



TOWN OF HUACHUCA CITY

The Sunset City

MEETING MINUTES OF THE HUACHUCA CITY TOWN COUNCIL

March 11, 2021 AT 7:00 PM

COUNCIL CHAMBERS

500 N. GONZALES BLVD.

HUACHUCA CITY, AZ 85616

SPECIAL NOTICE: BY NEW PROCLAMATION OF THE MAYOR, DUE TO SIGNIFICANT PROGRESS IN THE BATTLE AGAINST THE COVID-19 PANDEMIC, THE MAYOR AND COUNCIL WILL RESUME IN-PERSON PUBLIC MEETINGS, BUT WILL CONTINUE TO OFFER A REMOTE ACCESS FORMAT. MEMBERS OF THE PUBLIC MAY COME TO TOWN HALL TO ATTEND THESE MEETINGS OR THEY MAY ATTEND BY GOING TO [OR CALLING TO]: <https://www.facebook.com/HuachucaCityAZ> or 520-844-2096. IN ADDITION, THE MAYOR HAS RESUMED IN-PERSON CALLS TO THE PUBLIC AT THESE MEETINGS. HOWEVER, MEMBERS OF THE PUBLIC MAY STILL CHOOSE TO SUBMIT WRITTEN COMMENTS TO THE TOWN CLERK TWENTY-FOUR HOURS IN ADVANCE OF THESE MEETINGS.

ADVANCE NOTICE OF ALL MEETINGS CAN BE FOUND AT THE TOWN'S USUAL AGENDA POSTING LOCATIONS, INCLUDING THE TOWN'S WEBSITE <https://huachucacityaz.gov/>

AGENDA

A. Call to Order – Mayor 7:00pm

- 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, Cynthia Butterworth, Keith Settlemyer, Christy Hirshberg, Debbie Trate, Jean Post, Suzanne Harvey (Not voting), Brandye Thorpe (Not voting), Thomas Benavidez, Attorney (By phone, not voting).

Invocation led by Elder Thomas.

- d. **Special acknowledgment of the passing of the Town's Vice Mayor, Donna Johnson, and appreciation for her many years of dedicated service and devotion to the Town and its residents.**

Mayor Wallace, Jean Post, Keith Settlemyer, Cynthia Butterworth, Town Manager Harvey and Police Chief Thies speak in remembrance of Donna and her 18 years on Council serving the residents of the Town.

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 February 11, 2021.
- 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 months of January and February.

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

Mayor Wallace: Spencer could not make it tonight so this item is going to be moved to the next meeting.

E.2 Discussion and/or action [Chief Thies]: Presentation of Cochise County law enforcement officials' plan to form an accountability, transparency, and community engagement committee to inform and engage the public regarding the duties, policies, procedures, and functions of Cochise County law enforcement and legal processes. The Council might take action to appoint town representatives to the project.

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

Chief Thies: I sat in on a webinar with the team that is initiating this, which would be the Cochise County Sheriff's Office and the County Attorney's Office. The acronym is A.C.T., Accountability, Community Engagement, and Transparency. They are a factual advocate outreach group to combine criminal law enforcement and the justice system to educate the citizens of Cochise County. They will attempt to educate all with one message. I am asking for a volunteer from the Council.

Councilmember Butterworth: I volunteer.

Motion: Appoint Cindy as the Town representative. , **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.3 Discussion Only [Chief Thies]: Presentation of the Police Department callout and activity statistics for calendar year 2020, including information concerning grant funds received and associated expenditures.

Motion: Item E.3, **Action:** Open for Discussion Only, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Chief Thies gives a slideshow presentation.

Mayor Wallace asks the timeframe for these statistics. They are for calendar year 2020.

Mayor Wallace questions the 12 traffic accidents.

Chief Thies advises these can be private property accidents as well, not just highway accidents.

Mayor Wallace asks what kinds of felony cases there were.

Chief Thies states there were drugs, aggravated DUI, and burglary cases.

Mayor Wallace states he would be curious to know the breakdown of how many of the agency assists were where we were called and requested and how many of those were that we heard it on the radio and decided to go help. The reason why is because we have a small department and depending on when it happens, we leave our own residents without local support if we were to get a call.

Councilmember Trate asks if a pedestrian contact ever leads to other investigations.

Chief Thies: Absolutely. You never know what you are going to encounter.

Councilmember Trate: Is there an area that you find people more in than others? I just didn't know if there was an area that you get more arrests or further investigation.

Chief Thies: Wherever we need to go, that's where we are going to go.

Councilmember Settlemyer: I understand that there is a lot more activity at night. Is that something that you've noticed? That they come out at night?

Chief Thies: They do come out during the day. I have pedestrian contacts in the day.

Mayor Wallace asks about the costs of ink and paper and everything involved in the TRACS equipment that was donated.

Chief Thies states the initial costs were covered by a grant. We have enough for a year.

Mayor Wallace asks about the \$110,000.00 that is deposited into the General Fund.

Manager Harvey advises it also funds our court system because the court is part of bringing that money in. It's not all profit.

E.4 Discussion and/or Action [Chief Thies]: Approval of an equipment donation agreement with Arizona Department of Public Safety for donation of used computer equipment to the Town's police department.

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

Mayor Wallace: Chief already touched on this a little bit when he was talking about MDCs. Sgt. Thompson reached out to DPS and was able to secure 8 MDCs for the Town's use at no cost to the Town. We just have to hold on to them for 6 months. At 6 months and 1 day we can do whatever we want with them.

Chief Thies: These are approximately 3 years old, which is 2 years newer than what we have. They are better.

Motion: Equipment donation agreement with DPS, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.5 Discussion and/or Action [Chief Thies]: Approval to deposit \$5,000 proceeds from sale of mobile animal carrier into police department savings account.

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

Mayor Wallace: Didn't we address this when we were originally looking at the surplus? When we surplused the vehicle, didn't we address the carrier at that same time?

Chief Thies: It wasn't part of it. The person who bought it only wanted the vehicle so the carrier sat at fleet for a couple of years. We have tried to surplus it, lowered the price. That carrier was designed specifically for that vehicle. You have to have the same vehicle to use it. Sierra Vista happens to have a vehicle and asked about the carrier. We sold it to them. I know that the funds that come in are supposed to go into the General Fund. We have a savings account for the Police Department that I am trying to build up to ensure that I can make the second year's payment on the two new vehicles. Since this was bought out of the General Fund, it needs approval to go to the Police Department savings to help with this payment.

Mayor Wallace: Since this was bought out of the General Fund, my position is that the money needs to go back into the General Fund. That's just my vote.

Motion: The deposit of \$5,000.00 proceeds from sale of mobile animal carrier into police department savings account, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.

Motion passed with 4 ayes and 2 nays.

E.6 Discussion and/or Action [Chief Thies]: Chief Thies will present his updated plan to establish a Citizen's Police Advisory Review Board. The Council might take action to approve the plan or it might provide direction to staff for additional changes.

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

Chief Thies: We have the Citizen's Review Board procedures. There is also a flow chart. There is a vacancy resume and affidavit for potential board members. Attorney Benavidez and Manager Harvey were a great help.

Manager Harvey: I would point out that it is meant to fit in with the Towns complaint procedures so that it's one sort of thing, it's just an additional action for the Police Department. We wanted to be careful, that this board doesn't have any authority to take action, but that they can make recommendations to Chief, myself, and if necessary, to Council.

Attorney Benavidez: This is a new thing for the Town, we are going to put it into use and change it as we go along.

Mayor Wallace: I am totally in favor of this. I think we need to do it. I think we should move forward and revisit once it has been active for about 6 months and see how things are going. To clarify, membership is not restricted to the jurisdictional boundaries of Huachuca City. Anybody can apply.

Councilmember Settlemyer: Are there restrictions from being on the board?

Chief Thies: 18 years of age, no pending criminal charges, no past felonies, no sworn peace officers, no family members of Town of Huachuca City employees.

Motion: The plan to establish the Citizen's Police Advisory Review Board and Direct Staff to move forward with filling the vacancies, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.7 Discussion and Action [Manager Harvey]: Approval of a database access and confidentiality agreement with the Town's insurer, Southwest Risk, to gain electronic access to the Town's insurance claims records.

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

Manager Harvey: This is something that we get through the Risk Pool. It's a free resource. What it will allow us to do is we can go in and look at trends of accidents or claims. You can break it down by department. You can do loss runs to see how much we've spent in accidents in any given year. We can also look up a claim and read the adjuster's notes. It is absolutely amazing to have all that information at your fingertips. We are looking at setting up a safety committee here in the Town to review accidents and make recommendations.

Motion: The database access and confidentiality agreement, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.8 Discussion and/or Action [Manager Harvey]: Approval of an E-RATE Program [subsidized and affordable telecommunications and internet access] provider to the Library for the next E-RATE Program cycle.

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

Mayor Wallace: So we went through the process, went looking for RFP's through our consultant and it came back that our current provider, CenturyLink which is now Lumen, came in the lowest.

Manager Harvey: Sir, we didn't get anyone else because they all would have required special construction and we were not asking for special construction since we already had it 3 years ago. No one else responded. They are on the state approved list. The price went from \$1492.00/month to \$800/month.

Motion: The E-RATE program provider of the Library for the next E-RATE cycle, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

E.9 Discussion and/or Action [Clerk Thorpe]: Presentation of current fee schedule for business licenses. Council may direct staff regarding possible changes to the fee schedule.

Motion: Item E.9, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Clerk Thorpe provides Council with the current fee schedule that was approved by Council in 2018. She advises that the current fee schedule is inline with the surrounding communities. She advises that the only recommendation she has is to set clear penalties for businesses operating without licenses. Surrounding towns have already done so and we do not have anything in place.

Mayor Wallace: So what I'm hearing is that we need to look at penalties, basically fines, for operating without a license?

Clerk Thorpe: That would be my recommendation, yes.

Mayor Wallace: Let's look at setting fines, but I would like to see all of our fees, including building licenses, water/sewer shut offs, everything all in one document. In one place.

Motion: Look into establishing a fee for operating without a license and please consolidate all of the fee schedules into one single thing, **Action:** Direct Staff, **Moved by** Johann Wallace, **Seconded by** Cynthia Butterworth.
Motion passed unanimously.

E.10 Discussion and/or Action on the Sewer Pond Closure Project [Manager Harvey] – Adoption of Resolution No. 2020-05 A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY APPROVING THE FORM AND AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT WITH THE WATER INFRASTRUCTURE FINANCE AUTHORITY OF ARIZONA [WIFA] FROM ITS CLEAN WATER REVOLVING FUND PROGRAM; DELEGATING THE DETERMINATION OF CERTAIN MATTERS RELATING THERETO TO THE MANAGER OF THE TOWN; PROVIDING FOR THE TRANSFER OF CERTAIN MONEYS AND MAKING CERTAIN COVENANTS AND AGREEMENTS WITH RESPECT THERETO; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THE LOAN AGREEMENT AND THIS RESOLUTION AND DECLARING AN EMERGENCY.

Motion: Item E.10, Action: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Christy Hirshberg.

Mayor Wallace: The resolution is actually 2021-05.

Councilmember Hirshberg: Yes, and it is correct on the resolution, just not the agenda.

Mayor Wallace: This is about the WIFA sewer pond project. This is about cutting out the middle man and allowing you, Suzanne, to sign the documents.

Manager Harvey: Yes. I want to make sure you know this is a debt that we are incurring. The project itself is \$1,770,000.00. They approved a loan of that amount for us. \$531,000.00 of that is forgivable, which is great. The interest rate right now is at 2.6% but it may go lower. Our annual payment would be \$58,410.00/year of sewer fund revenue for 30 years. Last year, we had about \$89,000.00 of revenue in the sewer fund so we should have the money to cover those payments. If we can close on the 26th of March, the project will start in April or May. This has already been reviewed by Attorney Benavidez and the special council that we engaged.

Mayor Wallace: Where are we with ADEQ on this? I know there was a timeline when this was supposed to be done. That timeline is gone.

