we can't do it within 3 days, the complainant will be notified that it will take extra time and why. Complaint forms will be used. Residents will be able to make complaints through email and phone as well. I don't want to make it difficult for residents to make complaints. Complaints regarding the Town Manager will go to Council.

Councilmember Trate: What happens if you have a person who complains a lot, and they become more of a nuisance?

Manager Harvey: We still have to take every complaint seriously.

Mayor Wallace: Every complaint is a valid complaint.

Manager Harvey: Should anything ever get elevated above all of us, we will have a good record of attempts to resolve complaints.

Motion: Complaint process as outlined., **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.7 Discussion and/or Action [Dr. Jim Johnson]: Approval of a Conditional Use Permit Application (CUP2020-2). Applicant Abel Gonzalez (Able Tire & Wheel) proposes the use of repairing and installing tires on vehicles at the property located at 125 N. Huachuca Blvd. (Tax Parcel #106-56-008).

Motion: Item E.7, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Dr. Johnson advises Council that all requirements have been met regarding postings, hearings and inspections. He shows on a map the location of the business. He recommends that Council approve the CUP with no conditions.

Councilmember Butterworth asks if this is a tire shop where you can go and they take off the old tires and put on the new. The answer was yes.

Mayor Wallace asks if there will be a nitrogen fill station for tires. The business owner, Abel Gonzalez, is called by phone and states that it will not have one at this time.

Motion: CUP application 2020-2, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.8 Discussion and/or Action [Dr. Jim Johnson]: Direction from the Council to staff concerning preparation of an ordinance regarding State Proposition 207 authorizing cultivation and sale of marijuana for recreational purposes. Dr. Johnson will address the Town's current regulations for cultivation and sale of marijuana for medicinal purposes as well the Council's options for regulating marijuana cultivation and sale for recreational use.

Motion: Item E.8, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Mayor Wallace: I don't believe you have to rehash everything, you did a good job in the work session.

The options are pulled up from the work session slide as follows:

1. Prohibit all Recreational Marijuana Establishments **AND** Testing Facilities
2. Allow both Recreational Marijuana Establishments **AND** Testing Facilities
3. Allow Recreational Marijuana Establishments, **BUT** Prohibit Testing Facilities
4. Allow Testing Facilities, **BUT** Prohibit Recreational Marijuana Establishments

MUST CHOOSE ONE

Mayor Pro Tem Johnson: I say we go with number 2. If we vote no on this the Town will be missing out. With the Town as it is, we need to grow. Businesses aren't coming as fast as we wish they would.

Dr. Johnson advises that a testing facility does not provide taxes. They do not do sales.

Councilmember Trate: A testing facility would mean jobs.

Mayor Wallace: Those jobs wouldn't necessarily go to residents, they could go to Sierra Vista residents.

Manager Harvey: Would we have to set a fee schedule for licensing?

Dr. Johnson: No, that is set by the state. They would only need a business license.

Mayor Wallace: I'm looking at option 3.

Mayor Pro Tem Johnson: I have no problem with 2 or 3. With 3, we don't really need the testing because it's not going to be a benefit.

Mayor Wallace: There is no guarantee we will have anyone set up here. There is a limit of 2 permits per county and 26 statewide.

Dr. Johnson: You have had your medical marijuana ordinance for 11 years and there have been no applications submitted. Recreational marijuana facilities can not be located in a manufactured home or anything like that. Only in a permanently installed building.

Mayor Pro Tem Johnson: We really don't need the testing.

Mayor Wallace: We don't want someone to set up a testing facility in the one allowed in Town and that takes away the chance for the sales tax. What other information do you need tonight when I make a motion?

Dr. Johnson: We need one of the 4 options picked, we need to know how many facilities you want to allow and we need to know if you want to require that a recreational marijuana facility be combined with a medical marijuana dispensary and have a dual license.

Mayor Wallace: So we need to pick an option, decide how many to allow and whether we want dual license. Regarding the dual license, earlier you said there were distance requirements, they can't be within a certain distance of each other. So they can't be located in the same building?

Dr. Johnson: They can be. But not 2 medical or 2 recreational. It has to be one medical and one recreational. The dual license is held by one owner and they can do both.

Mayor Wallace: So we can authorize a dual license for a single building, but not restrict it to only a dual license holder?

Dr. Johnson: You could do it either way.

Manager Harvey: You could require a dual license only or you could authorize it but not require it.

Councilmember Hirshberg: Should we talk about the numbers?

Mayor Wallace: We are a small town so 1, right?

Councilmember Hirshberg: One upper and one lower.

Mayor Wallace: So you think 2? If we go with 2, can we say just no more than one of each of recreational and medical?

Attorney Benavidez: I'm not sure.

Mayor Wallace: Council is leaning for 2, but I don't want to not be able to get the revenue if 2 medical dispensaries that we don't collect tax on take up both.

Manager Harvey: If you all choose what you want, we can build it and bring it back at the next Council meeting for approval.

Motion: Begin drafting the ordinance which will allow recreational marijuana establishments but prohibit testing facilities, look at a maximum of 2 facilities in the Town, and authorize dual licenses but not require them, **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Vote: Motion passed (**summary:** Yes = 5, No = 1, Abstain = 0).

Yes: Christy Hirshberg, Debbie Trate, Donna Johnson, Jean Post, Johann Wallace.

No: Cynthia Butterworth.

F. Department Director Reports

G. Items to be placed on future agendas

Ordinance

Complaint process

H. Reports of Current Events by Council

Councilmember Butterworth: Food distribution is tomorrow morning

Mayor Wallace: there is a road assessment project in town. This does not get us money but gives us indicators of what we need money for. Superintendent DeVere and the easement with the school is still in process and we should have that soon.

I. Adjournment

Motion: 8:01pm, Action: Adjourn, Moved by Johann Wallace, Seconded by Christy Hirshberg. Motion passed unanimously.

Approved by Mayor Johann R. Wallace on January 28, 2021.

Mr. Johann R. Wallace
Mayor

Attest: _____
Ms. Brandye Thorpe,
Town Clerk

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 January 14, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk