



**MINUTES OF THE
HUACHUCA CITY TOWN COUNCIL
MEETING HELD
THURSDAY, NOVEMBER 8, 2018 AT 7:00PM
HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD. HUACHUCA CITY,
AZ 85616**

AGENDA

A. Call to Order The meeting was called to order at 7:00pm

- **Pledge of Allegiance**

Mayor Taylor led the Pledge of Allegiance.

- **Roll Call and Ascertain Quorum**

Present: Ken Taylor, Donna Johnson, Joy Banks, Cynthia Butterworth, Johann Wallace, Walt Welsch, Matthew Williams (Not voting), Jennifer Fuller (Not voting), Thomas Benavidez, Town Attorney (Not voting).

Absent: Christy Hirshberg.

- **Invocation**

The invocation was offered by Pastor Dave Carns.

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.

B. Call to the Public

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.

Mr. Dave Perry chose to address the Council regarding Item E.7 at this time. Mr. Perry advised the Council the Huachuca City Senior Center would be ceasing operations as of March 31, 2019.

Mr. Perry advised the Council there is no way HCSC Management can operate the center under the circumstances set forth in the proposed agreement. Mr. Perry advised the Council the group does not have the financial backing, nor the ability to pay. Mr. Perry requested the Council continue to fund the center until March 31, 2019 and to allow the group a reasonable amount of time after that to clear out the building.

C. Consent Agenda

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 October 25, 2018.
- C.2 Consider approval of the Payment Approval Report in the amount of \$ 90,631.48
- C.3 Consider approval of the recommendation from the Planning and Zoning Commission regarding the Community Garden Project.
- C.4 Consider acceptance of Harland Sexton's resignation from the Planning and Zoning Commission, effective November 8, 2018.

Motion: Open for Discussion and/or Action, **Moved by Ken Taylor, Seconded by Donna Johnson.**

Walt Welsch questioned an item on the Payment Approval Report for "SWANK Movie Licensing." The payment is to allow the library to show movies.

Johann Wallace requested Item C.3 be removed from the Consent Agenda because he would be recusing himself from the vote for C.3.

Motion: Approve the Consent Agenda, Items C.1, C.2 and C.4 **Moved by Ken Taylor, Seconded by Donna Johnson.**

Motion passed unanimously.

Motion: Approve Item C.3, **Seconded by Donna Johnson. Vote:** Motion passed (summary: Yes = 5, No = 0, Abstain = 1).

Yes: Ken Taylor, Donna Johnson, Joy Banks, Cynthia Butterworth, Walt Welsch.

Abstain: Johann Wallace.

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]: Second Required reading and Adoption of Ordinance 2018-26, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING THE TOWN CODE CHAPTER 2.85 "TOWN FACILITY USE POLICY," SECTION 2.85.060 "RULES AND REGULATIONS," TO: REMOVE THE PROHIBITION OF INTOXICATING LIQUOR AND ALLOWING BEER AND WINE CONSUMPTION, PROVIDED THE BEER AND WINE ARE NOT IN GLASS BOTTLES AND PROVIDING THAT NO TOWN FUNDING IS USED FOR THE EVENT; TO REMOVE THE PROHIBITION ON SMOKING, UNDER CERTAIN CONDITIONS; TO PROHIBIT CAMPING AND FIRES IN THE PARK; TO PROHIBIT FOOD, BEVERAGE AND MERCHANDISE SALES, WITHOUT A SPECIAL PERMIT; AND TO PROVIDE PENALTIES FOR VIOLATIONS.

Motion: Open for Discussion and/or Action, Moved by Ken Taylor, Seconded by Joy Banks.

Neil Josephson addressed the Council, speaking against the adoption of Ordinance 2018-26. Cynthia Butterworth voiced her concerns. Ken Taylor and Donna Johnson spoke in favor of the ordinance.

Motion: Approve and adopt, Moved by Ken Taylor, Seconded by Donna Johnson.

Vote: Motion passed (summary: Yes = 4, No = 2, Abstain = 0).

Yes: Ken Taylor, Donna Johnson, Joy Banks, Johann Wallace.

No: Cynthia Butterworth, Walt Welsch.

D.2 Discussion and/or Action [Manager Williams]: Second Required Reading and Adoption of Ordinance 2018-27, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF HUACHUCA CITY, ARIZONA, AMENDING TOWN CODE CHAPTER 9.05 "GENERAL OFFENSES" SECTION 9.05.150 "PLASTIC BAGS" TO REMOVE THE TOWN'S REGULATION OF PLASTIC BAGS FROM THE TOWN CODE.

Motion: Open for Discussion and/or Action, Moved by Walt Welsch, Seconded by Joy Banks

Motion: Approve and adopt, Moved by Ken Taylor, Seconded by Joy Banks.

Motion passed unanimously.

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]: Council members who were elected in the Primary election will take the oath of office and begin serving their new terms on the Town Council; those elected Council members are: Joy Banks, Cynthia Butterworth, and Donna Johnson. Johann Wallace will be sworn in as Mayor.

Motion: Open for Discussion and/or Action, Moved by Ken Taylor, Seconded by Joy Banks.

Mayor Taylor addressed those in attendance and was presented with a plaque. Photos were taken and Mayor Taylor left the meeting.

The Honorable Judge Keith Barth administered the Oath of Office to Johann Wallace, swearing him in as Mayor. He then administered the Oath of Office to Donna Johnson, Joy Banks and Cynthia Butterworth, swearing them in as Council members.

No Council Action or Vote Required.

The Council entered into recess at 7:29pm, returning to session at 7:42pm.

- E.2 Discussion Only [Mayor Wallace]: Mayor's Address to the Town

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

Mayor Wallace addressed the Council, staff and attendees.

No Council Action or Vote Required.

- E.3 Discussion and/or Action [Manager Williams]: Presentation of the Arizona Library Association Emerging Leader Award to Suzanne Harvey, by Amadee Ricketts.

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

Ms. Ricketts addressed the Council, explaining all the reasons Ms. Harvey was presented with the award. This award is only presented to one library employee a year.

Suzanne Harvey was presented with the Arizona Library Association Emerging Leader Award.

No Council Action or Vote Required

- E.4 Discussion and/or Action [Mayor Wallace]: Consider approval of an extension to the fee waiver requested for the First Messianic Congregation for use of the Huachuca City Community Center through December 31, 2018.

Motion: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Joy Banks.

Rodney Weichelt addressed the Council, thanking them for the use of the Community Center and requesting the continuation of the agreement until the end of December 2018.

Motion: approve the fee waiver extension, **Moved by Johann Wallace, Seconded by Walt Welsch.**

Motion passed unanimously.

- E.5 Discussion and/or Action [Mayor Wallace]: Consider approval of Resolution 2018-34, rescinding the Assignment and Assumption Agreement between Cox and the Town of Huachuca City.

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

Motion: Approve Resolution 2018-34, **Moved by Johann Wallace, Seconded by Walt Welsch.**
Motion passed unanimously.

- E.6 Discussion and/or Action [Mayor Wallace]: Council Nomination and Appointment of Mayor Pro Tem.

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

Mayor Wallace stated that he did not want to vote on this with Ms. Hirshberg absent. He would like Council to decide.

No Council Action or Vote Required.

- E.7 Discussion and/or Action [Manager Williams]: Consider approval of an agreement with the Huachuca City Senior Center, LLC for operation of the Huachuca City Senior Center facility.

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

Walt Welsch called for a Point of Order. Mr. Welsch informed the Council he had been advised by the Town Manager that he should recuse himself from this item due to a conflict of interest. Mr. Welsch read from the Arizona Revised Statutes the definitions of interest and remote interest. Mayor Wallace requested Attorney Benavidez' opinion. The attorney advised the Council to err on the side of caution. Mr. Welsch stated he didn't want to offend the town manager's sensibilities and left the council chamber at 8:06pm.

Mayor Wallace requested Mr. Williams present the Council with the item. Mr. Williams explained to the Council that there is funding available from the Southeastern Arizona Governments' Organization (SEAGO) to fund the Senior Center. Mr. Williams advised the Council he was not expecting a vote from Council at this meeting, nor was the town trying to close the Senior Center.

Mayor Wallace requested a work session to discuss the Senior Center. Council will hold a work session on December 13th.

Motion: direct staff to work with the current LLC to notify town residents of the change, **Moved by Johann Wallace, Seconded by Cynthia Butterworth.**
Motion passed unanimously.

- E.8 Discussion and/or Action [Mayor Wallace]: Consider approval of Resolution 2018-32, A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, IDENTIFYING THOSE OFFICERS LEGALLY EMPOWERED TO SIGN CHECKS, WARRANTS, AND OTHER DOCUMENTS ON BEHALF OF THE TOWN.

Mr. Welsh returned to the council chamber at 8:15pm

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

Mayor Wallace advised Mr. Welsch of the Resolution. Mr. Welsch opted to abstain from voting.

Motion: approve Resolution 2018-32, **Moved by Johann Wallace, Seconded by Cynthia Butterworth.**

Vote: Motion passed (summary: Yes = 4, No = 0, Abstain = 1).

Yes: Johann Wallace, Donna Johnson, Joy Banks, Cynthia Butterworth.

No: None.

Abstain: Walt Welsch

- E.9 Discussion and/or Action [Mayor Wallace]: Proclamation declaring December 8, 2018 Founders' Day in Huachuca City, in honor of the Town's 60th anniversary of incorporation.

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

Mayor Wallace read the proclamation.

No Council Action or Vote Required

- E.10 Discussion and/or Action [Manager Williams]: Consider cancellation of the November 22 regular Council meeting, due to the Thanksgiving holiday.

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

Motion: Cancel the November 22 meeting, **Moved by Johann Wallace, Seconded by Donna Johnson.**

Motion passed unanimously.

E.11 Discussion and/or Action [Councilor Welsch]: Reconsider the Town Hall Parking Plan.

Motion: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Joy Banks.

Mr. Welsch advised he would like to see the back parking lot changed to allow for one-way traffic; he is concerned that the town spent \$5000.00 on something that has grass growing through it already. He would like to see an RFP and inspection report. Mr. Welsch then asked the Chief of Police and the Fire Chief if they felt the change was "overboard". Neither of the Chiefs feel the change was too drastic.

Ms. Johnson asked Mr. Welsch why he was asking these questions now and not when the project was brought up before. Mr. Welsch advised the town manager said it was discussed at council and it wasn't (at this point the town clerk began looking through minutes to find where the item was previously discussed). Mayor Wallace explained to Mr. Welsch that, as the project was under \$5000.00, it did not require a bid. Mayor Wallace asked Chief Bidon if there were any issues with a one-way. Chief Bidon didn't see any issue with that. Mr. Williams read the minutes from July 12, 2018 where the council had voted to approve the project. Mayor Wallace asked Dr. Johnson for his opinion. Dr. Johnson advised the Council that, on numerous occasions, he had almost been hit by a vehicle walking across the back parking lot. Since the change, he has not had any problems.

Mayor Wallace advised there was no motion necessary, there would be no changes and the parking lot would remain as it is.

No Council Action or Vote Required

E.12 Discussion and/or Action [Manager Williams]: First reading of Ordinance 2018-28, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 2 "ADMINISTRATION AND PERSONNEL," CHAPTER 2.10 "MAYOR," SECTION 2.10.010 "ELECTION OF MAYOR," CHAPTER 2.15 "ELECTIONS," SECTION 2.15.010 "PRIMARY ELECTIONS," SECTION 2.15.015 "GENERAL ELECTIONS," AND SECTION 2.15.020 "PRIMARY ELECTION DATE" TO REMOVE THE REQUIREMENT OF A PRIMARY ELECTION AND TO ALLOW THE TOWN TO HOLD ONLY GENERAL ELECTIONS FOR THE OFFICES OF MAYOR AND COUNCILMEMBER.

Motion: Open for Discussion and/or Action, Moved by Johann Wallace, Seconded by Joy Banks.

No Council Action or Vote Required

F. Items to be placed on future agendas


Mr. Welsch requested an item discussing the possibility of a partially funded bus service for one year. Mr. Welsch requested an item exploring the ramifications in the city of outsourcing the town's trash service.

G. Adjournment.

Motion: Adjourn, Moved by Johann Wallace, Seconded by Donna Johnson.
Motion passed unanimously.

Meeting was adjourned at 8:43pm.

Approved by Mayor Wallace on December 13, 2018




Johann Wallace, Mayor

Attest: 

Jennifer A. Fuller, Town Clerk



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 November 8, 2018. I further certify that the meeting was duly called and a quorum was present.



Jennifer A. Fuller, Town Clerk