Manager Harvey: ADEQ is working with us. Right now we have our closure permit up there and all of the project is up there. Their review can take up to 180 days to be completed. They are actually going to issue us a letter saying that we can proceed with the project since we are trying to get this done, and they will do their 100 day review at the end of the project.

Motion: Resolution 2021-05, **Action:** Adopt, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.11 Discussion and/or Action [Manager Harvey]: Approval of an agreement with the Arizona Department of Housing for Community Development Block Grant funding for improvements to the Town's park facilities; and authorizing execution and delivery of all documents necessary to close the transaction, secure the funding and complete the improvements.

Motion: Item E.11, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion: The agreement with the Arizona Department of Housing for Community Development Block Grant funding, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Motion passed unanimously.

E.12 Mayor's proclamation 2021-03: Declaring the Month of March, 2021, as "Women's History Month" in the Town of Huachuca City.

Mayor Wallace reads the proclamation.

E.13 Discussion and/or Action [Clerk Thorpe]: Approval of settlement of outstanding landfill collection account with Whetstone Construction.

Motion: Item E.13, **Action:** Open for Discussion and/or Action, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.

Clerk Thorpe provided Council with a breakdown of all charges/payments and a 10%/annum penalty calculation for the account. She advises that penalties were being calculated on a 10%/month basis leaving a balance of \$49,101.74. All actual usage has already been paid.

She suggests settlement for the penalties calculated at 10%/annum in the amount of \$7430.08. Sierra Collections will receive 30% of this amount in their fees.
Councilmember Hirshberg: Attorney Benavidez, I know we can't gift anybody, but this would not be like gifting because he paid his actual fees, correct?
Attorney Benavidez: I did discuss this with Brandye and the Town has a right to settle as a Town and this is a reasonable settlement. The town is getting what it was owed plus some. This is not a gift, it is a settlement.

Motion: The settlement of outstanding landfill collection account with Whetstone Construction in the amount of \$7430.08, **Action:** Approve, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

F. Department Director Reports

Manager Harvey: The Condon division of the Order of the Eastern Star usually does an Easter Egg hunt in the park. This past year it had to be cancelled, they had already paid their park fees and we said they could use it this year. They are still not comfortable actually doing an easter egg hunt so they want to go down School Drive and Yuma and hand out from flatbed trucks, so it's a parade but not really. We will coordinate with the Chief to see if we need to control traffic on those two streets only. It's on the third of April.

Our roadway assessment is about halfway done now. Interesting to me, we only had one road that got a green as in it is in good shape. I believe it is Gila that is concrete. That is the only street that meets the ADOT standards. We will have access forever.

Another resource that we get through the Risk Pool is called Triage Now and we will be setting that up in the next month. When staff has an accident, they call this number and speak to a nurse immediately. A nurse will make the determination if they need to go to the hospital, urgent care, or home and follow up with their doctor within 24 hours. This will save us money on emergency visits and also they do the initial paperwork so that our staff doesn't have to do that either which saves time for staff.

The timekeeping module has appeared, we are waiting for training so that we can start doing timekeeping electronically. All of these things are things that other companies and places are already doing and we have been behind with some of the technology. This will also reduce staff time for payroll and reduce errors in payroll.

Bus service started today. We had our very first bus rider.

Chief Thies: In the last 7 days we have gotten 4 DUIs, multiple warrant arrests and a burglary.

G. Items to be placed on future agendas

Councilmember Butterworth: That 10%/month for the landfill account, that seems excessive to me. Clerk Thorpe: We are working on revising the landfill contract and will have to post a new fee schedule when it is complete. It will be coming before Council very soon for approval.

H. Reports of Current Events by Council

I. Adjournment

Motion: 8:18pm, **Action:** Adjourn, **Moved by** Johann Wallace, **Seconded by** Christy Hirshberg.
Motion passed unanimously.

Approved by Mayor Johann R. Wallace on March 25, 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 March 11, 2021. I further certify that the meeting was duly called and a quorum was present.

Ms. Brandye Thorpe,
Town Clerk